

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

**PE4 – Development Application No. 010.2015.00000292.001 – 325 Scroggies Road, Lakesland**

PE4

**Development Application No. 010.2015.00000292.001 – 325 Scroggies Road, Lakesland – Continued use of extensions to existing poultry sheds No. 5 and 6; Construction of poultry sheds No. 7-12; and filling of land in three (3) Stages.**

264984

DD010.2015.00000292.001



LOCATION MAP N

(Showing zoning of subject property and zoning of adjoining lands/area)

**DEVELOPMENT INFORMATION**

Development Application No:	010.2015.00000292.001
Property Details:	325 Scroggies Road, Lakesland
Applicant:	Precise Planning
Owner:	F & M Buttigieg
Proposal Details:	Continued use of extensions to existing poultry sheds No. 5 and 6; Construction of poultry sheds No. 7-12; and Filling of land in Three (3) stages
Zone:	RU1 Primary Production

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**EXECUTIVE SUMMARY**

- This report outlines Council's assessment of an application seeking consent for alterations and additions to an existing poultry farm in three (3) stages.
- A total of twenty-eight (28) submissions were received in relation to this proposal.
- This application has been assessed by a planning consultant engaged by Council.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that:
  - Council defer determination of this application.
  - The applicant to investigate possible odour mitigation measures including the reduction of shed numbers and mechanical ventilation of sheds.

**REPORT**

**BACKGROUND**

On 28 April 2015, Council received Development Application No. 010.2015.00000292.001, for development described on the Application Form as "Alterations/additions to existing poultry farm."

Also in relation to this property, on 3 December 2015, Council received Application to Modify Consent No. 010.2002.00058844.002, seeking to amend Condition 9.3 and delete Condition 9.7 of Development Consent No. D1682-02. A separate report on this application is included in this Business Paper.

Also on the Business Paper for this evening are reports relating to Council's recent program of consultation and the draft Good Neighbour Charter. This work has been undertaken in conjunction with residents and representatives from the local poultry growers group, the poultry processors, NSW State Government's Department of Primary Industry and Environmental Protection Authority.

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**CONSULTATION**

The application was advertised for a period of 15 days commencing 22 July 2015 and additional information notified to submitters for a period of 15 days commencing 20 October 2015. A total of twenty-eight (28) submissions were received.

The application was also referred to the following internal and external referral bodies.

Referral	Outcome
Development Engineer	Conditions recommended.
Environmental Health Officer	Conditions recommended.
Environment Officer	Conditions recommended.
Water NSW	Condition recommended.

**1.1 DESCRIPTION OF SITE AND SURROUNDING AREA**

The site is an irregularly shaped block located at the western end of Scroggies Road, Lakesland. The site is bound by Kelsalls Road to the west, Scroggies Road to the north and Treelea Grove to the east and has an area of approximately 19.773ha.

The site contains a brick residence, six (6) poultry sheds, two (2) earth dams and various ancillary structures and outbuildings. The site is largely clear of vegetation with the exception of a small cluster of remnant vegetation adjacent to the southern boundary of the site.

The locality is characterised by a combination of large rural properties supporting various agricultural activities and smaller rural residential development. Immediately to the south and east of the subject site are rural residential lots, some of which have existing dwellings.

**1.2 DESCRIPTION OF DEVELOPMENT**

The development application seeks approval for alterations and additions to an existing poultry farm involving the extension of two (2) existing sheds, erection of six (6) new poultry sheds and associated feed structures, construction of stormwater management structures and the construction of a small section of driveway.

The planning report submitted with the development application also indicates that approval is being sought for the minor extension of existing sheds 5 and 6, however, the applicant has since clarified that the extensions to sheds 5 and 6 are existing and approval is being sought for the continued use of these structures (see Attachment 1 in the separate Attachments Booklet).

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The application includes the following specific details relating to farm operations and management:

- Bird numbers increasing from 28,000 in 2.5 annual growing cycles to 58,000 in 2.5 annual growing cycles
- Traffic movements increasing as detailed in Attachment 2 in the Attachment Booklet
- Employee numbers increasing from 2-3 to 4-5
- Typical operating hours 6am to 7pm (except bird pickups), which is consistent with existing operating hours
- Shed management approach is unchanged (i.e. pine shavings used for bedding material, lights off at 9pm and back on 6am/7am, gas heating, fanning/fogging systems for cooling)
- Stocking density is unchanged at 4.5 birds per square metre
- Biosecurity management, storage and use of chemicals remain unchanged
- Silo banks for feeding will be connected sheds and filled by mechanical blowers attached to delivery vehicles, which is consistent with existing feeding methods
- New stock deliveries, bird pickups and feed deliveries are proposed in accordance with the revised Traffic and Parking Assessment prepared by, Parking and Traffic Consultants, dated 12 November 2015
- Stormwater will be directed via a series of earth drains toward the east of the site and be discharged to an existing dam.

**1.3 SECTION 79C ASSESSMENT**

Under legislation, Council is required to assess development proposals set out as follows:

**1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

**Environmental Planning and Assessment Regulations 2000**

The Regulations require proposals for livestock intensive industries to be assessed as Designated Development if the following threshold requirements apply.

***Schedule 3 Designated Development***

***Part 1 What is designated development?***

***21 Livestock intensive industries***

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

The site is partly located within a drinking water catchment.

Despite the above, the applicant contends that the proposal should not be assessed as Designated Development given it involves alterations and additions to an existing facility. In which case the following section of the Regulations is a relevant consideration:

**Part 2 Are alterations or additions designated development?**

**35 Is there a significant increase in the environmental impacts of the total development?**

*Development involving alterations or additions to development (whether existing or approved) is not designated development if, in the opinion of the consent authority, the alterations or additions do not significantly increase the environmental impacts of the total development (that is the development together with the additions or alterations) compared with the existing or approved development.*

**Note.** *Development referred to in this clause is not designated development for the purposes of section 77A of the Act. This means that section 98 of the Act (Appeal by an objector) will not extend to any such development even if it is State significant development.*

Comment: Whilst triggering the designated development provisions, the development is for alterations and additions to an existing farm which may be considered as a local development, based on the following assessment:

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**36 Factors to be taken into consideration**

*In forming its opinion as to whether or not development is designated development, a consent authority is to consider:*

(a) *the impact of the existing development having regard to factors including:*

(i) *previous environmental management performance, including compliance with the conditions of any consents, licences, leases or authorisations by a public authority and compliance with any relevant codes of practice, and*

Comment: While there have been investigations of operational matters in the past, the investigations concluded that offensive noise (in 2007) was generated due to a maintenance problem that was resolved quickly in emergency conditions which threatened the loss of birds and required immediate bird collection.

Offensive odours were the subject of a complaint in 2006. This resulted in Council taking compliance action. Poultry shed extensions were approved by Council on 20 November 2006 and conditions were imposed to address these odour complaints.

According to Council's records, there have been no odour and/or noise complaints made in relation to the subject site prior to the lodgement of the subject development application. Upon further discussion with Council's Compliance Section (Environmental Health Officer), Council is satisfied with the current operations and management of the site. As such, compliance with conditions of consent, licenses, leases and/or relevant codes is not an area of concern from Council at this point in time.

Conditions of consent are recommended so that the operation of the whole farm complies with the recommendations and findings of the noise impact assessment report submitted with this development application.

(ii) *rehabilitation or restoration of any disturbed land, and*

Comment: During the site inspection, there did not appear to be any areas with exposed earth. Conditions of consent will require the grassing of any exposed areas and areas between the sheds (as required by the landscaping controls from the Development Control Plan). As such, Council raises no objection in this regard.

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- (iii) *the number and nature of all past changes and their cumulative effects, and*

Comment: According to Council's records, there have been five (5) previous approvals that relate to the property:

**10.2006.50406.1 (D535-06) – Extensions to Existing Turkey Sheds**

- Construction of an extension and alterations to three (3) existing poultry sheds
- No change to total of six (6) sheds
- No expansion to maximum capacity of 28,000 birds.

**10.2002.58844.1 (D1682-02) – Relocate Poultry Shed and Extend existing**

- Extend an existing poultry shed (Shed A) and replace and relocate one (1) poultry shed (Shed B) due to it not meeting design standards
- No change to total of six (6) sheds
- Combined maximum capacity of 28,000 birds.

**10.2000.54353.1 (D814-00) – Extensions to existing poultry farm**

- Erection of two (2) additional poultry sheds
- Total six (6) sheds
- Maximum combined stocking rate of 28,000 birds (turkeys) with maximum of 5,000 birds kept in Shed 3 and 4.

**10.2000.50151.1 (D1383-00) – Additions to Poultry Farm Sheds**

- Additions to a poultry shed – Shed 2
- No change to total of four (4) sheds
- No increase in bird numbers from that approved under D272/95.

**10.1995.272.1 (D272/95) – Poultry Sheds**

- Extension to poultry farm – two (2) additional sheds
- Total four (4) sheds
- 8,000 birds (turkeys) proposed in each shed.

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(b) *the likely impact of the proposed alterations or additions having regard to factors including:*

(i) *the scale, character or nature of the proposal in relation to the development, and*

Comment: The addition of six (6) poultry sheds and the expansion of the existing operation (including the increase of bird numbers by 30,000) is considered acceptable in regards to the landscape character. While the sheds will be located closer to the boundary adjoining Treelea Grove, conditions for additional landscaping are recommended..

The Assessing Officer is of the opinion that any adverse impact from the development will, subject to conditions, be within acceptable tolerances.

(ii) *the existing vegetation, air, noise and water quality, scenic character and special features of the land on which the development is or is to be carried out and the surrounding locality, and*

Comment:

▪ Water Catchment

Water NSW provided concurrence (dated 23 June 2015), advising that the proposed sheds are located outside of the catchment and that all stormwater runoff from the sheds is proposed to be directed to a dam which is also outside of the catchment. Water NSW requested that should Council approve this application, “all stormwater runoff from the sheds be directed to the existing dam located to the east of the new sheds and outside of the drinking water catchment”.

▪ Watercourses

The proposed new works are not within 100m of a watercourse. It is considered that there will be no detrimental impacts to water quality subject to conditions for pre-treatment and maintenance of the earth dam and filtering of runoff over grassed swales.

▪ Scenic character and special features of the land

Existing sheds can be found on this and the adjoining land. Conditions are recommended for increased landscaping to impede visual impacts.



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▪ Air and Noise

The existing air and noise characteristic of the surrounding locality is influenced by the established poultry farm at this address and also at 115 Kelsalls Road, Lakesland. In this regard the character of the area is not expected to change dramatically as a consequence of the proposed development.

- (iii) *the degree to which the potential environmental impacts can be predicted with adequate certainty, and*

Comment: Conditions of consent are recommended to ensure that environmental impacts are mitigated where possible to minimise adverse impacts.

- (iv) *the capacity of the receiving environment to accommodate changes in environmental impacts, and*

Comment: Based on this report and the reports submitted with the application, it is considered that there will be no adverse impact on the biophysical environment to accommodate the development.

- (c) *any proposals:*

- (i) *to mitigate the environmental impacts and manage any residual risk, and*

Comment: Conditions are recommended in this regard and as such, it is considered that there will be no adverse impacts.

- (ii) *to facilitate compliance with relevant standards, codes of practice or guidelines published by the Department or other public authorities.*

Comment: To be conditioned accordingly.

Conclusion

Information was submitted to and reviewed by Council, specifically relating to odour and noise impact assessment reports. In accordance with Clauses 35 and 36, the Assessing Officer maintains that the application can be assessed as a local application.

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

Question		YES		NO
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	X	Proceed to Question 3		Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?		Proceed to Question 3		Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> <li>▪ Child care facility</li> <li>▪ Educational use</li> <li>▪ Recreational use</li> <li>▪ Health care use</li> <li>▪ Place of public worship</li> <li>▪ Residential use in a commercial or industrial zone</li> </ul>		Proceed to Question 5	X	Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	X	Proceed to Question 5		Proposal satisfactory under SEPP 55 and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?		Request contaminated site assessment	X	Proposal satisfactory under SEPP 55 and DCP.

Comments: The proposal is not for residential purposes and does not involve a change of use. A review of the property file and a site inspection (on 1 July 2015) did not identify any potential historical uses or sources of contamination which warrant further investigation.

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**Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River**

Relevant Provisions	Comment
<p>Aims of the Plan</p> <p>The aim of the plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.</p>	<p>Documentation submitted with the application demonstrates that the proposed development will have no significant impact on the environment of the Hawkesbury-Nepean River system and therefore is consistent with the aims of the plan.</p>
<b>6. Planning Policies and Recommended Strategies</b>	
<i>(1) Total catchment management</i>	
(a) Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.	There will be no significant impact to the catchment within adjacent or downstream LGAs as a result of the development and therefore no referral is required.
(b) Consider the impact of the development concerned on the catchment.	Water NSW has confirmed that the proposal is situated outside of the Sydney Drinking Water Catchment.
(c) Consider the cumulative environmental impact of development proposals on the catchment.	Subject to imposition of conditions relating to stormwater and farm management, the proposal will not contribute to a cumulative environmental impact in the catchment.
<i>(2) Environmentally sensitive areas</i>	
(a) Rehabilitate parts of the riverine corridor from which sand, gravel or soil are extracted so that attached aquatic plant beds are replaced and water quality and faunal habitats improved.	Not applicable. The subject site does not fall within the area identified as scenic corridor.
(b) Minimise adverse impacts on water quality, aquatic habitats, riverine vegetation and bank stability.	No adverse impact on water quality anticipated, subject to appropriate stormwater management as per proposal and conditions of consent.

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Relevant Provisions	Comment
(c) Minimise direct and indirect adverse impacts on land reserved or dedicated under the <a href="#">National Parks and Wildlife Act 1974</a> or the <a href="#">Forestry Act 1916</a> and conservation area sub-catchments in order to protect water quality and biodiversity.	No direct or indirect impact on the National Park (located south of the subject site) as a result of the proposed development.
(d) Protect wetlands (including upland wetlands) from future development and from the impacts of land use within their catchments.	It is understood that there are no wetlands on or proximate to the subject site.
(e) Consider the need to include buffer zones (such as adequate fire radiation zones) for proposals on land adjacent to land reserved or dedicated under the <a href="#">National Parks and Wildlife Act 1974</a> or the <a href="#">Forestry Act 1916</a> .	Not applicable. The subject site is not directly adjacent to a National Park.
(f) Consider the views of the Director-General of National Parks and Wildlife about proposals for land adjacent to land reserved or dedicated under the <a href="#">National Parks and Wildlife Act 1974</a> .	Not applicable. The subject site is not directly adjacent to a National Park.
(g) Consideration should be given to the impact of the development concerned on the water table and the formation of acid sulphate soils.	No detrimental impact on the water table or acid sulphate soils is anticipated given relatively minor extent of earthworks and absence of tree or vegetation removal.
(h) New development in conservation area sub-catchments should be located in areas that are already cleared.	The proposed development is situated on land that is already cleared.
<b>(3) Water quality</b>	
(a) Quantify, and assess the likely impact of, any predicted increase in pollutant loads on receiving waters.	Stormwater runoff shall be directed to the existing earth dam to the east of the proposed sheds and will not contribute to pollutant loads on receiving waters. Water NSW has been referred the application and has indicated that the development site and the dam to which stormwater will be

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Relevant Provisions	Comment
	directed is outside of the Sydney Drinking Water Catchment and will therefore have no impact on water quality within the catchment.
(b) Consider the need to ensure that water quality goals for primary contact recreation and aquatic ecosystem protection are achieved and monitored.	As stated, stormwater from the development site will be contained in the earth dam on site and will not compromise water quality goals for primary contact recreation and aquatic ecosystem protection.
(c) Approve development involving primary contact recreation or the withdrawal of water from the river for human contact (not involving water treatment), such as showers, only in locations where water quality is suitable (regardless of water temperature).	Not applicable. Development does not involve primary contact with water or withdrawal of water for human contact.
(d) Do not carry out development involving on-site disposal of sewage effluent if it will adversely affect the water quality of the river or groundwater. Have due regard to the nature and size of the site.	Not applicable. Development does not involve on-site effluent disposal.
(e) Develop in accordance with the land capability of the site and do not cause land degradation.	In the context of water quality, the subject site is capable of sustaining the proposed use without causing land degradation.
(f) Consider the need for an Erosion and Sediment Control Plan (to be in place at the commencement of development) where the development concerned involves the disturbance of soil.	An Erosion and Sediment Control Plan (within Soil and Water Management Plan) is necessary and will be conditioned to be provided.
(g) Minimise or eliminate point source and diffuse source pollution by the use of best management practices.	According to development application documentation, the farm will be managed in accordance with best management practices. Specific conditions relating to dead bird management, waste management

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	and disposal will be imposed to minimise point and diffuse source pollution.
(h) Site and orientate development appropriately to ensure bank stability. Plant appropriate native vegetation along banks of the river and tributaries of the river, but not so as to prevent or inhibit the growth of aquatic plants in the river, and consider the need for a buffer of native vegetation.	Not applicable. The development site is not proximate to river banks or the banks of tributaries of rivers.
(i) Consider the impact of the removal of water from the river or from groundwater sources associated with the development concerned.	Not applicable. No water removal from rivers or groundwater sources is proposed as part of this proposal.
(j) Protect the habitat of native aquatic plants.	Not applicable. The habitat of aquatic plants will not be compromised by the proposal as the development site is a sufficient distance from habitat (e.g. water bodies) so as not to have an impact. As noted, stormwater runoff will be captured on-site.
<i>(4) Water quantity</i>	
(a) Future development must be consistent with the interim or final river flow objectives that are set for the time being by the Government.	It is anticipated that there will be no change in the volume of water leaving the site as a result of the development, as runoff will be captured on site in an existing earth dam.
(b) Ensure the amount of stormwater run-off from a site and the rate at which it leaves the site does not significantly increase as a result of development. Encourage on-site stormwater retention, infiltration and (if appropriate) reuse.	Stormwater runoff from proposed sheds and disturbed areas will be directed to and captured by the earth dam to the east of the development site.
(c) Consider the need for restricting or controlling development requiring the withdrawal or impoundment of water because of the effect on the total water budget of the river.	Not applicable. The development does not involve the withdrawal of water and will not alter the total water budget of receiving waters.

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Relevant Provisions	Comment
(d) Consider the impact of development on the level and quality of the water table.	No impact on the water table anticipated due to relatively minor land modification works proposed and the absence of vegetation or tree removal.
<i>(5) Cultural heritage</i>	
(a) Encourage development which facilitates the conservation of heritage items if it does not detract from the significance of the items.	Not applicable. No heritage items are located within or proximate to the subject site.
(b) Protect Aboriginal sites and places of significance.	Not applicable. No known Aboriginal sites or places of significance are located within or proximate to the subject site.
(c) Consider an Aboriginal site survey where predictive models or current knowledge indicate the potential for Aboriginal sites and the development concerned would involve significant site disturbance.	The development site is highly modified and not likely to contain Aboriginal sites.
(d) Consider the extent to which heritage items (either identified in other environmental planning instruments affecting the subject land or listed in Schedule 2) derive their heritage significance from the river.	Not applicable.
<i>(6) Flora and fauna</i>	
<b>Strategies, generally:</b>	
(a) Conserve and, where appropriate, enhance flora and fauna communities, particularly threatened species, populations and ecological communities, aquatic habitats, wetland flora, rare flora and fauna, riverine flora, flora with heritage value, habitats for indigenous and migratory species of fauna, and existing or potential fauna corridors.	The development site contains highly modified grassland and no vegetation or tree removal is proposed by the development application. Flora and fauna assessment indicates no significant or endangered species of flora or fauna will be impacted by the proposal.

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Relevant Provisions	Comment
(b) Locate structures where possible in areas which are already cleared or disturbed instead of clearing or disturbing further land.	The development site is clear of vegetation other than highly modified grassland comprising exotic species.
(c) Minimise adverse environmental impacts, protect existing habitat and, where appropriate, restore habitat values by the use of management practices.	The Flora and Fauna Assessment prepared by Woodland Environmental Management indicates an absence of habitat, be it critical or otherwise, within the development site.
(d) Consider the impact on ecological processes, such as waste assimilation and nutrient cycling.	The proposed development is not likely to alter ecological processes occurring on the site or within the catchment as there is no vegetation or tree removal proposed and stormwater runoff will be contained on site.
(e) Consider the range of flora and fauna inhabiting the site of the development concerned and the surrounding land, including threatened species and migratory species, and the impact of the proposal on the survival of threatened species, populations and ecological communities, both in the short and longer terms.	As stated, the Flora and Fauna Assessment prepared by Woodland Environmental Management submitted with the application indicates that there are no threatened or migratory species of fauna or threatened species, populations or ecological communities upon the site. As runoff from the development area will be contained on site, no impact on flora or fauna situated on surrounding land is anticipated.
(f) Consider the need to provide and manage buffers, adequate fire radiation zones and building setbacks from significant flora and fauna habitat areas.	Not applicable. No significant flora or fauna habitat situated upon or proximate to the site.
(g) Consider the need to control access to flora and fauna habitat areas.	Not applicable. As above.
(h) Consider the need to maintain corridors for fish passage, and protect spawning grounds and gravel beds.	Not applicable. No river or river tributary will be compromised by the development.



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Relevant Provisions	Comment
<i>(8) Agriculture/aquaculture and fishing</i>	
(a) Give priority to agricultural production in rural zones.	The site is within a rural zone and the proposal is to expand an existing agricultural use and is therefore consistent with this strategy.
(b) Ensure zone objectives and minimum lot sizes support the continued agricultural use of Class 1, 2 and 3 Agricultural Land (as defined in the Department of Agriculture's Agricultural Land Classification Atlas) and of any other rural land that is currently sustaining agricultural production.	Not applicable. Does not relate to the development application.
(c) Incorporate effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts.	Separation distances are compliant with DCP controls. The development application is supported by various specialist consultant reports that demonstrate the proposal will have no significant adverse impact on the amenity of adjoining uses in terms of noise and odour. Council's Senior Environmental Health Officer has indicated that the aforementioned reports adequately address the impacts of the development and recommends specific conditions of consent to mitigate noise, odour and visual impacts.
(d) Protect agricultural sustainability from the adverse impacts of other forms of proposed development.	The proposal relates to the expansion of an existing agricultural use rather than another form of development that may have the potential to preclude an agricultural use or compromise the sustainability of the existing use.
(e) Consider the ability of the site to sustain over the long term the development concerned.	The proposed development is for the expansion of an existing turkey farm and there is evidently

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Relevant Provisions	Comment
	adequate space on the site to accommodate the use and permit the ongoing operation of the farm.
(f) Consider the likely effect of the development concerned on fish breeding grounds, nursery areas, commercial and recreational fishing areas and oyster farming.	Not applicable. Stormwater runoff will be contained on site thus negating any impact on catchment waters, which may include fish breeding grounds, nursery areas, etc.
<i>(12) Metropolitan strategy</i>	
(a) Consider the impacts of transport infrastructure proposals on water quality and air quality.	Not applicable.
(b) Consider the impacts of metropolitan waste disposal on water quality.	Not applicable.
(c) Consider the impacts of development on air quality.	An odour and air quality assessment has been submitted with the development application and this concludes that the proposed expansion will make no substantive difference to odour levels at nearby receptors. Air quality impact is therefore not considered to be an issue.
(d) Consider the need for waste avoidance, waste reduction, reuse and recycling measures.	Waste produced by the proposed turkey farm expansion will purportedly be disposed of off-site with the exception of dead birds which will be incinerated. It is understood that there is potential to bag and reuse manure.
(e) Consider the implications of predicted climate change on the location of development and its effect on conservation of natural resources.	Climate change is not likely to significantly impact the location of the proposed development.
<b>11. Development controls</b>	
(1) Caravan parks or camping grounds	Not applicable.
(2) Composting facilities or works	Not applicable.

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Relevant Provisions	Comment
(3) Buildings, works or land uses within conservation area sub-catchments	The proposed development involves the expansion of an existing turkey farm. All runoff from the development site will be diverted to and captured in the existing earth dam on the eastern side of the site and thus will not compromise the pristine nature of the catchment.
(4) Remediation of contaminated land	Not applicable.
(5) Extractive industries	Not applicable.
(6) Extractive industries—maintenance dredging and extractive operations	Not applicable.
(7) Filling	The development controls state that consent is required for filling exceeding 1 metre in depth. The subject application seeks approval for fill greater than 1 metre.
(8) Potentially hazardous or offensive industries	Not applicable.
(9) Items of non-Aboriginal heritage	Not applicable.
(10) Intensive horticultural establishments	Not applicable.
(11) Intensive animal industries	The development controls state that consent is required for the development which fits the definition of intensive animal industries under the Plan. A series of conditions are proposed which encourage or require best practice farm management and will ensure that potential impacts on the Hawkesbury Nepean system are mitigated.
(12) Manufactured home estates	Not applicable.
(13) Marinas	Not applicable.
(14) Recreational facilities	Not applicable.
(15) Land uses in or near the river	Not applicable.

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Relevant Provisions	Comment
(16) Land uses in riverine scenic areas	Not applicable.
(17) Sewerage systems or works	Not applicable.
(18) Waste management facilities or works	Not applicable.
(19) Development in mapped wetlands	Not applicable.

**Wollondilly Local Environmental Plan, 2011**

Clause 1.2 Aims of Plan:

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	The proposal does not involve removal of vegetation, furthermore, additional landscaping of the structures will ameliorate the visual impact of the structures on the natural landscape character.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	No items or places of significance are situated upon or proximate to the subject site.
(c) to protect water quality in land that is situated within water supply catchments,	The application has been referred to Water NSW who has indicated that the development proposal is situated outside the Sydney Drinking Water Catchment. The proposal will therefore have no impact on water quality in water supply catchments.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	Farm operations associated with the proposed development will rely on transport specific to the poultry farming industry (e.g. heavy vehicles). Council's Development Engineer has determined that the existing local road network is sufficient to accommodate additional truck movements, subject to specific upgrades which will be required as a condition of consent.

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Objective	Comment
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	The proposal represents a sustainable utilisation of existing rural resource lands.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	The proposal involves the expansion of an existing turkey farm and will not compromise the physical separation between towns and villages.

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**Characterisation:** Intensive Livestock Agriculture – Poultry Farm

Intensive Livestock agriculture is defined in the Dictionary to the Wollondilly Local Environmental Plan 2011 as follows:

*“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.*

**Note.** *Intensive livestock agriculture is a type of agriculture—see the definition of that term in this Dictionary.”*

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Zone of land: RU1 Primary Production  
Permissibility: Permitted with consent  
Zone objectives:

Objective	Comment
<b><u>RU1</u></b>	
<i>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</i>	The proposal is a continuation of an existing turkey farm and the proposal represents a sustainable expansion of the use.
<i>To encourage diversity in primary industry enterprises and systems appropriate for the area.</i>	The existing turkey farm is a long standing land use and is considered appropriate for the area given proximity to similar agricultural uses and, in particular, the poultry processing plant in Tahmoor.
<i>To minimise the fragmentation and alienation of resource lands.</i>	The proposal will not result in the fragmentation of alienation of resource lands and is considered an appropriate expansion of an existing agricultural use.
<i>To minimise conflict between land uses within the zone and land uses within adjoining zones.</i>	It would appear that there exists some level of conflict between the existing turkey farm and rural residential properties in the locality and that these conflicts relate to truck movements, noise and odour. The proposal represents an opportunity to improve management practices and mitigate these conflicts. It is pertinent to note that the existing use is longstanding and predates many of the dwellings in the locality.
<i>To provide for a range of land uses (including tourism-related uses) that supports the agriculture industry.</i>	The proposal will not inhibit or preclude the establishment or a range of land uses, including tourism-related uses, which may support the agriculture industry.

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Objective	Comment
<i>To provide areas within which the density of development is limited in order to maintain a separation between urban areas.</i>	The proposal involves an expansion of the existing use and subsequent intensification of the existing development. The site is large enough to accommodate the proposed development and will not change the separation between urban areas.

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LEP Clauses

Clause	Comment
Part 2 Permitted or prohibited development	
2.4 Unzoned land	Not applicable.
2.5 Additional permitted uses for particular land	Not applicable.
2.6 Subdivision—consent requirements	Not applicable.
2.7 Demolition requires consent	Not applicable.
2.8 Temporary use of land	Not applicable.
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	Not applicable.
4.1A Minimum lot size for dual occupancies in residential zones	Not applicable.
4.1B Subdivision of certain land in Zone E4 Environmental Living	Not applicable.
4.2 Rural subdivision	Not applicable.
4.2A Erection of dwelling houses on land in certain residential, rural and environmental protection zones	Not applicable.
4.3 Height of buildings	Not applicable.
4.4 Floor space ratio	Not applicable.
4.5 Calculation of floor space ratio and site area	Not applicable.
4.6 Exceptions to development standards	Not applicable.

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Clause	Comment
Part 5 Miscellaneous provisions	
5.1 Relevant acquisition authority	Not applicable.
5.1A Development on land intended to be acquired for public purposes	Not applicable.
5.2 Classification and reclassification of public land	Not applicable.
5.3 Development near zone boundaries	Not applicable.
5.4 Controls relating to miscellaneous permissible uses	Not applicable.
5.5 Development within the coastal zone	Not applicable.
5.6 Architectural roof features	Not applicable.
5.7 Development below mean high water mark	Not applicable.
5.8 Conversion of fire alarms	Not applicable.
5.9 Preservation of trees or vegetation	The development site comprises highly modified grassland. No tree or vegetation removal is proposed.
5.9AA Trees or vegetation not prescribed by Development Control Plan	As above.
5.10 Heritage conservation	No heritage items, heritage conservation areas, archaeological sites, aboriginal objects or places are mapped on or nearby the site.
5.11 Bush fire hazard reduction	Not applicable.
5.12 Infrastructure development and use of existing buildings of the Crown	Not applicable.
5.13 Eco Tourist Facilities	Not applicable.
Part 6 Urban release areas	
6.1 Arrangements for designated State public infrastructure	Not applicable.
6.2 Public utility infrastructure	Not applicable.
6.3 Development control plan	Not applicable.

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Clause	Comment
6.4 Relationship between Part and remainder of Plan	Not applicable.
Part 7 Additional local provisions	
7.1 Essential services	The subject site uses bore water and is serviced by an overhead electricity supply. The proposal relates to an expansion of the poultry farm and will not alter the existing sewage disposal arrangements associated with the dwelling.
7.2 Biodiversity protection	Not applicable.
7.3 Water protection	Not applicable.
7.4 Flood planning	Not applicable.
7.5 Earthworks	Earthworks are required to provide a level development area for the proposed sheds and have been detailed in plans and sections submitted with the application. Conditions regarding sediment and erosion controls and stormwater management are recommended in order to ensure earthwork will not have a detrimental impact on environmental functions and processes or neighbouring uses.
7.6 Development within a designated buffer area	Not applicable.

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**1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

No draft Environmental Planning Instruments are relevant to the development proposal.

**1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS**

Wollondilly Development Control Plan 2016 (WDCP 2016) Volume 1 – General

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Relevant Provisions	Comment
<b>Part 2 – General considerations for all development</b>	
<i>2.1 Objectives</i>	
1. To ensure that developments are undertaken with due regard to human safety.	The proposal will not result in any unreasonable risk to human safety provided the farm operates in accordance with recommended conditions of consent.
2. To ensure that developments do not unreasonably impact on their surrounds.	As detailed in the application documentation and this assessment report, the development is not expected to have an unreasonable impact on the surrounds, in terms of the environmental, amenity and local road network.
3. To ensure that developments achieve a satisfactory level of social equity.	The development will not compromise social equity in that impact on neighbour amenity. Traffic generation associated with the development will not preclude the free and frequent use of the local road network by other road users.
<i>2.2 Controls</i>	
1. The consent authority shall consider the following safety and human health risks in assessing a development application under this volume: (a) Road and traffic hazards; (b) Bushfire threat; (c) Flood risk; (d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses; (e) Exposure to electricity transmission systems; (f) Exposure to radiation from telecommunications infrastructure; (g) Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex	Traffic impact has been assessed in the Parking and Traffic Assessment. The report concludes that the proposed expansion will not cause any notable impact upon the operation of the overall road network. In relation to road safety concerns, Council Engineers have recommended conditions excluding truck access on Scroggies Road and requiring upgrade works to Lakesland Road. These works are recommended as a condition of consent.  Bushfire threat has been assessed

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Relevant Provisions	Comment
<p>services premises;                      (h) Hazards from vehicles within car parking areas; and                      (i) Hazard from potential contamination of the land.</p>	<p>in the Bushfire Assessment and Compliance Report prepared by Sydney Bushfire Consultants. The report makes six recommendations in relation to asset protection zone maintenance, construction requirements, vehicular access and service provision and concludes that implementation of these recommendations would reasonably address the aims and objectives of Planning for Bushfire Protection.</p> <p>Noise and odour impacts have been addressed in reports prepared by Wilkinson and Murray and Todoroski Air Sciences, respectively. Both reports conclude that the proposed turkey farm expansion will not significantly impact upon surrounding receivers.</p>
<p>2. The consent authority shall consider the suitability of the road network in the vicinity in assessing a development application under this volume.</p>	<p>The site has two primary crossovers; a 30m crossover along Scroggies Road to be used by the owners and staff driving light vehicles, and a 25m wide crossover along Kelsalls Road for heavy vehicles accessing the turkey sheds. Given that the expected increase in traffic volumes is marginal, and that the nature of use shall not deviate, no modifications are required to these crossovers.</p> <p>No modifications have been proposed along the crossover or property frontage that might affect existing sight distances from the crossovers. It is considered that there is sufficient sight lines to accommodate safe entrance to,</p>

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Relevant Provisions	Comment
	<p>and egress from the site.</p> <p>In relation to road safety concerns, Council's Development Engineer has recommended conditions excluding truck access on Scroggies Road and requiring upgrade works to Lakesland Road. These works are recommended as a condition of consent. The Engineer have considered the amended Traffic and Parking Assessment prepared by Parking and Traffic Consultants and have indicated that proposed truck routes associated with; turkey drop-off and pickup, feed delivery and the shed cleanout process are acceptable.</p>
<p>3. The consent authority must not grant consent to a development application for development within a proclaimed mine subsidence area without the concurrence of the Mine Subsidence Board.</p>	<p>Not applicable.</p>
<p>4. The consent authority must not grant consent to a development application for development subject to this volume on land unless it has considered the impact of the development on any system for the management of wastewater present on that land.</p>	<p>The proposed development will not alter the way waste water is managed on the land.</p>
<p>5. The consent authority must not consent to the carrying out of development within a drinking water catchment area unless it is satisfied that the proposal will have a neutral or beneficial effect on water quality.</p>	<p>The subject site is partly located within the Warragamba catchment which forms part of Sydney's water supply. Water NSW has indicated that both the proposed new sheds and dam are located outside the drinking water catchment. The proposal will therefore have no impact on water quality in the drinking water catchment.</p>

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Relevant Provisions	Comment
<b>Part 9 – Environmental Protection</b>	
<i>9.1 Objectives</i>	
1. To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011.	Not applicable.
2. To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value.	Environmental impact has been assessed in the Environmental Assessment prepared by Woodlands Environmental Management and dated 27 February 2015. The assessment confirms that the development site contains no Endangered Ecological Communities or threatened species of flora and fauna. It is also evident that the site contains no areas of identified riparian value (i.e. no watercourses).
3. To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas.	The impacts of the development are limited to the clearing of grassland comprising exotic species. There is no risk of compromising links between identified environmentally sensitive lands or encroaching into buffer zones to habitat or riparian areas.
<i>9.3 Controls</i>	
1. The consent authority shall not grant consent to any development that would result in the clearing or other disturbance of an environmental asset unless it is satisfied that any adverse impacts will be offset through bio banking or a similar environmental conservation arrangement.	No clearing is proposed, other than the clearing of grassland comprising exotic species.

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Relevant Provisions	Comment
<p>2. All stormwater generated from any development shall be treated to an acceptable standard to maintain water quality. In determining the “acceptable standard” the consent authority shall be mindful of the relevant guidelines of the State and Federal Governments. This treatment must be undertaken outside any areas mapped as sensitive land in the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011.</p>	<p>Stormwater runoff from the proposed sheds and development site will be directed to a dam on the eastern side of the property. Technibuild Consulting provided advice (dated 21 June 2016) that the capacity of said dam is adequate for the additional runoff. No enlargement and no additions to this dam are required.</p>
<p>3. Where a development is proposed on sites which do not contain areas mapped on the Natural Resources Water or Natural Resources Biodiversity maps and contain native vegetation, the development shall be located in accordance with the following (in order of preference):</p> <p>(i) on cleared parts of the site wherever possible;</p> <p>(ii) in locations where the least amount of vegetation removal would be required (e.g. close to roads) if the development is not able to be located wholly in a cleared area; or</p> <p>(iii) if the development is not able to be located wholly in a cleared area, then the development should be located on parts of the site in which the vegetation is determined as being of the least significance and recovery potential.</p> <p>This includes consideration of vegetation removal for any main buildings, ancillary buildings, asset protection zones, effluent disposal areas and access driveways that may be required for the development.</p>	<p>The development site is located on a cleared part of the site.</p>

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Relevant Provisions	Comment
<b>Part 11 - Landscaping</b>	
<i>11.1 Objectives</i>	
1. To encourage the planting of endemic species in landscaping.	No landscaping proposed. A row of conifers are planted around the perimeter of the site and these serve to screen the development from public places and neighbouring sites. A condition of consent will require that a vegetated screen is maintained to catch and filter pollutants.
2. To reduce the impact of landscaping on the environment, infrastructure and human safety.	
3. To create a landscape character that is defined by native vegetation and not introduced species.	

**Wollondilly Development Control Plan 2016 (WDCP 2016) Volume 8 - Primary agricultural and rural uses**

Relevant Provisions	Comment
<b>Part 1 – Preliminary</b>	
<i>1.2 Objectives</i>	
(a) To promote and encourage rural and agricultural enterprises.	The proposal involves the expansion of an existing intensive livestock agricultural use.
(b) To encourage development that protects the rural amenity, natural landscape features of significance and scenic qualities of Wollondilly Shire.	Various consultant reports submitted with the development application indicate that the development will not compromise rural amenity. Council's Environmental Health Officer has recommended conditions relating to noise, odour and dust management to protect the amenity of neighbours. The proposal will not impact on any natural landscape features.
(c) To ensure that agricultural activities have a neutral or beneficial effect on water quality.	Water NSW has noted that the development is located outside of the drinking water catchment and that runoff will be directed to a dam that is also situated outside of the catchment. Water NSW has requested that a condition of consent be imposed to ensure that

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Relevant Provisions	Comment
	all stormwater runoff is directed to the existing dam. Accordingly, there will be no adverse impact on water quality.
(d) To ensure that the establishment of new, or expansion of existing farms will not adversely impact on biodiversity, endangered ecological communities and threatened species.	Environmental impact has been assessed in the Environmental Assessment prepared by Woodlands Environmental Management and dated 27 February 2015. The assessment confirms that the development site contains no Endangered Ecological Communities or threatened species of flora and fauna. It is also evident that the site contains no areas of riparian value (i.e. no watercourses).
(e) To minimise the potential for land use conflict.	Various consultant reports submitted with the development application indicate that the development will not compromise rural amenity. Council's Environmental Health Officer has recommended conditions relating to noise, odour and dust management to protect the amenity of neighbours and mitigate land use conflict.
(f) To ensure that the opportunity for long term sustainable agricultural production is maximised.	The proposed expansion ensures production can meet demand and that farm operations can continue to occur in a sustainable manner.
<b>Part 3 – Specific land use controls</b>	
<i>3.3 Intensive livestock agriculture</i>	
<i>3.3.1 Siting and setbacks</i>	
<i>Objectives</i>	
(a) To ensure that the impacts of development such as air, dust, water, odour, noise and visual amenity are minimised by identifying minimum buffer or setback requirements.	Various consultant reports submitted with the development application indicate that the development will not compromise rural amenity. Council's

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Relevant Provisions	Comment
	Environmental Health Officer has recommended conditions relating to noise, odour and dust management to protect the amenity of neighbours and mitigate land use conflict.
(b) To allow for the development of intensive livestock agriculture in locations which are suited to sustainable production.	The existing turkey farm is a longstanding use on the site. There is capacity on the site to expand operations.
<i>Controls</i>	
<p>1. Development for the purposes of intensive livestock agriculture, are required to comply with the minimum buffers distances outlined below:</p> <ul style="list-style-type: none"> <li>- Front building setback – 50m</li> <li>- Side or rear building setback – 50m</li> <li>- Dwelling on same property – 50m</li> <li>- Any dwelling on a neighbouring property – 150m</li> <li>- All residential zones – 500m</li> </ul>	<p>Proposed setbacks/separation distances are as follows:</p> <ul style="list-style-type: none"> <li>- Front setback: 150 metres (from Scroggies Road)</li> <li>- Side setback: 105 metres, rear setback approximately 115 metres</li> <li>- From dwelling on subject site: 50 metres</li> <li>- Adjoining dwellings are located in excess of 150m from the proposed development.</li> <li>- Residential zones: Greater than 500 metres</li> </ul> <p>The proposal complies with setbacks prescribed in the DCP.</p>
<p>2. Development must be in accordance with the “Blue Book” Code of Practice for Animal Care produced by the Department of Primary Industries</p>	<p>The applicant has indicated that the development will be in accordance with the Blue Book Code of Practice for Animal Care. Council’s Environmental Health Officer has recommended that a condition be imposed requiring that all poultry be kept in accordance with NSW Department of Primary Industries – Animal Welfare Code of Practice and Industry Regulations.</p>

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Relevant Provisions	Comment
3. Sites with a slope greater than 3-4% must not be used for intensive livestock agriculture.	The site will be benched to provide a level space for construction of sheds. Otherwise, the site has a relatively gentle fall to the east.
4. Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive livestock agriculture.	The site is presently being used for intensive livestock agriculture.
5. Development must be located having regard to the topography and microclimate of the area to ensure concentration of odours cannot occur.	An air quality impact assessment prepared by Todoroski Air Sciences (dated 9 April 2015) was submitted with the development application. The report concludes that the nearest receptors would experience an increase in odour however the change in odour levels is unlikely to be noticeable.
<i>3.3.2 Noise, odour and dust</i>	
<i>Objectives</i>	
(a) To minimise noise, odour and dust impacts from Intensive livestock keeping establishments on the amenity of surrounding land uses	Various consultant reports submitted with the development application indicate that the development will not compromise rural amenity. Council's Senior Environmental Health Officer has recommended conditions relating to noise, odour and dust management to protect the amenity of neighbours and mitigate land use conflict.
(b) To encourage healthy, sustainable practices to minimise the impact of development	Application documentation indicates that the expanded turkey farm will be managed and operated in accordance with the Best Practice Management for Meat Chicken Production in NSW, Manual 1 – Site Selection and Management, prepared by NSW Department of Primary Industries (2012). A condition of consent is recommended to reflect this.

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Relevant Provisions	Comment
<i>Controls</i>	
1. Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.	Sheds are centrally located on the subject site to reduce visibility from public places and neighbouring properties. Conifers are planted around the perimeter of the site which will obstruct views of the sheds from adjoining neighbours.
2. Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.	Machinery and equipment associated with the proposed sheds will be centrally located on the site, away from property boundaries. Appropriate noise related conditions will be imposed as per advice from Council's Senior Environmental Health Officer.
3. Ensure that feed grain is stored in a dry storage area to prevent fermentation.	Feed will be stored in sealed silos ensuring feed grain remains dry.
4. Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.	Stormwater runoff from sheds and the area of the site where landform will be modified is proposed to be drained to the dam on the eastern side of the site. This arrangement will ensure that water does not enter the proposed sheds.
5. Feeding troughs and self-feeders must be designed to minimise any spillage that could potentially contribute to odour emissions.	No detail regarding feeding troughs. Subject to recommended condition of consent.
6. Appropriately silenced forklifts should be utilised to reduce night noise generation.	A condition of consent will require that all machinery, equipment, forklifts etc. are fitted with silencers.
7. Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).	An acoustic report prepared by Wilkinson Murray dated April 2015 was submitted with the development application. The noise produced from the overall

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Relevant Provisions	Comment
	development is not found to be in breach of the amenity criteria as outlined in Table 2.1 of the Industrial Noise Policy. A series of conditions relating to noise management will be imposed, as recommended by Council's Senior Environmental Health Officer.
8. Industry Best Practice Management measures developed to eliminate or reduce odour are to be undertaken.	An air quality impact assessment prepared by Todoroski Air Sciences dated 9 April 2015 was submitted with the development application. The report details a range of mitigation measures in relation to farm operation. These measure can be reflected in the conditions of any consent issued by Council.
9. Where practical, major truck deliveries and produce transport should be scheduled between the hours of 7am to 6pm weekdays, 7am to 1pm Saturdays. It is noted that exceptional circumstances may mean deliveries are conducted outside these hours on occasions.	Application documentation indicates that feed and poultry deliveries will occur within the hours prescribed by the DCP, with the exception of turkey pick-ups which occur at night in accordance with animal welfare regulations. The proposed removal of the night time curfew is subject to a separate report.
<i>Additional controls for poultry sheds</i>	
1. All poultry sheds are to be appropriately cleaned out after every batch.	Sheds are proposed to be cleaned and disinfected and a condition of consent will require that this occurs.
2. Sheds or structures must be adequately ventilated.	Sheds are purportedly naturally ventilated although details such as openings or extractors are not shown on plans. A condition of consent will be imposed accordingly.
3. Shed curtains or shutters must be utilised during shed clean outs (to	A condition of consent will require that the turkey farm incorporates

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Relevant Provisions	Comment
minimise the impact of dust on adjoining land users). As far as practicable, dust generated must stay within property boundaries.	dust and odour mitigation measures, as per recommendations of Council's Environmental Health Officer. The condition will specify that shed shutters are utilised during cleanouts.
4. The type of litter material chosen for shed floors must have regard to its propensity to produce dust.	Pine shavings proposed for bedding material and this is considered appropriate in the circumstances.
<i>3.3.3 Soil, waste and water management</i>	
<i>Objectives</i>	
(a) To minimise the impact of stormwater and surface run-off on receiving water courses or water bodies and on adjacent lands,	All runoff from the development area will be directed to the earth dam on the eastern side of subject site and will have no adverse impact on water courses or water bodies on adjacent land.
(b) To ensure drainage systems efficiently control water flows and minimise the impact on natural drainage patterns of the site	All runoff from the development area will be directed to the earth dam on the eastern side of subject site. Engineering report submitted with the application indicates the dam has adequate capacity to accommodate runoff.
<i>Controls</i>	
1. Local drainage patterns are to be maintained and stormwater flows effectively managed.	Local drainage patterns will not be significantly altered in that stormwater from the development site will be directed to the dam at the east of the subject site and will otherwise be unchanged.
2. Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.	All runoff is proposed to be directed to the existing earth dam which is downhill from the development site.

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Relevant Provisions	Comment
3. Suitable impermeable sedimentation pond structures must be constructed that will not contaminate surface and ground waters.	The existing earth dam will act as a sedimentation pond and it is unlikely that runoff captured by the dam will contaminate surface or ground waters.
4. Development must provide appropriate methods for the adequate management and handling of litter, manure, composting and removal of dead animals	The development application documentation indicates that spent litter will be removed from the farm or operational area immediately as sheds are being cleaned out and will be transported from the farm in covered vehicles to avoid spillage and dust emissions. The proposed on-site use of some litter / manure is subject to a separate report.  Dead birds will be removed from sheds daily and incinerated or stored in a freezer, and thus will comply with the National Farm Biosecurity Manual – Poultry Production.
5. Runoff from feeding pens and site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.	All runoff is proposed to be directed to the existing earth dam which is downhill from the development site.
6. All sedimentation ponds are to be de-sludged to remove build-up of solid effluent when their storage capacity is reduced by more than 25%.	To be included as a condition of consent.
7. Loads of litter, manure and feed being transported to the property are to be adequately covered.	To be included as a condition of consent.
8. Prompt and safe disposal of feed by-products is to be arranged where recycling is not possible to avoid the harbouring of pests and vermin.	A condition of consent will be imposed requiring that all waste and litter is collected and disposed of appropriately by a suitable waste transporter at a facility licensed by the EPA.

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Relevant Provisions	Comment
9. Diversion banks may need to be constructed to intercept and divert runoff away from manure stockpiles and carcass disposal areas.	No manure stockpiles or carcass disposal areas are proposed. The proposed stockpiling and on-site use of some litter / manure is subject to a separate report.
10. Runoff from shed roofs, access tracks and hard stands (sealed or compacted) is to be collected and stored on site. Note: Any runoff existing on the site must be free of sediment.	All runoff is proposed to be directed to the existing earth dam which is downhill from the development site.
<i>3.3.4 Transport and access</i>	
<i>Objectives</i>	
(a) To minimise the noise and environmental impacts of vehicle movements to and from the site	The acoustic report prepared by Wilkinson Murray dated April 2015 considers truck movements to and within the site and suggests the noise produced from the overall development is not found to be in breach of the amenity criteria as outlined in Table 2.1 of the Industrial Noise Policy.
(b) To ensure adequate access to the development is provided	Parking and traffic report notes that two primary access crossovers on Scroggies Road and Kellsalls Road are sufficient. In terms of internal access, the report states that heavy vehicles are afforded sufficient manoeuvrability on site.
<i>Controls</i>	
1. Internal access roads must be of all-weather design construction and have turning areas to accommodate large articulated vehicles and be designed to minimise the amount of backing by trucks/forklifts where required.	A small section of internal road is proposed to provide vehicular access to the new sheds. A condition of consent is recommended which will require the provision of all-weather gravel access as shown on submitted site plans with details shown on the engineering plans for approval by Council prior to the issue of a Construction Certificate.

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Relevant Provisions	Comment
2. The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.	A condition of consent is recommended to require that adequate provision is made for off street parking generated for the development. Access roads are located so as not to impact potentially sensitive areas, including neighbouring houses. Amended recommended condition of consent to specify that parking shall be located away from site boundaries.
3. The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours.	Feed, clean outs (manure) and poultry deliveries will occur subject to recommended conditions of consent to reduce impact on neighbours.
4. Car parking and manoeuvring areas for vehicles must be constructed in accordance with Council's Design Specifications.	Conditions are recommended in this regards..
<i>3.3.5 Landscaping</i>	
<i>Objectives</i>	
(a) To mitigate the potential noise, dust and odour impacts of proposed intensive livestock developments	Perimeter landscaping will mitigate potential noise, dust and odour impacts. A condition will require its establishment and maintenance.
(b) To minimise the visual impacts of development on the surrounding landscape	Perimeter landscaping will minimise visual impacts of the development. A condition will require its establishment and maintenance.
<i>Controls</i>	
1. Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply: - Site boundaries (vegetative	Conifers planted around the perimeter of the site will serve as an odour filter and screening. Areas around the proposed structures and earth dam will be

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Relevant Provisions	Comment
<p>windbreak): 3 rows of vegetation.</p> <ul style="list-style-type: none"> <li>- Site boundaries (vegetative screen): rows of vegetation to be established and maintained.</li> <li>- Around site structures, earth dam banks and open stormwater drains: grasses areas to be kept and maintained.</li> </ul>	<p>grassed.</p>
<p>2. Landscaping must incorporate a mixture of trees, shrubs and groundcovers, and where practicable utilise species that are endemic to the Shire of Wollondilly</p>	<p>No landscaping proposed with the exception of ground covers to stabilise disturbed areas which will be required as a condition of consent. Conditions are recommended for the establishment of landscaping to the perimeter of the development.</p>
<p><i>3.5 Farm buildings</i></p>	
<p><i>3.5.1 Siting and design</i></p>	
<p><i>Objectives</i></p>	
<p>(a) To ensure that farm buildings are designed and constructed to minimise the visual impact with the character of the rural landscape</p>	<p>The new sheds will be centrally located on the site to minimise visibility from public spaces and neighbouring properties and perimeter plantings will further reduce visual presence. Notwithstanding, the proposed sheds are typical of rural structures and are considered to be in character with the rural landscape.</p>
<p>(b) To ensure that farm buildings are sited to minimise the visual impact on the amenity of the rural landscape</p>	<p>As above.</p>
<p><i>Controls</i></p>	
<p>1. Must not be located in visually prominent areas such as on ridgelines or vantage points.</p>	<p>The new sheds will be centrally located on the site to minimise visibility from public spaces and neighbouring properties, and perimeter plantings will further</p>

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Relevant Provisions	Comment
	reduce visual presence.
2. Must not be erected on slopes in excess of 10%.	The development area is to be modified to provide a level platform upon which to position the sheds. That is, the sheds will not be erected on slopes in excess of 10%.
3. Maximum 2 metres cut and 1 metre fill.	The depth of cut and fill associated with the land modification works varies across the area to be modified. Conditions are recommended for the treatment of fill and battered slopes in accordance with the DCP requirements.
4. Must comply with the minimum setbacks for a single dwelling house in Volume 4 of this DCP, from all property boundaries, unless otherwise provided by this Volume.	Complies with setbacks prescribed for intensive livestock agriculture.
<i>3.5.2 Bulk and scale</i>	
<i>Objectives</i>	
(a) To minimise the impact of development on the landscape.	The new sheds will be centrally located on the site to minimise visibility from public spaces and neighbouring properties, and perimeter plantings will further reduce visual presence.
(b) To ensure the size of the buildings relate to its intended use, the size of the property and dominant land use.	The shed sizes are, to some degree, predicated by their intended use, being turkey farming, and the regulations and requirements relating to this use. The sheds are considered to be of a bulk and scale that relate well to the property.
<i>Controls</i>	
1. The maximum size of a farm building in zones RU1 Primary Production, RU2 Rural Landscape and RU4 Primary	Each new shed is approximately 1,755 square metres. The proposed shed sizes are

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Relevant Provisions	Comment
Production Small Lots must not exceed 500m <sup>2</sup> , unless the applicant can justify additional size is required to undertake the principle land use. The applicant must also specify the additional measures to be taken to minimise the impact of the farm building on the amenity of neighbouring land uses.	consistent with the existing sheds on site. The proposed shed size is appropriate as they meet industry standards for stocking densities and are considered to be an efficient use of site. Conditions are recommended to limit amenity impacts.
<i>3.5.3 Building Height</i>	
<i>Objectives</i>	
(a) To minimise the visual impact of farm buildings on the surrounding landscape, particularly in prominent locations such as ridgelines and crests.	The new sheds will be centrally located on the site to minimise visibility from public spaces and neighbouring properties, and perimeter plantings will further reduce visual presence.
<i>Controls</i>	
1. Maximum building height of a farm building in zones RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots is 7 metres.	The shed heights are proposed to be 5 metres to ridge and 3 metres to eaves.
<i>3.5.4 Colour</i>	
<i>Objectives</i>	
(a) To minimise the visual impact of farm buildings and to ensure colours used are complimentary to the surrounding landscape and blend into the farming character of the Shire.	The development application documentation does not specify the materials that will be used to construct the sheds, however appropriate materials and finishes can be conditioned in accordance with the DCP requirements.
<i>Controls</i>	
1. The colour of a farm building must match or blend with the colour of existing structures and buildings on the property and be in keeping with the natural features of the surrounding environment.	A condition of consent will specify that the colour of the proposed sheds are consistent with the colour of existing sheds and that they are in keeping with the surrounding environment.
3. Materials must be non-reflective.	A condition of consent will specify that materials are non-reflective.

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Relevant Provisions	Comment
4. Farm buildings constructed with galvanised corrugated iron or zincalume are encouraged, to assist in integrating new farm sheds into the existing rural landscape.	Again, materials have not been specified in the application documentation. The abovementioned materials condition will note that galvanised corrugated iron or zincalume are encouraged.
<i>3.5.5 Landscaping</i>	
<i>Objectives</i>	
(a) To encourage the use of landscaping to provide a visual buffer between the farm building and surrounding land uses	Conifers are to be conditioned to be planted around the perimeter of the site and provide a visual buffer between the subject site and public spaces/neighbouring properties.
(b) To ensure landscape species are suitable having regard to surrounding structures, bushfire prone areas and the use of native species.	No additional landscaping is proposed.
<i>Controls</i>	
1. Landscaping must be provided in all rural zones where a farm building will be visible from neighbouring allotments and existing native vegetation cover does not provide adequate screening of the structure.	Conifers are to be conditioned to be planted around the perimeter of the site and provide a visual buffer between the subject site and public spaces/neighbouring properties. A condition of consent requires that a vegetated screen is developed and maintained along property boundaries.
2. Landscaping must incorporate a mix of trees, shrubs and groundcovers, and where practical, incorporate plants that are endemic to the Shire of Wollondilly.	
3. All plantings are to be in groups and consist of advanced stock.	
4. In bushfire prone areas, fire retardant species must be used.	
5. Tree species used to screen farm buildings must have a height at maturity that is above the highest roof ridgeline of the building.	
6. Landscaping must be setback 2 to 2.5 times the height of mature species	

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Relevant Provisions	Comment
chosen or a minimum of 12 metres (whichever is the greater) from the farm structure	
7. Refer to Council's Recommended Planting Species List in Volume 1 of this DCP (Section 11.2, Tables 1 - 7).	
3.6 Earth dams	Not applicable. No enlargement and no additions to the existing dam are proposed as part of this application.  A condition of consent is recommended, that no approval is granted for any works to increase the capacity of the existing dam.

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**1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO**

None applicable.

**1.4 IMPACT OF THE DEVELOPMENT**

The proposed increase in production is expected to create additional impact upon the amenity of the area in terms of odour generation, noise impact and vehicle movements.

▪ **Odour generation**

The Applicant has provided Council with an Odour Assessment prepared by Todoroski Air Services dated April 2015. The report suggests that up to 30 dwellings could be located within 1 km of the subject site. Accordingly it is recommended that the development should not generate odour exceeding 5 odour units (the standard measurement for odour impact).

The modelling for the 99<sup>th</sup> percentile odour concentrations under the existing operations and the existing plus proposed operations is provided as Attachment 3 in the separate Attachments Booklet.

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The 99<sup>th</sup> percentile odour concentrations is meant to represent the greatest impact expected from activities carried out on site. The modelling for the existing operations suggests odour generation is exceeding the 5 odour unit threshold when measured at residential properties surrounding the subject site. The modelling for the existing plus proposed operations suggests odour situation will be exacerbated. Some residential properties will experience odour measured at 15 odour units.

▪ **Noise generation**

In addition to the justification referred to elsewhere in this report the applicant relies upon the Noise Impact Assessment prepared by Wilkinson Murray dated April 2015. The report has determined the ambient (background) in this location is approximately 32 dB(A). Using noise modelling techniques the report also predicts the likely impact from truck arrivals / departures and loading of trucks with tractor, which are considered to be the main noise sources during night time pick-up activities. These predictions show as concentric rings for Attachment 3 to this report.

The NSW Industrial Noise Policy suggests at Table 2.1 that the amenity criteria for night time activities in a rural area impacting upon a residence should not exceed 45 dB(A) as a maximum.

In accordance with the Industrial Noise Policy this is to be measured over 15 minutes and assessed at the most-affected point on or within the residential property boundary or, if the boundary is more than 30 metres from the residence, at the most-affected point within 30 metres of the residence.

The Noise Impact Assessment prepared by Wilkinson Murray suggests the noise levels will not exceed 40 dB(A) at the property boundary.

▪ **Traffic Generation**

The truck movements generated by the proposed applications do not significantly increase the daily traffic but rather extend the duration of traffic movements.

The Traffic Assessment provided with the applications suggests that the proposals will result in a marginal increase in traffic. However the impacts to the existing road operations are anticipated to be negligible

Improvements to the alignment of Ruddocks Road and other sections of the haul route are currently being considered by Council's Engineering Section for inclusion in any draft conditions of consent. It has been recommended that any consent issued by Council should prohibit use of Scroggies Road for truck deliveries.

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It should be noted that the 15 tonne road limits imposed in this locality are for traffic management purposes. It does not apply to trucks with a defined destination along the load limited road where no alternate access is available.

Head of Consideration	Comment
Natural Environment	<p>Council's Senior Environmental Officer has assessed the application and has advised that the proposal can be supported subject to conditions relating to stormwater, earth fill, landscaping, vegetation management and weed control.</p> <p>An environmental assessment prepared by Woodlands Environmental Management and dated 27 February 2015 has considers the likely effects of the development upon flora and fauna at the site and concludes that impacts associated with the development are limited to clearing of modified grassland.</p> <p>Water NSW has provided their concurrence subject to a condition that all runoff is directed to the existing dam to the east of the site and noted that the development site and dam are located outside of the drinking water catchment and will therefore have no impact on Sydney's drinking water supply.</p>
Built Environment	<p>The proposal involves land modification works and construction of six (6) large sheds for the purposes of turkey farming. The sheds are considered to be of a form and scale that is suitable in a rural context.</p> <p>These sheds are located centrally on the site so as to reduce the visual impact when viewed from public spaces and neighbouring properties. Ongoing maintenance of existing perimeter planting will also reduce their visual presence.</p> <p>The conditions of any consent can require that materials and colours are consistent with existing sheds on site and compatible with the scenic qualities of the rural context. A condition will also require that materials are non-reflective.</p>

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Head of Consideration	Comment
Social Impacts	<p>Various consultant reports have been submitted with the application and considered by Council's Development Engineer and Environmental Health Officer. The reports include an odour assessment, a noise assessment and a traffic and parking assessment, and each consider issues that potentially impact amenity and health and safety of the community.</p> <p>The report findings conclude that the proposed development will not unreasonable impact on the amenity or health and safety of neighbours or the community, subject to implementation of appropriate mitigation measures.</p>
Economic Impacts	<p>There will purportedly be a direct economic benefit associated with the proposed turkey farm expansion and this will have positive flow on affects for suppliers, distributors and established ancillary businesses such as the meat processing premises at Tahmoor.</p>

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**1.5 SUITABILITY OF THE SITE**

Site Constraint	Comment
Land use conflict	<p>The turkey farm is a long standing use and is permissible in the RU1 zone. If inappropriately managed, there is potential for land use conflict due to the relatively close proximity of the subject site to rural residential holdings.</p> <p>The findings of the consultant reports lodged with the development application demonstrate that the proposed development will not unreasonable impact on the amenity or health and safety of neighbours or the community, subject to implementation of appropriate mitigation measures.</p> <p>Conditions of consent relating to farm management and public road upgrades will mitigate adverse impacts associated with the turkey farm expansion.</p>



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Site Constraint	Comment
Site topography	The site has a relatively gentle slope and as such land modification works are proposed to provide a level platform upon which to construct the sheds. Disturbed areas will be compacted and stabilised to mitigate potential for erosion and silt laden runoff. Proposed earthworks are centrally located on the site which, in combination with perimeter planting, will reduce the visual presence of the development area from public spaces and neighbouring properties.

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**1.6 SUBMISSIONS**

The application was advertised for a period of 15 days commencing 22 July 2015 and additional information notified to submitters for a period of 15 days commencing 20 October 2015. A total of twenty-eight (28) submissions were received.

Below is an assessment of the submissions received relevant to this application:

Concern	Comment
<b>Reduced property values.</b>	<p>A number of submitters have asserted that the proposed turkey farm expansion will markedly reduce the value of their respective properties, as a result of actual or perceived amenity impacts.</p> <p>The application is supported by a range of specialist reports addressing potential amenity impacts associated with odour and noise as well as impacts relating to vehicular movements. These reports have been reviewed by relevant Council staff (i.e. Environmental Health Officer, Engineers) and appropriate conditions of consent recommended to mitigate land use conflicts.</p> <p>The Court has consistently held that the impact of the proposed development on property values is not a planning consideration.</p>
<b>Dead bird disposal processes (including storage of dead birds) cannot cope with expanded operations.</b>	Application documentation indicates that the farm practices for dead bird management and disposal will comply with the National Farm Biosecurity Manual – Poultry Production.

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Concern	Comment
	<p>Documentation states that dead birds will be removed from the sheds daily and incinerated, or stored in a freezer, within 24 hours of death and goes on to explain that a contingency plan will be developed for the disposal of birds from mass mortalities.</p> <p>Council’s Senior Environmental Health Officer recommends that a condition of consent require that all dead birds are removed from the sheds on a daily basis and stored within the freezer until collection and also that on site burial of animals is not permitted.</p>
<p><b>Impact on local road network as a result of additional volume of heavy vehicles, specifically in terms of:</b></p> <ul style="list-style-type: none"> <li>▪ Road safety and conflict with other road users</li> <li>▪ Damage and cost of repair</li> <li>▪ Inadequacy of road network</li> </ul>	<p>A Parking and Traffic Assessment dated March 2015 was submitted with the development application. The assessment details traffic activity associated with the proposal, the adequacy of the surrounding road network, proposed parking provision, and proposed vehicular access and internal circulation arrangements. The assessment concludes that the proposal will increase traffic however the impacts to the existing road operations are anticipated to be negligible.</p> <p>Council’s Engineers have reviewed the traffic and parking assessment (as amended) and have indicated that it adequately addresses traffic impacts associated with the proposed development. The Engineers have also stated that the proposal is acceptable subject to conditions including conditions relating to loading and access, upgrades to the public road system and restrictions on truck routes.</p>
<p><b>Request that Council consider DA316/2015 (Kellsalls Road) and DA292/2015 (325 Scroggies Road) as one application for the purposes of assessing odour impact.</b></p>	<p>Council’s Senior Environmental Health Officer has advised the following –</p> <p>The EPA specifies in “Technical Notes - Assessment and management of odour from stationary sources in NSW” (2006) that two farms should be considered as one single farm when determining odour impacts if they are “closer than half the shortest separation distance from each broiler farm to the receptor” (pg. 24). If they are further apart, they shall be treated as separate farms.</p>

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Concern	Comment
	<p>The closest receptor to one of the proposed poultry sheds (located at 325 Scroggies Rd) is 45 Treelea Grove at approx. 170m. The farms are further apart than 85 metres (half this distance), therefore in accordance with the Technical Notes, the applications shall be treated as separate farms.</p> <p>There are no other guidelines or recommended separation distances between farms in NSW. The EP&amp;A Regulation (2000) outlines a separation distance of 500 metres be provided between farms, otherwise Designated Development will be triggered. As such it could be prudent to use the 500 metre figure. The two farms are 860 metres away from each other (measured shed to shed) therefore in exceedance of this figure.</p> <p>In both of the separation distances provided above the distance between the two farms exceeds the required distance. As such, there is no legislated guidance to consider these two applications as one separate application.</p>
<p><b>Offensive odour associated with incineration of dead birds and farm operations more generally which has amenity and health related impacts.</b></p>	<p>An air quality impact assessment prepared by Todoroski Air Sciences dated 9 April 2015 was submitted with the development application. The assessment considers potential odour impacts associated with the proposed expansion of the turkey farm. The report concludes that the nearest receptors would experience an increase in odour relative to the existing situation however the change in odour levels is unlikely to be noticeable.</p> <p>See the recommendations elsewhere in this report relating to the odour assessment.</p>
<p><b>Impact on drinking water quality as a result of particulate faecal matter which becomes airborne and settles on the roofs of neighbouring properties when sheds are cleaned out.</b></p>	<p>Council's Senior Environmental Health Officer advises the following in relation to objections concerning faecal matter in water supply:</p> <p>Council has never received any complaints, results etc. from this issue. We are happy to undertake some sampling of the area. This complaint was made previously by Lakesland residents opposed to a market garden; we undertook water testing of the area and some outlying properties in a separate area. The results</p>

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Concern	Comment
	<p>found some properties further from the gardens had higher faecal matter. We also had NSW Health review the results which found they were all within the expected amounts found in rainwater tanks throughout NSW.</p> <p>Additional condition recommended in relation to shed clean outs and prevailing wind types.</p>
<p><b>Feathers litter the streets and surrounding properties as trucks are not adequately covered.</b></p>	<p>Birds are transported in accordance with the regulations for animal welfare. For these reasons loads cannot be completely covered.</p> <p>Farm Management Plan recommended, subject to condition of consent to address this issue.</p>
<p><b>Piles of manure are stockpiled on the property, adjacent to neighbours property boundaries.</b></p>	<p>Council's Senior Environmental Health Officer has advised that the owner of the subject site has confirmed to Council that they stockpile manure on the property, as mentioned in some of the submissions. A condition is recommended for the immediate removal of all manure from site, removing a large source of the odours on site.</p>
<p><b>Impact on amenity as a result of noise associated</b></p> <ul style="list-style-type: none"> <li>▪ truck movements</li> <li>▪ machinery beeping during turkey pickups between the hours of 1am and 5am</li> <li>▪ farm operations, particularly during summer when fans are running and curtains are raised.</li> </ul>	<p>An acoustic report prepared by Wilkinson Murray dated April 2015 was submitted with the development application. The acoustic report assesses the potential noise emissions of the proposed expansion of the turkey farm and covers day to day shed operations and night time loading activities. The report suggests the noise produced from the overall development is not found to be in breach of the amenity criteria as outlined in Table 2.1 of the Industrial Noise Policy. The noise from the additional sheds only has one sensitive receptor that will experience an increase in noise levels.</p>
<p><b>Opposition to chicken farming.</b></p>	<p>Council's Senior Environmental Health Officer has recommended that a condition of consent be imposed requiring that the subject property be used to house turkeys only in recognition of the fact that chicken farms increase the number of batch cycles per year which increases truck movements and odours from cleanouts. A condition is recommended to reflect the above.</p>

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Concern	Comment
<p><b>Subject turkey farm and nearby turkey farm on Kelsalls Road contravene EPA guidelines for separation distance between farms.</b></p>	<p>The trigger Designated Development under Schedule 3 of <i>Environmental Planning and Assessment Regulation 2000</i> is 500m between poultry farms. This is also referenced in <i>NSW DPI Best Practice Management for Meat Chicken Production in NSW</i>.</p> <p>According to Council's records the closest poultry farm to the subject site is located at 115 Kelsalls Road. The separation distance between the two farms is in excess of 900m. It is considered that the proposed development does not contravene NSW DPI Best Practice Management for Meat Chicken Production in NSW or the EP&amp;A Reg.</p>

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In addition to the above, Council received a detailed submission on 1 July 2016, which is included in the planning submissions booklet. Council's response to this submission dated 9 August 2016 and 22 September 2016 are included as Attachment 4 in the separate Attachments Booklet.

**1.7 THE PUBLIC INTEREST**

The proposal is permissible with development consent and is generally consistent with relevant environmental planning policies including *Wollondilly Local Environmental Plan 2011* and development guidelines such as *Wollondilly Development Control Plan 2016*.

As discussed throughout this assessment report, the proposed turkey farm expansion will increase the odour levels experienced by surrounding residents.

Despite the expected odour generation, Council may however wish to determine the application by way of approval given the social and economic benefits to the wider community.

**CONCLUSION**

The Odour Assessment for the proposed expansion of the poultry farm from 6 to 12 sheds suggests that the odour generation will exceed the desired threshold of 5 odour units.

The modelling for the 99<sup>th</sup> percentile odour concentration is meant to represent the greatest impact expected from activities carried out on site. The modelling for the existing plus proposed operations suggests some residential properties will experience odour measured at 15 odour units.

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Based upon these results, it is recommended that Council defer determination of this application. Furthermore it is recommended that Council ask the applicant to investigate possible odour mitigation measures including the reduction of shed numbers and mechanical ventilation of sheds.

**FINANCIAL IMPLICATIONS**

This matter has no financial impact on Council's adopted budget or forward estimates. The developer contribution payable is to be calculated at the time of actual payment and the amount is to be based on a current Quantity Surveyors report.

**ATTACHMENTS INCLUDED IN SEPARATE BOOKLET**

1. Plans of proposed development
2. Traffic modelling details provided with the application
3. Odour modelling information provided with the application
4. Council response date 9 August 2016 and 22 September 2016 to the detailed submission.

**RECOMMENDATION**

That Development Application 010.2015.00000292.001 for continued use of extensions to existing poultry sheds No. 5 and 6; construction of new poultry sheds No. 7, 8, 9, 10, 11 and 12; and filling of land in three (3) stages at Lot: 201 DP: 809884, 325 Scroggies Road, Lakesland be deferred to permit:

1. The applicant to investigate odour mitigation measures including the reduction of shed numbers and / or alternate ventilation for all proposed sheds and possible retrofitting of existing sheds.
2. The applicant to submit a modified air quality impact assessment detailing the preferred odour mitigation measures and predicted impact upon sensitive receivers.
3. The applicant is to submit a modified noise impact assessment which takes into consideration any proposed mechanical ventilation systems.
4. All new or modified reports shall include preferred mitigation measures and take into consideration any new sensitive receivers not identified in the original reports.