

Critique of the November 2015 Noosa Council Planning Report

MCU12/0184 and ERA – Cooroy Broiler Farm

Further information required from the applicant on 16 September 2014.

A. Identify measures to mitigate dust nuisance for residents living along Top Forestry Road and minimise road maintenance requirements such as sealing Top Forestry Road;

B. Confirm whether an alternative haul route can be used that does not include the residential streets of Cooroy (Maple Street and Crystal Street) and is suitable for heavy vehicles;

C. Confirm whether chicken pick-up times can be limited to day time only (6am to 7pm);

D. Identify how unacceptable odour impacts on future residents of 124, 146, 172 and 224 Top Forestry Road may be addressed; and

E. Provide an Infrastructure Agreement that includes all proposed road works and/or maintenance measures to be undertaken to Top Forestry Road to address road, safety, amenity and maintenance issues and where appropriate odour measures for 124, 146, 172 and 224 Top Forestry Road.

Applicant's response

A. The applicant has agreed to an upgrade of Top Forestry Road.

Comment: The Council has relaxed engineering requirements for the upgrade (see p. 3).

B. The haul route cannot be altered.

Comment: The route is along inadequate rural roads and through the township of Cooroy.

C. Chicken pick-up times cannot be guaranteed to be limited to daytime only.

Comment: Pickup time conditions are unenforceable.

Planning Report - November 2015:

The applicant indicates the meat chicken provider (Inghams) will endeavour to limit pick-up times to day time only (6am to 7pm), however, there may be times when pick-up will need to occur outside this period.

"Inghams can, and will always try to work in for 6am, however if birds are required earlier, they would need to schedule earlier". (Quote from an Ingham's representative speaking to Councillors at a site inspection at a poultry farm in Beaudesert, September 2014).

D. An odour covenant will be placed on empty blocks owned by the applicant – the house owned by the applicant can be lived in.

Comment: The surrounding district will still be adversely impacted by odour and dust emissions. According to Council, conditions regarding nuisance odour and dust are unenforceable:

Planning Report - September 2014: *The council agrees that it is not possible to apply reasonable and relevant conditions to minimise adverse impacts on neighbours.*

E. In October 2015, the applicant responded by providing an Infrastructure Agreement detailing proposed upgrades (including sealing and widening) to Top Forestry Road.

Comment: Road engineering requirements were relaxed for the upgrade (see p. 3). The contribution to maintenance of Top Forestry Road (for one year only) is inadequate. This Infrastructure Agreement does not include a maintenance contribution for other local roads along the haul route. These roads were not designed to carry heavy vehicles.

Town planning policies ignored by Council Planners

1. Compliance with The Noosa Plan

The proposal does not comply with the overall outcome of the Mary River Catchment Locality Code (8.8) as follows:

- a. (8.8.2a) The broiler farm will not be compatible with other uses and works in the area and will in fact restrict adjoining land uses;
- b. (8.8.2a) Significant adverse impacts on the amenity enjoyed by users of other premises, including acoustic and visual qualities cannot be avoided;

Planning Report - September 2014: *The council agrees that it is not possible to apply reasonable and relevant conditions to minimise adverse impacts on neighbours.*

- c. (8.8.2c) The broiler farm is not a sustainable 'Agricultural Use';
- d. (8.8.2d) The broiler farm will destroy the rural character, lifestyle and level of accessibility enjoyed by residents of the locality;
- e. (8.8.2f) The scale and form of buildings and other structures will not be responsive to the rural character and amenity of the locality; and
- f. (8.8.2f) The scale and form of buildings and other structures will not integrate into the landform and landscape.

2. Suitability of the site

Comment: The site is unsuitable according to the Queensland Chicken Meat Guidelines (page 18), since the land has an average gradient of far more than 10% and does not have a good quality and reliable water supply, relying as it does on dam water and water collected from the shed roofs.

3. Visual amenity

Planning Report – November 2013: *The development involves substantial cut and fill on the existing ridgelines to accommodate the sheds, roads and litter storage areas. Vegetated screening is unlikely to be successful due to the site's slope and significant earthworks proposed.*

Planning Report – September 2014: This issue was not addressed.

Planning Report – November 2015: *Conditions are recommended for the sheds to be finished in suitable colours, with a suitable mix of vegetation and densities around the perimeters of each shed to screen their bulk.*

Comment: This is an inexcusable change from Council policy in 2013. For the many residents living along Cooroy Belli Creek Road, King Parrot Lane, Butterfly Lane, and Top Forestry Road, whose homes overlook the development site, the widespread leveling of the ridge tops and the final, constant glare from the shed roofs will be an permanent eyesore, destroying their visual amenity for all time.

Because of the natural topography of the ridges, the sheds will be visible from nearby residences, other houses in the valley and from along sections of Cooroy-Belli Creek Road and Top Forestry Road. There are clear sightlines to the development from at least 20 local residences.

This non-compliance of the Overall Outcomes of the Mary River Valley Catchment Locality Code was ignored in the 2015 assessment, and finally facilitated by council conditions.

Town planning policies relaxed by Council Planners

1. Road engineering policy

Planning Report – November 2015: The applicant has signed an Infrastructure Agreement for the sealing and widening of Top Forestry Road to address the safety, maintenance and dust nuisance issues.

Road upgrade requirements as per 2015 Council conditions:

“The road must be constructed with a minimum 6m wide sealed surface.” and “The sealed surface must be widened where required at the bends (a minimum of 7m at the major bend at approximately Ch1100 to ch1200).”

Comment: The relaxation of an important Town Planning Road Engineering requirement to facilitate the upgrade of the road is of great concern. Top Forestry Road is a no-through road and the only access to 31 properties. Under Planning Scheme Policy 5 – 2.2, Rural Road Classification, Top Forestry Road comes under the ‘Local Road’ classification. Under Planning Scheme Policy 5 – 2.3, a ‘Local Road’ requires a road reserve of 20m, and an 8m seal on an 8m formation.

In effect, road safety issues remain unaddressed on Top Forestry Road. The upgraded road, which will not comply with town planning policy, will be narrow, with blind corners and entrances to driveways, and steep drop-offs at the side. It is unconscionable that the Council has relaxed the requirements of this important planning policy.

2. Public notification – Lack of visible signs

Planning Report – September 2014: *The applicant’s consultant advises that he carried out the public notification for the application in accordance with the Act’s requirements and did maintain a sign to this road frontage. A Notice of Compliance has also been provided to Council pursuant to the Sustainable Planning Act 2009.*

Comment: The applicant may have maintained signs to his road frontage, but the signs were not visible from the road, as is legally required. It is significant that people driving the road daily did not see the signs, and hence many local residents have been denied their legal rights as properly made objectors.

The Noosa Council received a map from the applicant’s lawyers, showing where the signs were placed (in the bushes, in a gully, in the state forest, etc), but the Council did not carry out a site investigation as requested.

Issues ignored in the Planning Report – November 2015

1. Adverse effects of heavy vehicle traffic on the condition of local roads. According to the Council Planning Report – September 2014, the associated traffic impacts of the development would increase the maintenance required on the haul route.

2. Cost to ratepayers for ongoing maintenance of Top Forestry Road and the roads along the transport route. According to the Council Planning Report – September 2014, Council will have the burden of looking after the maintenance of these roads.

Comment: The Infrastructure Agreement requires maintenance of Top Forestry Road for just one year, which is grossly inadequate. Noosa Shire ratepayers will be subsidising this road infrastructure for the 20-year life of the broiler factory.

3. Road safety issues also remain along the haul route, particularly since the b-doubles are required to operate during daylight hours, when there is traffic congestion from school buses and drop-offs at the schools located along the haul route.

4. Impact of early morning truck movements (on weekends) on the amenity of many residents living along the haul route;

5. Congestion impacts along Crystal and Myall Streets; and

6. Adverse impacts of trucking loads of waste chicken litter and live bird transport through town.

Inadequate assessment

1. Impact management

Planning Report – September 2014: The odour report shows that the development will emit odour beyond the property boundaries exceeding the QLD odour guidelines.

Planning Report – September 2014: The council agrees that it is not possible to apply reasonable and relevant conditions to minimise adverse impacts on neighbours.

Comment: Odour impacts cannot be appropriately managed by conditions, since conditions are difficult to enforce if the developer chooses to ignore them, or circumstances make the compliance impossible. Once the sheds are built, experience shows that it is nearly impossible to shut broiler farms down, no matter how adverse their effects. Impacts are not monitored, management is complaint-based.

It is unethical for the Council to apply conditions to manage impacts when they agree that it is not possible to apply reasonable and relevant conditions to minimise inevitable adverse impacts on neighbours.

2. Odour assessment 185 Top Forestry Road

Planning Report - November 2015: *The applicant has provided detailed modelling of odour impacts to 185 Top Forestry Road. The odour modelling did not previously include this house as a sensitive receptor. There is an existing house on this property and owners have lodged a letter of objection against the application. The detailed modelling shows the QLD odour guideline*

requirements will be met for this house, and is outside the 2.5 Odour Unit contour (2.47 Odour Units).

Comment: The value for the odour impacts for this near neighbour is just 0.03% under the 2.5 OU and it lies well within the margin of error.

3. Odour assessment generally

Planning Report - September 2014: *The Council admits that the development is still likely to emit odour beyond the property boundaries exceeding the QLD odour guidelines.*

Planning Report - November 2015: *The council planner has recommended Condition 22 (ERA 4): Odours or airborne contaminants which are noxious or offensive or otherwise unreasonably disruptive to public amenity or safety must not cause nuisance to any nuisance sensitive place or commercial place.*

Comment: This condition is meaningless and unenforceable, since, as the council stated in their 2014 report, it is not possible to apply reasonable and relevant conditions to minimise impacts to neighbours. Any complaints will have to be made to DAFF in Brisbane, who are understaffed and unable to respond effectively.

It is clear that odour emission impacts cannot and will not be properly managed.

4. Pollution of adjoining Blackfellow Creek, downslope from the development site.

Comment: Although stormwater treatments have been proposed, these treatments are not applicable for such steeply sloping ridges, which will require extensive earthworks to level the ridges to accommodate 8 large broiler sheds and associated paved road works and landscaping. Soil erosion will inevitably occur during extreme weather events and the water quality in the creek will be impacted, as it is already evident from the avocado farm.

Summary

1. The proposal does not comply with the Overall outcomes of The Noosa Plan (Mary River Catchment Locality).
2. According to the Queensland Meat Chicken Guidelines, the development site is unsuitable because of steep slopes and unreliable water supply.
3. Potential impacts cannot and will not be able to be properly managed by conditions that are unenforceable. No scientific monitoring will be done - management of impacts is complaint-based and unworkable.
4. The Council planners have ignored previous important planning policies / decisions regarding visual amenity and assessment of odour impacts.
5. Council planners have relaxed important engineering requirements to facilitate the road upgrade.
6. Council has ignored evidence of lack of Public Notification signs.
7. Council planners have ignored issues such as adverse effects of heavy vehicle traffic on the condition of local roads; ongoing costs to ratepayers for maintenance of Top Forestry Road and the roads along the transport route; impacts of heavy truck movements on road safety during school hours, especially during school drop-off times; impacts of early morning truck movements on residents along the haul route on weekends; congestion

impacts of heavy vehicle traffic along Crystal and Myall Street, and adverse impacts of trucking loads of waste chicken litter and live birds through town.

8. Council planners have inadequately addressed impact management with weak and unenforceable conditions.

9. Council planners have accepted marginal odour impact figures when assessing the odour impacts at 185 Top Forestry Road, which effectively lies within the 2.5 OU contour.

10. Council planners have inadequately assessed the potential for pollution of adjoining Blackfellow Creek, at the bottom of the valley, adjoining the development site.

Conclusion:

It is clear the Noosa Council has now chosen to approve this intensive chicken meat farm, contrary to the Council's previous planning policies, as evidenced in the Noosa Council Planning Reports of November 2013 and September 2014.

What changed the Noosa Council's attitude? Surely, with such overwhelming evidence against it, this unacceptable development should not be contemplated for the Noosa Shire.

Noosa councilors should vote to refuse this development application and the associated Infrastructure Agreement at the General Council Meeting on 16 November 2015.

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