

# Ordinary Meeting Of Council

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## Wollondilly Shire Council

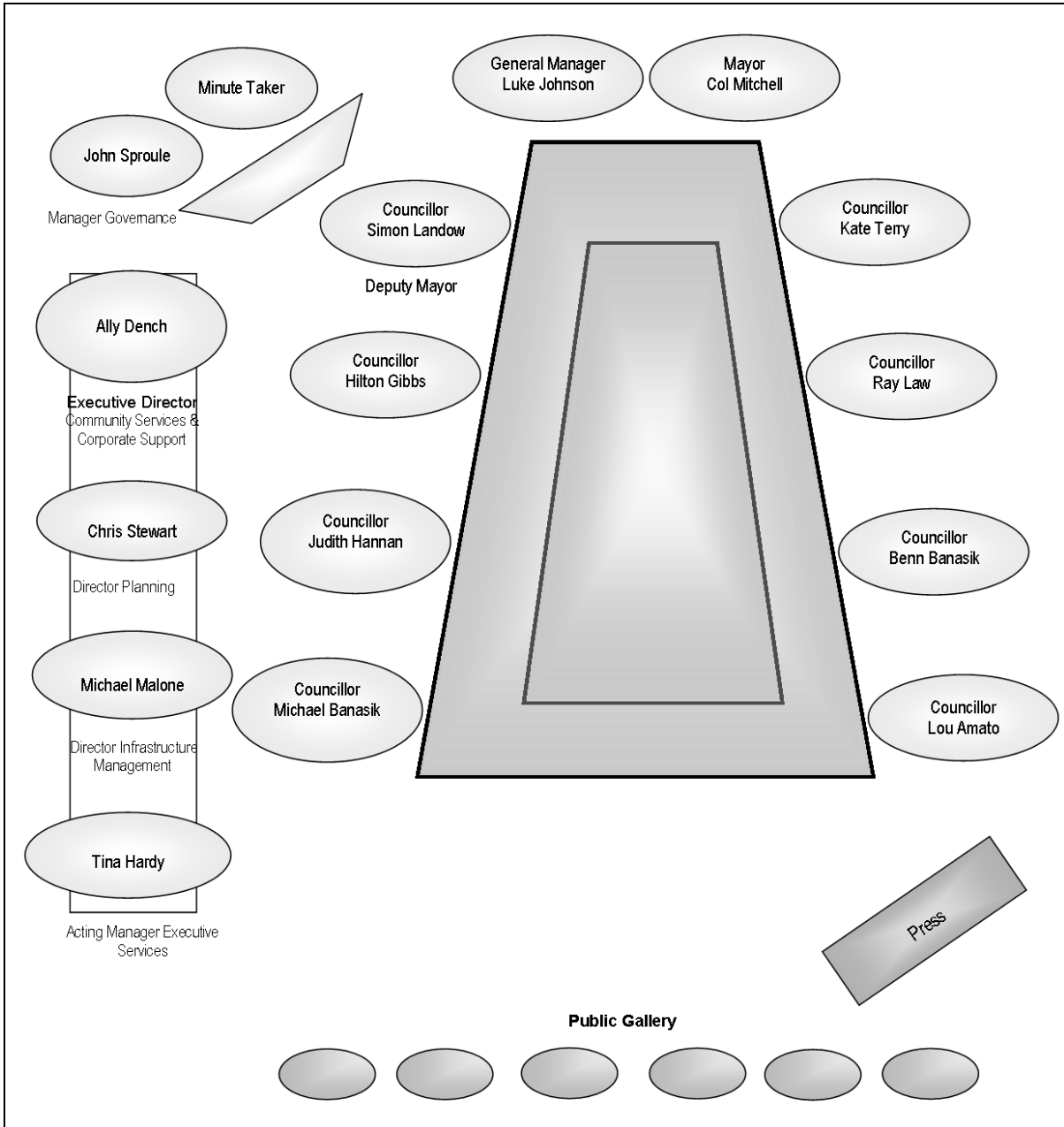
### Notice of Meeting & Agenda Monday 9 February 2015

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You are invited to attend the next Ordinary Meeting of Council to be held in the Council Chambers, 62-64 Menangle Street Picton on Monday 9 February 2015 commencing at 6.30pm.

Luke Johnson  
General Manager

# Seating in Council Chambers



**EAST WARD**

Cr Benn Banasik	0434 832 636	Email: <a href="mailto:benn.banasik@wollondilly.nsw.gov.au">benn.banasik@wollondilly.nsw.gov.au</a>
Cr Ray Law	0427 901 275	Email: <a href="mailto:ray.law@wollondilly.nsw.gov.au">ray.law@wollondilly.nsw.gov.au</a>
Cr Kate Terry	0439 665 149	Email: <a href="mailto:kate.terry@wollondilly.nsw.gov.au">kate.terry@wollondilly.nsw.gov.au</a>

**CENTRAL WARD**

Cr Lou Amato	0439 451 143	Email: <a href="mailto:lou.amato@wollondilly.nsw.gov.au">lou.amato@wollondilly.nsw.gov.au</a>
Cr Michael Banasik	0425 798 068	Email: <a href="mailto:michael.banasik@wollondilly.nsw.gov.au">michael.banasik@wollondilly.nsw.gov.au</a>
Cr Colin Mitchell (Mayor)	0418 265 006	Email: <a href="mailto:col.mitchell@wollondilly.nsw.gov.au">col.mitchell@wollondilly.nsw.gov.au</a>

**NORTH WARD**

Cr Hilton Gibbs	0439 299 749	Email: <a href="mailto:hilton.gibbs@wollondilly.nsw.gov.au">hilton.gibbs@wollondilly.nsw.gov.au</a>
Cr Judith Hannan	0414 557 799	Email: <a href="mailto:judith.hannan@wollondilly.nsw.gov.au">judith.hannan@wollondilly.nsw.gov.au</a>
Cr Simon Landow (Deputy Mayor)	0415 406 719	Email: <a href="mailto:simon.landow@wollondilly.nsw.gov.au">simon.landow@wollondilly.nsw.gov.au</a>

Business Papers will be available from Council's Foyer or alternatively on Council's website on the Friday before the Ordinary Council meeting.

# Contents

## OPENING

## RECORDING OF THE MEETING

In accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

## NATIONAL ANTHEM

## ACKNOWLEDGEMENT OF COUNTRY

## APOLOGIES AND LEAVE OF ABSENCE REQUESTS

## DECLARATION OF INTEREST

## CONFIRMATION OF MINUTES

- Ordinary Meeting of Council held on 21 December 2014
- Closed Meeting of Council held on 21 December 2014

## MAYORAL MINUTE

## PLANNING AND ECONOMY ..... 13

PE1	Development Application No. 010.2012.00000125.001 - Construction and Use of an Intensive Livestock Agricultural (Poultry Farm) Development and Ancillary Works at 440 Cawdor Road, Cawdor .....	16
PE2	Development Application No. 010.2014.00000242.002 - Modification of Consent relating to alterations and additions to the Wollondilly Library, Public Domain Works, Ancillary Use of Local Emergency Operations, Identification Signage and Tree Removal at 44-60 Menangle Street, Picton .....	80
PE3	Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements .....	114
PE4	Planning Proposal - South Tahmoor and East Tahmoor Revised Precincts.....	126
PE5	Review of Permissible Uses in Rural Zones .....	161

## GOVERNANCE ..... 167

GO1	Investment of Funds as at 30 November and 31 December 2014.....	169
GO2	Proposed Special Rate Variation - Application to Independent Pricing and Regulatory Tribunal (IPART) .....	181
GO3	Draft "Revised" Integrated Planning & Reporting (IP&R) Document for the Proposed Special Rate Variation .....	197
GO4	Second Quarterly Review of 2014/15 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2014.....	201

## ENVIRONMENT..... 204

EN1	Adoption of Wollondilly Cemeteries Policy .....	206
EN2	Submission to the Office of Environmental Heritage's Draft Plan of Management for Thirlmere Lakes National Park.....	212

## INFRASTRUCTURE ..... 240

IN1	Draft Plan of Management - Sportsgrounds.....	242
-----	---	-----

## NOTICE OF MOTION ..... 244

NOM1	Notice of Motion No. 1 submitted by Cr Hannan on 4 January 2015 regarding Google directions to Warragamba Dam.....	245
NOM2	Notice of Motion No.2 submitted by Cr Hannan on 21 January 2015 regarding consideration of a bike track around Dudley Chesham oval at The Oaks.....	246

## CLOSED REPORT ..... 247

EN3	Review of Suction Street Sweeping Services .....	248
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## QUESTIONS FOR NEXT MEETING ..... 249

# Wollondilly Community Strategic Plan 2033

Council's format for reporting to our Ordinary Council Meetings will follow the:

## 1. Wollondilly Strategic Plan 2033 themes:

Looking after the **Community** | Accountable and Transparent **Governance** | Caring for the **Environment** | Building a strong local **Economy** | Management and Provision of **Infrastructure**

Under each of these themes are **Outcomes** – expressions of what we want to achieve in the long term which will be reflected in our reports.

## 2. Sustainability Principles (*reference page 10 of the CSP 2033*)

Equity | Precaution | Regeneration | Engagement | Sharing | Access | Participation | Rights | Governance

*"Council will build the above principles into all facets of our organisation and everything we do."*

## 1.

# Community

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### Outcomes

1. Access to a range of activities, services and facilities.
2. A connected and supported community.

### Strategies

#### CO1 - Community Building, Well-being and Identity

Deliver a range of community programmes, services, facilities and events which strengthen the capacity, well-being and cultural identity of our community.

#### CO2 - Working with Others

Work with other agencies and service providers to deliver community programmes, services and facilities which complement and enhance Council's service provision.

#### CO3 - Social Planning

Undertake strategic social planning and research regarding community needs and issues.

#### CO4 - Engagement and Communication

Implement excellence in our community engagement by listening to and responding to the needs and concerns of our residents.

# Governance

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### Outcomes

1. Government, community and business talking and working together.
2. A Council that demonstrates good business management and ethical conduct.

# Wollondilly Community Strategic Plan 2033

## Strategies

- GO1 - Quality Employer  
Provide an attractive employment choice for talented people.
- GO2 - Best Practice Governance  
Be a leader in best practice local government governance.
- GO3 - Customer Service  
Deliver responsive and helpful services to all our customers.
- GO4 - Advocacy  
Advocate strongly for the interests of Wollondilly and its community.
- GO5 - Financial Sustainability  
Maintain Council in a strong and sustainable financial position.
- GO6 - Resource Efficiency  
Be efficient and effective in the use of Council resources and provide value for money in the delivery of services.
- GO7 - Information Management  
Ensure best practice approach as to the delivery of quality information and technology services.
- GO8 - Corporate Image  
Promote a positive representation of Council's corporate image.

## Environment

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### Outcomes

1. Our local environment that is valued and protected.
2. A community that interacts with and cares for their environment.

### Strategies

- EN1 - Biodiversity Resilience  
Protect and conserve biodiversity and natural resources, including waterways, riparian lands and groundwater dependent ecosystems.
- EN2 - Growth Management  
Apply best practice environmental principles to the management of future growth.
- EN3 - Development Assessment  
Apply best practice environmental principles to the assessment of development and planning proposals.
- EN4 - Environmental Responsibility  
Educate and promote legislative environmental responsibilities to the community.
- EN5 - Auditing, Monitoring and Enforcement  
Undertake auditing, monitoring and regulatory enforcement to protect the environment and the health, safety and well-being of the community.
- EN6 - Waste Management  
Improve waste minimisation and recycling practices in homes, workplaces, development sites and public places.
- EN7 - Sustainable Living  
Educate, promote and support low consumption, sustainable lifestyles and lowering of the Shire's carbon footprint.

## Economy

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### Outcomes

1. A strong local economy providing employment and other opportunities.

### Strategies

#### EC1 - Economic Development

Enhance economic development in Wollondilly Shire through innovative engagement and ongoing promotion of our strengths.

#### EC2 - Planning for and Supporting Business

Strengthen and diversify Wollondilly's economic base by attracting and supporting the development of a diverse range of industries.

#### EC3 - Manage Growth

Encourage and manage growth to ensure that it contributes to economic well-being.

#### EC4 - Managing Development and Land Use

Manage and regulate land use and development in order to achieve a high quality built environment which contributes to economic well-being.

#### EC5 - Protect Natural Resources

Protect natural resources so as to contribute to the Shire's economic well-being.

## Infrastructure

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### Outcomes

1. Safe, maintained and effective infrastructure.
2. Access to a range of transport options.

### Strategies

#### IN1 - Maintain Road Network

Ensure that the road network is maintained to a standard that is achievable within the resources available.

#### IN2 - Manage Road Network

Manage the road network to respond to community needs, growth in the Shire, improving road safety and improving transport choices.

#### IN3 - Provision of Facilities

Provide a range of recreation and community facilities to meet the needs of the community.

#### IN4 - Emergency Management

Plan for and assist in the community's response to emergencies such as bushfires and flooding.

#### IN5 - Advocacy and Lobbying

Represent our community with regard to external services including energy, communications, water, waste management and resource recovery.

## 2.

### Environmental Principles

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#### **EQUITY**

We uphold the principles of intragenerational and intergenerational equity and fairness in how resources are distributed within this generation and between this and future generations.

#### **PRECAUTION**

We adopt the precautionary principle which is that actions that have the potential to harm our environment should not be undertaken if the consequences are uncertain and the science inconclusive.

#### **REGENERATION**

We work to protect and restore the earth's ecological integrity, biological diversity and natural processes.

#### **ENGAGEMENT**

We recognise that sustainability will happen faster if local communities become champions of sustainability and are involved in the decisions affecting sustainability.

#### **SHARING**

We will work with others to share resources and knowledge and to promote sustainability.

### Social Justice Principles

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#### **EQUITY**

We will strive for the fair distribution of resources with a particular emphasis on protecting those people who are considered vulnerable.

#### **ACCESS**

We will provide all people with opportunities to use relevant services and facilities regardless of their circumstances.

#### **PARTICIPATION**

We will encourage and provide opportunities for people to take part in decision making processes that impact on their quality of life.

#### **RIGHTS**

People should not be discriminated against and everyone is entitled to honesty, information and involvement.

#### **GOVERNANCE**

People deserve responsible governance and fair and accountable decision making.

# Committee/Advisory Group Membership List – 2014-2015

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
<b>ORDINARY COUNCIL MEETING</b>	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers.
<b>COMMUNITY FORUM</b>	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 2nd Monday of each month in the Council Foyer - Administration Building. Community Safety on the Agenda quarterly – February, May, August and November.
<b>AUDIT COMMITTEE</b>	Mayor Cr Gibbs	Manager Governance	Meetings held in office hours at the Council Chambers.
<b>AUSTRALIA DAY COMMITTEE</b>	Mayor Cr Hannan Cr Landow	Manager Community Services	Meetings held at 6.00pm in the Council Boardroom as required.
<b>COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP</b>	Cr Mitchell Cr Amato	Manager Infrastructure Planning	Meetings held at 6.00pm, March & September in the Council Chambers.
<b>COMPANION ANIMALS REFERENCE COMMITTEE</b>	All Crs welcome to attend	Manager Compliance	Meetings held at 7.00pm, 2nd Tuesday of February, April, June, August, October & December in the Council Boardroom.
<b>DISABILITY ACCESS ADVISORY COMMITTEE (DAAC)</b>	All Crs welcome to attend	Manager Community Services	Meetings held at 2.00pm, 2nd Wednesday of February, May, August and November in the Council Chambers.
<b>ECONOMIC DEVELOPMENT ADVISORY COMMITTEE</b>	All Crs welcome to attend	Manager Executive Services (Pending the appointment of a Manager Economic Development)	Meetings held at 4.00pm, 4 <sup>th</sup> Wednesday of each month in Council's Boardroom.
<b>ENVIRONMENT AND HERITAGE COMMITTEE</b>	All Crs welcome to attend	Manager Environmental Services and Manager Planning	Quarterly.



## Committee/Advisory Group Membership List – 2014-2015

COMMITTEES OF COUNCIL	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
<b>LOCAL TRAFFIC COMMITTEE</b>	Mayor Cr Gibbs Cr Amato	Manager Infrastructure Planning	Meetings held at 2.00pm on the third Wednesday monthly, except February, May and August meetings are held on the 4 <sup>th</sup> Wednesday at 10.00am in the Council Boardroom.
<b>MINERALS AND ENERGY RESOURCES COMMITTEE (NEW)</b>	All Crs welcome to attend	Manager Environmental Services	Quarterly.
<b>PICTON FLOOD PLAIN RISK MANAGEMENT COMMITTEE</b>	Cr Amato	Manager Infrastructure Planning	As required.
<b>ROAD SAFETY GROUP</b>	All Crs welcome to attend	Manager Infrastructure Planning	10.30am, 1st Thursday each month in the Council Chambers..
<b>RURAL INDUSTRY LIAISON COMMITTEE</b>	All Crs welcome to attend	Manager Planning	Meetings held as required in the Council Chambers.
<b>TRANSPORT ADVISORY COMMITTEE</b>	All Crs welcome to attend	Manager Infrastructure Planning	As required.
<b>YOUTH ADVISORY COMMITTEE</b>	All Crs welcome to attend	Manager Community Services	Meetings held quarterly at 6.30pm on the 3rd Tuesday of the months of February, May, August and November in the Council Chambers.

# Committee/Advisory Group Membership List – 2014-2015

<b>EXTERNAL COUNCIL COMMITTEES</b>	<b>MEMBERS AND DELEGATES</b>	<b>RESPONSIBLE COUNCIL OFFICER</b>	<b>WHEN HELD AND VENUE</b>
<b>AGL COMMUNITY CONSULTATIVE COMMITTEE</b>	No Councillor member	Manager Environmental Services	As required.
<b>ASSOCIATION OF MINING RELATED COUNCILS COMBINED COUNCILS SOUTHERN MINING LIAISON COMMITTEE</b>	Cr Mitchell Cr M Banasik	Executive Director Community Services & Corporate Support)	Meetings held February, May, August and November at various venues.
<b>BORAL CEMENT – MALDON PLANT – COMMUNITY LIAISON COMMITTEE</b>	Cr Law	Manager Infrastructure Planning	Meetings held quarterly at various locations.
<b>CAMPBELLTOWN ARTS CENTRE CULTURAL PRECINCT ADVISORY GROUP</b>	Cr M Banasik	Manager Community Services	Meetings held quarterly at Campbelltown Arts Centre.
<b>COUNTRY PUBLIC LIBRARIES ASSOCIATION (SOUTH EASTERN ZONE)</b>	No Councillor Member	Manager Community Services	Meetings held quarterly at rotating host Council locations.
<b>GEORGES RIVER COMBINED COUNCIL COMMITTEE INC</b>	Cr M Banasik	Manager Environmental Services	Meetings held at 7.00pm, 4th Thursday of every second month at various venues.
<b>GREATER SYDNEY LOCAL LAND SERVICES LOCAL GOVERNMENT ADVISORY GROUP</b>	Cr Terry	Manager Environmental Services	Quarterly
<b>HAWKESBURY NEPEAN LOCAL GOVERNMENT ADVISORY GROUP</b>	Cr Gibbs	Manager Environmental Services	Meetings held quarterly at various venues usually Penrith.
<b>ILLAWARRA COAL COMMUNITY CONSULTATIVE COMMITTEE</b>	Cr B Banasik	Manager Environmental Services	Meetings held 4.30pm, last Tuesday of every second month.

## Committee/Advisory Group Membership List – 2014-2015

<b>EXTERNAL COUNCIL COMMITTEES</b>	<b>MEMBERS AND DELEGATES</b>	<b>RESPONSIBLE COUNCIL OFFICER</b>	<b>WHEN HELD AND VENUE</b>
<b>JOINT REGIONAL PLANNING PANEL</b>	Mayor General Manager	Manager Planning	As decided by the Panel Chair.
<b>LACHLAN REGIONAL TRANSPORT COMMITTEE</b>	Cr Hannan Cr M Banasik (Alternate)	Director Planning	Meetings held quarterly.
<b>LOCAL EMERGENCY MANAGEMENT COMMITTEE</b>	No Councillor member	Manager Works	Meetings held 6 times per year at various venues.
<b>MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)</b>	Mayor Cr Terry Cr B Banasik Cr Gibbs	General Manager	Meetings held 7.00pm, on Wednesdays quarterly at Campbelltown, Camden & Wollondilly Councils.
<b>MALDON DOMBARTON RAIL LINK FEASIBILITY STUDY - PROJECT REFERENCE GROUP</b>	Cr Hannan	Director Planning	As required.
<b>MG MY GATEWAY</b>	No Councillor Member	General Manager	Meetings held monthly at Centric, Park Central.
<b>QUEEN VICTORIA MEMORIAL HOSPITAL ADVISORY GROUP</b>	Cr Mitchell	Manager Community Services	As required.
<b>SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY INC. (SEATS)</b>	Cr Hannan	Manager Infrastructure Planning	Meetings held quarterly at various locations.
<b>SOUTHERN HIGHLANDS TEAM - BUSH FIRE MANAGEMENT COMMITTEE</b>	Cr Mitchell Cr Law	Manager Environmental Services	Meetings held at 12.30pm, 1 <sup>st</sup> Wednesday quarterly, Venue Bridge Street, Picton.

# Committee/Advisory Group Membership List – 2014-2015

<b>EXTERNAL COUNCIL COMMITTEES</b>	<b>MEMBERS AND DELEGATES</b>	<b>RESPONSIBLE COUNCIL OFFICER</b>	<b>WHEN HELD AND VENUE</b>
<b>SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP</b>	Cr M Banasik	Manager Community Services	Meetings held quarterly at Goulburn Council offices.
<b>SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP</b>	Cr Hannan	Manager Infrastructure Planning	Board Meetings held quarterly in Wollondilly, Campbelltown, Camden & Liverpool. Finance Meetings - Bi-monthly UWS.
<b>SOUTH WEST REGIONAL WEEDS COMMITTEE</b>	Cr Law	Manager Environmental Services	Meetings held at 9.00am, 1st Wednesday of March, June, September and December. Various locations South West Sydney.
<b>SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL</b>	Mayor	Manager Environmental Services	Meetings held at 12.00pm, 1st Monday quarterly.
<b>TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE</b>	Cr Mitchell Staff representative	Manager Environmental Services	Meets quarterly as required at Tahmoor Colliery.
<b>WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)</b>	Mayor	Manager Works	Quarterly.
<b>YERRANDERIE MANAGEMENT COMMITTEE</b>	Cr Law	Manager Environmental Services	Meetings held at 6.30pm, 1st Thursday March, June, September and December at The Heritage Centre, The Oaks. 1st Saturday of alternate months - all day Yerranderie.



# Planning & Economy

# Matters for Consideration – General Under Section 79C(1) of the Environmental Planning & Assessment Act 1979 (EP&A)

*“In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

- (a) the provisions of:*
  - (i) any environmental planning instrument, and*
  - (ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and*
  - (iii) any development control plan, and*
  - (iiia) any planning agreement that has been entered into under Section 93F or any draft planning agreement that a developer has offered to enter into under Section 93F, and*
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*

that applies to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

**Relevance to Community Strategic Plan**

**RELEVANCE TO COMMUNITY STRATEGIC PLAN – PLANNING AND ECONOMY**

The reports contained within this section of the agenda outline actions and activities that contribute to the achievement of the outcomes as outlined in your Community Strategic Plan 2033.

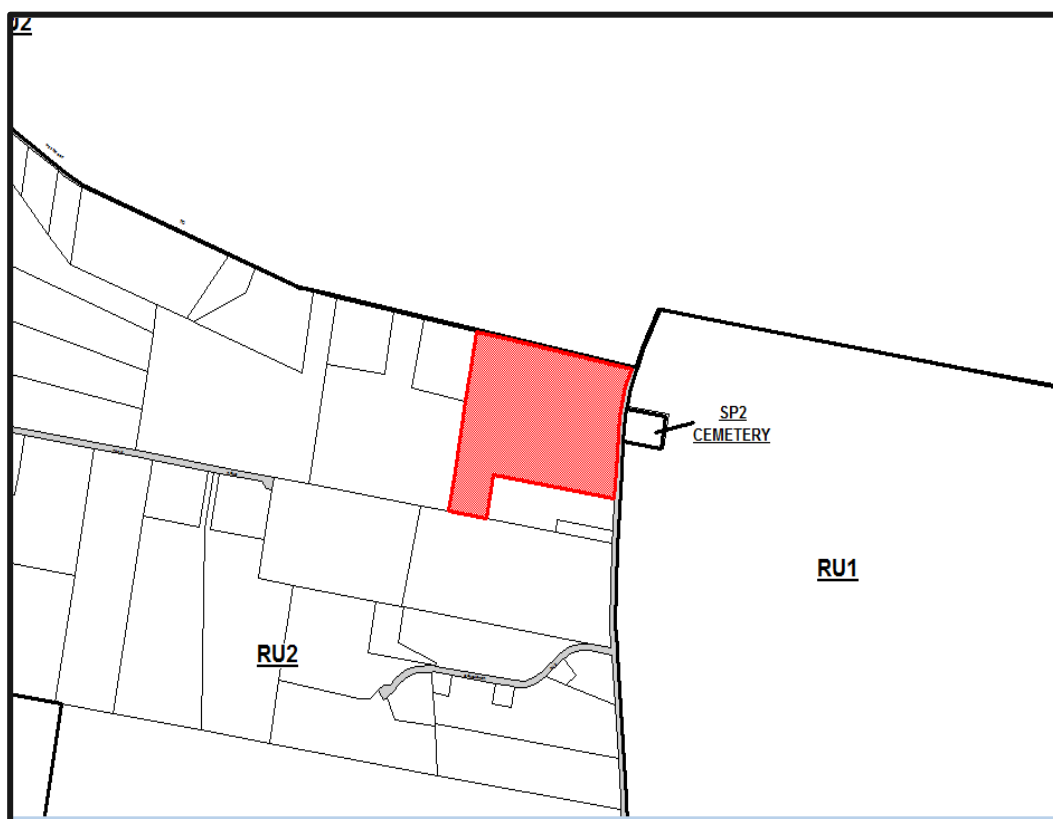
**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

**PLANNING AND ECONOMY**

**PE1**      **Development Application No. 010.2012.00000125.001 - Construction and Use of an Intensive Livestock Agricultural (Poultry Farm) Development and Ancillary Works at 440 Cawdor Road, Cawdor**

1006

DD010.2012.00000125.001



**LOCATION MAP N**

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

**DEVELOPMENT INFORMATION**

<b>Development Application No:</b>	010.2012.00000125.001
<b>Property Address:</b>	Lot 11 DP 664430, 440 Cawdor Road, Cawdor
<b>Applicant:</b>	J & C Muscat
<b>Owner:</b>	Muscat Hydroponics Pty Ltd
<b>Proposal Details:</b>	Intensive livestock agriculture (poultry farm) and ancillary works
<b>Zone:</b>	RU2 Rural Landscape

Planning & Economy



**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

**EXECUTIVE SUMMARY**

- Development consent is being sought for a proposed intensive livestock agriculture (poultry farm) development and associated works at 440 Cawdor Road, Cawdor.
- The application was 'called up' by Council in April 2012.
- Fifty-nine (59) submissions were received during the three public exhibition periods since the submission of the application. Forty-six (46) objections were received. One submission is a petition with twenty-nine (29) signatures supporting the development.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the application be approved subject to conditions.

**REPORT**

**BACKGROUND**

The Development Application was received by Council on 12 March 2012. During the assessment of the proposal, a number of issues were identified and the application has been amended to address those concerns. The application has been altered by changing the orientation of the sheds and using tunnel ventilation odour control in favour of conventional (naturally ventilated) sheds as originally proposed.

The current plans of development and supporting information was lodged with Council on 13 November 2014.

**CONSULTATION**

Referral	Outcome
Office of Water	No objections. The watercourse that traverses the north-eastern portion of the site is not a watercourse by definition in accordance with the Water Management Act 2000
Mines Subsidence Board	Approval obtained
Development Engineer	Conditions recommended
Building Surveyor	No Objections
Environmental Health Officer	Conditions recommended
Environment Officer	Conditions recommended
Heritage Adviser	Conditions are recommended to address the concerns of the heritage advisor.
Tharawal	No response received.
Cubbitch Barta	Recommendations made

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Referral	Outcome
Office of Environment and Heritage	Conditions are recommended in relation to clearing of land

**1.1 DESCRIPTION OF SITE AND SURROUNDING AREA**

The land is located on the corner of Cawdor and Westbrook Roads, Cawdor, approximately 1.98km south of the Cawdor and Burragorang Roads intersection.

The site is 24.27 hectares in size and irregular in shape. The site contains a dwelling house, a number of outbuildings, a number of dams and a pad mount substation. Development consent has been recently issued for the establishment of a field based market garden.

There are two lots immediately east of the site. Both lots contain local items of heritage significance, being a church and a former dairy. Two properties adjoin the southern boundary; one contains an item of local heritage significance, being a slab hut and vegetation, the second property being used for rural residential purposes.

Two lots share a common boundary to the west of the site. Both lots contain dwellings and are used for rural residential purposes. The land north contains a dwelling house and is used for limited field based plant agriculture.

To the north west of the site, but not immediately adjoining, is a lot containing a dwelling house, outbuildings, field based market gardens and poultry sheds. This land is in the Camden Local Government Area.

The Camden High School is approximately 1.02km (measured lineally) north of the land.

Three watercourses traverse the land. The creek line in the north western portion of the land is a protected watercourse in accordance with the Wollondilly Local Environmental Plan 2011. The central portion of the land towards the southern boundary contains vegetation mapped as being Cumberland Plain Woodland.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

**1.2 DESCRIPTION OF DEVELOPMENT**

Development consent is sought for the following:

- Construct earth platforms to building the proposed buildings and install drainage
- Install landscaping and earth mounds
- Erect seven poultry sheds to house a total of 81,000 birds
- Construct driveways and manoeuvring areas
- Erect seven silos for storage of poultry feed
- Erect five water tanks
- Use the property for intensive livestock agriculture (poultry farm)

The batch rate will be approximately 5.2 per year. Each batch will take around 70 days to mature. The first pick up will be from day 31 of age where 40% of birds will be collected. The next batch will be around 40 days of age where another 30% of birds can be removed. This will then allow remaining 30% of birds more opportunity to move around and to grow to around 49 days of age where the farm will be depopulated.

Bird pickups will occur from the northern ends of the sheds. This ensures the greatest separation of pickup activities from adjoining dwelling houses.

**Hours of Operation**

The farm will operate twenty-four hours a day, seven days a week.

Delivery of poultry feed, cleaning of shed and the like will occur between 7am and 6pm, Monday to Friday and between 8am to 1pm, on Saturdays. If emergencies arise, eg failure of equipment, contractors and the like will need to attend the farm after hours to assist in repairs.

Bird collection under normal weather conditions will be attempted to be completed by 12am. However, during extreme weather conditions, the transport operator will delay the bird pick up times to ensure all birds are humanely removed. That is, collect when conditions are of a standard where bird welfare and liveability are not affected.

Bird deliveries typically occur on Mondays, Tuesdays, Thursdays or Fridays. This will include public holidays, except Christmas day. Deliveries will occur between 7am and 6pm, Monday to Friday, and between 8am and 1pm, Saturdays.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Odour Management

Tunnel ventilation will be fitted to all sheds.

Litter moisture will be managed so that odour generation will be minimised. Moisture levels between 15 to 30% are ideal for poultry health, wellbeing and odour control. An extensive management regime is detailed in the proposed farm management plan.

All spent litter will be removed from the site at the conclusion of each batch. Dates and times of litter removal will be recorded in the farm diary.

Noise Management

Truck speeds along Westbrook Road will be limited to 60km/h and within the site, only 10km/h. All forklifts have had their exhausts upgraded to reduce excessive noise. As detailed in the noise impact assessment report, this has reduced exhaust noise output by 4 to 5dB(A), or a reduction of 7-8%. Forklifts will have engines fitted with governor mechanisms to limit speeds and therefore noise generation.

Trucks will be parked as close as possible to the sheds to avoid long continual vehicle movements.

Conditions are also recommended to require that vehicles on the site do not use reversing beepers.

Staff Members

The only staff is the owner and manager of the farm. Contractors will deliver and collect birds, clean and deliver the feed. Other contractors may be required from time to time.

Vehicle Movements

All transport vehicles will enter the site from Westbrook Road. Comparatively, only a fraction of vehicles will enter the site from Cawdor Road.

All deliveries will be between 7am and 6pm, Monday to Friday and between 7am and 1pm, Saturdays. No collection and/or deliveries will occur on Sundays.

No vehicles will be left idling while onsite.

The applicant has advised the following regarding vehicle movements for each batch:

1. The cycle is ten (10) weeks.
2. In the cycle:
  - a) Thinning out collection - Two (2) nights six (6) trucks
  - b) Final collection emptying sheds - Four (4) nights' ten (10) trucks

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

3. For 80,000 birds, sixteen (16) trucks for collection in a ten (10) week cycle.

The applicant has detailed a total of 5.2 batches per year. As such, there will be about 83 (rounded down) truck movements per year associated with bird collection. There will be 31 bird pick up nights each year based on the information provided in the Statement of Environmental Effects.

The original impact assessment report detailed 12 to 30 trucks per week travelling to and from the site based on the development accommodating 113,712 birds. The application has been amended and bird numbers reduced to less than 81,000 birds. The additional traffic impact assessment report concludes that there will be between 8 to 20 trucks per week.

Based on the operations on the nearby poultry farm, Council has been advised by the applicant that (10) ten vehicle movements per week are more realistic. Trucks movements include collection of birds, gas deliveries, chaff deliveries, day old bird deliveries, feed deliveries, litter collection and service vehicles as required for repairs.

Storage of Chemicals

No chemicals are stored onsite as they are located on the poultry farm on the northern side of Westbrook Road, Bickley Vale, which is also owned by the owner of the subject land.

Should any chemicals be required to be stored onsite, it is proposed that an application will be made to Council, including a shed.

Waste

All rubbish will be removed from the site. Dead birds are collected and frozen daily and will be disposed of at the Macarthur Resource Recovery facility as required. Freezers are located adjacent to the sheds.

Heating/Cooling

The sheds will be fitted with tunnel ventilation equipment. Fans for hot temperatures are provided and gas heaters above ground are provided for cooler temperatures.

Pest Management

Rodent baits and a trap will be installed. Other pests will be controlled by sprays (eg spiders).

Light Management

All sheds will have lighting with shades on the buildings to prevent unnecessary light spillage. Lights will have timers to minimise any impacts.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Visual Amenity

The sheds will be screened with earth mounds and landscaping. The sheds will be located far from property boundaries and dwellings on adjoining properties. Extensive landscaping of property boundaries has already been undertaken.

**1.3 SECTION 79C ASSESSMENT**

**1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

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

The development is satisfactory in accordance with the provisions of the plan.

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

Relevant Provisions	Comment
3. Aims of the Plan	Subject to conditions, the development will not have any adverse impacts upon the receiving waters for the Hawkesbury-Nepean Rivers
<b>6. Planning Policies and Recommended Strategies</b>	
(3) Water quality	Subject to conditions, the development will not have any adverse impacts upon water quality of the river systems.
(4) Water quantity	Subject to conditions, controls will be designed and established to ensure the development will not have any adverse impacts.
(5) Cultural heritage	<p>The land adjoins three properties containing items of local heritage significance, being the Methodist Church, Cemetery and Parsonage (Item I57), a slab hut and trees (Item I58) and the Cawdor Dairy (Item I61). Concerns have been raised by the Heritage Advisor regarding the proposed mitigation measures.</p> <p>The plans of development show no mounding with vegetation proposed along the northern, eastern or southern boundaries (boundaries common to the heritage items). This is consistent with the advice from the Heritage Advisor. Conditions are recommended to replace the pine trees with local, endemic species in accordance with Council's resolution from July 2010.</p>
(6) Flora and fauna	<p>The site contains Cumberland Plain Woodland and Shale/Sandstone Transitional Forest vegetation.</p> <p>Unauthorised clearing of Cumberland Plain Woodland (CPW) was undertaken in October 2012 and advice was sought from NSW Office of Environment and Heritage (OEH). OEH concluded that approximately</p>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
	<p>0.55 hectares was cleared. Council and the then Catchment Management Authority (CMA) concluded the vegetation was in good condition and the site was a known habitat for the Powerful Owl (a threatened species). OEH have recommended the rehabilitation and revegetation for the removal of the CPW using a 6:1 ratio (in accordance with Biobanking assessment methodology). Therefore, 3.3 hectares of revegetation will be required. OEH have advised the site's restoration of Cumberland Plain Woodland vegetation will be a superior way to address the unauthorised clearing of land rather than prosecuting the landowner(s).</p> <p>The plans have been amended to avoid any further clearing of land from the main area of vegetation located in the southern area of the site.</p> <p>A further 1,160m<sup>2</sup> is proposed to be removed and offset with the planting of 4,915m<sup>2</sup>. This will be in addition to the 3.3 hectares required by OEH.</p> <p>A condition is recommended requiring a vegetation restoration plan to be submitted in regards to the revegetation and rehabilitation works. The restoration plan will need to be prepared by a practising and qualified member from the Australian Association of Bush Regenerators and have regard to the Cumberland Plain Recovery Plan prepared by the NSW Department of Environment, Climate Change and Water (January 2011). A conservation zone is also recommended to ensure the further protection of the critically Endangered Ecological Community. Revegetation will need to be established prior to the issue of any Occupation Certificate and maintained for the life of the development.</p>
(8) Agriculture/aquaculture and fishing	<p>The majority of the site is mapped as being Class 3 with only the north-west area of the site containing Class 2 land as defined in the in the Department of Agriculture's Agricultural Land Classification Atlas.</p> <p>The applicant has proposed sufficient separation buffers and noise, odour and visual controls to minimise the impacts on adjoining landowners/occupiers.</p> <p>Subject to conditions, the development will not have any adverse impact. The development is satisfactory in this regard.</p>

Planning & Economy

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
<b>11. Development controls</b>	
(7) Filling	Consent sought. Conditions are recommended
(11) Intensive animal industries	The site is not subject to inundation during the 1 in 100 year flood event of the river system. Subject to conditions, the development will not have any adverse impacts upon the river system.

**Wollondilly Local Environmental Plan, 2011**

Clause 1.2 Aims of Plan

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character,	The development is considered to be satisfactory in this regard.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	The development is considered to be satisfactory in this regard.
(c) to protect water quality in land that is situated within water supply catchments,	The development is considered to be satisfactory in this regard. Conditions are recommended to ensure the Hawkesbury-Nepean Catchment will not be affected as a result of the development.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	Not applicable.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	The development, subject to conditions, is considered to be a sustainable development that will not have an adverse impact on the land.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	The development will not have an adverse impact upon the rural landscape character or the setting of the Cawdor locality.



**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Characterisation: Intensive livestock agriculture  
Zone of land: RU2 Rural Landscape  
Permissibility: Yes, with consent  
Zone objectives:

Objective	Comment
RU2	
To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.	Subject to conditions, the development will be satisfactory in this regard.
To maintain the rural landscape character of the land.	Subject to conditions, the development will not have any adverse impacts upon the landscape character of Cawdor.
To provide for a range of compatible land uses, including extensive agriculture.	The development is satisfactory in this regard.
To provide areas where the density of development is limited in order to maintain a separation between urban areas.	Satisfactory.

LEP Clauses

Clause	Comment
5.9 Preservation of trees or vegetation	Vegetation is proposed to be removed to accommodate the amended location of the sheds so as to not trigger Designated Development status. Council staff and the applicant have undertaken a number of site inspections regarding the additional clearing. The removal of the isolated stands of vegetation will be satisfactory if compensatory landscaping is established. This will be in addition to the rehabilitation and revegetation requirements from OEH in response to the clearing works undertaken without consent. Conditions are recommended in this regard.
7.1 Essential services	To be conditioned accordingly.
7.2 Biodiversity protection	Not applicable (the site is not in the mapped biodiversity layer under Wollondilly LEP2011).
7.3 Water protection	No works are proposed within the area of the site mapped as water protection.
7.4 Flood planning	Not applicable.
7.5 Earthworks	To be conditioned accordingly. Maximum cut and fill limited to a metre is proposed and only material excavated from the site will be used to construct the earth mounds.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

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

**1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS**

**Wollondilly Development Control Plan 2011 Volume 1 – General**

Relevant Provisions	Comment
1.2 Aims of Plan	Noted
1.11 Request for Variation	A variation is proposed, to the setback to a dwelling on the same site. The merits of the variation will be discussed later in this assessment report.
2.1 Advertising and Notification of Development Proposals	The application has been advertised in accordance with the plan. Submissions have been received.
2.2 Heritage Conservation	<p>There are two lots immediately east of the site containing local items of heritage significance, being a church and a former dairy. A property to the south contains an item of local heritage significance, being a slab hut and vegetation, the second property.</p> <p>The amended application was referred to Council's Heritage Advisor who made the following comments:</p> <p><i>"In general I consider that the development should be adequately screened by vegetation. I have read the proposed drawings and details for visual screening by vegetation and advise as follows:</i></p> <p><i>1. I consider that the planting on a mound detail should not be used as it is not a long term planting solution, is disruptive to the landscape and may require future maintenance. This planting detail should be deleted from the drawings."</i></p> <p><u>Comments:</u> Only part of the western property boundary will contain an earth mound with landscaping. All other boundaries will contain three rows of landscaping. It is considered the landscaping will not have any impact upon the setting and/or significance of the adjoining items of local heritage or affect the rural landscape character of the locality.</p> <p>Internal earth mounds and landscaping are proposed but these will not be visible from the public roads as a result of extensive perimeter landscaping.</p>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
	<p><i>"2. Planting on natural ground should be the detail adopted."</i></p> <p><u>Comments:</u> this is proposed to be undertaken on the southern, eastern and northern boundaries. Conditions are recommended.</p> <p><i>"3. It is difficult to read the dimensions on the scans provided, but for a development of this scale I consider that the minimum width of a planting belt for visual screening along the perimeter would be 10m."</i></p> <p><u>Comments:</u> 5 metre widths are proposed. This is considered to be sufficient and comply with Council's minimum requirements (to be discussed in more detail later in this report).</p> <p><i>"4. Planting should be an approved selection of mixed, locally native, tree and shrub species."</i></p> <p><u>Comments:</u> To be conditioned accordingly. The proposed pine trees will not be permitted in accordance with Council's resolution from July 2010.</p> <p><i>"5. Method of planting and guarantee of maintenance until the plants become well-established needs to be set out in detail in drawings and/or become a condition of consent."</i></p> <p><u>Comments:</u> conditions are recommended</p> <p><i>"6. I suggest that the council's environmental staff...be consulted as to suitable native plant species and best practice planting/maintenance details."</i></p> <p><u>Comments:</u> Conditions are recommended.</p>
2.3 Tree and vegetation provisions	<p>The site contains Cumberland Plain Woodland and Shale/Sandstone Transitional Forest vegetation.</p> <p>The removal of vegetation is discussed under the consideration of SREP 20 and in the LEP in this report.</p> <p>Conditions are recommended.</p>
2.4 Landscaping	To be conditioned. To be discussed in more detail later in this assessment report.
2.5 Biodiversity	Not applicable.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
2.5 Water	No works are proposed within the protected area of the land.
2.7 Flood affected land	Not applicable.
2.8 Bushfire prone land	Not applicable.
2.9 Contaminated land and Land filling	As detailed previously in this report, the land has been remediated. Conditions are recommended regarding filling of land.
2.10 Land slip and subsidence	Mines Subsidence Board approval has been obtained. There is no evidence the land has any slip issues.
2.11 Development in Sydney's Drinking Water Catchments	Not applicable.
2.12 Site waste minimisation and management	To be conditioned accordingly.
2.13 Salinity	Not applicable.
2.14 Water Management	Conditions are recommended to ensure any overflow from the water tank be directed to either an absorption trench and/or rubble drains to reduce erosion and the like.
2.15 Transport and Movement	Conditions are recommended.
2.16 Landscape & Scenic Quality	Conditions are recommended. Extensive landscaping to be used to reduce any visual impacts.

Planning & Economy

**Volume 2 - Primary Agricultural and Rural Uses**

Relevant Provisions	Comment
<p>2.2 General objectives for all rural and primary agricultural uses</p> <p>Objectives</p> <p>(a) To promote and encourage rural and agricultural enterprises,</p> <p>(b) To encourage development that protects the rural amenity, natural landscape features of significance and scenic qualities of Wollondilly Shire,</p>	<p>a) the development is satisfactory in this regard.</p> <p>b) subject to conditions, the development will be satisfactory.</p>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
(c) To ensure that agricultural activities have a neutral or beneficial effect on water quality,	c) subject to conditions, the receiving waters for the Hawkesbury-Nepean Rivers will not be adversely affected.
(d) To ensure that the establishment of new, or expansion of existing, farms will not adversely impact on biodiversity, endangered ecological communities and threatened species,	d) the development is satisfactory in this regards. Conditions are recommended.
(e) To minimise the potential for land use conflict, and	e) subject to conditions, the development is unlikely to have any unreasonable adverse impacts or result in rural land use conflict.
(f) To ensure that the opportunity for long term sustainable agricultural production is maximised.	f) the development will be satisfactory in this regard.
<b>2.5 Intensive livestock agriculture</b>	
<b>2.5.3 Siting and setbacks Objectives</b>	
(a) To ensure that the impacts of development such as air, dust, water, odour, noise and visual amenity are minimised by identifying minimum buffer or setback requirements,	a) Conditions are recommended to ensure the farm operates in accordance with the recommendations made in the reports accompanying the Development Application.
(b) To allow for the development of intensive livestock agriculture in locations which are suited to sustainable production.	b) The site is considered suitable for the development. Conditions are recommended.
<b>Controls</b> Development for the purposes of intensive livestock agriculture, are required to comply with the minimum buffers distances outlined below:	

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions		Comment	
Minimum setback/separation distances			
	<b>Poultry farms Min. distance</b>	<b>Distance</b>	<b>Complies</b>
<b>Front building setback</b>	50	132.4m	Yes
<b>Side or rear building setback</b>	50	Side: minimum 129.8m, Rear: 204.9m	Yes
<b>Dwelling on same property</b>	50	20m	No - variation proposed
<b>Any dwelling on a neighbouring property</b>	150	>150m	Yes
<b>All residential zones</b>	500	1.41km	Yes
		<p>The applicant has requested a variation seeking a departure from the control relating to the dwelling being located less than 50m from the proposed sheds. The applicant's justification is as follows:</p> <p><i>"With tunnel ventilation and good farm management practices, there will be minimal impact upon the residents of the property. It is considered appropriate that the residents who work on the property will be close to the sheds to detect any problems with the development should a problem arise."</i></p> <p><u>Comments:</u> It is considered that the distance from the dwelling house to proposed shed 1 will not result in any adverse impacts. The adoption of best practices and other management principles would have a limited impact on the occupiers of the dwelling. In terms of visual impact, a 5 metre wide vegetation buffer on top of a 3 metre high</p>	

Planning & Economy

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
<p>2. Development must be in accordance with the “Blue Book” Code of Practice for Animal Care produced by the Department of Primary Industries.</p> <p>3. Sites with a slope greater than 3-4% must not be used for intensive livestock agriculture.</p> <p>4. Sites that have residual chemicals in the soil such as organ chlorides and arsenic must not be used for intensive livestock agriculture.</p> <p>5. Development must be located having regard to the topography and microclimate of the area to ensure concentration of odours cannot occur.</p>	<p>mound will be established between the sheds and the dwelling to reduce impacts.</p> <p>The proposal seeks a variation to the distance for the dwelling house associated with the poultry farm not for a dwelling on an adjoining property and as such there would be no impact on other residences. It is recommended that the variation be supported by council.</p> <p>2. To be conditioned.</p> <p>3. The land is generally level with grades around 2%.</p> <p>4. The site is suitable for the proposed development.</p> <p>5. The development has been reduced in scale and repositioned within the site to reduce its impacts.</p>
<p>2.5.4 Noise, odour and dust Objectives (a) To minimise noise, odour and dust impacts of Intensive livestock keeping establishments on the amenity of surrounding land uses, and</p>	<p>a) The application has been amended to address Council’s and objector’s concerns with the development, specifically odour generation. The application now proposes tunnel ventilation in lieu of conventional mitigation controls. Council’s Environmental Health Officer does not raise any objection to the proposed mitigation measures</p>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
<p>(b) To encourage healthy, sustainable practices to minimise the impact of development.</p> <p>Controls</p> <p>1. Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.</p> <p>2. Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.</p> <p>3. Ensure that feed grain is stored in a dry storage area to prevent fermentation.</p> <p>4. Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage.</p> <p>5. Feeding troughs and self-feeders must be designed to minimise any spillage that could potentially contribute to odour emissions.</p> <p>6. Appropriately silenced forklifts should be utilised to reduce night noise generation.</p> <p>7. Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).</p>	<p>b) To be conditioned accordingly. It is also recommended the development adhere to the NSW Department of Primary Industries Best Practice Management guidelines for Meat Chicken Production.</p> <p>1. Extensive landscaping will be established along the property boundaries and internally so the sheds will not be readily apparent on the landscape from adjoining lands and/or the roads.</p> <p>2. Subject to conditions, the development is satisfactory.</p> <p>3. All feed to be stored in silos. Conditions recommended.</p> <p>4. The stormwater management plan shows measures that would be provided to comply with the control. There are no issues raised by Development Engineering Section. Conditions are recommended in this regard.</p> <p>5. The application has been designed to comply with Council's requirements.</p> <p>6. Exhausts and engine modifications are proposed to limit the speeds and noise generation. Conditions are recommended in this regard.</p> <p>7. Council's Environmental Health Officer does not raise any objection to the development based on the information and recommendations made in the impact assessment report. A number of conditions</p>



**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
	are recommended.
8. Industry Best Practice Management measures developed to eliminate or reduce odour are to be employed.	8. There are no objections raised by Environmental Health Officer. Conditions are recommended in this regard.
9. Where practical, major truck deliveries and produce transport should be scheduled between the hours of 7am to 6pm weekdays, 7am to 1pm Saturdays. It is noted that exceptional circumstances may mean deliveries are conducted outside these hours on occasions.	9. Feed deliveries are proposed to occur within the specified hours. Night pickups for birds are proposed to be undertaken up until 12am. Council has consistently applied restrictions for bird pickups no later than 10pm to ensure the impact on adjoining landowners is managed and impacts reduced.  Recommended Conditions will permit the pickup of birds later than 10pm only in exceptional circumstances, that is, during extreme weather conditions.
Additional controls for poultry sheds	
1. All poultry sheds are to be appropriately cleaned out after every batch.	1. To be conditioned in accordance with the management plan submitted with the application.
2. Sheds or structures must be adequately ventilated.	2. Tunnel ventilation is proposed to be used.
3. Shed curtains or shutters must be utilised during shed clean outs (to minimise the impact of dust on adjoining land users). As far as practicable, dust generated must stay within property boundaries.	3. To be conditioned accordingly.
4. The type of litter material chosen for shed floors must have regard to its propensity to produce dust.	4. To be conditioned accordingly.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
<p><b>2.5.5 Soil, waste and water management</b></p> <p><b>Note</b></p> <p>(a) To minimise the impact of stormwater and surface run-off on receiving water courses or water bodies and on adjacent lands, and</p> <p>(b) To ensure drainage systems efficiently control water flows and minimise the impact on natural drainage patterns of the site.</p> <p><b>Controls</b></p> <p>1. Local drainage patterns are to be maintained and stormwater flows effectively managed.</p> <p>2. Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.</p> <p>3. Suitable impermeable sedimentation pond structures must be constructed that will not contaminate surface and ground waters.</p> <p>4. Development must provide appropriate methods for the adequate management and handling of litter, manure, composting and removal of dead animals.</p>	<p>a) Drainage controls will be established between and around the sheds. Four 250,000 litre rainwater tanks will be constructed. Drains to be constructed to capture and convey the water to the tanks or dispersed to ground. The engineers raise no objection to the proposed controls and conditions recommended.</p> <p>b) Conditions are recommended so the development will not have any adverse impacts upon drainage patterns. No issues were raised by Council's engineers.</p> <p>1. Satisfactory. No works to disrupt/affect existing onsite drainage.</p> <p>2. A concept plan has been submitted in this regard. No objections have been raised to the proposed controls for water capture and disposal. Conditions recommended.</p> <p>3. Conditions are recommended to ensure the development complies with the plan.</p> <p>4. Extensive details have been provided in the management plan. Conditions recommended.</p>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
5. Runoff from feeding pens and site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.	5. Five 250,000 litre tanks are proposed instead of sedimentation ponds. Conditions are recommended to ensure any reuse of water across the site is suitably treated.
6. All sedimentation ponds are to be de-sludged to remove build-up of solid effluent when their storage capacity is reduced by more than 25%.	6. Conditions are recommended that the tanks be regularly serviced to prevent excessive build-up of materials.
7. Loads of litter, manure and feed being transported to the property are to be adequately covered.	7. Conditions are recommended.
8. Prompt and safe disposal of feed by-products is to be arranged where recycling is not possible to avoid the harbouring of pests and vermin.	8. Conditions are recommended.
9. Diversion banks may need to be constructed to intercept and divert runoff away from manure stockpile and carcass disposal area.	9. Vegetated filter strips proposed within drains. No manure stockpiles or disposal of carcasses are proposed within the area. Conditions are recommended.
10. Runoff from shed roofs, access tracks and hard stands (sealed or compacted) is to be collected and stored on site. Note: Any runoff existing on the site must be free of sediment.	10. Conditions recommended for such water to be conveyed to the drains. Water tanks and conditions requiring the construction of either absorption pits and/or rubble drains to enhance sedimentation collection.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
<p><b>2.5.6 Transport and access Objectives</b></p> <p>(a) To minimise the noise and environmental impacts of vehicle movements to and from the site, and</p> <p>(b) To ensure adequate access to the development is provided.</p> <p><b>Controls</b></p> <p>1. Internal access roads must be of all-weather design constructed and have turning areas adequate for large articulated vehicles and designed to minimise the amount of backing by trucks/forklifts where required.</p> <p>2. The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.</p> <p>3. The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours.</p>	<p>a) All weather roads are proposed. internal speeds are proposed to be limited to 10km/h. Conditions are recommended by Council's Environmental Health Officer to ensure minimal impacts.</p> <p>b) Primary access will be from Westbrook Road. Council's engineers have recommended that the road be upgraded to ensure the road has the capacity to cope with all vehicles movements.</p> <p>1. All weather access is proposed. Conditions are recommended in this regard. Engineering design plans will be required to be submitted to and approved by the nominated accredited certifier prior to the issue of the Construction Certificate.</p> <p>2. The development has been designed to reduce such impacts. Subject to conditions of consent, there are no adverse impacts anticipated.</p> <p>3. Such activities will be conditioned to only occur between 7am and 5pm, Monday to Friday and between 8am and 1pm on Saturdays. No works and/or deliveries will be permitted on Sundays and/or public holidays to maintain amenity of adjoining neighbours.</p> <p>Based on the information provided by the applicant, there will be 31 pickup nights/year. The applicant has advised that there will be between 8 to 20 trucks visiting the site each week, or between 416 to 1,040 trucks per year. However, based on the practices of the nearby poultry farm, 10 trucks per week is realistic or 520 per year. Council's engineers</p>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
<p>4. Car parking and manoeuvring areas for vehicles must be constructed in accordance with Council's Design Specifications.</p>	<p>have not raised any objection to the number of vehicles or raised issues with the carrying capacity of the public road system leading to the site. Conditions are recommended for improvements to be undertaken to improve the road pavement along Westbrook Road from Cawdor Road to the site entry. The condition will require the persons having the benefit of the consent to maintain the road for the life of the development.</p> <p>Feed deliveries are proposed to occur within the specified hours. Night pickups for birds are proposed to be undertaken up until 12am. Council has consistently applied restrictions for bird pickups no later than 10pm to ensure the impact on adjoining landowners is managed and impacts reduced.</p> <p>Conditions will permit the pickup of birds later than 10pm only in exceptional circumstances, that is, during extreme weather conditions. Given there will only be 31 pickup nights per year based on 81,000 birds, it is considered the development will not have any adverse impacts.</p> <p>4. Conditions are recommended. Details are required to be submitted to the nominated accredited certifier prior to the issue of the Construction Certificate.</p>
<p><b>2.5.7 Landscaping Objectives</b></p> <p>(a) To mitigate the potential noise, dust and odour impacts of proposed intensive livestock developments</p> <p>(b) To minimise the visual impacts of development on the surrounding landscape.</p> <p><b>Controls</b></p> <p>Where native vegetation is limited in its capacity to</p>	<p>a) Extensive landscaping is proposed around the property boundaries and internally to aid in minimising noise, dust and odour. it is considered the development is acceptable in this regard, subject to conditions.</p> <p>b) The extensive landscaping will aid in reducing any visual impacts of the development without having any adverse impact upon adjoining heritage items.</p>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions		Comment
provide visual screening then the following vegetation design controls apply:		
<b>On-site Application</b>	<b>Design Control</b>	<b>Comply?</b>
Site boundaries – vegetative windbreak	3 rows to vegetation to be established and maintained	Yes. Conditions recommended to prohibit the use of conifers.
Site boundaries – vegetative screen	Rows of vegetation to be established and maintained	Yes – as above.
Around Site Structures	Grassed areas are to be kept maintained	To be conditioned accordingly.
Open Stormwater Drains	Grassed areas are to be kept maintained	To be conditioned accordingly.
<p>2. Landscaping must incorporate a mixture of trees, shrubs and groundcovers, and where practicable utilise species that are endemic to the Shire of Wollondilly.</p> <p>3. All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from sheds (other than tunnel ventilated sheds) to allow adequate air movements. In</p>		<p>2. The plans of development detail conifers will be used. In accordance with Council's resolution from July 2010, the use of conifers is not permitted and as such, conditions will require alternate and native species to be used. Conditions of consent will require the submission of a landscaping plan consistent with Tables 1 to 7 inclusive from Volume 1 of Council's Development Control Plan.</p> <p>3. Conditions are recommended in this regard.</p>

Planning & Economy

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Relevant Provisions	Comment
bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection.	
4. The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).	4. Conditions are recommended.
5. Tree planting must not impede on the available area for on-site effluent disposal.	5. Conditions are recommended.
6. Refer to Council's Recommended Planting Species List in Volume 1 of this DCP (Clause 2.4, Tables 1 – 7).	6. Conditions are recommended.

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

A planning agreement is not proposed.

**1.3.5 ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS 2000**

Schedule 3 Designated development

*Part 1 What is designated development?*

21 *Livestock intensive industries*

(4) *Poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers or breeders and whether as free range or shedded birds:*

(a) *that accommodate more than 250,000 birds, or*

Comments: approximately 81,000 birds will be accommodated onsite.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

(b) *that are located:*

(i) *within 100 metres of a natural water body or wetland, or*

Comments: while there are three drainage lines that traverse the site, the NSW Office of Water have confirmed they are not watercourses by definition that is not having formed banks. As such, the development does not trigger Designated Development status under this subclause.

(ii) *within a drinking water catchment, or*

Comments: Not applicable.

(iii) *within 500 metres of another poultry farm, or*

Comments: the plans of the development have been amended so that no part of the development is located within 500m of the poultry farm located at 90 Westbrook Road, Bickley Vale. The plans of development provide a number of arcs demonstrating compliance with the provisions of this Clause.

(iv) *within 500 metres of a residential zone or 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

Comments: the plans have been amended to ensure that no part of the development will be within 150m of any dwelling house not associated with the development and/or within 500m of a residential zone. The development is not designated in accordance with the provisions of this Clause. The plans of development provide a number of arcs demonstrating compliance with the provisions of this Clause. This is illustrated in Attachment 1 of this report.



**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

**1.4 IMPACT OF THE DEVELOPMENT**

Head of Consideration	Comment
Natural Environment	Subject to conditions, it is considered there will be no negative impacts on the receiving waters of the Hawkes-Nepean Rivers. While unauthorised removal of Cumberland Plain Woodland vegetation has been undertaken, conditions have been recommended from NSW Office of Environment and Heritage for the site's restoration by revegetation and rehabilitation.
Built Environment	Based on the extensive landscaping proposed it is considered there will be no unreasonable impacts upon the built environment. The setting and/or significance on items of local heritage significance will be minor.
Social Impacts	Subject to conditions, there will be no negative social impacts.
Economic Impacts	Subject to conditions, no negative economic impacts are anticipated as a result of the approval of this application. The application will have positive economic impacts.

**1.5 SUITABILITY OF THE SITE**

Subject to conditions of consent, it is considered the site is suitable for the development.

**1.6 SUBMISSIONS**

Since the submission of the application, the development has been amended twice. Because of the amendments undertaken, the application was readvertised and adjoining and nearby landowners/occupiers and previous submitters were given an opportunity to review the amended plans and information.

The application was originally advertised from 28 March to 12 April 2013, readvertised from 16 October to 31 October 2013 and finally, from 28 November to 11 December 2014.

In total, 59 submissions have been received. Of the 59, 46 have objected to the development while 13 submissions are in support. One of the submissions is a petition containing twenty-nine (29) signatures supporting the development.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Below is a summary of concerns regarding the proposal:

Concern	Comment
<p>The development is located on historically significant land which should not be developed. It is the original site of a jail and the trees used for floggings. Such historical land is an asset and should be reserved for prosperity not a chicken farm. It goes against Council's long held commitment to maintaining the historical character of Cawdor.</p>	<p>There has been no evidence provided to Council to substantiate this claim.</p> <p>This concern was not shared by Council's Heritage Advisor.</p>
<p>A poultry farm is totally out of character with the surrounding properties which consist of dairy farms and rural residential properties. it will become an eyesore and detract from the character of the area and affect the adjoining heritage items</p>	<p>It is considered the development is not out of character with the surrounding environment as there is a poultry farm located in the immediate area and a large number of rural sheds. Subject to conditions of consent, the development will not be readily visible on the landscape. Extensive landscaping is proposed to shield the development from adjoining properties and from the roads. There is also an underlying principal that agricultural activities are appropriate in agricultural zones.</p>
<p>Allowing the wholesale removal of trees will have an impact upon the rural character of the area.</p>	<p>The application has been amended in response to issues and concerns raised by Council and the objectors. The result is the sheds are now orientated north-east to south-west in direction from north-south as originally proposed. The result is additional clearing of vegetation, but this has only been after extensive consultation with Council staff. NSW Office of Environment and Heritage have recommended a range of conditions in response to the unauthorised clearing of land and additional vegetation removal will be offset. As such, a total of 3.4 hectares of land will be required to be revegetated prior to the issue of any Occupation Certificate and maintained for the life of the development.</p>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Concern	Comment
Residents are concerned with the offensive odour and excessive noise generation. The operation of the large scale enterprise will create dust and damage to the roads.	Based on the information provided with the amended application, it is considered that the development will not result in any adverse odour, noise and/or dust generation. Approval of the application is recommended on the basis the development will not contribute and/or make worse any current concerns of the adjoining poultry farm.
The application does not demonstrate any preventative measures that will ensure the operations do not contravene both odour and noise impacts as required by Protection of the Environment Operations Act 1997. The current sheds at 90 Westbrook Road produces offensive odours in excess of 1km from its location. The report did not test the operation of the current poultry development over a full 11 week cycle (77 days) and in particular the clean out process when most offensive odours are generated. This is when odours can be detected over 1km away. The report only tested the operations of the development limited to 20 degree days and did not address expected range of temperatures and all weather conditions – i.e. high humidity, high temperatures and the like. Were overnight temperature inversions factored into the assessment regarding odour impacts?	The adequacy of the odour impact assessment report has been assessed and no objections have been raised in this regard. Conditions are recommended.
The noise assessment appears to be inadequate, done only over 2 days and did not appear to address the actual noise levels generated by an operational poultry shed.	The adequacy of the noise impact assessment report has been assessed and no objections have been raised in this regard.
Local have complained truck movements are common and can occur up to 1.30am, which are in excess of normal night time limits.	Conditions of consent will restrict bird pickup nights to only 10pm, which is consistent with other approvals for poultry developments in recent years.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Concern	Comment
	Only during exceptional circumstances, such as extreme heat conditions, will extensions be permitted. The onus will be on the person having the benefit of the consent to abide by the operational restrictions.
The report does not offer any evidence of actual working shed operations that would not cause odour or noise pollution within a 50m zone. It is assumed to comply, the development will require a fully sealed enclosure and extensive air filtration to prevent escape of odours and noise. The cleaning process including chicken removal/installation and manure removal would need to be undertaken within the fully enclosed and sealed structure and vehicle movements restricted to normal day light working hours being Mon-Fri 0700 to 2000hrs.	The adequacy of the odour impact assessment report has been assessed and no objections have been raised in this regard.  Conditions of consent are recommended to minimise odour generation and/or impacts.
Cumulative impacts of another poultry farm in the area.	Approval of the application is recommended on the basis that its operation will not add to any current problems generated by the adjoining poultry farm. Conditions of consent are recommended to ensure the farm complies with the recommendations of the current reports submitted to Council.
Dust generation will be a problem due to deliveries, manure stockpiles, general site operations.	Conditions are recommended for the following: <ul style="list-style-type: none"> <li>▪ all roads associated with the development to be all-weather in construction</li> <li>▪ all exposed earth areas to be grassed to prevent windblown dust</li> <li>▪ preventing the stockpiling of manure external of sheds</li> </ul> Such conditions will minimise dust generation from all aspects of the poultry farm development.

Planning & Economy

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Concern	Comment
<p>The increase in traffic will have an effect on the school zone approximately 1.5km from the site and generally residents within the area.</p>	<p>The applicant has advised there will be between 8 to 20 trucks per week servicing the site. Trucks are not likely to enter and leave at the same time, rather staggered throughout the day and the week. An advisory condition is recommended requesting, where practical, to avoid peak drop off and pick up times associated with the school to minimise any impacts and pedestrian conflicts.</p> <p>Council's engineers did not raise any objection to the development and traffic generation. Conditions are recommended for road upgrade works along Westbrook Road to ensure sufficient pavement width.</p>
<p>Approval of the application will affect subdivision and housing potential in the future.</p>	<p>In <i>Inghams Enterprises Pty Ltd v Kira Holdings Pty Ltd (1996) 90 LGERA 68</i>, the Court of Appeal decided the onus on the subsequent developer(s) to ensure their development will not have any impact upon the operations and use of an existing undertaking. Council is not able to refuse a development on the basis a proposal may have an impact upon the other landowner's ability to develop their land. The 2011 Growth Management Strategy did not identify this as an area for residential growth.</p>
<p>Approval of another odour generating development will have an adverse impact upon Camden High School, who currently experience odour issues from the existing farm. Support should not be granted due to health and amenity affects.</p>	<p>Approval of the application is recommended on the basis that its operation will not add to any current problems generated by the adjoining poultry farm. Conditions of consent are recommended to ensure the farm complies with the recommendations of the current reports submitted to Council.</p>
<p>The development will have an effect on the land forming part of the priority housing scheme located immediately east of the development site. The odour outputs from the development will have an effect on the development</p>	<p>At this point in time, the planning proposal for the Cawdor site has not been endorsed by Council for a gateway determination. Refusal of the poultry farm on this basis is not warranted. The Cawdor Planning Proposal has no certainty and cannot</p>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Concern	Comment
potential and capacity of the land as well as potential health and amenity impacts.	be given significant weight in the assessment of this current development application.
Cawdor is a rural locality and the development will impact many residents.	Based on the merits of the proposal, it is considered that approval of the development is consistent with the rural character of the area.
The loss of the value of our property is a monumental concern.	Fears of a loss of value, fears that may or may not be realised (but which are accepted as genuinely and honestly held) are not matters that Council can take into account in the assessment of a development application.
The landscaping controls to aid noise and odour control will take years to mature. We will be affected in the short term. We have undertaken research and the establishment of landscaping around poultry farm developments simply does not work or provide complete protection against odour	It is recognised landscaping will take time to mature. However, Council requires the use of advanced stock. Conditions are recommended for advanced stock and saplings to be used (as the latter grow quicker than advanced species). This combination will ensure landscaping effect is immediate and will aid in mitigating the development's impact.
The width of the road is too narrow and we have had to give way to trucks when they have been entering or leaving the existing poultry farm. It is not safe as it has not been designed for semi-trailer use.	Conditions of consent will require works to be undertaken along Westbrook Road to increase the pavement width so there will be no vehicular conflict as a result of the operation of the site.
The access routes to the site (along Cawdor Rd from the south and/or from the north and along Fosters Lane) will have an effect on residents, school children and parents as the adequacy of the roads is not satisfactory, causing noise and the like issues	Council's engineers have not raised any objection to the capacity of the local road network to accommodate the traffic movements associated with the development.
Water runoff from the development will enter the watercourse which connects to the Nepean River. This will become a pollution source	Roof, storm and surface water will be captured and conveyed to a drainage system, being rainwater tanks or swales. The swales will be grassed and any excess water flows from the swales or tanks will be through further filtration devices prior to any disposal. Conditions are recommended to ensure there will be no adverse

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Concern	Comment
	impacts on the receiving waters for the Hawkesbury-Nepean Rivers.
There appears to be no provision for air filtration to reduce the odours nor does the structure appear to be sealed or fully enclosed for daily operations that are manure removal, loading and unloading of vehicles.	The proposal is for tunnel ventilated sheds. Recommended conditions control daily operations.
We are concerned that if the development is approved then a precedent is set allowing for the expansion of the development, thus greater concerns, or worse piggeries or feed lots	Any expansion of the development will be subject to new Development Applications being submitted to Council for assessment and determination. Each application is assessed on merit and approval only granted if Council is of the opinion the expansion, or a separate and independent use, will not have any adverse impacts, whether new or cumulative, on the adjoining landowners, environment and the like. It is also noted that the development has been reduced in scale due to site constraints.
What controls and/or monitors will be put in place to ensure dust, noise and odour will not be an issue? Who will undertake inspections to monitor the development and its compliance?	If the operator breaches conditions of consent Council will be able to take enforcement action under the Act. Council has a Compliance Policy that outlines how we will respond.
We understand that the existing sheds are not an issue for Wollondilly Council but the issues from the adjoining farm in the Camden Council area is a problem and we cannot see how this application can comply with Council's regulations and not cause odour impacts	Approval of the application is recommended on the basis that its operation will not add to any current problems generated by the adjoining poultry farm. Conditions of consent are recommended to ensure the farm complies with the recommendations of the current reports submitted to Council.
I urge Council to consider rezoning the area to prevent future Development Application of this type of development which only benefits a minor number of people while affecting a greater number of residents. This land is not even zoned for intensive farming. Cawdor is a transitional area going	In accordance with Section 79C of the Environmental Planning and Assessment Act 1979, Council has to assess the application against the relevant controls from all environmental planning instruments. The land is zoned RU2 Rural Landscape which does permit intensive livestock agriculture

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Concern	Comment
<p>from semi-rural to residential as evidenced by the number of dwellings, land holdings and the high school.</p>	<p>development. It is noted there is an increase in the number of dwellings being constructed in the area and other services not associated with primary production, but based on the merits of the case, refusal of the development is not warranted.</p>
<p>Even though the development has been reduced in size, we still have concerns with the development, not matter the scale and size due to the concerns with odour, noise, truck numbers and dust</p>	<p>Conditions of consent are recommended to ensure the farm complies with the recommendations does not have unreasonable impacts in the locality.</p>
<p>What is the benefit to Council by the approval of the application by the way of:</p> <ul style="list-style-type: none"> <li>▪ Will there be an increase in rates for the property?</li> <li>▪ What contribution of parties using this facility make towards the costs of upgrading the infrastructure of the area and ongoing maintenance?</li> <li>▪ Will there be a reduction in land rates values from Council to compensate for devaluation of properties caused by this development?</li> <li>▪ If consent is granted, will it be allowed to operate before, between or after all conditions have been</li> </ul>	<ul style="list-style-type: none"> <li>▪ This is not an assessment matter for Council under the Act.</li> <li>▪ Conditions are recommended for works to be undertaken for Westbrook Road as a result of the approval of the development. This will ensure the road has capacity to accommodate vehicles associated with the development.</li> <li>▪ The value of the land is set by the Valuer General, not Council. Rates are based on the current and potential use of the land. Fears of a loss of value, fears that may or may not be realised (but which are accepted as genuinely and honestly held) are not matters that Council can take into account in the assessment of a development application.</li> <li>▪ The development will only be permitted to commence use only after all conditions of consent relating to landscaping</li> </ul>

Planning & Economy



**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Concern	Comment
satisfied, namely the completion of the earth mounds, full growth of trees etc.?	have been satisfied. Therefore, all mounds, landscaping and mitigation controls will need to be in place and operation prior to any poultry use.
Conifers are not acceptable as they are unsightly and do not grow evenly. Conifers are an eyesore and detract from the aesthetics from the area	A resolution of Council in July 2010 prohibits the use of pines and conifers associated with Development Application. Therefore, conditions will require alternate species to be used instead of pines/conifers.
Has Council conducted an in-depth study into the increased possibility of the H7 Avian Influenza (A1) virus being introduced into the area due to the intense farming practices? This should be addressed seriously as we are dealing with the relatively unknown here	This is a matter for Customs, the Commonwealth Department of Agriculture and the NSW Department of Primary Industries in regards to controlling imported livestock.
How can we be sure that all waste streams from the development will be managed properly without possibility of contamination to surrounding land? How will dead chickens be accommodated? Manure? Will wastewater be stored and removed from the site?	<p>Conditions of consent will require the persons having the benefit of the consent to dispose of waste in accordance with the farm management plan and requirements of Council's policy.</p> <p>Dead chickens will be collected daily, frozen and disposed of at an appropriate facility.</p> <p>No wastewater (black and/or grey) will be generated by the development. Effluent disposal from the dwelling house and ancillary structures (the latter being subject of Development Application 010.2013.00000392.001) dispose of wastewater in an approved onsite sewage management system.</p> <p>Storm, roof and surface water will be conveyed to a drainage system, filtered to remove any sediment and the like, before application to land.</p>
Why didn't Council notify all the residents in the immediate area?	Council notified all adjoining and nearby landowners in accordance with councils' adopted policy. Further, the Development Application was

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Concern	Comment
	<p>advertised in three circulating newspapers in accordance with the same policy. This occurred three times overall due to the application being amended twice.</p>
<p>If the application is approved we wish for the following conditions to be imposed:</p> <ul style="list-style-type: none"> <li>▪ Westbrook Rd upgrades. The bridge to be widened and maintained to alleviate costs on ratepayers</li> <li>▪ Camouflage fauna on perimeter boundary has proven to be a failure. They have been planted under the canopy of large gum trees and are dying.</li> <li>▪ Prevent soil deposits for vehicles leaving the site</li> <li>▪ Bunkers and camouflage to be fully established prior to the operation of the sheds. The proposed bunkers of trees planted a top be allowed to take shape of an open cut chicken mine.</li> <li>▪ Unknown report for tunnel ventilation however it is noted the pollution extracted to the atmosphere will be</li> </ul>	<ul style="list-style-type: none"> <li>▪ Conditions are recommended for works to occur along Westbrook Road. Council's engineers raise no issues with the capacity of the bridges in the immediate area.</li> <li>▪ Conditions are recommended for landscaping to be undertaken in accordance with the controls from the Development Control Plan 2011 Volume 2. Plans will be required to be submitted prior to the issue of the Construction Certificate.</li> <li>▪ No controls are required as there will be no exposed earthen areas where trucks will dispose of soil onto the roads and/or other lands. All weather access roads will be constructed in accordance with the Development Control Plan Volume 2.</li> <li>▪ Landscaping requirements as noted above.</li> <li>▪ Tunnel ventilation is the industry standard in regards to poultry farm odour mitigation. Approval of the application is recommended on the basis</li> </ul>

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Concern	Comment
dispersed by winds in any direction	that its operation will not add to any current problems generated by the adjoining poultry farm. Conditions of consent are recommended to ensure the farm complies with the recommendations of the current reports submitted to Council.

**1.7 THE PUBLIC INTEREST**

While there has been significant public interest and opposition to the proposed development, it is considered that, subject to conditions of development consent, the site is suitable for the development.

The development is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

**Consideration of access for people with a disability and the Disability Access to Premises – Buildings) Standards 2010 (*applies to all applications lodged on or after 11 May 2011.*)**

Conditions are recommended in this regard. While not forming part of this application, the amenity facilities approved in Development Application 010.2013.00000392.001 for an intensive plant agriculture (market garden), continued use of a secondary dwelling, continued use of worker's amenities building and associated works approved under delegation on 21 August 2014, will be required to be made available at all times all employees, contractors and the like. Conditions are recommended for an accessible pedestrian path to be provided from the poultry farm area to the amenities.

**Environmental Planning and Assessment Act 1979 – Section 5A**

The applicant is seeking consent to removal an additional 1,160 m<sup>2</sup> of isolated vegetation to accommodate the poultry sheds. The site contains Cumberland Plain Woodland and Shale/Sandstone Transitional Forest vegetation, which are both listed as Endangered Ecological Communities under the Threatened Species Conservation Act 1995. The additional vegetation removal is in response to concerns and other issues brought to the applicant's attention during the assessment of the application.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Subject to conditions of consent, the removal of the additional vegetation is considered satisfactory in accordance with the provisions of Section 5A of the Act. Conditions requiring the establishment of a 3.8 hectare vegetation offset will be required including over the remainder and the vegetation offset to ensure protection in perpetuity which will ensure the long term viability of the Endangered Ecological Communities. The NSW Office of Environment and Heritage (OEH) have been consulted during the assessment and have recommended a number of conditions of consent and requirements in this regard.

OEH have recommended that a Vegetation Restoration Plan (VRP) shall be prepared by a practicing and qualified Member of the Australian Association of Bush Regenerators or an environmental consultant or bush regenerator having regard to the Cumberland Plain Recovery Plan prepared by the Department of Environment, Climate Change and Water (January 2011). The offset area will be required to adjoin the remnant vegetation for contiguity and allow for natural recovery of the Endangered Ecological Communities. Conditions are recommended in this regard.

**FINANCIAL IMPLICATIONS**

The developer contributions payable are \$11,000 in accordance with Council's current Developer Contributions Plan 2011.

**ATTACHMENTS:**

1. Proposed Plans of Development – specific to the poultry farm development
2. Plans of Development – showing all other developments approved by Council (market garden, substation, shed, roads, dam, etc).

**RECOMMENDATION**

That Development Application 010.2012.00000125.001 for the construction and use of an intensive livestock agriculture (poultry farm) development and ancillary works at Lot 11 DP 664430, No. 440 Cawdor Road, Cawdor is approved subject to the following conditions:

**1. COMPLIANCE**

**These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.**

- (1) Development Consent is granted for the construction and use of an intensive livestock agriculture (poultry farm) development and ancillary works at Lot 11 DP 664430, No. 440 Cawdor Road, Cawdor.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

(2) Development shall take place in accordance with the following plans:

Plan Title	Author/Drawn By	Plan Reference	Dated
Proposed Poultry Sheds 440 Cawdor Road Cawdor	Accurate Design and Drafting	3703-5 b.u Issue E	13-9-13
Proposed Shed 440 Cawdor Road Cawdor	Accurate Design and Drafting	3703-9 b.u Issue H	12-9-14

submitted in respect of Development Application No. 010.2012.00000125.001 except where varied by the following conditions:

- (3) The applicant is informed that this approval shall be regarded as being otherwise in accordance with the information and particulars set out and described in the Development Application registered in Council's records as Development Application No. 010.2012.00000125.001 received on 12/03/2012 except where superseded by the amended plans and information submitted to Council on 5 November 2014 and except where varied by the following conditions of consent.
- (4) Development shall take place in accordance with the recommendations of the following reports:
- (a) "Amended (2) Statement of Environmental Effects for Proposed Intensive Livestock Agriculture Poultry Farm" prepared for James Muscat dated November 2014.
  - (b) "Broiler Farm Management Plan" submitted in November 2014.
  - (c) "Muscat Odour Assessment – Calpuff Modelling, Muscat Hydroponics" prepared by Pacific Environment Limited (Job No. 08081B) dated 29 September 2014, specifically Section 8 Mitigation Measures.
  - (d) "Tunnel Ventilation Poultry Sheds, 440 Cawdor Road, Noise Assessment, Muscat Hydroponics" prepared by Pacific Environmental Limited (Job NO. 09313) dated 30 October 2014, specifically Section 6 Recommendations.
  - (e) "Statement of Heritage Impacts, Proposed 440 Cawdor Road, Cawdor – in the Vicinity of Methodist Church, Cemetery and Parsonage, 445 Cawdor Road, Cawdor" prepared by Rappoport Pty Ltd (Job No.2214) dated October 2014.
- (5) In the event of an inconsistency of detail between the relevant plans and *elevations* the details shown in the *elevations* shall take precedent.
- (6) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (a) Within the footprint of an approved building, access driveway or other structure; or
- (b) Within three (3) metres of the footprint of an approved building; or
- (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition **Tree Clearing** has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan, 2011.

- (7) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.
- (8) Pedestrian access shall be provided from the poultry sheds to the amenity facilities approved by Development Consent 010.2014.00000392.001. The pedestrian path shall not cause any non-compliance with any recommendation from any impact assessment reports subject of Condition 1(4).

The pedestrian path shall be constructed to be compliant with the Disability Access to Premises – Buildings) Standards 2010 to provide all employees, contractors, subcontractors and the like access to such facilities. Details shall be forwarded to the Nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

- (9) Prior to the issue of a Construction Certificate a Vegetation Restoration Plan (VRP) shall be prepared shall have regard to the Cumberland Plain Recovery Plan prepared by the Department of Environment, Climate Change and Water (January 2011). The plan shall provide the following:
  - (a) The VRP must be must be prepared by a practicing and qualified Member of the Australian Association of Bush Regenerators or an environmental consultant or bush regenerator with theoretical and practical experience in bushland restoration and management. A Certificate IV in Conservation and Land Management is required as a minimum.
  - (b) The VRP shall cover the period for ten (10) years following the commencement of any additional clearing for the development.
  - (c) The VRP shall apply to an area no less than 3.8 hectares. The area shall be located as close as possible to existing remnant vegetation onsite (located in the southern portion of the site). Existing areas of remnant vegetation cannot be included in the restoration of the site required by the VRP.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (d) The VRP shall identify the area to which it applies on a map at a scale of 1:2000 or larger. The locations of corner points of this area shall be identified on a table of Australia Map Grid Coordinates.
- (e) The VRP shall identify the techniques and materials required for the remediation of the site. The VRP shall include:
- Area to be allowed for naturally regenerate
  - Areas required replanting
  - Species to be planted (including numbers to be planted)
  - Weed control techniques to be implemented
  - The years in which all techniques shall be implemented
  - A monitoring and reporting program.
- (f) All bushland/native vegetation restoration shall be carried out to best practice standards in accordance with “Recovering Bushland on the Cumberland Plain: Best Practice Guidelines for the Management and Restoration of Bushland (DECC 2005)”.
- (g) Actions shall be consistent with related environmental legislation and policies, including, but no limited to the Threatened Species Conservation Act 1995 and the National Parks and Wildlife Act 1975.
- (h) All revegetation shall use native (local provenance) species that would have formed part of the vegetation community found onsite. The source of the seed and plans to be used in the VRP shall be identified in the VRP.

*(Reason: to restore and rehabilitate the Cumberland Plain Woodland vegetation removed without development consent in accordance with the requirements from the NSW Office of Environment and Heritage.)*

- (10) Prior to the issue of the Construction Certificate, the submission of the appropriate instruments under the Conveyancing Act 1919 (e.g. Section 88B) with the linen plan to create the following restrictions as to User on the lots and responsibilities on future owners:
- A conservation zone shall be established over all that land subject to Conditions 1(9).
  - The conservation zone shall not be used for the erection of buildings, grazing, clearing of land, vehicle paths, dams, asset protection zones or any other similar purpose.
  - Any fencing within the conservation area must be limited to 1.2 metres in height, fixed posts and no more than three strands of plain (not barbed) wire to allow for movement of native animals.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

The Section 88E Instrument shall contain a provision that it may not be extinguished or altered except with the Consent of Wollondilly Shire Council. Details of the Restriction as to User shall be indicated on the Subdivision Certificate and on the Certificate of Title for the land.

- (11) The restoration and rehabilitation works required by the Vegetation Restoration Plan (VRP) shall commence after the issue of the Construction Certificate and completed prior to the issue of the Occupation Certificate.

## **2. BUILDING DESIGN**

**These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.**

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development.
- (2) Any above ground water storage tanks shall be coloured or painted in earthy tones to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (3) All stationary noise generating equipment within the sheds shall be located as far as practical from property boundaries to maintain amenity levels in accordance with Control 2, Section 2.5.4 Noise, Odour and Dust, Wollondilly Development Control Plan 2011 Volume 2.

## **3. CONSTRUCTION GENERAL**

**These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.**

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by the Nominated Accredited Certifier (NAC).
- (2) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Excavated area/s adjacent to the building shall be retained and drained to prevent the subsidence of the excavation and/or entry of surface water to the building. Where the retaining wall exceeds 600mm in



**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

height, plans and specifications of the retaining wall shall be submitted and approved before construction commences, and where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.

- (4) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

**Accredited sewage management facility** means a sewage management facility to which Division 4 of Part 2 of the *Local Government (General) Regulation 2005* applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

**Approved by the Council** means the subject of an approval in force under Division 4 of Part 2 of the *Local Government (General) Regulation 2005*.

**Sewage Management Facility** has the same meaning as it has in the *Local Government (General) Regulation 2005*.

- (5) Prior to the issue of any construction certificate, sufficient information must be forwarded to the Principal Certifying Authority illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the Nominated Accredited Certifier (NAC) Council's Development Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (6) The proposed structure shall not interfere with the existing sewage management system.
- (7) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate and for the life of the development.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (8) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- (9) If the soil conditions require it:
- (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) Adequate provision must be made for drainage.
- (10) There shall be no burning of builders' rubble, felled trees or other material on site.

**4. ENGINEERING & CONSTRUCTION SPECIFICATIONS**

**These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:**

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans, for sealed access driveway, car parks, manoeuvring area, Westbrook Road upgrade works and stormwater drainage construction, shall be submitted to the Nominated Accredited Certifier (NAC). The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.
- (3) Where Council's Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to Principal Certifying Authority within 7 days. A NATA registered laboratory shall carry out the tests. When testing for density, the Standard Compaction testing method is to be used.

Failure to submit test results may result in Council refusing to issue completion certificates and hence may result in additional works being required.

- (4) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council and for Public

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Roads the twelve (12) months is dated from the date of registration of the road as public Road. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with council's Construction Specification for all work that is to become the property of Council.

- (5) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to the Nominated Accredited Certifier (NAC). The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by Principal Certifying Authority with the Engineering Plans.
- (6) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to the Nominated Accredited Certifier (NAC). The safety precautions are to be in accordance with the requirements of the RTA's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RTA certification and provided to the Principal Certifying Authority before the issue of a Construction Certificate for development.
- (7) Engineer's Certification shall be provided to the Principal Certifying Authority for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.

**5. DRAINAGE/STORMWATER**

**These conditions have been imposed to ensure drainage/stormwater is appropriately managed.**

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) All drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and relevant Australian Standard AS3500 except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2005.
- (3) The applicant shall provide stormwater drainage generally shown on the drainage plans by DMC, ref sheet nos. 11513A civils (1-5) dated March 2012 Details shall be submitted to the Nominated Accredited Certifier (NAC) for approval prior to the issue of Construction Certificate.
- (4) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

natural or constructed stormwater drainage system. A piped drainage system shall be provided to convey runoff from storms up to the 5% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

- (5) The disposal of excess water from the rain water tanks and/or other detention systems subject of this consent shall be directed to either an absorption trench or a rubble drain prior to dispersal onto land.

(Reason: to reduce water velocities any erosion cause by water runoff and the like).

- (6) Water from the rainwater tanks and other detention systems shall, wherever practical, be reused onsite. Such water shall be treated to remove particulates and other laden material before reuse.
- (7) No roof, storm and/or surface water runoff is permitted to be directed towards the vegetation within the conservation area subject of Condition 1(10).

**6. ACCESS**

**These conditions have been imposed to ensure**

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**
- (1) All truck movements shall only be from Westbrook Road.
- (2) The applicant shall construct a maximum 8 metre wide bitumen sealed access driveway from Westbrook Road to and including the shed manoeuvring area in accordance Council's Design & Construction Specifications.

The access shall be constructed to connect with Westbrook Road at a right angle to the property boundary. Details shall be shown on the engineering plans for approval by the Principle Certifying Authority prior to the issue of a Construction.

- (3) The internal access roads shall be constructed with an all-weather gravel standard. Details shall be shown on the engineering plans for approval by the Nominated Accredited Certifier (NAC) prior to the issue of a Construction certificate.

**7. PUBLIC ROADS**

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

**These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.**

- (1) Provision of a minimum 7.2 metres vehicular Access to the site through the construction of piped culvert crossings in accordance with Council's Construction Specifications.

**Note:** Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council. Prior to the construction of the crossing, approval shall be obtained from Council's Infrastructure Planning Section.

- (2) The applicant shall upgrade Westbrook Road from Cawdor Road to the proposed access road, which includes:
  - (a) Widening the road pavement by a minimum 1.5 metres on the southern side of Westbrook Road to provide a minimum 6.5 metres wide bitumen sealed road including edge repairs to the bitumen seal on the northern side of Westbrook Road.
  - (b) Widen and bitumen seal the road pavement opposite the access to Westbrook Road for heavy vehicle turning paths. Show the turning paths on the engineering plans for approval prior to the issue of a Construction Certificate.
- (3) The engineering plans for Westbrook Road shall be approved by Council as the road authority prior to the issue of a Construction Certificate by the Nominated Accredited Certifier (NAC).
- (4) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (5) The access gate shall be set back not less than 10 metres inside the front boundary.

#### **8. EROSION AND SEDIMENT CONTROL**

**These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.**

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining bays, rivers, creeks, streams, gutters or drains.
- (6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (7) All excess material shall be removed from the site. The spreading or stocking piling of excess material on site is not permitted.

**9. EARTH FILL**

**These conditions have been imposed to ensure the safe disposal of fill:**

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.
- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (4) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (5) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (6) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.
- (7) Cut shall be limited to only one (1) metre and fill shall be limited to only one (1) metre.

**10. INSPECTIONS**

**These conditions have been imposed to ensure that construction works are undertaken to an approved standard.**

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
  - Footings and pier holes before pouring of concrete
  - Structural steel work before covering
  - Stormwater drainage before backfilling
  - Completion of the building work before occupation or use.
- (2) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
  - Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
  - When drainage lines have been laid, jointed and bedded, prior to backfilling
  - Prior to pouring of the drainage pits, when the formwork and steel is in place
  - Prior to pouring of the road drainage culverts, when the formwork and steel is in place
  - When roadworks have been excavated to subgrade, prior to placing of pavement
  - When subsoil drainage lines have been excavated and drainage pipe laid prior to placing filter material
  - During the roller test, which is to be carried out using a three point roller or approved equivalent
  - At sealing
  - Prior to placing of seal in the car parks , when pavement in place
  - At practical completion of works.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours' notice is required for inspections where Council is the Principal Certifying Authority.

- (3) If the Nominated Accredited Certifier (NAC) notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the NAC.

### 11. SERVICES

**These conditions have been imposed to ensure that an adequate level of services are provided for the development:**

- (1) Prior to the commencement of any plumbing and/or drainage work where Wollondilly Shire Council is the appropriate regulatory authority, separate approval must be obtained under Section 68 of the Local Government Act 1993.
- (2) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Co-ordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.

- (3) All power and services within the site shall be underground.

### 12. WASTE MANAGEMENT

**These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:**

- (1) A Waste Management Plan is to be submitted to the Nominated Accredited Certifier (NAC) for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.



**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by the Nominated Accredited Certifier (NAC) in response to Condition 12(1).

**13. OCCUPATION & USE**

**These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:**

- (1) The total stocking rate for the farm shall not exceed 81,000 birds at any time at any time.
- (2) The poultry sheds shall not be occupied as a residence or domicile.
- (3) The disturbed areas surrounding the building work shall be reinstated to the Principal Certifying Authorities satisfaction upon completion of the work.
- (4) The premises shall be maintained in a clean and tidy state at all times.
- (5) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (6) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- (7) The use of the poultry farm development shall be operated so that the use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to an "offensive odour" as defined in the Protection of the Environment Operations Act, 1997.

**Offensive odour** means an odour:

- (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.
- (8) The poultry sheds shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (9) The use of the sheds shall be managed in such a way as to not cause offensive noise or odours to neighbouring properties.
- (10) Cleaning and vermin control shall be carried out in accordance with the information submitted to Wollondilly Shire Council forming part application and approval.
- (11) All manure and spent litter is to be taken from the property in covered loads to prevent spillage of contents. New shavings are to arrive on the site in covered loads and spent litter shall be removed from the sheds at the removal of each batch of birds from each shed and replaced with fresh shavings.
- (12) At no stage shall spent litter be retained on the property.
- (13) Night-time pick up of birds shall not take place between the hours of 10pm and 7am, except where permitted by Condition 13(14).
- (14) Bird pickups are permitted between 10pm and 12am, but only during extreme weather conditions. The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 13(13).
- (15) Bird pickups shall only be undertaken from the northern end of each shed.
- (16) The proposed sheds shall incorporate dust and odour mitigation measures consistent with the existing sheds on the property.
- (17) All deliveries and collections for the site, other than the pickup of birds for processing, shall take place between 7am and 5pm Monday to Saturday inclusive. No deliveries or collections shall occur on Sundays or Public Holidays.
- (18) All feed, seed and odorous materials shall be stored in sealed containers.
- (19) All deceased chickens shall be frozen and removed from the property by a waste contractor. Details shall be included in the Waste Management Plan subject of Condition 12(1) and provided to the

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

Nominated Accredited Certifier (NAC) prior to the issue of the Construction Certificate in this regard.

This consent does not permit the burying of any deceased birds onsite.

- (20) Wherever practical, the operation of the development shall have regard to the Department of Primary Industries *"Best Management for Meat Chicken Production in NSW"* guidelines and/or subsequent documents produced by the authority.
- (21) All feeding troughs and self-feeders shall be designed to minimise any spillage that can contribute to odour generation.
- (22) Appropriately silenced fork lifts and other service type vehicles shall be used during any night time operations.
- (23) Shed curtains and/or shutters shall be used during clean outs to minimise dust impacts on adjoining landowners and/or occupiers.
- (24) The type of litter material chosen for the shed floors shall have regard to its ability to reduce dust impacts.
- (25) The landowner(s)/operator(s) of the poultry farm shall ensure the water tanks and other water detention systems are de-sludged when required to remove the build-up of any solids to ensure that the drainage system is operating efficiently.
- (26) Prompt and safe disposal of feed by-products is to be arranged where recycling is not possible so as to avoid the harbouring of vermin. Details in this regard shall be included in the Waste Management Plan prior to the issue of the Construction Certificate.
- (27) Truck speeds within the site shall be no greater than 10km/h for any movements permitted by this consent after 5pm (refer to Conditions 13(13) and 13(14) (i.e. bird pickup evenings). A suitable sign shall be erected within the property access gate so that all drivers and the like are advised.
- (28) All forklifts shall have governor mechanisms fitted to limit vehicle speeds and exhaust systems shall be upgraded to reduce any excess noise generation. A logbook shall be kept on each vehicle to ensure compliance with this condition.
- (29) When not in use, vehicles shall not be left idling.
- (30) All lighting around the development subject of this consent shall be installed and lights internally directed so as to not cause any impact to adjoining and nearby landowners and/or cause nuisance to passing motorists along public roads.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (31) No manure or other refuse is permitted to be stored externally of any shed at any time.
- (32) All surrounding neighbours must be informed, in advance, of the night time collection and batch delivery dates and times throughout the year.
- (33) All sheds, mechanical equipment, fans, foggers and feed systems are maintained to minimise the generation of mechanical noise and the likelihood of off-site vibration.
- (34) The moisture content of the poultry litter within the sheds shall be monitored and maintained between 15 to 30% to avoid odour generation.
- (35) All feed, seed and odorous materials shall be stored in silos and or sealed containers.
- (36) If Council receives three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of odour from the subject property or three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of dust complaint from the subject property and such complaints are verified by Council in accordance with applicable and acceptable industry standards and practices to have arisen from the use of the subject property, then the owners will comply with all such reasonable directions as may be given by Council (after consultation by Council with the owners) with the objective of ameliorating the said impacts.
- (37) All sheds, mechanical equipment, fans, foggers, pneumatic feed systems (feed and water systems), fittings and vehicles must be effectively maintained to minimise odour, dust and noise impacts to the surrounding neighbours.
- (38) All sheds must be cleaned and disinfected after each batch. Clean out shall not be undertaken when climate factors (wind and temperature) increase the likelihood of offensive off site odour or dust impacts.
- (39) All manure and spent litter is to be removed from the property immediately following the clean out of each shed in covered loads to prevent spillage of contents. New shavings are to arrive on the site in covered loads and placed within each shed floor prior to delivery of each new batch of chickens. Spent litter shall be removed from the sheds at the removal of each batch of birds from each shed and replaced with fresh shavings.
- (40) At no stage shall spent litter/manure be retained or stockpiled on the property.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

All dead birds must be removed from the sheds on a daily basis and stored within the freezer unit until collection.

- (41) All waste and litter from the Poultry Farm must be collected and disposed of appropriately by a suitable waste transporter and facility licensed by the EPA (Protection of the Environment Operations (Waste) Regulation 2005).
- (42) Facilities (including feed and litter storage areas) must be constructed and maintained to restrict the entry of wild birds, rodents, and other pests or animals that could cause distress or transmit diseases to birds.
- (43) The Poultry Farm must incorporate an Emergency/Contingency Plan to appropriately deal with mass bird deaths, welfare issues, impacts on surface and natural watercourses and the spread of diseases.
- (44) All feed, seed and odorous materials shall be stored in sealed containers and in dry storages areas to prevent fermentation.

**14. SIGNS**

**These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.**

- (1) An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act.
- (2) No advertising flags or banners or the like are to be erected on or attached to the shopfront.
- (3) No advertising flags or banners or the like are to be erected on or attached to Council's footpaths, street lights or telegraph poles.

**15. HERITAGE**

**These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.**

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

**16. LANDSCAPING**

**These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.**

- (1) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by the Nominated Accredited Certifier (NAC) prior to the release of the Construction Certificate. This plan must include the following:
- (a) All existing and proposed site structures.
  - (b) All existing vegetation.
  - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
  - (d) Location, number and type of proposed plant species.
  - (e) Details of planting procedure and maintenance.
  - (f) Details of drainage and watering systems.
  - (g) Provision of only native species that are endemic to the region.
  - (h) Details of compliance with the landscaping requirements of other conditions of this consent.

**NOTE:** By resolution of Council on 19 July 2010 all plants used in landscaping must be native species endemic to the area and the planting of conifers is not permitted.

- (2) The Landscaping Plan required by Condition 16(1) shall incorporate the following:

Location	Requirements
Site Boundaries	Three (3) rows of vegetation to be established and maintained. Landscaping shall include a mixture of trees, shrubs and groundcovers endemic to Wollondilly.
Around and in between the poultry sheds	To be grassed, similar to existing turf onsite.
Earth banks	To be grassed, similar to existing turf onsite.
Open stormwater drains	To be grassed, similar to existing turf onsite.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

It is noted that a Statement of Landscaping Report has been submitted with the Development Application; however, an amended plan shall be submitted for approval to comply with the above and the following requirements.

- (3) The mature height of all tall species shall be no less than two (2) metres and spaced so at maturity they impede direct line of sight from neighbouring allotments and public areas.
- (4) Tree planting associated with this consent shall not impede the area used for onsite sewage disposal.
- (5) Prior to the issue of any Occupation Certificate, all exposed earth areas throughout the site, all existing and any drainage swales constructed in association with this consent and all areas between the sheds shall be seeded and grassed. Such areas shall be maintained for the life of the development.
- (6) All plantings are to be in groups, consist of advanced stock (apart from Eucalyptus species) and are to be a minimum of 12m from sheds (other than tunnel ventilated sheds) to allow adequate air movements.
- (7) Planting on natural ground shall be undertaken along the south, east and northern boundaries. No earthen mounds are permitted to be constructed along these property boundaries in order to preserve the rural landscape character, particularly with regard to the adjoining items of local heritage significance and to reduce any further impacts upon remnant Cumberland Plain Woodland vegetation.
- (8) Landscaping is to be installed in accordance with the approved Plan prior to the release of the Occupation Certificate. The landscaping must be maintained in accordance with the details provided on that Plan for the life of the development.

**17. WEED MANAGEMENT**

**These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.**

- (1) All preliminary weed treatment measures identified in the Vegetation Restoration Plan subject of Condition 1(9) shall be carried out prior to the release of the Occupation Certificate and for the life of the development.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

**18. SECTION 94 CONTRIBUTIONS**

**These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.**

- (1) A Section 94A Developer Contribution of \$11,000 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2011 based on an estimated construction cost of \$1,100,000.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011. The contribution is to be paid prior to the release of the Construction Certificate.

**19. ENVIRONMENT – VEGETATION MANAGEMENT**

**These conditions have been imposed to protect Endangered Ecological Communities. Threatened Species in accordance to those Scheduled under the Threatened Species Conservation Act 1995.**

- (1) No works are to be undertaken within 5m radius of the drip zone of the tree(s) or vegetation nominated for retention subject Condition 1(12).
- (2) Earthworks are not permitted within a 5 metre radius of the drip zone of nominated or significant trees referred to in Condition 19(1).
- (3) Precautions must be adequately adopted to minimise the impact around the identified significant vegetation. Soil is not to be built up around the drip zone around significant vegetation referred to in Condition 19(2).
- (4) Works shall be undertaken in such a manner so as to minimise disturbance to the designated conservation area. Accordingly, a fence shall be provided between the works area and the conservation area from the commencement of works and for the life of the development.
- (5) The fence around the vegetation referred to in Condition 19(2) must be stock proof, but consist of plain wires to allow for native fauna movements.

**20. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.**

**These conditions are imposed as they are mandatory under the Act.**

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989



**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*.
  - (b) in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
- (2) This clause does not apply:
  - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (1A) applies.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:
  - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

**Note:** There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.

- (2) SIGNS TO BE ERECTED ON BUILDING, SUBDIVISION AND DEMOLITION SITES
  - (1) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
    - (a) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

- (b) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
  - (c) Stating that unauthorised entry to the work site is prohibited.
- (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

**ADVICES**

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc. that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) The following service providers should be contacted before commencement of construction to establish their requirements:
- Dial before you dig (various services) 1100
  - Telstra (telephone) 1 800 810 443
  - Endeavour Energy (electricity) 131 081
  - AGL (gas) 131 245
  - Sydney Water (water & sewer) 132 092.
- (3) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for civil works.**
- (4) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise" as defined in the Protection of the Environment Operations Act, 1997.

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

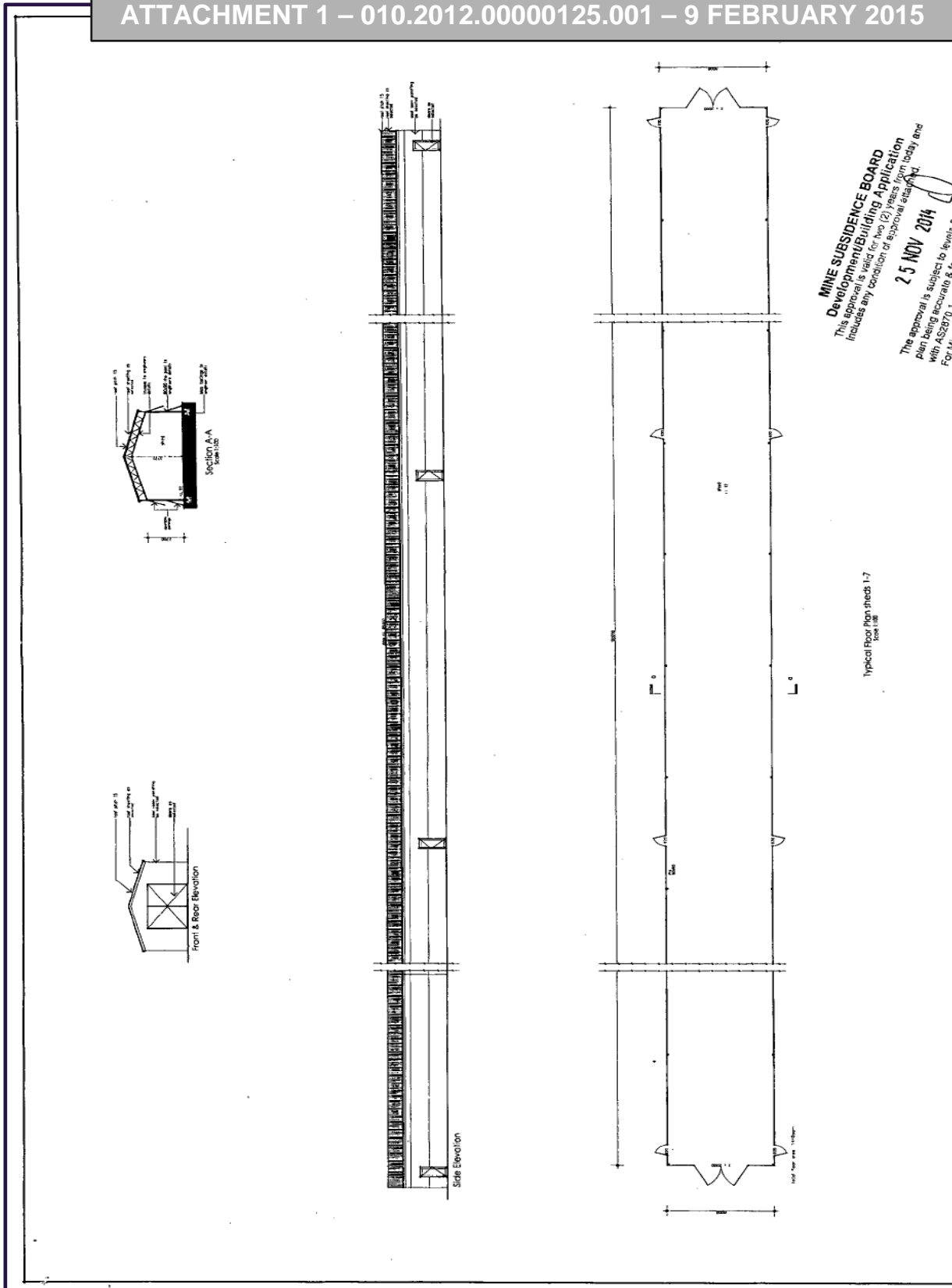
**Offensive noise** means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
    - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
    - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
  - (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (5) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (6) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
- Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
  - Workers Compensation Insurance.
  - Twenty Million Dollar Public Liability Insurance.
- (7) Removal of additional vegetation including trees, shrub species and groundcovers requires dual approval of both Council and Local Land Services (formerly the Catchment Management Authority).
- (8) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 with regard to the preservation of trees and vegetation.

Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at [www.wollondilly.nsw.gov.au](http://www.wollondilly.nsw.gov.au) or at Council's offices at 62-64 Menangle St, Picton.

PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor

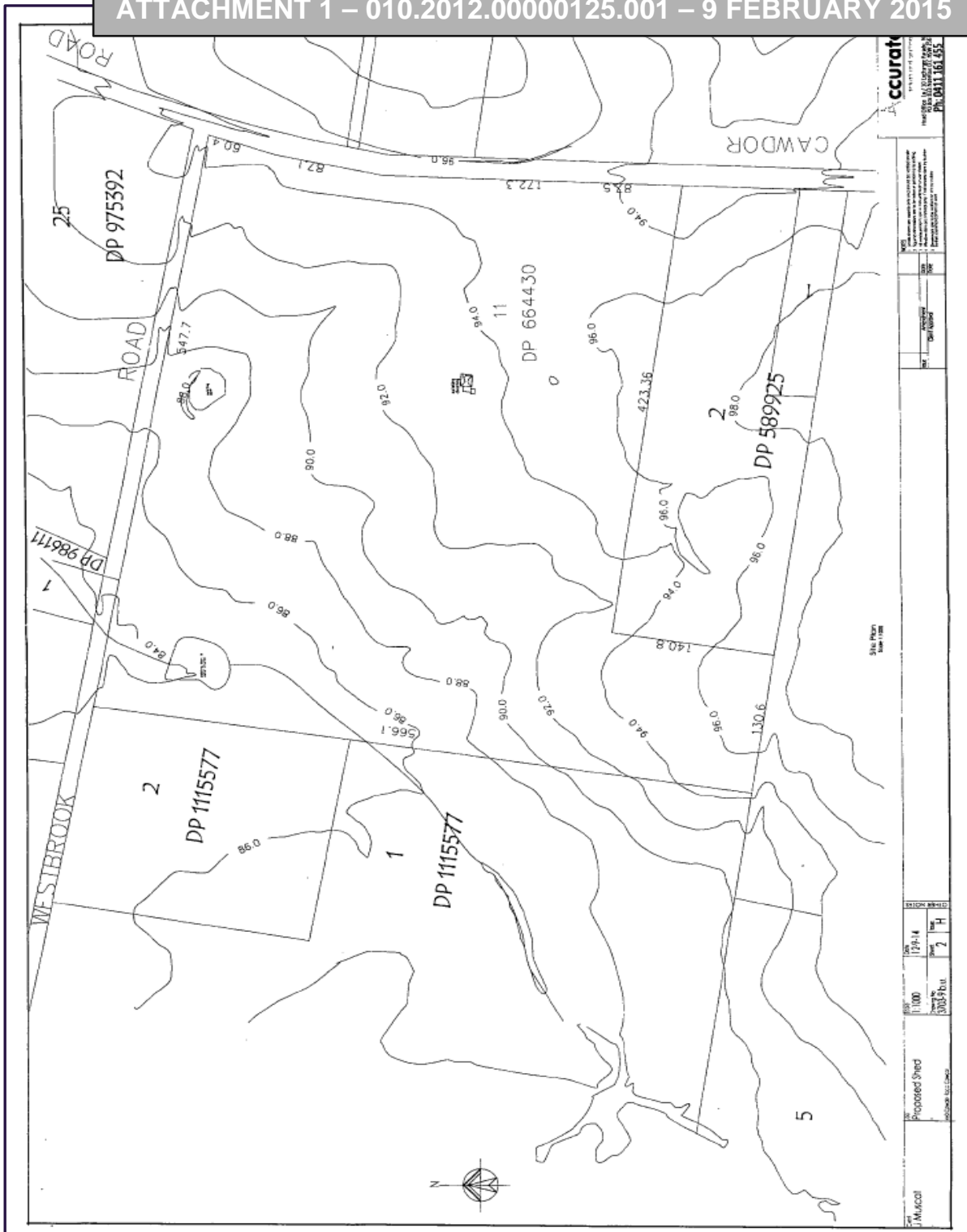
ATTACHMENT 1 – 010.2012.00000125.001 – 9 FEBRUARY 2015



Planning & Economy

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

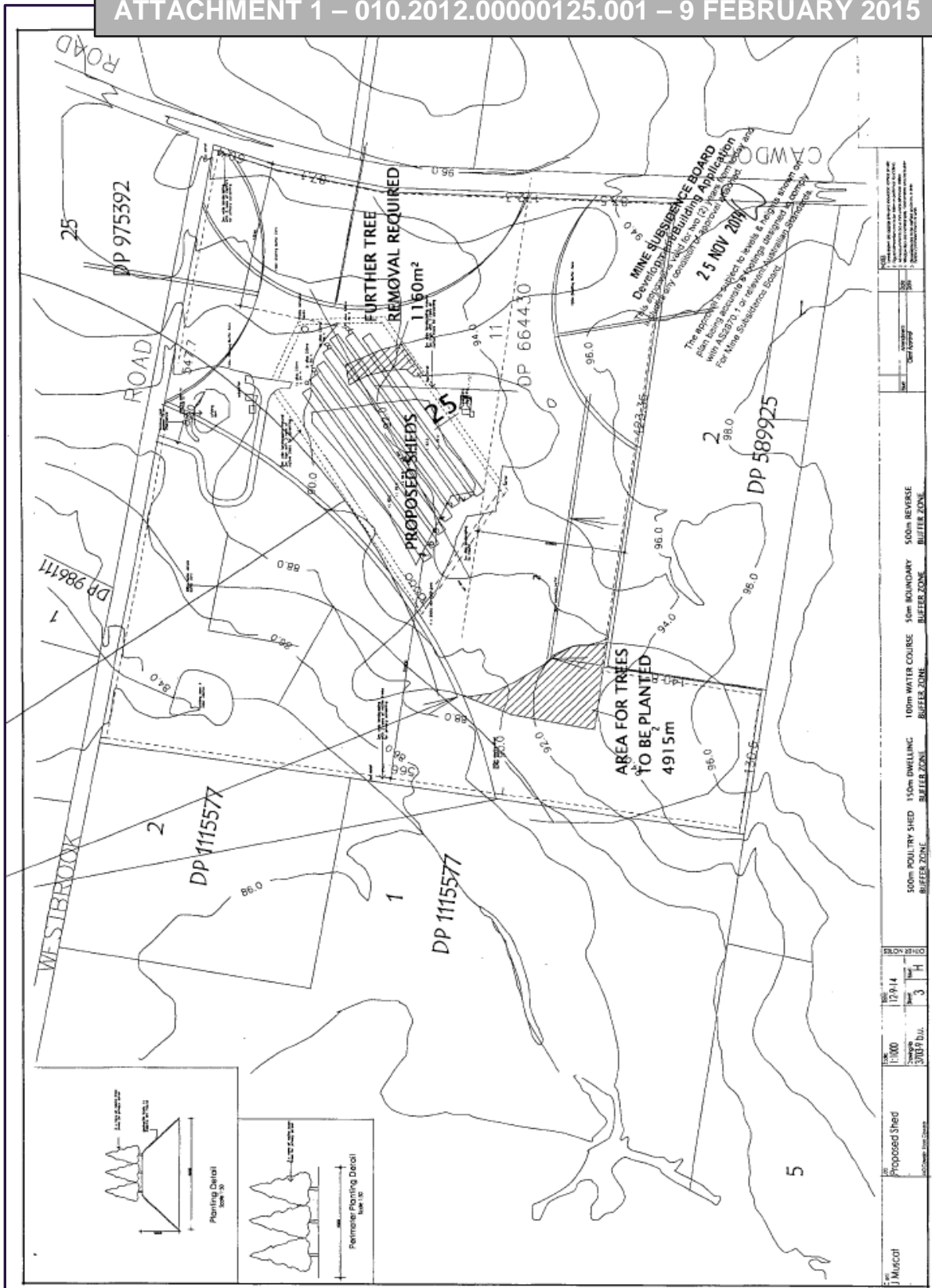
**ATTACHMENT 1 – 010.2012.0000125.001 – 9 FEBRUARY 2015**



Planning & Economy

PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor

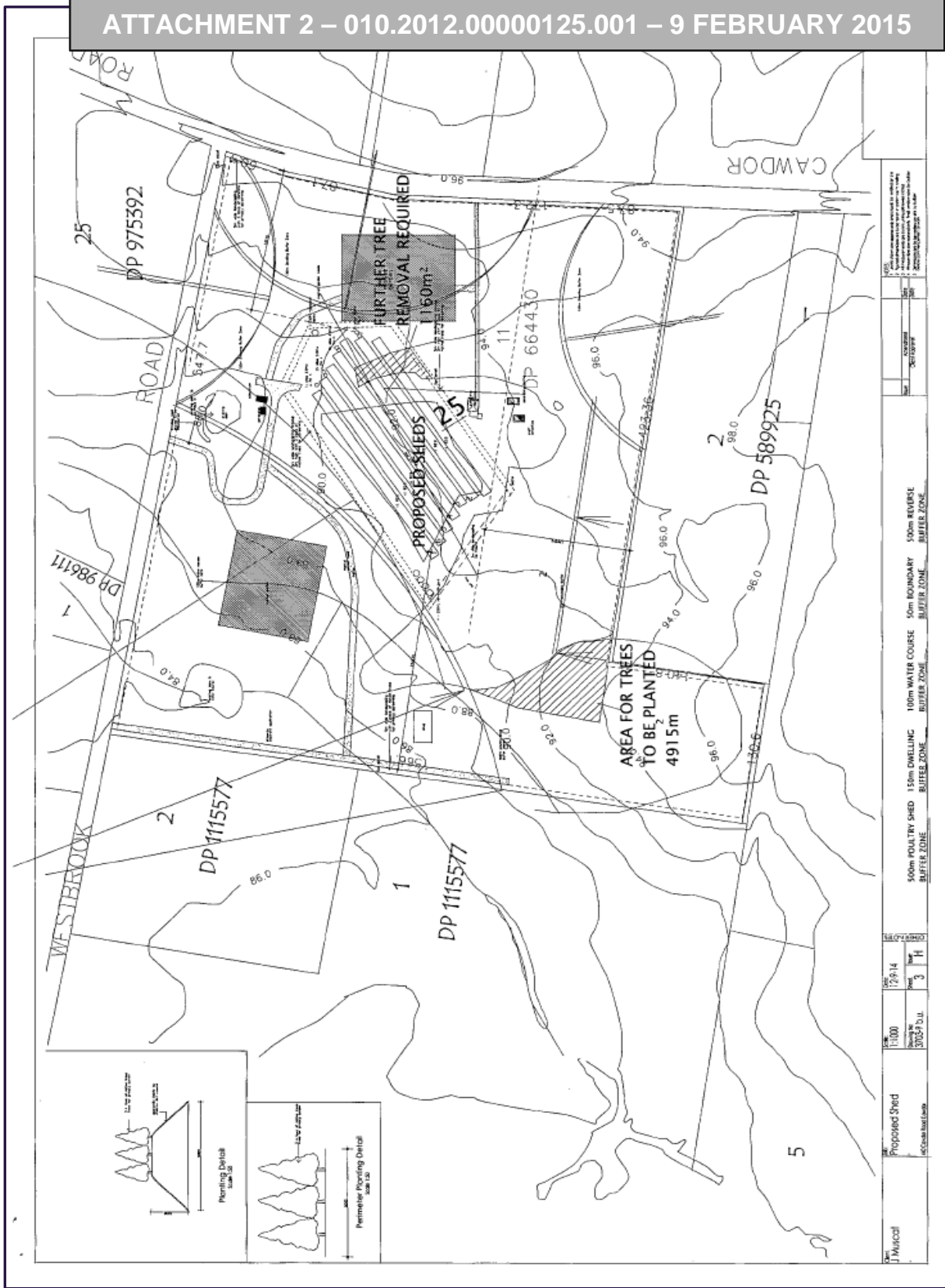
ATTACHMENT 1 – 010.2012.00000125.001 – 9 FEBRUARY 2015



Planning & Economy

**PE1 - Poultry Farm - 440 Cawdor Rd, Cawdor**

**ATTACHMENT 2 – 010.2012.00000125.001 – 9 FEBRUARY 2015**



Planning & Economy

**PE2 – Modification of Consent relating to Wollondilly Library**

PE2

**Development Application No. 010.2014.00000242.002 - Modification of Consent relating to alterations and additions to the Wollondilly Library, Public Domain Works, Ancillary Use of Local Emergency Operations, Identification Signage and Tree Removal at 44 - 60 Menangle Street, Picton**

1006

DD010.2014.00000242.002

**Applicant: Wollondilly Shire Council**  
**Owner: Wollondilly Shire Council**

**EXECUTIVE SUMMARY**

- An Application to Modify Development Consent has been received by Council for changes to the Wollondilly Library.
- Consent is sought to make minor internal and external building changes and to stage the works into two (2) stages.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that the application be approved subject to conditions.

**REPORT**

On 23 December 2014, an Application to Modify Development Consent 010.2014.00000242.001 relating to alterations and additions to the Wollondilly Library was received by Council. Minor internal and external building changes are proposed and also to stage the development in two (2) stages.

The application proposes the following:

a) Undertake the works in the following stages:

- Stage 1: Library building and laneway upgrade
- Stage 2: Public domain upgrade.

Comments: The consent is recommended to be modified as outlined in the recommendations attached to this report.

b) The following internal and external building alterations to the approved plan are being proposed:



**PE2 – Modification of Consent relating to Wollondilly Library**

Item	Details	Status	Alternative Option	Assessment Comments
1	Roof fall arrest system	Remove		No objection to plan amendment
2	Timber louver feature roof	Remove		No objection to plan amendment
3	Front awning roof	Replace	Replace with steel portal frame with no cladding panel	No objection to replacement item
4	Galvanised roof access ladder	Remove		No objection to plan amendment
5	Timber clad ceiling feature battens to central bulkhead	Replace	Replace with recycled hardware	No objection to replacement of item
6	Zip boiling water unit (2 offs)	Reuse	Reuse the existing oiling units - 2 offs	No objection to reuse of equipment
7	Dishwasher	Replace	Replace with an existing dishwasher	No objection to replacement of equipment
8	Concrete paving for external landscaping	Replace	Replace with exposed aggregate	No objection to replacement of equipment
9	Wollondilly Library carpet signage on Level 1	Remove		No objection to plan amendment
10	All remaining signage	Remove	Except SG04 and SG07	No objection to removal of signage
11	Roller blinds in a multipurpose room	Remove		No objection to plan amendment
12	Ceiling grid channel and ceiling tiles on Level 1	Retain	Retain with low kerbed gardens	No objection to plan amendment
13	Bollards (4 offs) - external	Remove		No objection to plan amendment
14	Planter boxes	Replace	Retain with low kerbed gardens	No objection to replacement of planter boxes
15	Metal screens to bin store and rear access	Remove		No objection to plan amendment
16	Hot water system	Retain	Retain existing 50L HWS	No objection to retention of existing system

**PE2 – Modification of Consent relating to Wollondilly Library**

Item	Details	Status	Alternative Option	Assessment Comments
17	Line markings	Remove		The removal of the painted chevron defining pedestrian access on the raised platform within the delivery dock area is supported. The raised access already provides sufficient separation between delivery vehicles and pedestrians
18	Precast wheel stops	Remove		Concerns raised
19	Landscape public art delineation pads	Remove		No objection to plan amendment
20	Fire protection to west side columns	Remove		No objection to plan amendment
21	Concrete pavers from a breakout space	Replace	Replace with exposed aggregate concrete	No objection to replacement of pavers
22	New FHR hardware	Retain	Retain and relocate existing FHR hardware	No objection to retention of item

Planning & Economy

The planter boxes (Item 14) are proposed to be removed. The request to delete the installation of precast wheel stops is not supported. Precast wheel stops is therefore not supported. Precast wheel stops are simple preventative measures to ensure there will be no opportunity for any vehicle to climb into the pedestrian pathway located between the Wollondilly Shire Hall and the library building.

It is recommended Condition 9(4) of the consent remain as approved.

**CONSULTATION**

Referral	Outcome
Fire Safety Officer	No objection to amendments sought by the applicant

**PE2 – Modification of Consent relating to Wollondilly Library**

**FINANCIAL IMPLICATIONS**

Funding has already been allocated to the project under Council's Capital Works Program 2014/15.

**ATTACHMENTS:**

1. The amended plans of development.

**RECOMMENDATION**

That Development Application to Modify Development Consent relating to alterations and additions to the Wollondilly Library, Public Domain Works, Ancillary Use of Local Emergency Operations (EOC), Identification Signage and Tree Removal at Lot 100 DP 1184637, Nos. 44 - 60 Menangle Street, Picton, be approved and the development consent be amended as follows:

**1. COMPLIANCE**

**These conditions are imposed to ensure that the development is carried out in accordance with the conditions of consent and the approved plans to Council's satisfaction.**

**Both stages**

- (1) Development Consent is granted alterations and additions at Lot 100 DP 1184637, Menangle Street, Picton.
- (2) Development shall take place in accordance with the following plans:

Plan Title	Drawn By/Author	Plan Reference No	Dated
Cover Sheet	Webber Architects	02_01 Issue C	28/4/14
Ground Floor Plan	Webber Architects	03_01 Issue D	29/4/14
First Floor Plan	Webber Architects	03_02 Issue D	29/4/14
Site & Landscape Plan	Webber Architects	03_03 Issue C	29/4/14
Elevations A	Webber Architects	04_01 Issue D	29/4/14
Elevations B	Webber Architects	04_02 Issue D	29/4/14
Section A	Webber Architects	05_01 Issue C	28/4/14
Concept Stormwater Plan	Lindsay Dynan	10692 DA 01 & DA 02, Issue A	29/4/14

submitted in respect of Development Application No. 10.2014.242.1 except where varied by the following conditions:

**PE2 – Modification of Consent relating to Wollondilly Library**

**Stage 1 only**

- (3) The applicant shall provide a sample/finishes board (or note onto the street elevation), showing all external materials, profiles, finishes and to the Nominated Accredited Certifier (NAC) for approval of colours prior to release of a Construction Certificate.

**Both stages**

- (4) Development shall take place in accordance with the recommendations of the following reports:

Geotechnical Investigation Report prepared by Network Geotechnics, dated July 2013 (Ref: W07/2301-A Final). Access Report prepared by BCA Access Solutions, dated 28 April 2014.

- (5) No building Construction Certificate shall be issued unless a civil Construction Certificate has been issued.
- (6) Public risk/and Workers Compensation Insurance shall be obtained from a company approved by Council prior to the granting of any Occupation Certificate for the development and shall each indemnify Council for the sum of twenty million dollars (\$20,000,000).

The/each policy shall be in joint names of the centre management, Council and, when necessary, the Minister of the Department of Planning and Infrastructure.

The policies and all relevant receipts shall be lodged with Council, in the event of default, or if insurance coverage lapses for any reason then the approved use is to cease immediately and not commence until such time as Council specifically permits.

(Reason: this condition is imposed in accordance with the NSW Planning and Infrastructure Planning Circular BS13-001 "Safety of awnings over public lands" to ensure public safety.)

- (7) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).

**PE2 – Modification of Consent relating to Wollondilly Library**

- (8) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works.

The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

**2. INTEGRATED DEVELOPMENT**

**These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:**

**Stage 1 only**

- (1) The Approval issued by the Mine Subsidence Board dated 3 April 2014 are included as conditions of this Consent (Attachment A).

Note: The Mine Subsidence Board Approval will expire on 3 April 2016 and must be renewed if construction works have not been completed by this date.

- (2) The onus is on the person(s) having the benefit of the consent to demonstrate compliance with Condition 2(1) prior to the issue of any building Construction Certificate by the Nominated Accredited Certifier (NAC).

**3. BUILDING DESIGN**

**These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.**

**Stage 1 only**

- (1) All materials and colours to be used in the external construction of the proposed building shall be consistent throughout the total development.
- (2) The height of the building from natural ground level to the highest point of the building shall not exceed 9 metres.
- (3) The proposed lift design shall have a maximum overrun of 1m.

**PE2 – Modification of Consent relating to Wollondilly Library**

- (4) The entire development site shall comply with AS1428 in respect of accessibility for people with a disability.

Prior to the issue of any Construction Certificate under the Environmental Planning and Assessment Act, 1979, a certificate certifying compliance with this condition and prepared by a suitably qualified person must be provided to the Nominated Accredited Certifier (NAC) and a copy submitted to Council.

- (5) Sanitary and other facilities must be provided in accordance with the provisions of the Building Code of Australia.

- (6) The facility shall have visual alarms installed in accordance with AS2220.1, "Design for Access and Mobility" and AS2220 "Emergency Warning and Inter-Communication Systems for Buildings".

The alarm shall be arranged to flash in conjunction with the audible alarm.

- (7) External lighting must be solar powered and/or fitted with motion sensor devices and/or automatic timers to reduce the duration of light use.

- (8) A photovoltaic system with the capacity to generate 5kw shall be installed and be operational prior to the issue of the Occupation Certificate.

- (9) Awnings and veranda's overhanging the road verge and/or public footpath areas shall be cantilevered in design and construction.

A suitably qualified and practicing structural engineer and/or qualified builder shall ensure that the awning and/or veranda overhang is structurally adequate.

Details shall be submitted to the Nominated Accredited Certifier (NAC) demonstrating compliance with this condition prior to the release of any building Construction Certificate.

- (10) Any above ground water storage tanks shall be coloured or painted in earthy tones to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.

- (11) All overflow rainwater shall be integrated into the stormwater system to be approved by the Nominated Accredited Certifier (NAC) prior to issue of any civil Construction Certificate.

- (12) Service plant and equipment, air conditioning equipment and other roof mounted infrastructure shall be concealed and/or screened so as to not cause any visual impact when viewed from any public areas.

**PE2 – Modification of Consent relating to Wollondilly Library**

- (13) Any satellite dish shall be coloured so as to not form a dominant feature of the development.

Any satellite dish shall be located below the ridgeline of the development.

Details shall be provided to the Nominated Accredited Certifier (NAC) prior to the release of any Construction Certificate.

- (14) Non slip tiles shall be used throughout the development to reduce the incidence of slips and trip hazards.

Details shall be forwarded to the Nominated Accredited Certifier (NAC) for approval prior to the issue of any building Construction Certificate.

- (15) All facets of the development shall be constructed with energy efficient materials including recycled materials, where appropriate.

- (16) Full compliance with Part D of the Building Code of Australia is required for all new and existing paths of travel and exits in the library building. Full compliance with Part E of the Building Code of Australia is required for the existing building and new building work within and around the library. Full compliance with Part C of the Building Code of Australia is required for any new building work, and, for the eastern wall of the existing library building (including sealing of existing service openings), with the exception that only partial conformity is required for the existing first floor non-loadbearing wall framing on the east elevation in that any existing wall framing may be combustible, provided it is fitted with fire rated plasterboard internally achieving an FRL of 120/30/-, and non-combustible external wall cladding determined in accordance with C1.12 of the Building Code of Australia and/or AS1530.1 - 1994. External Columns on the east elevation are to be upgraded to achieve an FRL of 120/-/-. The proposed eastern awning shall be fully non-combustible.”

*(Reason: to address the requirements of cl 94 Environmental Planning & Assessment Regulation 2000.)*

#### **4. DEMOLITION**

**These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities and safe measures are implemented for demolition activities.**

##### **Stage 1 only**

- (1) All demolition works shall be undertaken by a licensed demolisher who is registered with Work Cover NSW. Details shall be submitted to the Principal Certifying Authority prior to the commencement of demolition works.

**PE2 – Modification of Consent relating to Wollondilly Library**

- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the Code of Practice for the Safe Removal of Asbestos (2nd Edition – National Occupational Health and Safety Commission) [NOHSC:2002(2005)], WorkCover NSW and NSW Department of Environment and Climate Change (DECC) requirements.
- (3) All demolition material shall be disposed of in accordance with a waste management plan approved by Wollondilly Shire Council.
- (4) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (5) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures including provision for:
  - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
  - Induction training for onsite personnel
  - Management of asbestos, contamination and other hazardous materials
  - Dust control
  - Disconnection of gas and electrical supply
  - The demolition shall not hinder pedestrian or vehicle mobility in the locality
  - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (6) Any work involving lead paint removal must not cause lead contamination of air or ground.

**5. CONSTRUCTION GENERAL**

**These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.**

**Both stages**

- (1) Construction shall not commence, nor any earthworks or placement of site sheds, prior to the issue of a Construction Certificate by the Nominated Accredited Certifier (NAC).



**PE2 – Modification of Consent relating to Wollondilly Library**

- (2) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
  - (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (4) Prior to the issue of any construction certificate, sufficient information must be forwarded to the Nominated Accredited Certifier (NAC) illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the PCA Council's Development Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (5) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate for the development.

**PE2 – Modification of Consent relating to Wollondilly Library**

(6) Protection of Public Places

- (a) If the work involved in the erection or demolition of a building:
- (i) Is likely to cause pedestrian or vehicular traffic in a place to be obstructed or rendered inconvenient, or
  - (ii) Building involves the enclosure of a public place.

A hoarding or fence must be erected between the work site and the public place.

- (b) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (c) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

- (7) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- (8) If the soil conditions require it:

- (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
- (b) Adequate provision must be made for drainage.

**6. ENGINEERING & CONSTRUCTION SPECIFICATIONS**

**These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public:-**

**Both stages**

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.

**PE2 – Modification of Consent relating to Wollondilly Library**

- (2) Engineering design plans for the civil alteration works and drainage construction, shall be submitted to the Nominated Accredited Certifier (NAC). The plans must be approved prior to the issue of a Construction Certificate for any works associated with this development. All levels are to be reduced to Australian Height Datum. Road design parameters shall comply with the requirements of Council's Design Specifications.
- (3) A certified "Works as Executed" plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted to Principal Certifying Authority before the final inspection for the Certificate of Practical Completion. The "Works as Executed" plan must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.
- (4) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Nominated Accredited Certifier (NAC). The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan is to be approved by the Nominated Accredited Certifier (NAC) with the Engineering Plans.
- (5) A "Traffic Management Plan" that details suitable safety measures that will be implemented whenever work is being undertaken in the public road reserve shall be submitted to the Nominated Accredited Certifier (NAC). The safety precautions are to be in accordance with the requirements of the RMS's "Traffic Control at Work Sites" manual. The plan is to be prepared and endorsed by a person with current RMS certification and provided to the Nominated Accredited Certifier (NAC) before the issue of a Construction Certificate for development. Where it is proposed to restrict speeds, the RMS requires that all applications for Directions to Restrict Speed (DTR) for work on any Council road by developers and their contractors be submitted to the RMS.
- (6) This consent authorises both engineering and building works to be undertaken. A separate Construction Certificate shall be issued for each category of works, that is, a separate Engineering Construction Certificate (for any on-site detention, inter-allotment drainage, public road works, etc) and a separate Building Construction Certificate (for all works relating to the erection and fit-out of a structure).

A CONSTRUCTION CERTIFICATE FOR THE CIVIL WORKS MUST BE ISSUED PRIOR TO THE ISSUE OF A BUILDING CONSTRUCTION CERTIFICATE WITH THE CERTIFIED PLANS OF THE CIVIL ENGINEERING WORKS ALSO INCORPORATED INTO THE BUILDING PLANS.

**PE2 – Modification of Consent relating to Wollondilly Library**

- (7) The applicant shall provide all civil alteration works generally as shown on the concept plan by Webber Architects ref no 2396 sheet nos: 02\_01, 02\_02, 03\_01, 03\_02, 03\_03, 04\_01, 04\_02 & 05\_01 dated 9 April 2014. Details of this shall be shown on the engineering plans for approval by the Principal Certifying Authority prior to the issue of Construction Certificate.
- (8) The civil alteration works shall comply with AS1428.1 “Design for access and mobility”.

Details shall be shown on the engineering design plans demonstrated that pedestrian access from the disable parking spaces shown on the plan by Webber Architects 03-03 dated 09 April 2014 to the civil alteration works complies with the requirements of the Australian Standard specified in this condition. Also, the access from the disability parking areas & Menangle St footpath to the Library facility and Shire Hall must comply with The Disability (Access to Premises- Building) standards 2010.

- (9) Engineer’s Certification shall be provided to the Principal Certifying Authority for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.

**7. DRAINAGE/STORMWATER**

**These conditions have been imposed to ensure drainage/stormwater is appropriately managed.**

**Both stages**

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) The applicant shall provide stormwater drainage generally as shown on the concept drainage plans by Lindsay Dynan ref sheet nos. 10692 A DA01 & DA02 dated 29 April 2014. The “new culvert” shown on these plans shall be designed with two levels of capacity. The section of “new culvert” or other stormwater drainage servicing the Library roof shall have a capacity for the 5% AEP flow off the Library roof with an allowance for the local surface catchment (if appropriate). The section of “new culvert” between the back of the Library and a suitable point at the front of the Library shall have a capacity for the 1% AEP flow off the upstream catchment (to Colden Street and Manolis Lane) and the Library roof (if appropriate). Details of this shall be shown on the engineering plans for approval by the Nominated Accredited Certifier (NAC) prior to the issue of Construction Certificate.

**PE2 – Modification of Consent relating to Wollondilly Library**

- (3) The person who has the benefit of this consent shall, at no cost to Council, carry out any necessary amplification or upgrading of the downstream system, including the negotiation and dedication of appropriate easements.
- (4) The ground surface around the Library building is to be graded and drained to direct surface water run-off away from the building and away from the Shire Hall.

**8. FLOODING**

**These conditions have been imposed to reduce the risk and implications of flooding for development works that are carried out in flood affected areas within the Shire.**

**Stage 1 only**

- (1) Any portion of a new structure below the Flood Planning Level shall be constructed of flood compatible (flood damage resistant) materials wherever practicable. Prior to the issue of a Construction Certificate by the Nominated Accredited Certifier (NAC), approval shall be obtained from Council, as the Floodplain Management Authority for the materials proposed in compliance with this condition.

**9. CARPARKING/LOADING/ACCESS**

**These conditions have been imposed to:**

- (a) **Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
- (b) **Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.**

**Both stages**

- (1) Sealed car parking spaces shall be provided for the proposed development as shown on the submitted plans.

Such spaces are to measure not less than 2.6m x 5.5m and are to be marked on the pavement in white line marking paint.

**PE2 – Modification of Consent relating to Wollondilly Library**

- (2) Two (2) of the required car parking spaces shall be reserved for people with mobility impairment in accordance Australian Standard AS2890.6. These spaces shall have dimensions as required by AS2890.1 and shall be appropriately signposted and marked on the pavement. These shall be located as close as practical to the library, with the location agreed to in writing by an independent access consultant and submitted to the Nominated Accredited Certifier (NAC) prior to the release of the Civil Construction Certificate.
- (3) Bicycle racks with a capacity for ten (10) bicycles and access thereto shall be provided for the proposed development.

Details shall be provided on the engineering design plans for approval by the Nominated Accredited Certifier (NAC) prior to the issue of any building Construction Certificate.

- (4) Wheel stops shall be provided to those nine (9) parking spaces located immediately rearward of the existing Public Toilets connected to the Shire Hall building as shown on the approved Ground Floor plan subject of Condition 1(2) in this consent.

**10. PUBLIC ROADS**

**These conditions have been imposed to ensure all public road works required by the development are provided to an adequate standard.**

**Both stages**

- (1) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (2) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at the applicant's expense.

**11. EROSION AND SEDIMENT CONTROL**

**These conditions have been imposed to minimise the impact of the Development on the environment and on adjoining properties.**

**Both stages**

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.

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- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

**12. EARTH FILL**

**These conditions have been imposed to ensure the safe disposal of fill:**

**Both stages**

- (1) All filling on the site, including footpath areas, shall be compacted to not less than 95% Standard Compaction.

A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Construction Specification by an appropriately qualified Geotechnical Engineer or Soil Scientist.

Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.

- (2) There shall be no encroachment onto adjoining lands by fill placed near boundaries.
- (3) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (4) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (5) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (6) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.

**PE2 – Modification of Consent relating to Wollondilly Library**

**13. INSPECTIONS**

**These conditions have been imposed to ensure that construction works are undertaken to an approved standard.**

**Both stages**

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:
- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
  - When drainage lines have been laid, jointed and bedded, prior to backfilling
  - Prior to pouring of the drainage pits, when the formwork and steel is in place
  - At completion of the preparation of all concrete layback gutter crossing subgrade
  - Prior to pouring concrete for concrete footpath/cycleway, when formwork and steel is in place
  - Prior to pouring vehicle crossing slabs, when formwork and steel is in place
  - Prior to pouring concrete to driveway/car park slabs, when formwork and steel is in place
  - At practical completion of works.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections where Council is the Principal Certifying Authority.

- (2) Where Wollondilly Shire Council is nominated as the Principal Certifying Authority, building works shall be inspected at the following stages of construction to ensure they comply with the Building Code of Australia and associated approvals:



**PE2 – Modification of Consent relating to Wollondilly Library**

- Footings
  - Pier holes before pouring of concrete
  - Steel reinforcing before pouring of concrete
  - Internal drainage before backfilling
  - External drainage before backfilling
  - Wet area damp proofing and flashing before lining
  - Stormwater drainage before backfilling
  - Bearers and joist inspection before flooring is fixed
  - Frame work before internal cladding or lining is fixed
  - Completion of the building work before occupation or use.
- (3) All plumbing and drainage works shall be carried out in accordance with the New South Wales Plumbing & Drainage Code of Practice and Australian Standard AS3500 except where otherwise provided in the Local Government Act 1993 and the Local Government (Approvals) Regulation, 2005.
- (4) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the PCA.

**14. SAFETY AND SECURITY**

**These conditions are imposed to ensure that the development is compliant with the Safer by Design principles.**

**Both stages**

- (1) CCTV surveillance cameras shall be installed in and around the premises, placed in strategic places such as the external entrance and exit doors. Captured CCTV images should be at ten (10) frames per second. The surveillance tapes shall be kept for a period of 30 days for viewing by the police upon request.
- (2) Public area lighting must be bright and even to permit facial recognition of approaching persons at 15m.
- (3) Public spaces external to the building and within the development site which are to be frequently used by staff and patrons are to be provided with lighting in accordance with the relevant Australian Standards and designed so as to not cause light spill and glare onto adjoining private property.
- (4) A Graffiti Management plan shall be submitted to the Principal Certifying Authority for approval prior to issue of an Occupation Certificate.

**PE2 – Modification of Consent relating to Wollondilly Library**

**15. WASTE MANAGEMENT**

**These conditions have been imposed to ensure that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises:**

**Both stages**

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application.
- (2) Space shall be provided within the waste collection facility for the collection of recyclable materials.

**16. OCCUPATION & USE**

**These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation:**

**Stage 1 only**

- (1) The approved hours of operation of the library are from 10am until 5pm Monday-Wednesday and Fridays, Thursdays from 10am to 6pm, Saturdays from 9am to 12pm and Sunday closed.

**Both stages**

- (2) The premises shall be maintained in a clean and tidy state at all times.
- (3) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (4) No retail activities shall take place from the site apart from the approved market activities that are approved under Development Consent No.10.2009.326.1 and the occasional sale of surplus/discarded books.

**Stage 1 only**

- (5) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.

**PE2 – Modification of Consent relating to Wollondilly Library**

**Both stages**

- (6) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
- (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
  - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (7) The building shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.

**Stage 1 only**

- (8) All plumbing fittings must be Triple A rated devices.
- (9) Connection to recycled and rain/tank water is required if serviced by a dual reticulation system for non-potable uses (i.e.: toilet flushing, irrigation, car washing, fire fighting and certain industrial purposes where applicable).

Details shall be provided to the Principal Certifying Authority demonstrating with this condition prior to the release of any Occupation Certificate.

- (10) Installation of 3 star WELS rated water efficient showerheads, 6 star WELS rated water tap outlets, 5 star WELS rated urinals and 4 star WELS rated toilet cisterns are required for all amenities.

Details shall be provided to the Principal Certifying Authority demonstrating compliance with this condition prior to the release of any Occupation Certificate.

**PE2 – Modification of Consent relating to Wollondilly Library**

**Both stages**

- (11) External lighting must be solar powered and / or fitted with motion sensor devices and / or automatic timers to reduce the duration of light use.

Details shall be provided to the Principal Certifying Authority demonstrating compliance with this condition prior to the release of any Occupation Certificate.

- (12) Downpipes, conduits, vents, air conditioning units and components shall be encased and/or otherwise integrated into the features of the building façade so as to not detract from the aesthetics of the development.

Compliance with this condition shall be demonstrated prior to the release of any Occupation Certificate.

- (13) All fixtures, fittings, floor surfaces, furniture and paths of travel must allow universal access.

- (14) All structures and furniture must be maintained in good order at all times.

- (15) Outdoor seating and eating areas operating outside daylight hours must ensure that the area is lit to the relevant Australian Standard for public outdoor spaces.

Details of such lighting shall be noted on the engineering design plans prior to the release of any building Construction Certificate.

- (16) Prior to the release of any Occupation Certificate, photovoltaic cells shall be installed in accordance with the approved plan subject of Condition 3(9) of this consent.

**17. SIGNS**

**These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.**

**Stage 1 only**

- (1) Full details of building identification signage and any other signage located on the site shall be submitted for approval prior to release of a Building Construction Certificate.

**PE2 – Modification of Consent relating to Wollondilly Library**

**Both stages**

- (2) No advertising flags or banners or the like are to be erected on or attached to Council's footpaths, street lights or telegraph poles.
- (3) All signage shall be fixed to the building in a secure and safe manner and in such a manner so that its removal will not cause irreversible damage to the building.
- (4) The signage approved as part of this development proposal must be maintained in good condition at all times to the satisfaction of Council.
- (5) At no time shall the intensity and hours of illumination of sign adversely affect the amenity of the neighbourhood. If in the opinion of Council the amenity of the neighbourhood is likely to be adversely affected the intensity and hours of illumination must be varied to ensure that this condition is complied with.

**18. HERITAGE**

**These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.**

**Both stages**

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

**19. LANDSCAPING**

**These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.**

**Stage 1 only**

**PE2 – Modification of Consent relating to Wollondilly Library**

- (1) An amended landscape plan shall be submitted to Council for approval. The amended plan shall replace the proposed native plant species with traditional exotic species that are consistent with the theme of a historic town centre and provide low allergenic flowers or scent (e.g. rosemary or gardenia or daphne instead of grevillea).

**Both stages**

- (2) Landscaping is to be installed in accordance with the approved Plan, subject to condition 19(1) prior to the release of the occupation certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.

**20 SECTION 94A CONTRIBUTIONS**

**These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.**

**Stage 1 only**

- (1) A Section 94A Developer Contribution of \$17,710.80 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2011 based on a 1% levy for non-residential development with a value exceeding \$200,000 and an estimated construction cost of \$1,771,081.00.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011. The contribution is to be paid prior to the release of the Construction Certificate.

**21 PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.**

**These conditions are imposed as they are mandatory under the Act.**

**Both stages**

- (1) Compliance with Building Code of Australia and Insurance Requirements under The Home Building Act 1989.
  - (a) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
    - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia;

**PE2 – Modification of Consent relating to Wollondilly Library**

- (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
- (2) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.

This clause does not apply:

- (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (b) to the erection of a temporary building, other than a temporary structure to which subclause (2) applies.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
- (a) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (b) construction certificate, in every other case.

Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

- (4) Signs to be erected on building, subdivision and demolition sites.
- (a) In accordance with Section 80A (11) of the Environmental Planning & Assessment Act, 1979, a sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
    - (i) Showing the name, address and telephone number of the Principal Certifying Authority for the work; and
    - (ii) Showing the name of the Principal Contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
    - (iii) Stating that unauthorised entry to the work site is prohibited.

**PE2 – Modification of Consent relating to Wollondilly Library**

- (b) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (c) This Clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.



PE2 – Modification of Consent relating to Wollondilly Library

ATTACHMENT 1 – 010.2014.0000242.002 – 9 FEBRUARY 2015

### WOLLONDILLY LIBRARY SHIRE COUNCIL ALTERATIONS AND ADDITIONS NO. 44-60 MENANGLE STREET PICTON, NSW, 2571 LOT 100 DP1184637

**RECEIVED AT COUNTER**  
14 JAN 2015  
BY: \_\_\_\_\_

**NOTE:**  
CONSTRUCTION TO COMMENCE WITHIN 12 MONTHS OF DATE OF ISSUE

**WALL TYPES**

W1A01	CONCRETE
W1A02	CONCRETE
W1A03	CONCRETE
W1A04	CONCRETE
W1A05	CONCRETE
W1A06	CONCRETE
W1A07	CONCRETE
W1A08	CONCRETE

**DRAWING REGISTER**

NO.	DESCRIPTION	DATE
01	COVER SHEET - SITE ANALYSIS	14 JAN 2015
02	GROUND FLOOR PLAN	14 JAN 2015
03	REFLECTED CEILING PLANS	14 JAN 2015
04	FURNITURE - EQUIPMENT PLAN	14 JAN 2015
05	ELEVATIONS	14 JAN 2015
06	SECTIONS A - B	14 JAN 2015
07	SECTION DETAILS	14 JAN 2015
08	STAIR DETAILS 1	14 JAN 2015
09	STAIR DETAILS 2	14 JAN 2015
10	INTERNAL ELEVATIONS - FINERY	14 JAN 2015
11	DETAILS	14 JAN 2015
12	DOOR WINDOW SCHEDULE	14 JAN 2015

**MT SPEC 9.0**

**MT SPEC 10.0**

**MT SPEC 11.0**

**MT SPEC 12.0**

**MT SPEC 13.0**

**MT SPEC 14.0**

**MT SPEC 15.0**

**MT SPEC 16.0**

**MT SPEC 17.0**

**MT SPEC 18.0**

**MT SPEC 19.0**

**MT SPEC 20.0**

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**MT SPEC 99.0**

**MT SPEC 100.0**

**LOCATION PLAN**

**WOLLONDILLY LIBRARY**

**WOLLONDILLY SHIRE HALL**

**STAGE 1**

**STAGE 2**

**EXISTING TUBULAR**

**FOR S96 SUBMISSION**

**webber architects**

**COVER SHEET - SITE ANALYSIS NO. 01**

**WOLLONDILLY LIBRARY**

**NO. 44-60 MENANGLE STREET, PICTON**

**DATE: 14 JAN 2015**

**SCALE: 1:100**

**DATE: 14 JAN 2015**

PE2 – Modification of Consent relating to Wollondilly Library

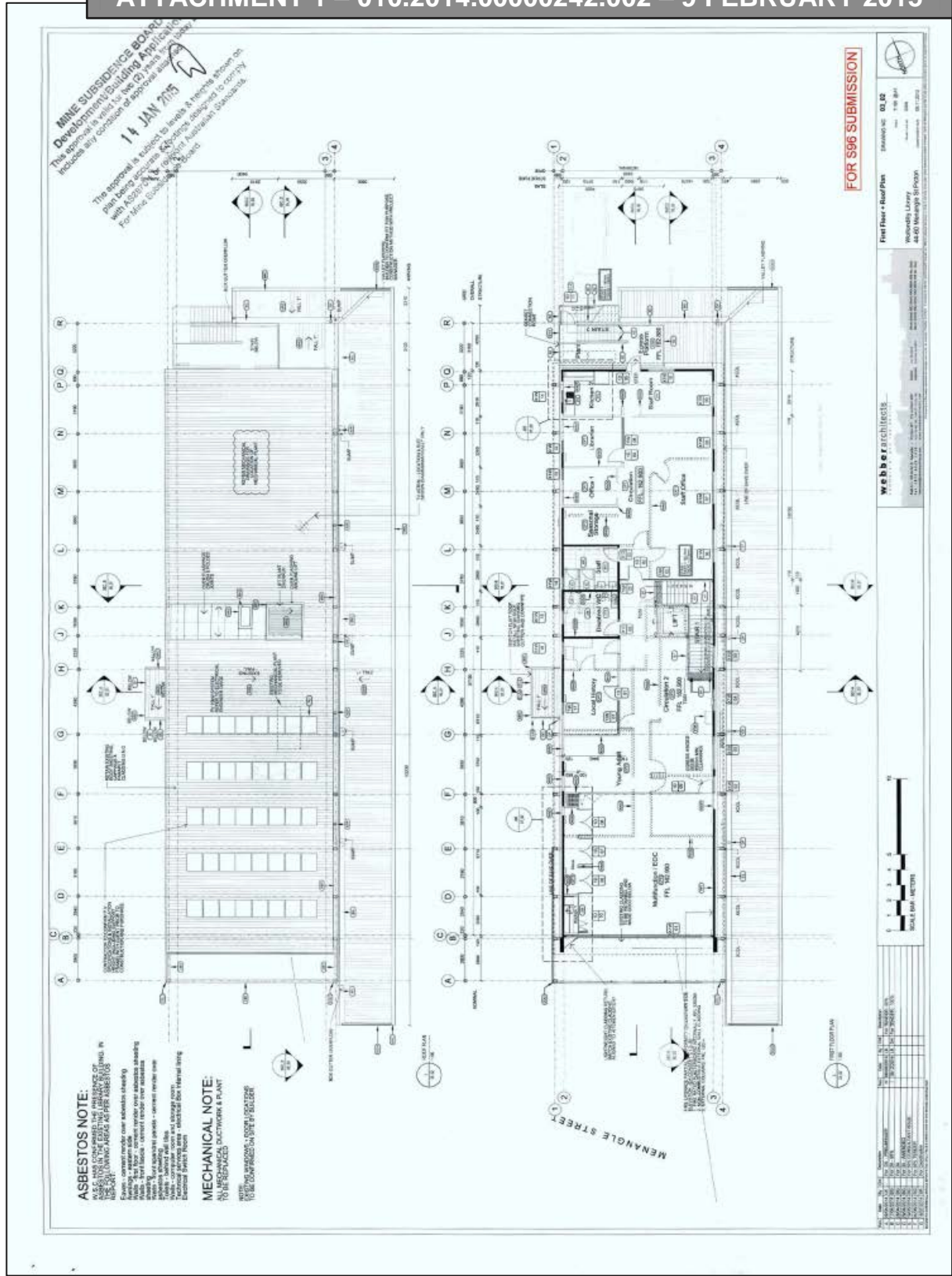
ATTACHMENT 1 – 010.2014.0000242.002 – 9 FEBRUARY 2015



Planning & Economy

**PE2 – Modification of Consent relating to Wollondilly Library**

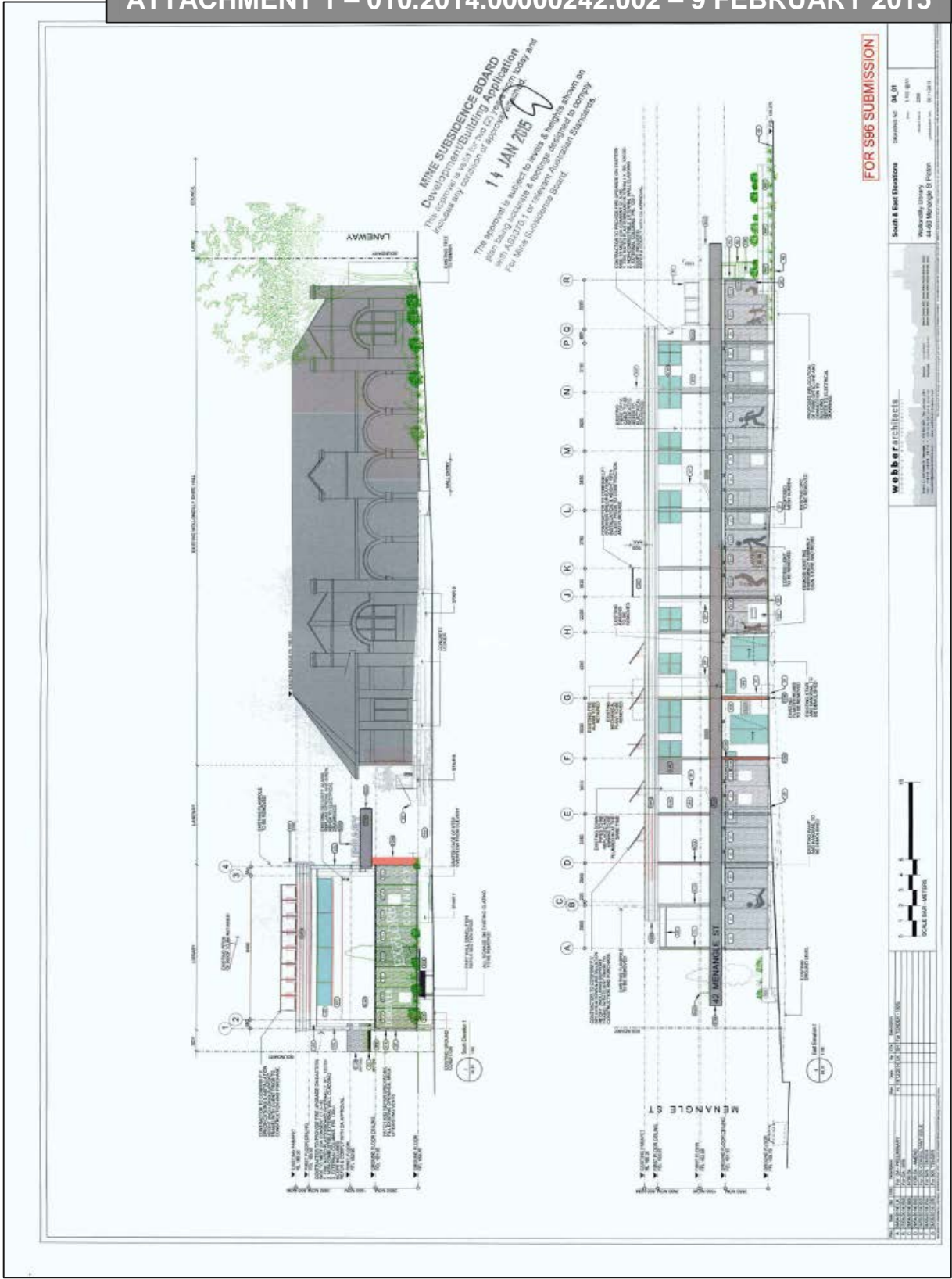
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Planning & Economy

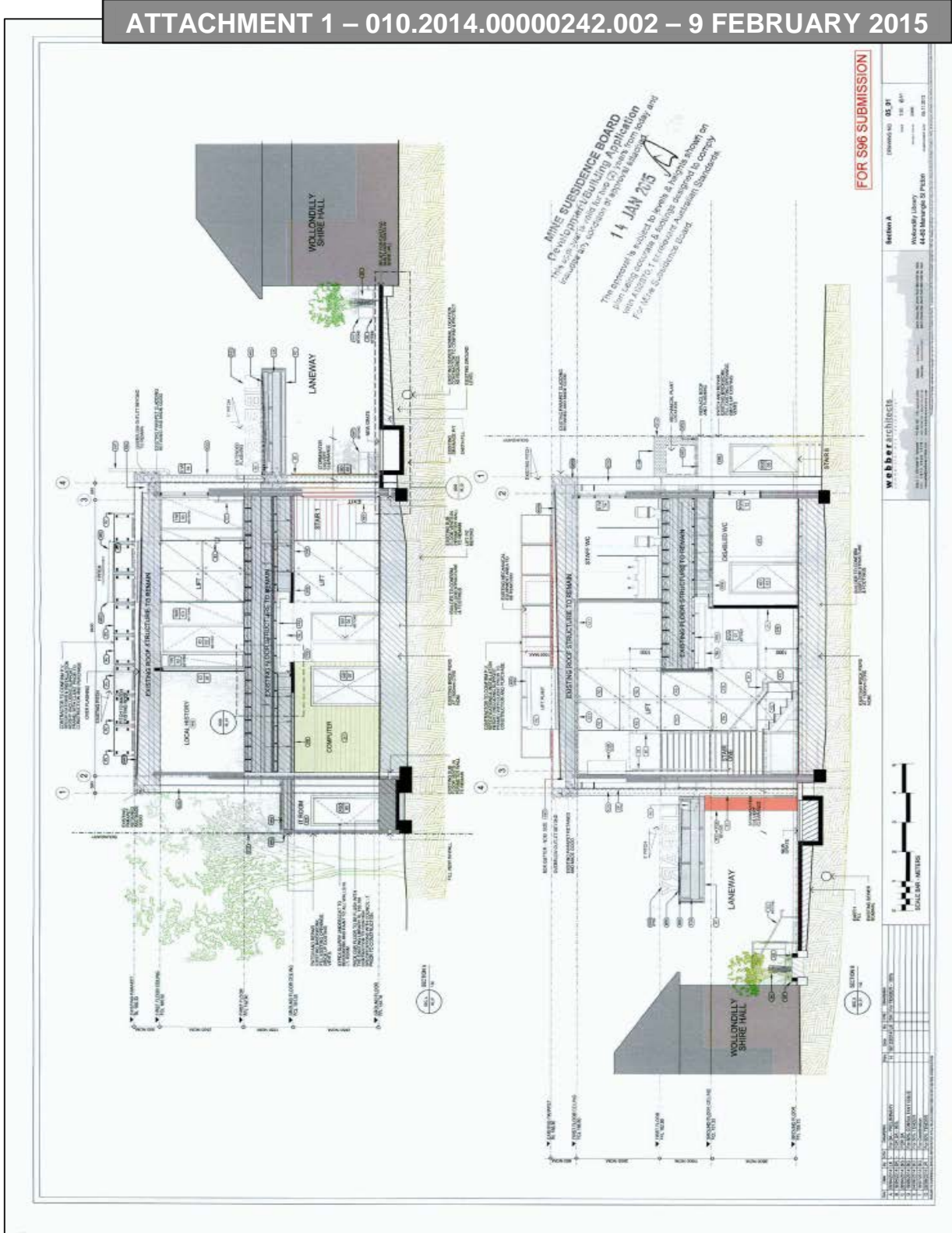
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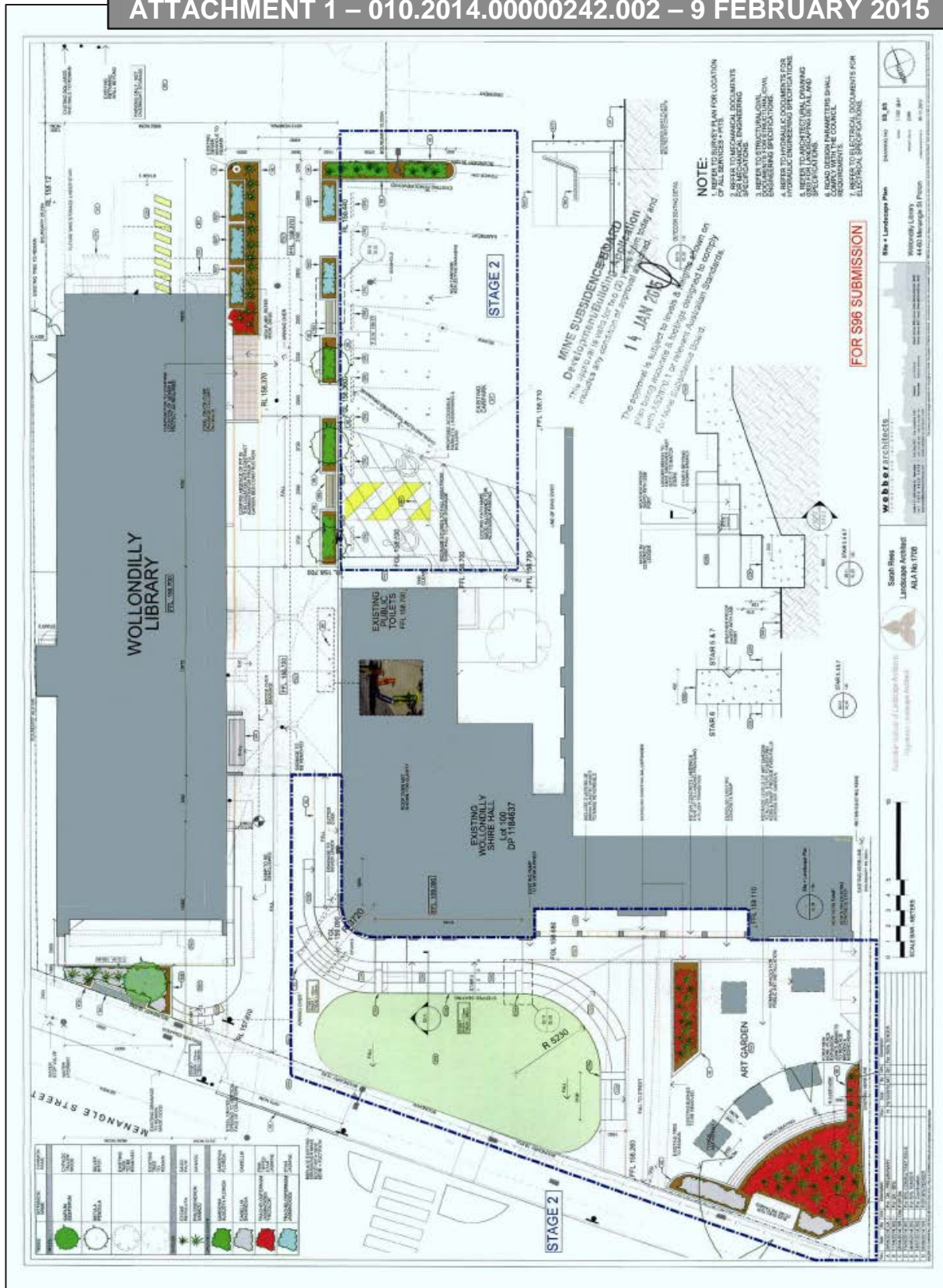
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**Planning & Economy**

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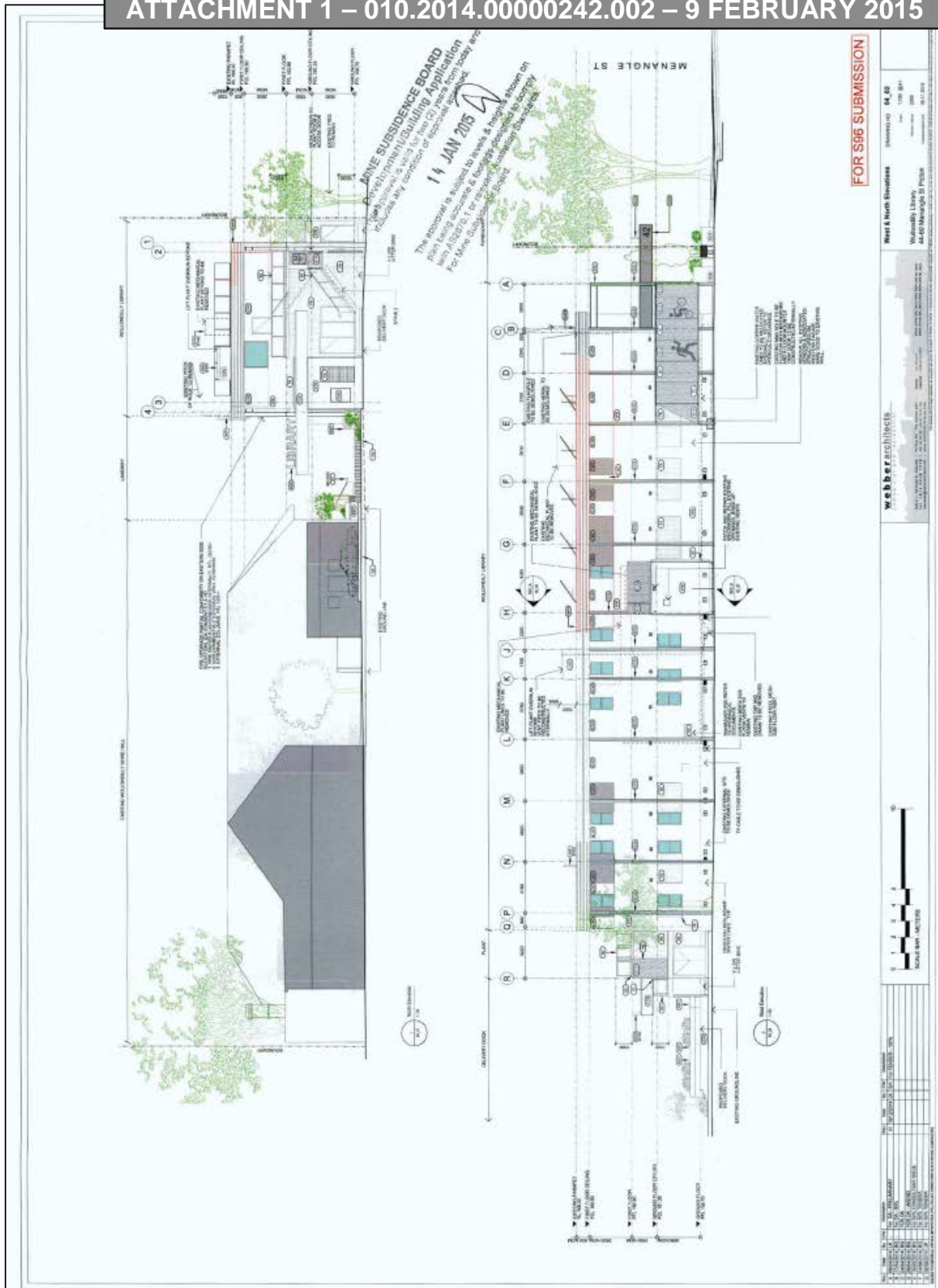
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Planning & Economy

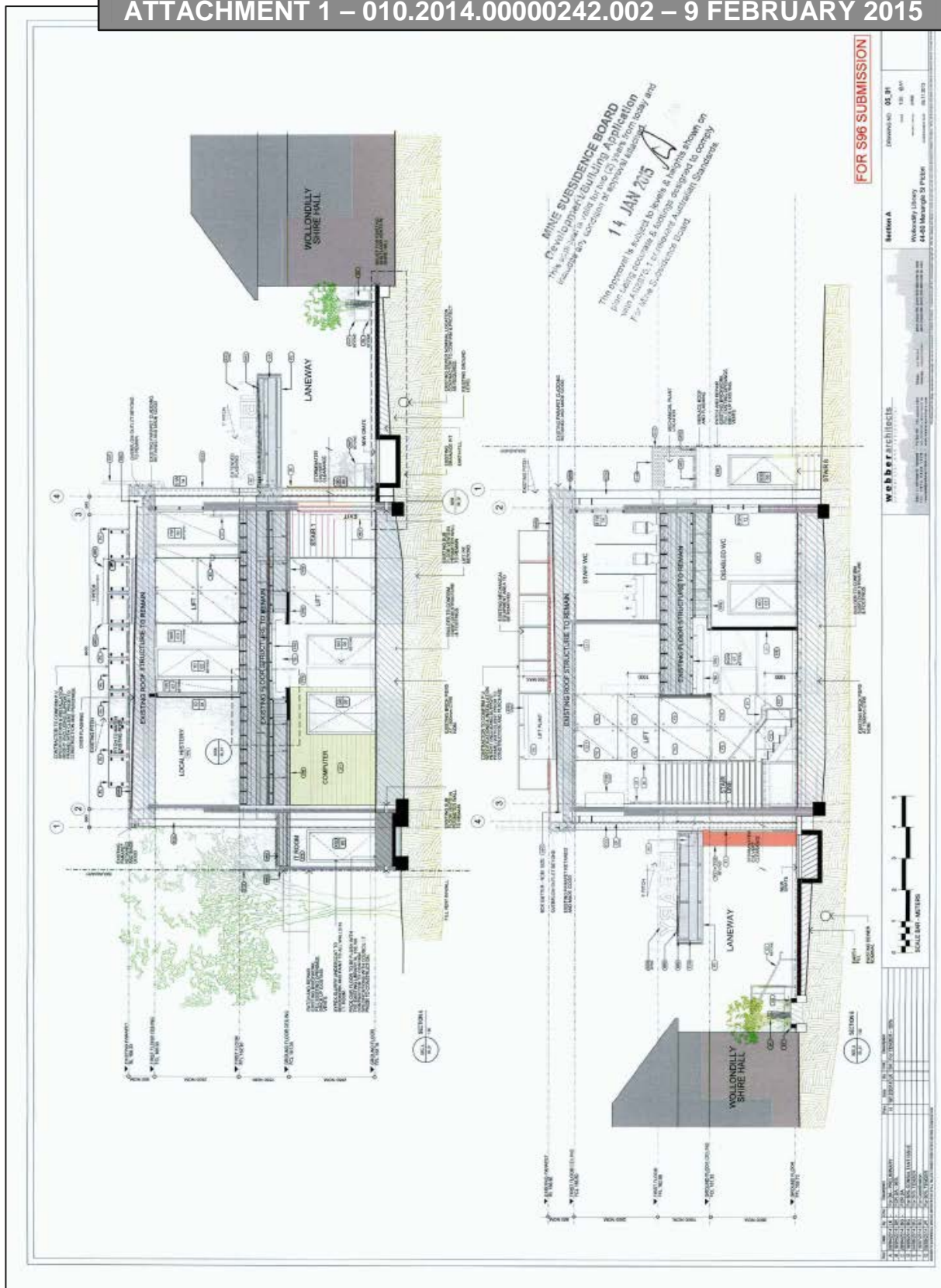
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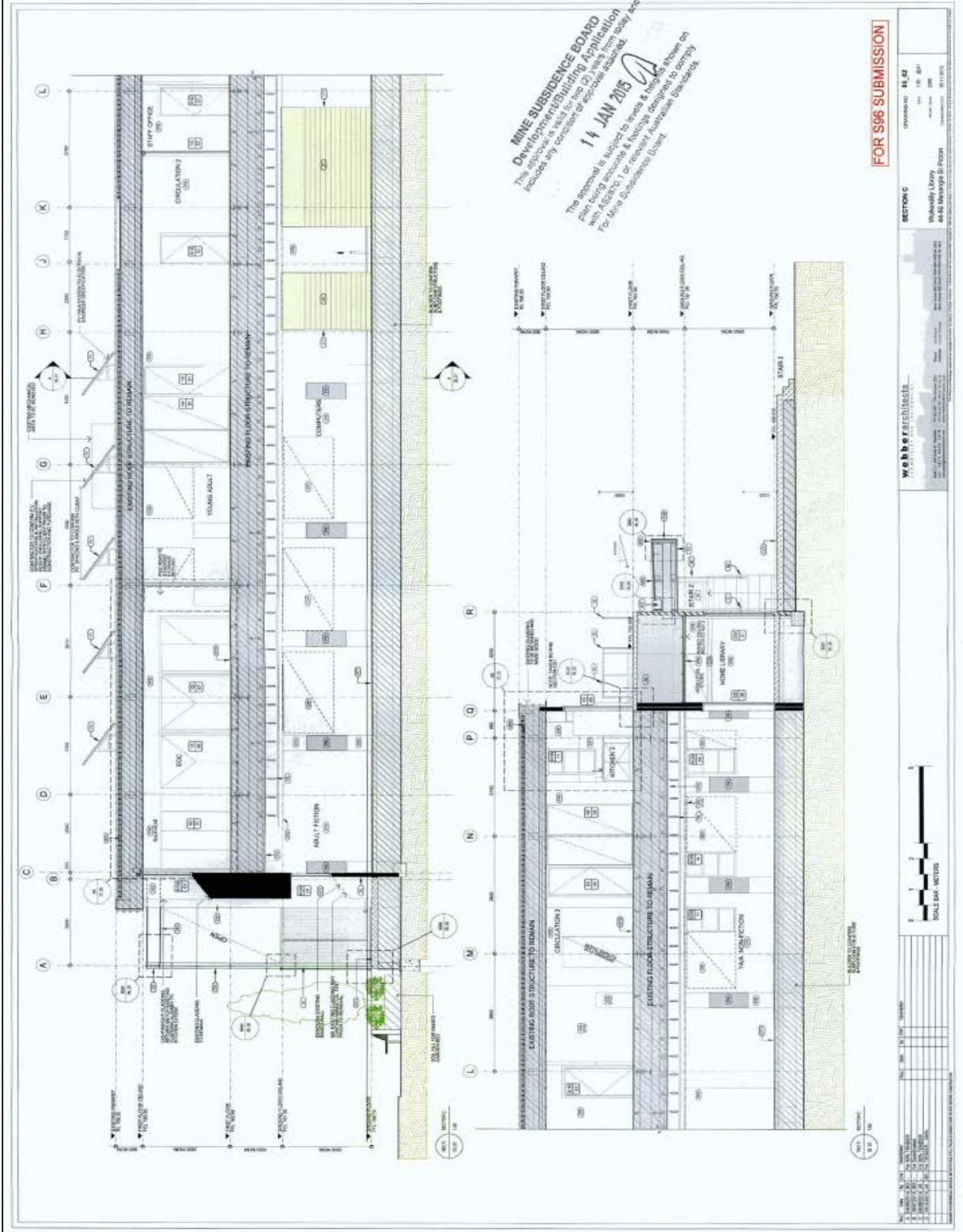


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**PE2 – Modification of Consent relating to Wollondilly Library**

**ATTACHMENT 1 – 010.2014.0000242.002 – 9 FEBRUARY 2015**



Planning & Economy

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

PE3

**Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

244936

TRIM 8290

**Applicant:** Council Initiated Planning Proposal  
**Owner:** Various

Stage	Completed
Preliminary notification	N/A
Gateway Determination	Not yet issued
Consultation with Public Agencies	Not yet completed
Specialist Studies	Not yet completed
Public exhibition/community consultation	Not yet completed
Referred to Minister for Publication	Not yet completed

**EXECUTIVE SUMMARY**

- This Planning Proposal seeks changes to Wollondilly Local Environmental Plan 2011 to permit dual occupancies (attached) with Council consent on rural zoned land and provide clarity on the requirements for disposal and management of sewage for dual occupancies (attached), rural workers dwellings and secondary dwellings.
- There have not been any disclosures of political donations made in regard to this application.
- It is recommended that:
  - Council support the preparation of a Planning Proposal to permit dual occupancies (attached) with Council's consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones and clarify sewer requirements by removing part (3) of clause 7.1 – Essential Services of Wollondilly Local Environmental Plan 2011.
  - The Planning Proposal be forwarded to the Minister for Planning for a Gateway Determination.
  - Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan. 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

**REPORT**

**1.1 DESCRIPTION OF PROPOSAL**

This draft Planning Proposal intends to amend Wollondilly LEP 2011 in the following manner:

- Permit dual occupancies (attached) with consent in rural zones (RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots); and
- Amend clause 7.1 of Wollondilly LEP 2011 to remove subclause 3 in order to clarify that if dual occupancies (attached), rural workers dwellings and secondary dwellings are permitted on land where reticulated sewer is not available (i.e. rural zones, the R5 Large Lot Residential zone and E4 Environmental Living zone), requirements for adequate disposal and management of sewage can be satisfied by adequate on-site wastewater disposal rather than reticulated sewer.

*Dual Occupancies (attached) in Rural Zones*

*Dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling” (Dictionary to WLEP 2011).*

- It is not proposed to alter the LEP in a manner that would permit rural dual occupancies to be subdivided below the minimum lot size.

There is an inconsistency between current planning controls and previous longstanding controls regarding dual occupancies (attached). This is due to the fact that dual occupancies (attached) were previously permitted under clause 15 - Conversion of buildings of the Environmental Planning and Assessment Model Provisions 1980 and their design was guided by draft amendment no.29 to Wollondilly Local Environmental Plan 1991. However, dual occupancies (attached) are now not permitted in rural zones under Wollondilly LEP 2011.

It was always Council’s intention to allow dual occupancies (attached) with consent in the rural zones in Wollondilly LEP 2011. Council had included dual occupancies (attached) as a permitted use with consent in rural zones in draft Wollondilly LEP 2011 (as exhibited and reported to Council for a resolution to send to the then Department of Planning for finalisation). However, dual occupancies (attached) were removed as a permitted use by the Department of Planning prior to LEP 2011 being finalised.

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

The prohibition of dual occupancies (attached) has created uncertainty for land owners, who perceive it inequitable that nearby land owners have been able to construct two dwellings on their property under the previous planning controls, but any land owner making a recent enquiry is not able to construct a second dwelling. Council receives a large volume of enquiries about building a second house on rural properties; however, land owners are only able to build secondary dwellings, which are limited to either 60m<sup>2</sup> or 25% of the floor area of the principal dwelling, whichever is the larger.

It has previously been established during the public exhibition of Wollondilly LEP 2011 that there is community support for the permissibility of dual occupancies (attached) in rural zones. Additionally, the comprehensive LEP 2011 was reported to Council in this format on 17 May 2010 and Council resolved to support the LEP and forward to the then Department of Planning for finalisation.

*Clarification of disposal of sewage provisions – for Dual Occupancies (attached), Rural Workers Dwellings and Secondary Dwellings.*

The proposed amendment to clause 7.1 of WLEP 2011 will assist in clarifying the requirement for the disposal of sewage for dual occupancies (attached) in rural and large lot residential zones, to accompany the abovementioned amendment.

As per the Council resolution in April 2012, there is an anomaly regarding the permissibility of rural workers dwellings and secondary dwellings where reticulated sewer is not available. This is proposed to be addressed by amending the wording of clause 7.1, to clarify that on-site effluent disposal is acceptable because reticulated sewer is not available.

*“Rural workers dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.” (Dictionary to WLEP 2011).*

A Rural workers dwelling is permitted with consent in Zones RU1 and RU2. Reticulated sewer is not available to land in Zones RU1 and RU2.

*“Secondary dwelling means a self-contained dwelling that:*

- (a) is established in conjunction with another dwelling (the principal dwelling), and*
- (b) is on the same lot of land as the principal dwelling, and*
- (c) is located within, or is attached to, or is separate from, the principal dwelling” (Dictionary to WLEP 2011).*

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

A secondary dwelling is permitted with consent in Zones RU1, RU2, R2, R3, R5, B4 and E4. Reticulated sewer may be available to some, but not all, land within Zones R2, R3 and B4.

Clause 7.1 requires the development assessment process to ensure that satisfactory arrangements are, or will be, made for essential services and states:

*“7.1 Essential services*

(1) *Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required:*

- (a) *the supply of water,*
- (b) *the supply of electricity,*
- (c) *the disposal and management of sewage.*

(2) *This clause does not apply to the following:*

- (a) *development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure referred to in this clause,*
- (b) *land to which Part 6 applies.*

(3) *In this clause:*

*disposal and management of sewage means the disposal and management of sewage in the form of a reticulated sewerage scheme:*

- (a) *that is provided to each separate lot proposed as part of the development, and*
- (b) *if a lot contains 2 or more dwellings, is for the purposes of dual occupancy, multi dwelling housing, residential flat buildings, attached dwellings and shop top housing.*

*reticulated sewerage scheme means a network of pipes that conveys sewage from dwellings to a treatment facility licensed or required to be licensed under the Water Industry Competition Act, 2006.”*

There is some concern that Clause 7.1 creates ambiguity as to the permissibility of rural workers' dwellings and secondary dwellings on land not serviced by a reticulated sewerage scheme. Throughout WLEP 2011 it is the intent that rural worker's dwellings and secondary dwellings are permissible with consent on sites which may or may not be serviced by a reticulated sewerage scheme.

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

This Council report stated that if the clause is to be changed it is a minor amendment for clarification purposes and does not change the intent of the LEP. The change is suitable for inclusion in a Housekeeping Planning Proposal.

Additionally, it has been discovered by Council staff that there is an anomaly within WLEP 2011 with regard to the permissibility of dual occupancies (attached) within the E4 Environmental Living zone. Clause 7.1 Essential Services requires reticulated sewer to be available for dual occupancies but reticulated sewer is not available in the E4 Environmental Living zone. Therefore, dual occupancies (attached) are effectively prohibited in the E4 zone.

This has resulted in the unintentional prohibition of dual occupancies (attached) in the E4 Environmental Living zone in relation to the requirement for the provision of reticulated sewer requires an amendment to clause 7.1 Essential Services. It was never intended for dual occupancies (attached) in the E4 Environmental Living zone to be required to be provided with reticulated sewer. Rather it was intended that they be provided with adequate disposal and management of sewage, which in this zone would be on-site effluent disposal because reticulated sewer is not available. This would be subject to assessment as part of a DA.

The proposed amendment would delete subclause (3) and in doing so would remove the ambiguity whilst retaining the desired outcomes of the clause.

**CONSULTATION**

**2.1 CONSULTATION WITH COUNCIL MANAGERS & STAFF**

No comments have been sought from Council staff at this point in time. This could be undertaken post-Gateway Determination if necessary.

**2.2 CONSULTATION WITH PUBLIC AGENCIES**

No public agencies have yet been consulted. Council does not consider that any agencies would need to be consulted as part of this Planning Proposal. Any required agency consultation could occur with the submission of individual DAs for the construction of attached dual occupancies.

**2.3 COMMUNITY CONSULTATION**

In accordance with Council's notification policy, initial community consultation was not undertaken. Community feedback can be sought during formal public exhibition following receipt of a Gateway Determination, in accordance with section CO4 "Engagement and Communication" of the Community Strategic Plan 2033.

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

**2.4 PREPARATION OF A PLANNING PROPOSAL**

Should Council resolve to support the application, a Planning Proposal will be prepared in accordance with Section 55 to the Environmental Planning and Assessment Act, 1979 and guidelines published by the Department of Planning and Environment. The Planning Proposal is then forwarded to the Minister for Planning and Environment for a Gateway Determination.

Council's options are:

1. Resolve to support the application in its original form and prepare a Planning Proposal accordingly. Matters can be more fully investigated and resolved with future specialist studies (if required) as determined by the Gateway process.
2. Resolve that a Planning Proposal be prepared in a form different to the application (and as described in Section 1.2 of this report). Matters can be more fully investigated and resolved with future specialist studies (if required) as determined by the Gateway process.
3. Resolve not to support a Planning Proposal for this site.

Option 1 is the recommendation of this report.

**2.5 METROPOLITAN PLAN FOR SYDNEY 2031**

The Metropolitan Plan for Sydney indicates that the growth of rural settlements is to be managed through comprehensive local strategies prepared by local councils and endorsed by the Department of Planning. The relevant strategy for Wollondilly is the Wollondilly Growth Management Strategy (GMS), which is discussed later in this report (although has not been adopted by the Department of Planning and Environment).

This proposal will provide the potential for variety in the housing market to cater for local housing demands and regional population trends. It is unlikely that this will result in adverse environmental impacts, as factors such as bushfire, flora and fauna, wastewater disposal, traffic and heritage will be considered at the Development Application stage.

The correction to provide clarity on the requirements for reticulated sewer for dual occupancies, rural workers dwellings and secondary dwellings is administrative and is not inconsistent with this strategy.

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

**2.6 DRAFT SOUTH WEST SUBREGIONAL STRATEGY**

The Subregional Strategy has identified a total of 5,230 new dwellings for Wollondilly between 2004 and 2031. This Planning Proposal is generally consistent with the relevant provisions of the Draft South West Subregional Strategy as it will make a small contribution to meeting the target for additional dwellings whilst allowing an assessment of any potential environmental impacts at the Development Application stage. This would also be in accordance with section EC3 "Manage Growth" of the community Strategic Plan.

**2.7 SECTION 117 MINISTERIAL DIRECTIONS**

This Planning Proposal is either consistent with these directions or can be justified where inconsistent at this point. Further assessment against the relevant section 117 directions can be undertaken following receipt of a Gateway Determination, if necessary.

**2.8 STATE ENVIRONMENTAL PLANNING POLICIES**

The proposed amendments do not give rise to any conflicts with any SEPP as can be determined at this point. Compliance with SEPPs can be further investigated as part of the gateway process, if necessary.

**2.9 WOLLONDILLY GROWTH MANAGEMENT STRATEGY**

The GMS sets directions for accommodating growth in the Shire for the next 25 years. The GMS contains Key Policy Directions which form the overarching growth strategy for Wollondilly and Assessment Criteria for all Planning Proposals and for specific types of land use categories.

The following table sets out the relevant Key Policy Directions within the GMS along with comments relating to the Planning Proposal:

<b>Key Policy Direction</b>	<b>Comment</b>
<b>General Policies</b>	
P1 All land use proposals need to be consistent with the key Policy Directions and Assessment Criteria contained within the GMS in order to be supported by Council.	This proposal meets all the relevant Key Policy Directions and Assessment Criteria contained within the GMS. The component of this Planning Proposal that will permit dual occupancies (attached) in rural zones was previously supported by Council as part of the preparation of the comprehensive LEP.
P2 All land use proposals need to be compatible with the concept and vision of "Rural Living" (defined in Chapter 2 of the GMS).	This proposal is generally consistent with the concept and vision of 'Rural Living'. In particular, it recognises that rural and environmental zoned land within Wollondilly is unable to be provided with reticulated sewer, in keeping with the



**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

Key Policy Direction	Comment
	<p>character of most fringe Metropolitan rural areas.</p> <p>Regarding dual occupancies, there is the potential to increase the developability of rural land (with Council consent). However, this has historically been permitted in Wollondilly and has not been deemed to have had a detrimental effect on the concept of rural living in the LGA.</p>
<p>P3 All Council decisions on land use proposals shall consider the outcomes of community engagement.</p>	<p>This Planning Proposal has not been subject to preliminary notification, as one part of the proposal is only aiming to clarify the requirements for disposal and management sewer, not change what Council would actually require.</p> <p>The other facet of this proposal (permitting attached dual occupancies) has previously been put out for public comment as part of the preparation of WLEP 2011. This was also previously supported by the Council as dual occupancies (attached) were permitted with consent in rural zones in draft WLEP 2011 until shortly before the LEP was gazetted (see Appendices D, E &amp; F). Additionally, feedback from the community since the introduction of WLEP 2011 has highlighted that the permissibility of dual occupancies (attached) was supported in rural zones and that the community would be in favour of this permissibility returning to the way it was prior to WLEP 2011.</p> <p>It is expected that the Gateway Determination will require the community to be consulted through public exhibition of the planning proposal.</p>
<p>P4 The personal financial circumstances of landowners are not relevant planning considerations for Council in making decisions on land use proposals.</p>	<p>There have been no such representations regarding this Planning Proposal and therefore this Key Policy Direction has been satisfied.</p>
<p>P5 Council is committed to the principle of appropriate growth for each of our towns and villages. Each of</p>	<p>The proposal is not typical “growth” as anticipated and guided by the GMS, in that it is not infill development or new development on the fringe of an existing</p>

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

<b>Key Policy Direction</b>	<b>Comment</b>
our settlements has differing characteristics and differing capacities to accommodate different levels and types of growth (due to locational attributes, infrastructure limitations, geophysical constraints, market forces etc.).	town centre. However, it would allow a small amount of growth that is considered appropriate that has previously been agreed to by Council. Additionally, the appropriateness of each dual occupancy (attached) and the provision of sewer to secondary dwellings, rural workers dwellings and dual occupancies will be assessed as part of a future DA.
<b>Housing Policies</b>	
P6 Council will plan for adequate housing to accommodate the Shire's natural growth forecast.	Allowing for dual occupancies (attached) in the rural zones within Wollondilly will allow for some provision of additional housing to cater for growth within the LGA.
P8 Council will support the delivery of a mix of housing types to assist housing diversity and affordability so that Wollondilly can better accommodate the housing needs of its different community members and household types.	This proposal will provide for a housing type (dual occupancies) that will assist in providing some diversity in the housing market and also affordability to land owners and families, as opposed to the more common single dwellings in greenfield release areas. The proposal has the potential to meet this demand.
P9 Dwelling densities, where possible and environmentally acceptable, should be higher in proximity to centres and lower on the edges of towns (on the "rural fringe").	This PP will allow lower densities on the edges of towns and in rural areas, by permitting attached dual occupancies with consent in rural zones. Assessment of individual DAs will determine whether this is appropriate.
P10 Council will focus on the majority of new housing being located within or immediately adjacent to its existing towns and villages.	This PP will allow growth outside of areas immediately adjacent to existing towns and villages, however this is very low density growth. As per the point above, assessment of individual DAs will determine whether this is appropriate.
<b>Macarthur South Policies</b>	
Key Policy Directions P11, P12, P13 and P14 are not applicable to this planning proposal. The subject land is not with the Macarthur South area.	Not applicable.

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

<b>Key Policy Direction</b>	<b>Comment</b>
<b>Employment Policies</b>	
P15 Council will plan for new employment lands and other employment generating initiatives in order to deliver positive local and regional employment outcomes.	This proposal does not include employment lands. The potential construction of new dual occupancies could generate some short-term construction industry related job opportunities.
P16 Council will plan for different types of employment lands to be in different locations in recognition of the need to create employment opportunities in different sectors of the economy in appropriate areas.	This proposal does not include employment lands. As with the above point, there is the potential for short-term employment opportunities to be created.
<b>Integrating Growth and Infrastructure</b>	
P17 Council will not support residential and employment lands growth unless increased infrastructure and servicing demands can be clearly demonstrated as being able to be delivered in a timely manner without imposing unsustainable burdens on Council or the Shire's existing and future community.	<p>This PP is not expected to generate significant demand for new infrastructure. Attached dual occupancies will be subject to DA assessment to determine if adequate services are available.</p> <p>The amendment to clause 7.1 – Essential Services proposed by this PP will help to clarify Council's requirements for the disposal and management of sewage, i.e. that reticulated sewer does not need to be provided to dual occupancies, secondary dwellings and rural workers dwellings in rural and environmental zones.</p> <p>Developer contributions payable at the development application stage will further fund the necessary local infrastructure required to support any future development.</p>
P18 Council will encourage sustainable growth which supports our existing towns and villages, and makes the provision of services and infrastructure more efficient and viable – this means a greater emphasis on concentrating	As previously discussed, rural land does not always adjoin an existing town or village, but the level of density that this PP would permit is considered appropriate and sustainable for rural zoned land in that existing services and infrastructure could be augmented to support new attached dual occupancies.

Planning & Economy

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

<b>Key Policy Direction</b>	<b>Comment</b>
new housing in and around our existing population centres.	
P19 Dispersed population growth will be discouraged in favour of growth in, or adjacent to, existing population centres.	As previously discussed, rural zoned land is often not adjacent to existing population centres, but the level of growth this PP would be minimal, especially considering many rural zoned properties in Wollondilly already have two dwellings on them.
P20 The focus for population growth will be in two key growth centres, being the Picton/Thirlmere/Tahmoor Area (PTT) area and the Bargo Area. Appropriate smaller growth opportunities are identified for other towns.	This PP is not identifying a specific site/area for growth, however it would facilitate appropriate small opportunities for additional dwellings on rural zoned land.
<b>Rural and Resource Lands</b>	
P21 Council acknowledges and seeks to protect the special economic, environmental and cultural values of the Shire's lands which comprise waterways, drinking water catchments, biodiversity, mineral resources, agricultural lands, aboriginal heritage and European rural landscapes.	It is not expected that this PP would result in any adverse impacts on these factors. Future DA assessment would need to determine the impacts of an attached dual occupancy with regard to any of these factors.
P22 Council does not support incremental growth involving increased dwelling entitlements and/or rural lands fragmentation in dispersed rural areas. Council is however committed to maintaining where possible practicable, existing dwelling and subdivision entitlements in rural areas.	This PP will not result in rural lands fragmentation or further subdivision potential, rather it will allow for additional dwellings on rural zoned lots that have already been deemed appropriate to contain a dwelling.

**PE3 - Draft Planning Proposal - Dual Occupancies in Rural Zones and Clarification of Sewer Requirements**

**2.10 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP 2011)**

Following consideration of previous planning controls and preliminary assessment of this proposal, it is considered that the Planning Proposal should take the form as detailed below.

**2.13.1 WOLLONDILLY LOCAL ENVIRONMENTAL PLAN, 2011 (WLEP, 2011)**

The proposed amendments to WLEP 2011 are described below:

- permit dual occupancies (attached) with consent in rural zones (RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots); and
- amend clause 7.1 of Wollondilly LEP 2011 to remove subclause (3), in order to clarify that if dual occupancies (attached), rural workers dwellings and secondary dwellings are permitted on land where reticulated sewer is not available (i.e. rural zones, the R5 Large Lot Residential zone and E4 Environmental Living zone), requirements for adequate disposal and management of sewage can be satisfied by adequate on-site wastewater disposal rather than reticulated sewer.

**2.13.2 WOLLONDILLY DEVELOPMENT CONTROL PLAN, 2011 (WDCP, 2011)**

No amendments are proposed to WDCP 2011 at this stage.

**FINANCIAL IMPLICATIONS**

Funding for the maintenance of Planning Instruments is part of the ongoing operational budget for Strategic Planning and no additional funding sources are required. This matter has no financial impact on Council's adopted budget of forward estimates.

**ATTACHMENTS**

Nil.

**RECOMMENDATION**

1. That Council support the preparation of a Planning Proposal to permit dual occupancies (attached) with Council's consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots zones and clarify sewer requirements by removing part (3) of clause 7.1 – Essential Services of Wollondilly Local Environmental Plan 2011.
2. That the Planning Proposal be forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.