



Environmental Impact Statement

Livestock Intensive Industry
(Poultry Production Facility)

Warburn Farm 1
Cunningham Road, Warburn, NSW

June 2015

Client: Morton Ag Pty Ltd

Environmental Impact Assessment

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Applicant and Land Details

Applicant: Morton Ag Pty Ltd
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Griffith NSW 2680

Subject Site: Lot 73 DP 756070, Cunningham Road, Warburn

Proposal: Designated & Integrated Development Application

Certification

I certify that I have prepared the content of this Environmental Impact Assessment and to the best of my knowledge has been prepared, in accordance with the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*, and that it is true in all material particulars and does not mislead nor by presentation or omission of information materially mislead.



Warwick Stimson MPA CPP
Director



Author	Checked	Version	Date
WS	MR	Draft	June 2015
WS	MR	Final	June 2015

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1 Executive Summary

Introduction

The proposed development includes the construction and establishment of a livestock intensive industry (poultry production facility) along with ancillary sheds, storage areas, infrastructure and site works.

Given certain characteristics of the proposal, the development triggers the Designated and Integrated Development provisions of the EPA Act. On this basis Secretary's Environmental Assessment Requirements have been sought from NSW Planning & Environment for the preparation of this EIS.

Site Context

The subject land comprises Lots 73 & 79 DP 756070, which is located on the southern side of Cunningham Road, Warburn in the Riverina region of NSW. With the exception of dwelling and farm sheds, the site is currently vacant and has traditionally been used for cropping & grazing purposes. The immediate surrounding locality comprises predominantly agricultural land-uses with isolated dwellings.

Project Description

The proposed development relates to the establishment & operation of a livestock intensive industry (poultry production facility) known as Warburn Farm 1 on Lot 73 DP 756070, which is located on the southern side of Cunningham Road, Warburn in NSW. The proposal comprises the construction of: twelve (12) poultry sheds; thirty-six (36) free-standing silos; one (1) cool room; one (1) amenities/workshop/storage building, eight (8) water tanks; ten (10) gas tanks; and one (1) water storage dam. It also includes the construction of internal roadways, drainage channels, and stormwater detention swales/basins.

Development consent is sought to accommodate up to 51,000 mature birds per shed at a time, which equates to 612,000 birds on the site in total at any point in time. The proposal provides for chickens to be raised in the proposed sheds for human consumption. The average length of a production cycle is approximately 8-10 weeks, which provides for around 5.2 placements per annum.

Alternatives Considered

The proponent canvassed a number of potential alternative sites in and around the Riverina region within reasonable proximity to Griffith and close to existing and appropriate road networks. These investigations concluded that sites closer to Griffith and established rural settlements encounter potential land use conflicts. The Cunningham Road site was selected because it was located relatively close to Griffith, satisfied the client's operational requirements and only required a small environmental footprint on land that had previously been used for cropping & grazing purposes.

The key benefits of the site as the preferred location are:

- Proximity to Griffith.
- Existing zoning.
- Access to arterial road network.
- Low amenity impacts including noise, air quality and visual impacts.
- Low environmental impacts associated with the proposal with regard to extent of site disturbance required and other site features.

The proposed development, in terms of location, siting and design is considered to meet the requirements with regard to economic, environmental and social matters.

EIS Requirements and Scope

NSW Planning & Environment issued Secretary's Environmental Assessment Requirements (SEARs) on 26 March 2015 with the following key issues being identified needing consideration.

Key Issue	Requirement for Consideration
Strategic Context	Justification for the proposal and suitability of the site for the development. Demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans, or justification for any inconsistencies. A list of any approvals that must be obtained under any other Act or laws before the development may be carried out.
Air quality & odour	Description of all potential sources of air and odour emissions. An air quality impact assessment in accordance with relevant EPA guidelines. Description and appraisal of air quality impact mitigation and monitoring measures.
Noise & vibration	Description of all potential noise and vibration sources during construction and operation, including road traffic noise. A noise and vibration assessment in accordance with relevant EPA guidelines. Description and appraisal of noise and vibration mitigation and monitoring measures.
Soil & water	Description of local soils, topography, drainage and landscapes. Details of stormwater and wastewater management. Details of sediment and erosion control. Details of water usage including water supply and licences. Assessment of impacts to surface and groundwater resources, flooding, impacts and impacts to groundwater dependant ecosystems. Description and appraisal of impact mitigation and monitoring measures.

Key Issue	Requirement for Consideration
Animal welfare, biosecurity & disease management	Detail of how the proposed development would comply with relevant codes of practice and guidelines. Description of the contingency measures that would be implemented for the mass disposal of livestock in the event of a disease outbreak.
Traffic and Transport	Details of road transport routes and access to the site. Road traffic predictions for the development during construction and operation. Assessment of impacts to the safety and function of the road network. Details of any road upgrades required for the development.
Waste Management	Details of waste handling including, transport, identification, receipt, stockpiling and quality control. Measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.
Biodiversity	Predictions of any vegetation clearing on site or for any road upgrades. Assessment of the potential impacts on any threatened species populations, endangered ecological communities or the habitats, groundwater dependant ecosystems and any potential for offset requirements. Description of the measures to avoid, minimise, mitigate and offset biodiversity impacts
Visual	Impact assessment at private receptors and public vantage points.
Heritage	Aboriginal and non-Aboriginal cultural heritage

These matters have been addressed within the body of this EIS and/or in the accompanying reports.

Planning and Legislative Framework

A range of Federal and State legislation, as well as local environmental planning instruments, have been considered in the preparation of this development proposal. The proposal is considered to be satisfactory in the context of the legislative environment within which it sits, on the basis that:

- The proposal is permissible in the zone.
- The objectives of the zone are satisfied.
- The range of applicable State Environmental Planning Policies have been considered.
- Strategic documents that apply to the locality and wider region have identified that the proposed use is consistent with the strategic context of the area.
- At a micro scale, the proposed development can satisfy the relevant provisions of the Building Code of Australia and applicable Australian Standards.

Public Notification and Consultation

A range of authorities have been consulted with during the preparation of this application. These include Griffith City Council, NSW Planning & Environment, NSW

Environment Protection Authority and NSW Roads & Maritime Services. This consultation is detailed throughout this report. The proponent has also had preliminary discussions with some of the surrounding landowners regarding the proposed development.

Environmental Impact Assessment

An assessment has been undertaken against the relevant planning controls and policies. Additionally, a number of independent consultants have been engaged to specifically consider certain aspects of the proposal. As a result, the proposed development complies with the relevant controls and it is considered that appropriate mitigation measures can be put in place to minimise any identified risks.

The proposed development is considered acceptable in a legislative sense.

Justification for the Proposed Development

Detailed consideration of the environmental impacts of the proposal has been undertaken in the environmental impact assessment process and in the preparation of the EIS. In assessing the impacts of the proposed development, consideration has been given to social, economic and environmental matters.

As a result the proposed development is not considered to represent an environmental risk, or a development that might be out of context with the surrounding locality.

Conclusion

The proposed development has been assessed against the requirements of the Griffith LEP and the relevant State Environmental Planning Policies and is considered to represent a form of development that is acceptable.

The proposal is considered to be permissible within the zone and generally in keeping with the nature of surrounding rural environment. The proposal is considered to comply with relevant planning instruments and controls. In this regard:

- The proposal is considered to be a project that is specified in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* and therefore classified as 'Designated Development';
- The proposal has been considered against the requirements of Part 4 of the *Environmental Planning and Assessment Act 1979*; and
- The proposal is considered to satisfy the zoning requirements & objectives and other relevant clauses listed in the *Griffith Local Environmental Plan 2014*.

Adequate arrangements can be made for the provision of: vehicular access to and throughout the site, essential utilities, sewerage, waste and drainage. The site is located a suitable distance from residential receptors and is not anticipated to

significantly impact on the surrounding locality. On this basis, the subject site is considered acceptable for the proposed development.

The proposal is considered to result in a positive economic impact for the City of Griffith LGA and is therefore in the public interest.

Accordingly it is recommended that the proposed development be approved.

2 Introduction

2.1 Overview

This Environmental Impact Statement (EIS) has been prepared by Stimson & Baker Planning and Planningmatters Development Service under section 78A(8A) of the *Environmental Planning and Assessment Act 1979* (EPA Act) in support of the development of an livestock intensive industry (poultry production facility) known as Warburn Farm 1 on Lot 73 DP 756070, located on the southern side of Cunningham Road, Warburn ('the site') in the Riverina region of New South Wales.

The application seeks approval for the construction of twelve (12) poultry sheds accommodating up to 51,000 birds per shed at any point in time and associated infrastructure on the site.

The report reviews the relevant environmental planning instruments for the area. An assessment of the potential effects of the proposal has also been undertaken.

The EIS is set out as follows:

- Section 1 provides an executive summary;
- Section 2 provides an introduction;
- Section 3 describes the project need and alternatives;
- Section 4 details the site and surrounds;
- Section 5 details the development proposal;
- Section 6 provides an assessment against the planning/legislative framework.
- Section 7 explains the public notification and consultation requirements.
- Section 8 details the justification for the project.
- Section 9 provides a conclusion and recommendation.

The proposal is supported by the following information, which is attached:

- Appendix A Secretary's Environmental Assessment Requirements
- Appendix B Section 149 Planning Certificates
- Appendix C Site Survey
- Appendix D Development Plans
- Appendix E Air Quality Assessment
- Appendix F Traffic & Parking Assessment
- Appendix G Ecological Assessment
- Appendix H Aboriginal Heritage Assessment
- Appendix I Noise Impact Assessment

2.2 Background

The proposed development relates to the establishment and operation of a livestock intensive industry (poultry production facility) known as Warburn Farm 1 on Lot 73 DP 756070, which is located on the southern side of Cunningham Road, Warburn in NSW.

The site is zoned *RU1 Primary Production* under *Griffith Local Environmental Plan 2014* (GLEP2014) with the proposal being permissible with consent.

Given certain characteristics of the proposal, the development triggers the Designated and Integrated Development provisions of the EPA Act. On this basis Secretary's Environmental Assessment Requirements have been sought from the NSW Department of Planning & Environment for the preparation of this EIS.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of the GLEP2014, as well as all other relevant legislation.

2.3 Introduction to the proponent

The proponent for the proposed development is: Morton Ag Pty Ltd. Morton Ag Pty Ltd operates poultry production facilities in other states and has purchased the site for the sole purpose of establishing a poultry production facility.

2.4 NSW Planning & Environment's Secretary's Environmental Assessment Requirements and Key Issues

NSW Planning & Environment issued Secretary's Environmental Assessment Requirements (SEARs) on 26 March 2015 with the following key issues being identified as needing consideration:

Key Issue	Requirement for Consideration
Strategic Context	Justification for the proposal & suitability of the site for the development. Demonstration that the proposal is consistent with relevant planning strategies, environmental planning instruments, development control plans, or justification for any inconsistencies. A list of any approvals that must be obtained under any other Act or laws before the development may be carried out.
Air quality & odour	Description of all potential sources of air and odour emissions. An air quality impact assessment in accordance with relevant EPA guidelines. Description and appraisal of air quality impact mitigation and monitoring measures.

Key Issue	Requirement for Consideration
Noise & vibration	Description of all potential noise and vibration sources during construction and operation, including road traffic noise. A noise and vibration assessment in accordance with relevant EPA guidelines. Description and appraisal of noise and vibration mitigation and monitoring measures.
Soil & water	Description of local soils, topography, drainage and landscapes. Details of stormwater and wastewater management. Details of sediment and erosion control. Details of water usage including water supply and licences. Assessment of impacts to surface and groundwater resources, flooding, impacts and impacts to groundwater dependant ecosystems. Description and appraisal of impact mitigation and monitoring measures.
Animal welfare, biosecurity & disease management	Detail of how the proposal will comply with relevant codes of practice and guidelines. Description of the contingency measures that would be implemented for the mass disposal of livestock in the event of a disease outbreak.
Traffic and Transport	Details of road transport routes and access to the site. Road traffic predictions for the development during construction and operation. Assessment of impacts to the safety and function of the road network. Details of any road upgrades required for the development.
Waste Management	Details of waste handling including, transport, identification, receipt, stockpiling & quality control. Measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives & guidelines in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.
Biodiversity	Predictions of any vegetation clearing on site or for any road upgrades. Assessment of the potential impacts on any threatened species populations, endangered ecological communities or the habitats, groundwater dependant ecosystems and any potential for offset requirements. Description of the measures to avoid, minimise, mitigate and offset biodiversity impacts
Visual	Impact assessment at private receptors and public vantage points.
Heritage	Aboriginal and non-Aboriginal cultural heritage

2.5 Consent Authority

Section 23 of the EPA Act identifies that a Joint Regional Planning Panel (JRPP) has the functions conferred or imposed on it under the Act.

Schedule 4A of the EPA Act details that development for which a regional panel may be authorised to exercise consent authority functions of Councils.

Section 3 of the Schedule 4A cites '*General Development with a capital investment value of more than \$20 million as being determined by the JRPP*'. Given that the proposed development will have a capital investment value of less than \$20 million, the consent authority will be Griffith City Council.

2.6 Pre-lodgement Stakeholder Consultation

A range of authorities have been consulted with during the preparation of this application. These include Griffith City Council, NSW Environment Protection Authority and NSW Roads and Maritime Services. This consultation is detailed throughout this report.

2.7 Supporting Documentation

The proposal is accompanied by the following documentation:

Documentation	Prepared By
Secretary's Environmental Assessment Requirements	NSW Planning & Environment
Section 149 Planning Certificates	Griffith City Council
Site survey	PHL Surveyors
Development Plans	Zeplan Drafting Service
Air Quality Assessment	Pacific Environment
Traffic & Parking Assessment	Varga Traffic Planning
Ecological Assessment	OzArk Environmental & Heritage Management
Aboriginal Heritage Assessment	OzArk Environmental & Heritage Management
Noise Impact Assessment	Reverb Acoustics

3 Project Need and Alternatives

3.1 Need for the Proposed Development

The current expansion of Baiada's poultry processing facility at Hanwood, south of Griffith calls for an increase in the number of chickens to be housed at poultry production facilities such as the proposed development.

The proposed development will address the upcoming shortage of poultry production facilities within the Riverina region of NSW to service Baiada's poultry processing facility in Hanwood, south of Griffith.

3.2 Analysis of Alternatives

Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EPA Regulation) requires the applicant to provide an outline of the main alternatives considered in preparing the application, and an indication of the reasons for its choice taking into account the main environmental effects.

This section considers the alternatives investigated which include:

- Do-nothing approach.
- Alternatives to Tabbita Lane as the preferred site.

3.3 Consideration

The proposed development has resulted from the need to construct additional poultry production facilities to accommodate the growth of Baiada's poultry processing facility at Hanwood, south of Griffith. The starting point for the consideration of alternative options was the brief which is underpinned by a number of guiding principles:

- Develop a site with capacity to service the needs of the region's growing poultry activities and wider demand for this product.
- Access to arterial road network.
- Existing appropriate zoning.
- Ensure that environmental impacts associated with the development are minimised.
- Ensure that appropriate separation existed from residential receptors.
- Ensure that the operational needs of the site can be satisfactorily met minimising conflict with surrounding land uses.
- Where practical, utilise existing site infrastructure.

The design process involved the consideration of site constraints and opportunities as well as key objectives and land use principles for the proposed development.

Do Nothing Approach

The proposed site is significant to the development and efficient operation of the poultry production & processing industry in the Riverina region of NSW. In economic, environmental and social terms, the do nothing approach is not considered to be a viable option and is unacceptable as it would result in the failure to provide the necessary supply to Baiada's existing poultry processing facility in Hanwood, south of Griffith which is currently being expanded.

Alternatives to Cunningham Road as the preferred site

The proponent canvassed a number of potential alternative sites within proximity of Griffith and close to existing and appropriate road networks. These investigations concluded that sites closer to Griffith and established residential settlements encounter potential land use conflicts. The Cunningham Road site was selected because it satisfied the client's operational requirements and only requires a relatively small environmental footprint.

The key benefits of the site as the preferred location are:

- Proximity to current and emerging markets.
- Existing zoning.
- Access to arterial road network.
- Low amenity impacts including noise, air quality and visual impacts.
- Low environmental impacts associated with the proposal with regard to extent of site disturbance required and other site features.

The proposed development, in terms of location, siting and design is considered to meet the requirements with regard to economic, environmental and social matters.

4 The Site and Surrounds

4.1 The Subject Site

The subject land comprises Lots 73 & 79 DP 756070, which is located on the southern side of Cunningham Road, Warburn in the Riverina region of NSW. With the exception of dwelling and farm sheds, the site is currently vacant and has traditionally been used for cropping & grazing purposes. The immediate surrounding locality comprises predominantly agricultural land-uses with isolated dwellings.



Figure 1 Subject site and location of the overall site

Vehicular access to the site can currently be gained via existing driveways off Testini Lane, which links with Cunningham Road adjoining the site's northern boundary.

4.2 Existing Development

The site is currently vacant and has been used for a range of low impact agricultural uses such as cropping & grazing. A dwellings & sheds are located at the northern end of the site.

4.3 Local Context

The subject site is located approximately 20km by road north-west of Griffith and 30km by road south of Goolgowi.

The area is characterised by a range of agricultural land uses including, cropping, grazing, horticulture. Barren Box Swamp is located to the west of the site.

The Kidman Way is the main arterial link between the closest townships of Goolgowi to the north and Griffith to the south-east of the site. The Kidman Way serves as a major link between Victoria, western NSW and western Queensland and caters for a relatively moderate volume of traffic. The Kidman Way Highway is classified as an 'arterial' road under the control of NSW Roads & Maritime Services, comprises a sealed surface catering for two-way traffic flow. Cunningham Road connects to The Kidman Way to the north of the site. Cunningham Road is classified as a 'local road under the control of Griffith City Council and comprises an all-weather gravel surface except for the stretch over the hill adjoining the site's northern boundary and caters for two-way traffic flow. The Kidman Way is a B-Double and Road Train route and has a speed limit of 100km/hr.



Figure 2 Subject Site and Surrounds

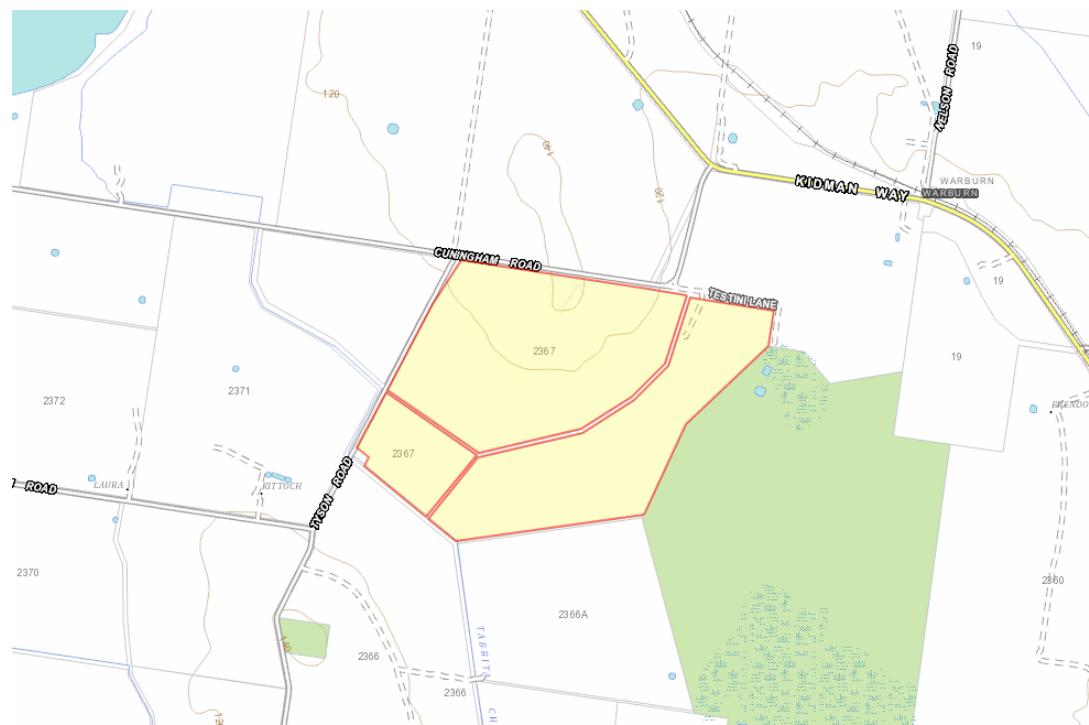


Figure 3 Subject Site and Surrounding Cadastre

4.4 Site History

The subject site has traditionally been used for cropping and grazing purposes.

4.5 Site Constraints

A Section 149 Planning Certificate has been issued by Griffith City Council for Lots 73 & 79 DP 756070. No significant constraints have been identified.

A copy of the Section 149 Certificates issued by Griffith City Council are appended to this report.

4.6 Topography

The site is located within the Hillston Sandplains of the NSW Murray Darling Depression (MDD) Bioregion. The topography of this region is characterised by level to undulating sandplain.

4.7 Geology & Soils

The geology of the region features Quaternary Aeolian sands with limited alluvium. Calcareous red earth and solonized brown soils are found on hummocks. Soils within immediate locality generally comprise sandy brown soils.

4.8 Hydrology

The site is located within the Murrumbidgee River Catchment of the wider Murray Darling River basin approximately 43 kilometres north of the Murrumbidgee River and 90 kilometres southeast of the Lachlan River. With the exception of Barren Box Swamp, there are no significant drainage systems within the immediate locality.

4.9 Vegetation

The site has been previously cleared and ploughed for crop cultivation and other agricultural land uses. Prior to European occupation vegetation within the wider locality may have comprised dense mallee and broombush communities.

4.10 Climatic Conditions

The wider localities weather conditions are dominated by persistently dry semi-arid climate characterised by hot summers, cool winters and highly variable rainfall, with the highest rainfall occurring in May and September. Summer rainfall tends to occur mainly from localised thunderstorms, while more consistent rainfall occurs in the winter. Rainfall averages 300 mm to 350 mm per annum.

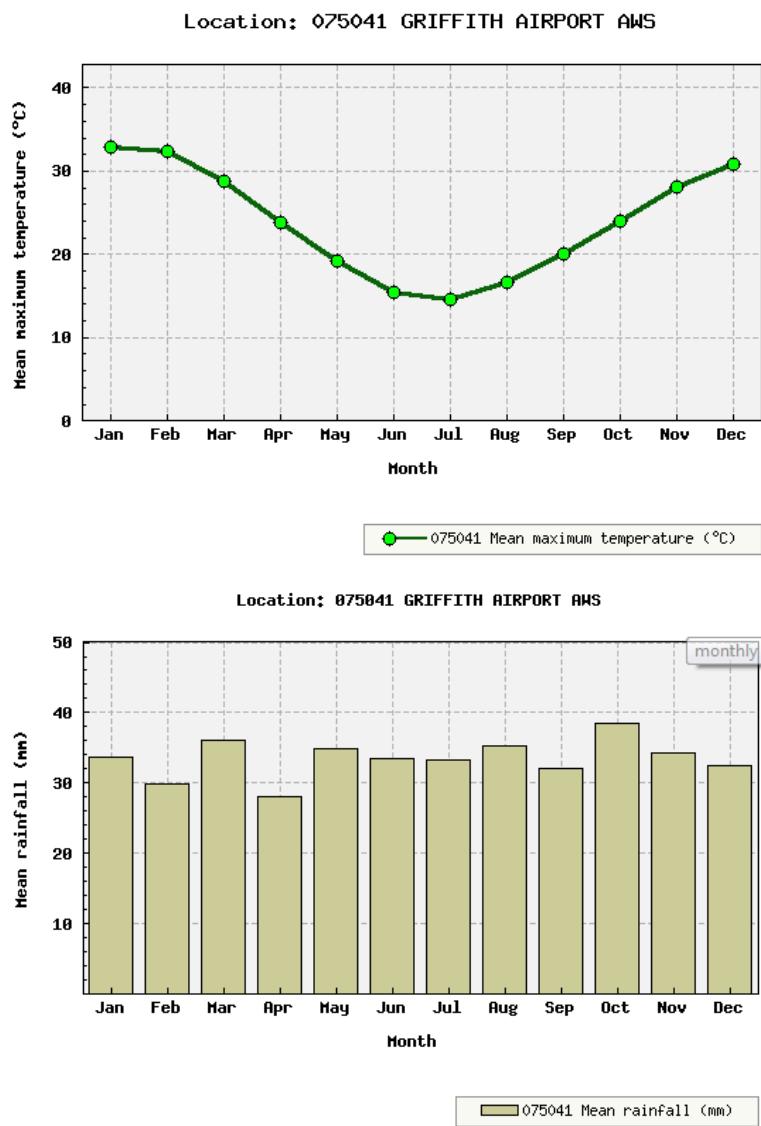


Figure 4 Mean Temperature and Rainfall – Griffith Airport

5 Development Proposal

5.1 Overview

The current expansion of Baiada's poultry processing facility in Hanwood, south of Griffith calls for an increase in the number of chickens to be housed at poultry production facilities such as the proposed development. The proposed development will address the upcoming shortage of poultry production facilities within the Riverina region of NSW to service Baiada's poultry processing facility at Hanwood, south of Griffith. To reduce the logistics & costs of transportation are reduced and unnecessary stress on livestock from excessive travel, poultry production facilities are ideally located as close as possible to associated facilities such as breeding farms, hatcheries, feed mills, abattoirs, rendering plants, etc. Advantages can also be derived from having poultry production facilities located close to arterial roads yet a considerable distance from potential sensitive receptors and highly populated areas.

The proposed facility is ideally located within reasonably close proximity of Baiada's existing facilities around Griffith in the Riverina region of NSW and has excellent road access to/from Griffith via The Kidman Way.

The site is relatively isolated from residential receptors and highly populated areas yet within close proximity of Griffith, where all of the site's vehicle movements will be derived.

The proposed development relates to the establishment & operation of a livestock intensive industry (poultry production facility) on Lot 73 DP 756070, which is located on the southern side of Cunningham Road, Warburn in NSW. The proposal comprises the construction of: twelve (12) poultry sheds; thirty-six (36) free-standing silos; one (1) cool room; one (1) amenities/workshop/storage building, ten (10) water tanks; ten (10) gas tanks; and one (1) water storage dam. It also includes the installation of internal roadways, drainage channels, and stormwater detention swales/basins.

Development consent is sought to accommodate up to 51,000 mature birds per shed at a time, which equates to 612,000 birds on the site in total at any point in time. The proposal provides for chickens to be raised in the proposed sheds for human consumption. The average length of a production cycle is approximately 8-10 weeks, which provides for around 5.2 placements per annum.

5.2 Details of the Proposal

5.2.1 Built form

There are several structures proposed as part of this application that include:

Poultry sheds & associated infrastructure

Twelve (12) poultry sheds will be constructed in two rows running north-east to south-west. These buildings will have an area of approximately 3045m² and a ridge height of approximately 4.2m. The buildings may be clad using a mixture of zincalume & coolroom roof & wall sheeting. It is proposed to install thirty-six (36) silos comprising, three (3) silos adjacent to the outside end of each poultry shed. The poultry sheds will be fitted with infrastructure associated with the operation of the poultry facility such as fans, heaters, water & feed lines, lighting, etc and will have gravel or concrete floors.

Cool room

One (1) cool room will be constructed on the eastern side of the main access road near the site entrance off Cunningham Road. This building will be used to store deceased birds awaiting collection and disposal off-site by Baiada and/or the contractor. The cool room will have an area of approximately 50m² and a ridge height of approximately 3.6m. The cool room will be clad using coolroom panel roof sheeting and walls.

Rice hull storage shed

The existing storage shed located adjacent to the dwellings at the northern end of the site will be used to store rice hull to be used as bedding material inside the poultry sheds. It is proposed to construct a new bridge over the supply channel linking this storage shed with the new internal roadway.

Amenities/workshop building

One (1) amenities/workshop building will be constructed on the western side of entry point to the poultry shed area. This building will comprise toilets & change rooms for staff and be used for general storage, maintenance and to house back-up generators. The amenities/workshop building will have an area of approximately 360m² and a ridge height of approximately 4.7m. The amenities/workshop building will be clad using zincalume roof and wall sheeting and walls.

Other Infrastructure

Ten (10) above ground gas tanks with a capacity of approximately 7,500 litres each will be installed to the east of the access point into the poultry shed area. Eight (8) above ground water storage tanks with a capacity of approximately 277,000 litres each will be installed adjacent to the eastern side of the gas tanks. One (1) water storage dam with a capacity of approximately 100 megalitres will be constructed to

the east of the poultry shed area. This dam will capture water runoff from the developed part of the site and be used to store water during times that the irrigation system servicing the site is not operational.

Future dwellings

Whilst it is proposed to construct up to two (2) residential dwellings for manager & assistant manager accommodation these dwellings do not form part of this DA. It is acknowledged that separate DAs will need to be submitted to Council for approval to construct these dwellings once their final design, location and BASIX commitments have been determined.

Design Principles

Whilst the proposed development will have a rural industrial type appearance, the facility will be located a considerable distance from Cunningham Road, Tyson Road and The Kidman Way. Once the landscaped screening around the facility is established, views of the buildings will be restricted which will ensure that the facility does not dominate the landscape.

Construction

The proposed development will require construction activity associated with new buildings, driveways, hard-stand areas, stormwater drainage, provision of essential services, etc. All construction activity can be undertaken during daylight hours. Provision exists to park all vehicles and materials associated with construction activity on-site.

Compliance with the Building Code of Australia

Appropriate conditions of consent can be imposed by the consent authority requiring compliance with the Building Code of Australia (BCA). Detailed design drawings and specifications complying with the BCA will be submitted to the accredited certifier in conjunction with the application for a Construction Certificate.

Energy Efficiency

Whilst the proposed development will use a considerable amount of electricity and other utilities such as gas, the proponent has committed to purchasing and installing relatively energy efficient infrastructure and equipment that can be reasonably sourced. It is anticipated that this commitment will ensure that potential reductions in energy efficiencies may be achieved when compared with similar poultry production facilities that were established in years past. Air conditioned spaces such as administration areas will comply with the energy efficiency requirements listed in Section J of the BCA.

5.2.2 Vehicular elements

Vehicular access and internal circulation

Vehicular access to the site will be gained via a new access point off Cunningham Road. This access point will be located at the intersection of Cunningham Road with Testini Lane. The current intersection of Cunningham Road and Testini Lane comprises two (2) connection points on a curved section of Cunningham Road, which restricts the sight line for drivers trying to leave Testini Lane, regardless of whether they're heading north or west. Vehicles leaving the site and trying to connect with Cunningham Road when travelling in a northerly direction will not be able to see oncoming vehicles travelling west & north coming down the hill on Cunningham Road. It is understood that Council has previously undertaken some preliminary investigation to resolve the existing unsafe connections points between Testini Lane & Cunningham Road and that this concluded that the curved section of Cunningham Road should be removed. Whilst this would square off the intersection and make it slightly inconvenient for heavy vehicles travelling south & west along Cunningham Road because they would need to come to give way at the intersection before heading up the hill, it is understood that Council is currently concerned with sightlines at this intersection and that this development has prompted Council to address the existing issue.

All vehicle movements associated with the site will travel via The Kidman Way and Cunningham Road to/from the south-east (ie: to/from Griffith). There are currently no turning lanes at the intersection of The Kidman Way with Cunningham Road. The traffic report appended to this report recommends that a Basic Auxiliary Left (BAL) type turning lane be constructed to accommodate traffic travelling west along The Kidman Way and turning left into Cunningham Road. Detailed design drawings relating to the construction of a BAL type turning lane at this intersection can be submitted in conjunction with the Construction Certificate application.

The current camber & alignment of the intersection of The Kidman Way with Cunningham Road has resulted in heavy vehicles rolling over as they turn right out of Cunningham Road when heading in an easterly direction. Whilst it is understood that the majority of these incidents have occurred when the heavy vehicle was travelling too fast for the conditions, the current road geometry is none-the-less not ideal. Whilst the proposed development is not considered to worsen the current situation, it is important that vehicles associated with development aren't impacted by an existing situation. The erection of signage on Cunningham Road warning of the potential for trucks to roll over if they exceed a desired speed through the intersection is anticipated to alleviate the potential for future roll overs. Alternatively, the installation of a Stop sign at the intersection for vehicles turning out of Cunningham Road onto The Kidman Way is considered to significantly reduce the potential of roll-overs because they would be travelling through the intersection at a lower speed after having come to a full stop.

Preliminary discussions have been held on site with representatives of RMS and Council to determine whether the proposed development would reduce the level of service at the intersection of The Kidman Way & Cunningham Road. Whilst the Traffic report appended to this report recommends the provision of a BAL to accommodate left turning traffic into Cunningham Road, there is not considered to be any justification for providing a BAR or CHR type treatment to accommodate vehicles turning right into Cunningham Road because vehicle movements associated with the development will be to/from the south-east.

Cunningham Road currently comprises an all-weather gravel surface. Considering that the northern stretch of Cunningham Road does not adjoin any residences or permanent plantings that could be affected by dust nuisance, it is not proposed to seal this stretch of road.

The new internal roadways will comprise an all-weather gravel surface.

Heavy vehicle travelling routes

Heavy vehicles associated with the proposed development on a day-to-day basis will travel between the site and Baiada's facilities located around Griffith such as their feed mill, rendering plant & abattoir at Hanwood, south of Griffith and the hatchery at West Griffith. These vehicles will generally be site focused and not deviate via any other poultry production facilities. The proposed route between the site and Baiada's facilities around Griffith will be (in reverse order) via Cunningham Road, The Kidman Way, (Snaidero Road in the case of hatchery movements only), Kookora Street, Willandra Avenue, The Kidman Way and either Murphy Road or Jack McWilliam Road.

Adequate provision exists for the surrounding road network and the roads/streets listed above to accommodate an increase in heavy vehicle traffic directly associated with the proposed development.

Light vehicle travelling routes

All light vehicles associated with the proposed development on a day-to-day basis will travel along Tabbita Lane and The Kidman Way. Given the site's proximity to Griffith it is anticipated that staff will reside in Griffith and may car pool to/from work. The surrounding road network to accommodate an increase in light vehicle traffic directly associated with the proposed development.

Traffic generation

The proposed facility is anticipated to generate on average approximately 912 heavy vehicle trips and 325 passenger vehicle trips per production cycle. This equates to on average approximately 4742 heavy vehicle trips and 1690 passenger trips per annum. Given that these 6432 or so vehicle trips will occur throughout the year and at different times of the day, the proposed development is not considered to detrimentally impact upon the surround road network. A detailed breakdown of the

type and number of trips per type of vehicle and operational activity is provided in the Traffic & Parking Assessment appended to this report.

The types of vehicles associated with the facility will range from passenger cars, utilities and vans through to rigid and semi-trailers. Whilst it is initially not proposed to utilise B-Doubles to service the site, provision may be made for B-Doubles when designing the site's access point off Cunningham Road and internal roadways.

Car parking

Provision will also be made for informal car parking on the site within proximity of the amenities building. Given that internal access roads and parking area are proposed to comprise an all-weather surface, is not proposed to line-mark parking spaces. In this regard, the availability of space and anticipation that staff will generally park in an orderly manner means that the designation of parking spaces is not considered to be warranted. Considering that the facility is not anticipated to generate any visitors that are not employed or accompanied by the proponent or Baiada and that these visitors would generally arrive at the site after staff have already parked in an orderly manner, the availability of space means that the potential for cars to park in the wrong location or disrupt heavy vehicle movements is considered to be minimal.



Figure 4 Photo of Cunningham Road looking west from the intersection with Testini Lane



Figure 5 Photo of Cunningham Road looking north from the intersection with Testini Lane



Figure 6 Photo of Cunningham Road from the intersection with The Kidman Way



Figure 7 Photo of The Kidman Way looking east from the intersection with Cunningham Road



Figure 8 Photo of The Kidman Way looking west from the intersection with Cunningham Road

5.2.3 Operational elements

Hours of Operation & days of trade

Whilst the facility will operate 24 hours a day, 7 days a week. With the exception of bird placement & removal activities, the majority of operations will occur during daylight hours.

Employee Numbers and Visitors

The facility is anticipated to employ up to approximately 8 full time staff during peak periods. Staff will generally only work during daylight hours (eg: 7:00am-7:00pm), seven days a week. Managers based on-site in future dwellings will generally be responsible for operations that require attention outside these hours (eg: faulty equipment, etc).

With the exception of regular deliveries including the supply of feed, bedding material, delivery/collection of birds and cleaning out sheds after bird placement, the facility is not anticipated to generate many visitors. Signage erected at the front of the site will identify that access is restricted to authorised persons.

Wastewater

Wastewater from the proposed development is anticipated to only comprise wash-down water from when the sheds are cleaned after a batch of birds has been removed from the site. Wastewater will be directed to the swales running between the sheds and out into the adjoining paddocks/cropped area. Provision can be made to detain wastewater in conjunction with stormwater at the rate of pre-post development stormwater flows and taking into consideration wastewater discharges 5.2 times a year, if required. Detailed design drawings and specifications relating to the site's stormwater & wastewater system will be submitted in conjunction with the Construction Certificate application.

It is not proposed to install a wheel wash as part of this DA. Should a wheel wash system be installed in the future, adequate arrangements for the collection & treatment of wheel wash wastewater will need to be addressed at that time it is proposed.

Electricity

Overhead electricity is available in the locality and currently connected to the site. The proponent has entered into discussions with electricity service providers and contractors regarding arrangements for the supply of electricity to the site and the potential relocation/upgrading of infrastructure in the locality. It is proposed to install back-up generators in the amenities/workshop shed located adjacent to the entrance to the poultry shed area.

Gas

It is proposed to install 10 x 75kl above-ground LPG storage tanks within proximity of the access point into the poultry shed area. These gas tanks will primarily service heaters attached to the poultry sheds. LPG will be transported to the site by heavy vehicle via The Kidman Way & Cunningham Road.

Telecommunications

Underground and satellite based options are available for the provision of telecommunications to the facility. The proponent will determine the most appropriate means by which to provide telecommunications to the facility prior to the commencement of operations.

Water Supply

Potable water associated with amenities used by humans will be stored in aboveground storage tanks that will capture roof run-off from some buildings. Water used by poultry and for operational uses will be stored in aboveground storage tanks and the dam to be located to the east of the poultry sheds. Raw water will be supplied to the site via Murrumbidgee Irrigation's channel that runs through the centre of the site.

Disposal of sewerage

Sewerage from amenities areas will be treated and disposed on-site via Aerated Wastewater Treatment Systems (AWTS) located within proximity of these facilities. It is proposed to irrigate wastewater onto landscaped gardens via either drip lines or sprayers. Signage will be erected within proximity of these irrigation areas advising that they are watered using reclaimed effluent and that water from these sprayers or drip lines is suitable for drinking. Separate applications to install and operate these AWTS units and associated irrigation areas will be submitted to Council in accordance with the provisions of Section 68 of the Local Government Act 1993, prior to the commencement of operations.

Stormwater Drainage

Stormwater from buildings and hard stand areas will be directed to swales running between the sheds and out into the adjoining paddocks/cropped area. Provision can be made to detain stormwater at the rate of pre-post development flows if required. Detailed design drawings and specifications relating to the site stormwater system will be submitted in conjunction with the Construction Certificate application.

Signage

The proposal will require the erection of advisory signage near the site's entrance that will name the facility, restrict access to authorised persons and provide contact details. Directional signage & traffic related signage will also need to be erected throughout the site throughout the site. It is not proposed to erect any advertising signage on the site that may be visible from public roads or surrounding properties, as part of this DA.

External lighting

The proposed development will require the erection of external lighting on the sheds and around the site. Whilst it is acknowledged that all external lighting will need to be positioned in a downward direction, the considerable distance of the site and the provision of a landscaped buffer around the development, external lighting is not anticipated to affect passing vehicular traffic

Waste Management

Waste to be generated by the development will comprise waste associated with construction activity and waste associated with day-to-day operation of the facility.

Solid waste from the construction period

Waste to be generated during construction of the facility will comprise a variety of materials such as steel, metals, plastics, paper, cardboard, glass, food waste, etc. This waste will be stored in receptacles and disposed of to a licensed facility via a waste contractor on an as needs basis. Because of the site's remote location and exposure to the elements, waste containers will need to be secure so as to mitigate the potential for waste to become airborne or enable access by animals. Given that adequate provision exists to store building & waste materials on-site during the construction stage of the development, the preparation of a Construction Waste Management Plan is not considered to be necessary in this instance.

Solid waste from day-to-day operations

Waste to be generated by activities associated with day-to-day operation of the facility will comprise a variety of materials such as steel, metals, oil, plastics, paper, cardboard, food waste, bedding material, deceased birds, etc. With the exception of bedding material & deceased birds, solid waste associated with the day-to-day operation of the facility will be stored in receptacles and disposed of to a licensed

facility via a waste contractor on an as needs basis. Where possible solid waste will be recycled.

Because of the site's remote location and exposure to the elements, waste containers will need to be secure so as to mitigate the potential for waste to become airborne or enable access by animals. Given that adequate provision exists to store waste on-site before it is disposed of to a licensed waste facility, the preparation of a Waste Management Plan is not considered to be necessary in this instance.

Deceased birds will be removed from the poultry sheds on a regular basis and transferred to the coolroom whilst awaiting collection from the site by Baiada and/or their contractor.

Waste bedding material will be collected from the site by Baiada and/or their contractor and taken off-site as part of cleaning activities at the end of each production cycle.

Liquid waste from day-to-day operations

Given that the proposal does not include the washing or servicing of heavy vehicles, the proposal is not anticipated to generate any liquid wastes that require pre-treatment prior to disposal. Waste oil from plant will be collected in sealed containers and stored on-site whilst awaiting collection by a waste contractor. It is acknowledged that waste oil storage areas will be required to be roofed and bunded. Should a wheel wash system be installed in the future, adequate arrangements for the collection & treatment of wheel wash wastewater will need to be addressed at that time.

Sewerage waste from day-to-day operations

Sewerage from amenities areas will be treated and disposed on-site via Aerated Wastewater Treatment Systems (AWTS) located within proximity of these facilities. It is proposed to irrigate wastewater onto landscaped gardens via either drip lines or sprayers. Signage will be erected within proximity of these irrigation areas advising that they are watered using reclaimed effluent and that water from these sprayers or drip lines is suitable for drinking. Separate applications to install and operate these AWTS units and associated irrigation areas will be submitted to Council in accordance with the provisions of Section 68 of the Local Government Act 1993, prior to the commencement of operations.

Contamination

The site is not considered to be a high risk of being contaminated. No site remediation works are proposed in this regard.

Complaints & incident reporting

It is proposed to identify a contact telephone number on a sign to be erected adjacent to the site's main access point off Cunningham Road so that third parties whom may be concerned with operations on the site can contact the proponent's representative

in this first instance. A log of the date, time & nature of complaints received by the proponent and details of mitigating measures put in place as a direct result can be kept on site.

Landscaping

The proposed development includes the provision of a landscaped treatment around the poultry shed complex and along either side of the internal roadway, as shown on the submitted plan. This landscaping will comprise predominantly native species that are ideally endemic to the locality, which will act as a screen around the development and by default reduce the potential impact of odours from the site. Swale drains and the like around the complex will be encouraged to become established with native grass to soften the site appearance and act as a sediment control mechanism.

5.2.4 Poultry management

Bird placement & production cycles

The average length of a production cycle is approximately 8-10 weeks, which provides for around 5.2 placements per annum. Each production cycle typically comprises the: delivery of bedding material that generally comprises a soft material such as rice hulls; delivery of day old chickens; growth of chickens, which includes the constant delivery of feed & removal of deceased chickens; removal of chickens for processing off-site; cleaning of sheds in preparation for the arrival of a new batch of day old chickens.

Animal welfare

The transportation, growth, feeding and processing/slaughter of poultry are governed by various Codes of Practice that will be implemented to ensure that health & well-being of animals.

Each shed will accommodate up to 51,000 birds, with thinning of bird numbers likely to occur up to 3 times per production cycle to ensure that overcrowding does not occur. Regular inspections will be undertaken of birds in each shed to determine any changes in health, eating habits and look for signs of injury or distress. These inspections provide for the regular removal of deceased birds.

Feed & water

Automatic feed & watering supplies will be provided inside the sheds and designated intervals to comply with standards for minimum spacing and densities of birds per feeder.

Transportation

Chickens will generally be transported to and collected from the site by Baiada and/or their contractors, who are responsible for ensuring that adequate measures are implemented to ensure that they are not unnecessarily subject to stress or injury

during transit. In an attempt to mitigate any potential harm to the chickens, transportation usually occurs at night or in the early morning to avoid the heat of the day if vehicles are not air-conditioned.

Vermin management

Measures will be implemented to control vermin in and around the facility. These measures will include baiting, trapping , installation of sealed doors and ensuring that shed opening are not left open for extended periods. Additional measures such as cleaning up after any spillages of grain from silos and ensuring waste is securely contained will assist in reducing the potential impact from vermin.

Biosecurity

Effective operation of the facility requires a constant emphasis to be placed on biosecurity. In an attempt to reduce the potential for disease outbreak, the following measures will be implemented at the facility: isolation of non-essential visitors to the site by restricting access to authorised persons; separation from other poultry production facilities; cleaning poultry sheds & equipment between production cycles, removing deceased birds from the site on a regular basis; removing used bedding material off-site after production cycles; ensuring clean water & feed supplies; and implementing a vermin management plan at the facility. Another mechanism is to ensure that only one placement of birds is made into a shed per production cycle because of the potential for new incoming birds to contaminate existing chickens.

Whilst the site is located within relatively close proximity of wetlands to the south of the site, the facility is not anticipated to attract migrating birds. In this regard, the proponent will ensure that surplus feed is securely stored and that any feed spillages are cleaned up immediately. Birds to be house at the facility will be contained inside the sheds at all times unless being transported to/from the site.

It is not proposed to install a wheel wash to decontaminate vehicles entering the site as part of this DA. Should a wheel wash system be installed in the future, adequate arrangements for the collection & treatment of wheel wash wastewater will need to be addressed at that time.

Mortality management

Deceased birds will be removed from the poultry sheds on a regular basis and transferred to the coolroom whilst awaiting collection from the site by Baiada and/or their contractor. Deceased birds will be transported to Baiada's rendering plant at Hanwood, south of Griffith. Whilst deceased birds will be removed from the coolroom on a regular basis, the building has been designed to cater for a considerable number of birds should a number of larger than normal mortality event occurs or in the instance when birds cannot be transported to Baiada's rendering plant.

Should deceased birds not be able to transported to Baiada's rendering plant for quarantine reasons, it is understood that arrangements have been made between

Baiada and Carrathool Shire Council to dispose of birds at the landfill near the village of Carrathool, south-west of the site. Whilst no formalised arrangements currently exist, deceased birds can also be disposed of Griffith City Council's landfill near the locality of Tharbogang, east of the site, if directed by regulatory authorities. In the rare instance when deceased birds cannot be transported off-site for quarantine reasons, provision exists to dispose of birds in a pit on-site. Considering that on-site disposal is unlikely unless an extremely rare quarantine event takes place, it is not proposed to construct a mortality pit as part of this DA. In this regard, it is proposed to determine the exact size & location of an on-site mass mortality pit at the time that it is excavated. It is acknowledged that Council may require the submission of a Mortality Management Plan, which identifies potential pit locations prior to the commencement of operations.

6 Planning and Legislative Framework

6.1 Introduction

The following section provides the planning and legislative framework for the proposed poultry production facility. The purpose of this section is to outline the approval process and identify the applicable planning controls and legislative requirements that relate to the proposed development. This section identifies the planning framework under which approval for the proposed development would be obtained, specifically under Clause 4 of the EP&A Regulation.

6.2 Federal Legislation

The following section provides an overview of relevance of certain pieces of federal legislation with regards to the proposed operations.

6.2.1 National Greenhouse and Energy Reporting Act 2007

In September 2007 the National Greenhouse and Energy Reporting Act 2007 (the NGER Act) came into effect. The NGER Act establishes a national framework for corporations to report greenhouse gas emissions (GHG-e) and energy consumption and production.

The NGER Act requires mandatory registration and reporting for corporations with energy production, energy consumption or GHG-e above specific threshold values. In this regard the proposed operation is considered minimal and would not result in any negative impacts.

6.2.2 National Environment Protection Measures

National Environment Protection Measures (NEPMs) outline national objectives for protecting or managing particular aspects of the environment. The following NEPMs are currently in existence:

- air toxics and ambient air quality
- assessment of site contamination
- diesel vehicle emissions
- national pollutant inventory
- used packaging materials

The assessment of NEPMs does not apply to the proposed operations.

6.2.3 Environment and Biodiversity Conservation Act 1999

The Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) requires the approval of the Commonwealth Minister for Environment Protection, Heritage and the Arts for actions that may have a significant impact on matters of National Environmental Significance (NES). Approval from the Commonwealth Minister is in addition to any approvals under NSW legislation.

The EPBC Act also provides for the identification, conservation and protection of places of national heritage significance and provides for the management of Commonwealth heritage places and establishes the Australian Heritage Council.

The EPBC Act lists seven matters of NES which must be addressed when assessing the impacts of a proposal. A search of the EPBC protected Matters database has been undertaken in respect of the proposal. A summary of how the proposal may impact on the matters of NES is provided below:

Matter of NES	Comments
World Heritage Properties	There are no world heritage properties proximate to the proposed development, or that would potentially be affected by the proposed development.
National Heritage Properties	There are no National heritage properties in the vicinity of the proposed project, or that would potentially be affected by the proposal.
Wetlands of International Importance	The site is located to the north of existing wetlands but is not considered to negatively impact on migratory bird species
Commonwealth Listed Threatened Species and Communities	The proposed development is not expected to impact upon any known threatened species.
Commonwealth Listed Migratory Species	The proposal is not expected to have an impact on any listed migratory species.
Nuclear Action	The proposed development would not involve nuclear action as defined under EPBC Act 1999.
Commonwealth Marine Areas	There are no Commonwealth marine areas proximate to the proposed development, or that would potentially be affected by the proposed development.
Commonwealth Land	The subject site is not Commonwealth Land, nor would Commonwealth land likely be affected by the proposed development.

Given that the proposed development would not have a significant impact on matters of NES or on Commonwealth Land, the requirements of the EPBC Act are not triggered and approval from the Commonwealth Minister for Environment Protection, Heritage and the Arts is not required.

6.3 State Legislation

6.3.1 Protection of the Environment Operations Act 1997

The proposed development is considered to be classified as a “scheduled activity” listed in the Schedule 1 of the *Protection of the Environment Operations Act 1997*. In this regard, the proposed development will comprise a livestock intensive activity that will have the capacity to accommodate more than 250,000 birds at any time. On this basis, the proponent is required to obtain an Environment Protection Licence (EPL) from the NSW Environment Protection Authority (EPA). It is acknowledged that the Development Application (DA) will be referred to the NSW EPA for comment and if approved, the EPA will issue General Terms of Approval (GTRs). Following determination of the DA, the proponent will liaise with the EPA regarding the issue of an EPL.

6.3.2 Local Government Act 1993:

Council’s reticulated potable water supply system does not extend to the locality. As such, this DA does not include an application to Council for any new connections to Council’s reticulated water supply service under the provisions of Section 68 of the *Local Government Act 1993* as permitted by Section 78A(3) of the *Environmental Planning and Assessment Act 1979*.

Council’s reticulated sewerage system does not extend to the locality. This DA does not include an application to Council for any new connections to Council’s reticulated sewerage system under the provisions of Section 68 of the *Local Government Act 1993* as permitted by Section 78A(3) of the *Environmental Planning and Assessment Act 1979*.

This DA does not include an application to Council to install & operate on-site sewerage treatment systems under the provisions of Section 68 of the *Local Government Act 1993* as permitted by Section 78A(3) of the *Environmental Planning and Assessment Act 1979*. Separate application(s) to install & operate the proposed on-site sewerage treatment systems shown on the submitted plan will be submitted to Council, prior to installation.

This DA includes an application to Council to alter the arrangements for the disposal of stormwater under the provisions of Section 68 of the *Local Government Act 1993* as permitted by Section 78A(3) of the *Environmental Planning and Assessment Act 1979*.

6.3.3 Contaminated Land Management Act 1997

Under the *Contaminated Land Management Act 1997* it is necessary to establish if the proposed operations would occur on any contaminated land sites to be

developed. Given the scope of the proposed development and previous uses of the site, further review or a detailed site audit are not considered to be necessary in this instance.

6.3.4 Dangerous Goods (Road and Rail Transport) Act 2008

The *Dangerous Goods (Road and Rail Transport) Act 2008* and associated *Dangerous Goods (Road and Rail Transport) Regulations 2009* establish a process for regulating the transport of dangerous goods by road and rail in order to promote public safety and protect property and the environment.

With the exception of gas deliveries, which will be controlled by the gas supplier, the proposal does not require the transportation of any other materials or goods that would trigger this legislation.

6.3.5 Roads Act 1993

The *Roads Act 1993* provides for a number of issues including the establishment of procedures for opening and closing public roads, acquisition of land for roadways in addition to regulating the carrying out of various activities on public roads including roadwork and road widening operations.

The proposal includes the construction of a new driveways off Cunningham Road but does not include the opening of any new public roads.

6.3.6 Water Management Act 2000

The *Water Management Act 2000 (Water Management Act)* replaced the provisions of the *Rivers and Foreshores Improvement Act 1948* coming into effect from February 2008. It provides for the protection of river and lakeside land in NSW and aims to provide for the sustainable management of the water sources throughout NSW.

There are no aspects of the proposal that require consideration of this legislation.

6.3.7 Environmental Planning and Assessment Act 1979

The EP&A Act and accompanying Regulation provide the framework for environmental planning approvals in NSW and include provisions to ensure that proposals which have the potential to impact the environment are subject to detailed assessment, and to provide opportunity for public involvement.

Section 23G – Joint Regional Planning Panels

Section 23 of the EPA Act identifies that a Joint Regional Planning Panel (JRPP) has the functions conferred or imposed on it under the Act.

Schedule 4A of the EPA Act details that development for which a regional panel may be authorised to exercise consent authority functions of Councils.

Section 3 of the Schedule 4A cites '*General Development with a capital investment value of more than \$20 million as being determined by the JRPP*'. Given that the proposed development will have a capital investment value of less than \$20 million, the consent authority will be Griffith City Council.

Section 77A – Designated Development

The proposal is considered to be classified as 'Designated Development' as listed in Schedule 3 of the *Environmental Planning & Assessment Regulation 2000*. The following definition best describes the land use proposed in the context of relevant types of development listed in Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* (our emphasis):

21	Livestock intensive industries
(1)	<i>Feedlots that accommodate in a confinement area and rear or fatten (wholly or substantially) on prepared or manufactured feed, more than 1,000 head of cattle, 4,000 sheep or 400 horses (excluding facilities for drought or similar emergency relief).</i>
(2)	<i>Dairies that accommodate more than 800 head of cattle for the purposes of milk production.</i>
(3)	<p><i>Piggeries:</i></p> <p>(a) <i>that accommodate more than 200 pigs or 20 breeding sows and are located:</i></p> <ul style="list-style-type: none"> (i) <i>within 100 metres of a natural waterbody or wetland, or</i> (ii) <i>in an area of high watertable, highly permeable soils or acid sulphate, sodic or saline soils, or</i> (iii) <i>on land that slopes at more than 6 degrees to the horizontal, or</i> (iv) <i>within a drinking water catchment, or</i> (v) <i>on a floodplain, or</i> (vi) <i>within 5 kilometres of a residential zone 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, traffic or waste, or</i> <p>(b) <i>that accommodate more than 2,000 pigs or 200 breeding sows.</i></p>
(4)	<i>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 sheded birds:</i>
(a)	<i>that accommodate more than 250,000 birds, or</i>

<p>(b) <i>that are located:</i></p> <ul style="list-style-type: none"> (i) <i>within 100 metres of a natural waterbody or wetland, or</i> (ii) <i>within a drinking water catchment, or</i> (iii) <i>within 500 metres of another poultry farm, or</i> (iv) <i>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.</i> <p>(5) <i>Saleyards having an annual throughput of:</i></p> <ul style="list-style-type: none"> (a) <i>more than 50,000 head of cattle, or</i> (b) <i>more than 200,000 animals of any type (including cattle), for the purposes of sale, auction or exchange or transportation by road, rail or ship.</i>
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Section 79 – Public Participation – Designated Development

Under Section 79 of the EPA Act, the development application is required to be exhibited for a period of not less than 30 days (the submission period) commencing on the day after which notice of the application is first published in a newspaper circulating in the local area.

The application will also be exhibited by Council in accordance with statutory requirements.

Section 79C – Evaluation of matters for consideration

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 79C of the EPA Act has been undertaken:

Section 79C(1)(a)(i) – Any Environmental Planning Instruments

The following environmental planning instruments have been considered in the preparation of this application.

State Environmental Planning Policy (Rural Lands) 2008

The following clauses of *State Environmental Planning Policy (Infrastructure) 2007* have been considered in specific reference to the proposed development.

Provision/Clause	Comment
7 Rural Planning Principles	The proposal is considered to be sympathetic with the principles listed in Part 2 of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007

The following clauses of *State Environmental Planning Policy (Infrastructure) 2007* have been considered in specific reference to the proposed development.

Provision/Clause	Comment
104 Traffic Generating Development	The proposal could be considered to be listed in Schedule 1 of the SEPP. In this regard, the proposal could be considered to comprise an industrial premises with an area exceeding 20,000sqm. On this basis, it is acknowledged that the proposal will be referred to NSW Roads & Maritime Services for comment.

State Environmental Planning Policy No 33 – Hazardous and Offensive Development

State Environmental Planning Policy No.33 Hazardous and Offensive Development (SEPP 33) sets out to:

- amend the definitions of hazardous and offensive industries where used in environmental planning instruments; and
- render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in the Policy; and
- ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account; and
- ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

The guidelines associated with the SEPP have in the past couple of years been reviewed and this has been taken into account in proposing this development.

SEPP 33 will apply if a proposal for an industrial development requires consent, and it is either potentially hazardous industry or potentially offensive industry (or both).

The following figure indicates the procedure for determining how SEPP 33 applies.

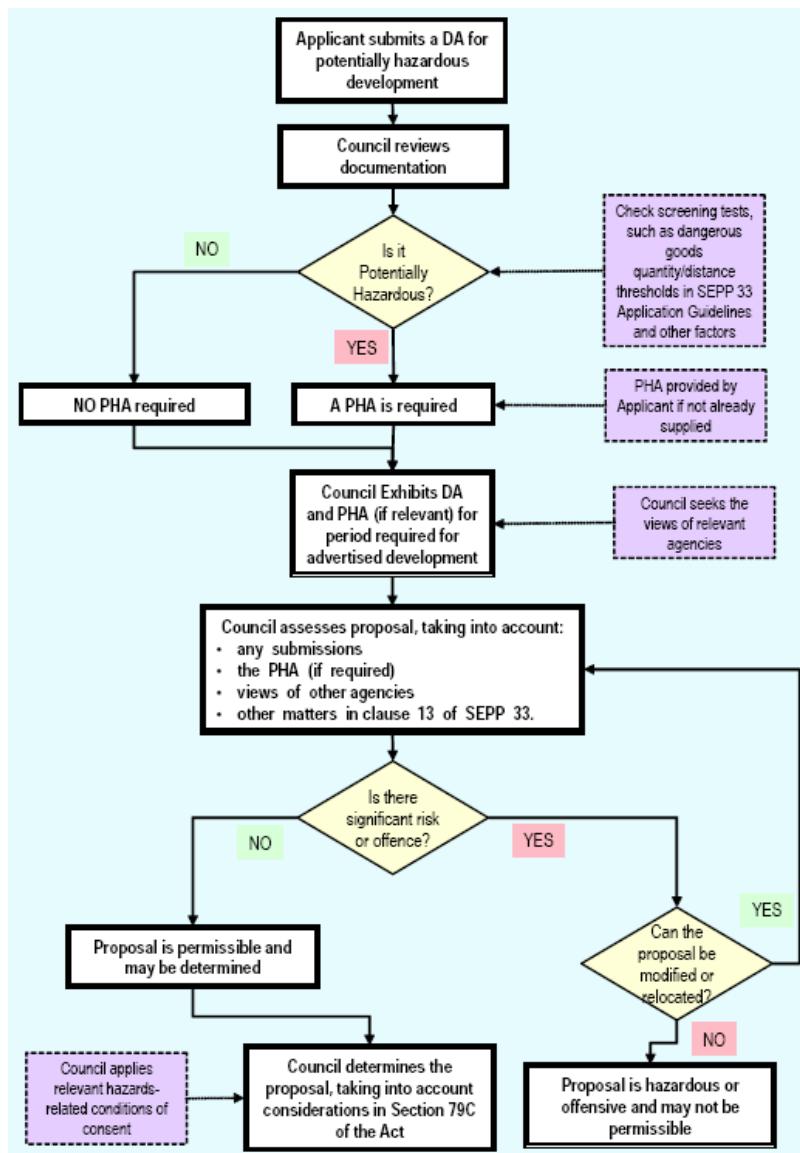


Figure 5 SEPP 33 - Process for consideration

The aims of SEPP 33 are set out in Clause 2 as follows:

- a. *to amend the definitions of hazardous and offensive industries where used in environmental planning instruments;*
- b. *to require development consent for hazardous or offensive development proposed to be carried out in the Western Division, and*
- c. *to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account, and*
- d. *to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact, and*
- e. *to require the advertising of applications to carry out any such development.*

SEPP 33 requires the consent authority to consider whether an industrial proposal is a potentially hazardous or a potentially offensive industry. In doing so, the consent authority must give careful consideration to the specific characteristics and circumstances of the development, its location and the way in which the proposed activity is to be carried out.

SEPP 33 only applies to applications for development made under Part 4 of the EP&A Act.

Relevance to proposed operations SEPP 33 defines potentially hazardous industries and potentially offensive industries as follows:

potentially hazardous industry means a development for the purposes of any 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 pose a significant risk in relation to the locality:

- a. to human health, life or property, or
- b. to the biophysical environment, and
- c. includes a hazardous industry and a hazardous storage establishment.

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.

Potential risk typically depends on five main factors:

- the properties of the substance(s) being handled or stored;
- the conditions of storage or use;
- the quantity involved;
- the location with respect to the site boundary; and
- the surrounding land use.

The procedure for considering whether a proposed development is potentially hazardous using the risk screening method is outlined in the guideline and it primarily considers the first four of the above factors. Risk screening is based on an estimate of the consequences of fire, explosion or toxic release from material(s) being handled. It takes into account information from the proponent on the properties of the materials, quantity, type of storage or use, and location.

The proposed development includes the installation of 10 x 75kl above ground LPG tanks. The following table identifies that the proposed LPG tanks exceed the threshold within SEPP 33.

Area	Material	DG Class	Qty (tonnes)	Screening Method	Threshold (tonne)	Notes
1	LPG	2.1	750kl	Table 3	10 tonne	Exceeds threshold, but separation distances can be achieved based on final location of tanks to be determined by the gas supplier prior to installation.

The proponent has had preliminary discussions with potential gas supplier regarding installation and isolation of the required gas tanks. Whilst the proposed gas tanks exceed the threshold indicated in SEPP 33, a separation distance of at least 70m from the closest building can be achieved, which is considered to negate the need for a preliminary hazard assessment (PHA).

Whilst the submitted plans do not provide for a separation of 70m between the gas tanks and surrounding buildings, final positioning & separation can be determined by the gas supplier prior to installation. Confirmation of the final location and compliance with the relevant Australian Standard can be submitted to Council for approval prior to the issue of a Construction Certificate.

State Environmental Planning Policy No 55 – Remediation of Land

The site is currently vacant and has been used for a range of low-impact agricultural uses such as cropping. Previous uses of the site are understood to have not included the servicing of plant or machinery or any activities that would have resulted in the potential contamination of the site. Preliminary investigations of the site have not identified any potential areas of contamination. Considering that the proposed development will generally be located on disturbed ground, where crops would have been unlikely to thrive if grown on contaminated soil it is presumed that no significant levels of contamination exist on the site. Should evidence of contamination arise during construction of the facility work will cease and the proponent will contact Council and the EPA to determine an appropriate course of action.

Griffith Local Environmental Plan 2014

The Griffith Local Environmental Plan 2014 (GLEP2014) is the primary environmental planning instrument relating to the proposed development. The objectives of the GLEP2014 are as follows:

- (a) *to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,*
- (b) *to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,*
- (c) *to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,*
- (d) *to manage and protect areas of environmental significance,*

- (e) to recognise the historical development of the area and to preserve heritage items associated with it.

It is submitted that the proposed development is not inconsistent with these objectives.

The subject site is zoned *RU1 Primary Production*. The objectives of the *RU1* zone listed in GLEP2014 are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To permit a range of activities that support the agricultural industries being conducted on the land and limit development that may reduce the agricultural production potential of the land.
- To permit tourist facilities that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land.

The proposed development is consistent with the objectives in that:

- The proposed development is for primary production purposes and represents one of many agricultural sector developments in the region.
- The facility represents a contemporary approach to poultry production in the area.
- The development is located in an area that would have negligible impact on nearby or adjoining lands.
- Adjoining land uses are of an agricultural nature and so this proposal is consistent with the locality in that regard.

The Land Use Table of GLEP2014 nominates *intensive livestock agriculture* as a permissible form of development in the zone, given the notation on the zoning. The definition of *intensive livestock agriculture* is:

- intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:
- (a) dairies (restricted),
 - (b) feedlots,
 - (c) piggeries,
 - (d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

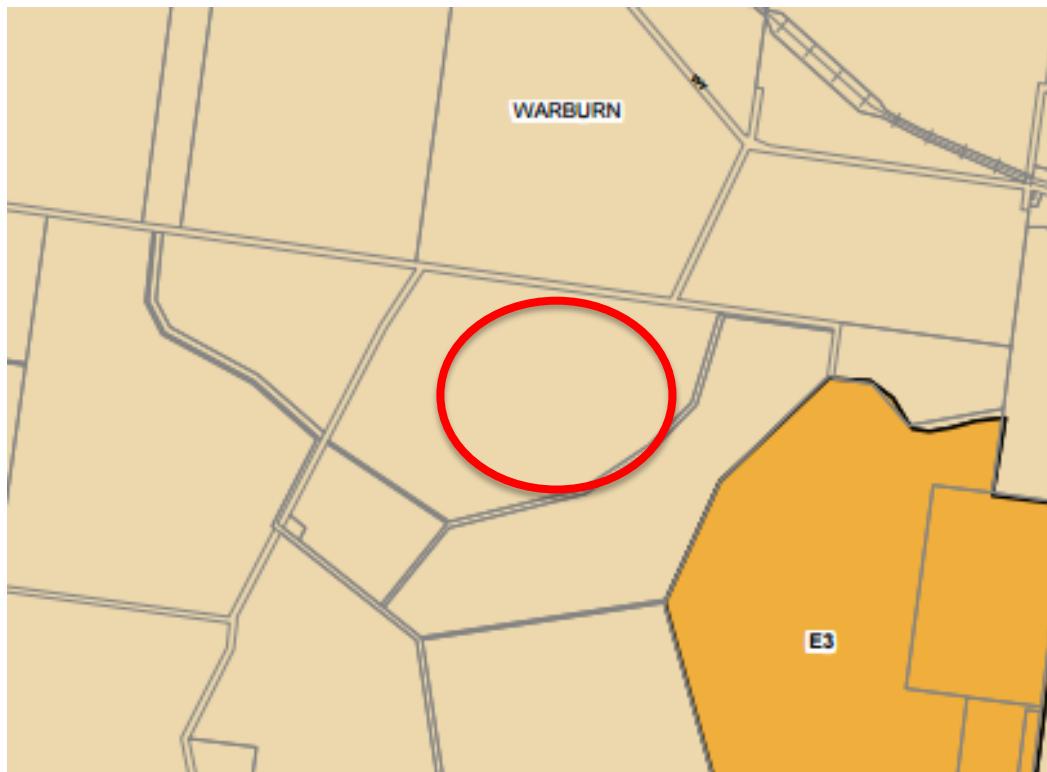


Figure 6 Zoning map extract showing subject site

The following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:			
Standard	Permitted	Proposed	Comment
4.1 Minimum subdivision lot size:	N/A	N/A	No subdivision is proposed as part of this DA.
4.2 Rural Subdivision:	N/A	N/A	No subdivision is proposed as part of this DA.
4.2C Erection of rural workers' dwellings in Zone RU1	N/A	No	Not proposed as part of this DA.
4.2D Erection of rural workers' dwellings in Zones RU1, RU2, RU4 and RU6			Not proposed as part of this DA.
4.3 Height of Buildings:	N/A	N/A	Buildings are of a scale and bulk that are consistent with other agricultural produce industries in the region.
4.4 Floor Space Ratio	N/A	N/A	-
4.5 Calculation of Floor Space Ratio and site area	N/A	N/A	-

4.6	Exceptions to development standards	N/A	N/A	No variations are being sought.
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Part 5 Miscellaneous Provisions

Provision	Comment
5.1 Relevant acquisition authority	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Development within the coastal zone	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.9 Preservation of trees and vegetation	N/A
5.9AA Trees or vegetation not prescribed by development control plan	
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A
5.12 Infrastructure development and use of existing buildings of the Crown	N/A
5.13 Eco-tourist facilities	N/A

Part 7 Additional Local Provisions

Provision	Comment
7.1 Earthworks	Noted
7.2 Flood Planning	Noted

7.3 Terrestrial Biodiversity

The objective of this clause is to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and
- (b) protecting the ecological processes necessary for their continued existence, and
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.

The subject site contains mapped Terrestrial Biodiversity areas as follows.



Figure 7 Terrestrial Biodiversity LEP map - subject site shown

The LEP requires the consent authority to consider any potential impacts on the biodiversity areas arising from the proposed development. An ecological report accompanies the application and concludes there will be no negative impacts arising from the proposed development and that a Species Impact Statement is not required.

7.4 Groundwater Vulnerability	N/A. The site is not identified in the LEP maps.
7.5 Riparian land and watercourses	N/A
7.6 Wetlands	N/A
7.7 Salinity	Noted
7.8 Airspace operations	N/A
7.9 Development in areas subject to aircraft noise	N/A
7.10 Essential services	The site can be serviced to accommodate the proposed use.
7.11 Location of sex services premises	N/A

There are no other clauses considered to be relevant to the proposed development.

Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument

There are no known draft Environmental Planning Instruments applicable to the subject site.

Section 79C(1)(a)(iii) – Any Development Control Plan

The proposed development is considered to comply with the provisions of DCP 1 and DCP 20.

Section 79C(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 93f

There are no known planning agreements that apply to the site or development.

Section 79C(1)(a)(iv) – The Regulations

There are no sections of the regulations that are relevant to the proposal at this stage.

Section 79C(1)(b) – The Likely Impacts of the Development

The following impacts have been considered in the preparation of this development proposal.

Context and Setting

The subject site is located within a rural setting within proximity of a cattle feedlot. Adequate arrangements can be made for access, parking, drainage, water supply, disposal of sewerage and essential services. The proposal relates to and will service and existing rural industrial landuse based in Hanwood, south of Griffith. The proposed development is not considered to be out of context with the locality.

Access, traffic and transport

A detailed traffic impact assessment has been undertaken and is appended to this report. The following conclusions have been made by the traffic engineer;

The foregoing assessment has found that the proposed PPU is expected to generate on average approximately 27 vehicular movements per day (IN & OUT light/heavy movements combined), including approximately 10 vehicular movements during the morning and afternoon on-road peak period (IN & OUT light/heavy movements combined).

Whilst the projected additional traffic volumes are minimal, it is recommended that the intersection of The Kidman Way and Cunningham Road be upgraded to a rural basic left turn (BAL) treatment.

The results of the Sidra modelling indicates that the intersection will continue to operate at Level of Service “A” as a consequence of the proposed development.

The proposed site access driveway location in Cunningham Road will ultimately be designed in accordance with AS2890.2 requirements.

It is therefore reasonable to conclude that the proposed poultry farm will not have any unacceptable implications in terms of traffic, servicing or parking implications and is therefore recommended for approval.

Public Domain

The proposal is not considered to have a detrimental impact on the public domain.

Utilities

Adequate arrangements can be made for the provision of essential services.

Other land resources

The proposal is not considered to have any impact on other land resources.

Water

The proposal is not considered to have a significant demand for water. Adequate arrangements can be made for the supply of water via Murrumbidgee Irrigation's (MI) raw water supply system which runs through the site.

Soils

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures are installed on the site prior to construction commencing.

Air & Microclimate

A detailed air quality assessment has been undertaken and is appended to this report. The objective of this assessment was to determine odour and dust impacts from the proposed operation in accordance with relevant methods. The study has been performed in accordance with the NSW Environment Protection Authority's (EPA) "Approved methods for the modelling and assessment of air pollutants in NSW" (NSW EPA, 2005) and the EPA document "Assessment and management of odours from stationary sources in NSW" (NSW EPA, 2006). The report concluded as follows:

This report has assessed potential odour and dust impacts associated with the proposed 12 shed meat chicken farm located at Warburn in NSW. Local land use, terrain and meteorology have been considered in the assessment and dispersion modelling was conducted using CALPUFF.

The predicted odour levels at the nearest receptors are predicted to be below the NSW EPA assessment criterion of $C_{99\text{ sec}} = 7 \text{ ou}$.

The predicted PM_{10} concentrations are also predicted to be below the EPA assessment criterion.

Flora and Fauna

A detailed ecological assessment has been undertaken and is appended to this report. The following recommendations and observations were made as a result:

Having given consideration to the ecology within the Study Area, it is apparent that the Proposal is:

- *unlikely to significantly affect any of the listed threatened species, fauna populations or communities.*
- *unlikely to augment or significantly contribute to any of the National or State listed Key Threatening Processes, if the appropriate safeguards regarding the control of potential vertebrate pests are effectively applied.*
- *unlikely to significantly affect any Ramsar wetland or any CAMBA or JAMBA listed species;*

- unlikely to significantly affect local hydrology.
- consistent with ESD principles with regard to fauna, would not adversely affect the local biodiversity and no issue of inter-generational or value added matters are relevant in this instance.

The proposed activity should not be considered to constitute a significant impact and, as such, no Species Impact Statement (SIS) is warranted.

The recommendations in the ecological assessment are able to be incorporated into conditions of approval.

Waste

Adequate arrangements can be made for the storage, collection & disposal of waste. A Mortality Management Plan can be prepared & submitted to Council for approval prior to the commencement of operations.

Energy

The proposal is considered to be significantly inefficient in terms of energy demand.

Noise and Vibration

A detailed noise impact assessment has been undertaken and is appended to this report. The following recommendations and observations were made as a result:

1. *The poultry complex may operate over a 24 hour period.*
2. *No special acoustic modifications are required for site operation. However, in the unlikely event of complaint, they suggest as a first course of action constructing a landscaped earthen mound along part of the east and south sides of the sheds. The mound should be 2700mm above ground level along the western portion, and tapering off to meet the natural ground level.*
3. *Speed restriction signs should be erected at regular intervals along all access roads. A speed limit of 20-25km/hr should be imposed.*
4. *All access roads should be kept in good condition, i.e. no potholes, etc.*
5. *Any lightweight clear roof sheeting, i.e. alsanite, makralon, laserlight, or similar, proposed to provide natural lighting for the workshop will reduce the overall noise transmission loss of the building. Therefore, sheets must only be used sparingly at regular intervals along the roof or wall length, i.e. no more than 6m² for each 45m² roof/wall area.*
6. *Once plant selection has been finalised, noise emission details should be forwarded to the acoustic consultant for approval.*
7. *A regular maintenance schedule should be adopted for all mobile and fixed plant items. Items found producing high noise should be stood down until repairs are completed.*
8. *The site manager should take responsibility and be available to consult with community representatives, perhaps only during opening hours. Response to complaints or comments should be made in a timely manner and action taken reported to the concerned party.*

9. All staff and employees directly involved with the facility should receive informal training with regard to noise control procedures. Additional ongoing on the job environmental training should be incorporated with the introduction of any new process or procedure. This training should flow down contractually to all sub contractors.
10. All combustion engine plant, such as generators, compressors & welders, should be carefully checked to ensure they produce minimal noise, with particular attention to residential grade exhaust silencers & shielding around motors.
11. Trucks and other machines should not be left idling unnecessarily. Machines found to produce excessive noise compared to industry best practice should be removed from the site or stood down until repairs or modifications can be made.
12. Framing guns and impact wrenches should be used sparingly, particularly in elevated locations, with assembly of modules on the ground preferred.
13. That noise control options be implemented for some common construction equipment.
14. To minimise noise impacts during construction, early work should concentrate on grading and levelling the areas. In the event of complaints arising we offer the following additional strategies for consideration:
 - Consider alternate construction method.
 - Cease operation and discuss with neighbours suitable times for noisy construction activities.
 - Place acoustic enclosures or screens directly adjacent to stationary noise sources (compressors, generators, etc).
15. Recommended that construction noise management strategies should be implemented to ensure minimum disruption to neighbours. Noise control strategies include co-ordination between the construction team and neighbours to ensure the timetable for noisy activities does not coincide with sensitive activities.

The recommendations in the noise impact assessment are able to be incorporated into conditions of approval.

Natural hazards

The proposal is not considered to result in any natural hazards.

Technological hazards

The proposal is not considered to result in any technological hazards.

Safety, security & crime prevention

The proposal is not considered to generate any significant safety or security issues.

Social and Economic Impact

The proposed development is considered to have a significantly beneficial social & economic benefit for the local & wider region. In this regard, staff employed at the facility may reside on nearby properties or in localities such as Tharbogang, which

will in turn strengthen those communities. The proposal will also strengthen the expansion of the poultry production & processing industry centred around Griffith.

Site Design and Internal Design

Whilst the proposal will result in a substantial change in the external appearance of the site when viewed from surrounding public roads and properties, the buildings are rural in nature and not considered to dominate the locality. The provision of a landscaped treatment around the proposed development and along roadways is considered to screen the appearance of the site.

Construction

The proposal does require construction work to be undertaken during daylight hours.

Cumulative impacts

The proposal is not considered to have a negative cumulative impact on the locality. In this regard, consideration has been given to the potential impact of the development in isolation and cumulatively in conjunction with surrounding landuses.

European Cultural Heritage

There are no matters relating to European heritage or the like that are relevant to the proposed site or the development proposal.

Aboriginal Cultural Heritage

An aboriginal cultural heritage assessment was undertaken on the subject site and the following recommendations have been made.

Recommendations concerning the Study Area are as follows:

1. *As no Aboriginal sites or objects were recorded within the Study Area and no landforms were assessed as having archaeological potential, no further archaeological assessment is required;*
2. *As it is assessed there is a low probability of impacting Aboriginal cultural heritage within the Study Area, the proposed works can proceed under the following conditions:*
 - a. *All land-disturbing activities must be confined within the assessed Study Area. Should project impacts change such the area to be impacted is altered then additional assessment may be required;*
 - b. *Any work crews employed in ground disturbing works within the Study Area should be made aware of the legislative protection of Aboriginal sites and objects; and*
 - c. *In the unlikely event objects are encountered which are suspected to be of Aboriginal origin (including skeletal material), the Unanticipated Finds Protocol (**Appendix 2**) should be followed.*

The recommendations in the aboriginal cultural heritage assessment are able to be incorporated into conditions of approval.

Section 79C(1)(c) – The Suitability of the Site

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed use would not result in any unacceptable impact on any adjoining landowners or the environment.

For the reasons outlined in this report the site is considered suitable for this development proposal.

Section 79C(1)(d) – Any Submission Made

Council will undertake a notification process in accordance with its controls and the EPA Act. Should any submissions be received during the notification period, it is requested that the proponent be provided with the opportunity to address any potential concerns regarding the proposed development.

Section 79C(1)(e) – The Public Interest

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

Section 79C(3A) – Development Control Plans

The recently gazetted section 79C(3A) has been considered below in respect of the proposed development.

Clause	Clause Summary	Proposed Development
79C(3A)(a)	If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:	There are no DCP's relevant to the proposed development.

Clause	Clause Summary	Proposed Development
79C(3A)(b)	(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and	There are no DCP's relevant to the proposed development.
79C(3A)(b)	(c) may consider those provisions only in connection with the assessment of that development application.	Council will undertake its assessment accordingly.

6.3.8 Environmental Planning and Assessment Regulation 2000

The Regulation lists in Schedule 3, those land uses that are regarded as *designated development*, requiring an environmental impact statement to be produced and considered when determining a development application, as is the case in this instance.

6.3.9 Other Relevant Strategies

Murrumbidgee Catchment Action Plan 2013

Murrumbidgee Catchment Action Plan (MCAP 2013) sets a regional strategic plan for natural resource management in the Murrumbidgee catchment, based on NSW 2021, and on the direction provided by the catchment community.

The plan was developed by working closely with stakeholders and all levels of government. It identifies what is required for improving the region's natural assets over the next ten years.

The planning approach taken in developing the MCAP 2013 is based on a 'long view', as expressed by local Aboriginal communities. This means connecting people to their landscapes, over the long-term and across generations, will help achieve our vision of *Healthy and Resilient Murrumbidgee Landscapes*.

MCAP 2013 aims to improve the wellbeing of landscapes, land managers and communities at a catchment level by:

- *supporting sustainable land management practices for healthy and sustainable production and food security*
- *maintaining and enhancing the diversity and functionality of our natural environments*
- *building communities that are vibrant, viable and resilient to change*

- *managing sensitive aquatic environments for consumptive and environmental water needs*
- *ensuring that landscapes as well as individuals, land managers and businesses are adaptable to change*
- *connecting people and landscapes so that environmental, economic and cultural significances are recognised.*

The subject site is located in the ‘Irrigation Areas’ landscapes in the west of the Murrumbidgee catchment, in a semi-arid climatic zone.

The ‘Irrigation Areas’ landscape was developed on low relief alluvial clay and loams with intermittent sandhills and shallow drainage. This landscape was dominated by black box depressions, boree woodlands, heaths on sandy rises and chenopod rangelands. Watercourses, ephemeral lakes and rain-fed depressions supported red gum associations and wetland species.

The CAP identifies that the community is concerned about declining rural population, the associated decline in rural services, the Murray–Darling Basin Plan, water sharing plans and the water buyback program and their impacts on farming viability.

The key goals that have been defined for the Rangelands landscape include:

- *Healthy and Sustainable Productive Landscapes*
- *Diverse and Functional Natural Environments*
- *Viable and Resilient Communities*
- *Connecting People and Landscapes*
- *Well Managed Aquatic Environment*
- *Landscapes and Enterprises Adaptive to Change*

The proposed development is not inconsistent with this Plan. In the context of its key goals, the proposal is satisfactory in that:

- Additional industry is created in the locality.
- Flora and fauna will not be significantly impacted on as a result.
- There is support for the proposed development and the industry as a whole across the wider community.
- Prime agricultural land is not diminished as a result.
- Appropriate management of the land and its surrounds will prevail.

It will contribute to the general fabric of the locality, creating positive environmental impacts and opportunities as a result.

7 Public Notification and Consultation

7.1 Formal Approach

Consultation has continued throughout the preparation of the EIS and in particular discussions have been held with Griffith City Council, NSW Environment Protection Authority and NSW Roads & Maritime Services. The proponent has also had preliminary discussions with some of the surrounding landowners regarding the proposed development.

7.2 Stakeholders and Agencies

Following site selection and preliminary discussions with Griffith City Council and some NSW government agencies a Planning Focus Meeting was held on behalf of a third party that was previously considering establishing a poultry production facility on this site. Prior to the issuing of the SEARs NSW Planning & Environment consulted with and obtained written comments from various stakeholders and NSW Government agencies. These comments were considered by NSW Planning & Environment in compiling the SEARs and have also been considered in the preparation of this EIS.

The copy of the SEARs is appended to this report, requiring the proponent to address the following aspects of the development proposal:

Key Issue	Requirement for Consideration
Strategic Context	Justification for the proposal and suitability of the site for the development. Demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans, or justification for any inconsistencies. A list of any approvals that must be obtained under any other Act or laws before the development may be carried out.
Air quality & odour	Description of all potential sources of air and odour emissions. An air quality impact assessment in accordance with relevant EPA guidelines. Description and appraisal of air quality impact mitigation and monitoring measures.
Noise & vibration	Description of all potential noise and vibration sources during construction and operation, including road traffic noise. A noise and vibration assessment in accordance with relevant EPA guidelines. Description and appraisal of noise and vibration mitigation and monitoring measures.

Key Issue	Requirement for Consideration
Soil & water	Description of local soils, topography, drainage and landscapes. Details of stormwater and wastewater management. Details of sediment and erosion control. Details of water usage including water supply and licences. Assessment of impacts to surface and groundwater resources, flooding, impacts and impacts to groundwater dependant ecosystems. Description and appraisal of impact mitigation and monitoring measures.
Animal welfare, biosecurity & disease management	Detail of how the proposed development would comply with relevant codes of practice and guidelines. Description of the contingency measures that would be implemented for the mass disposal of livestock in the event of a disease outbreak.
Traffic and Transport	Details of road transport routes and access to the site. Road traffic predictions for the development during construction and operation. Assessment of impacts to the safety and function of the road network. Details of any road upgrades required for the development.
Waste Management	Details of waste handling including, transport, identification, receipt, stockpiling and quality control. Measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.
Biodiversity	Predictions of any vegetation clearing on site or for any road upgrades. Assessment of the potential impacts on any threatened species populations, endangered ecological communities or the habitats, groundwater dependant ecosystems and any potential for offset requirements. Description of the measures to avoid, minimise, mitigate and offset biodiversity impacts
Visual	Impact assessment at private receptors and public vantage points.
Heritage	Aboriginal and non-Aboriginal cultural heritage

8 Justification for the Development

8.1 Justification

Detailed consideration of the environmental impacts of the proposal has been undertaken in the environmental impact assessment process and in the preparation of the EIS. In assessing the impacts of the proposed development, consideration has been given to social, economic and environmental matters.

As required by the SEARs and Schedule 2 of the EP&A Regulations, this chapter of the EIS sets out the justification for the proposed development with regard to biophysical, economic and social considerations and with reference to the principles of ecologically sustainable development (ESD).

8.2 Biophysical Considerations

Potential biophysical impacts associated with the proposed development have been assessed within the EIS. The assessment of the biophysical environment has included an individual assessment of flora and fauna.

The assessment of each of the elements has concluded that subject to the implementation of a number of mitigation measures the proposed development would not result in significant adverse impacts on the biophysical environment.

8.3 Economic Considerations

The proposal will result in positive economic benefits for the City of Griffith LGA and the wider Riverina region of NSW. The proposal will provide increased economic activity in the regions and assist in the continued growth of the growing poultry production & processing industry. The multipliers of this are extensive delivering significant local and regional economic benefits through the provision of infrastructure, employment and stabilization of services in outer centres such as Goolgowi with minimal impact upon the natural environment.

8.4 Social Considerations

The assessment of the social impacts associated with the proposed development has included consideration of traffic and access, landscape and visual amenity, socio-economic impact, noise and air quality. Suitable measures identified and will be introduced to minimise and mitigate any social impacts arising as a result of the proposed development.

8.5 Ecologically Sustainable Development

Ecologically Sustainable Development (ESD) is a concept firmly entrenched in NSW environmental legislation and Government Policy. The guiding principles of ESD and its relationship to the proposed development are outlined below.

8.5.1 Precautionary Principle

The Intergovernmental Agreement on the Environment (IGAE) provides a definition of the precautionary principles which requires that where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of precautionary principle, public and private decisions should be guided by:

- i. careful evaluation to avoid, wherever practicable, serious, or irreversible damage to the environment.
- ii. An assessment of the risk-weighted consequences of various options.

The IGAE states that the precautionary principle is to be a guiding principle for informed policy making and programmed implementation by all levels of government in Australia. In this manner, it is to guide both the public and private sector in its decision making and assessment of different options, particularly when decisions are being made in the face of uncertainty. It requires avoidance of serious or irreversible damage to the environment wherever practicable.

The proposed development has been developed with regard to the precautionary principle. Through detailed environmental investigation of the site and surrounding area knowledge of the characteristics of the locality and the processes and interactions of various components of the environment have been established. This knowledge has been used to determine the potential environmental impacts of the proposed development and appropriate mitigation measures to ensure significant environmental management practices and safeguards do occur and that residual impacts are minimised.

8.5.2 Conservation of Biological Diversity and Ecological Integrity

Sustainable consumption and production is about achieving more with less, focusing on the efficient use of resources. From a planning and development perspective this means promoting energy and resource efficiency in the design, construction and use of buildings and infrastructure. It requires consideration of materials, supply chains, construction techniques and the operation and use of facilities.

Natural resource protection and environmental enhancement seeks to ensure that development should protect and enhance the natural environment by avoiding and minimising adverse effects on biodiversity, landscape character and quality, as well as air, water and soil quality, whilst maximising opportunities for enhancement. It is also necessary to consider the indirect impacts of development on natural resources relating to the use of energy and resources in the construction and use of developments.

The proposed development would take place within a locality that already accommodates other agricultural and rural industry purposes. The majority of services required are either already on site or can be provided, therefore reducing demand on local council and other providers for the provision of these services.

All environmental impacts have been mitigated and any residual impacts that remain are unlikely to result in significant impacts.

8.5.3 Climate Change and Greenhouse Gases

Climate Change and energy involves minimising greenhouse gas emissions whilst adapting to the consequences of unavoidable climate change resulting from previous emissions. From a planning and development perspective this relates to energy generation, supply and usage, sustainable transport and movement, as well as the embodied energy of materials and construction techniques. Equally, it requires a planning approach which responds positively to flood risk, increasing temperatures, increased storm frequency and severity, at the same time ensuring an economically productive built environment that promotes human health and comfort.

The proposed development supports the use of existing infrastructure and in so doing will limit greenhouse gas emissions associated with its operation.

9 Conclusion and Recommendation

The proposed development relates to the establishment & operation of a livestock intensive industry (poultry production facility) on Lot 73 DP 756070, which is located on the southern side of Cunningham Road, Warburn in NSW. The proposed development has been assessed against the requirements of the *Griffith Local Environmental Plan 2014* & relevant State Environmental Planning Policies and is considered to represent a form of development that is acceptable.

The proposal is considered to be permissible within the zone and generally in keeping with the nature of surrounding rural environment. The proposal is considered to comply with relevant planning instruments and controls. In this regard:

- The proposal is considered to be a project that is specified in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000* and therefore classified as 'Designated Development';
- The proposal has been considered against the requirements of Part 4 of the *Environmental Planning and Assessment Act 1979*; and
- The proposal is considered to satisfy the zoning requirements & objectives and other relevant clauses listed in the *Griffith Local Environmental Plan 2014*.

In relation to the Secretary's Environmental Assessment Requirements, the following commentary is provided in response to each potential issue identified.

Key Issue	Requirement for Consideration
Strategic Context	Justification for the proposal and suitability of the site for the development. Demonstration that the proposal is consistent with all relevant planning strategies, environmental planning instruments, development control plans, or justification for any inconsistencies. A list of any approvals that must be obtained under any other Act or laws before the development may be carried out.
Comment:	The proposed development will be located in a relatively isolated locality that is close to supplies, arterial roads and processing facilities without impacting upon surrounding landuses. The proposal is permissible and can comply with all required planning instruments, guidelines & regulatory requirements.
Air quality & odour	Description of all potential sources of air and odour emissions. An air quality impact assessment in accordance with relevant EPA guidelines. Description and appraisal of air quality impact mitigation and monitoring measures.

Key Issue	Requirement for Consideration
Comment:	The air quality assessment has concluded that concludes that emissions from the proposed developments will not exceed the prescribed standard, site characteristics mean that negligible impacts will arise on the nearest residential receptors.
Noise & vibration	Description of all potential noise and vibration sources during construction and operation, including road traffic noise. A noise and vibration assessment in accordance with relevant EPA guidelines. Description and appraisal of noise and vibration mitigation and monitoring measures.
Comment:	The noise impact assessment has concluded that the proposed development will not result in any negative impacts on the nearest residential receivers providing that certain mitigation measures are implemented.
Soil & water	Description of local soils, topography, drainage and landscapes. Details of stormwater and wastewater management. Details of sediment and erosion control. Details of water usage including water supply and licences. Assessment of impacts to surface and groundwater resources, flooding, impacts and impacts to groundwater dependant ecosystems. Description and appraisal of impact mitigation and monitoring measures.
Comment:	The portion of the subject site to be developed is not considered to be flood prone. The proposal is not considered to result in any impact on soils or surface & ground water. Adequate arrangements can be made for the supply of water to the site.
Animal welfare, biosecurity & disease management	Detail of how the proposed development would comply with relevant codes of practice and guidelines. Description of the contingency measures that would be implemented for the mass disposal of livestock in the event of a disease outbreak.
Comment:	Appropriate measures can be implemented to ensure that animal welfare is provided and that biosecurity & disease management are controlled. In this regard, the site's isolation from the region's traditional poultry production areas assists in minimising the potential for disease outbreaks.
Traffic and Transport	Details of road transport routes and access to the site. Road traffic predictions for the development during construction and operation. Assessment of impacts to the safety and function of the road network. Details of any road upgrades required for the development.
Comment:	The traffic impact assessment concludes that the site and the surrounding road network and infrastructure can adequately cater for the proposed development.
Waste Management	Details of waste handling including, transport, identification, receipt, stockpiling and quality control. Measures that would be implemented to ensure that the proposed development is consistent with the aims, objectives and guidelines in the NSW Waste Avoidance and Resource Recovery Strategy 2014-2021.
Comment:	Adequate arrangements can be made for the collection, storage and disposal of waste including deceased birds.

Key Issue	Requirement for Consideration
Biodiversity	Predictions of any vegetation clearing on site or for any road upgrades. Assessment of the potential impacts on any threatened species populations, endangered ecological communities or the habitats, groundwater dependant ecosystems and any potential for offset requirements. Description of the measures to avoid, minimise, mitigate and offset biodiversity impacts
Comment:	The ecological assessment has concluded that the proposed development will not have a significant impact on threatened species, populations or ecological communities, or their habitats.
Visual	Impact assessment at private receptors and public vantage points.
Comment:	The proposed development is not anticipated to dominate the locality's appearance once landscaped buffers are established.
Heritage	Aboriginal and non-Aboriginal cultural heritage
Comment:	The aboriginal cultural heritage assessment has concluded that the proposed development will not result in any negative impacts on known Aboriginal sites of significance or artefacts.
Bushfire & incident management	
Comment:	The portion of the subject site to be developed is not considered to be bushfire prone land.

Adequate arrangements can be made for the provision of: vehicular access to and throughout the site, essential utilities, sewerage, waste and drainage. The site is located a suitable distance from residential receptors and is not anticipated to significantly impact on the surrounding locality. On this basis, the subject site is considered acceptable for the proposed development.

The proposal is considered to result in a positive economic impact for the City of Griffith LGA and is therefore in the public interest.

Accordingly it is recommended that the proposed development be approved subject to the imposition of conditions requiring compliance with relevant Codes of Practice, Guidelines & regulatory requirements and the preparation of additional documentation detailing the specific methods to address specific elements of the development such as stormwater & wastewater management, mortality management, etc.