

VERSION 1.0  
23 OCTOBER 2019



# OBJECTION TO DEVELOPMENT SSD/9143

LOT 22 DP 750050  
52 SINCLAIR STREET GOULBURN NSW 2580

DOC - 1920 - 0013  
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**Plan & Co Pty Ltd**

## **OBJECTION TO DEVELOPMENT – SSD-9143**

### **PROPOSED POULTRY PROCESSING MIXED USE DEVELOPMENT**

### **STATE SIGNIFICANT DEVELOPMENT (SSD-9143)**

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#### **PLANNING INSTRUMENTS**

The following environmental planning instruments, state legislation and policies are observed in this document:

<b>Document</b>	<b>Acronym</b>	<b>Responsible Party</b>
<b>Environmental Planning and Assessment Act 1979</b>	EPA Act	Goulburn Mulwaree Council
<b>Goulburn Mulwaree Local Environmental Plan 2009</b>	LEP	Goulburn Mulwaree Council
<b>Application Ref SSD-9143</b>	SSD	NSW Department of Planning

## SECTION 1

### 1.0 INTRODUCTION

This application has been prepared based upon discussions and a brief provided by the Client in addition to information and plans of the proposed State Significant Development. The objections and recommendations contained within this report are based upon an assessment of all information provided by the Client.

Development consent is currently being sought for SSD-9143 under Part 4, Division 4.1 of the *Environmental Planning and Assessment Act 1979* for a proposed poultry processing mixed use development at 52 Sinclair Street GOULBURN NSW 2580 (**the Premises**). It is noted that the proposed development comprises of the following components:

- Cold storage and distribution centre;
- Poultry processing plant;
- Childcare centre; and
- Other associated works including earthworks and infrastructure.

The proposed development will operate 24hrs a day, 7 days a week, with the exception of the childcare centre which will operate from 5:00am – 7:00pm 5 days a week.

It is proposed to stage the Poultry Processing aspect of the development in two distinct stages – Stage 1 will involve meat processing only, with slaughtered chickens, turkeys, geese and quail (**broilers**) being delivered slaughtered. Stage 2 will add an abattoir component designed to slaughter 12,000 broilers per hour with a single shift processing 500,000 per week – at full production, this will increase to 1,000,000 broilers per week.

The abattoir will consist of the following:

- Receiving and holding live birds,
- A kill process,
- Evisceration,
- Chilling,
- Portioning,
- Packaging,
- Refrigerated storage, and
- Distribution.

The objections raised relate directly to biosecurity and food security risks, as well as the complete failure of the proponent to consult with Aviagen, who operates the Egg Hatchery on Tait Street GOULBURN and should have been considered a key stakeholder due to the potential impacts to their business.

## SECTION 2

### 2.0 AVIAGEN GOULBURN

Aviagen is the premier producer of poultry breeding stock for Australia, producing between 70–75% of all breeding stock relied upon by the Australian Broiler and Breeder Industry. Australians currently consume 14 million chickens each week, and between 9 and 10 million of these chickens parents are originally sourced from the Aviagen Hatchery in Goulburn. To put this into perspective, the breeding stock supplied by Aviagen Goulburn is what ensures the security of supply of broiler chickens to all Australians.

Aviagen Goulburn comprises the corporate offices of Aviagen, the Egg Hatchery facility and 12 poultry houses across 950 acres used predominantly for rearing and laying. The Egg Hatchery is supplied with eggs from the Goulburn, Wellington and Bowral Aviagen Farms, located in New South Wales. This geographical spread of eggs minimizes any impacts of disease outbreaks to the supply chain.

Aviagen has invested over \$70 million in NSW over the past 5 years to provide a ‘state-of-the-art’ breeding facility for the Australian Broiler and Breeder Industry. Currently, around 15% of Aviagen Australia’s production is exported to Asia, which is significant.

It is for the above reasons that the biosecurity risks posed by the proposed development need to be comprehensively assessed by the Department of Planning and managed by the proponent in accordance with Industry Best Practice and the *Biosecurity Act 2015*. Currently the EIS does not address the biosecurity risks that the development poses, despite repeatedly acknowledging that there is the potential for biosecurity risks to Aviagen Goulburn.

Furthermore, the proponent has failed to identify Aviagen as a key stakeholder of the proposed development and failed to undertake any consultation with Aviagen. As such, Aviagen have engaged Plan & Co Pty Ltd to prepare and submit an objection to SSD-9143 to ensure that all of the outstanding items of concern are addressed.

## SECTION 3

### 3.0 OVERVIEW OF THE OBJECTIONS

The objection prepared by Plan & Co Pty Ltd on behalf of Aviagen Group is multifaceted. A number of inconsistencies have been identified in the submitted documentation, as well as failures by the proponent to comply with aspects of the *Biosecurity Regulation 2017*, appropriately address SEARs and failures to comprehensively consider and describe the potential biosecurity risks that the development poses to Aviagen Goulburn.

In addition to the proponents failures, it has been identified that the DPE has failed to adequately address the concerns raised by DPI by failing to include the specific SEARs recommended by DPI in the SEARs issued to the proponent on 25 July 2018, thereby failing to require the proponent prepare a response to the concerns of the DPI.

The key issues raised by Aviagen in this objections include the complete lack of consultation with agricultural businesses by the proponent during the community consultation phase of the development and the complete lack of the proponent to comprehensively assess the biosecurity risks that the proposed development poses to Aviagen within the EIS. In addition, it has been identified that there has been a complete failure by DPE to ensure that the potential impacts of the proposed development on Goulburn Agriculture are made clear and are appropriately addressed by the proponent by their failure to include the recommended SEARs by DPI in the SEARs issued to the proponent on 25 July 2018.

These are detailed below and warrant further investigation by the Department of Planning and other State Government Agencies.

## SECTION 4

### 4.0 PARTICULARS OF THE OBJECTIONS

#### 4.0.1 FAILURE OF PROPONENT TO ADEQUATELY ADDRESS THE SEARS

Appendix O of the EIS contains the Planning Secretary's Environmental Assessment Requirements (SEARs) for the proposed development which were prepared in consultation with the relevant State Government Agencies and Goulburn Mulwaree Council. The SEARs related directly to consultation required the proponent to complete the following:

**community and stakeholder engagement – including:**

- a detailed community and stakeholder engagement strategy identifying who in the community has been consulted and a justification for the selection, other stakeholders consulted and the form/s of the consultation
- a report detailing the issues raised and how they have been addressed including any changes to the proposal
- details of proposed future community and stakeholder engagement activities throughout the construction and operation of the development.

Point 1 of the SEARs required the proponent to prepare a detailed community and stakeholder engagement strategy identifying who in the community had been consulted and a justification for the selection, other stakeholders consulted and the forms of consultation.

**It is considered that the proponent failed to prepare a comprehensive community and stakeholder strategy as they failed to identify any business outside of a 800m radius from the development who would be impacted, including a failure to identify any Agricultural Operators (including Aviagen) who would be impacted by the biosecurity risks posed by the proposed development.**

*4.0.2 FAILURE OF THE NSW DEPARTMENT OF PLANNING & ENVIRONMENT TO INCLUDE THE SPECIFIC SEARS RECOMMENDED BY THE NSW DEPARTMENT OF PRIMARY INDUSTRIES*

Attachment 2 of Appendix O of the EIS contains the submission received by the NSW Department of Planning from the NSW Department of Primary Industries (**the DPI**). The DPI recommended in document reference number OUT18/10901 that the DPE include the following SEARs related directly to Community Consultation:

**Adequate consultation with community**

- Consult with relevant agencies such as on the design, construction and operation of the proposed infrastructure.
- Consult with the owners / managers of affected and adjoining neighbours and agricultural operations in a timely and appropriate manner about; the proposal, the likely impacts and suitable mitigation measures or compensation.
- Establish a complaints register that includes reporting and investigating procedures and timelines, and liaison with Council in relation to complaint issues.

Point 2 required the proponent to consult with the owners/managers of affected agricultural operations in a timely and appropriate manner about; the proposal, the likely impacts and suitable mitigation measures or compensation. Due to this omission, the proponent failed to consult with any representative of Aviagen, a known affected agricultural operator, as would have been required by the SEARs above.

This failure resulted in Aviagen being unable to raise its concerns about the proposed development with the proponent or with the consultant engaged by the proponent, Mara Consulting Pty Ltd, in order to have these concerns heard or addressed.

**The DPE has failed to adequately address the concerns raised by DPI by requiring the proponent prepare a response to their recommended SEARs relating to Community Consultation.**

#### *4.0.2 FAILURES OF THE COMMUNITY CONSULTATION UNDERTAKEN BY MARA CONSULTING*

In correspondence from Chris Ritchie (Director Industry Assessments, Dept. Planning and Environment) dated 25 July 2018 addressed to the proponent, clear emphasis was placed on the importance of effective and genuine community consultation and the need for the proposal to proactively respond to the community's concerns. A comprehensive, detailed and genuine community consultation and engagement process was required to be undertaken during the preparation of the EIS to ensure the community was informed on the development and engaged with issues of concern to it.

Mara Consulting Pty Ltd was engaged to undertake community consultation for the proposed development and prepare a consultation program designed to meet the objectives of the SEARs, specifically to identify the potentially impacted individuals and groups to ensure that they had the opportunity to have input and provide feedback on the development. What occurred, however, was that only the local businesses along the following streets were directly contacted:

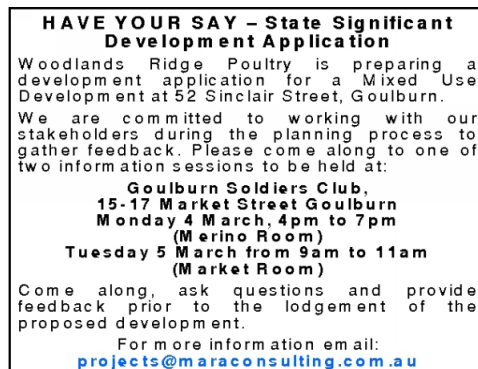
- Sydney Road
- Common Street
- Hetherington Street
- Long Street
- Sinclair Street
- Day Street
- Lawford Lane, and
- Cundwell Street.

The consultation program excluded the agricultural operations in the Goulburn Mulwaree Local Government Area, including Aviagen, and focused only on those local businesses within an 800m radius of the proposed development. This resulted in a biased assessment of the proposed development where the key issues that would have been raised by agricultural operators in relation to the development (such as biosecurity) were not identified and subsequently not included in the feedback.

**It is considered that the Consultation Program implemented by Mara Consulting Pty Ltd on behalf of the proponent failed to identify Agricultural Operators within the Local Government Area (including Aviagen).**

It is further advised that the only method Aviagen could have been notified about the proposed development was in a very small ad placed in the Goulburn Post newspaper which did not contain enough information to adequately notify the public of the significance of the development, the scale of the operation or the potential risks associated with the development. It is not clear how long the advertisement appeared in the Goulburn Post or where it was situated within the newspaper, however it is considered that due to the significance of the proposed development and the proposed scale of the

development that it warranted considerably more intensive public advertising than placing a small ad within a local paper which is not widely read by the community.



**It is considered that the Consultation Program implemented by Mara Consulting Pty Ltd on behalf of the proponent failed to appropriately communicate the significance, nature and scope of the proposed development to the wider public.**

#### *4.0.3 FAILURES OF THE CONSULTATION REPORT PREPARED BY MARA CONSULTING*

The consultation report advises that the selection of stakeholders impacted or who may have an interest in the proposed facility was based on identifying the potential impacts of the proposed development. The key potential impacts are listed in the Consultation Report as:

- Noise
- Odour, and
- Traffic

It is these key considerations which underpinned the stakeholder mapping at a radius of 800m from the proposed development.

This is a direct departure from the SEARs which list the following as key potential issues of the proposed development:

- Community and Stakeholder Engagement
- Strategic Context
- Air Quality and Odour
- Transport and Road Traffic
- Soils and Water
- Waste and Wastewater Management
- Biodiversity
- Heritage
- Animal Welfare, Biosecurity and Disease Management
- Noise and Vibration
- Hazards and Risk



- Contamination
- Visual Impacts, and
- Social and Economic Impacts.

What resulted from this departure from the nominated key potential impacts of the proposed development was biased community consultation which avoided selecting stakeholders who could be impacted by issues other than noise, odour and traffic. More specifically, it avoided identifying Aviagen as a key stakeholder who will be impacted by the proposed development.

**It is considered that the Consultation Report failed to appropriately identify all of the key potential issues of the proposed development which resulted in a biased assessment of the stakeholders impacted by the proposed development.**

**The Community Consultation undertaken by Mara Consulting and Consultation Report prepared by Mara Consulting failed to identify Aviagen as a key stakeholder likely to be impacted by the proposed development and subsequently failed to consult with Aviagen at any stage during the development.**

#### 4.1 BIOSECURITY RISKS

There are inherent biosecurity risks posed by the proposed development to agricultural operators in the Goulburn Mulwaree Local Government Area. What is explored below includes failures by DPE to accurately reflect the recommended DPI biosecurity SEARs in those issued to the proponent on 25 July 2018, failures by the proponent to adequately respond to the limited biosecurity SEARs issued by DPE on 25 July 2018, failures to comply with Biosecurity legislation or Industry Guidelines, and a complete failure of the proponent to accurately reflect or consider the biosecurity risks that the proposed development poses to Aviagen.

##### 4.1.1 FAILURE OF PROPONENT TO ADEQUATELY ADDRESS THE SEARS

Appendix O lists the Planning Secretary's Environmental Assessment Requirements (SEARs) for the proposed development which were prepared in consultation with the relevant State Government Agencies and Goulburn Mulwaree Council. The SEARs related directly to biosecurity required the proponent to complete the following:

- |  |
|--|
| <p><b>animal welfare, bio-security and disease management</b> – including:</p> <ul style="list-style-type: none"> <li>- details of how the proposed development would comply with relevant codes of practice and guidelines</li> <li>- details of any potential bio-security impacts to landowners and properties located along primary haulage routes</li> <li>- details of all bio-security and disease control measures</li> <li>- a detailed description of the contingency measures that would be implemented for the mass disposal of livestock in the event of a disease outbreak.</li> </ul> |
|--|

The proponent has failed to adequately address the above SEARs in the short response provided within the EIS on page 165 under Section 6.8.2 (Biosecurity). In particular, it fails to provide:

- Details of how the proposed development would comply with relevant codes of practice and guidelines relating directly to biosecurity, or provide a list of the applicable codes of practice or guidelines relating to biosecurity in NSW,
- Details of any potential biosecurity impacts to landowners and properties located along primary haulage routes,
- Details of all biosecurity and disease control measures to be implemented across all stages and proposed buildings within the development,
- A detailed description of the contingency measures that would be implemented for the mass disposal of livestock in the event of a disease outbreak.

**It is considered that the EIS fails to accurately or appropriately detail any of the required information under the SEARs in relation to the proposed development. It is considered that a comprehensive response to a key potential impact arising from the development cannot be adequately addressed within the 4 paragraph response provided by the proponent.**

#### *4.1.2 FAILURE OF THE NSW DEPARTMENT OF PLANNING & ENVIRONMENT TO INCLUDE THE SPECIFIC SEARS RECOMMENDED BY THE NSW DEPARTMENT OF PRIMARY INDUSTRIES*

Attachment 2 of Appendix O of the EIS contains the submission received by the NSW Department of Planning from the NSW Department of Primary Industries (**the DPI**). The DPI recommended in document reference number OUT18/10901 that the DPE include the following SEARs related directly to Biosecurity:

<p><b>Biosecurity Standards met</b></p>	<ul style="list-style-type: none"> <li>• Include a biosecurity (pests, weeds and disease) risk assessment outlining the likely plant, animal and community risks as per guidelines in Attachment 2.</li> <li>• Develop a biosecurity response plan to deal with identified risks as well as contingency plans for any failures. Including monitoring and mitigation measures in weed, disease and pest management plans.</li> <li>• Details of adequate fencing to keep livestock out.</li> </ul>
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Due to this omission from the SEARs by DPE, the Proponent was not required to prepare:

- A biosecurity (pests, weeds and disease) risk assessment outlining the likely plant, animal and community risks.
- A biosecurity response plan to deal with identified risks as well as contingency plans for any failures.
- Any contingency plans for failures, monitoring and mitigation measures, or any weed, disease or pest management plans.
- Any details of adequate fencing to keep livestock out.

This has resulted in a proposed development preparing an EIS that does not accurately, appropriately or comprehensively address the biosecurity risks that it poses to Agricultural Operators within the Goulburn Mulwaree Local Government Area. It is considered to be a minimum Industry Standard for new developments to prepare a biosecurity risk assessment, a biosecurity response plan and a contingency plan for any failures where a developer proposes to carry out intensive livestock commercial activities.

In addition to the above, the Premises is surrounded by small hobby farms containing cattle and sheep with boundary fencing that could be considered to be inadequate. The DPE has failed to require the proponent to consider and implement appropriate fencing to keep these livestock off the Premises.

**The DPE has failed to adequately address the concerns raised by DPI by requiring the proponent prepare a response to their recommended SEARs relating to Biosecurity, failing to ensure that the risks posed by the development are adequately addressed.**

#### *4.1.3 FAILURE TO COMPLY WITH THE BIOSECURITY REGULATION 2017*

Clause 44A of the *Biosecurity Regulation 2017* requires a Biosecurity Management Plan to be prepared and enforced at any place where a commercial activity is carried on for the purpose of processing agricultural products, where biosecurity risks are present.

**A Biosecurity Management Plan has not been prepared by the proponent for the proposed development, despite the proposed commercial activity of processing broilers presenting a biosecurity risk.**

#### *4.1.3 FAILURE TO COMPLY WITH POULTRY INDUSTRY GUIDELINES*

While the majority of Poultry Industry Guidelines relate to production facilities rather than processing facilities, it is important to be aware that the proposed development seeks approval to accept deliveries of live poultry in Stage 2 of SSD-9143. At full production, the proposed development will accept deliveries of, and process, 1,000,000 broilers per week.

In terms of an outcome perspective, the proposed development needs to be considered as both a production facility and a processing facility due to the significant number of live poultry it will be accepting deliveries of on-site. As such, it is considered that the following guidelines apply to the proposed development, in addition to those listed in Attachment 2 of the SEARs:

- Planning Guideline - Intensive Livestock Agriculture Development 2019 (Department of Planning and Environment),
- National Farm Biosecurity Manual for Chicken Growers 2010 (Australian Chicken Meat Federation (ACMF) Inc in conjunction with the Australian Government Rural Industries Research and Development Corporation).

While the above guidelines are not considered to be statutory documents, the *Biosecurity Act 2015* (the Act) points to Industry Developed Guidelines as evidence of compliance with the provisions of the Act and are considered to be Industry Best Practice.

(A) *INTENSIVE LIVESTOCK AGRICULTURE DEVELOPMENT 2019 – DEPT PLANNING AND ENVIRONMENT*

The Intensive Livestock Agriculture Development Guideline 2019 prepared by the NSW Department of Planning and Environment (**the Guideline**) highlights the planning considerations for developments such as that which is proposed by SSD-9143. In particular, the Guideline raises the issue of biosecurity and what a proponent needs to consider in their application, including their obligations to discharge their General Biosecurity Duty to manage the biosecurity risks of their development proposal, to refer to Industry Developed Guidelines particularly for the poultry industry, and consider the recommended biosecurity separation distances for the protection of livestock.

A thorough risk assessment and risk management plan is a critical requirement for new enterprises that can pose a biosecurity risk to existing agricultural businesses, or vice versa. It is advised that the proponent has not prepared a risk assessment or management plan to appropriately address the inherent biosecurity risks that it poses to Aviagen.

**The EIS fails to include a thorough risk assessment or management plan to address the biosecurity risks that it repeatedly acknowledges that the proposed development has the potential to pose a biosecurity risk to Aviagen Poultry.**

(B) *NATIONAL FARM BIOSECURITY MANUAL FOR CHICKEN GROWERS 2010 (ACMF)*

The purpose of the National Farm Biosecurity Manual for Chicken Growers 2010 (**the Manual**) is to establish a minimum set of biosecurity guidelines that are applicable to all meat chicken producers from hatcheries to processors. There are nine (9) key routes for disease and pathogen transmission in poultry:

1. Poultry – the transfer of birds and the disposal of carcasses.
2. Pest animals – wild birds, feral and domestic animals, insects, rodents, domestic birds.
3. People – employees, contractors, neighbors, visitors, disease transmission by clothing, boots.
4. Equipment
5. Vehicles
6. Air
7. Water Supply
8. Feed
9. Litter

To address the above biosecurity issues, the Manual specifies two levels of biosecurity procedures:

- Level 1 – Routine Biosecurity Procedures
- Level 2 – High Risk Biosecurity Procedures

At a minimum, biosecurity procedures need to include:

1. Documentation and Training,
2. Facility Standards,
3. Personnel Standards and Procedures,

4. Operational Standards,
5. Processor Specific Additional Biosecurity Requirements.
6. Infrastructure Standards and Protocols

In addition to these, the Manual requires each owner to establish and document clear guidelines regarding the circumstances when an emergency animal disease alert should be raised, and the limitation on production when such an alert is raised.

Appendix 10 of the Manual highlights the inherent biosecurity risks posed during the pick-up and transport of live birds to a processing facility. The aim is to implement appropriate biosecurity measures to prevent the spread of any disease or microbial contamination which can happen readily through the movement of people, vehicles and equipment.

The Manual specifies that the processor is responsible for, and aware of, the biosecurity requirements and have appropriate standards of procedures implemented and enforced. This must include procedures to ensure that all equipment and vehicles are cleaned every day or prior to collecting poultry from individual farms. It should also include a requirement that all pick-up personnel sanitise their boots and hands prior to entering a facility and sign a personnel quarantine declaration. Furthermore, processors must maintain a record of where their employees have collected birds from and the date that pickup occurred.

In addition to the above requirements, every 12 months all personnel should be screened for:

- Nil contact with poultry, pet birds or pigs in their home environment,
- Nil contact with commercial caged birds, racing pigeons, hatcheries and non-commercial aviaries.

**The EIS fails to consider the prescribed minimum standards within the Manual or establish a minimum set of biosecurity measures or guidelines for the proposed development despite repeatedly acknowledging that the proposed development has the potential to pose a biosecurity risk to Aviagen.**

**Further to this, the EIS fails to identify the impacts to Aviagen in the event of a major disease outbreak including exotic diseases such as Newcastle Disease and Avian Influenza, chronic conditions such as Infectious Laryngotracheitis, or food safety issues such as Salmonella Sp. And E.Coli.**

#### *4.1.4 FAILURE TO CONSIDER THE POTENTIAL BIOSECURITY IMPACTS TO AVIAGENS OPERATIONS*

There are numerous methods of disease transmission that have the potential to impact Aviagen's operations in Goulburn, including:

- Aviagen transports hatchery waste and dead poultry to the Goulburn Landfill. The proposed location of the development is opposite the access road to the Goulburn Landfill, presenting a very real contamination hazard to Aviagen vehicles accessing Sinclair Street and the landfill itself,

- Aviagen employs a significant number of staff who reside within Goulburn. As the proposed development is anticipated to provide over 150 new jobs, up to 600 people will reside in the same dwelling as an Aviagen employee which presents a cross-contamination and biosecurity risk due to the potential of disease transmission (such as *Salmonella* sp.),
- The proposed development is located 4.7km from the Aviagen Egg Hatchery on Tait Crescent in Goulburn. This places the Hatchery within the prescribed 'control area' of the proposed development (i.e. within 10km), so in the event of an exotic disease outbreak at the proposed development it is unlikely that the Department of Agriculture or the NSW Department of Health would allow Aviagen to move or sell any product generated from the Hatchery. The economic impact of such a scenario on Aviagen would be incredibly significant.
- There is a risk of chronic disease outbreak similar to that currently occurring in Griffith and the Central Coast where an outbreak of *Infectious Laryngotracheitis* is unable to be controlled. This subsequently poses a risk to remote areas (such as Goulburn) when poultry is carted to a clean area from an area where a disease issue has become ingrained.

**It is considered that the EIS fails to detail the biosecurity risks that the proposed development specifically poses to Aviagen, as well as failing to consider the flow-on impacts to Aviagen's operations, Aviagen's economic viability, and the security of supply of broiler chickens to Australians in the event that there is a disease outbreak from the proposed development.**

#### 4.2 ALTERNATIVES TO DEVELOPMENT

Under section 1.7 of the EIS, KDC considered two alternate locations for the proposed development – the South Goulburn Enterprise Corridor Precinct and the South Goulburn Interchange, as well as the option of not developing 52 Sinclair Street or any sites within the vicinity of Goulburn.

As Aviagen and Southern Meats are located within the South Goulburn Enterprise Corridor Precinct and the South Goulburn Interchange respectively, these two sites were abandoned due to the potential for biosecurity risks to both operations.

The 'No Development' option was only abandoned based on the strategic planning documentation published by Goulburn Mulwaree Council encouraging development in north-east Goulburn and the lack of poultry processing available in Goulburn. This section does not consider the inherent biosecurity risks that the proposed development poses to Aviagen, the availability of breeding stock for Australia (of which Aviagen supplies 70-75%) or the impacts to poultry exports to Asia (of which Aviagen exports 15-20%) should the proposed development fail to prevent any biosecurity issue from impacting Aviagen.

**Consideration should be given to locating the proposed development away from Goulburn and all poultry-related industries due to the inherent risks that it poses to biosecurity and food security.**



#### 4.3 ADDITIONAL FAILURES OF THE DPE

Attachment 2 of Appendix O of the EIS contains the submission received by the NSW Department of Planning from the NSW Department of Primary Industries (**the DPI**). The DPI recommended in document reference number OUT18/10901 that the DPE include the following SEARs:

Issue and desired outcome	Detail / Requirement
Site Suitable for development	<ul style="list-style-type: none"> <li>Detail that the proposal is consistent with strategic plans and zone requirements</li> <li>Complete a Landuse Conflict Risk Assessment (LUCRA) to identify potential landuse conflict, in particular relating to separation distances and management practices to minimise odour, dust and noise from sensitive receptors. A LUCRA is described in the DPI Land Use Conflict Risk Assessment Guide.</li> <li>Include a map to scale showing the above operational and infrastructure details including separation distances from sensitive receptors.</li> </ul>
Consideration for impacts to agricultural resources and land	<ul style="list-style-type: none"> <li>Describe the current and potential <i>Important Agriculture Land</i> on the proposed development site and surrounding locality including the land capability and agricultural productivity.</li> <li>Demonstrate that all significant impacts on current and potential agricultural developments and resources can be reasonably avoided or adequately mitigated.</li> <li>Consider possible cumulative effects to agricultural enterprises and landholders.</li> <li>Detail the expected life span of the proposed development</li> </ul>
Bushfire risk identified and managed	<ul style="list-style-type: none"> <li>Risk assessment level and mitigation plan developed to address bush fire risk.</li> </ul>
Suitable and secure water supply	<ul style="list-style-type: none"> <li>Estimated water demand and water availability should be clearly outlined in the proposal. The source of water and any sanitisation methods to be detailed in the application.</li> <li>Outline any impacts to water use from agriculture and mitigation measures if required.</li> </ul>
Surface & Groundwater protected	<ul style="list-style-type: none"> <li>Proposed development design, operation and by-product management should be undertaken to avoid nutrient and sediment build up and minimise erosion, off site surface water movement and groundwater accession.</li> <li>The proposal should detail how design and operation will be undertaken for by-product management in accordance with best practice to prevent excess build-up of nutrients and salts in the soil profile and increase the risk of leaching. A monitoring program should be developed.</li> </ul>
Suitable traffic movements	<ul style="list-style-type: none"> <li>Consideration of the route for movements needs to be taken into account so that impacts on sensitive receptors are minimised (eg noise, dust, volume of traffic). This should include consideration of Travelling Stock Reserves<sup>1</sup> (TSR) and the movement of livestock or farm vehicles along / across the affected roads</li> </ul>
Visual amenity achieved	<ul style="list-style-type: none"> <li>Amenity impacts are assessed and any necessary response to mitigate visual impacts is described and illustrated.</li> </ul>

By failing to include these specific SEARs into the SEARs issued to the proponent on 25 July 2018, the DPE has failed to ensure that the proponent considers the impact that the proposed development would have on agricultural developments or resources, any cumulative impacts it would have on agricultural enterprises or landholders, or any impacts it would have on travelling stock reserves. There has been no assessment required to be undertaken of land use conflicts in accordance with the DPI Land Use Conflict

Risk Assessment Guide, no detailed response required in relation to the life span of the proposed development or the inclusion of mapping to show the location of sensitive receptors.

These clear omissions will result in the DPI having no ability to comment on the aspects of the proposal that they have expertise in, resulting in a biased assessment of the proposed development.

Plan & Co Pty Ltd is aware that the NSW Department of Primary Industries has undertaken a review of the proposed development and proposed specific requirements relating to the heavy vehicle routes allowed to be used by the proposed development due to the inherent and real biosecurity risks posed by the proposed development to Aviagen. As the SEARs they recommended did not make their way into the SEARs issued to the proponent on 25 July 2018, they have no ability to provide any further comment because their concerns have not been addressed.

**It is considered that the DPE has comprehensively failed to incorporate the recommended SEARs from the DPI, thereby ensuring the impacts that the proposed development will have on Goulburn Agriculture remain unknown and unmitigated.**

## SECTION 5

### 5.0 CONCLUSION AND RECOMMENDATIONS

The following items require addressing prior to approval being granted for SSD-9143:

#### **Community Consultation Failures:**

- 1. The EIS has failed to comply with the prescribed SEARs relating to Community Consultation.*

It is essential that the EIS complies with the prescribed SEARs relating to Community Consultation and that an additional round of consultation is required to be undertaken by the proponent with all impacted agricultural businesses.

- 2. It is considered that the Consultation Program implemented by Mara Consulting Pty Ltd on behalf of the proponent failed to identify Agricultural Operators within the Local Government Area (including Aviagen).*

It is essential that the Consultation Program be undertaken again for a second time in order to ensure that the proponent accurately identifies all Agricultural Operators within the Goulburn Mulwaree Local Government Area.



3. *It is considered that the Consultation Program implemented by Mara Consulting Pty Ltd on behalf of the proponent failed to appropriately communicate the significance, nature and scope of the proposed development to the wider public.*

It is essential that the Consultation Program be undertaken for a second time to ensure that the proponent appropriately communicates the significance, nature and scope of the proposed development to the wider public using more appropriate advertising methodology. It is essential that the wider public be made fully aware of each facet of the proposed development, including the proposed construction of an abattoir which will process 1,000,000 broilers each week.

It is unlikely that the residential dwelling located 60m from the proposed development would be supportive of an abattoir located in such close proximity to their dwelling.

4. *It is considered that the Consultation Report failed to accurately identify all of the key potential impacts of the proposed development which resulted in a biased assessment of the stakeholders impacted by the proposed development.*

It is essential that the Consultation Report accurately identifies all of the key potential impacts of the proposed development (as identified within the SEARs) and ensures that a second assessment of potentially impacted stakeholders be carried out. The new stakeholders identified by this second assessment should be formally notified in writing and by telephone of the proposed development and allowed the opportunity to provide comment.

5. *The Community Consultation undertaken by Mara Consulting and Consultation Report prepared by Mara Consulting failed to identify Aviagen as a key stakeholder likely to be impacted by the proposed development and subsequently failed to consult with Aviagen at any stage during the development.*

It is essential that the proponent consults with the Managing Director of Aviagen (Mr Michael Leahy) in a formal manner to ensure that Aviagen understands the particulars of the development and to ensure that Aviagen is given sufficient time to prepare any feedback or comments on the proposed development.

#### **Biosecurity Impact Assessment Failures:**

6. *It is considered that the EIS fails to accurately or appropriately detail any of the required information under the SEARs in relation to the proposed development. It is considered that a comprehensive response to a key potential impact arising from the development cannot be adequately addressed within the 4 paragraph response provided by the proponent.*

It is essential that the EIS provides a comprehensive response to the SEARs related to biosecurity by accurately detailing the biosecurity risks that it poses to Agricultural Operators within the Goulburn Mulwaree Local Government Area (including Aviagen).

7. *A Biosecurity Management Plan has not been prepared by the proponent for the proposed development, despite the proposed commercial activity of processing broilers presenting a biosecurity risk.*

It is essential that a Biosecurity Management Plan is prepared by the proponent in accordance with the *Biosecurity Regulation 2017* and reviewed by the Department of Primary Industries for the proposed development to ensure that all reasonable measures to prevent, eliminate or minimize the risk of a biosecurity impact occurring due to the proposed development.

8. *The EIS fails to include a thorough risk assessment or management plan to address the biosecurity risks that it repeatedly acknowledges that the proposed development has the potential to pose a biosecurity risk to Aviagen.*

It is essential that a risk assessment be carried out by an appropriately qualified person to establish what level of risk exists in each phase of the proposed developments operations, and to identify and implement control measures appropriate to these levels of risk.

9. *The EIS fails to consider the prescribed minimum standards within the Manual or establish a minimum set of biosecurity measures or guidelines for the proposed development despite repeatedly acknowledging that the proposed development has the potential to pose a biosecurity risk to Aviagen. Further to this, the EIS fails to identify the impacts to Aviagen in the event of a major disease outbreak including exotic diseases such as Newcastle Disease and Avian Influenza, chronic conditions such as Infectious Laryngotracheitis, or food safety issues such as Salmonella Sp. And E.Coli.*

It is essential that the EIS comprehensively details the biosecurity measures and guidelines to be implemented and comprehensively considers the impacts to Aviagen in the event of a biosecurity breach at the Premises.

10. *It is considered that the EIS fails to detail the biosecurity risks that the proposed development specifically poses to Aviagen, as well as failing to consider the flow-on impacts to Aviagen's operations, Aviagen's economic viability, and the security of supply of broiler chickens to Australians in the event that there is a disease outbreak from the proposed development.*

It is essential that the proponent is required to detail the biosecurity risks that the proposed development poses specifically to Aviagen, and to consider and mitigate any flow-on impacts to Aviagen's operations, economic viability and the security of supply that Aviagen provides to Australia.

11. *Consideration should be given to locating the proposed development away from Goulburn and all poultry-related industries due to the inherent risks that it poses to biosecurity and food security.*

It is essential that the proponent consider relocating the proposed development outside of Goulburn due to the inherent risks it poses to biosecurity.

**Failures by the DPE:**

12. *The DPE has failed to adequately address the concerns raised by DPI by not requiring the proponent to prepare a response to the DPI recommended SEARs relating to Community Consultation.*

It is essential that the SEARs recommended by the DPE are issued to the proponent to prepare a comprehensive response to.

13. *The DPE has failed to adequately address the concerns raised by DPI by not requiring the proponent to prepare a response to the DPI recommended SEARs relating to Biosecurity, failing to ensure that the risks posed by the development are adequately addressed.*

It is essential that the SEARs recommended by the DPE are issued to the proponent to prepare a comprehensive response to.

14. *The DPE has failed to adequately address the concerns raised by DPI by requiring the proponent prepare a response to the DPI recommended SEARs relating to:*
- i. Site Suitability,*
  - ii. Impacts to Agricultural Resources or Land,*
  - iii. Suitability and Security of Water Supply,*
  - iv. Protection of Surface water and Groundwater,*
  - v. Suitability of Traffic Movements, and*
  - vi. Visual Amenity.*

It is essential that the SEARs recommended by the DPE are issued to the proponent to prepare a comprehensive response to.

15. *It is considered that the DPE has comprehensively failed to incorporate the recommended SEARs from the DPI, thereby ensuring that the impacts that the proposed development will have on Goulburn Agriculture remain unknown and unmitigated.*

## SECTION 6

### 6.0 DECLARATION

While every reasonable effort has been made to ensure that this document is correct at the time of printing, the author disclaims any and all liability to any person in respect of anything done or the consequence of anything done or omitted to be done in reliance upon this whole or any part of this document.

Can you please ensure that all correspondence is sent to both [kate.cartwright@planandco.com.au](mailto:kate.cartwright@planandco.com.au) and [mleahy@aviagen.com](mailto:mleahy@aviagen.com).

A handwritten signature in black ink, appearing to be 'KC', written over a horizontal line.

Kate Cartwright

**Plan & Co Pty Ltd**