

5 November 2015

NSW Planning Assessment Commission Determination Report

Euroley Poultry Production Complex (D382/15), Narrandera LGA

1. PROJECT

The subject site is located in Euroley in south western NSW off the Sturt Highway in the Narrandera LGA.

The site is approximately 1,160 ha in area and is relatively flat and consists primarily of heavily grazed rural land.

The proposal involves the construction of five broiler farms, each farm termed a Poultry Production Unit (PPU). Each PPU includes:

- 16 fully enclosed, tunnel ventilated, climate controlled poultry sheds with evaporative cooling;
- two dwelling houses for farm managers accommodation;
- feed silos and four water storage tanks;
- four detention dams each with a capacity of 7,500m³; and
- eight LPG tanks.

Ancillary facilities are included in each PPU including staff amenities, office space, a water management system, an effluent treatment system, workshops and emergency diesel generators.

The proposed development has a capital investment value (CIV) of approximately \$63 million and will generate approximately 30 full time jobs and 20 construction jobs at the site.

2. DELEGATION TO THE COMMISSION

The proposal is State Significant Development pursuant to section 89c of *the Environmental Planning and Assessment Act 1979* because it exceeds the threshold of \$30 million for the CIV for the purpose of livestock intensive agriculture.

The proposal was referred to the Commission for determination under the terms of the Ministerial delegation dated 14 September 2011 because a political donation was disclosed in a submission received from a special interest group during the exhibition period of the development application.

The Commission panel appointed to determine the application comprised Mr Garry West (Chair) and Dr Andrew Stoeckel.

3. DEPARTMENT'S ASSESSMENT REPORT

The Department's Report identified the following key issues:

- odour and air quality;
- water impacts;
- aboriginal cultural heritage; and
- biodiversity.

The Department's Report recommended approval subject to conditions.

4. COMMISSION'S CONSIDERATION

The Commission notes that there were 13 public submissions (10 objections and three providing comment), two objections from special interest groups and nine submissions from public authorities (including Narrandera, Griffith, Murrumbidgee and Leeton Councils).

The issues raised in the public submissions regarding traffic, biosecurity, waste management, economic impacts and animal welfare have been adequately addressed in the Department's assessment report and where appropriate, conditions of consent have been recommended.

4.1 Water Supply

The Applicant provided a groundwater assessment to assess the potential impacts on groundwater resources as a result of extraction to meet the water demands for the development. During the development a need for additional water was also identified for the operation of the facility during extreme weather conditions.

4.1.1 Water Security

The Applicant proposes to supply the site with water via the construction of four new groundwater bores and transfer the Water Access Licence (WAL) 11788. This WAL has an entitlement of 488 unit shares (488 ML at full allocation).

During the assessment, the Applicant advised that a total of 690ML per year will be required to meet contractual obligation with Baiada. The supplementary water is intended to enable the operation of the facility during periods of extreme heat and drought. The Department has stated it is satisfied that 690ML per year does not represent the typical water use of the development. The need for supplementary water could be met by the Applicant obtaining additional water licences which would be managed by the Department of Primary Industries (DPI). The DPI has concurred with this approach but additional licences have not been secured at this stage. As the Applicant has identified that the additional water is critical to the viability of the facility, the Commission is concerned that this water supply is yet to be secured.

To ensure the welfare of the broilers, the Commission recommends that a contingency plan for extreme weather conditions be included as a requirement of the Water Management

Plan to ensure appropriate management of the facility within the limits of available water resources. Options that could be considered in the contingency plan include, but are not limited to, the securing of additional WALs or failing this, a temporary adjustment in the scale of the operation during adverse conditions to meet the available water supply.

4.1.2 Groundwater Impacts

As part of the EIS and in the Response to Submissions, the Applicant drilled a test bore on-site and undertook groundwater modelling to assess groundwater impacts of the development. Test pumping of the bores was conducted over two days at rate of 3.89 ML per day. This higher level of extraction from the pump test equates to an approximate extraction volume of 1,142 ML per year, which is in excess of the 690ML per year sought by the Applicant. The test pumping indicates a minimal impact on the bores in the vicinity of the site with a maximum drawdown of 0.44 metres recorded at an observation bore 1.2km from the test bore at the higher extraction rate.

The Commission acknowledges the community's concerns regarding the potential impacts of the groundwater extraction on the aquifer and existing groundwater bores. Notwithstanding the test results, the recommendation includes a requirement for the preparation of Water Management Plan in consultation with the DPI to monitor and manage water impacts, including ground water and surface water management and the installation of shallow piezometers to monitor shallow water impacts. The Commission is satisfied that these conditions should ensure that the impacts on the groundwater system are minimal.

4.2 Flooding

The Applicant undertook a flooding assessment to determine the flood risk on the subject site, potential adverse impacts on adjoining land owners and emergency and flood evacuation procedures.

Modelling indicates that the site and the surrounding road network are likely to be subjected to flooding from overland flow which may impact on the operation of the site. To address the flood risk to PPU's, the Applicant proposes to construct all PPU's 0.3 metres above the ground level and to construct a 0.4 metre bund wall around the poultry sheds.

Modelling undertaken as part of the Response to Submissions indicates that the proposed development will not result in any additional flood risk to surrounding properties or infrastructure.

Five of the proposed residences have been relocated to areas of low flood risk and a condition imposed in accordance with Narrandera Council requirements, that the finished floor level of all habitable buildings be constructed above the 1 in 100 year event plus 500mm freeboard. As the proposed 'rice hull' is located within an area at risk of shallow slow moving flood waters, feed stored in this structure may be affected by floodwater. Therefore, to ensure that the contents of the building remain dry during a flood event, the Department have recommended a condition that requires the design to incorporate flood proofing of the structure.

A recommended condition of consent requires the preparation of Emergency and Evacuation Plan including detailed transportation routes and procedures in flood events, procedures for managing flood risks and management measures for the supply of feed in a flood event.

The Commission agrees with the Department and the Office of Environment and Heritage that with the implementation of the Applicant's proposed mitigation measures, and the recommended conditions of consent, the flood risk can be appropriately managed.

4.3 Air Quality and Odour

The Commission shares the community's concerns in relation to odour as poultry farming is an inherently odour-producing process. To evaluate the odour and particulate matter impacts of the proposed development the Applicant undertook a quantitative air quality impact assessment in accordance with the Environment Protection Authority's (EPA) *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW*. After concerns raised by the Department and the EPA that the modelling did not represent the worst case scenario, the proponent prepared further modelling in the Response to Submissions to address timing of population of the facility.

The modelling indicates that the facility will comply with the relevant criteria, although the Commission recognises that ongoing compliance with the criteria will rely on the continued adoption of best practice in the management and operation of the facility. To this end, reliance is placed on the imposition of conditions that require the preparation and implementation of an Air Quality Management Plan and Odour Validation Audits to be undertaken when directed by the EPA. In addition, there is a requirement that the facility does not cause or permit the emission of any offensive odour as defined by the *Protection of the Environment Operations Act 1997*. The Commission is satisfied that the measures included in the conditions of consent will provide avenues for the ongoing management of odour to mitigate impacts.

The Commission agrees with the condition to require the development and implementation of an Air Quality Management Plan. The plan will include identification of particle emission from all sources, control measures for each source, a monitoring program and compliance reporting. The applicant shall also be required to carry out all reasonable and feasible measures to minimise dust generation.

4.4 Aboriginal Cultural Heritage

The Aboriginal Cultural Heritage Assessment and associated field surveys identified three Aboriginal sites. The Office of Environment and Heritage (OEH) have identified the need for further field survey to verify the findings of the original survey and to cover areas not included in the original survey such as a pedestrian survey of the relocated PPU5 and access road. OEH has recommended a requirement for preclearance surveys and a set of management actions for the three known Aboriginal sites. These have been incorporated in the Department's recommendation along with a requirement for any subsequent alteration to the development footprint to be assessed in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

The Commission agrees that the recommended conditions of consent will ensure Aboriginal cultural heritage is appropriately managed.

4.5 Biodiversity

The Commission agrees that the biodiversity impacts for the project are minor and that the recommended conditions including the preparation of Biodiversity Management Plan, in consultation with the OEH are adequate.

4.6 Proposed Manager's Dwellings

Ten dwelling houses are proposed to be constructed as part of the application. The applicant provided legal advice indicating that the dwellings are ancillary to the development of the intensive livestock agriculture and therefore clause 4.2C of the Narrandera LEP stipulating a minimum lot size for rural dwellings was not a matter for consideration. The Applicant has stated that the dwellings will be used only in conjunction with the proposed facility and remain in their ownership.

The development currently includes two proposed dwellings located in isolation on Lot 1 DP 1054064 and PPU 4 straddles a lot boundary. In its submission, Narrandera Council recommended the inclusion of a condition requiring the consolidation of the development site into one lot. To maintain future tenure options, the applicant has requested an alternate condition requiring boundary adjustments resulting in each PPU and associated dwellings to be contained within its own allotment. The Commission agrees the inclusion of a boundary adjustment condition will reinforce the requirement to use the proposed ancillary dwellings in conjunction with the associated PPU and ensure buildings are contained within the lot boundaries.

4.7 Section 94a Contributions

The Commission notes that Narrandera Council considered a report on the 21 July 2015 regarding the request by the applicant to reduce the section 94A contributions from 1% of the CIV to 0.5%. The Council resolved to accept 0.5% on the basis that:

- the proposal has a high capital value however has a relatively low impact on community infrastructure due to low number of staff and use of classified roads to access the site; and
- the development is located close to the border with Leeton Shire and Murrumbidgee increasing the likelihood that the impact would be spread across all the LGAs.

5. COMMISSION'S DETERMINATION

After detailed consideration of the relevant information in accordance with the requirements of section 79c of the *Environmental Planning and Assessment Act 1979*, the Commission agrees with the Department that the application should be approved, subject to the changes to the Department's recommended conditions as outlined in this report. The signed Instrument of Approval incorporating the changes is attached.



Garry West
Commission Member (Chair)



Andrew Stoeckel
Commission Member