

## Statement of Environmental Effects

### Continued use of Stockyards

5919 Gundagai Rd, Junee



## Development Information

<b>Development</b>	Continued use of stockyards
<b>Address</b>	5919 Gundagai Rd, Junee
<b>Lot/Sec/DP</b>	3/-/DP632741
<b>Council</b>	Junee Shire Council
<b>LEP</b>	Junee Local Environmental Plan 2012
<b>Land Zoning</b>	RU1 - Primary Production
<b>Other</b>	Groundwater Vulnerability, Saline Land, Biodiversity

## Client Information

<b>Name/s</b>	Adam Michael Hands + Saul Horatio Duck
<b>Mobile/s</b>	0437 326 317 ( <i>Adam</i> )
<b>Email/s</b>	adamhands12@gmail.com

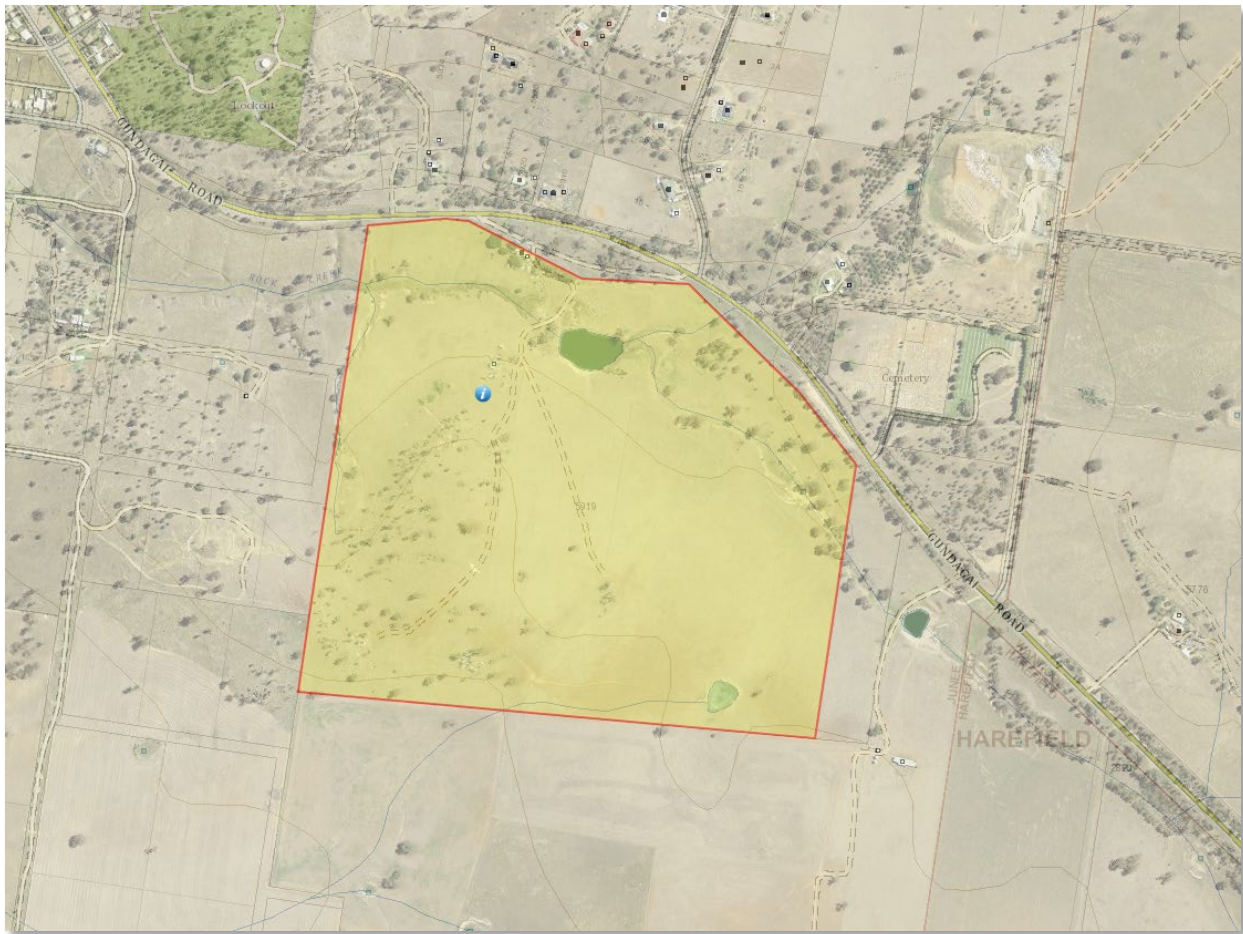
## 1. Executive Summary

A Statement of Environmental Effects (SEE) to accompany a Development Application (DA) seeking approval for the continued use of the existing stockyards located on the property 5919 Gundagai Road, Junee.

This SEE addresses the appropriate heads of consideration under the Environmental Planning and Assessment Act 1979. The SEE also details the manner in which the proposed development complies with the relevant state and local planning requirements including the Junee Local Environmental Plan 2012. It outlines any requested variations, which are appropriate. This statement identifies that the proposed development is a suitable outcome for the site and the locality, and accordingly approval of the development application is sought.

## 2. Subject Site

The subject land is identified as Lot 3 DP632741, 5919 Gundagai Rd, Junee and has a site area of 68.84ha. The lot is an irregular shape as demonstrated in the aerial image below (*source sixmaps*)

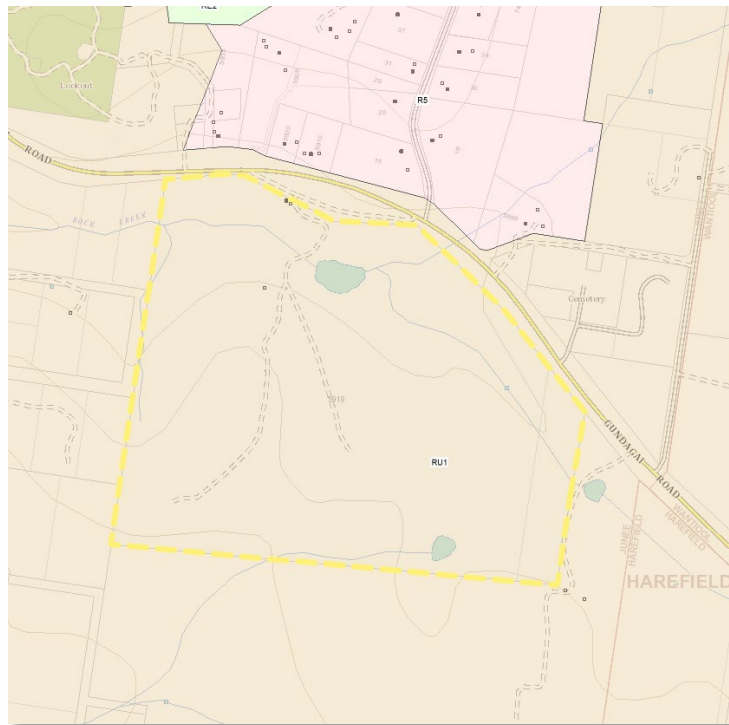


There is mid-high fall over the subject lot with some hills and valleys spread over its area. There was an existing residence on the lot that was destroyed by fire in the recent years and has since been demolished and cleared. The primary frontage faces Gundagai Rd and lot access is via a gravel service road. There is a large dam close to the property entry as seen in the above aerial image. The existing stockyards, subject of this SEE, are located just to the Northern side of this dam.



### 3. Surrounding Development

The surrounding land is zoned RU1 – Primary Production and are currently used for farming land based of an aerial desktop assessment. Across the Gundagai Rd to the North is mostly R5 large lot residential blocks with existing residences.



### 4. SEPP (Exempt and Complying Development Codes) 2008

The following details compliance/non-compliance as applicable for the development against the SEPP Subdivision 16A 'Stock holding yards not used for sale of stock'.

#### 2.32A Specified Development

#### SEPP:

- (1) The construction or installation of a farm building that is a stock holding yard that is not used for habitable purposes is development specified for this code if it—
  - (a) is constructed or installed on land in Zone RU1, RU2 or RU6, and
  - (b) is used for the purpose of the short-term storage or watering of stock, and
  - (c) does not include or comprise a stock and sale yard, and
  - (d) in the case of development that has a footprint greater than 200m<sup>2</sup>—is not carried out on unsewered land in the Sydney Drinking Water Catchment, if that development will result in a site disturbance area of more than 250m<sup>2</sup>, and
  - (e) is not constructed or installed on or in a heritage item or a draft heritage item or in an environmentally sensitive area.

#### Comment:

The proposed stock holding yards complies with the above requirements.

## 2.32B Development standards

### **SEPP:**

The following standards are specified for that development—

- (a) a stock holding yard—
  - (i) must be fenced around its perimeter, and
  - (ii) must not be roofed,
- (b) any fencing erected in or around the perimeter of the stock holding yard must not be higher than 4.5m above ground level (existing),
- (c) the development must be located at least 10m from any road boundary and at least 200m from any other boundary,
- (d) the development must be located at least 200m from any dwelling that is located on land on the opposite side of a road that separates the landholding on which the development is located and that other lot,
- (e) the development must be located at least 6m from any other farm building (including any farm building that is a grain silo or grain bunker) on the landholding or on an adjoining landholding,
- (f) the development must be located at least 100m from a waterbody (natural).

### **Comment:**

The development does not comply with this SEPP for the following reasons –

- The stockyards are constructed on the road boundary
- The stockyards are located closer than 200m from the closest dwelling (approx.. 160m)
- The stockyards are located approx. 50m from a natural waterbody – being Rock Creek which flows through the existing dam near the stockyards

### **Conclusion:**

The development does not meet the requirements for Exempt and Complying Development and therefore will need to be assessed by council on it's merits by means of a Development Application (DA)

## 5. Junee Local Environmental Plan 2012

### 5.1 Land Use Zoning

The subject site is zoned RU1 - Primary Production pursuant to Junee Local Environmental Plan (JLEP) 2012

### 5.2 Land Use Table and Zone Objectives

The objectives of the RU1 - Primary Production zone are:

#### 1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource 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 allow the development of processing, service and value adding industries related to primary production.
- To encourage tourist and visitor accommodation that does not have an adverse impact on agricultural activities.
- To allow for the development of non-agricultural land uses that are compatible with the character of the zone.

#### 2 Permitted without consent

Environmental protection works; Extensive agriculture; Forestry; Home-based child care; Home businesses; Home occupations; Intensive plant agriculture

#### 3 Permitted with consent

Agritourism; Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Cemeteries; Community facilities; Correctional centres; Crematoria; Depots; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Freight transport facilities; Helipads; Highway service centres; Home industries; Home occupations (sex services); Industrial training facilities; Information and education facilities; **Intensive livestock agriculture**; Jetties; Landscaping material supplies; Open cut mining; Plant nurseries; Recreation areas; Recreation facilities (major); Recreation facilities (outdoor); Research stations; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; Secondary dwellings; Timber yards; Veterinary hospitals; Water recreation structures; Water supply systems; Wharf or boating facilities

#### 4 Prohibited

Any development not specified in item 2 or 3

#### Comment:

There is no specific mentioning of stock yards within the LEP land use table for RU1 – Primary production, however, it can be interpreted as falling somewhat under the umbrella of '*intensive livestock agriculture*' and therefore should be permitted with consent. Although it should be mentioned that the stockyards are not currently used or intended for the use of "*keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed*" as '*intensive livestock agriculture*' is defined in the Junee Shire Development Control Plan 2021.

#### 5.18 Intensive livestock agriculture

- (1) The objectives of this clause are—
  - (a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and
  - (b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.
- (2) This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.
- (3) In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—
  - (a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,
  - (b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,
  - (c) the potential for the pollution of surface water and ground water,
  - (d) the potential for the degradation of soils,
  - (e) the measures proposed to mitigate any potential adverse impacts,
  - (f) the suitability of the site in the circumstances,
  - (g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,
  - (h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.
- (4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—
  - (a) the development is of a type specified in subclause (5), and
  - (b) the consent authority is satisfied that the development will not be located—
    - (i) in an environmentally sensitive area, or
    - (ii) within 100 metres of a natural watercourse, or
    - (iii) in a drinking water catchment, or
    - (iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or
    - (v) for a poultry farm used for breeding poultry—within 5km of another poultry farm, or
    - (vi) for a poultry farm not used for breeding poultry—
      - (A) within 5km of a poultry farm used for breeding poultry, or
      - (B) within 1km of a poultry farm not used for breeding poultry, or

- (vii) for a pig farm—within 3km of another pig farm.
- (5) The following types of development are specified for the purposes of subclause (4)—
- (a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,
  - (b) a goat feedlot having a capacity to accommodate fewer than 200 goats,
  - (c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,
  - (d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),
  - (e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,
  - (f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).
- (6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.

**Comments:**

The stockyards are built on existing RU1 – Primary Production land and are used intermittently as required for general stock handling purposes such as drenching + backlining etc. for stock health and wellbeing. The yards are also used for loading purposes for stock relocation and transportation to sale yards (elsewhere) by use of the loading ramp as pictured below. The stockyards are located on the property lot boundary closest to Gundagai Rd and approx. 8m from the existing dam and approx. 160m from the closest dwelling to the North over the Gundagai Rd. The larger farming operation that the subject land is part of totals 950acres and is used mainly for stock grazing purposes – stock transportation is therefore a necessity for the land owners as stock will need to moved or sold as required from the subject land as part of this larger farming operation.



Remax sales pictures showing extent of stockyards, proximity to boundary and Gundagai Rd

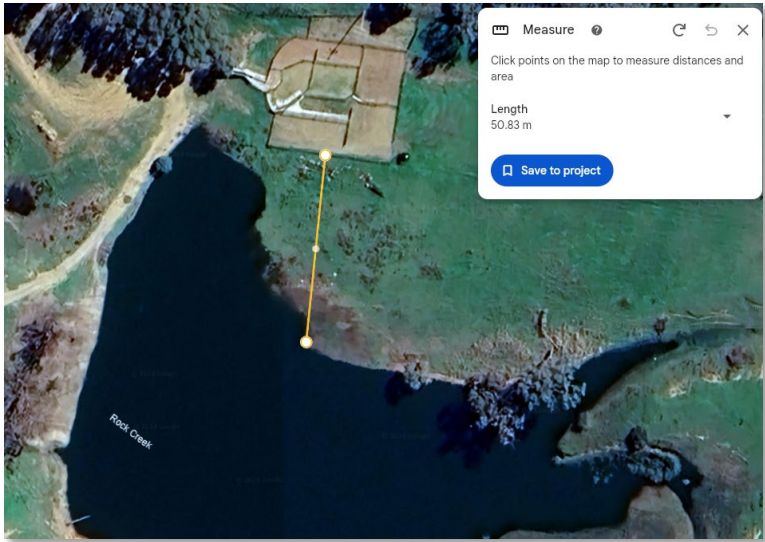




Aerial image from Google Earth showing the proximity of the stockyards to the existing dam (when full) – approx.. 8m. Part of the private dam is to be back filled and vegetated, with a retaining bank already in place holding the main dam area (see below images)



Image showing extent of proposed filled area and vegetation (select native trees)





Aerial image from Google Earth showing the proximity of the yards to the new bank + existing dam edge approx. 50m



Image showing the current retaining bank on site (large dam to left) – stockyards to the top right of image. The small dam to the right will be back filled and vegetated.



Image showing the current retaining bank on site (large dam to right) – stockyards to the rear of image.



Aerial image from Google Earth showing the proximity of the stockyards to closest existing dwelling – approx. 158m

In reference to the Junee Shire LEP, the main concerning impacts of the existing stockyards that need to be addressed include:

- Odour
- Noise
- Traffic movements (trucks entering/exiting property)
- Erosion/soil disturbance

The proposed continued use of the existing stockyards should be considered by JSC on the basis that the property owners abide by the following restrictions on use and implement the following proposed points:

- The stockyards will only be used within the time window of between 7am-7pm, unless there is an emergency requirement for stock treatment/animal welfare outside of this window.
- The stockyards are to be used a maximum of 3 x per month for stock work and loading purposes between the start of June until the end of February. From the beginning of March to the end of May, the property will be sown down for grazing crops and will not be entirely stocked, therefore minimal use of the stockyards will be required within this time window – approx. 1 x per month. This will greatly reduce the risk of odour, noise and traffic movements.
- The existing large dam has been retained as per images above increasing the separation between the stockyards and the natural waterbody that flows through this dam (Rock Creek) to approx. 50m. The existing smaller dam that has been cut off is proposed to be back filled and vegetated naturally with groundcover + additional select native tree plantings. This will provide adequate separation between the stockyards and the existing natural waterbody and reduce (as much as possible) the risks of erosion and run-off into any existing waterways or waterbodies.
- The stockyards are to not be used for “intensive livestock agriculture” such as feed lotting/stock storage
- The stockyards are to be used only for the purposes of either animal health treatments (drenching or the like) or stock loading/relocation purposes.
- Only heavy ridged trucks with stock crates are to be used for stock transportation to and from the stockyards. No semi-trailer or B-double trucks are to be used.

## 6. Conclusion

The Development Application (DA) seeks consent for the proposed continued use of the existing stockyards located at the subject site of 5919 Gundagai Road, Junee.

The proposed development warrants continued use approval by council on a merits-based assessment.