

MODIFICATION REPORT

SSD-9394 OAKBURN – DEVELOPMENT FOOTPRINT AND BDAR CHANGES





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This document has been prepared for:




Contact: Baiada Poultry Pty Limited
PO Box 21
Pendle Hill NSW 2145

This document has been prepared by:



Contact: David Ireland
PSA Consulting (Australia) Pty Ltd
PO Box 10824, Adelaide Street, Brisbane QLD 4000
Telephone: +61 7 3220 0288
david@psaconsult.com.au
www.psaconsult.com.au

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EXECUTIVE SUMMARY

On 18 December 2020, the Minister for Planning and Public Spaces issued Development Consent (SSD-9394) for the construction and operation of the Baiada's Integrated Poultry Processing Facility including:

- Poultry processing facility, with capacity to process up to 3 million birds a week.
- Protein Recovery Plant, with capacity to render up to 1,680 tonnes of finished product per week.
- Wastewater treatment plant.
- Advanced water treatment plant.
- Road connection to Workshop Lane.
- Earthworks.
- Connections to infrastructure.

On 23 May 2024, the Minister for Planning and Public Spaces approved a modification (SSD-9394-MOD-1) of the consent under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, allowing for a range of physical changes to the facility resulting from the detailed design process including updates to the, processing building, administration building and staff parking areas, maintenance building, supporting plant and infrastructure and wastewater / advanced wastewater treatment process, water storage facilities and associated infrastructure.

Since approval of MOD-1, Baiada has proceeded with the construction phase and the detailed design of the project and equipment selections which has resulted in some minor alterations to the approved buildings currently being constructed on site. These changes are currently being assessed by DPHI as part of SSD-9394-MOD-3. A previous modification (MOD-2) for changes to the Wastewater Treatment Plant was withdrawn.

This modification seeks approval for changes to the development footprint and an update to the approved BDAR to:

- Allow for additional clearing of native vegetation including and 0.3 ha of native vegetation and an additional 0.10 ha of planted natives; and
- Rationalise and consolidate the impact area footprint to provide certainty that ancillary development is able to occur without contravening the approved BDAR.

The additional clearing of (0.4 ha) is required in response to the detailed design of the processing plant, earthworks, infrastructure and detailed landscaping design. The broadening of the approved development footprint seeks to enable temporary construction works, ancillary civil works, and the provision of connecting infrastructure to occur, which, while all located within cleared or exotic dominated pasture areas on the site, were not specifically shown in the approved BDAR footprint.

To facilitate these changes, a modification of the current approval under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1973* is requested. As demonstrated in this Modification report, the proposed development remains substantially the same as that which was approved, maintains compliance with the relevant statutory planning instruments and will not result in new or unacceptable adverse environmental impacts on the receiving environment. Accordingly, approval of the proposed modification is recommended.



1. INTRODUCTION

1.1 SITE OVERVIEW

Address	1154 Gunnedah Road, Westdale, NSW
Property	Lot 100 on DP1097471 (Processing facility, Rendering Plant and Ancillary Infrastructure) Lot 101 on DP1097471 (Access Road) Lot 102 on DP1097471 (Access Road)
Landowner	Baiada (Tamworth) Pty Limited (Lot 100) Tamworth Regional Council (Lot 101 & 102)
Applicant	Baiada (Tamworth) Pty Limited
Consent Authority	Tamworth Regional Council
Zoning	RU1 – Primary Production (Tamworth Regional Local Environmental Plan 2010)
Total Site Area	57.6 Ha (Lot 100)

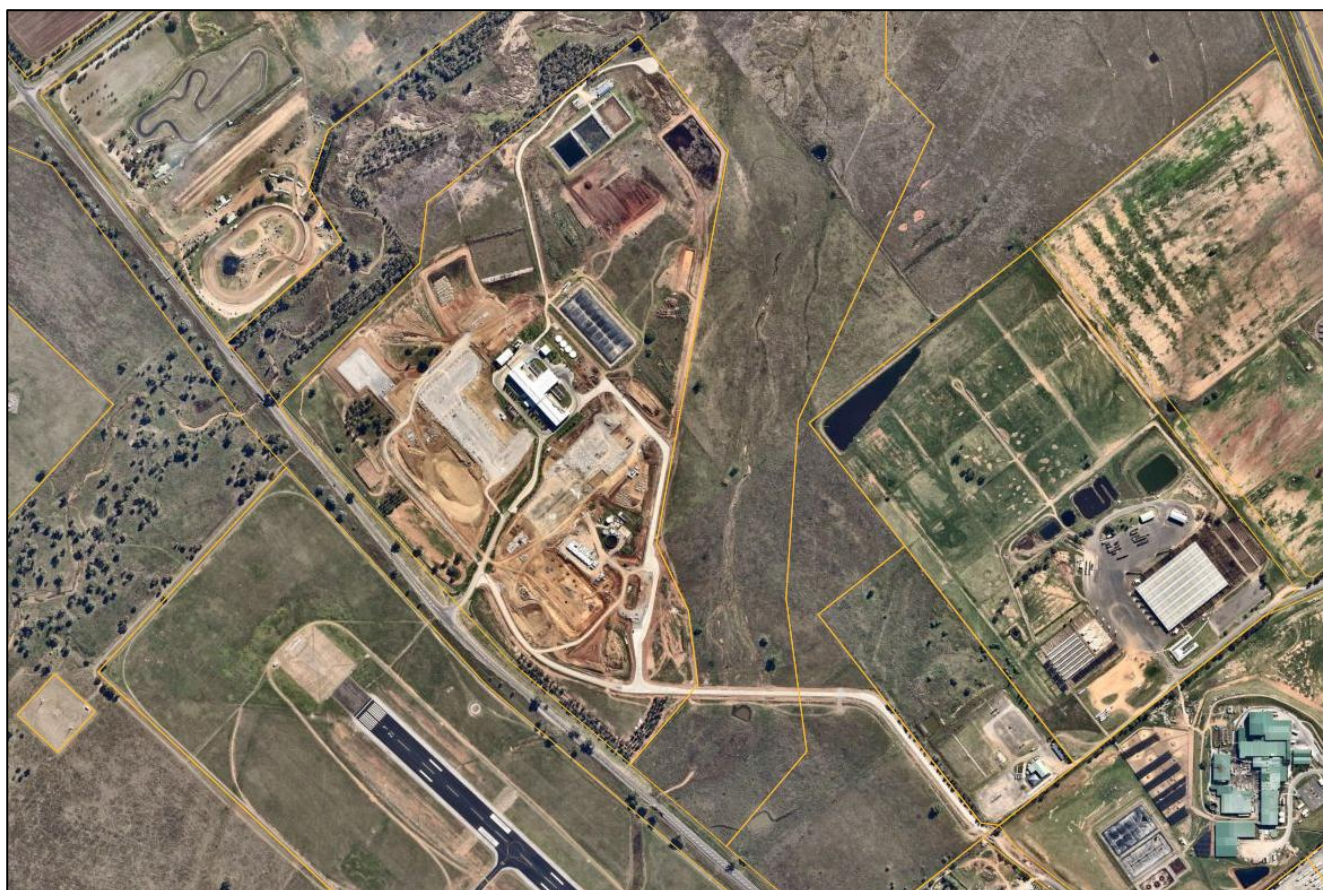


Figure 1: Site and Surrounds



The subject site is located at 1154 Gunnedah Road, Westdale and described as Lot 100 on DP1097471. The site is located to the north of Tamworth Regional Airport, and approximately 7.5km northwest of the Tamworth Central Business District. The key components of the development (Poultry Processing facility, Rendering Plant, Wastewater Treatment Plant and Administration Building) are to be located within Lot 100 on DP1097471 which has an area of 57.6Ha. As the proposed development also includes the construction of a new access road connecting the site to Workshop Lane, the southwest adjoining lots (Lots 101 & 102 on DP1097471) are also included as part of this Development Application.

1.2 THE APPLICANT

Baiada (Tamworth) Pty Limited is part of the Baiada Group of Companies (Baiada) which includes the Steggles business. Baiada is a privately owned Australian company providing premium quality poultry products throughout Australia and has an employee base of more than 7,000 people. The Baiada business is a fully integrated poultry operation encompassing broiler and breeder farms, hatcheries, processing facilities, feed milling and protein recovery. Baiada's products include the sale of live poultry (including breeding stock) poultry feed, fertile eggs, day old chickens, primary processed chicken (raw), processed chicken products and pet food.

1.3 THE APPROVED PROJECT

On 18 December 2020, the Minister of Planning and Public Spaces issued Development Consent (SSD-9394) for the construction and operation of the Baiada's Integrated Poultry Processing Facility including:

- Poultry processing facility, with capacity to process up to 3 million birds a week.
- Protein Recovery Plant, with capacity to render up to 1,680 tonnes of finished product per week.
- Wastewater treatment plant.
- Advanced water treatment plant.
- Road connection to Workshop Lane.
- Earthworks.
- Connection to infrastructure.

On 23 May 2024, the Minister of Planning and Public Spaces approved a modification (SSD-9394-MOD-1) of the consent under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, allowing for a range of physical changes to the facility resulting from the detailed design process including updates to be, processing building, administration building and staff parking areas, maintenance building, supporting plant and infrastructure and wastewater / advanced wastewater treatment process, water storage facilities and associated infrastructure.

Since approval of MOD-1, Baiada has proceeded with the detailed design of the project and equipment selections which has resulted in some minor alterations and additions to approved buildings currently being constructed on site. These changes are currently being assessed by DPHI as part of SSD-9394-MOD-3.

A Copy of the development consent as modified is included as **Appendix 1**. The Modified Site Plan (as per MOD-3) is shown in **Figure 2**.

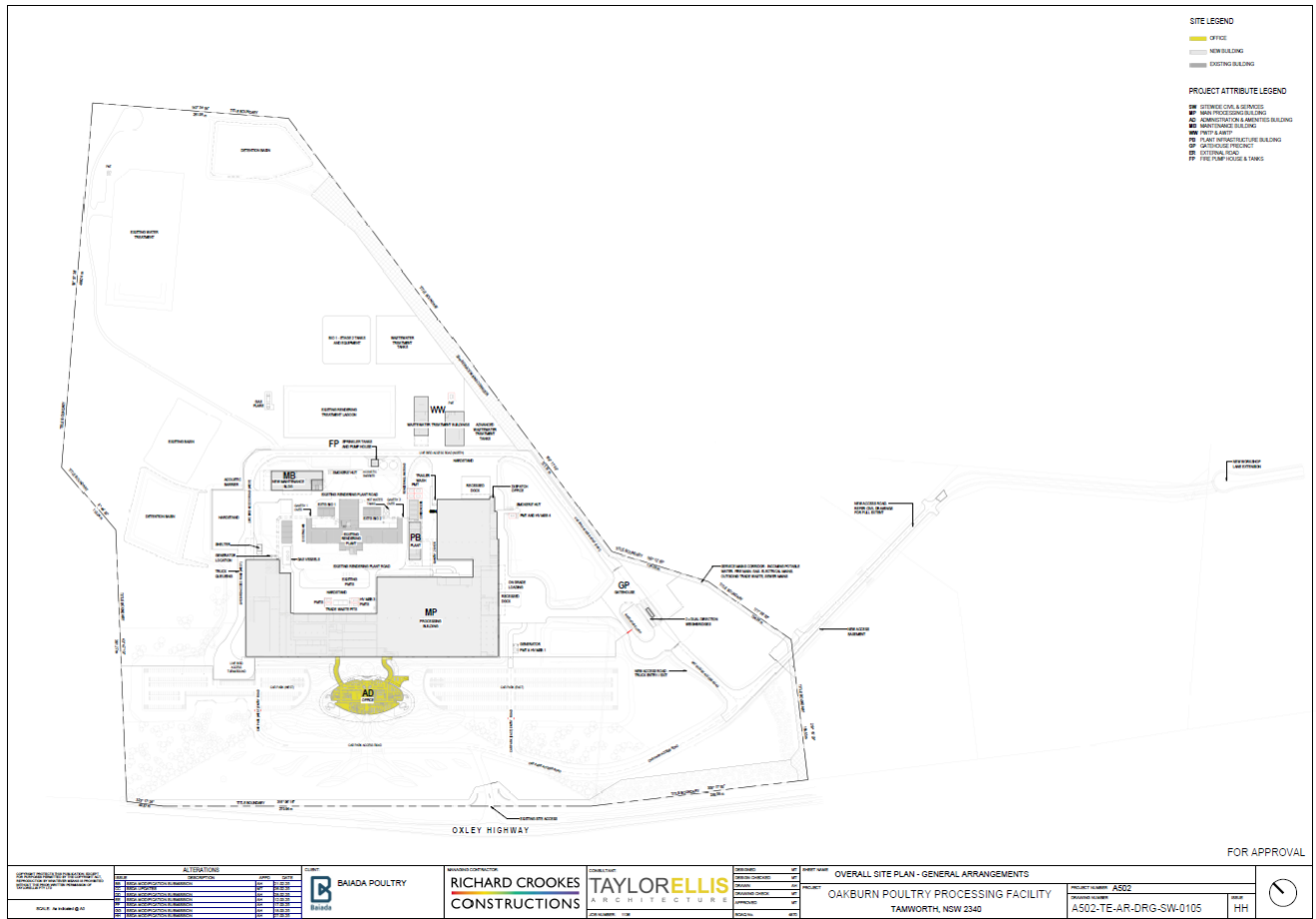


Figure 2: Current Site Plan (As per SSD-9394-MOD-3)

1.4 PROPOSED MODIFICATION

As outline above, this modification seeks approval for changes to the development footprint and an update to the BDAR which seeks to:

- Allow for additional clearing of native vegetation including and 0.3 ha of remnant vegetation and additional 0.10 ha of planted natives; and
- Rationalise and consolidate the impact area footprint to provide certainty that ancillary development is able to occur across the site without contravening the approved BDAR footprint.

The changes to the BDAR resulting from the detailed design of the proposed poultry processing plant, landscape works, and requirement for ancillary works and infrastructure to be delivered within areas not specifically identified within the development footprint.



2. STRATEGIC CONTEXT

2.1 ORIGINAL CONTEXT AND CHANGES

As noted in the original EIS and Subsequent Modification Application, the poultry industry in Australia is experiencing ongoing growth and public demand for poultry products has resulted in the need for significant expansion of poultry production and processing activities across Australia, including Tamworth.

Since approval of the modified project in May 2023, Baiada has proceeded with detailed design of the facility, commenced construction, confirmed equipment selections, and liaised with various technical experts (including certifiers, fire engineers, architects, builders and process engineers) which has resulted in some minor changes to the built form and layout.

While minor changes to the facility are minor and do not change the context, operation or function of the project, an update to the broader national and regional context which support the proposed development is provided below.

2.2 AUSTRALIAN POULTRY INDUSTRY CONTEXT

Research undertaken by the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) indicates that total chicken meat consumption in Australia has increased by an average of 5% per annum over the 10 years to 2022-23, representing 45% of the total meat consumption.

The ABARES commodities report shows that chicken continues to be the most consumed meat in Australia. As shown in **Figure 3**, consumption of chicken meat per person has increased by over 65% between 2000 (~30kg per person) and 2018 (~50kg per person), driven by the product’s versatility, convenience and a lower price point compared to beef, lamb and pork. Per capita poultry consumption is expected to continue growing to reach around 51.5kg by 2022-23. As shown in **Figure 4**, chicken meat production in Australia has grown steadily with growth forecast to continue.

As a result of the ongoing and predicted growth in demand for poultry meat products in Australia, significant expansion of the industry is required.

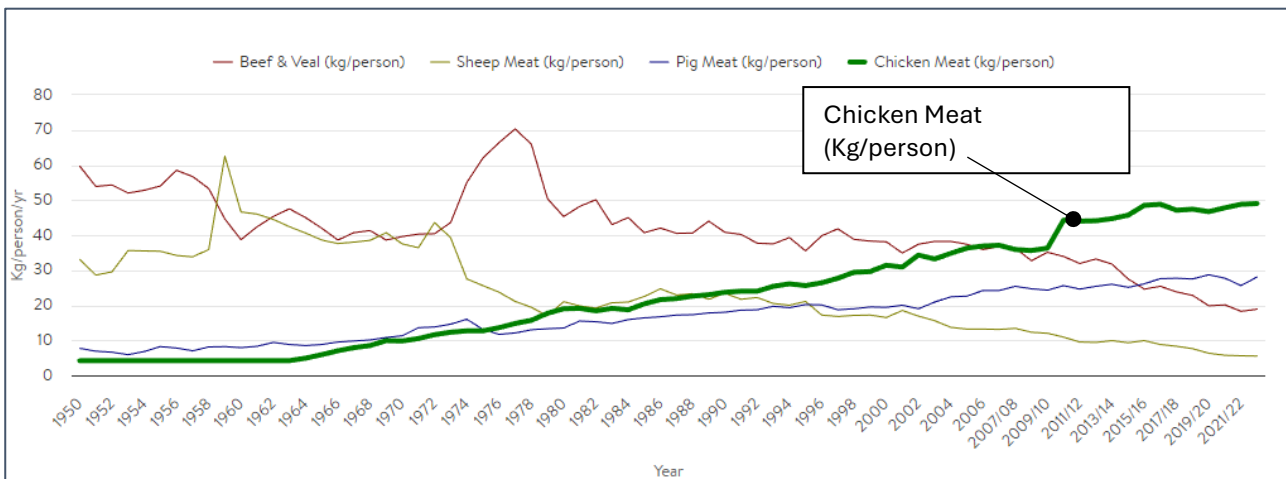


Figure 3: Consumption of Poultry Meat in Australia (ACMF, 2023)

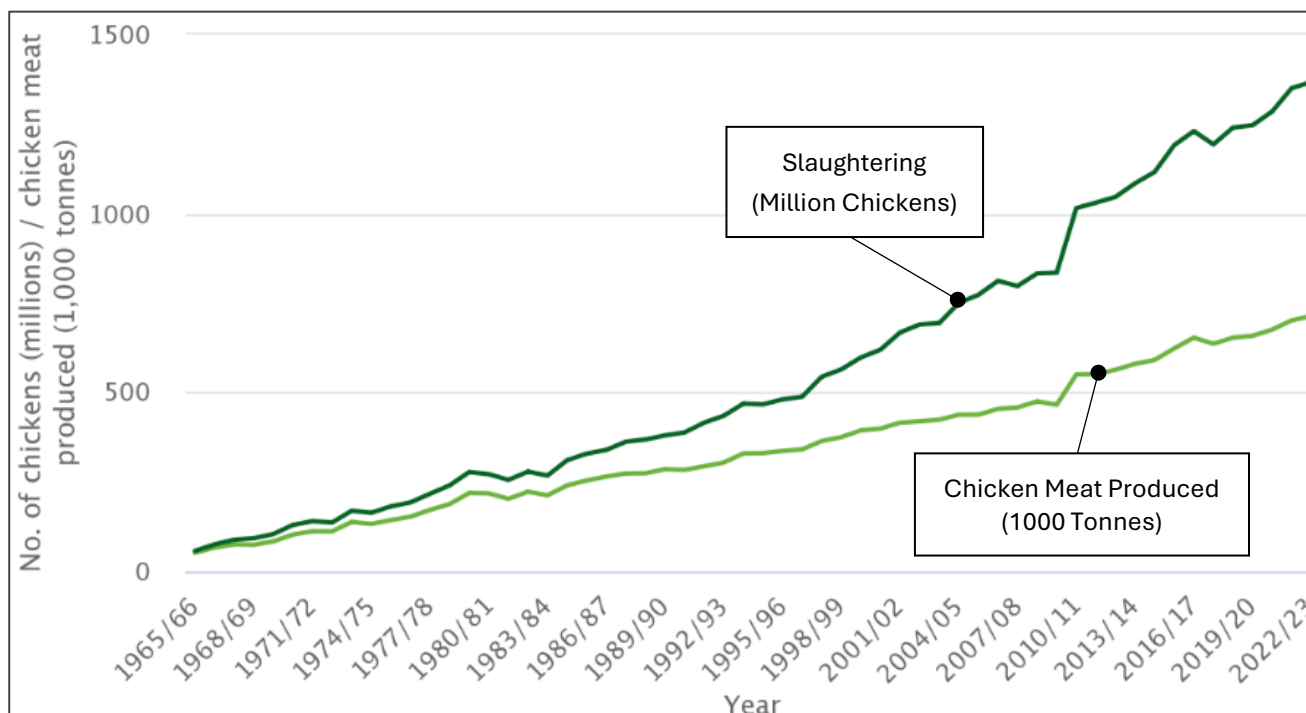


Figure 4: Chicken Meat Produced in Australia (ABARES, 2022)

2.3 REGIONAL CONTEXT

In response to the projected demand for poultry products in the Australian marketplace, there is need to increase production, bird numbers and processing capacity. Without Baiada’s contribution to capacity which will be generated by this development, it is highly unlikely that there will be significant shortfall in supply of poultry products in the Australian market in the coming years.

Baiada sees the Tamworth region as being an ideal location for expansion and the increase in production capacity, to continue to supply poultry products to the Australian market. This is due to the existing accumulation of high value poultry assets and geographic, infrastructure and commercial attributes in the region which have created a poultry meat cluster. Examples of the attributes of this cluster include the following:

- Access to large quantities of locally grown grain including wheat and canola (typically sourced from Tamworth, Moree, Narrabri, Walgett, and Gunnedah).
- Proximity to key NSW markets (including Sydney) and Southeast QLD and direct access to the State Road network.
- Ideal land types and topography for the construction of suitable shedding for poultry production.
- An ideal climate in terms of temperature and humidity for poultry production.
- Access to high quality water sources including bore water, dams, rivers and reticulated networks.
- Suitable sites for the location of poultry farms away from sensitive receptors and population centres;
- Support from existing major investment in infrastructure covering all facets of the integrated business.

This combination of factors is only present in a handful of areas across NSW and Australia which results in the long-term protection of the poultry industry in Tamworth being vitally important and the focus for infrastructure associated with the necessary expansion.



3. DESCRIPTION OF THE MODIFICATIONS

3.1 MODIFICATION OVERVIEW

On 18 December 2020, the Minister for Planning and Public Spaces issued Development Consent (SSD-9394) for the construction and operation of the Baiada's Integrated Poultry Processing Facility including:

- Poultry processing facility, with capacity to process up to 3 million birds a week.
- Protein Recovery Plant, with capacity to render up to 1,680 tonnes of finished product per week.
- Wastewater treatment plant.
- Advanced water treatment plant.
- Road connection to Workshop Lane.
- Earthworks.
- Connections to infrastructure.

On 23 May 2024, the Minister for Planning and Public Spaces approved a modification (SSD-9394-MOD-1) of the consent under Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, allowing for a range of physical changes to the facility resulting from the detailed design process including updates to the, processing building, administration building and staff parking areas, maintenance building, supporting plant and infrastructure and wastewater / advanced wastewater treatment process, water storage facilities and associated infrastructure.

Since approval of MOD-1, Baiada has proceeded with the construction phase and the detailed design of the project and equipment selections which has resulted in some minor alterations and additions to approved buildings currently being constructed on site. These changes are currently being assessed by DPHI as part of SSD-9394-MOD-3. A previous modification (MOD-2) for changes to the Wastewater Treatment Plant was withdrawn.

This modification seeks approval for changes to the development footprint and an update to the BDAR which seeks to:

- Allow for additional clearing of native vegetation including and 0.3 ha of remnant vegetation and additional 0.10 ha of planted natives; and
- Rationalise and consolidate the impact area footprint to provide certainty that ancillary development is able to occur without contravening the approved BDAR footprint.

The additional clearing of (0.4 ha) is required in response to the detailed design of the processing plant, associated earthworks, infrastructure and landscaping design. Specifically, the planted natives and remnant vegetation along the frontage of the site is to be removed to facilitate delivery of the proposed landscape works around the new administration building. The small patch of native vegetation at the rear of the processing plant is required to facilitate construction of the waste water treatment plant and connecting infrastructure.

The broadening of the approved development footprint seeks to allow for temporary construction, civil works, and provision of connecting infrastructure which, while all located within cleared or exotic dominated pasture areas, were not specifically shown in the approved BDAR footprint. The additional clearing areas and revised development footprint is shown in **Figure 5**.

It is important to note that the design changes proposed will not alter the development plans or change general poultry processing and rendering activities approved on the site which remain unchanged (i.e. Processing of 3 million birds / week and rendering up to 1,680 tonnes of finished product per week).

To facilitate these changes, a modification of the current approval under Section 4.55 (1A) of the *Environmental Planning and Assessment Act 1973* is requested.



Figure 5: Additional Clearing Areas (Yellow Circles) and Expanded Development Footprint (Hatched)

3.2 BDAR MODIFICATIONS

The original BDAR approved in 2020 (see **Figure 6** and **Figure 7**), allowed for the following:

- Removal of 0.99 ha of box gum woodland (PCT599) and retaining 1.65 ha.
- The remaining development footprint was contained within exotic dominated pasture areas, garden beds and cleared areas, which were exempt from the Biodiversity Offsets Scheme (BOS).

As part of Modification 1, in 2023 update to the BDAR was approved (see **Figure 8** and **Figure 9**) which allowed for:

- Removal of an additional 0.02 ha of box gum woodland (PCT599) and retaining 0.87 ha.
- Removal of an additional 0.03 ha of planted natives (previously classified as PCT599 - Non-TEC) and retaining 0.96 ha.
- The remaining development footprint was contained within exotic dominated pasture areas, garden beds and cleared areas, which was exempt from the Biodiversity Offsets Scheme (BOS).

As part of this modification, an updated BDAR has been prepared and is included as **Appendix 2**. The updated BDAR provides for the following:

- Removal of an additional 0.3 ha of box gum woodland (PCT3397 which was reclassified from PCT599) and retaining 0.57 ha.
- Removal of an additional 0.10 Ha of planted natives and retaining 0.86 ha.
- The remaining development footprint to be contained within exotic dominated pasture areas, garden beds and cleared areas, which was exempt from the Biodiversity Offsets Scheme (BOS).
- Expansion of approved development footprint / impact areas to include all parts of the site excluding the 1.43 ha of retained PCT and planted natives, to enable ancillary construction works, services and infrastructure to be delivered without contravening the approved BDAR footprint.

It is important to note that the expansion of the approved footprint will result in all of these areas being developed, rather it will allow for temporary construction works and placement of ancillary infrastructure (e.g. pipeline, power connections etc) to be efficiently placed without contravening the approved BDAR. The final development footprint will be in accordance with the approved plans (as modified).



PCT	TEC status	Approximate Area (ha)		
		Current Extent	Removed Extent	Retained
Native Vegetation				
599 - Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	TEC	1.19	0.31	0.88
599 - Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	Non-TEC	1.45	0.68	0.77
Other				
Exotic dominated pasture		37.41	20.82	16.59
Garden beds		2.52	2.30	0.22
Cleared		17.31	5.44	11.87
Total		59.88	29.54	30.34

Figure 6: Approved BDAR (2020) Impact Summary



Figure 7: Approved BDAR (2020) Development Site



PCT	TEC status	Approximate Area (ha)		
		Current Extent	Removed Extent	Retained
Native Vegetation				
599 - Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	TEC	0.89	0.02	0.87
Planted Natives	-	0.99	0.03	0.96
Other				
Exotic Dominated Pasture	-	13.68	5.53	8.15
Gardens – Planted Native/Exotic	-	2.42	2.27	0.15
Cleared	-	41.59	23.69	17.90
Total		59.56	31.54	28.02

Figure 8: Approved BDAR (2023) Impact Summary



Figure 9: Approved BDAR (2023) Development Site



PCT	TEC status	Approximate Area (ha)		
		Current Extent	Removed Extent	Retained
Native Vegetation				
3397 - Blakely's Red Gum - Yellow Box grassy tall woodland on flats and hills in the Brigalow Belt South Bioregion and Nandewar Bioregion	TEC	0.87	0.30	0.57
Planted Natives	-	0.96	0.10	0.86
Other				
Exotic Dominated Pasture	-	8.15	7.74	0.41
Gardens – Planted Native/Exotic	-	0.15	0.15	0.00
Cleared	-	49.44	17.57	31.87
Total		59.56	25.85	33.72

Figure 10: Proposed BDAR Impact Summary



Figure 11: Proposed BDAR Development Site



3.3 MODIFICATION TYPE

3.3.1 Section 4.55(1A) Modification

This modification application is to be submitted in accordance with Section 4.55(1A) of the EP&A which indicated that a consent authority may modify the consent if –

- (a) *It is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and –*
- (c) *It has notified the application in accordance with –*
 - a. *The regulations, the regulations so require, or*
 - b. *A development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) *It has considered any submissions made concerning the proposed modification with any period prescribed by the regulation or provided by the development control plan, as the case may be.*

3.3.2 Substantially the Same

The proposed development has been assessed against the relevant matters for consideration pursuant to Section 4.55(1A) of the EP&A Act. In particular, a consent authority may modify a Development Consent if it is satisfied that that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted. In this regard, the proposed modification is substantially the same as the approval as:

- The modifications proposed are in response to the detailed design considerations and the ‘essence’ of the development as approved under the Consent has not changed and remains in that the operation remains an integrated poultry processing facility.
- There is no change to approved processing volume of 3 million birds per week.
- There is no change to approved rendering volume of 1,680 tonnes of finished product per week.
- There is no change to the approved processing and rendering activities to be undertaken on the site.
- There is no change to staff numbers required to operate the facility.
- Vehicle access to the facility is still provided by the approved connection to Workshop Lane.
- There is no change to traffic volumes, reduction in car parking provision, or change to heavy vehicle movements associated with the development.
- The final development footprint will be in accordance with the approved plans (as modified).

3.3.3 Minimal Environmental Impact

As noted above, the proposed modification will not alter the development plans or change general poultry processing and rendering activities approved on the site which remain unchanged (i.e. Processing of 3 million birds / week and rendering up to 1,680 tonnes of finished product per week).

The impact therefore is limited to additional clearing of (0.4 ha) of natives and planted natives to facilitate construction of the project and broadening of the approved development footprint to allow for temporary construction and civil works, and provision of connecting infrastructure which, while all located within cleared or exotic dominated pasture areas, is not specifically shown in the approved BDAR footprint. An assessment of the potential



environmental impacts has been undertaken and is presented in Section 6 of this report, and the updated BDAR included as **Appendix 2**.

4. STATUTORY CONTEXT

A brief overview of the key statutory requirements for the project are presented in Table 1 below.

Table 1: Statutory Requirements

MATTER	GUIDANCE
Power to Grant Consent	<p>In accordance with section 2.6 and Schedule 1 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i>, development is declared to be State Significant Development if it is listed in Schedule 1 of the SEPP. With respect to intensive Agricultural produce industries and food and beverage processing, this use is listed as SSD if it has an Estimated Development Cost (Formerly CIV) of more than \$30 million.</p> <p>Under clause 4.5 of the <i>EPA Act 1979</i>, the Consent Authority for the SSD (including any modifications) is the Minister or the Independent Planning Commission.</p>
Permissibility	<p>Under the <i>Tamworth Regional Local Environmental Plan 2010</i>, the subject site is located in the RU1 Primary Production Zone. The existing and proposed development falls under Tamworth LEP definition of Livestock Processing Industry which means “a building or place used for 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 abattoirs, knackeries, tanneries, woolscours and rendering plants.”</p> <p>In accordance with clause 3 of the Tamworth LEP development of a Livestock Processing Industry located in the Primary Production Zone (RU1) is identified as development that is Permitted with Consent.</p> <p>The ancillary access road (via Workshop Lane) also traverses land included in the Special Activities (SP1) and Environmental Management (C3) zones (former E3 Zone). While a Livestock Processing Industry is identified as prohibited development within the SP1 zone, Section 4.38 (3) of the <i>Environmental Planning and Assessment Act 1979</i> allowed for development consent to be granted for State Significant Development, despite the development being partly prohibited by an Environmental Planning Instrument (EPI). There is no change to the approved access road proposed as part of this Modification.</p>
Other Approvals	<p>Protection of the Environment Operations Act 1997: The modified development involves a Premise Based Activity identified in Section 43 (b) of the <i>Protection of Environmental Operations Act 1997</i>, namely <i>Schedule 1 Item 23 Livestock processing activities</i>. The applicant is required to seek a variation to the current Environmental Protection License (EPL 1566) prior to an increase in rendering and commencement of poultry processing associated with this Development Application.</p> <p>Roads Act 1993: In accordance with Clause 2.122 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>, the Development Application must be referred to the RMS for comment as it involves development listed under Schedule 3 Traffic Generating Development.</p>



MATTER	GUIDANCE
<p>Mandatory matters for consideration (See Table 2 below).</p>	<ul style="list-style-type: none"> • Section 1.3 of the EP&A Act 1979 • Section 4.55 (1A) of the EP&A Act 1979 • Section 4.15 of the EP&A Act 1979 • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 3 Part 3.2</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 3 Part 3 s3.12</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 s4.6</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 2 Part 2.3 Division 17</i>

Table 2: Mandatory matters for Consideration

STATUTORY REFERENCE	MANDATORY CONSIDERATION	SECTION
Consideration under the Act and Regulation		
<p>Section 1.3</p>	<p>Relevant objectives of the Act</p> <ul style="list-style-type: none"> • to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State’s natural and other resources, • to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, • to promote the orderly and economic use and development of land, • to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, • to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage), 	<p>All</p>
<p>Section 4.15</p>	<p>Relevant environmental planning instruments:</p> <ul style="list-style-type: none"> • <i>State Environmental Planning Policy (Planning Systems) 2021 – Chapter 2 s2.6</i> • <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 3</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 3 Part 3 s3.12</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 s4.6</i> • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 2 Part 2.3 Division 17</i> 	<p>6.1.1</p>



STATUTORY REFERENCE	MANDATORY CONSIDERATION	SECTION
	<ul style="list-style-type: none"> • Tamworth LEP 2010 <p>The likely impacts of that development:</p> <ul style="list-style-type: none"> • including environmental impacts on both the natural and built environments, and social and economic impacts in the locality • the suitability of the site for the development • the public interest 	<p>6. 8.</p>
Mandatory Relevant Considerations under EPI		
<p>State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 3 Part 3 s3.12</p>	<p>Consideration of the potential changes to the Preliminary Hazard Analysis associated with the Modified Development.</p>	<p>6.1.1 6.10</p>
<p>State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 s4.6</p>	<p>Consideration of the whether the land is contaminated, and (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.</p>	<p>6.1.1</p>
Consideration under other Legislation		
<p>Biodiversity Conservation Act 2016</p>	<p>The requirement for a modification to the approved BDAR.</p>	<p>6.2.1 6.4</p>
<p>EPBC Act 1999</p>	<p>The potential for significant impacts on Matters of National Environmental Significance (MNES).</p>	<p>6.2.2</p>



5. ENGAGEMENT

This section outlines the consultation activities undertaken to inform the scope of this modification application.

5.1 CONSULTATION

5.1.1 Government Consultation

5.1.1.1 Tamworth Regional Council

No further consultation following the determination of SSD-9394-Mod-1, as proposed modifications are substantially consistent with previous approval.

5.1.1.2 Environmental Protection Agency

No further consultation following determination of SSD-9394-Mod-1, as proposed modifications are substantially consistent with previous approval and there are no changes to the approved operations proposed or required as part of this application.

5.1.1.3 Other Agencies

Due to the relatively minor nature of the proposed modification and consistency of this proposed modification application with the existing approval, extensive consultation with government departments not been pursued. It is deemed that the evaluation and referral can be undertaken seamlessly within the modification assessment process.

5.1.2 Community Consultation

The original SSD only received 3 public submissions (2 Local Companies supporting the project, and 1 objection from PETA) and there were no submissions received in response to notification of Mod-1. Given the proposed modification relates only to minor design changes within the site, the broader community consultation with the surrounding community has not been undertaken as part of this Modification Application. As demonstrated, the proposed changes to the approved development modification will not result in any increase to forecast impacts of the development on sensitive receptors or intensification of approved activities on the site. As such, it is considered that the legislative notification of the modification will be sufficient to provide any additional feedback concerning the modified development.

5.2 PUBLIC NOTIFICATION

The Department is required to exhibit an application seeking to modify an SSD development consent under either Section 4.55(1A) of the EPA&A Act, for at least 14 days prior to completing its assessment of the application. This is to give the community an opportunity to read the modification report and make a submission on the merits of the modified project.



6. ASSESSMENT OF IMPACTS

6.1 ENVIRONMENTAL PLANNING INSTRUMENTS

6.1.1 State Environmental Planning Polices

An assessment of the proposed development has been undertaken against the relevant State Environmental Planning Policies (SEPPs).

Table 3: SEPP Compliance Table

STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021	
CHAPTERS	ASSESSMENT & COMPLIANCE
Chapter 2 - State and Regional Development	Not applicable – In accordance with Section 2.6 and Schedule 1 of the State Environmental Planning Policy (Planning Systems) 2021, the approved and modified project is classified as State Significant Development if it is listed in Schedule 1 of the SEPP. Under clause 4.5 of the EPA Act 1979, the Consent Authority for the SSD (including any modifications) is the Minister or the Independent Planning Commission.
Chapter 3 - Aboriginal Land	Not applicable – The Modification Application is not located on and owned by an Aboriginal Land Council.
Chapter 4 – Concurrences and Consents	Not applicable – There are no concurrences of consents described in Chapter 4 applicable to the Modification Application.
STATE ENVIRONMENTAL PLANNING POLICY (BIODIVERSITY AND CONSERVATION) 2021	
CHAPTERS	ASSESSMENT & COMPLIANCE
Chapter 2 – Vegetation in Non-Rural Areas	Not applicable – Chapter 2 does not apply to the Tamworth Regional Council Area.
Chapter 3 – Koala Habitat Protection 2020	Applicable – Chapter 3 Applies to assessment of the Modification Application. As outlined in the updated BDAR, the presence of Koala's and potential habitat was the considered in detail as part of the original previous assessment. Nocturnal surveys, Koala SAT searches, and motion sensor cameras did not identify the presence of Koalas on-site. As such, the minor modification proposed in this application are not expected to result in and any additional or significant direct or indirect impacts on Koalas and algins with the requirements of Chapters 3 and 4.
Chapter 4 – Koala Habitat Protection 2021	Not applicable – This chapter does not apply to the site.
Chapter 5 – River Murray Lands	Not applicable – This chapter does not apply to the Tamworth Regional Council Area.
Chapter 6 – Water Catchments	Not applicable – The site is not located within a nominated water catchment.
Chapter 13 – Strategic Conservation Planning	Not applicable – The site is not located on the nominates Land Application maps.
STATE ENVIRONMENTAL PLANNING POLICY (RESILIENCE AND HAZARDS) 2021	
CHAPTERS	ASSESSMENT & COMPLIANCE



Chapter 2 - Coastal Management	Not applicable - The subject site is not within a coastal zone.
Chapter 3 - Hazardous and Offensive Development	Applicable – There are no changes to the approved storage or use of dangerous goods proposed or required as part of this modification.
Chapter 4 - Remediation of Land	<p>Applicable – A detailed Contaminated Site Assessment Report was prepared by SMK Consultants and submitted with the original development application to determine if there was any contamination on the subject site. The investigation took into consideration the characteristics of the site, historical land uses and adjoining land uses when analysing potential sources of contamination. This investigation did not identify any contamination of concern within the property boundary of the “Oakburn” Development Site.</p> <p>The assessment concluded that the development site does not contain contaminated land that would impact construction of the Oakburn Processing Facility or pose an unacceptable risk to human health or the surrounding environment.</p> <p>The additional clearing proposed as part of this modification, is wholly contained within the areas proposed as part of this application are contained within the approved development footprint and as such, the original contamination assessment and associated management and mitigation measures remain fit for purpose for the modified development.</p>

STATE ENVIRONMENTAL PLANNING POLICY (TRANSPORT AND INFRASTRUCTURE) 2021

CHAPTERS	ASSESSMENT & COMPLIANCE
Chapter 2 - Infrastructure	<p>Applicable.</p> <p>Division 17: In accordance with Clause 2.122 of the <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>, the Development Application must be referred to the RMS for comment as it involves development listed under Schedule 3 Traffic Generating Development.</p> <p>As per the existing approvals, a new access road has been constructed linking the processing facility to Workshop Lane. As part original submission, a Road Transport Assessment was prepared by The Transport Planning Partnership (dated 20 June 2019) which demonstrated that with the traffic changes forecast to result from the processing facility, the key intersections would continue to operate at good levels of service. As noted, the forecasts assume a “worst case” in which the peak traffic generated by the processing facility would coincide with the on-street peak conditions, which is unlikely to occur. Nevertheless, the results indicate that sufficient capacity is available at the intersections under such conditions.</p> <p>As there are no changes to processing activities and the total traffic volumes proposed as part of this modification, the findings from the original Road Transport Assessment remain fit for purpose for the modified development.</p>
Chapter 3 - Educational Establishments and Childcare Facilities	Not applicable – The modified development does not involve educational establishments or childcare facilities.
Chapter 4 - Major Infrastructure Corridors	Not applicable – The modified development does not involve a major infrastructure corridor.
Chapter 5 - Three Ports-Port Botany, Port Kembla and Newcastle	Not applicable – The modified development is not located in any of the three ports.



Chapter 6 - Moorebank Freight Intermodal Precinct	Not applicable – The modified development is not located in the Moorebank Freight Intermodal Precinct.
STATE ENVIRONMENTAL PLANNING POLICY (INDUSTRY AND EMPLOYMENT) 2021	
CHAPTERS	ASSESSMENT & COMPLIANCE
Chapter 2 - Western Sydney Employment Area	Not applicable – The modified development is not located within the Western Sydney employment area.
Chapter 3 - Advertising and Signage	Not applicable – The modified development does not involve an advertisements or signage.
STATE ENVIRONMENTAL PLANNING POLICY (RESOURCES AND ENERGY) 2021	
CHAPTERS	ASSESSMENT & COMPLIANCE
Chapter 2 – Mining, Petroleum Production and Extractive Industries	Not applicable – The modified development is for a poultry farm.
Chapter 3 - Extractive Industries	Not applicable – The modified development does not involve extractive industries.
STATE ENVIRONMENTAL PLANNING POLICY (PRIMARY PRODUCTION) 2021	
CHAPTERS	APPLICABILITY
Chapter 2 - Primary Production and Rural Development	N/A. The modified project does not involve primary production or rural development regulated by Chapter 2.
Chapter 3 - Central Coast Plateau Areas	N/A. The modified project is not located in the Central Coast Plateau Area.
STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – EASTERN HARBOUR CITY) 2021	
CHAPTERS	APPLICABILITY
All	N/A. The modified project is not located in a listed State Significant Precinct.
STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – CENTRAL RIVER CITY) 2021	
CHAPTERS	APPLICABILITY
All	N/A. The modified project is not located in a listed State Significant Precinct.
STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS – WESTERN PARKLAND CITY) 2021	
CHAPTERS	APPLICABILITY
All	N/A. The modified project is not located in a listed State Significant Precinct.
STATE ENVIRONMENTAL PLANNING POLICY (PRECINCTS - REGIONAL) 2021	
CHAPTERS	APPLICABILITY
All	N/A. The modified project is not located in a listed State Significant Precinct.
STATE ENVIRONMENTAL PLANNING POLICY (SUSTAINABLE BUILDINGS) 2021	
All	N/A. The modification of the approved development does not require assessment against the SEPP.



6.1.2 Local Environmental Plans

6.1.2.1 Zoning and Permissibility

As shown in Under the *Tamworth Regional Local Environmental Plan 2010*, the subject site is located in the RU1 Primary Production Zone. The objectives for the RU1 Primary Production Zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resources base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To permit subdivision only where it is considered by the Council to be necessary to maintain or increase agricultural production.
- To restrict the establishment of inappropriate traffic generating uses along main road frontages.
- To ensure sound management of land which has an extractive or mining industry potential and to ensure that development does not adversely affect the extractive industry.
- To permit development for purposes where it can be demonstrated that suitable land or premises are not available elsewhere.



Figure 12: LEP Zoning (NSW E-Spatial, 2025)

The existing and approved development falls under the Tamworth LEP definition of **Livestock Processing Industry** which means: “a building or place use for 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 abattoirs, knackeries, tanneries, woolscours and rendering plants”.



In accordance with Clause 3 of the Tamworth LEP development of a Livestock Processing Industry located in the Primary Production Zone (RU1) is permitted with consent.

The site is located in food production hub which contains a number of major rural industries including a livestock exchange, beef abattoir, lamb abattoir, flour mill, other industrial operations and intensive animal husbandry. As such, the existing, approved and proposed use of the site is considered to be a complementary land use to the surrounding area and adjoining zones. Further, the development of the Oakburn Poultry Processing facility will support expansion of primary industry enterprises across the region and accordingly aligns with the objectives for the zone.

The ancillary access road (via Workshop Lane) also traverses land included in the Special Activities (SP1) and Environmental Management (C3) zones (former E3 Zone). While a Livestock Processing Industry is identified as prohibited development within the SP1 zone, Section 4.38 (3) of the *Environmental Planning and Assessment Act 1979* allowed for development consent to be granted for State Significant Development, despite the development being partly prohibited by an Environmental Planning Instrument (EPI). There is no change to the access road proposed as part of this Modification.

The proposed modification involves minor alterations to the approved design within the site and in response to the detailed design considerations and will not result in any significant changes to the approved use or operations. As such, the development remains consistent with zone objectives.

6.1.3 Principal Development Standards

There is no applicable principal development standards identified in Part 4 of the LEP applicable to the development.

6.1.4 Other Clauses

Other assessment provisions considered include in the **Table 4**, below.

Table 4: Tamworth Region LEP 2010 Assessment Provisions

PROVISION	APPLICABILITY
PRINCIPAL DEVELOPMENT STANDARDS	
4.1 Minimum subdivision lot size	Not Applicable.
4.2 Rural subdivision	Not Applicable.
4.3 Height of buildings	Not Applicable. The subject site is not located near zone boundaries.
4.4 Floor space ratio	Not Applicable.
4.5 Calculation of floor space ratio and site area	Not Applicable.
4.6 Exceptions to development standards	Not Applicable.
MISCELLANEOUS PROVISIONS	
5.1 Relevant acquisition authority	Not Applicable.



PROVISION	APPLICABILITY
	The subject site is not identified as a heritage conservation area
5.2 Classification and reclassification of public land	Not Applicable. The subject site is not identified as a bushfire prone.
5.3 Development near zone boundaries	Not Applicable. The development does not rely on Clause 5.3.
5.4 Controls relating to miscellaneous permissible uses	Not Applicable.
5.6 Architectural roof features	Not Applicable.
5.7 Development below mean high water mark	Not Applicable.
5.8 Conservation of fire alarms	Not Applicable.
5.10 Heritage conservation	Not Applicable.
5.11 Bush fire hazard reduction	Not Applicable.
5.12 Infrastructure development and use of existing buildings of the Crown	Not Applicable.
5.13 Eco-tourist facilities	Not Applicable.
5.14 Siding Spring Observatory – maintaining dark sky	Not Applicable.
5.15 Defence communications facility	Not Applicable.
5.16 Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	Not Applicable.
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Not Applicable.
5.18 Intensive livestock agriculture	Not Applicable. The development does not involve intensive livestock agriculture.



PROVISION	APPLICABILITY
5.19 Pond-based, tank-based and oyster aquaculture	Not Applicable.
5.20 Standards that cannot be used to refuse consent – playing and performing music	Not Applicable.
5.21 Flood Planning	<p>Not Applicable.</p> <p>Current flood mapping in the area indicates the site is not subject to flooding from any sources.</p> <p>With respect to overland stormwater flows, an approved stormwater management plan proposed three detention basins located throughout the site will ensure that there are no worsening impacts on the downstream receiving environment.</p> <p>The minor modification proposed as part of this development application</p>
ADDITIONAL LOCAL PROVISIONS	
7.1 Earthworks	<p>Complies.</p> <p>This modification application is for changes to the BDAR along with landscaping. There are no major earthworks proposed as part of this modification application. The extent of earthworks has been approved as part of the preceding approvals and there are no changes proposed or required as part of this modification.</p>
7.6 Development in flight path	<p>Complies.</p> <p>The proposed development does not involve any construction which exceed the Obstacle Height Limits prescribed along the frontage of the site.</p>

6.1.5 Tamworth Regional Blueprint 100 (LSPS 2020)

The proposed development is consistent with the strategic priorities outlined with the Tamworth Regional Blueprint 100 (LSPS). Notably, it directly contributes to Action 3.4 under the Strategic priority to create a prosperous region which is to ‘*Substantially increase Tamworth’s meat and food processing capacity*’.

The document recognises that Tamworth is ‘*the centre for the production and processing of beef, lamb and poultry products for supply to the whole of New South Wales. The proximity of grain, livestock, feedlots, sale yards and processing facilities provide a competitive advantage to producers in the sector. This sector has significant potential to expand its meat processing capacity and increase its expertise in providing high-tech agribusiness solutions*’ (Tamworth Regional Blueprint 100, pg 27).

The proposed development will capitalise on the existing accumulation of high value poultry assets and geographic, infrastructure and commercial attributes in the region which have created the existing poultry meat cluster.



6.2 OTHER LEGISLATIVE CONSIDERATIONS

6.2.1 Biodiversity Conservation Act 2016

In response to previous advice from BCD on previous modifications, a new BAM case (00051643/BAAS17027/24/00051644) has been created for the proposed modification. An Updated BDAR has been prepared by SLR (formerly Cumberland Ecology) to include the additional areas of impact resulting from the proposed landscaping works, the construction of temporary sediment and erosion control as part of onsite stormwater management works as well as areas impacted by construction works including general construction activities, site accommodation, storage of construction plant and equipment and stockpiling as part of civil works.

6.2.2 EPBC Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires approval from the Commonwealth Minister for the Environment, for any actions that may have a significant impact on Matters of National Environmental Significance (MNES). The previous Modification and associated BDAR identified that the development was unlikely to have a significant impact on MNES, due to the location of the plant within the existing cleared and highly disturbed parts of the property. The updated BDAR relating to this modification application, presents consistent findings to previous assessments in that the additional clearing areas within PCT 3397 does not conform to the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) listing of Box Gum Woodland due to either the lack of mature trees within the patch, the patch size not having a predominantly native understorey, or where it does have one it lacks the requisite 12 native non-grass understorey species and is <2 ha in size (DEH 2006). Similarly, no impacts on EPBC listed flora or fauna due to the additional clearing has been identified.

6.2.3 Roads Act 1993

The *Roads Act 1993*, section 138 requires consent from Roads and Maritime Services as it involves development listed under Schedule 3 Traffic Generating Development. In accordance with Clause 2.122 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, the Development Application must be referred to the RMS for comment as it involves development listed under Schedule 3 Traffic Generating Development.

As per the existing approvals, a new access road is proposed to be constructed linking the processing facility to Workshop Lane. As part of original submission, a Road Transport Assessment was prepared by The Transport Planning Partnership (dated 20 June 2019) which demonstrated that with the traffic changes forecast to result from the processing facility, the key intersections would continue to operate at good levels of service. As there are no changes to the processing activities and the total traffic volumes proposed as part of this modification, the findings of the original assessment as a result of the modification and therefore the original Road Transport Assessment remain fit for purpose for the modified development.

6.3 ECOLOGICAL IMPACT

A Biodiversity Development Assessment Report (BDAR) for the approved development was originally prepared by Cumberland Ecology in 2020 and was submitted as part of the original EIS. The original assessment was prepared in accordance with the Biodiversity Conservation Act 2016 (BC Act) and the associated Biodiversity Assessment Method (BAM). This report was updated as part of the subsequent Modification (SSD9394-MOD-1).

The previous BDAR confirmed that biodiversity values of the subject land are limited, due to the site history of heavy modification and past agricultural activities. Only one native vegetation community, Box Gum Woodland, occurs as scattered isolated patches that aligned to the BC Act listing of the TEC. The remaining areas include garden beds, planted native vegetation, exotic dominated pasture and cleared areas.

The original BDAR approved in 2020 allowed for the following:

- Removal of 0.99 ha of box gum woodland (PCT599) and retaining 1.65 ha.
- The remaining development footprint was contained within exotic dominated pasture areas, garden beds and cleared areas, which were exempt from the Biodiversity Offsets Scheme (BOS).



As part of Modification 1, in 2023 update to the BDAR was approved which allowed for:

- Removal of an additional 0.02 ha of box gum woodland (PCT599) and retaining 0.87 ha.
- Removal of an additional 0.03 ha of planted natives (previously classified as PCT599 - Non-TEC) and retaining 0.96 ha.
- The remaining development footprint was contained within exotic dominated pasture areas, garden beds and cleared areas, which was exempt from the Biodiversity Offsets Scheme (BOS).

As part of this modification, an updated BDAR has been prepared and is included as **Appendix 2**. The updated BDAR provides for the following:

- Removal of an additional 0.3 ha of box gum woodland (PCT3397 which was reclassified from PCT599) and retaining 0.57 ha.
- Removal of an additional 0.10 Ha of planted natives and retaining 0.86 ha.
- The remaining development footprint to be contained within exotic dominated pasture areas, garden beds and cleared areas, which was exempt from the Biodiversity Offsets Scheme (BOS).
- Expansion of approved development footprint / impact areas to include all parts of the site excluding the 1.43 ha of retained PCT and planted natives, to enable ancillary construction works, services and infrastructure to be delivered without contravening the approved BDAR footprint.

The additional clearing of (0.4 ha) is required in response to the detailed design of the processing plant, associated earthworks, infrastructure and landscaping design. Specifically, the planted natives and remnant vegetation along the frontage of the site is to be removed to facilitate delivery of the proposed landscape works around the new administration building. The small patch of native vegetation at the rear of the processing plant is required to facilitate construction of the waste water treatment plant and connecting infrastructure.

The broadening of the approved development footprint seeks to allow for temporary construction, civil works, and provision of connecting infrastructure which, while all located within cleared or exotic dominated pasture areas, were not specifically shown in the approved BDAR footprint. It is important to note that the expansion of the approved footprint will not result in all of these areas being developed, rather it will allow for temporary construction works and placement of ancillary infrastructure (e.g. pipeline, power connections etc) to be efficiently placed without contravening the approved BDAR. The final development footprint will be in generally in accordance with the approved plans.

Measures to avoid and minimise impacts to the biodiversity values of the subject land have been implemented and included consideration of the project location, design and possible alternative locations. Nevertheless, the Project will result in the removal of ~0.30 ha of Box Gum Woodland. Areas of non-native vegetation (garden beds and exotic dominated pasture) and planted native vegetation (~0.10 ha) will also be removed.

Potential indirect impacts of the Project include inadvertent impacts on hydrological processes and adjacent habitat, and prescribed impacts such as impacts on habitat connectivity and species movements have been considered. The impacts to Box Gum Woodland TEC, which is a SAI entity, are not considered to be significant. A suite of mitigation measures have been proposed to minimise the direct, indirect and prescribed impacts of the Project, such as construction mitigation measures, weed management and pre-clearance surveys.

As the Project includes the removal of additional areas of native vegetation, offsets are required in the form of ecosystem credits. This assessment indicated that the removal of the native vegetation within the subject land for the project, requires a total of thirteen (13) additional ecosystem credits, comprising PCT 3397.

With the implementation of the proposed mitigation measures and the offsetting described above, it is considered that the impacts of this project on biodiversity, in particular on Box Gum Woodland, will be minimal and can be appropriately managed.

6.4 HISTORIC AND CULTURAL HERITAGE

A Cultural Heritage Assessment for Historic Heritage and Aboriginal Culture Heritage Assessment dated 22 January 2019 was prepared by Everick Heritage Consultants and submitted with the original EIS. As a result of the desktop study and field inspection it concluded that no items or places of potential historic heritage significance were located within the Project Area and therefore Everick Heritage Consultants advised that a significance assessment was not



required for the project. As a result of the previous assessments and salvage operations undertaken on the site, and the that the modified development is wholly located in the previously assessed area, an updated Cultural Heritage Assessment is not required as part of this modification application.

6.5 STORMWATER

As part of the previous modification (SSD9394-MOD1) a Stormwater Management Plan was developed by MPN Consulting to appropriately manage the potential stormwater quantity and quality impacts of the proposed development. The proposed modification does not result in any significant changes to the development footprint and will not alter the approved stormwater infrastructure, and the approved stormwater management arrangements remain fit for purpose for the modified development.

No changes are proposed in relation to traffic generation or staff numbers are proposed as a result of this modification and therefore the original Road Transport Assessment prepared by the Transport Planning Partnership (dated 20 June 2019) remains fit for purpose.



7. MITIGATION AND MANAGEMENT MEASURES

Updated Mitigation and Management Measures submitted as part of MOD-3 are identified below. No further changes are proposed or required as part of this Modification Application.

IDENTIFIED IMPACT	MITIGATION MEASURES AND MANAGEMENT MEASURES										
<p>TRAFFIC</p>	<ul style="list-style-type: none"> Staff and processing facility traffic are to be directed to use the proposed driveway connecting to Workshop Lane. Direct access to the Oxley Highway is to be maintained for visitors to the site and emergency access only. 820 car parking spaces are to be provided on site with a minimum of - 9 spaces be designated for people with a disability. Car park design and line-marking is to be undertaken in accordance the Australian Standard 2890.1 (2004). Due to the length of aisles, speed humps be provided in in accordance with AS2890.1 to provide positive speed control. Detailed design of the car park to incorporate minor amendments to the kerb line near the northern end of the staff car park to ensure fire truck access is available through the car park if required. The Internal T-intersection between the staff car park access road and the weighbridge access road be designed as a standard priority T-intersection to reflect the dominant traffic flow. 										
<p>AIR QUALITY</p>	<ul style="list-style-type: none"> Filling of the SBR is to be programmed to take place outside of daylight hours where practical. Implement the Odour Management Plan for the site to prevent or minimise the potential for odour generation through a hierarchy of controls, in the form of, but not limited to, engineered, administration and/or management practices. 										
<p>NOISE</p>	<p>DURING OPERATIONS</p> <p>Noise Barrier Area</p> <ul style="list-style-type: none"> An acoustic mound or barrier are to be erected at the following locations: <table border="1" data-bbox="563 1464 1423 1845"> <thead> <tr> <th>Location</th> <th>Height above FGL (mm)</th> </tr> </thead> <tbody> <tr> <td>West side Live Bird Area and Hardstand.</td> <td>3000</td> </tr> <tr> <td>North side Rendering Building Loop Road.</td> <td>2100</td> </tr> <tr> <td>North side Cooling towers & associated plant</td> <td>2100</td> </tr> <tr> <td>North side Cooling towers and associated plant.</td> <td>2400 (above truck FGL)</td> </tr> </tbody> </table> <p>General Noise Control Recommendations</p> <ul style="list-style-type: none"> All access roads should be kept in good condition, i.e. no potholes, etc. Trucks and other machines should not be left idling for extended periods unnecessarily. Machines found to produce excessive noise compared to 	Location	Height above FGL (mm)	West side Live Bird Area and Hardstand.	3000	North side Rendering Building Loop Road.	2100	North side Cooling towers & associated plant	2100	North side Cooling towers and associated plant.	2400 (above truck FGL)
Location	Height above FGL (mm)										
West side Live Bird Area and Hardstand.	3000										
North side Rendering Building Loop Road.	2100										
North side Cooling towers & associated plant	2100										
North side Cooling towers and associated plant.	2400 (above truck FGL)										



IDENTIFIED IMPACT	MITIGATION MEASURES AND MANAGEMENT MEASURES
	<p>industry best practice should be removed from the site or stood down until repairs or modifications can be made.</p> <ul style="list-style-type: none"> • A regular maintenance schedule should be adopted for all mobile and fixed plant items. Items found producing high noise should be stood down until repairs are completed. • A noise monitoring program, during commissioning, or in the early life of the site is recommended. This program will verify our predictions and in the unlikely event that complaints may arise, enable noise control strategies to be implemented, where required. <p>Noise Monitoring Program</p> <ul style="list-style-type: none"> • Noise monitoring should be carried out at the commencement of each process/activity that has the potential to produce excessive noise. <p>Acoustic Barriers/Screening</p> <ul style="list-style-type: none"> • Place acoustic enclosures or screens directly adjacent to stationary noise sources that are likely to result in unacceptable off-site noise impacts (such as compressors, generators, drill rigs, etc). <p>Consultation/Complaints Handling Procedures</p> <ul style="list-style-type: none"> • The construction contractor should analyse proposed noise control strategies in consultation with the Acoustic Consultant as part of project pre-planning. <p>Equipment Selection</p> <ul style="list-style-type: none"> • All combustion engine plant, such as generators, compressors and welders, should be carefully checked to ensure they produce minimal noise, with particular attention to residential grade exhaust silencers and shielding around motors, where necessary. <p>Risk Assessment</p> <ul style="list-style-type: none"> • A risk assessment should be undertaken for all noisy activities and at the change of each process.
<p>ECOLOGICAL</p>	<p>Should any works need to be conducted within the Peel River Tributary, in order to minimise any impact to amphibians, works are to be:</p> <ul style="list-style-type: none"> • Undertaken during the winter months when movement of amphibian species is not occurring; or • Undertaken during periods of no ephemeral pooling of water in the tributary; or • Undertaken after a pre-clearance inspection by a qualified ecologist determines no amphibian presence at that time. <p>Preclearance Surveys: In order to avoid impacts to fauna species during construction, pre-clearance surveys will be conducted in all areas that are required to be cleared.</p> <ul style="list-style-type: none"> • Pre-clearing surveys will be undertaken ahead of clearing, to limit fauna injury and mortality and to identify habitat features to be relocated. Pre-clearance surveys will be conducted by suitably qualified ecologists and all faunae found during these surveys will be encouraged to move on or relocated by the ecologists in areas of similar habitat nearby that will not be impacted. <p>Delineation of Clearing Areas:</p>



IDENTIFIED IMPACT	MITIGATION MEASURES AND MANAGEMENT MEASURES
	<ul style="list-style-type: none"> • Areas that require clearance will be flagged and clearly delineated by temporary fencing to ensure that no areas intended for conservation will be inadvertently cleared during the construction process. <p>Weed Management:</p> <ul style="list-style-type: none"> • Undertake, appropriate weed control activities in accordance with all state, regional and local weed management plans. <p>Pre-clearance Surveys (Structures):</p> <ul style="list-style-type: none"> • In order to mitigate or avoid impacts to fauna species, (In particular the Eastern Bentwing-bat) during demolition of structures, pre-clearance checks will be conducted of all human made structures proposed to be demolished prior to construction. • Pre-clearance surveys will be conducted by suitably qualified ecologists and all fauna found during these surveys will be encouraged to move on or relocated by the ecologists in areas of similar habitat nearby that will not be impacted.
<p>CULTURAL HERITAGE</p>	<p>Aboriginal Objects Find Procedure: If suspected Aboriginal material has been uncovered as a result of development activities within the Project Area:</p> <ul style="list-style-type: none"> • work in the surrounding area is to stop immediately; • a temporary fence is to be erected around the site, with a buffer zone of at least 10 meters around the known edge of the site; • an appropriately qualified archaeological consultant is to be engaged to identify the material; and • If the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the OEH guidelines: <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010)</i>. <p>Aboriginal Human Remains: In the unlikely event that Remains are found, all works should halt. Once the site is cordoned off the nearest police station should be contacted in conjunction with the Tamworth LALC and the Heritage NSW – Aboriginal Cultural Heritage Office. If no investigation is sought and the remains are of Aboriginal origin then the Aboriginal community and Heritage NSW – Aboriginal Cultural Heritage Office should be consulted as to how the remains are to be dealt with. Work may resume once all parties are in agreement.</p> <p>Notifying the Heritage NSW – Aboriginal Cultural Heritage: If Aboriginal cultural materials are uncovered as a result of development activities within the Project Area, they are to be registered as Sites on the AHIMS, managed by the Heritage NSW – Aboriginal Cultural Heritage.</p>
<p>STORMWATER</p>	<ul style="list-style-type: none"> • Provide all stormwater management treatment actions in accordance with the project Stormwater Management Plan prepared by MPN Consulting Engineers (dated 18 June 2020). • During prior to commencement of construction, prepare and implement a detailed Erosion and Sediment Control Plan to ensure compliance with the <i>Protection of the Environment Operations Act 1997</i>.
<p>WASTE</p>	<ul style="list-style-type: none"> • Commercial arrangements are to be made with an appropriately licenced facility for the disposal of each of the different types of waste produced at the site prior to the issue of an Occupation Certificate. • Prepare and implement a Site Based Waste Management Plan consistent with Baiada’s Australian Packaging Covenant Action Plan.



IDENTIFIED IMPACT	MITIGATION MEASURES AND MANAGEMENT MEASURES
<p>CHEMICAL USE</p>	<ul style="list-style-type: none"> • Chemical handling and storage procedures will be undertaken in accordance with the Applicable Material Safety Data Sheets (MSDS) and all relevant Australian Standards. <p>LNG Storage:</p> <ul style="list-style-type: none"> • The hoses for the transfer of LNG shall be inspected monthly and pressure tested annually in accordance with the Australian Dangerous Goods Code. • All equipment shall be inspected and tested in accordance with the Australian Dangerous Goods Code. • The over pressurisation shut off for the supply shall be set at not more than 200 kPa.
<p>CONSTRUCTION MANAGEMENT</p>	<p>The Construction Management Plan could address potential social impacts, including reducing stress and inconvenience to neighbouring businesses and residents, by:</p> <ul style="list-style-type: none"> • Identifying construction vehicle traffic routes that minimise impacts to neighbours, as far as possible; • Providing arrangements for parking of worker and construction vehicles on-site; • Storing all equipment on site; • Identifying management practices to minimise and manage interruptions to traffic flows; • Establishing practices to maintain traffic and pedestrian safety to local residents; • Minimising disruption proposed road closures, temporary traffic routes, loss of pedestrian or cyclist access or reversing manoeuvres; • Providing queueing space onsite for the standing of vehicles; • Providing clear signage to direct construction vehicles; and • Provide signage on site that provides a contact number for residents to direct enquiries and report incidents (e.g. theft or break and enter to the site while unattended), should they occur
<p>ENVIRONMENTAL MANAGEMENT</p>	<ul style="list-style-type: none"> • Prepare an implemented a detailed Environmental Management System for the Oakburn Processing facility for certification in accordance with the AS/NZS/ISO 14001: 2015 Standard.



8. JUSTIFICATION OF MODIFICATION

Since approval of the modified project in May 2023, Baiada has proceeded with detailed design of the facility, commenced construction, and liaised with various technical experts which has required some additional ancillary works and infrastructure which are located outside of the approved development footprint.

The additional clearing of native vegetation (0.4 ha) is required in response to the detailed design of the processing plant and landscaping. The broadening of the approved development footprint seeks to allow for temporary construction and civil works, and provision of connecting infrastructure which, while all located within cleared or exotic dominated pasture areas, were not specifically shown in the approved BDAR footprint. As shown in **Figure 13**, these works include:

- Ancillary civil works including earthworks and batters to create level building pads, swales and services corridors.
- Supporting infrastructure including security fencing, internal access roads, services conduits / corridors (power, telecommunications, water supply, waste water connections).
- Temporary construction works including stockpiling, materials storage, access and handling.

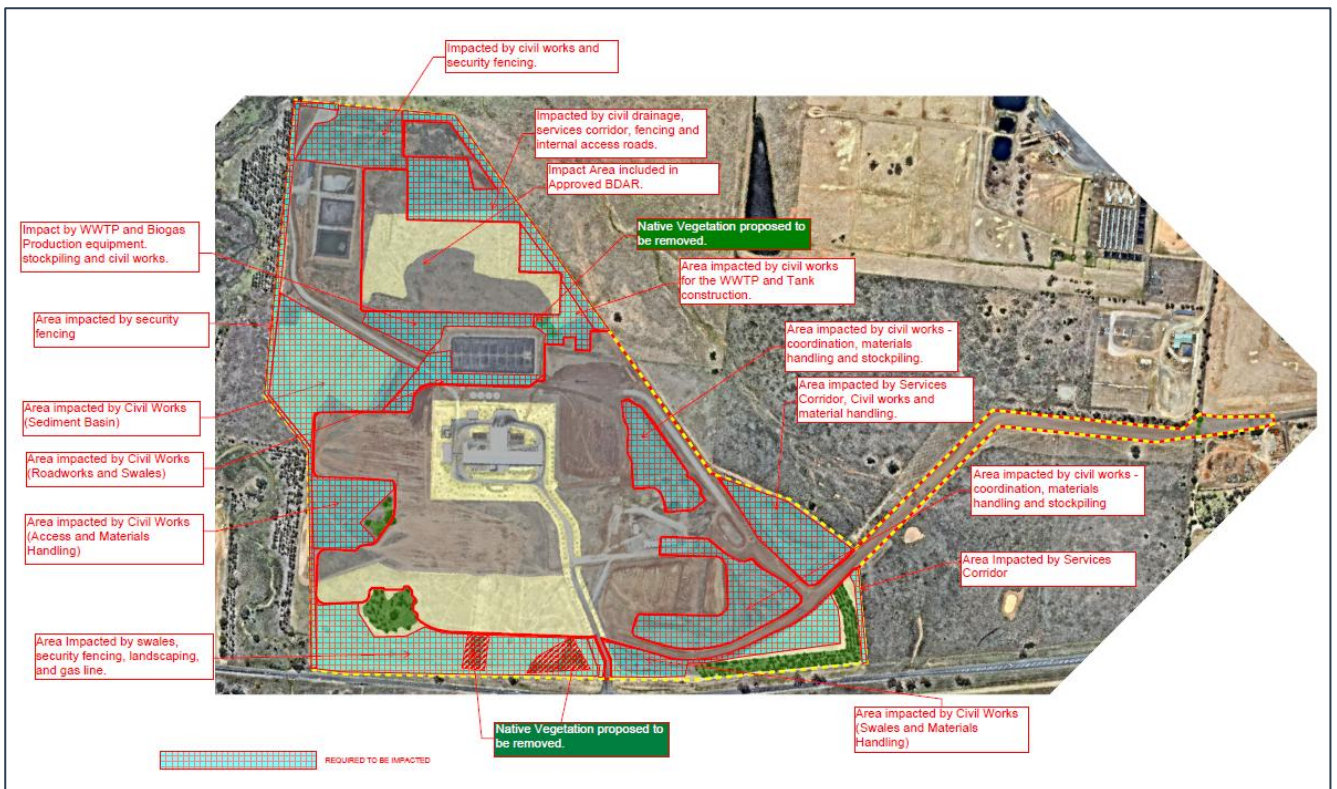


Figure 13: Works outside the Approved Development Footprint

These minor alterations to the approved project will not change the approved operations of the facility or introduce any additional operational impacts that have not been previously considered as part of the current approvals.

In response to these changes to the approved development, a modification under 4.55 (1A) is requested from DPE to enable construction of the revised facility to proceed. The following section provides a justification of the proposed modification with consideration of the proposed Biophysical, Economic and Social factors as well as the planners of Ecologically Sustainable Development.



8.1 BIOPHYSICAL CONSIDERATIONS

As demonstrated in the updated BDAR, measures to avoid and minimise impacts to the biodiversity values of the subject land have been implemented and included consideration of the project location, design and possible alternative locations. Nevertheless, the Project will result in the removal of ~0.30 ha of Box Gum Woodland (PCT3397). Areas of non-native vegetation (garden beds and exotic dominated pasture) and planted native vegetation (~0.10 ha) will also be removed.

Potential indirect impacts of the Project include inadvertent impacts on hydrological processes and adjacent habitat, and prescribed impacts such as impacts on habitat connectivity and species movements have been considered. The impacts to Box Gum Woodland TEC, which is a SAll entity, are not considered to be significant. As per the previous BDAR, a suite of mitigation measures has been proposed to minimise the direct, indirect and prescribed impacts of the Project, such as construction mitigation measures, weed management and pre-clearance surveys.

With the implementation of the proposed mitigation measures and the offsetting described above, it is considered that the impacts of this project on biodiversity, in particular on Box Gum Woodland, will be minimal and can be appropriately managed.

In addition, to consideration of ecological impacts and based on the previous assessments undertaken by the relevant technical specialists, it has been demonstrated that the proposed development can be undertaken in a manner consistent with the statutory obligations in relation to potential:

- Acoustic Emissions;
- Odour and Dust Emissions;
- Stormwater Water Management;
- Water Quality Impacts;
- Cultural Heritage Impacts;
- Historic Heritage Impacts;
- Hazards and Risk Management;
- Aircraft and Airport Safety;
- Waste Management; and
- Biosecurity Risks.

In addition, as demonstrated in this Modification Report and the supporting documentation, the potential impacts associated with the poultry processing facility remain consistent with those previously forecast and no additional mitigation or management actions beyond those originally prescribed are required to achieve compliance. As such, it is considered that there is no bio-physical consideration which would preclude approval of the proposed development.

8.2 ECONOMIC CONSIDERATIONS

As demonstrated in the previous submissions, the project will have a positive economic impact in terms of significant construction works and ongoing employment opportunities for local residents. The economic impacts forecast in the original EIS included:

- Direct employment for around 1,176 workers which represents a net increase of 682 jobs over the base case.
- Indirect employment including the creation of an additional 2,039 jobs (1,323 jobs associated with the inputs to production and a further 716 jobs providing the goods and services to the additional workers).



- HillPDA previously calculates that every one million dollars of construction generates 2.15 full time positions over 12 months directly in construction on site. Based on the revised cost of \$285m, approximately 613 years would be directly generated.
- As outlined above, a key component in the development of the Tamworth region as a poultry cluster is the availability of local grain from farms in the region to produce poultry feed blends while minimising transport costs. As per current operations, grain for the expanded operation will be primarily sourced from the surrounding areas including Tamworth, Moree, Narrabri, Walgett and Gunnedah. The economic benefits from the increase in regional grain supply estimated to be 546,000 tonnes per year (~\$136.5m), are factored into the multipliers described above.
- To support the increase in processing of poultry within the region, significant increases in the supply of birds will be required. It is expected that around 300 additional poultry sheds will be required to service the ultimate capacity of the Oakburn processing facility. This growth is expected to occur via expansion of existing farms, as well as new farms located on suitable sites, located within a 2-hour drive of the Oakburn processing facility in accordance with animal welfare considerations. Expansion of broiler farms will be subject to identification and acquisition of suitable sites and the relevant statutory approvals being obtained by Applicants.

With consideration of these employment opportunities, the modified project continues to display a positive economic impact and employment impact for the region.

8.3 SOCIAL CONSIDERATIONS

With respect to social impacts, the findings of the detailed technical assessments undertaken in relation with the previous modification demonstrate that the project is unlikely to have significant, negative social impacts provided the approved mitigation and management measures documented in this Modification Report are implemented. The modifications proposed as part of this application are not expected to result in any additional social impacts.

With consideration of the positive impacts, particular in relation to economic investment and local employment opportunities, overall, it is considered that the integrated poultry processing plant will have a positive social outcome.

8.4 PRINCIPLES OF ECOLOGICALLY SUSTAINABLE DEVELOPMENT

A discussion of the proposal’s compliance with the principles of Ecologically Sustainable Development is also provided in **Table 5**.

Table 5: Principles of Ecological Sustainability

PRINCIPLE	DISCUSSION
<p><i>(a) the precautionary principle, namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:</i></p> <p><i>(i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and</i></p> <p><i>(ii) an assessment of the risk-weighted consequences of various options,</i></p>	<p>Complies. There are no threats of serious or irreversible environmental damage that have been identified as part of the detailed assessments undertaken with respect to the modified project. A number of mitigation, management and monitoring measures that were approved under the previous applications are also applied to proposed operation to ensure that it will perform in accordance with all relevant environmental standards.</p>



PRINCIPLE	DISCUSSION
<p><i>(b) inter-generational equity, namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,</i></p>	<p>Complies. The proposed development will not result in the impacts that will reduce the health, diversity and productivity of the environment or reduce the potential benefits of future generations. Conversely, the proposed development will continue to support the operations the approved development site and support the broader growth and economic development associated with poultry production in the New England Region.</p>
<p><i>(c) conservation of biological diversity and ecological integrity, namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,</i></p>	<p>Complies. An updated BDAR for this project has been prepared and is included as Appendix 2. The changes to the BDAR are required to facilitate alterations to the proposed waste water treatment plant, landscaping works, of sediment and erosion control for stormwater management and construction works including site accommodation, storage of plant and equipment and stockpiling as part of the civil works.</p> <p>Measures to avoid and minimise impacts to the biodiversity values of the subject land have been implemented and included consideration of the project location, design and possible alternative locations. Nevertheless, the Project will result in the removal of ~0.30 ha of Box Gum Woodland (PCT3397). Areas of non-native vegetation (garden beds and exotic dominated pasture) and planted native vegetation (~0.10 ha) will also be removed.</p> <p>Potential indirect impacts of the Project include inadvertent impacts on hydrological processes and adjacent habitat, and prescribed impacts such as impacts on habitat connectivity and species movements have been considered. The impacts to Box Gum Woodland TEC, which is a SAIL entity, are not considered to be significant. A suite of mitigation measures have been proposed to minimise the direct, indirect and prescribed impacts of the Project, such as construction mitigation measures, weed management and pre-clearance surveys.</p> <p>As the Project includes the removal of additional areas of native vegetation, offsets are required in the form of ecosystem credits. This assessment indicated that the removal of the native vegetation within the subject land for the project, requires a total of thirteen (13) additional ecosystem credits, comprising PCT 3397.</p> <p>With the implementation of the proposed mitigation measures and the offsetting described above, it is considered that the impacts of this project on biodiversity, in particular on Box Gum Woodland, will be minimal and can be appropriately managed.</p>
<p><i>(d) improved valuation, pricing and incentive mechanisms, namely, that environmental factors should be included in the valuation of assets and services, such as:</i></p>	<p>Complies. No changes to the approved approaches to waste management and handling associated with solid waste, packaging waste, processing wastes and recycling are proposed as part of this modification.</p>



PRINCIPLE	DISCUSSION
<p><i>(i) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,</i></p> <p><i>(ii) the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,</i></p> <p><i>(iii) environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.</i></p>	

As demonstrated in this Modification report, the proposed development complies with the relevant statutory planning instruments and will not result in minimal environmental impacts on the receiving environment. In addition, the proposed modification will facilitate the efficient delivery of the project and account for minor changes identified as part of the detailed design and construction phases.

The proposal capitalises on an improves the existing approvals on the site and supports the ongoing expansion of the broader poultry industry and economic development in the region. Where potential impacts have been identified, suitable mitigation and management measures have been implemented. Accordingly, approval of the proposed modification is justified.



APPENDIX 1 EXISTING CONSENT

AP01

APPENDIX 2 UPDATED BDAR

AP02



psaconsult.com.au

PSA Consulting Pty Ltd

ABN 83 109 836 197

T + 61 7 3220 0288

Brisbane (Head Office) L20 / 127 Creek Street, Brisbane / Meeanjin Qld 4000

PO Box 10824 Adelaide Street Brisbane Qld 4000