2 APPLICATION FOR MATERIAL CHANGE OF USE ANIMAL HUSBANDRY TYPE 2 -INTENSIVE) AND ENVIRONMENTALLY RELEVANT ACTIVITY (ERA 4 - POULTRY FARMING) SITUATED AT 136 TOP FORESTRY ROAD, RIDGEWOOD MCU12/0184

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Attachments

- 1. Previous Council Reports
- 2. Current Proposal Plans
- 3. Proposed Haul Route and Vehicle Movements
- 4. Odour Contour Modelling
- 5. Proposed Upgrading to Top Forestry Road

APPLICATION DETAILS		
Applicant	W Donald Milligan Pty Ltd	
Proposal	Development Permit for Material Change of Use (Animal Husbandry Type 2 - Intensive) and Environmentally Relevant Activity (ERA 4 - Poultry Farming)	
Properly Made Date	12 November 2012	
Information Request Date	10 December 2012	
Information Response Date	8 May 2013	
Number of Submissions	12 Properly made submissions;	
	 118 Not properly made submissions (received until November 2013); and 	
	• 35 letters and 430 petitioners objecting to the development on <u>www.change.org</u> (received since the updated information was received on the 31 July 2013).	
PROPERTY DETAILS		
Property Address	136 Top Forestry Rd, Ridgewood	
RP Description	Lot 21 SP 226606	
Land Area	105.017ha	
Existing Use of Land	Avocado orchard and associated sheds	
STATUTORY DETAILS		
SEQRP Designation	Regional Landscape and Rural Production	
Locality	Mary River Catchment	
Zone	Rural	
Assessment Type	Impact	

RECOMMENDATION

That Council note the report by the Development Planner to the Planning & Organisation Committee Meeting dated 16 September 2014 and refuse Application No. MCU12/0208 for a Development Permit for Material Change of Use (Animal Husbandry Type 2 - Intensive) and Environmentally Relevant Activity (ERA 4 - Poultry Farming), situated at 136 Top Forestry Rd, Ridgewood for the following reasons:

- 1. The proposed poultry farm does not comply with the Overall Outcomes of The Noosa Plan's Mary River Catchment Locality, Agricultural Uses and Transport, Roads and Drainage Codes;
- 2. The proposed poultry farm does not achieve sufficient separation distance from surrounding residences and properties, so as to avoid adverse odour impacts on amenity;
- 3. The development will result in unacceptable impacts on Top Forestry Road, as the proposed road improvements are not sufficient to provide the necessary safe environment and will result in an unacceptable road maintenance burden for Council;
- 4. Traffic generated by the development will have significant adverse impacts on the amenity of residents living along the haul route, as Top Forestry Road is unsealed, the route traverses Cooroy's residential streets and bird collection commences at 2:30am; and
- 5. The proposed sheds and earthworks necessary for shed construction are likely to adversely impact on the scenic amenity of the area, as the applicant has not demonstrated that they will integrate satisfactorily with the landform and landscape.

REPORT

1. BACKGROUND

The development application was first reported to the Sunshine Coast Council on the 14 November 2013, wherein Council decided to defer consideration to the next Council meeting and request the applicant to provide the following additional information:

- 1. Total vehicle trips including details of size of vehicles, purpose of trip, time of trip and number of trips per day;
- 2. Feasibility of requirements to provide seal to 50m in front of affected properties on Top Forestry Road or to enter into an infrastructure agreement with Council;
- 3. Compositing and stockpiling methodology including data on management of emissions during these processes;
- 4. Water quality management particularly addressing potential impacts from use of shed waste and composting material for fertilising the orchard and any associated run off; and
- 5. Feasibility on reduction of size and numbers of sheds.

A supplementary report was then provided to the Sunshine Coast Council's Ordinary Meeting of the 12 December 2013, wherein it was decided to defer the application for the new Noosa Council consideration to allow:

- a) The applicant time to submit their proposed infrastructure agreement and for the matter to be negotiated; and
- b) Additional odour modelling to be undertaken to address the missed receptors and the spreading of poultry manure in combination with the sheds and manure stockpiles.

Copies of the previous Council reports are included as Attachment 1.

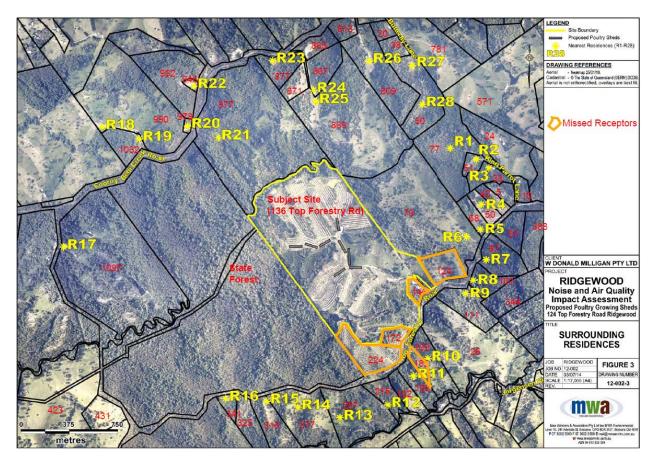
On the 13 February 2014, officers met with the applicant and consultants to discuss the additional information requirements. The applicant advised it would engage a new traffic engineer and investigate the possibility of upgrading sections of Top Forestry Road and review the potential odour impacts. It was agreed that a period of 3 months was sufficient to provide the response.

A draft infrastructure agreement template was given to the applicant in November 2013 and again in June 2014.

The applicant did not provide any additional information within the agreed three months, indicating a number of times that officers could expect to receive the information 'shortly'. The applicant was subsequently given a deadline of 31 July 2014. The revised information was received on this date and included an updated 'Noise and Air Quality Impact Assessment' prepared by MWA Environmental and a 'Traffic Engineering Report' prepared by Lambert & Rehbein. No infrastructure agreement was received as part of the response. The following further assessment is predominantly based on the information within these reports.

2. PROPOSAL

The application seeks approval for a Material Change of Use for Animal Husbandry Type 2 – Intensive (Poultry Farm) and Environmentally Relevant Activity (ERA 4 - Poultry Farming), situated at 136 Top Forestry Rd, Ridgewood. The closest residences to the subject site are identified on the locality plan below.



The current proposal involves the construction of 8 x 100m to 130m long x 16m wide sheds along the ridgeline of the site, with each shed containing 26,800 to 34,840 chickens. On this basis, the site has the potential to carry in the order of 230,000 birds at any one time (this equates to a stocking density of 16.75 birds/m², with a maximum target mass density of 32kg/m^2). The applicant indicates the process involves rearing day old chicks to chickens for a period of 6-9 weeks, before being removed from the site for chicken meat production (batch cycle). There are approximately 5.8 batch cycles per year. It is proposed to construct the poultry growing sheds in two stages (stage 1 – Sheds 1 to 5; and stage 2 – Sheds 6 to 8). The current proposal plan is included as Attachment 2.

Deliveries of wood shavings, feed delivery, live bird pick up and removal of litter is carried out throughout the batch cycle by Articulated Vehicles (AVs). The collection of live birds occurs between weeks 5 - 8 and commences in the early hours of the morning (from 2:30am), when the birds are calm. A breakdown of the proposed vehicle movements per batch cycle is included as Attachment 3.

Composting, stockpiling and spreading of poultry manure generated by the poultry sheds is no longer proposed on site. An updated traffic assessment and odour, dust and noise modelling of the development have been undertaken by the applicant's consultants. The likely odour impacts have been mapped and are included as Attachment 4.

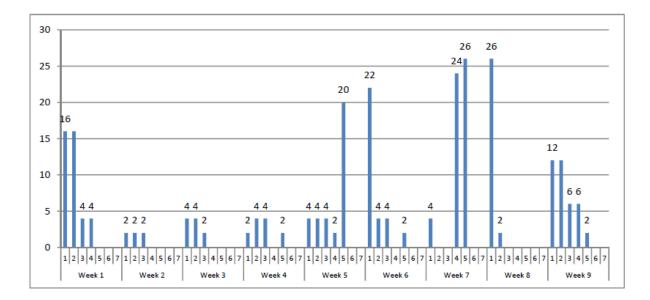
3. ASSESSMENT

The subject site is located in the Mary River Catchment locality and is zoned Rural. The proposed use is identified as consistent within the zone and is required to follow an impact assessable application process and must demonstrate that the selected site is suitable, and the potential impacts can be appropriately managed. The pertinent issues arising out of the assessment are discussed in terms of their relevant topic below.

Traffic

The applicant has provided a detailed breakdown of the proposed traffic movements associated with the existing avocado orcharding and the proposed poultry farm. The applicant describes that vehicle movements associated with the avocado orchard range from 2 to 14 movements per day, with a Large Rigid Vehicle operating every 4 days, during the 73 day picking season. The traffic movements associated with the poultry farm is described as involving complex logistics to suit the requirements of Inghams, with little flexibility in the 63 day batch cycles. The applicant's traffic numbers have been estimated with the assistance of an experienced poultry grower and key contract managers for Inghams and are considered to be a reasonably accurate representation of proposed traffic movements.

The most notable traffic impacts are associated with the poultry pick-up, which occur during weeks 5-8 over 5 days, when Heavy Vehicles arrive and pick up the birds in the early morning (from 2:30am). During these periods, the maximum number of Heavy Vehicle movements per day is forecasted to be 26. The loading process takes in the order of 60 minutes per truck and is expected to occur over a 10 hour period. There are a total of 9 days within the 63 day cycle, when Heavy Vehicle traffic volumes exceeds 10 movements (average of 1 day per week). The total vehicles associated with the development for each day of the batch cycle is demonstrated in the graph below.



To address road safety, the applicant proposes to upgrade sections of Top Forestry Road. The applicant's engineer provides two options for improving the road, with both involving localised widening (5.5m carriageway) and improvements to the critical bends. Neither option includes sealing the road. Option 1 involves significant slope and embankment stability works allowing a heavy vehicle and car to pass each other on the critical bend; and Option 2 involves installing a one way system at the critical bend (see Attachment 5).

Council engaged a traffic engineer (Beard Traffic Engineering) to review the report. Council's consultant advises that Top Forestry Road cannot satisfactorily be used by the proposed heavy vehicles without significant upgrading or some way to ensure compliance with a traffic management plan, which effectively restricts usage of the road to only one heavy vehicle at a time and with restricted operating speeds (probably not more than 30 km/hour). The problem is that there is no real way to enforce compliance with such a traffic management plan and Council's traffic engineer discounts option 2 (involving the one way system) for this reason.

The consultant also advises that any upgrading should take into account the proposal's use of relatively large vehicles (19m AVs), the critical bends and the relatively steep terrain. Taking account of these factors, Council's traffic engineer recommends that as part of the development, upgrading should be carried out to Top Forestry Road with a basic carriageway of 6m and 7m on the critical bends, fix the crossfalls, and installation of guide posts and speed signage. These proposed safety upgrades are fairly similar to the applicant's first option, which proposes a 5.5m carriageway and 8m on the critical bends.

The Eastern Downs Regional Roads Group Configuration Standard from which the 6m carriageway widths have been adopted, suggest that for traffic volumes over 100 vehicles per day and/or has >20% heavy vehicle use, the road should be sealed. While the standard adopted by the applicant's consultant for a 5.5m carriageway is from the Unsealed Roads Manual (Australian Roads Research Board), which requires an all-weather two-lane road formed and gravelled, or single-lane sealed road with gravel shoulders.

The above standards only address the safety of the road and do not address the amenity (dust) impacts and maintenance requirements.

With regard to dust nuisance, the applicant's environmental consultant describes how the proposal will generate on average an additional 4 vehicles per day, with the chicken pick-up days generating 26 Heavy Vehicles trips, which is more than 25% higher than the average daily flows on Top Forestry Road. The applicant's environmental consultant discusses how this peak only occurs approximately 20 times a year and submits that this is not unusual for a rural unsealed road, and dust emissions may be minimised by appropriate maintenance of the road surface (dust suppressant/water truck). The applicant's proposed road maintenance to address dust is not a preferred method and is likely to result in significant compliance issues for Council. Also, dust nuisance is likely to occur more frequently than the applicant submits as the proposed traffic movements indicate that in any one batch 9 of the 63 days heavy vehicle movements will exceed 10 in any day. This amounts to 52 times a year. Given the heavy vehicle movements are reasonably frequent and that the poultry farm will increase the number of heavy vehicles on the road to more than 20% of the total vehicle movements on the road, sealing of Top Forestry Road is the preferred method of addressing the potential dust nuisance and is consistent with the Eastern Downs Standard.

With regard to road maintenance, Council's Civil Operations Branch Manager notes that if Top Forestry Road remains unsealed, then there would be increased maintenance costs to Council for grading & re-sheeting due to gravel loss under traffic. Furthermore, it is expected that the pavement design on Cooroy Belli Creek and Old Ceylon Roads would not have allowed for the additional heavy vehicle volumes generated by the proposed development and therefore Council could expect that the life of the pavement on these roads would be reduced & hence increase the maintenance cost & bring forward the requirement for full reconstruction or rehabilitation.

While the applicant has undertaken a more detailed assessment of the road safety impacts, including recommended upgrading to sections of Top Forestry Road, Council's traffic consultant advises the carriageway requires greater widening in places and the works do not fully address the additional impacts associated with dust nuisance and future maintenance costs for Council.

Noise

A revised noise assessment has been carried out by the applicant. The assessment concludes that the noise amenity criteria for the on-site poultry sheds meet the relevant guidelines and would not impact neighbours amenity. This report has been reviewed by Council's consultant (Pacific Environment) who advises the assumptions and modelling of the proposed on-site noise impacts comply with the relevant standards. However, the proposal does not fully consider increased traffic noise to surrounding residents living along the proposed haul route.

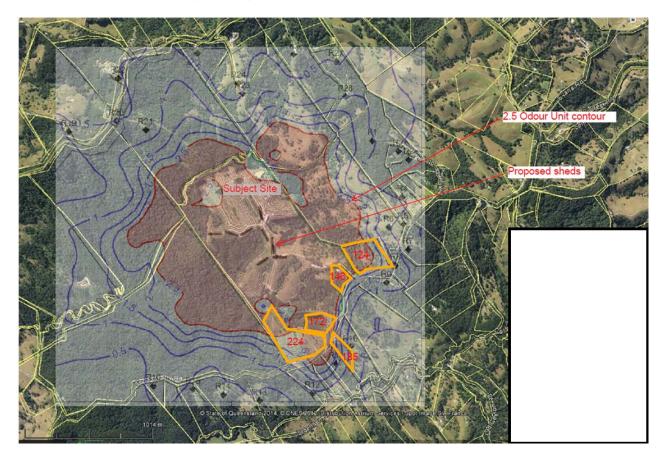
The applicant's reporting does not take into consideration the chicken pick-up days, which will commence at 2:30am and involve 26 heavy vehicle movements over a 10 hour period. While these pick-ups are predicted to occur only 5 times during each 63 day cycle, the timing and frequency of the truck movements during normal sleeping hours represents an unacceptable noise nuisance for residents living adjacent to the haul route. Residents along Top Forestry Road, Old Ceylon and Cooroy Belli Creek Road live generally in close proximity to the road carriageway and are likely to be impacted. The haul route also includes the residential streets of Maple St and Crystal St. Industrial type traffic during the night would be an unreasonable imposition on the amenity and expectations of residents living along these streets.

Odour

The applicant submitted a revised Air Quality Assessment report, prepared by MWA Environmental for the 8 poultry sheds. The major difference between the original modelling and the recent work is that the composting, stockpiling and spreading of the poultry manure is no longer proposed. Pacific Environment reviewed the latest report on behalf of Council and advises that the modelling has been carried out in line with good practice. The resultant modelling, therefore, provides an indication as to the potential odour impacts associated with the farm.

The Queensland odour guideline for rural zoned land indicates 'sensitive receptors' should not be exposed to more than 2.5 odour units = $C_{99.5 \text{ thr}}$. Notably, even if the applicant was to meet this guideline, the odour concentration levels would be noticeable for nearby residents (with the smell considered "distinct" for at least 44 hours/year).

The Department of Environment and Heritage Protection's - Guideline for Odour Impact Assessments defines a 'Sensitive Receptor' as a *dwelling... and includes the curtilage of such any place and any place known or likely to become a sensitive place in the future.* The applicant's odour contour modelling does not include 5 'sensitive receptor' locations surrounding the proposed sheds that would be within the 2.5 odour unit contour. A map of the missed 'Sensitive Receptors' is provided below.



As discussed within previous reports, the applicant acknowledges that several properties they own are adversely impacted by the odour associated with the development. To address the issue, the applicant previously proposed the inclusion of the following condition:

The poultry farm can only operate as long as Lots 20 & 22 on SP 226606, Lot 1 on SP 100788 and Lot 204 on RP892484 are owned and occupied by the operator or an employee of the poultry farm. In the event that the lands are not owned and occupied by the operator, an employee of the poultry farm, the farm can only operate when the odour limits are below 2.5 odour units.

Council's solicitor advises that this would be an inappropriate condition to address the potential odour nuisance for these lots and that it is likely to be shown to be unlawful and not enforceable. The applicant could alternatively change the application and include properties, 224, 172, 146, 124 and the subject site in the application. Under the *Sustainable Planning Act 2009*, a changed application involving new properties would need to be renotified. The applicant has not indicated they are prepared to include these properties as part of the application. As such there is no way of avoiding unacceptable odour impacts on future owners/residents of these properties.

The applicant has also not provided detailed modelling of odour impacts to 185 Top Forestry Road. There is an existing house on this property, and the current owners have lodged a letter of support for the application. Council's Environmental Consultant also advises that more detailed modelling could be undertaken around the house, and if done is more than likely to result in this sensitive receptor being outside the 2.5 odour unit contour.

4. PUBLIC NOTIFICATION

The application was publicly notified for 15 business days in May 2013. 12 properly made submissions and 118 not properly made (late) submissions were received at the time. Of the 130 total submissions, 101 are objecting and 29 supporting the application.

Since the applicant provided further information about the proposal on the 31 July 2014 a further 35 letters and 430 petitioners on <u>www.change.org</u> were received. All were objecting to the application. The following table provides a summary and assessment of the issues raised in the recent submissions

Issues	Comments	
Odour concerns		
Affect amenity of neighbours.	The revised odour modelling indicates all but 5 properties will meet the QLD odour guidelines. As a result, the development has the potential to affect the amenity of neighbouring properties.	
The existing houses on the subject site and the neighbouring property (146) have not been included as sensitive receptors. House across the road at 185 Top Forestry Road has not been included as a sensitive receptor. The report does not consider the lots at 124, 172 and 224 Top Forestry Road (Lots owned by the applicant with no houses developed yet).	The neighbouring properties owned by the applicant are not included as part of the subject application. These are considered sensitive receptor locations pursuant to the QLD Odour Guidelines. 185 Top Forestry Road, has also not been included as part of the detailed modelling of the odour contours.	
The odour modelling only depicts sensitive receptors; however the lower paddocks and dams will be within the 2.5 odour unit.	The Queensland odour guideline for rural zoned land indicates 'sensitive receptors' should not be exposed to more than 2.5 odour units. A sensitive receptor only refers to the residential dwelling and the curtilage of such place (land immediately surrounding the house, excluding open paddocks).	
 Assumptions about report Using weather assumptions for Nambour and Tewantin should not be 	Council's environmental consultant has reviewed all of the assumptions, criteria and meteorological data built into the odour modelling and consider them to	

 used. Rather a site specific analysis should be used. Odour associated with catch out has not been considered. Meat Guidelines recommend fans are located on the end of the sheds furthest away from sensitive receptors. Unable to condition the development not to 	be appropriate for the proposed location of the potential odour sources. The odour report shows that the development will
emit odour beyond property boundary.	emit odour beyond the property boundaries exceeding the QLD odour guidelines.
Dust concerns	
Health concerns about dust from the farm and effects on neighbouring water tanks.	The proposed dust impact has been appropriately modelled and meets the recommended standards. Council's environmental consultant also considers the modelling to be consistent with that seen elsewhere (i.e. the predicted dust levels require a smaller buffer than that required for odour).
Unable to verify the accuracy of results because they are not site specific.	The meteorological data built into the dust modelling is considered appropriate for the proposed location.
Noise Concerns	
Noise from the existing avocado orchard has not been considered in the cumulative noise levels.	The noise from the avocado orcharding is an existing use on the site and predominantly operates during day time hours and does not generally coincide with the poultry farm's potential noise impacts, which are at night.
 Assumptions about report Location of the background noise logger would have been influenced by surrounding houses. Does not consider fork lifts working from all locations on the sheds. Does not consider the noise from the feeding systems. Does not consider noise from trucks associated with litter delivery and clean out. 	The proposed on-site noise impacts have been appropriately modelled and meet the recommended standards. The assumptions and criteria are considered appropriate and similar to other poultry operations.
No consideration of the noise of the trucks on the road.	The noise of trucks during the early morning pick up times has not been modelled. The noise associated with trucks along the haul route during regular sleeping hours is likely to adversely impact the amenity of residences along the haul route.
Traffic concerns	
Dust from the trucks using Top Forestry Road will affect neighbour's amenity.	Agreed.
Concerns about the safety of the roads.	The applicant has proposed upgrading to Top Forestry Road to improve the safety of this section, including, widening, sealing, signposting and reducing the speed limits. Council's traffic consultant considers that some additional widening is required to address road safety.
Council will have the burden of looking after the maintenance of the road.	The associated traffic impacts of the development would increase the maintenance required on the haul route.
Feasibility of upgrading the road for one farm.	This is a matter for the applicant.

Omissions in the traffic report relating to data used and assumptions. While one week of data is not representative of yearly traffic. Traffic Upgrading	Council's traffic specialist indicates that while one week of data does not provide a true representation of the seasonal fluctuations, based on the number of houses and uses on the road, the survey is fairly
	consistent with vehicle movements on similar roads.
 DTMR recommends 8m wide unsealed roads. Two B-doubles will not be able to pass each other as part of the proposed works causing a safety issue for other users. The option of having a one way section of Top Forestry Road would make the road worse. 	There are a variety of "standards" which have been defined at different times by different agencies. Normally, the Austroads standards would be easily the most reliable, but it is not clear that the published standards take adequate account of heavy vehicle proportions or vehicle operating speeds (or even the length of the route). As a result, Council's traffic engineer has based the assessment of road requirements for the development on the standards listed below: - 1989 Austroads Rural Road Design Guide; - 2003 Austroads Rural Road Design Guide; - 2009 ARRB Unsealed Roads Manual; - 2009 Austroads Guide to Road Design Part 3; - Eastern Downs Regional Roads Group Configuration Standards (current)
No route specified for the waste trucks.	It is anticipated the waste trucks would travel the marked haul route to the Bruce Highway.
Vegetation removal along the Top Forestry Road reserves would destabilise banks and increase dust nuisance.	Geotechnical testing would be necessary to ensure that the full width of the road formation is capable of carrying the traffic loading and not, for example relatively loose fill material that has accumulated over time. Confirmation would also be required of slope stability on any cut batters. Drainage is also typically a critical factor impacting on the risk of landslip in mountainous terrain. It is noted that limited consideration has been given to this factor. There is also a need to consider the warrants for guard rail due to height/slope factors and roadside obstacles within the road reserve (i.e. trees).
No discussion about the dust issues from the 26 truck movement days. Heavy vehicles cannot be considered the same as an ordinary vehicle and cause more of a noise, and dust nuisance.	From a safety, maintenance and amenity point of view, the proposed development impacts would require Top Forestry Road to be sealed. This would eliminate the impact of dust nuisance. However, noise impacts associated with heavy vehicles using the haul route at night are likely to unreasonably affect the amenity of residents on the route.
Other	
It is not possible to apply reasonable and relevant conditions to minimise impacts to neighbours.	Agree.
Impacts on the waterways.	The proposal includes concrete shed flooring and storm water treatment to hardstand areas. As a result, it is unlikely the development will have any significant impacts on the quality of the surrounding waters.
Reduced house prices and incompatible with Noosa's Biosphere status.	These matters are not planning matters for assessment.
Inhumane development (16.7 birds per m ²).	These matters are regulated by the Department of Forestry and Fisheries and Biosecurity agencies, and not local government.

Impacts from the farm will affect native fauna (including native birds and koalas), and increase in flies and vermin to the area.	The proposed structures are proposed within the middle of an existing avocado orchard. The Environmentally Relevant Approval would require the sheds to be constructed to not cause an increase in vermin in the area.
As provided in the report to Council in Dec 2014 – Ingham's and the applicant advise that Stage 1 proposal for 5 sheds is not economically viable.	This is a matter for the applicant.
Address on title page of the odour and traffic reports refers to neighbouring property.	The IDAS forms indicate the application is for 136 Top Forestry Road.
Residents along Top Forestry Road advise that there was a lack of public notification signs along Top Forestry Road	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 <i>Sustainable Planning Act 2009</i> .

5. CONCLUSION

The report provides an assessment of the most recent information for an application for a 230,000 bird poultry farm at 136 Top Forestry Road, Ridgewood. The decision on this application was previously deferred to the new Noosa Council, to allow the applicant time to submit their proposed infrastructure agreement about upgrading Top Forestry Road and additional odour modelling to be undertaken to address missed receptors.

While the applicant has provided a more accurate representation of anticipated traffic movements, the frequency of the heavy vehicles associated with the development (especially around the pickup days) will require significant upgrading to Top Forestry Road. The proposed upgrading recommended by the applicant does not include sealing of the road. The sealing of this stretch of road is considered to be warranted so the use does not cause an unreasonable dust nuisance to neighbours and not result in an increased maintenance cost to Council.

The updated odour modelling has been changed to only include the impacts of the poultry sheds, with the manure proposed to be taken off-site. Even though the modelling has been revised and includes lesser odour impacts, the report still fails to consider 5 'sensitive receptors' surrounding the site, 4 of which adjoin the farm and are currently owned by the applicant. These properties are not part of the application and there is no way of avoiding unacceptable odour impacts on future owners/residents of these properties.

The proposal still does not satisfactorily address all potential impacts of the development and is likely to affect the lifestyle and amenity of surrounding residents and residents on the haul route. The application is therefore recommended for refusal.

Departments/Sections Consulted:	
Community Services	X Planning & Infrastructure
Disaster Management & Public Order Waste & Environmental Health Community Facilities Cultural Facilities	Building & Plumbing Services x DA Planning x Strategic Land Use Planning Asset Design & Investigations Asset Planning X Civil Operations Environment x
Executive Office Community Engagement Customer Service Executive Support Governance Human Resources	Corporate Services Finance ICT Procurement & Fleet Property & Facilities Revenue Services