



## Environmental Protection Authority

AAA Egg Company Pty Ltd  
PO Box 2147  
**PALMYRA WA 6961**

*Our Ref* A579953  
*Enquiries* Angela Coletti  
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Dear Sir/Madam

**NOTICE UNDER SECTION 39A(3)**  
***Environmental Protection Act 1986***

**PROPOSAL:** Poultry Farm  
**LOCATION:** Lot 7974 Cowalla Road,  
**LOCALITY:** Wanerie, Gingin  
**PROPONENT:** AAA Egg Company Pty Ltd  
**DECISION:** Not Assessed – Public Advice Given

The Environmental Protection Authority (EPA) understands that you wish to undertake the above proposal which has been referred to the Authority for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the EPA has decided not to subject this proposal to the environmental impact assessment process and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986* (EP Act). Nevertheless, the staff of the Office of the EPA has provided the attached advice to you as the proponent, and other relevant authorities on the environmental aspects of the proposal.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 19 August 2013. Information on the appeals process is available through the Office of the Appeals Convenor's website, [www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au), or by telephoning 6467 5190.

Yours faithfully

Anthony Sutton  
Director  
Assessment and Compliance Division

5 August 2013

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## **Poultry Farm Lot 7974 Cowalla Road Wanerie**

### **Statement of Reasons**

#### **The Proposal**

The EPA has received a third party referral for the development of a proposed Poultry Farm in the Shire of Gingin on Lot 7974 Cowalla Road, Wanerie.

Lot 7974 is approximately 191.15 hectares (ha) in size and is located approximately 27 km northeast of the Gingin townsite.

The referred proposed poultry farm is for a three staged free range egg production development. The development is to include three blocks of four Free-Range Sheds and associated infrastructure for a total of 360,000 birds.

Stage 1 of the development is for one block of four Free - Range Sheds, an Egg Handling and Storage Shed, Managers Residence and Support Buildings. It is expected that Stage 1 will be completed within two years of approval, allowing for 120,000 layer hens. No information on timeframes for stage 2 and 3 has been provided.

The proposed sheds will be 16.5 metres x 135 metres with mechanical fan tunnel ventilation at the northern end of each shed. The sheds will also have veranda/annexes between each shed and surrounding to provide the free range yards for the birds to roam.

#### **Public Consultation**

The EPA published the third party referral and proponent information for public comment on whether the EPA should formally assess the proposal. The public comment period was open from 2 March 2013 to 8 March 2013. Forty one comments were received through the EPA Consultation Hub website and a further 39 submissions were sent directly to the Office of the EPA (OEPA).

A broad range of issues was raised through the public comment process. These have been considered by the EPA and are discussed briefly in the following section on environmental factors.

#### **SHIRE OF GINGIN LOCAL PLANNING SCHEME NO 9**

The Shire of Gingin has advised the EPA that under the provisions of the Gingin Local Planning Scheme No. 9, an Animal Husbandry – Intensive (Poultry farm) is an 'A' land use in the General Rural zone within which the proposal is located. The Shire of Gingin has further advised the EPA that 'A' means that the use is

not permitted unless the local government has exercised its discretion to approve subject to advertising.

## **Environmental Factors**

### ***Human Health and Amenity***

**Odour** - The Department of Environment Regulation (DER) has reviewed the "Odour Impact & Dispersion Modelling Assessment of Proposed Free-Range Egg Layer Farm, Wanerie, Gingin Shire WA – Supplementary Report May 2012 and provided advice that there are some uncertainties in the odour modelling assessment and that these uncertainties may give rise to odour impacts extending beyond the modelled contours in the report.

The DER further advised: that consideration be given to the ultimate size of the proposal; any decision by the local authority needs to take into account all planning controls and risks in conjunction with any assessments to ensure odour impacts are managed to reasonable levels; and that future development adjacent to residential areas should be consistent with the EPA's Guidance Statement No. 3 *Separation Distances between Industrial and Sensitive Land Uses, 2005*.

The EPA Guidance 3 recommends a buffer distance of 300 – 1000 metres, depending on size, for poultry farming. In this instance, the DER recommends a maximum buffer distance of 1000 metres be applied to ensure that unacceptable impacts do not occur.

The EPA supports the recommendation that a buffer of 1000 metres be maintained unless adequate site-specific studies have been carried out which clearly demonstrate that a lesser distance will not cause unacceptable impacts. Council should ensure that this Guidance is adequately considered during the implementation of the proposed development. A copy of the Guidance Statement can be found on the EPA website ([www.epa.wa.gov.au](http://www.epa.wa.gov.au)).

It is also noted that the Western Australian Planning Commission's *Statement of Planning Policy No. 4.3 Poultry Farms Policy, 2003* and the Western Australian Broiler Growers Association and the Poultry Farmers Association of Western Australia *Environmental Code of Practice for Poultry Farms in Western Australia, 2004* sets out procedures for ensuring that an adequate buffer is provided between the existing residential dwellings and the proposed poultry farm.

The Western Australian Planning Commission's *Statement of Planning Policy No. 4.3 Poultry Farms Policy, 2003* specifically states under section 5.6 "because of the potential for nuisance it is not appropriate to permit poultry farming 'as a right' in the rural zone. New poultry farms should be classified as a

discretionary use in the rural zone or included in a separate Special Use zone and generally be a prohibited use in other zones.”

As development of the poultry farm is proposed in three stages, with the total development being three blocks of four Free-Range Sheds and associated infrastructure, the EPA recommends that each stage of development, should the initial stage be approved, be conditional on the operator of the proposed poultry farm meeting the requirements of an Odour Management Plan.

The EPA recommends that if odour cannot be managed for Stage 1 then Stages 2 and 3 should not proceed until the odour is adequately addressed.

**Noise** - The third party referral and many of the public comments raised concerns about noise which may emanate from a range of activities on a poultry farm, such as transporting stock feed, the use of forklifts and ventilation fans. The development will need to comply with the standards prescribed under the *Environmental Protection (Noise) Regulations 1997*.

**Dust/Pest/ Waste** - The third party referral and many of the public comments raised concerns of emissions or environmental impacts emanating from the poultry farm. Poultry shed design and management, management of stock feed, water, waste products and all other aspects of poultry farm operation are to comply with the management guidelines set out in the *Environmental Code of Practice for Poultry Farms in Western Australia 2004*.

The EPA advises that under sections 181 to 185 of the *Health Act 1911*, the local government authority has the power to regulate animal odours causing nuisance.

It is also an offence under section 49(5) of the *Environmental Protection Act 1986* for an emission of odour to unreasonably interfere with the health, welfare, convenience, comfort or amenity of any person. In this case, the main issues of concern are emissions from the poultry farm, odour, noise and dust.

### ***Flora and Vegetation***

The remnant vegetation on site consists of mature Tuart trees. The vegetation may provide habitat for Carnaby's Cockatoo. The Cockatoos are protected under both the *Wildlife Conservation Act 1950* and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The proponent should consider its notification responsibilities regarding matters of National Environmental Significance under the EPBC Act should implementation of this proposal fail to avoid impacts to protected fauna.

Remnant vegetation should be retained and protected and there should be:

- a targeted flora survey to be undertaken, prior to determining building envelopes, to locate suitable trees for the Cockatoo's; and

- if suitable trees are located then the EPA expects a Cockatoo Management Plan be prepared and implemented as a condition of a development approval from the Shire and to the satisfaction of the Department of Parks and Wildlife(DPaW).

### ***Hydrological Processes***

There are Multiple Use and Resource Enhancement wetlands on the subject lot. Several Conservation Category Wetlands are located some 200 metres south of the subject lot.

Given the presence of wetlands on the subject lot the EPA recommends the Shire consult with DPaW when assessing an Environmental Management Plan, to protect these wetlands, if an approval is granted by Council.

### **OTHER ISSUES**

**Traffic** - The third party referral and many of the public comments raised concerns about Cowalla Road being a high exposure road and an alternative route to Brand Highway from Perth. Cowalla Road has been cited as a scenic drive in respect of wide views and the large Tuart Trees.

Many of the public comments also raised concerns about an increase in traffic due to vehicles being used to transport stockfeed, manure and eggs. The EPA notes that the Shire of Gingin May 2013 council minutes state that if the proposal is approved than the crossover from Cowalla Road would need to be upgraded to an industrial standard prior to the commencement of development.

The Shire has also requested a Landscape and Vegetation Management Plan to implement manage and maintain a 10 metre wide vegetation buffer, including the existing vegetation on the subject land, to provide visual screening of the facility from Cowalla Road.

### **LEVEL OF ASSESSMENT**

Part IV of the *Environmental Protection Act 1986* (the EP Act) provides for the referral and assessment of significant proposals. The EP Act defines a significant proposal as a proposal likely, if implemented, to be having a significant effect on the environment.

Section 39A of the EP Act requires the EPA to determine whether or not a referred proposal requires environmental impact assessment under Part IV of the EP Act.

The EPA has published *Environmental Impact Assessment (Part IV Divisions 1 and 2) Administrative Procedures 2012*. The Administrative Procedures establish the

principles and practices of environmental impact assessment, including how the EPA determines whether a proposal is a significant proposal.

The Administrative procedures explain that the EPA uses its professional judgement, which is gained through knowledge and experience in the application of environmental impact assessment, to determine whether a proposal should be assessed under Part IV of the EP Act. The Administrative Procedures also provide information about the matters that the EPA considers when making its decision whether to assess or not assess a proposal. This includes that the EPA may have regard to the extent to which other statutory decision-making processes meet the EPA's objectives and principles for environmental impact assessment. It is not intended that environmental impact assessment under Part IV of the EP Act would duplicate other statutory approvals processes.

Part IV of the EP Act is therefore not required for this proposal to achieve appropriate community consultation or assessment of the environmental issues.

**The EPA's decision not to assess the proposal should not be interpreted as support for the proposal or that there are no environmental issues that will require assessment by the responsible authorities and management by the proponent.**

The EPA is of the view that the local government authority has the power to regulate animal odours causing a nuisance under section 181-185 of the *Health Act 1911*. The EPA is satisfied that there are appropriate mechanisms available under the Shire's local laws, *Town Planning Regulations 1967*, EP Act, Western Australian Planning Commission's Statement of Planning Policy No. 4.3 *Poultry Farms Policy, 2003* and the Western Australian Broiler Growers Association and the Poultry Farmers Association of Western Australia *Environmental Code of Practice for Poultry Farms in Western Australia, 2004* enable the proposal to be managed in an environmentally acceptable manner without the need for formal assessment by the EPA.

The decision of the EPA not to assess this proposal does not constrain the Shire of Gingin from making appropriate decisions, having regard for the best interests of the local community.