

<b>JRPP NO:</b>	<b>2010HCC023</b>
<b>DEVELOPMENT APPLICATION NO:</b>	<b>39042/2010 PART 1</b>
<b>APPLICANT:</b>	<b>ACONSULT</b>
<b>PROPOSED:</b>	<b>PROPOSED: DESIGNATED DEVELOPMENT - EXPANSION OF EXISTING POULTRY FARM (JRPP) ON LOT: 1 DP: 431908, 1450 PEATS RIDGE ROAD PEATS RIDGE</b>
<b>DIRECTORATE:</b>	<b>ENVIRONMENT AND PLANNING</b>
<b>BUSINESS UNIT:</b>	<b>DEVELOPMENT</b>

## **Assessment Report and Recommendation**

*The following item is defined as a planning matter pursuant to the Local Government Act, 1993 & Environmental Planning & Assessment Act, 1979.*

### **EXECUTIVE SUMMARY**

#### **Reason for Referral to Joint Regional Planning Panel (JRPP)**

Designated Development is regional development, pursuant to Part 3 Division 2 Clause 13B of State Environmental Planning Policy (Major Developments) 2005.

#### **Assessing Officer**

D Spithill

#### **Reviewing By**

Acting Independent Development & Environment Panel (IDEP)  
Director Environment and Planning  
General Manager

#### **Date Application Received**

13/07/2010

#### **Proposal**

Expansion of existing poultry farm (JRPP)  
The proposed development is classified as designated development under Schedule 3 of the Environmental Planning and Assessment Regulations 2000.

#### **Zone**

Part 1(a) Rural (Agriculture) / Part 1(b) Rural (Highway Protection) - IDO 122

#### **Area**

121400m<sup>2</sup> or 12.14 hectares

#### **City Vision 2025**

Although not a statutory Plan, the proposal is consistent with the City Vision.

## **Public Submissions**

One (1) submission (objection)

Petition 10 signatures in support

Four (4) Late submissions (objections) received after close of advertising.

## **Pre-DA Meeting**

A Pre-DA Meeting was not held

## **Political Donations**

None declared.

## **Relevant Statutory Provisions**

- 1 Environmental Planning & Assessment Act, 1979 – Section 29 and 79C
- 2 Local Government Act 1993 – Section 89
- 3 Interim Development Order No 122
- 4 State Environmental Planning Policy No 55 – Remediation of Land
- 5 State Environmental Planning Policy (Major Developments) 2005
- 6 State Environmental Planning Policy No. 33. – Hazardous and Offensive Development
- 7 Sydney Regional Environmental Plan No. 8 – Central Coast Plateau Areas
- 8 Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River 1997
- 9 Water Management Act 2000
- 10 Protection of the Environment Operations Act 1997

## **Key Issues**

1. Site Location / Proposed Development / Tunnel Ventilation
2. Designated Development Provisions / Justification for Proposal
3. Statutory Planning Framework / Relevant Environmental Planning Instruments
4. Relevant Provisions IDO 122 (permissibility, objectives of zone, character)
5. Draft LEP
6. Environmental Impacts (Noise, Air Quality – Dust and Odour, Flora and Fauna / Mitigation Measures / Assessment Comments)
7. Visual Impact / Lighting
8. Traffic and Transport
9. Waste and Bird Disposal / Biosecurity
10. Water Supply and Licensing
11. Water Supply Catchment
12. Stormwater Management
13. Pests / Chemical Storage
14. Climate Change Sea Level Rise
15. Environmental Monitoring and Management
16. Government Referrals - Comments
17. Public Submissions

## **Recommendation**

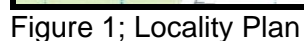
Approval

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## **REPORT**

The existing poultry farm has operated on-site for several decades and there is no recent development consent history for the site.

Consent is sought for the expansion of the existing poultry farm located at LOT: 1 DP: 431908 No 1450 Peats Ridge Road Peats Ridge. The subject land is zoned 1(a) Rural (Agriculture) and Part 1(b) Rural (Highway Protection) under Interim Development Order No 122 and has an area of 12.14 hectares. Refer locality plan Figure 1 and aerial photograph Figure 2 below:



The subject site presently contains a brick dwelling house occupied by the owners and operators of the poultry farm located towards the western or rear portion of the site, an outbuilding and three (3) existing naturally ventilated poultry sheds (90m long x 12m wide x 3m high) which run in an east to west axis. A licensed dam (approx 7 megalitre capacity) is located to the immediate south of the proposed mechanically ventilated sheds. Vehicle access to the site is directly from Peats Ridge Road via an existing driveway. Several existing dwellings are located in close proximity to the site. The site generally tends to fall in a southerly direction towards the existing dam at gradients of around 5%.



Figure 2: Aerial photograph and dwelling locations

### Proposed Development

The existing poultry farm comprises three naturally ventilated poultry sheds. It is proposed to expand the business operations by decommissioning one of the existing sheds and using the material to extend the remaining two existing sheds by approximately 33 metres. The two extended sheds will remain naturally ventilated. The proposal also seeks to construct three new tunnel (mechanically) ventilated sheds with dimensions of approximately 137m in length x 14m in width x 3m in height on a cleared portion of the site to the south of those existing. The development proposes five poultry sheds in total.

The proposal also includes:

- a concrete platform within the curtilage of the existing sheds to support feed silos, located to the west of proposed sheds 4 & 5 with dimensions of approximately 4m width x 20m length, running in a generally north-south orientation. This platform has the capacity to support anywhere between 170-180 tonnes of feed which would be achieved by placement of between 5 - 6 x thirty (30) tonne feed silos.
- Mitigation measures for dust and odour comprising earthen berms, fence and landscape plantings.
- Upgrading works to the existing vehicle access road with a suitable platform of compacted road base which will be extended along the western end of both the extended sheds 1 & 2, and proposed sheds 3, 4 & 5.

The existing three poultry sheds currently processes 55,080 birds per batch or approximately 297,400 birds per year. The expansion of the poultry operation will result in production numbers up to (159,367) 160,000 birds per batch or 865,363 per year based on 5.43 batches p/a. These figures are based upon the nominated stocking density rate of 19 birds/m<sup>2</sup> for tunnel ventilation sheds and 15 birds/m<sup>2</sup> for natural ventilation sheds and calculated floor space of the proposed sheds, as indicated in the EIS (p10).

The proposed development is not greater than the 250,000 bird threshold specified in the Protection of the Environment Operations Act (1997) and subsequently does not need to be licensed. In this regard, the proposal will have a maximum capacity of 109,326 birds within the new tunnel ventilated sheds and a maximum capacity of 50,041 birds within the expanded

natural ventilated sheds at any one time. The application will be conditioned to limit the number of birds to reflect the stocking density rates and water consumption requirements calculated by the consultant. **(Refer Condition No. 6.1).**

## **Tunnel Ventilation**

Shed ventilation requirements increase with ambient temperature profiles. In order to reduce the difference between the shed temperature and ambient temperature side curtains are opened in naturally ventilated sheds. The same effect is achieved in the tunnel ventilated shed by increasing the number of active fans and opened vents. It is well reported that shed odour emission rates increase with ventilation rates and therefore with ambient temperature.

Tunnel ventilation is achieved through large fans at one end of the shed which results in a controlled consistent flow of air through the shed. As such ventilation rates are significantly more accurately controlled in tunnel sheds. This type of poultry shed generally results in less environmental impact than the traditional natural ventilated shed.

## **Assessment**

This application has been assessed using the heads of consideration specified under Section 79C of the Environmental Planning & Assessment Act 1979, Council policies and adopted Management Plans. The assessment supports approval of the application and has identified the following key issues which are elaborated upon for Council's information.

## **Statutory Planning Framework**

### **Environmental Planning and Assessment Act 1979 - Designated Development Provisions**

Clause 21 (4) of the Regulations classifies the following commercial poultry farms as designated development:

#### *21 Livestock intensive industries*

- (4) Poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers or breeders and whether as free range or shedded birds:*
  - (a) that accommodate more than 250,000 birds, or*
  - (b) that are located:*
    - (i) within 100 metres of a natural waterbody or wetland, or*
    - (ii) within a drinking water catchment, or*
    - (iii) within 500 metres of another poultry farm, or*
    - (iv) within 500 metres of a residential zone or 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

The proposal is a livestock intensive industry, being a poultry farm for the commercial production of birds which accommodates less than 250,000 birds. However the farm is located within a drinking water catchment (i.e. Mooney Mooney Water Supply Catchment Area) and is within 150 metres of dwellings not associated with the development which are likely to experience amenity impacts. *Refer Figures 2 and 5 (aerial photograph for dwelling locations) and Figure 3 (water catchment area) below:*



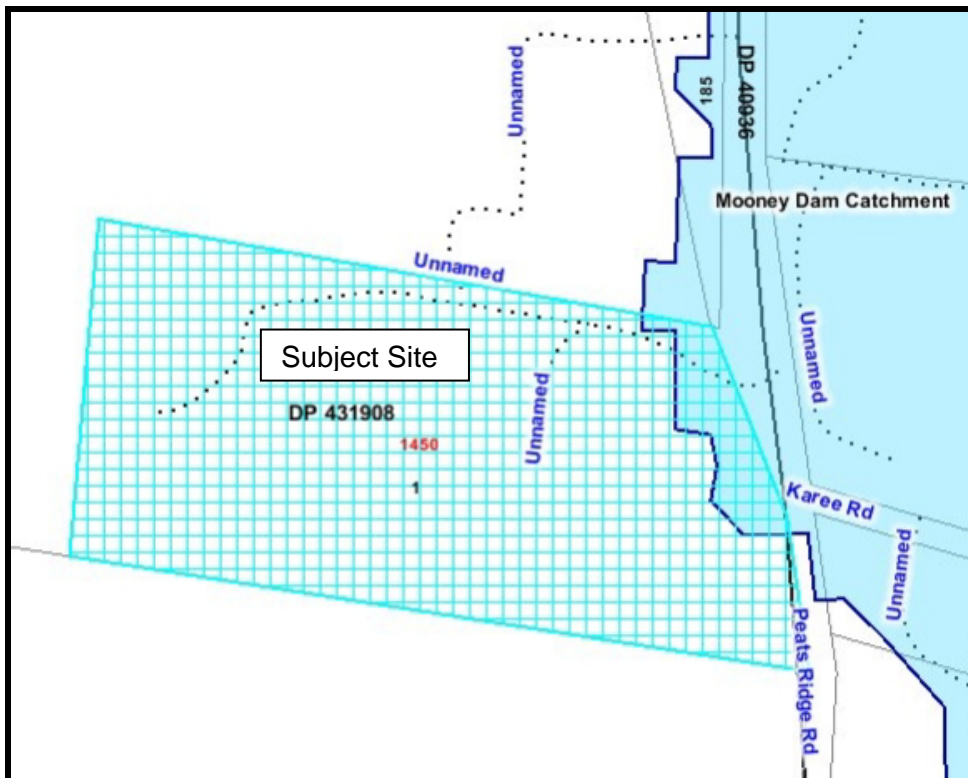


Figure 3 – Drinking Water Supply Catchment (shaded blue)

The proposal is not considered to fall within Clause 35 of the Regulation which relates to alterations or additions which do not significantly increase the environmental impacts of the total development, having regard to the factors for consideration under Clause 36, increase in the number of sheds and threefold increase in the number of birds.

Accordingly, the proposal is classified as designated development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulation 2000 and an Environmental Impact Statement relating to the proposed has been prepared by the proponent in accordance with the Director-General's Requirements and related provisions of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*. The Environmental Impact Statement includes information provided by L. Fitzpatrick of Aconsult, specialist sub-consultants and relevant government agencies.

The EIS has considered alternatives to the proposed development and has provided adequate justification for the proposed works.

### Justification for the Proposal

The applicant states that the proposed development is required to enable the owners of the subject site to increase the production capacity of an existing poultry farming facility to ensure that their business can continue to assist in fulfilling the immediate and projected long term demand for Australian chicken meat products within the domestic and export meat markets utilizing existing improvements set upon the subject site, as well as the proposed three (3) new tunnel ventilated poultry sheds. Contractual growing requirements enforced by the chicken integrator (Cordina Chicken Farms Pty Ltd) requires the owners to ensure that all new sheds being built in the broiler industry are tunnel ventilated.

The EIS has considered biophysical, economic, social, planning and agricultural issues to provide adequate justification for the proposal. In this regard, environmental impacts are minimised to acceptable levels through the application of appropriate development controls, mitigation strategies and environmental safeguards.

It is considered that the proposed development is an appropriate use for land zoned for agricultural purposes.

### **Protection of the Environment Operations Act 1997**

The proposed development is not considered a scheduled activity under the *Protection of the Environment Operations Act, 1997*. As it is proposed to accommodate less than 250,000 birds at any one time for commercial purposes, a licence is not required from the Department of Environment, Climate Change and Water.

### **Relevant Environmental Planning Instruments**

A number of State Environmental Planning Policies and Sydney Regional Environmental Plans are relevant to the proposed poultry farm as follows:

#### **State Environmental Planning Policy (Major Developments) 2005**

The proposal is regional development under Part 3 Division 2 Clause 13B (1)(e) of *State Environmental Planning Policy (Major Developments) 2005* which applies to designated development.

#### **State Environmental Planning Policy SEPP 33 – Hazardous and Offensive Development**

SEPP No 33 has the primary aim of ensuring the consent authority has sufficient information to assess whether a proposal represents hazardous or offensive development. Under the SEPP a *potentially offensive industry* means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment.

The proposal has potential to have an adverse impact on the amenity of nearby residents in terms of noise, odour and dust emissions. The EIS provides sufficient information to address relevant matters for consideration under Clause 13 of the SEPP and stipulates mitigation measures and best management practices to ensure that the level of offence is generally within acceptable limits. The proposal does not require an Environmental Protection Licence (EPL) from DECC&W and consequently the proposed development does not constitute an offensive development.

The proposed development does not constitute “potentially hazardous development” and as such a preliminary hazard analysis (POHA) is not required.

#### **State Environmental Planning Policy No 55 – Remediation of Land**

SEPP No 55 – Remediation of land aims to promote the remediation of contaminated lands for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The EIS does not address or identify any areas of potential chemical contamination.

#### **Sydney Regional Environmental Plan No. 8 – Central Coast Plateau Areas**

The subject site has been mapped as containing prime agricultural land and is affected by the provisions of the *Sydney Regional Environmental Plan (SREP) No. 8 – Central Coast Plateau Areas*. The SREP affects all Rural 1(a) zoned land within the plateau areas of the Gosford City area.

The general aims of this plan are:

- to provide for the environmental protection of the Central Coast plateau areas and to provide a basis for evaluating competing land uses,
- to encourage the use of land having a high agricultural capability for that purpose and, as much as possible, to direct development for non-agricultural purposes to land of lesser agricultural capability,
- to protect regionally significant mining resources and extractive materials from sterilization,
- to enable development for the purposes of extractive industries in specified locations,
- to protect the natural ecosystems of the region, and
- to maintain opportunities for wildlife movement across the region, and

The proposal is considered to be consistent with the objectives and clause 6 of SREP No 8. In this regard, the site is well suited for the proposed use for poultry meat production in accordance with the land capability of the site, makes use of existing services and farm infrastructure, does not impact on mining resources or wildlife movement and will not adversely impact on the natural environment. The impact on the residential amenity of surrounding residents and competing land uses is considered to be within acceptable limits, subject to the implementation of appropriate environmental controls and mitigation measures to limit noise, dust and odour emissions. The expansion of poultry farming is a positive development for the Central Coast plateau and strengthens the support for maintaining agriculture in the region.

### **Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River 1997**

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Part 2 Clauses 5 and 6 of the SREP contains general planning considerations, specific planning policies and recommended strategies associated with the following:

- Total catchment management
- Environmentally sensitive areas
- Water quality and quantity
- Cultural heritage
- Flora and fauna
- Riverine scenic quality
- Agriculture/aquaculture and fishing
- Rural residential development
- Urban development
- Recreation and tourism
- Metropolitan strategy

The proposal will be located on previously disturbed and cleared areas of the site and will not have any significant impact or cumulative environmental impact on the catchment and water quality and quantity, environmentally sensitive areas and air quality subject to the implementation of appropriate environmental controls and effective management of the poultry operations.

The SREP states that rural residential development should not reduce agricultural sustainability and gives priority to agricultural production in rural zones. Generally, appropriate separation between rural residential use and agricultural use on the land that is proposed for development should be maintained. In this instance, several houses are located within relatively close



proximity to the existing poultry farm. Nevertheless the proposal seeks to mitigate adverse impacts (noise, dust and odour) on nearby residents with the construction of noise reduction mounds and vegetation to capture dust.

The suitability of the land for keeping livestock, whether or not for commercial purposes, and appropriate mitigating measures to prevent land degradation as well as any adverse environmental impacts of infrastructure associated with the development concerned have been considered and adequately addressed in the EIS as discussed in the proceeding sections of the report.

## Relevant Provisions Interim Development Order (IDO) 122

### Permissibility

The subject site has a split zoning being Part 1(a) Rural (Agriculture) and Part 1(b) Rural (Highway Protection) pursuant to Interim Development Order No. 122. Intensive agriculture is permissible with consent in both the 1(a) Rural (Agriculture) and 1(b) Rural (Highway Protection) zones. *Refer Figure 4: Zone Map below:*

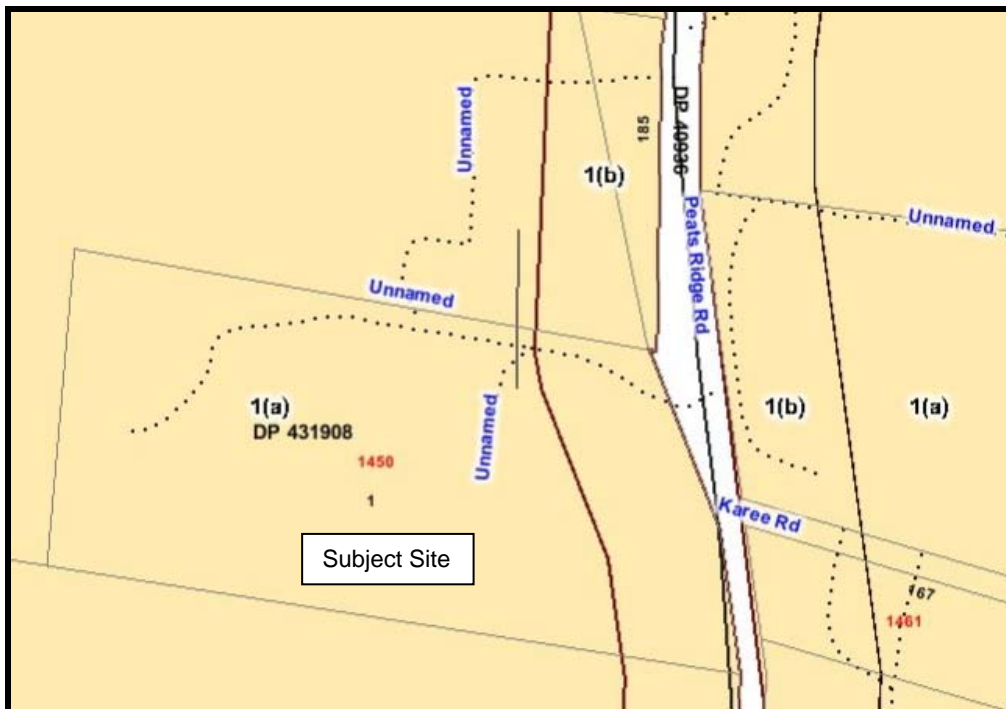


Figure 4: Zone Map

### Objectives of Zone

Clause 5(3) of Interim Development Order No 122 stipulates that consent must not be granted for development of land within the prescribed zone, unless the objectives of the zone have been taken into consideration in conjunction with the objectives of the Local Government Act 1993, pertaining to Ecologically Sustainable Development.

The stated objectives of the 1(a) Rural (Agriculture) zone are:

- (a) to identify and provide suitable land for agricultural use;
- (b) to protect the agricultural potential of land identified as suitable for agricultural use;
- (c) to prevent the fragmentation of prime agricultural land;
- (d) to enable uses which are complementary to, and compatible with, the use of land for agriculture;
- (e) to protect the rural landscape quality of the area; and

- (f) *to protect water catchments, water quality, soil conditions, and important ecosystems such as streams, estuaries, and wetlands, from inappropriate development and land management practices.*

In this instance, it is considered that the proposal is consistent with the stated objectives of the 1(a) Rural (Agriculture) / Part 1(b) Rural (Highway Protection) zones as well as being consistent with the principles of Ecologically Sustainable Development, as specified within the Local Government Act 1993.

### **Character**

Clause 5(4) of Interim Development Order No 122 stipulates that the Council must not grant consent for development unless it has taken into consideration the character of the development site and the surrounding area, where, for the purpose of this provision, character means the qualities that distinguish each area and the individual properties located within that area.

In this instance, the proposal does not detract from the character of the immediate locality.

### **Draft LEP**

Under Council's current Draft Local Environmental Plan the subject site is proposed to be zoned RU1 Primary Production; a consistent zoning to the existing. The application has been assessed under the provisions of Draft Gosford Local Environmental Plan 2009 in respect to zoning, development standards and special provisions. The assessment concluded the proposal is consistent with the Draft Plan.

### **Request for Additional Information**

The applicant was requested to provide additional information in relation to proposed earth mounds, fencing, landscaping and drainage treatment. A detailed landscape plan and revised stormwater management plan was submitted by the applicant on 15 October 2010 to address such concerns. Further information/clarification was also requested by Council in relation to the odour noise and dust assessments which was submitted by the applicant on 20 December 2010 and treatment of dam surface water (used to collect surface runoff) for poultry drinking water submitted by applicant on 14.2.2011 and 23.02.2011.

### **Environmental Impact Assessment**

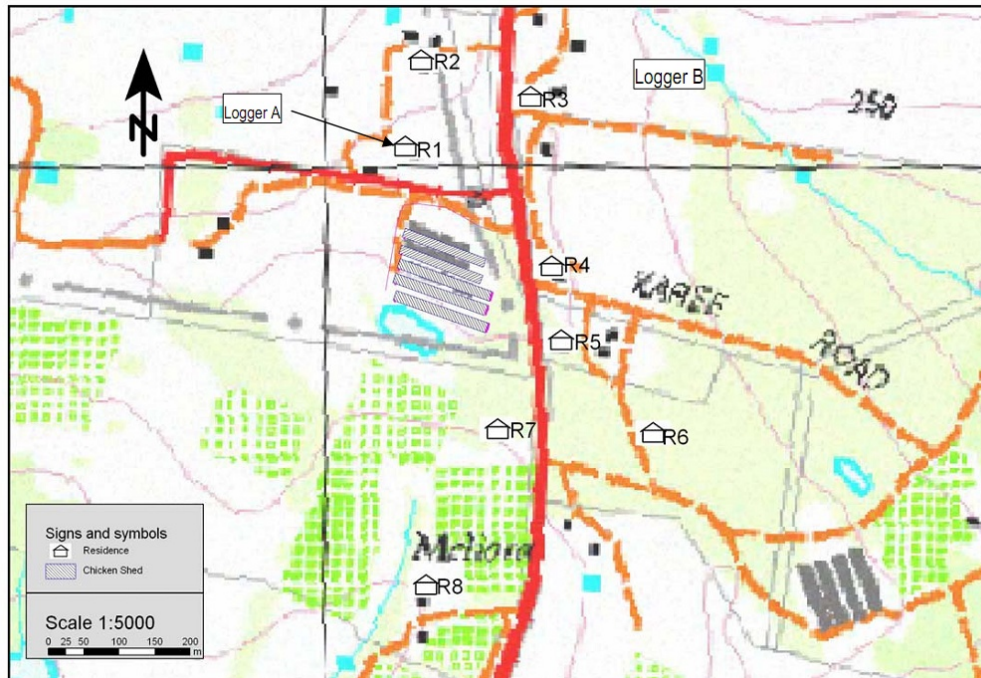
The proposal has potential to generate adverse environmental impacts during establishment and operation of the facility. The principal potential impacts associated with poultry farming are odour, noise, dust, visual presentation, heavy vehicle road use and storm water disposal. Several submissions have been received from nearby residents who have objected to the proposal on the basis of amenity impacts and are discussed elsewhere in the report.

The application is accompanied by environmental studies concerning noise, odour and dust conducted by Benbow Environmental. The EIS concludes under prevailing standards of farm management, no levels of undesirable impact of any significance will result from this proposal, subject to certain environmental safeguards and mitigation strategies recommended to address noise, odour and dust impacts as discussed in the report.

### **Noise Impact**

The EIS advises minor increases in heavy vehicle road traffic, proportional to the increase in farm size, can be expected and occasional short duration low-level daytime noise due to feed delivery which is considered a normal part of poultry farm operations. However, night time pickup noise can potentially impact upon nearby residents surrounding poultry farms.

The *Noise Impact Assessment* report, prepared by Benbow Environmental considers the potential noise impact associated with the proposed extension of two out of the three existing poultry sheds and the introduction of three new tunnel ventilated poultry sheds on-site. Identification of the nearest potentially affected residential receivers (500m radius from the poultry sheds) has been considered in formulating the *Noise Impact Assessment* with the closest approximate distance of the sheds to those sensitive receivers being 100m. Refer **Figure 5**.



**Figure 5: Site locality with proposed site, receptors and monitoring locations.**  
(Source: *Noise Impact Assessment*, Benbow Environmental, October 2009)

Applying relevant noise criteria under the *Industrial Noise Policy*, full compliance under all scenarios is not achieved and accordingly, noise controls are recommended as detailed in section 4.6 of the report to mitigate such impacts. Such controls include the provision of a substantial revegetation of native tree and shrub species generally along the northern and eastern boundary adjoining the poultry sheds and vehicular access point and the provision of earth berms or fencing, 4 to 5 metres high, at various locations.

The report concludes that the proposal will comply for the vast majority of the time at the majority of nearby residences as long as suitable noise controls are implemented as detailed in the report.

#### **Noise Mitigation Measures:**

- A 4m high berm or fence close to the eastern ends of the sheds and extending several metres past the edge of the sheds to reduce the noise levels of the fans at sensitive receptors R4 & R5 in particular;
- A 5m high berm or fence from the western ends of the northern most shed to the access road as close to the property boundary as possible to reduce the noise levels of trucks on the access road at R4 & R5, in particular; and
- A 4m high berm along the northern edge of the access road to reduce noise levels of trucks on the access road for R1 & R2.

(Refer Condition No. 4.20)

**Comments - Council's Environment Officer:**

*“Four operating scenarios were established for the noise assessment model. Compliance was not achieved for three of the four scenarios. As a result noise controls were recommended. In implementing the noise controls, two non-compliances to the sleep disturbance criterion were identified for residence (R3 and R4).*

*As a result additional information was provided by Benbow Environmental. This information has been accepted in good faith and recommendations have been included as conditions of consent.”*

## **Traffic Noise**

There are 67 trucks accessing the site throughout the 8 week growing cycle. The traffic report advises that the volume of traffic is unlikely to increase traffic noise levels. The chicken pick up occurs during the night (i.e. Week 6 to 8, 8.30pm to 4.00am). Night-time pickup of birds is preferred by the industry for bird welfare and product quality reasons. However, residents are much more sensitive to noise at night when background noise levels are lower in the evening.

The report identifies two non-compliances consistent with sleep disturbance criteria. These occur during the bird pick up phase of the operation at sensitive receptors R3 and R4. The existing noise levels, due to existing road traffic, are currently higher than the non-compliance modelled. Noise off site cannot be controlled and is of short duration as the truck enters and leaves the driveway and the report advises that truck movements are unlikely to cause sleep disturbance. Best management practices and mitigation measures will continue to be implemented within the site to minimize and manage any potential issues arising from traffic movements as detailed in the EIS.

The application will be conditioned requiring: noise levels generated by the farm operations, associated activities including vehicle movements within the site shall comply with the NSW Industrial Noise Policy (NSW EPA 2000). Noise from vehicles on public roads to comply with the Environmental Criteria for Road Traffic Noise (NSW EPA 1999). Feed deliveries and other truck movements (apart from bird pick up where necessary) shall not take place outside daylight hours, except in emergencies.

**(Refer Condition Nos. 6.3 to 6.5)**

## **Air Quality – Dust and Odour**

The proposal has potential to increase dust and odour levels associated with the extended poultry sheds and associated ventilation units, including the increase in bird numbers that would become additional odour sources. The three (3) new sheds will be tunnel ventilated with the banks of fans located at the eastern ends of the sheds directing and expelling air towards Peats Ridge Road.

The application is accompanied by Odour and Dust Impact Assessment reports prepared by Assessment Benbow Environmental dated 20 October 2009 which assesses the potential odour and dust impacts associated with the proposal at the nearest potentially affected receivers.

### Odour

The odour impact assessment report advises that the results of the odour modelling are high for the nearest residence based on NSW DECC odour impact assessment criteria with non compliance recorded at the location of R4 and R5. The EIS contends that: *“in the case of this farm, it is located in an area traditionally used for agricultural purposes where numerous sources of odour can be expected., With a range of agricultural odours being present, it is likely and reasonable to expect that local residents are accustomed to odour and accept it as being part of living in an agricultural area.”* The EIS has detailed a range of actions that the poultry farm operator is able to undertake to reduce the potential for unnecessary odour events and longer term measures to provide for a reduction in the level of odours being emitted from the

farm boundaries. Such actions include implementations of an environmental management plan, use of vegetation screening and improvements to the dispersion of odour. Implementation of the proposed control scheme would reduce the potential impact that may result from the current operations, and thus ensuring compliance of the proposed development with the DECC guidelines.

#### Odour Mitigation Measures:

- An earth berm with a soil height of 2m and heavily vegetated with trees of four shrubs deep (Landscape plan includes Bay trees and Leylands cypress 10m H@M). to filter dust emitted from the tunnel shed fans is required around the eastern side of the sheds and extended around the side of proposed shed 5 so that air emissions are able to be effectively filtered and dispersed upwards, where more convective mixing will take place.
- shade cloth temporary screening is to be provided along the earthen berm for shed 3 through to shed 5 on a temporary basis as vegetation will require several years to achieve the preferred height of 6m above the earthen berm and a density equivalent to a row of four shrubs deep.

The application will be conditioned to provide and implement the mitigation measures outlined in the EIS to achieve compliance with the requirements of the PoEO Act (Sections 124,125,126 and 128, 129).

**(Refer Condition Nos. 4.13, 4.22, 6.18 to 6.20)**

Council's Environment Officer has advised that:

*"It was modelled that two residences would be impacted upon by the proposed development. Therefore an odour control scheme was recommended requiring an earth-berm with a soil height of 2m that is heavily vegetated. It is expected that as particle emissions decrease, the odour level would also decrease. The Consultant considers that the odour control scheme will reduce ground level odour by 10 - 40%. The results obtained with the CALPUFF dispersion model indicate that odour can satisfy reasonable levels of odour at non-farm residences.*

*Additional information was provided by the Benbow Environmental to address issues raised in the environmental assessment memo dated 18 January 2011. The additional information has been noted and accepted in good faith."*

#### Dust

The dust impact assessment has considered the dust impacts associated with the proposal at the nearest potentially affected receivers in accordance with the DECC guidelines. The proposed dust emission sources resulting from the proposed operations have been identified as:

- litter contained within each poultry shed ( released via the tunnel exhaust fans)
- unloading of feed into silos;
- vehicle movements along unsealed roads located on the site;
- removal of poultry manure from sheds; and
- loading of birds into ( and out of) sheds.

The standard operations of the tunnel ventilation fans were deemed to have the highest potential to generate excessive particle plumes that could potentially be carried past the boundaries of the site.

Exceedences were initially found in the dispersion modelling AUSPLUME in the dust assessment using synthetic meteorological data generated by TAPM, however management and mitigation measures (based upon industry experience by the consultant) to minimise dust impacts from the proposed development shall be implemented to achieve acceptable levels. Such measures include the provision of earth berms separating the sheds from the main roads and residences to the eastern end. Vegetation lining would be planted on top of the earth

mounds to capture the fine particles migrating to the east direction to some extent vehicle speeds would be limited.

Dust Mitigation Measures:

- Site inspection and maintenance program, including on-going housekeeping activities, will be maintained to ensure that the facility is kept as clean as possible;
- Plant and equipment will be regularly inspected and maintained to ensure optimal operating condition;
- Stock piling of litter/spent litter will not occur on-site in order to minimize dust and odour generated from activities on-site.
- No long term stockpiling or disposal of waste products on-site;
- Periodic watering of unsealed roadways is able to undertaken to reduce dust emissions when necessary;
- Livestock transportation vehicles will be maintained in a clean and sanitary condition;
- Earthen mounds will be constructed along the eastern ends of the sheds and extensive trees planted in accordance with the recommendations of Benbow Environmental's report in addressing dust and odour impacts and supplementary report "Outline of Planting Development Engineered Vegetation Barriers" and Landscape Plans, prepared by Precinct Landscapes, Landscape Architects Ref: 2164-1 dated 12.10.2010
- Site landscaping, particularly the perimeter screen plantings, will be maintained and enhanced.
- A 10km/h speed limit would be imposed for any vehicular access on site to minimise any roadway dust emissions that are generated on site.

**(Refer Condition Nos. 6.21 and 4.13)**

**Comments - Council's Environmental Health Surveyor Education & Compliance**

Council's Environmental; Health surveyor has reviewed the subject application and the associated sub consultant reports and has raised **no objections** to the proposal subject to compliance with conditions of consent.

**Flora and Fauna**

Council's Environment Officer has advised that:

*"The south-eastern corner of the site has been mapped by Bell (2009) as containing an Endangered Ecological Community, Duffy's Forest. A flora and fauna survey has not been submitted with the development application.*

*Notwithstanding this, it was identified during the site inspection that a small portion of vegetation has been removed and fill placed in anticipation of the new poultry sheds. Aerial records (2010) show that the area has been modified when comparing the 2005 aerial photographs (See Figure One & Two). Whilst this is a compliance issue, a condition of consent has been recommended requiring the preparation of a vegetation management plan for the south-eastern corner of the site.*

*The proposed development will not result in a significant impact upon endangered ecological communities, threatened species, populations or their habitat.*





Figure One - Aerial Photograph (2010) HN 1450 Peats Ridge Road, Peats Ridge



Figure Two - Aerial Photograph (2005) HN 1450 Peats Ridge Road, Peats Ridge

## Visual Impact

Chicken sheds and supporting farm infrastructure can be visual intrusions on the landscape. The appearance of the property, including the scale, colour and reflectivity of buildings and the visibility of machinery and access roads can affect how the proposal intrudes on local vistas.

Development Control Plan No. 89 aims to provide more detail with regard to the interpretation of management of the scenic quality of Gosford. The DCP provides a policy document for scenic management of various landscape and geographic units. The suburb of Peats Ridge is identified as being located within the "Plateau" geographic unit and Peats Ridge landscape unit. Distinctive features in the agricultural areas are wind row tree plantings, citrus plantation, natural forest verges and remnant native forest stands. In the agricultural areas, the present conversion of properties from one rural character to another does not have substantial scenic impacts other than increasing densities.

In this instance, the site is secluded from public view with the aid of existing stand of trees along the site boundaries. Proposed landscaping, earth mounds and vegetated screening will soften the visual impact of farm sheds from roads, public areas and nearby residences. The application will be conditioned requiring the proposed elevated colourbond fencing above earth berms to be finished in green colour or environmental hue to blend with the natural vegetation.

**(Refer Condition No.5.8)**

As such, the proposal will not have a significant adverse scenic impact on the existing rural character of the locality.

## Lighting

The movement of vehicles and the lighting design of the farm should be designed to minimise any light impact on the amenity of nearby neighbours access points and roads will be shielded

The application will be conditioned requiring that sheds lit at night or lighting required for night collection (including stray lighting from truck headlights) shall be screened by the use of fences, earthen mounds and vegetated buffers from adjoining residences. Lights used to illuminate the site for security and bird pick up shall be angled or shielded so that they do not directly illuminate any nearby sensitive land use.

The proposal is considered to have an acceptable lighting impact subject to compliance with conditions of consent.

**(Refer Condition No. 6.7 and 6.8)**

### **Traffic and Transport**

Peats Ridge Road provides the main vehicle access route and is a 100kph, two lane, two way sub arterial road which connects the Sydney to Newcastle freeway. Vehicular access to the subject site will continue via that existing internal driveway (access track) which leads from the subject sites intersection with Peats Ridge Road generally just to the north east of Shed No. 1. The internal access road will be upgraded with a suitable platform of compacted road base and extended along the western end of both the extended sheds 1 & 2, and proposed sheds 3, 4 & 5. This access road will provide suitable manoeuvring areas for loading and unloading of birds on-site, access for service/maintenance vehicles and general access to the active poultry farming areas on-site. The largest vehicle to be accommodated on-site is typically a 19m semi-trailer with sufficient turning area provided within the site to facilitate turning movements as required.

**(Refer Condition Nos 4.27 and 4.28)**

The application is accompanied by a *Traffic Impact Assessment*, prepared by Cardno Eppell Olsen in accordance with the Director-General's Requirements. The proposed development will increase the number of heavy vehicles visiting the site from around 30 vehicles (over 8 week period/production cycle) to 67 vehicles of the proposed number of trucks accessing the site, 37 are associated with nightly chicken pick-up (8.00pm to 4.00am) which takes place in the final three weeks of the production cycle (Weeks 6 to 8). The report advises that:

- It is expected that there will be no traffic impacts or parking issues in relation to the construction phase of the poultry farm expansion due to the minimal increase in traffic;
- The traffic generation of the proposed expansion is estimated at three times the existing number and is forecast to generate an additional 42 trips (worst case scenario) with the addition of this traffic the resultant intersection performance will continue to be satisfactory;
- Ample parking is provided on site; and
- Swept path analyses have been carried out with a 19m semi articulated vehicle manoeuvring within the development site with no issues for vehicle ingress and egress in a forward manner.

As such, the proposed development will not create any adverse traffic and parking impacts on the surrounding road network.

#### Traffic Mitigation measures:

- All heavy vehicles entering and existing the site will be instructed to approach and depart the project site via Peats Ridge Road in an orderly manner;
- All heavy vehicles entering the site will be instructed to limit any compression breaking, to approach and depart at speeds of less than 10 kilometers on-site;
- All vehicles accessing the site will continue to utilize the designated internal driveway;
- All internal driveways and parking areas (informal) will be maintained clear of obstruction and used exclusively for the purposes of transport, loading and unloading and parking. Under no circumstances will these areas be used for the storage of goods or other associated items;

- Heavy vehicles will not be permitted to park within the adjoining or nearby public road reserve. The internal driveway areas provide adequate space to ensure that any heavy vehicle parking requirements can be met on-site.

## **Waste and Bird Disposal**

The bulk of waste material produced in poultry production is spent litter. Such litter is taken away from the site by contractors at the end of each production batch or cycle. In a similar way, the disposal of spent chemical containers is resolved by an exchange program with the supplier so that such containers are able to be recycled rather than left or disposed of off-site at a typical land fill site.

The only other significant by-product (that is, in quantity and nutrient status) produced from the poultry enterprise is dead birds. These carcasses will be stored in lidded composting holding skips otherwise known as Bio Bins. This bio bin will be located generally to the south of the existing sheds in that vegetated area west of the existing dam on-site. These waste receptacles are removed at the end of the growing batch for final composting and manufacture into a fertilizer product, utilized by the horticultural industry.

**(Refer Conditions Nos. 6.11 to 6.15)**

Council's Environment Officer has advised that:

*"If disposed incorrectly, dead birds may present issues associated with nutrient runoff and odour impacts. The applicant has provided further details in respect to the disposal of birds. Conditions of consent have been recommended to mitigate the impacts of bird disposal.....Litter and dead birds are being composted on the eastern portion of the site. It is recommended that this activity be referred to compliance for further investigation. Under the Protection of the Environment Operations Act 1997, composting requires a licence"*

The matter has been referred to Council's compliance officer to investigate.

## **Bird Disposal Contingency in the Event of an Exotic Disease/ Biosecurity**

Contingency plans for dealing with the large volumes of dead birds that can result from an exotic disease or other catastrophe situation is required to be considered in the assessment of the application. The nature of the particular disease involved in an outbreak influences decisions of government officials (usually NSW Department of Industry and Investment in co-operation with the Commonwealth) who co-ordinate exotic disease outbreaks and usually determine what options for bird disposal are likely to be permitted.

The applicant has advised the following in relation to bird disposal:

*"Due to limitations of available separations to boundaries and the proposed poultry sheds, prevailing topography, soil type, and separation distances to neighbours, the farm itself, and subterranean water supplies, the subject property has been determined to possess little or no opportunity to dispose of dead birds on site, particularly for large quantities. The absence of a suitable burial site is not considered significant as it is considered highly unlikely, given the presence of the property in a defined water catchment, that authorities would authorise burial on the property or in the immediate area. From the writer's experience there are relatively few existing poultry enterprises in the area that would be able to accommodate a burial facility on farm. The first and most desirable option is to transport dead birds in sealed containers to a commercial protein recovery unit (that is, a rendering plant). These facilities have the capacity to appropriately handle large volumes of dead birds and provide a more environmentally desirable means of disposal than any other method. The transport route to the rendering plant and the routes' proximity to/through areas containing commercial poultry, play a major part in determining whether*

*this would be an acceptable option. The second option is to bury dead birds at a more desirable location in terms of risk. This option was undertaken in the last exotic disease outbreak on the Central Coast."*

NSW Department of Industry and Investment will advise poultry farmers on the preferred method for mass disposal of birds in the case of an exotic disease outbreak, the current preferred method is to compost the dead birds in the sheds. Entry of people and equipment should be controlled and supervised in accordance with industry biosecurity standards.

**(Refer Condition No. 6.16)**

### **Water Supply and Licensing**

The objects and water management principles of the *Water Management Act 2000* require consideration. Part of the approval requirements for the NSW Office of Water relates to the NSW Water Legislation for water licensing. Water supply for the operation will be required in order to satisfy the drinking water required for the poultry. The EIS advises that: *"In accordance with advice received from Cordina Chickens Pty Ltd the water consumption calculations for 160,000 birds per batch equates to a requirement of 1,344,364 litres per batch or 7.66 megalitres per year."* Water is also required for cool pads, washing down flushing, fogging, etc.

The subject site benefits from License No. 10SL56057 which authorizes a dam and pump on Lot 1 DP 431908, Parish of Popran, County of Northumberland for industrial (chicken shed) purposes. The allocation for that licensed water within the existing dam on-site is 7 megalitres per annum the owners of the property have secured a yearly allocation to transfer 3 megalitres to the subject property for use as part of the poultry farming operations on-site. As such, the farm benefits from an availability of 10 megalitres of water per year, in accordance with the NSW Office of Water requirements.

### **Water Supply Catchment**

Although part of the property is on the edge of the Mooney Mooney Water Supply Catchment, the proposed development does not drain toward the catchment area.

### **Stormwater Management / Water Quality / Biosecurity**

The application is accompanied by a *Water Cycle Management Plan* prepared by of Ryan Consulting Group which addresses the issue of protection of surface water and includes erosion and sedimentation controls, a water cycle management plan and detailed drainage design of operations on-site. All stormwater runoff generated from impervious surfaces is to be directed to grass swales prior to entering the existing farm dam located immediately adjacent to and below the proposed poultry sheds. The dam will serve as an on-site detention system as it refills during rainfall and as such site runoff is not expected to be increased by the proposed development. The dam banks are heavily vegetated with grasses which will reduce scour, disperse and slow overflow from the dam so as not to cause nuisance to neighbouring properties or erosion. Conditions of consent require rainwater tanks to be provided in accordance with the water balance calculations prepared by RGH Consulting Group to collect rainwater from the roof areas of the sheds.

Surface water is therefore adequately collected and disposed of in accordance with the requirements of both Council DCP 165 Water Cycle Management and Guidelines and the NSW Office of Water;

The EIS advises that water supply for the operation will be required in order to satisfy the drinking water required for the poultry. (i.e. 7.66 mega litres per year) which will be supplied via the existing dam (7 mega litres per annum) and transfer allocation (3 mega litres per annum) to the subject property. Rainwater tanks will also supply drinking water for the poultry. The

stormwater management plan indicates runoff will be directed to the on-site dam which also serves as a source of drinking water for the poultry.

The *NSW Meat Chicken Farming Guidelines* (NSW Agriculture) section 3.2 Bio security states: “surface water should not be used for poultry drinking water unless it is treated to recommended chemical and bacterial standards for poultry drinking water”. Stormwater will be treated to remove pollutants. In this regard, gross litter is trapped by metal grates placed over the storm water inlet pipes and the dam facility will strain and settle litter and sediments by use of plant growth (Macrophytes and ultra violet light to breakdown nutrients).

Further clarification was sought from the applicant about the quality of the dam water for poultry drinking water given the close proximity of the sheds to the dam and whether any further treatment processes were involved to achieve recommended standards.

The applicant has more recently advised that:

*“ It is their intention (the owners) to use the allocation of bore water and water collected from the roof areas of the three (3) new sheds, which will be directed to the onsite rainwater tank, as their initial source of bird drinking water. The owners have informed me that water used from these two (2) sources for bird drinking water is not required to be “treated”.*

*The available allocation of water for use from the onsite dam, as bird drinking water, will be pumped from the dam to on site rainwater tanks (2 X 45,000 litre tanks) which will be treated by way of a “chlorination dosing machine” which is used to treat the water to recommended chemical and bacterial standards for poultry drinking water. This source of water will be used once the allocation or waters from both water collected from the roofed areas and that available from bore water is exhausted. The owners advise that it is their intention to locate the 2 x 45,000 litre tanks and dosing machine next to the existing on site gas tank.”*

The applicant has submitted an amended site plan which includes the location of the two additional 45,000 litre tanks and schematic details of a water reticulation system. No additional vegetation will be required to be removed to accommodate the proposed tanks which will be located clear of proposed vegetated earth mounds and vehicle access roads. As such adequate arrangements will be made to ensure that the water quality of the dam surface water is acceptable and is treated in accordance with recommended chemical and bacterial standards for use as poultry drinking water.

**(Refer Condition Nos. 6.16 and 6.17)**

## **Pests**

The proposed poultry farm expansion will continue to be managed in strict compliance with Cordina Chicken Farms Pty Ltd standard operating procedures, which includes pest management actions aimed at discouraging pests from establishing residency within and around the poultry farming operations. Such measures include: the regular removal of spent litter at the conclusion of each growing batch cycle to prevent any larval development; design of poultry sheds to allow efficient waste removal with the litter acting as an absorbent material associated with any minor spillage from the nipple or drinkers which reduce the potential fly breeding areas, installation of bait stations to control vermin, regular housekeeping including site slashing and mowing to provide a clean working environment and eliminate rubbish/debris where vermin could live and breed, use of appropriate sanitizing agents during cleaning and ensuring that there is no long term stockpiling or disposal of water materials on-site.

**(Refer Condition No. 6.28)**

## **Chemical Storage**

The majority of chemicals used on poultry farms fall into categories of cleaning compounds (principally detergents), sanitizers, disinfectants, rodenticides, herbicides, and insecticides. With the exception of the terminal disinfectants, most of these chemicals are commonly found in

home and domestic garden situations. Such chemicals will be kept in a secure chemical store on farm.

**(Refer Condition Nos. 6.29 to 6.32)**

### **Climate Change Sea Level Rise**

Climate change and sea level rise have been considered in the assessment of this application.

Climate change and sea level rise will be felt through:

- increases in intensity and frequency of storms, storm surges and coastal flooding;
- increased salinity of rivers, bays and coastal aquifers resulting from saline intrusion;
- increased coastal erosion;
- inundation of low-lying coastal communities and critical infrastructure;
- loss of important mangroves and other wetlands (the exact response will depend on the balance between sedimentation and sea level change); and
- impacts on marine ecosystems.

Internationally there is a lack of knowledge on the specifics of climate change and the likely impact it will have on the subject development. Government action may mitigate the impact of climate change and the question of sea-level rise may be able to be addressed through the construction of containment works or through Council's policies that may be developed over time.

In the absence of any detailed information at the present however, refusal of this application is not warranted on this issue.

### **Environmental Monitoring and Management**

To ensure the proposed operations are carried out efficiently and effectively and reduce the potential for environmental problems to arise, the applicant has submitted an Environmental Management Plan for the poultry farm operations and management as Annexure 10 of the EIS. The EMP includes strategies and measures for minimising environmental risks and contingency actions for managing environmental problems that may arise on the farm.

The application will be conditioned requiring the plan to be signed and dated by relevant parties and forms part of the planning approval. The EMP is required to be maintained and updated as required by the farm manager, annually reviewed and is to be made available for inspection by the appropriate regulatory authority.

**(Refer Condition No 2.4)**

Subconsultant reports have also recommended various mitigation measures to address noise, odour, dust impacts, traffic etc. which will be incorporated as conditions of consent.

### **Government Referrals**

#### NSW Rural Fire Service

The application has been assessed in accordance with Section 79BA of the Environmental Planning and Assessment Act 1979. The NSW Rural Fire Service has raised no concerns or issues in relation to bush fire.

#### Department of Environment and Climate Change

*"Based on the information provided, the proposal does not meet the criteria for an Environment Protection Licence for the scheduled activity of 'livestock intensive activities', as detailed under Schedule 1 of the Protection of the Environment Operations Act 1997. Accordingly the proposal is not an integrated development application, under the*



*Environmental Planning and Assessment Act 1979 and DECCW does not have an approval role in the application."*

#### NSW Office of Water

Separate Approval for Water Use is required under Part 3 Chapter 3 section 89 under the Water Management Act 2000. The NSW Office of Water have provided the following comments:

##### *"Surface Water*

*The existing water allocation appears suitable for the proposed development and an **existing** work approval (dam) is currently issued for that property under the Water Management Act 2000. Entitlement associated with the access licence is within the Mangrove Creek Water Source Management Zone and is managed under the Water Sharing Plan for the Central Coast Unregulated Water Sources 2009."*

##### *Groundwater*

*The report indicates that a new groundwater works is required to support the proposal. Therefore an "Application for a new water supply works and water use approval" would need to be completed and forwarded to the department for assessment and determination prior to the construction of any new groundwater works. The application will be assessed in accordance with the Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003.*

*The proposed transfer of 3ML from the Wollombi Brook Groundwater Source to the Lower Mangrove and Popran Creek Groundwater Zone is permitted under the Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003.*

**(Refer Condition No. 7.1 to 7.7)**

#### Department of Industry and Investment

*"Agriculture: The challenge will be to limit any noise and odour impacting nearby residences. The construction of noise reduction mounds and vegetation to capture dust will assist in this process. However I&I NSW does not have the technical expertises for detailed comment on the noise and odour modelling. Providing the bird pick-up area at the rear away from the sensitive receptors will also assist in reducing night noise. The history of good on-farm environmental management will support the implementation of environmental management systems if introduced. Setting up the proposal at another site or rearranging the residential accommodation to allow for venting away from Peats Ridge Road as alternatives has not been discussed - however the reuse of material at the existing site is a constructive use of resources.*

- If further mitigation or expansion is required the ability to upgrade the rest of the naturally ventilated sheds to tunnel ventilated should be considered*
- SREP 8: The expansion of poultry farming is a positive development for the Central Coast plateau and strengthens the support for maintaining agriculture in the region.*
- Mitigation measures: The management of the livestock transportation vehicles is not usually controlled by a contract poultry farmer.*
- Reducing truck speed and dimming lights does assist in reducing night time impacts.*
- Bird disposal: I&I NSW will advise poultry farmers on the preferred method for mass disposal of birds in the case of an exotic disease outbreak, the current preferred method is to compost the dead birds in the sheds.*

*Cumulative Impacts: It is difficult to envisage that a three-fold increase in farm capacity will reduce the total cumulative impacts. However, the introduction of tunnel ventilation allows for some control of the growing environment and enables the installation of past fan add-ons to capture odour and dust. To maintain the current level of impacts with the additional capacity the mitigation proposed will need to be installed and the farm will need to continue with the good management being practiced."*

**(Refer Advice Condition Nos. 8.4 and 8.5)**

Fisheries - No Issues

Minerals - No Issues

Road and Traffic Authority

*Peats Ridge Road is a regional road under Council's care and control and the development raises no significant road safety and traffic management issues. Consequently, the RTA raises **no objections** to the current proposal.*

## **Public Submissions**

Four (4) public submissions were received in relation to the application of these three (3) were late submissions received after the close of advertising and included the owner of the nearest residence on the adjoining property to the north identified as the nearest sensitive receiver in sub consultant reports. Ten (10) submissions were received in support of the proposal. However such submissions were from residents in the locality which were unlikely to be directly impacted by the proposal. Those issues associated with the key issues have been addressed in the above report. The remaining issues pertaining to various concerns were addressed in the assessment of the application pursuant to the heads of consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979.

A summary of the submission is detailed hereunder.

### **1 Noise Impact**

**Concern raised over potentially more disturbing noise generators, i.e. vehicle operations associated with the late PM, early AM delivery of chickens and collection of mature birds; an activity by its intensification must clearly result in off-site impacts; impacts which are unacceptable and noted as such under the "Modelled Results" under Clause No. 4.5.2 of the Noise Impact Assessment, prepared by Benbow Environmental.**

**When the birds are picked up during the night or early hours of the morning you hear trucks coming in and out, and the reversing beeper on the forklift is a continuous noise that keeps us awake at night and the feed trucks also coming in and out they contribute as well to the noise**

Comment

The chicken pick up occurs during the night (i.e. Week 6 to 8, 8.30pm to 4.00am). Residents are much more sensitive to noise at night when background noise levels are lower in the evening. The *Noise Impact Assessment* report (Bebow Environmental) identifies two non-compliances consistent with sleep disturbance criteria. These occur during the bird pick up phase of the operation at sensitive receptors R3 and R4.

The traffic assessment report advises that the existing noise levels, due to existing road traffic, are currently higher than the non-compliance modelled. Noise off site cannot be controlled and is of short duration as the truck enters and leaves the driveway and the report advises that truck movements are unlikely to cause sleep disturbance. The movement of a car, van or truck along Peats Ridge Road past receptors R3 and R4 will generate much higher noise levels and will occur more frequently at night time than the activities of the poultry farm.

Therefore, it is considered more than reasonable that this farm or any other agricultural business that involves a small number of truck movements at night does not need to control the level of noise at a residence that experiences higher noise levels from the

public use of the road. The movement of a truck off a public street into a site is not considered as needing to comply with the sleep disturbance criteria. It is the movement on site when the DECCW guidelines are considered. Best practical means of control are adopted in the poultry industry by slowing the truck as it nears the site and ensuring the entrance is sealed and free of undulation.

The internal noise levels within the residence will be acceptable and be less than 45 – 50 dB(A).

Best management practices and mitigation measures will be implemented within the site to minimize and manage any potential issues arising from traffic movements as detailed in the report.

The applicant has indicated that the forklifts will be fitted with lights only and will not have reverse beepers or alarms.

**(Refer Condition 6.37)**

## **2 Lack of Detail Mitigation Measures (Earth Berms and Fencing)**

**If the authors of the Noise Impact Assessment recommend a barrier of 4 to 5 metre high as a critical element of the proposal to achieve at least some level of compliance with minimum requirements, then surely, the extent of those works should be detailed as part of the application. It is neither sufficient nor acceptable to advance a proposal leaving options to the determination of the consent authority. This is especially so when neither the berm nor fence are detailed and that such works are so extensive.**

**The areas of critical concern surrounding the development are identified in the odour, noise and dust control discussions as areas to be devoted to either earth berms and screen walls.**

**This issue is most evident by the diagrammatic representation on the Acoustic/Odour/Dust Control Assessment Reports which include and reference earth bund and/or fencing which appears to extend beyond the boundaries of the site to within the road alignment. That work, both in plan and elevation is likely to conflict with either sight distance for vehicles entering and exiting the site and/or stormwater drainage/stormwater management and/or existing vegetation and/or existing/proposed electricity reticulation; matters all of which have not been fully contemplated nor considered by the experts.**

Comment

The applicant has submitted additional information in relation to the proposed earth mounds, required drainage treatment, landscaping and fencing on 15 October 2010. The submitted information includes a landscape plan prepared by Precinct Landscapes to address location of required earthen mounds, fencing and landscaping treatment (including temporary measures) which are required in accordance with the sub consultant's report recommendations relating to required noise, odour and dust mitigation measures.

The proposed works will be contained within the site and do not impact on vehicle sight distances, stormwater management or drainage.

## **3 Lack of Detail – Landscaping**

**They are the areas which contain “such plantings” as referred to and are areas which will, by the nature of the works, become totally devoid of plantings prior to the construction of the earth berms upon which planting (unspecified in the**

document) will then be required to be installed “in close rows” to achieve the necessary fine dust filters and odour containment.

Alternatively, a fence (or acoustic wall up to 5 metre in height) might be advanced; either or both of those elements need to be detailed and need to be part of the application.

Comment

The landscape plan and accompanying information Titled “*Outline or Planting Development Engineered Vegetation Barriers*” ref: 2164-R1, dated 15.10.2010 prepared by Precinct Landscapes indicate that engineered earthen mounds will be sufficiently landscaped such that they are able to satisfy their intended function in addressing noise, dust, odour and visual impacts.

The landscape report advises that:

*“the proposed development of the poultry farm includes the construction of an Engineered Vegetative Barrier along the approximate alignment of the existing road. The barrier will comprise a continuous earth mound to a height of 2.200m with a colorbond fence, 1800 high, erected along the top of the mound, giving a total height of 4m. Additional barriers are also to be installed parallel to Peats Ridge Road, as is illustrated on the appended Landscape Concept Drawing.*

**(Refer Attachment 1)**

*The drawing shows that the barrier is to be vegetated, effectively in two halves. The inner half will be planted out with exotic plant materials such as Bay Tree (*Laurus nobilis*), Sweet Viburnum (*Viburnum odoratissimum*), Jessamine (*Murraya paniculatum*) and Leyland’s Cypress (*Cupressocyparis leylandii*) to form a dense, and tall hedging facing the poultry buildings. The plant selection is based on plants which will thrive under nutrient rich conditions generally unsuitable to indigenous plant materials. These plants will, in time reach a collective height anticipated to approximate 15m, forming a dense screen absorbing the output from the buildings.*

*The outer half of the screen will be planted with a selection of indigenous plantings as are listed on the landscape drawings. The intention is that the outer side of the barriers will develop in time to become extensions of the existing bushland which borders the site.”*

The majority of vegetation which exists both along the northern and eastern boundaries of the subject site will be retained. There is only a minor displacement of natural bush land facing Peats Ridge Road in response to the requirement for the 5m earthen mound to address noise impacts. The earthen mound proposed in this location will be extensively landscaped such that the presentation of the earthen mounds, in conjunction with the colorbond fence, will have a satisfactory visual appearance when viewed from Peats Ridge Road

However the report indicates that the vegetation will not be fully established until 2 to 3 years when it will advance to fully conceal the fence. The landscape plan indicates that a temporary screen of shade cloth stretched on timber frame 3 metres high shall be erected at the edge of the grass swale and maintained until the until the Leylands cypress hedge reaches a minimum height of 4 metres. The hedge will eventually reach a height of 10metres X 4m spread at maturity.

#### 4 Water Cycle Management Plan Impact of Earth Berms on Site Drainage

The Water Cycle Management Plan Report addresses potable water demand, stormwater detention and quality and other issues. The drainage regime calls for the construction of additional drainage swales to direct roof water/stormwater into the existing dam downslope of the existing and proposed sheds. The report does not reference nor examine the likely impacts that the wall or fence essential to the proposal with respect to site drainage and water management. ...,space required to be devoted to the construction of the earth berm and noise walls.

##### Comment

The *Water Cycle Management Plan* (RGH Consulting) has been updated to address likely impact upon drainage resulting from proposed earth works and details the location of earthen

mounds and the typical mound and fence detail for both the proposed 4 metre high mounds and 5m high earthen mounds.

The applicant advises that: *“RGH Consulting have identified that a minor drainage channel exists along the northern boundary of the subject site. Based on the comments of RGH Consulting, this channel was formed by the construction of a neighbouring driveway and has retained its reasonably heavy vegetation cover. The construction of the proposed earthen mounds does not increase flows to this drainage channel or neighbouring properties as the mounds are located along the ridge line of the northern boundary, and are located at a lower level than the small catchment along the eastern boundary.”*

Therefore it is unlikely that the existing drainage regime will be affected as it relates to the adjoining property to the north.

#### 5 Traffic Impact During Construction

The Sub-Consultant expert *Traffic Impact Assessment Report*, prepared by Cardno examines vehicular access and traffic issues with respect to both construction phases and operational traffic impacts. The Report is deficient to the extent that it does not provide any assessment of vehicular access/activity associated with the delivery of somewhere between 15,000m<sup>3</sup> and 30,000m<sup>3</sup> of material for the construction of the earth berm referred to and relied on in the application or any consideration to the environmental aspects of the traffic intensification nor the late PM, early AM manoeuvring associated with the activity.

##### Comment

Traffic impacts associated with construction of the sheds, landscaping, earthworks and associated activities will not create any significant adverse traffic impact on the surrounding road network.

#### 6 Odour Impact

No amount of documentation can dispel the concerns of nearby and adjacent neighbours with respect to odour impact. Receptor No. 1 identified by the authors as the next nearest residence is most certainly negatively impacted upon. To achieve compliance with relevant standards, the proponents will need to rely on dense vegetation screening identified as being effective in reducing the level of odour observed distances from the poultry shed by the authors of the Odour

**Assessment Report. A landscaping plan and vegetation management plan would also seem to be a natural requirement to achieve compliance.**

Comment

The applicant has submitted additional information in response to Council's requirements to address the issues raised by the objector. Such information includes details of mitigation measures (i.e. proposed earth berms, fencing, site drainage and landscaping treatments) to address dust, noise and odour impacts.

## **7 Dust Impact**

**The conclusion drawn by the authors of that report that the result produced (in the report) has shown that the proposed development would be able to comply with the approved methods of modelling and assessment of Air Pollutants appears to again rely on "the development of earth berms,... Vehicular manoeuvring would certainly cause dust nuisance; a nuisance that would have to be managed along with the other operational aspects of the poultry farm intensification as is proposed.**

Comment

It is agreed that vehicle movements have potential to cause dust nuisance. The applicant has proposed the following measures to reduce such impact:

- Use of vegetated earth berms to act as windbreaks and as a filter to screen out dust and particulate emissions;
- Limit vehicular speed to 10 metres per second on site, to limit dust emissions from truck movements; and
- Implementation of an Environmental Management Plan, which helps maintain the dust (and odour) impacts from the site.

## **8 Cumulative Impact**

**Nothing in the parent document or the expert annexures suggest a reduction in cumulative impacts, in fact the contrary is more likely the truth.**

**The negative impacts on amenity brought about by noise, dust, odour and traffic are not sufficiently offset by information contained in the report; information which attempts to "average" vehicular activity and reduce the obvious intensification of the intensive agricultural pursuits proposed associated with increased frequency and intensity of vehicular movements associated with the delivery of chickens; feed deliveries and collection of chickens and, delivery and collection of litter.... continue and expand a poorly designed and poorly operated chicken farm with obvious impact of noise, dust, odour and other nuisance (drainage) on the immediate neighbours and close proximity**

Comment

It is expected that the proposed expansion of the poultry farm operations which will involve a three-fold increase in bird numbers and traffic movements has potential to result in additional environmental impacts.

However, the sub-consultant (Benbow Environmental) contends that new developments provide the opportunity for environmental improvements to be made to existing intensive agricultural industries and maintains that: *"there are no cumulative impacts occurring from the expansion of the poultry farm. The opportunity is being taken to apply environmental*



*improvements. The level of noise, dust and odour will be reduced with these improvements in place."*

The *Traffic Impact Assessment* (Cardno Eppell Olsen) advises that the proposed development will not create any adverse traffic and parking impacts on the surrounding road network and that there will be no negative cumulative impact associated with the proposed development.

The cumulative impacts of the proposal are adequately addressed in the EIS and supplementary information and are considered to be within reasonable limits subject to the implementation of mitigation measures, environmental controls, best practice environmental management strategies and ongoing monitoring.

## **9 Visual Impact**

**Appearance or affects of the proposed mitigation measures (earth berms and acoustic walls). If those bund walls are replaced with fences, it is evident that those fences will need to be higher and result in ill-fitting structures in the rural setting.**

Comment

The proposed earth mounds will be extensively planted with additional vegetation screening provided along common boundaries (north) and the street frontage. However temporary measures (i.e. shade cloth stretched on timber frame 3 metres high) will be required in the interim period until such landscaping is fully established. The application will be conditioned requiring fencing to be finished in a colour which blends with natural surrounds. Once established the presentation of the earthen mounds, in conjunction with the colorbond fence, will have a satisfactory visual appearance when viewed from Peats Ridge Road and will complement existing vegetated buffers which will be retained along the northern and eastern boundaries. The view from the neighbouring property to the north of the proposed development will be largely unchanged having regard to existing bush land buffer which is retained.

## **10 Amenity impacts to immediately adjoining dwelling (Noise, Dust and Odours)**

**I would like to oppose the building of more chicken sheds next door to our residence. There is three existing chicken sheds approximately 60 metres from the side of my house. They were built by the previous owners many years ago I didn't have a problem at the time because I didn't realise how much noise, dust and odor I would have to endure over the years. I know now that that decision I made many years ago was not a wise decision as they are defiantly too close to my family home**

**My wife can't even hang the washing on the line because of the odour. It really effects our day to day living. In summer we can't have the windows and doors open for the beautiful breeze we get up here as the smell goes right through our house we have to be conscientious about our water as well as the dust lays on the roof so you have to make sure that we open the pipe to let it run onto the ground for at least 15 minutes before we can put it in our tanks**

Comment

There are several rural dwellings located within 1km of the farm. The nearest receptor is located 100m to the north. There is potential for the expanded farm operations to adversely affect the amenity of nearby residents and sensitive land users particularly in relation to odour, dust and noise emissions. To ensure that the potential for adverse land use conflict is within acceptable limits best practice management will be adopted and a

detailed Environmental Management Plan will required to be employed on-site to reflect the modified operation.

## 11 Health Effects

**I feel that building more sheds next door will not help the situation (respiratory problems/lung cancer) for me or my wife. I often wonder that the sheds being so close to my house all these years have had an effect on our health. I am told that tunnel sheds push the smell and the dust further out into the air and I believe they are extremely noisy. This is not only affecting my quality of life but I feel that it is devaluating my property that I have worked all my working life for.**

Comment

The NSW Meat Chicken Farming Guidelines – *Managing Planning, Development and Environmental Issues* (NSW Agriculture) states that: “*Health risks to people off site in the area surrounding the proposed development should also be considered and addressed by appropriate siting and management. Dust and Bioaerosols from meat chicken farms may be associated with asthma, allergies and other respiratory ailments in susceptible individuals.*”

The nearest dwelling is located 100m north from the site. The *Dust Impact Assessment* prepared by Benbow Environmental, dated October 2009 has considered the potential dust impacts associated with the proposal at the nearest potentially affected receivers in accordance with the guidelines established by the NSW Department of Environment and Climate Change particulate emissions from the site.

The standard operations of the tunnel ventilation fans were deemed to have the highest potential to generate excessive particulate plumes that could potentially be carried past the boundaries of the site. The three (3) new sheds will be tunnel ventilated with the banks of fans located at the eastern ends of the sheds directing and expelling air towards Peats Ridge Road.

The Dust Impact Assessment report advises that: “*the potential for adverse off-site particulate matter impacts has been reduced by the development of earth berms, separating the sheds from the main roads and residences on the eastern end. In addition, vegetation lining would be planted on top of the earth-berms to capture the fine particulates migrating towards the east direction to some extent. Prior to the proposed development, vegetation lining in the form of local trees can be seen from the sides of the road, providing a visual and fine particulates barrier from the general public. “.... Exceedances were found in the dispersion model AUSPLUME in the dust assessment using synthetic meteorological data generated by TAPM. The supplementary information provided by Benbow consultant advised: “Given that exceedances are apparent, we suggest that the vegetated earth berms be used to prevent any particulate emissions from the site. Alternatively, shade cloths can be used to help filter out the dust.”*”

## Conclusion

The application has been assessed in accordance with the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, relevant SEPPs, SREPs and relevant provisions under IDO 122. The EIS and supporting sub consultant reports has adequately demonstrated that the proposal has an acceptable environmental impact subject to the implementation of mitigation measures, environmental controls, best practice environmental management strategies and ongoing monitoring, which have been incorporated as conditions of consent where relevant. The application is therefore recommended for approval.

**Attachments:** Attachment A – Architectural and Engineering Plans & Landscape Design Earth Mounds

## RECOMMENDATION

- A The Joint Regional Planning Panel as consent authority grant consent to Development Application No 39042/2010 Designated Development - Expansion of existing poultry farm (JRPP) on LOT: 1 DP: 431908, 1450 Peats Ridge Road, Peats Ridge, subject to the attached conditions:
- B The applicant is advised of Councils decision and of their right to appeal to the Land and Environment Court within 12 months after the date of determination.
- C The objectors are notified of Council's decision.
- D The External Authorities be notified of the Joint Regional Planning Panel decision.

## Conditions

### 1.. PARAMETERS OF THIS CONSENT

#### 1.1. Approved Plans and Supporting Documents

The development shall be implemented substantially in accordance with the plans and supporting documents listed below as submitted by the applicant and to which is affixed a Council stamp "*Development Consent*" unless modified by any following condition.

**Architectural Plans by AConsult**  
**Engineering Plans by Ryan Consulting Group**  
**Landscape Plans by Precinct Landscapes Landscape Architects**

Drawing	Description	Sheets	Issue	Date
09058/DA00	Cover Sheet	DA00	A	03.09.2009
09058/DA01	Sediment and Erosion Control Plan and Details	DA01	B	06.10.2010
09058/DA02	Site Drainage Plan and Earth Mounds and Fence Details	DA02	B	06.10.2010
09058/DA03	Reticulation Plan	DA03	A	21.02.2011
	Site Plan	1 of 6		Oct 2009
	Existing Shed Alterations and Additions	2 of 6		Oct 2009
	Existing Shed Alterations and Additions	3 of 6		Oct 2009
	Proposed New Shed 3	4 of 6		Oct 2009
	Proposed New Shed 4	5 of 6		Oct 2009
	Proposed New Shed 5	6 of 6		Oct 2009
2164-1	Site Landscape Outline	1		12.10.2010.

#### Supporting Documentation

Document	Title	Date
	Environmental Impact Statement (Aconsult)	13.07.2010
	(Preliminary)Environmental Management Plan (Aconsult)	
	Supplementary Report (Aconsult)	15.10.2010
Ref:2164-R1	Outline of Planting Development Engineered Vegetation Barriers (T.D. Creer Precinct Landscape)	15.10.2010
	Site Survey Plan (Clarke Dowdle & Associates)	28.07.2009

	Traffic Impact Assessment (Cardno Eppell Olsen)	08.05.2010
Ref:09058 Rev.01	Water Cycle Management Plan (Ryan Consulting Group)	August 2009
109074_Report_v2	Dust Impact Assessment (Benbow Environmental)	20.10.2009
109072_REP	Noise Impact Assessment (Benbow Environmental)	23.10.2009
109073_Report_v2	Odour Assessment Report (Benbow Environmental)	20.10.2009

## 1.2. Building Code of Australia

All building works must be carried out in accordance with the Building Code of Australia.

## 2.. PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

2.1. No activity is to be carried out on site until a Construction Certificate has been issued. Other than:

- a Site investigation for the preparation of the construction, and/or
- b Implementation of environmental protection measures, such as erosion control etc that are required by this consent.

2.2. Design of the following engineering works within private property:

- Nutrient/pollution control measures must be designed in accordance with Council's DCP165 - Water Cycle Management. A nutrient/pollution control report including an operation and maintenance plan shall accompany the design.
- The design of these details and any associated reports shall be included in the construction certificate.

2.3. Prior to the issue of a Construction Certificate, a Vegetation Management Plan is to be submitted to and approved by Certifying Authority for the management of the vegetation along the eastern property boundary and the south eastern corner of the site.

The Vegetation Management Plan must be prepared by an appropriately qualified professional. The plan must be in accordance with the Australian Association of Bush Regenerators Guidelines or NSW TAFE Bush Regenerators Certificate Course Guidelines. The primary objective of the plan is weed management, regeneration of the native vegetation and supplementary native plantings for the benefit of the local flora and fauna.

2.4. Submission of an Environmental Management Plan (EMP) generally in accordance with the EMP(Annexure 10 of the EIS) submitted by AConsult, except where modified by any conditions of this consent and shall be prepared to meet the objectives, criteria and best practice guidelines of the elements contained within Section 6 of the NSW *Meat Chicken Farming Guidelines* (NSW Agriculture). The EMP shall be signed and dated by the farm manager and staff and submitted to Council prior to the issue of a Construction Certificate.

The plan shall meet the requirements of ISO14001:1996 - Environmental Management Systems and shall set objectives and strive for best industry practices in the management of all environmental aspects including (but not limited to) impacts of odour, dust, noise, litter and dead bird disposal.

Amongst the procedures to be established includes a complaint or feedback registry regarding environmental complaints relating to odour, dust and noise emissions. The following information to be recorded shall include the:

- a) nature of the complaint,
- b) time and date the odour was said to have occurred,
- c) weather conditions at the time the odour was said to be offensive,
- d) time and date of the complaint was lodged,
- e) name and address of the complainant, and
- f) mitigation measures implemented.

The document shall be dynamic, reviewed annually and report the effectiveness of any recommendations made. Council reserves the right to amend the Management Plan in order to mitigate any adverse impacts.

- 2.5. Submission of a Waste Management Plan, for demolition and recycling of poultry sheds and construction waste, prepared in accordance with Council's DCP106 – Controls for Site Waste Management.

### 3.. PRIOR TO COMMENCEMENT OF ANY WORKS

- 3.1. A construction certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a principal certifying authority prior to the commencement of any building works.

The principal certifying authority (if not the Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than 2 days before the building work commences.

- 3.2. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
- 3.3. Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
- 3.4. A sign is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The sign shall indicate:
- a) The name, address and telephone number of the principal certifying authority for the work; and
  - b) The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
  - c) That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

- 3.5. The submission to and approval by Council prior to the commencement of any works, of details for the disposal of any spoil gained from the site and /or details of the source of fill (earth mounds), heavy construction materials and proposed routes to and from the site. Details shall be provided prior to the commencement of works and at latter stages of construction if details change.

## 4.. DURING WORKS

- 4.1. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm

Saturdays - 8:00am to 4:00pm except as noted in Clause 'b'

a No work is permitted on Sundays and Public Holidays

b No work is permitted on:

- Saturdays when a public holiday is adjacent to that weekend.
- Construction industry awarded rostered days off.
- Construction industry shutdown long weekends.

- 4.2. Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's Code of Practice of Erosion and Sedimentation Control.
- 4.3. Surface water collected on impervious areas are to be treated so as to control pollution in accordance with one or more of the methods detailed in Section 10 of the Water Cycle Management Guidelines referenced by DCP 165 - Water Cycle Management.
- 4.4. Building materials and fill must not be stored nor construction work carried out on the road reserve unless associated with a separate approval under the *Roads Act 1993*.
- 4.5. This development is subject to Council's DCP106 – Controls for Site Waste Management. The Waste Management Plan required to be submitted under this development consent is required to be implemented during all stages of demolition and construction.
- 4.6. Buildings are to be demolished or recycled in a safe and systematic manner in accordance with the requirements of Australian Standard *AS 2601-2001 - Demolition of Structures*, and disposed of/or recycled in an approved manner.
- 4.7. The engineering works within private property that formed part of the Construction Certificate shall be constructed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control'.
- 4.8. Arrangements must be made with Energy Australia, for any relocation of existing services.
- 4.9. Plant species used for landscaping must be restricted to species that do not have known potential to become environmental weeds.
- 4.10. Stockpile of soil and other material shall be located away from sensitive environmental receptors, and if not to be used immediately, must be covered with an appropriate control such as geotextile fabric.
- 4.11. The proposed access must be constructed utilising a porous paving product that avoids undulation.
- 4.12. No development or work will be permitted in the area designated as "Vegetation Management Zone".

- 4.13. Compliance with the recommendations contained within the Dust Impact Assessment (Benbow Environmental, Report No 100974, dated 20 October 2009) including the following:
- construction of an earth berm with a soil height of 2m and heavily vegetated with trees of four shrubs deep (Landscape plan includes Bay trees and Leylands cypress 10m H@M) to filter dust emitted from the tunnel shed fans is required around the eastern side of the sheds and extended around the side of proposed shed 5 so that air emissions are able to be effectively filtered and dispersed upwards, where more convective mixing will take place.
  - provision of shade cloth screening along the earthen berm for shed 3 through to shed 5 on a temporary basis as vegetation will require several years to achieve the preferred height of 6m above the earth berm and a density equivalent to a row of four shrubs deep.
- 4.14. The poultry shed flooring shall contain 12 - 20% clay content for depths of 150mm. The flooring shall be compacted to approximately 98% density which is to be confirmed by a geotechnical engineer.
- 4.15. Exhaust fans on the tunnel ventilated sheds shall be installed on a downward facing 15° cant, enabling dust and dander to be deposited in the vegetated ground cover.
- 4.16. A grassed verge shall be planted along the side of each shed for a width of 20m measured from the external wall.
- 4.17. The entrance shall be sealed to ensure that the surface is free from undulation.
- 4.18. No clearing or removal of native trees is permitted without the prior approval of Council.
- 4.19. Rainwater tanks and associated drainage shall be provided in accordance with the Letter prepared by RGH Consulting Group dated 21 December 2010 (DN. 9053515).
- 4.20. In accordance with the Noise Impact Assessment (Benbow 23/10/2010):
- A 4m high earth berm shall be constructed 5m from the eastern end of the tunnel ventilated sheds and extend around the side of Shed 5; and
  - A 5m high earth berm from the western end of the northern-most shed to the access track at the property boundary.
  - A 4m high earth berm on the southern side of the entrance to the north-eastern corner of the northern shed (Shed 1).
- 4.21. The Landscape Plan prepared by Precinct Landscapes (14/10/2010) shall be implemented to ensure effective upper and lower level screening, utilising trees and shrubs. Reference shall also be made to the '*Outline of Planting Development Engineered Vegetation Barriers*' prepared by Precinct Landscapes (15/10/2010). Plant species shall be strategically placed, developed and maintained to a height of 6 metres with a dense ground cover on each earth berm. The vegetation shall have a depth of 4 to 5 rows of shrubs and vary in diversity and stratum heights.
- 4.22. Shade cloth shall be added to the berm at the eastern end of the tunnel ventilated sheds. The shade cloth shall be provided and maintained to a height of 6m above the crest of the berm for its entire length until the vegetation matures to this height.
- 4.23. The required fill material (i.e. earth berms) will only comprise of Virgin Excavated Natural Material as defined under Schedule 1 of the *Protection of the Environment Operations Act 1997*, appendix IX: Types of waste.

This definition is as follows:

*'Virgin excavated natural material VENM (such as clay, gravel, sand, soil and rock) that is not mixed with any other type of waste and which has been excavated from areas of land that are not contaminated with human-made chemicals as a result of industrial commercial, mining or agricultural activities and which do not contain sulphidic ores or soils.'*

The placement of any other type of fill material other than that defined under VENM is a breach of under this consent.

- 4.24. The applicant will provide Council with validation documents or receipts from the waste transporter stating the nature (VENM) and quantity of the material imported.
- 4.25. Any exposed soil surface areas must be grassed/landscaped to minimise soil erosion.
- 4.26. Trees to be removed shown on the approved plan must be removed in a manner so as to prevent damage to those trees that are to be retained.
- 4.27. The internal access road and vehicle manoeuvring and parking areas for articulated vehicles shall be upgraded and maintained with a suitable platform of compacted road base to allow all weather access and shall be extended along the western end of both the extended sheds 1 & 2, and proposed sheds 3, 4 & 5.
- 4.28. The access road shall provide suitable manoeuvring areas for loading and unloading of birds on-site, access for service/maintenance vehicles and general access to the active poultry farming areas on-site. Sufficient turning areas are to be provided within the site in accordance with Appendix E: Swept Path Figure, dated 05/05/2010 of the *Traffic Impact Assessment* (Cardno Eppell Olsen), to facilitate turning movements as required for a 19m semi-trailer to enable all vehicles to enter and exit the site in a forward manner.

## 5.. PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

- 5.1. Application for an Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
- 5.2. The poultry sheds are not being occupied until an occupation certificate has been issued.
- 5.3. The internal access road and truck manoeuvring area as shown on the approved plan must be properly constructed, graded, drained, with all weather porous compacted surface.
- 5.4. Impervious surface areas are to be graded and drained to prevent water run-off affecting adjoining properties.
- 5.5. The internal engineering works within private property that formed part of the Construction Certificate shall be completed in accordance with Council's 'Civil Construction Specification', 'GCC Design Specification for Survey, Road and Drainage Works' and Policy 'D6.46 Erosion Sedimentation Control', prior to the issue of an Occupation Certificate.
- 5.6. Signs shall be erected at the entry point to the property to restrict speed limits to 10km/hr for all vehicles accessing the site.
- 5.7. The dam inlet shall be planted out with macrophytes to a depth of 1.8m to aid in the uptake of nutrients and flocculation of sediment.



- 5.8. Proposed colourbond fencing and temporary shade cloth structures located on earth berms shall be finished in a earth or green colour or hue to blend in with native local vegetation and proposed landscaping to minimize visual impact.
- 5.9. All work, including landscaping associated with earth berms and acoustic wall being completed prior to the issue of an Occupation Certificate.

## 6.. ONGOING OPERATION

- 6.1. The maximum number of birds to be kept on the property at any one time and/or batch cycle shall not exceed 160,000 birds or 864,000 birds per year based upon a stocking density ratio at placement of 17 birds/m<sup>2</sup> for naturally ventilated sheds and 19 birds/m<sup>2</sup> for tunnel ventilated sheds. The poultry farm production shall not exceed a maximum of 5.4 batches of chickens per annum, based on a 67 days per production cycle. Further development consent will be required to increase the number of chickens, sheds and/or frequency of batch cycles, having regard to traffic, noise, odour and dust impacts. The batch cycle in all poultry sheds shall start and finish at the same time with an overlap of no more than three days.

### Noise

- 6.2. Full compliance with the noise criteria, including all conclusions and recommendations as detailed in Noise Impact Assessment prepared by Benbow Environmental, dated October 2009 - ref: 109072-REP.
- 6.3. Noise levels generated by the poultry farm operations, associated activities including vehicle movements within the site shall not exceed 5dBA above the ambient noise level measured at the boundary of the property in compliance with the NSW Industrial Noise Policy (NSW EPA 2000). Noise levels at night associated with bird pick-up and associated night time activities shall not create sleep disturbance within nearby residences.
- 6.4. Noise from vehicles on public roads shall comply with the Environmental Criteria for Road Traffic Noise (NSW EPA 1999). Use of exhaust muffling equipment and adjustable reversing alarms or lights on vehicle should be considered by farm operators.
- 6.5. All deliveries (including feed deliveries) and truck movements shall not take place outside daylight hours, except for emergencies or for the collection of birds which may take place during the night between the hours of 8.30pm to 4.00am.
- 6.6. The operation of all mechanical plant equipment and machinery (i.e. ventilation fans) shall not give rise to offensive noise as defined in the *Protection of the Environment Operation Act 1997*.

### Lighting

- 6.7. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads. Lights used to illuminate the site for security and bird pick up must be angled or shielded so that they do not directly illuminate any nearby sensitive landuses.
- 6.8. Access roads and truck vehicle manoeuvring areas are to be adequately screened by vegetative screening and earth banks to avoid stray lighting from vehicle headlights directly illuminating any nearby sensitive land uses and chicken sheds.

## Vehicles

- 6.9. All loading and unloading of goods are to be conducted wholly within the site and loads shall be securely covered for transport. Loading facilities and goods handling areas are to be maintained free of obstruction for the sole use of delivery vehicles.
- 6.10. Staff car parking spaces (other than resident staff) are to be physically identified on site, and maintained free of obstruction. Under no circumstances are these spaces to be used for the storage of goods or waste products.

## Litter/Dead Bird Removal

- 6.11. A full shed clean out shall be undertaken at the end of every batch cycle. Clean out shall be conducted in minimum ventilation mode and shall not be undertaken when climate factors (wind and temperature) increase the likelihood of offensive off site odour or dust impacts. Litter shall be removed from the shed using front end loaders and sweepers.
- 6.12. All spent litter and manure removed during the full shed clean out program shall be loaded directly onto covered trucks and taken off site for disposal to a licensed facility or commercial processing at an approved premises. Manure and litter shall not be stored or stockpiled on site at any time, without the consent of Council so as to not cause pollution or a nuisance to adjoining lands.
- 6.13. The litter removal process should ensure that litter does not become wet.
- 6.14. If litter is used for on-site pastures, the spreading of poultry litter shall be in accordance with the Best Practice Guidelines prepared by the NSW Department of Industry and Investment (May 2007).
- 6.15. Dead birds shall be collected daily and stored immediately in an approved, sealed composting unit or bio-bin located on site. The bio-bin shall be placed within an impermeable bunded compound so as to prevent nutrient laden surface waters. At the end of each batch cycle or where required due to full capacity, the bio bin shall be emptied and transported off site by an approved waste contractor for final processing and manufacturing. The bio-bin shall be located so vehicles have easy access when servicing the bin. Dead birds shall not be composted onsite.
- 6.16. A contingency plan shall be in place for disposal of mass bird mortalities (i.e. from endemic diseases, heat stress or exotic disease). Farm practices for dead bird management and disposal shall be in accordance with the requirements of the NSW Department of Industry and Investment in relation to the preferred method for mass disposal of birds in the case of an exotic disease outbreak. Entry of people and equipment should be controlled and supervised in accordance with current industry biosecurity standards.
- 6.17. Surface water should not be used for poultry drinking water unless it is treated to recommended chemical and bacterial standards for poultry drinking water. The allocation of bore water and water collected from the roof areas of the three (3) new sheds, shall be directed to the onsite rainwater tank, as the initial source of bird drinking water. The available allocation of water for use from the onsite dam, as bird drinking water, shall be pumped from the dam to on site rainwater tanks (2 X 45,000 litre tanks) which will be treated by way of a "chlorination dosing machine" which is used to treat the water to recommended chemical and bacterial standards for poultry drinking water. This source of water will be used once the allocation or waters from both water collected from the roofed areas and that available from bore water is exhausted.

### Dust/Odour

- 6.18. Compliance with the recommendations contained within the Odour Impact Assessment (Benbow Environmental, Report No 100973, dated 20 October 2009).
- 6.19. All gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises must comply with the requirements of the *Protection of the Environment Operations Act 1997* (i.e. Sections 124,126,127 and 128).
- 6.20. The moisture content of the poultry litter within the sheds shall be monitored and maintained between 15 to 30% to avoid odour generation,
- 6.21. Compliance with the recommendations contained within the Dust Impact Assessment (Benbow Environmental, Report No 100974, dated 20 October 2009). The following measures shall be applied to prevent windblown or traffic generated dust:
- Vegetation lining (3m high) and fencing (1.8m high) to be provided and maintained on top of the required earth berms to capture the fine particulates in accordance with the Site Landscape Outline Drawing No 2164-1 prepared by Precinct Landscapes dated 14.10.2010
  - Vegetated buffer strips are to be developed and maintained around sheds and stockpile and disposal areas to catch and filter pollutants.
  - Pastures surrounding the poultry farm buildings are to be managed to maintain vegetative cover and stabilise soils.
  - Excessive dust generation within the shed shall be controlled by fogging when required.
  - Periodic watering of unsealed roadways shall be undertaken to reduce dust emissions when necessary.
  - All vehicle movements in relation to the poultry farm operations shall be restricted to a maximum speed limit of 10 km/h whilst on the site.

### Vegetation management

- 6.22. The Vegetation Management Plan shall be implemented and progress reports are to be submitted to Council after initial works have been commenced at 1 year, 2 years, 5 years and 10 years intervals.
- 6.23. No clearing or removal of native trees is permitted without the prior approval of Council.
- 6.24. Unsuccessful plantings shall be replaced in accordance with The Landscape Plan prepared by Precinct Landscapes (14/10/2010). Reference shall also be made to the 'Outline of Planting Development Engineered Vegetation Barriers' prepared by Precinct Landscapes (15/10/2010).
- 6.25. Grassed areas around sheds are to be maintained and regularly mown.

### Storage

- 6.26. Waste storage areas shall be designed to avoid contact with stormwater and any contaminated stormwater shall be collected, treated and disposed of without causing pollution. Spills of litter, feed, chemicals and other potential pollutants are to be cleaned up promptly.
- 6.27. Areas of nutrient and chemical storage, including the chicken sheds, litter stockpiles and dead bird management areas shall be on an impervious base material to protect ground water from pollution. Chemicals should be stored in bunded and roofed areas.

### Pests

- 6.28. All buildings, plant and equipment shall be designed and maintained to exclude vermin from the farm sheds, water and feed supplies and breeding sites for pests shall be eliminated from the farm.

### Pesticides and chemicals

- 6.29. Pesticide use must meet the requirements of the *Pesticides Act 1999* and Associated Regulations. All agricultural chemicals used on the farm are to be registered and are to be stored, mixed applied and disposed of in accordance with NSW Work Cover Authority's Code of Practice for the Safe Use and Storage of Chemicals (including pesticides and Herbicides) in Agriculture (Workcover NSW 1998)
- 6.30. Standards on the storage and handling of dangerous goods shall comply with the Dangerous Goods Act 1975.
- 6.31. Sheds shall be closed during chemical applications to minimise off site chemical spray drift, particularly into sensitive land use areas such as watercourses and residential area.
- 6.32. Spillages shall be contained and cleaned up immediately to minimise the likelihood of stormwater contamination

### Stormwater

- 6.33. Stormwater shall be harvested from the roof area of the poultry sheds for reuse in farm activities.
- 6.34. The dam inlet shall be maintained with macrophytes to a depth of 1.8m to aid in the uptake of nutrients and flocculation of sediment.
- 6.35. Water used for cleaning operations shall not result in runoff from the poultry shed.

### EMP

- 6.36. The farm operations shall be conducted and implemented in accordance with the farm management and procedures outlined in the approved Environmental Management Plan (as required under condition 2.5), except where modified by any conditions of this consent.
- 6.37. All forklifts operating within the site shall be fitted with reversing strobe lights and shall not have reverse beepers or alarms to minimise noise disturbance to adjoining residents.

## **7.. OTHER APPROVALS**

- 7.1. An "Application for a new water supply works and water use approval" should be completed and forwarded to the NSW Office of Water for assessment and determination prior to the construction of any new groundwater works. The application will be assessed in accordance with the Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003. The proposed transfer of 3ML from the Wollombi Brook Groundwater Source to the Lower Mangrove and Popran Creek Groundwater Zone is permitted under the Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003.
- 7.2. The approval holder must not take water unless in compliance with the conditions of the

access licence under which water is being taken

- 7.3. The approval holder must install, maintain and operate any device or devices for measuring the volume of water extracted by the approved works in accordance with any manufacturer's specifications.
- 7.4. The approval holder must provide a certificate issued by the manufacturer or other such competent, qualified person certifying the accuracy of device or devices used for measuring the volume of water extracted by the approved works.
- 7.5. The approval holder must inform the NSW Office of Water within seven (7) days if the device or devices used for measuring the volume of water taken from the approved work ceases to record water usage accurately. In such cases the approval holder must notify the NSW Office of Water:
  - (i) the duration of the failure of the measuring device(s), and
  - (ii) the total hours that the work was operated while the measuring device was not functioning, and
  - (iii) where irrigation is undertaken, the area of land in hectares that has been irrigated during the period where the measuring device was not functioning.
- 7.6. Extraction of groundwater from a new or replacement water supply work (bore) for any purpose, is excluded within 100 metres of:
  - (a) high priority groundwater dependent ecosystems listed in Schedule 5 Appendix 4 of the Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003;
  - (b) culturally significant sites, being areas of high conservation value for cultural reasons as contained in the National parks and Wildlife Service's Cultural Sites Register; or
  - (c) any river.
- 7.7. To minimise interference between extraction under different access licences in the Lower Mangrove and Popran Creeks Groundwater Management Zone, the following rules will apply to extraction authorised by an access licence:
  - (a) 400 metres of an approved water supply work (bore) nominated by another access licence;
  - (b) 200 metres of an approved water supply work (bore) from which basic landholder rights may be extracted; or
  - (c) 50 metres of the property boundary.

## 8.. ADVICE

- 8.1. The public authorities may have separate requirements and should be consulted in the following aspects:
  - a *Australia Post* for the positioning and dimensions of mail boxes in new commercial and residential developments;
  - b *Jemena Asset Management* for any change or alteration to the gas line infrastructure;
  - c *Energy Australia* for any change or alteration to electricity infrastructure or encroachment within transmission line easements;
  - d *Telstra, Optus* or other telecommunication carriers for access to their telecommunications infrastructure.
  - e *Gosford City Council* in respect to the location of water, sewerage and drainage services.
- 8.2. All work carried out under this Consent should be done in accordance with WorkCover requirements including the Occupational Health and Safety Act 2000 No 40 and

subordinate regulations, codes of practice and guidelines that control and regulate the development industry.

- 8.3. It is the responsibility of the meat chicken farm operator to ensure that they comply with relevant industry codes of practice for the health and welfare of animals and adhere to the standards set out in the Code of Practice and the Prevention of Cruelty to Animals Act 1979.
- 8.4. NSW Department of Industry and Investment will advise poultry farmers on the preferred method for mass disposal of birds in the case of an exotic disease outbreak, the current preferred method is to compost the dead birds in the sheds. Entry of people and equipment should be controlled and supervised in accordance with industry biosecurity standards.
- 8.5. If further mitigation or expansion is required the ability to upgrade the rest of the naturally ventilated sheds to tunnel ventilated should be considered.

## 9.. PENALTIES

Failure to comply with this development consent and any condition of this consent may be a **criminal offence**. Failure to comply with other environmental laws may also be a **criminal offence**.

Where there is any breach Council may without any further warning:

- Issue Penalty Infringement Notices (On-the-spot fines);
- Issue notices and orders;
- Prosecute any person breaching this consent, and/or
- Seek injunctions/orders before the courts to retain and remedy any breach.

### Warnings as to Potential Maximum Penalties

Maximum Penalties under NSW Environmental Laws include fines up to \$1.1 Million and/or custodial sentences for serious offences.

## 10.. RIGHT OF APPEAL

- 10.1. Sections 96(6) or 97 of the Act, where applicable, confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 60 days or 12 months respectively, from the date of determination.
- 10.2. To ascertain the date upon which the determination becomes effective refer to Section 83 of the Act.

