



Hawkesbury City Council

attachment 1 to item 13

Montgomery Planning Solutions
- Technical Report
dated January 2011

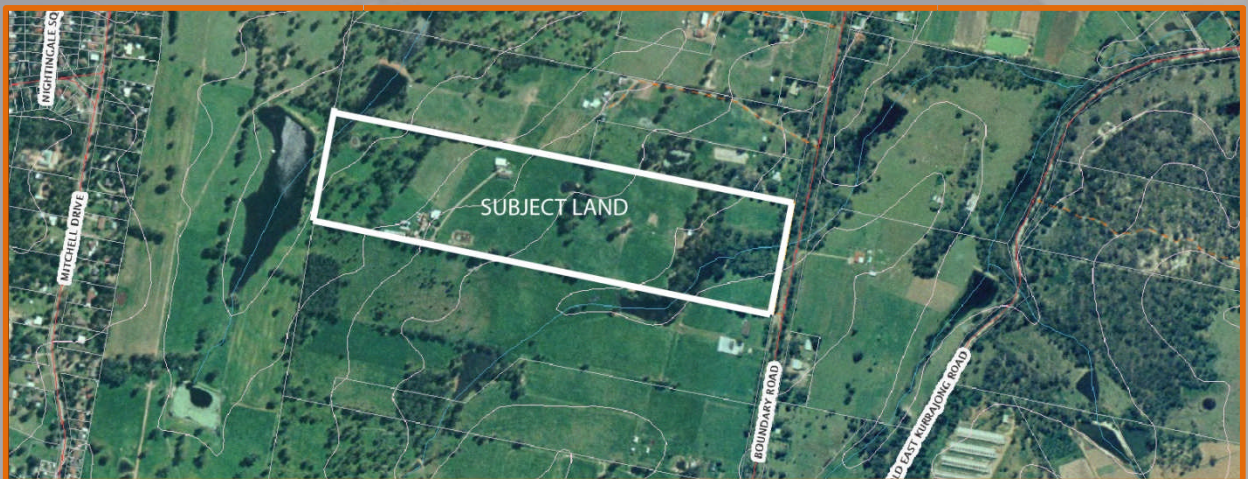
date of meeting: 1 February 2011
location: council chambers
time: 6:30 p.m.

Report to
**JOINT REGIONAL
PLANNING PANEL**
Sydney West Region



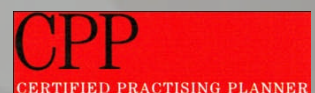
Proposed Poultry Farm
DA0657/2010

Lot 7 DP 7571 (No. 89) Boundary Road
Glossodia



Submitted on behalf of Hawkesbury City Council
January 2011

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Introduction

Montgomery Planning Solutions has been engaged by Hawkesbury City Council to prepare an assessment of a development application for a poultry farm at 89 Boundary Road Glossodia.

On 14 December 2010 Hawkesbury City Council resolved as follows:

“That a report be prepared for Council’s consideration that addresses the issues of submitting a technical report to the Joint Regional Planning Panel taking into account the Mayoral Minute of 14 December 2010 regarding 89 Boundary Road Glossodia.”

A copy of the Mayoral Minute is Attachment 1.

This report provides a detailed assessment of the proposal in accordance with the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979 and a review of the EIS requirements contained within the Environmental Planning & Assessment Regulation, 2000 and the Director General’s letter to the applicant dated 13 January 2010. The report is prepared independently of the Council staff assessment of the proposal.

In summary, it is submitted that the application should be refused due to:

1. the lack of information and analysis provided in the environmental impact statement; and
2. notwithstanding the lack of information, the proposal will have unacceptable impacts in the locality.

In our view the environmental impact statement is flawed in that it does not address all requirements of the Environmental Planning & Assessment Regulation 2000, the Director General of Planning and the NSW Office of Water. These omissions mean that no proper assessment has been carried out in relation to the impact on groundwater, nor has there been a complete analysis of feasible alternatives to the development.

It is considered that the site is not suitable for the development and this is highlighted by the need to introduce considerable physical and operational measures to control dust, noise and odour. In our view, the site is too small and the proposal is too close to a number of residential receptors to provide any certainty with respect to impact on local amenity.

Site and Surroundings

The subject land is described as Lot 7 DP 7571, (No 89) Boundary Road Glossodia. The land is 20.19 hectares in area with a frontage to Boundary Road of 221.53 metres and side boundaries of 913.7m and 917.4m.

Figure 1: Locality Plan – Source: LPMA SIX Viewer



The land rises from Boundary Road to a central ridge running north south through the land and falls west from the ridge to the rear boundary. A tributary of Howes Creek runs through the northwest corner of the land.

The immediately surrounding area is characterised by rural residential and agricultural properties, comprising market gardens, grazing and agriculture. The Glossodia residential estate is located some 360 metres to the west of the land.

Proposed Development

The proposed development comprises the following buildings and activities:

- Construction of four mechanically ventilated poultry sheds each having an area of 2,700m²;
- Earthworks comprising internal roads, cut and fill to create building platforms, drainage swales and earth berms for noise management;
- 200,000 birds per growing batch;
- 5.9 batches per year;
- Night time truck movements totalling 90 (45 in and 45 out) per batch per shed;

Section 79C Matters for Consideration

Environmental Planning Instruments

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (No. 2 – 1997)

The aim of SREP 20 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 of SREP 20 provides general planning considerations, specific planning policies and recommended strategies. The following specific policies and strategies are relevant to the proposed development:

(3) Water quality

Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the Government these are to be the goals to be achieved under this policy.

Note. Aquatic ecosystems and primary contact recreation have the same meanings as in the document entitled *Australian Water Quality Guidelines for Fresh and Marine Waters*, published in 1992 by the Australian and New Zealand Environment and Conservation Council.

Strategies:

- (f) *Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.*
- (h) *Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.*

Comment: The EIS states that the development site does not drain to any council identified water catchment areas. However, the land is drained by a tributary of Howes

Creek, which contains regionally significant wetlands downstream from Glossodia. The proposal has not adequately considered the potential for overflow of nutrients into the Howes Creek system.

(4) Water quantity

Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.

Strategies:

- (a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.
- (b) Ensure the amount of stormwater run-off from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage on-site stormwater retention, infiltration and (if appropriate) reuse.
- (c) Consider the need for restricting or controlling development requiring the withdrawal or impoundment of water because of the effect on the total water budget of the river.
- (d) Consider the impact of development on the level and quality of the water table.

Comment: The development relies on the extraction of a significant quantity of ground water. The EIS does not identify the level of the water table nor does it contain any assessment of the impacts of groundwater extraction.

(5) Cultural heritage

Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.

Strategies:

- (a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.
- (b) Protect Aboriginal sites and places of significance.
- (c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.
- (d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river.

Comment: The EIS contains no assessment of the potential impact of the proposal in terms of cultural heritage.

(6) Flora and fauna

Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.

Strategies, generally: (strategies relevant to proposed development)

- (a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.

Comment: The flora and fauna report states that there are a number of scattered remnant trees in both the eastern and western part of the property which form a sparse Cumberland Plain Woodland community. The report also states that “*some of these trees may need to be removed as part of the proposal.*”

These trees have not been identified by number, location, size or condition. They are also not identified on the site plan. It is therefore considered that the JRPP cannot be satisfied in relation to the impact on flora and fauna without a suitable level of detail.

Hawkesbury Local Environmental Plan 1989

The land is zoned Mixed Agriculture under the provisions of Hawkesbury Local Environmental Plan 1989 (HLEP 1989). Intensive agriculture is permissible with consent. Clause 44 provides the following definition:

intensive agriculture means *intensive animal production or intensive horticulture.*

intensive animal production means *the holding of goats, poultry or other livestock in a confined area to be reared or fattened wholly or substantially on prepared or manufactured feed and, without limiting the generality of the above, includes:*

- (a) the use of a poultry farm,*
- (b) the use of a feedlot,*
- (c) fish farming (which may consist of or include farming of crustaceans), or*
- (d) the use of a piggery.*

intensive horticulture means *the growing of plants or fungi involving any of the following:*

- (a) hydroponics,*
- (b) artificial housing,*
- (c) crop protection structures,*
- (d) market gardening,*
- (e) orcharding, or*
- (f) the growing of field flowers.*

The proposed development fits within this definition as *intensive animal production*.

HLEP 1989 contains a number of objectives for the Mixed Agriculture zone and specific clauses, which are examined in respect of the proposed development as follows.

Clause 9A – Zone Objectives

Clause 9A provides that Council must be of the opinion that the proposed development is consistent with the relevant objectives of the zone, before granting consent.

Specific Objectives of the Mixed Agriculture zone

The objectives are listed below, with comments relevant to the proposed development.

(a) to encourage existing sustainable agricultural activities,

There is currently no agricultural activity existing on the land, therefore this objective is not specifically relevant to the proposal.

(b) to ensure that development does not create or contribute to rural land use conflicts,

It is considered that the development will create considerable rural land use conflicts. The immediately surrounding land is used for low scale agricultural activities and rural residential use. It is noted that the land immediately adjoining to the west has approval for subdivision into eight rural residential allotments.

The most significant land use conflict will potentially occur between the proposal and the Glossodia residential estate, located just 360 metres to the west of the subject land.

(c) to encourage agricultural activities that do not rely on highly fertile land,

Although the proposal does not rely on highly fertile land, the EIS provides no review of the soil capability of the land, or whether the proposed development is the most appropriate use of the land.

(d) to prevent fragmentation of agricultural land,

The proposal has no impact.

(e) to ensure that agricultural activities occur in a manner:

- (i) that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as streams and wetlands, and*

The proposed development is likely to have a significant effect on surface and groundwater quality and flows. The development relies on using groundwater as the primary source of water, and there is insufficient information relating to the treatment of runoff and the capacity of the existing dam.

It is noted that there is no approval for a ground water bore.

- (ii) that satisfies best practice guidelines and best management practices.*

The EIS suggests that best practice will be utilised, however there is little evidence provided to support this.

- (f) to promote the conservation and enhancement of local native vegetation, including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation,*

The proposal is inconsistent with this objective, as it involves considerable earthworks and a change to the landform.

(g) *to ensure that development retains or enhances existing landscape values that include a distinctive agricultural component,*

The proposal is inconsistent with this objective. The existing landscape is characterised by a typically rural landform comprising mostly grazing lands, market gardens and low scale, low density buildings. The development proposes to alter the landform by creating a level area of approximately 2 hectares on sloping land and by constructing four buildings with a total floor area of 10,800 m².

(h) *to prevent the establishment of traffic generating development along main and arterial roads,*

Pursuant to State Environmental Planning policy (Infrastructure) 2007, the development is not traffic generating.

(i) *to control outdoor advertising so that it does not disfigure the rural landscape,*

No advertising is proposed.

(j) *to ensure that development does not create unreasonable economic demands for the provision or extension of public amenities or services.*

The proposal will not create any additional demands for the provision or extension of public amenities or public services.

Clause 18 – Provision of water, sewerage etc services

Clause 18(1) states:

The Council shall not consent to any development on land to which this plan applies unless arrangements satisfactory to the Council have been made for the provision to the land of water, sewerage, drainage and electricity services.

The development relies on approval of a commercial bore to extract 20 megalitres per annum for drinking water for the birds, wash down and cool cell pads. No approval has been granted by the NSW Office of Water for either a permanent or test bore at this time.

Notwithstanding that no approval has been issued for the bore, 20 megalitres per annum appears to be a gross underestimate of water usage. On page 35 of the EIS it is stated that:

“On average drinking water per batch requires an allocation of approximately 2 megalitres. Wash down and cool cell pads demand, on average, 1.2 – 1.3 megalitres per batch.”

Based on the description of the development contained within the EIS, the total duration of a batch is 52 – 59 days, plus an additional few days for removal of used shavings and replacement with new savings. There is therefore the potential for 6 batches per shed each year. On the figures quoted above this would require an annual water volume of 79.2 megalitres. The proposed 20 megalitre allocation would only service six batches per annum for one shed, which would clearly not be viable.

In relation to drainage, it is considered that the proposal is deficient in that:

- it fails to address the high nutrient runoff from shed washdown after each growing batch (up to 1.3 megalitres per batch);
- the stormwater management plan utilises a poultry drinking water rate of 14.4ML per annum, which is 28% less than the 20 ML estimate in the EIS;
- the stormwater management plan is based on an estimate only of the volume of the existing dam which is identified as essential in reducing nitrates to an acceptable level; and
- it fails to address the potential impact on water quality in the watercourse which runs through the dam and downstream properties

It is therefore submitted that the JRPP cannot be satisfied in relation to the provision of water or drainage for the development, as required by Clause 18.

Clause 44 – Intensive agriculture

As detailed above the proposal is defined as intensive agriculture under this clause. Clause 44 (4) requires the council to take into consideration the following matters:

(a) the need to protect the quality of downstream watercourses,

A tributary of Howes Creek traverses the north west corner of the land. This watercourse will drain overland flow from the proposed development via the existing dam. It is considered that the EIS does not adequately address the potential for nutrients to enter the Howes Creek system.

(b) the need to conserve native vegetation,

The flora and fauna report states that there are a number of scattered remnant trees in both the eastern and western part of the property which form a sparse Cumberland Plain Woodland community. The report also states that “*some of these trees may need to be removed as part of the proposal.*”

These trees have not been identified by number, location, size or condition. They are also not identified on the site plan. It is therefore considered that the JRPP cannot be satisfied in relation to the proposal without a suitable level of detail.

(c) the need to protect environmentally sensitive areas, such as wetlands, riparian zones, endangered ecological communities and threatened species within the meaning of the Threatened Species Conservation Act 1995,

In view of the insufficient detail provided in relation to the riparian zone and endangered ecological communities and threatened species, it is not possible for the JRPP to be satisfied in relation to this clause.

(d) the need to protect the amenity of the area from noise, dust, visual impact, spray drift, odour or any other potentially offensive sources, and

The proposed development will have adverse impacts on the amenity of the area in terms of dust, visual impact and odour. Although the EIS includes specialist reports in relation to these matters, it is considered that the location of the proposal in close proximity to residential and rural residential properties presents an extremely difficult challenge in this

regard. In our view there is a significant risk that the amenity of the area will be severely compromised.

(e) *the need to limit the impact of development on flood liable land.*

The land upon which the development is proposed is not flood liable.

Draft Environmental Planning Instruments

Draft Hawkesbury Local Environmental Plan 2009 applies. The subject land is proposed to be zoned “RU1 – Primary Production” under the draft plan.

The proposal is defined as intensive livestock agriculture, which is permissible with consent in the RU1 zone.

The proposed objectives of the “RU1” zone are:

1. *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
2. *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
3. *To minimise the fragmentation and alienation of resource lands.*
4. *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
5. *To encourage agricultural activities that do not rely on highly fertile land.*
6. *To ensure that development for agricultural and rural purposes occur in a manner that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows; land surface conditions and important ecosystems such as streams and wetlands.*
7. *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*
8. *To ensure that development retains or enhances existing landscape values which includes a distinctive agricultural component.*
9. *To prevent the establishment of traffic generating development along classified roads.*
10. *To control outdoor advertising so that it does not disfigure the rural landscape.*
11. *To ensure that development does not create unreasonable or economic demands, or both, for provision of extension or public amenities or services.*
12. *To encourage tourism related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.*

It is considered that the proposal is inconsistent with proposed objectives 4, 6, 7 and 8 of the RU1 zone, ie:

4. *To minimise conflict between land uses within the zone and land uses within adjoining zones.*
6. *To ensure that development for agricultural and rural purposes occur in a manner that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows; land surface conditions and important ecosystems such as streams and wetlands.*
7. *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*
8. *To ensure that development retains or enhances existing landscape values which includes a distinctive agricultural component.*

Development Control Plans

The Hawkesbury Development Control Plan applies to the subject land. However, there are no specific requirements for poultry farms. Other chapters have minor relevance only.

Matters prescribed by the Regulations

The proposal is designated development as defined in the Environmental Planning & Assessment Regulation, 2000. Among other requirements, an environmental impact statement (EIS) is required to be prepared in accordance with the Regulation and the requirements of the Director General of Planning and other approval bodies.

Schedule 2 of the Regulation specifies the contents of the EIS. In particular, the EIS must contain an analysis of alternatives to carrying out the development. The EIS, at page 31, attempts to address this requirement, however fails to do so in that:

- i. No alternative uses of the land are analysed;
- ii. No analysis of alternative sites is provided; and
- iii. There is no analysis of the consequences of not carrying out the development.

Schedule 2 also requires the EIS to contain justification for carrying out the development having regard to the biophysical, economic and social considerations, including stated principles of ecologically sustainable development.

In our view, the EIS contains no justification as required. It simply presents a description of the development and a review of the impacts. This is not surprising, as the site has not been selected for the proposal by any scientific method or review of environmental impacts. Rather, the owner of the land, who works in the poultry industry, decided to prepare this proposal for the land.

In our view the land is not suitable for the proposed development. This is highlighted by the need to rely on the construction of noise and dust buffers and to place unworkable restrictions on truck drivers. Notwithstanding the proposed measures to address the impacts, there are serious omissions and potential errors in the information which supports the EIS.

Likely Impacts of the Proposed Development

Context and Setting

The existing landscape is characterised by a typically rural landform comprising mostly grazing lands, market gardens and low scale, low density buildings. Although other land in the vicinity is used for agricultural purposes, these are relatively low scale and form part of an attractive rural environment. The minimum lot size for the zone is 10 hectares and this is reflected in the existing and proposed (approved 10 ha subdivision to west) lot configuration in the locality.

The proposed development will alter the landform by creating a bench on sloping land. The benched area runs across the natural contours of the land and comprises approximately 2 hectares in area with cut and fill up to five metres deep. The four large buildings, each with a floor area of 2,700m² will present a very prominent industrial style feature which is completely out of character and context with the locality.

It is considered that the proposal will have a significant negative impact and will change the setting of the area considerably. The EIS contains no visual assessment of the proposal and this is considered to be a significant omission from the assessment of the proposal.

Access, Transport & Traffic

Although the existing road system may be capable of handling the additional traffic from the development, it is the noise impact (and sleep disturbance potential) from the considerable number of night time truck movements which is unacceptable.

Public Domain

The proposal will have a negative impact on the public domain by introducing a significant number of night time truck movements to Boundary Road, which will impact all residents of Boundary Road between the subject site and its intersection with Spinks Road & Creek Ridge Road.

It is not clear from the EIS or the traffic report whether the batches will be staggered among the sheds or whether all sheds will operate in the same batch cycle. However, for each 60 day batch cycle of each shed, it is estimated that a total of 90 night time truck movements will occur. These movements would be concentrated over three periods as follows:

Batch day 32 - 18 movements in one night.
Batch day 39-42 - 26 movements over three nights.
Batch day 51-56 - 46 movements over two – three nights.

These night time truck movements will take place between 8:00pm and dawn and are extremely likely to cause sleep disturbance to residents of Boundary Road.

It is noted that the noise impact assessment included with the EIS does not assess the impact of night time truck movements on Boundary Road.

Other Land Resources

There is no indication in the EIS that any other land resources will be affected.

Water

The development relies on approval of a commercial bore to extract 20 megalitres per annum for drinking water for the birds, wash down and cool cell pads. No approval has been granted by the NSW Office of Water for either a permanent or test bore at the time of lodgement of the development application.

The NSW Office of Water issued its requirements for the EIS in relation to surface water and ground water on 6 April 2010. In relation to groundwater the NSW Office of Water required the EIS to address the impacts of the proposal and provide the following details:

- *The predicted highest groundwater table at the site.*
- *Any works likely to intercept, connect with or infiltrate the groundwater sources.*
- *Any proposed groundwater extraction, including purpose, location and construction details of all proposed bores and expected annual extraction volumes.*
- *A description of the flow directions and rates and physical and chemical characteristics of the groundwater source*
- *The predicted impacts of any final landform on the groundwater regime*
- *The existing groundwater users within the area (including the environment), any potential impacts on these users and safeguard measures to mitigate impacts.*
- *An assessment of the quality of the groundwater for the local groundwater catchment.*
- *How the proposed development will not potentially diminish the current quality of groundwater, both in the short and the long term.*
- *Measures for preventing groundwater pollution so that remediation is not required.*
- *Protective measures for any groundwater dependent ecosystems (GDEs).*
- *Proposed methods of the disposal of waste water and approval from the relevant authority.*
- *The results of any models or predictive tools used.*

The EIS does not address any of these matters required by the NSW Office of Water. Therefore, no assessment can be made of the impact on groundwater.

It is also noted that the licensing requirements for commercial bores require a bore to be located at least 200 metres from a property boundary. As the property is only 221 metres wide, it is not possible to satisfy this distance requirement for a commercial bore.

In relation to drainage, it is considered that the proposal is deficient in that:

- it fails to address the high nutrient runoff from shed washdown after each growing batch (up to 1.3 megalitres per batch);
- the stormwater management plan utilises a poultry drinking water rate of 14.4ML per annum, which is 28% less than the 20 ML estimate in the EIS;
- the stormwater management plan is based on an estimate only of the volume of the existing dam which is identified as essential in reducing nitrates to an acceptable level; and
- it fails to address the potential impact on water quality in the watercourse which runs through the dam and downstream properties

Soils

The proposal requires a significant volume of cut and fill to achieve a level platform of approximately 2 hectares for the poultry sheds. The EIS contains no assessment of the impact of the development on soils.

It is noted that the Director General's Requirements include a requirement for the EIS to address soils.

Flora and Fauna

The flora and fauna report states that there are a number of scattered remnant trees in both the eastern and western part of the property which form a sparse Cumberland Plain Woodland community. The report also states that *"some of these trees may need to be removed as part of the proposal."*

These trees have not been identified by number, location, size or condition. They are also not identified on the site plan. It is therefore considered that the JRPP cannot be satisfied in relation to the proposal without a suitable level of detail.

Waste

The proposed development will generate significant volumes of waste in the form of soiled bedding (removed after each batch), disinfectant and waste water from cleaning operations. No details are provided in the EIS in relation to the disposal of such waste.

It is noted that It is noted that the Director General's Requirements include a requirement for the EIS to address waste management.

Energy

The EIS contains no estimates of gas and electricity usage by the development. Accordingly no assessment can be made in relation to energy.

Noise and Vibration

The proposed development will create significant noise impact on the surrounding rural properties, nearby residential properties and residents of Boundary Road. The critical noise impacts are those associated with the operation of ventilation fans and the night time collection of birds from the sheds.

The noise assessment submitted with the proposal recommends that a vegetative barrier and earth mound is required to reduce fan noise to acceptable levels and that a 3m high earth mound and colorbond fence is required to reduce noise from night time bird collections. It also suggested that a white noise generator would be used to increase background noise when there is no insect noise. Although this is proposed to reduce the potential for sleep disturbance, the suggestion that a development can artificially increase the background noise in the area to achieve compliance is in our view ludicrous.

It is noted that noise reduction will also be reliant on specific driver training, trucks driving at minimum speed on public roads near the site and well maintained trucks and trailer suspensions. While these restrictions are admirable, in practice they are very difficult to control and enforce. In our experience, even with the best intentions, these types of controls are not practical and are often beyond the control of the development operator.

The report finds that even with these measures in place, night time compliance will not be achieved for two adjacent residences.

It is clear that the proposed development will have unacceptable noise impacts in the locality.

Natural Hazards

The land is identified as bushfire prone. While asset protection zones may be adequate in terms of protecting the building, there is no indication as to how smoke and heat from a nearby bushfire may affect a shed full of birds, and whether the ventilation system is adequate in such an event.

Technological Hazards

There are no apparent technological hazards.

Safety, Security & Crime Prevention

The EIS does not address these matters.

Social Impact in the Locality

The EIS states:

“Any social disadvantages are expected to be minor and are considered to be far outweighed by the economic benefits which will flow as a result of the development.”

However, there is no identification or analysis of these social disadvantages. The alleged economic benefits are not identified other than a general statement that there will be long term economic benefits to the local and regional economies.

It is considered that the EIS does not adequately address this matter.

Economic Impact in the Locality

No evidence is presented which would support the claim that there will be long term economic benefits to the local and regional economies. Even if this claim can be substantiated, there are no compelling reasons why the development has to occur on the subject land. In fact the EIS fails to provide an analysis of feasible alternatives, as required by the Environmental Planning & Assessment Regulation 2000.

Cumulative Impacts

It is considered that the EIS has not properly addressed the cumulative impacts of the proposed development. In particular, no other rural activities in the immediate locality have been considered.

It also noted that the proposed development occupies only a small portion of the subject land (less than one third of the site area). The potential for future expansion is of concern, especially when one considers the statement on page 23 of the EIS:

"In terms of capital investment into the employment of such latest technologies, the chicken farmer is typically forced to expand farming operations in order to justify the significant capital outlay and in order to achieve economies of scale which permit the land use to be established in the first place."

Suitability of Site for the Proposed Development

The subject land is some 20 hectares in area with a frontage to Boundary Road of 221.53 metres and side boundaries of 913.7m and 917.4m.

The land rises from Boundary Road to a central ridge running north south through the land and falls west from the ridge to the rear boundary. A tributary of Howes Creek runs through the northwest corner of the land.

The immediately surrounding area is characterised by rural residential and agricultural properties, comprising market gardens, grazing and agriculture. The Glossodia residential estate is located some 360 metres to the west of the land.

The development area is located close to the northern, southern and western boundaries of the land with minimum setbacks to the north of some 8 metres, to the west of some 22 metres and south of some 50 metres. It is noted that the access track which services the development is located along the southern boundary and extends for virtually the full length of that boundary. It is also noted that the base of the earth batters extend up to a further 20 metres from the development area.

The proposal also requires significant earthworks to create a level platform of approximately two hectares in area where the sheds will be constructed. This involves cut and fill up to 5 metres deep and represents a significant change to the landform.

The close proximity of the proposed development to nearby dwellings requires major physical and operational controls to be in place to protect the surrounding land from the impacts of dust, noise and odour. These measures include three metre high earth mounds, vegetative screening, colorbond fencing and restrictions on truck drivers. Even with all these measures in place the night time noise level does not comply.

It is therefore our view that the site is not suitable for the proposed development.

The Public Interest

Approximately 670 submissions have been received in response to the advertising and notification of the proposal. It is noted that approximately 664 submissions object to the proposal and 6 are in support of the proposal. The majority of objections are from local Glossodia residents.

It is clear that there is significant public concern about the impacts of the proposal. The concerns expressed include:

- Proximity of the proposal to existing residents and the residential area of Glossodia;
- The negative visual impact of the sheds;
- Odour and dust;
- Noise from trucks, forklifts and chickens;
- Increased truck movements on local roads;
- Potential pollution of local creeks; and
- The close proximity of the proposal to existing poultry farms, which could create risks of transmitting avian diseases.

Having reviewed the EIS and supporting reports, it is considered that the public interest will be better served by refusing the proposal, therefore retaining the existing rural landform and not subjecting surrounding residents to the potential for noise, dust and odour impacts.

Conclusion

The EIS has not demonstrated that the proposed development is acceptable. The proposal does not satisfy the matters for consideration in Section 79C of the Environmental Planning and Assessment Act, 1979 nor does it satisfy the requirements of the Director General of Planning in assessing the environmental impacts.

It is concluded that the proposed development is likely to create significant environmental impacts for the land and the immediate locality and should be refused for the following reasons:

1. The site is not suitable for the proposed development due to the major change to the landform proposed and the unacceptable impacts of noise, dust and odour on properties in the immediate locality.
2. The environmental impact statement is flawed in that it:
 - i. fails to address the impacts of groundwater extraction as required by the NSW Office of Water;
 - ii. fails to provide an analysis of alternatives to the development;
 - iii. fails to provide adequate justification for the proposal;
 - iv. fails to address waste disposal; and
 - v. fails to address soil impacts
3. The proposal is inconsistent with the objectives of the Mixed Agriculture zone and the proposed RU1 zone.
4. The proposal will have an unacceptable visual impact on the landscape.
5. The proposal will have unacceptable impacts on the amenity of residents of the area by the emission of dust, odour and noise.

6. The proposed methods of reducing dust, odour and noise are not sufficient to protect the amenity of the residents in the area.
7. The cumulative impacts of the proposal are likely to be unacceptable.
8. There is insufficient information in relation to the impacts of the proposal on groundwater and surface water.
9. Approval of the proposal is not in the public interest.



Robert Montgomery
BApSc (Environmental Planning) MPIA CPP
January 2011

ATTACHMENT 1: Mayoral Minute 14 December 2010

MM - Development Application No. 0657/2010 - Ventilated Poultry Sheds - 89 Boundary Road, Glossodia - (116927)

REPORT:

Council has received Development Application No. 0657/2010 from Aconsult Development and Environmental Planning Consultants, proposing the erection of four tunnel ventilated poultry sheds at Lot 7, DP 7571, 89 Boundary Road, Glossodia.

The proposed poultry farm is a "designated development" as it is within 100 metres of a wetland and within 150 metres of a dwelling. All designated developments require determination by the Joint Regional Planning Panel (JRPP).

I acknowledge that Council's Planning staff will be submitting a planning report to the JRPP. However, the purpose of this Mayoral Minute is to outline to the JRPP the concerns of Council's residents and the local poultry industry to this proposal, and is not a direction to Council's Planning staff.

Since the lodgement of this Development Application there have been two community meetings on 3 November and 12 December 2010 to discuss this proposal, as well as numerous objections from residents and the poultry industry.

Some of the concerns expressed at the community meetings, and in the written objections, include:

- The proximity of the proposed development to existing residents and the residential area of Glossodia.
- The visibility of the proposed sheds to residents.
- Odour and dust from the proposed development.
- Noise from trucks, forklifts and the chickens.
- Increased truck movements on local roads.
- Potential pollution of local creeks due to stormwater runoff from the proposed facility.
- The close proximity of the proposed development to existing poultry farms already operating in the local area, which could create risks of transmitting avian diseases.

The concerns expressed by residents to the proposed development can be summarised as having an impact on their amenity due to the location of the proposed development, noise, increased truck movements and air and water pollution. Whilst the poultry industry is mainly concerned about the security of their existing poultry farms.

I believe that due to the concerns of local residents and poultry industry to the proposal development expressed at the recent community meetings, and through the numerous submissions objecting to the proposal, that the contents of this Mayoral Minute should be forwarded to the JRPP to enable the JRPP to be aware of the concerns of our residents and the local poultry industry when considering this proposal.

Planning Decision

As this matter is covered by the definition of a "planning decision" under Section 375A of the Local Government Act 1993, details of those Councillors supporting or opposing a decision on the matter must be recorded in a register. For this purpose a division must be called when a motion in relation to the matter is put to the meeting. This will enable the names of those Councillors voting for or against the motion to be recorded in the minutes of the meeting and subsequently included in the required register.

RECOMMENDATION:

That:

1. The Mayoral Minute regarding the concerns of local residents and the local poultry industry to Development Application No. 0657/2010 for the erection of poultry sheds at 89 Boundary Road, Glossodia be forwarded to the Joint Regional Planning Panel.
2. The Joint Regional Planning Panel also be advised that based on the community and industry concerns, the elected body of Council agree that this is an inappropriate location for the proposed poultry farm.

ATTACHMENTS:

There are no supporting documents for this report.

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