

Ordinary Meeting Of Council



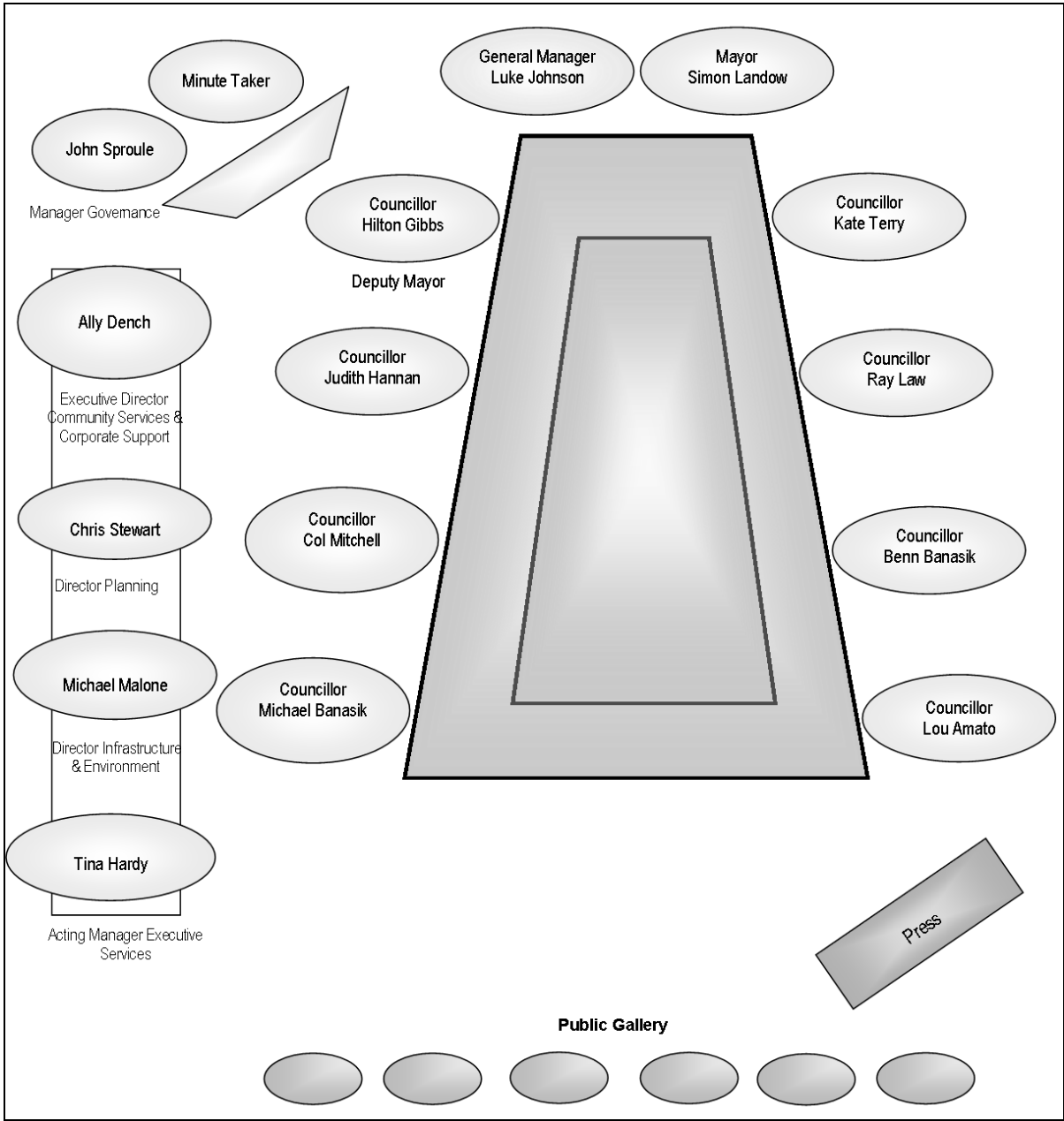
Wollondilly Shire Council

Notice of Meeting & Agenda Monday 19 October 2015

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 19 October 2015 commencing at 6.30pm.

Luke Johnson
General Manager

Seating in Council Chambers



EAST WARD

Cr Benn Banasik	0434 832 636	Email: benn.banasik@wollondilly.nsw.gov.au
Cr Ray Law	0427 901 275	Email: ray.law@wollondilly.nsw.gov.au
Cr Kate Terry	0439 665 149	Email: kate.terry@wollondilly.nsw.gov.au

CENTRAL WARD

Cr Lou Amato	0439 451 143	Email: lou.amato@wollondilly.nsw.gov.au
Cr Michael Banasik	0425 798 068	Email: michael.banasik@wollondilly.nsw.gov.au
Cr Colin Mitchell	0418 265 006	Email: col.mitchell@wollondilly.nsw.gov.au

NORTH WARD

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

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

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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

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- Ordinary Meeting of Council held on 21 September 2015

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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

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

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

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

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

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

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

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
ORDINARY COUNCIL MEETING	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers.
COMMUNITY FORUM	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.
AUDIT COMMITTEE	Mayor Cr Gibbs	Manager Governance	Meetings held in office hours at the Council Chambers.
AUSTRALIA DAY COMMITTEE	Mayor Cr Hannan Cr Gibbs	Manager Community Outcomes	Meetings held at 6.00pm in the Council Boardroom as required.
COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP	Cr Mitchell Cr Amato	Manager Infrastructure Planning	Meetings held at 6.00pm, March & September in the Council Chambers.
COMPANION ANIMALS REFERENCE COMMITTEE	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.
DISABILITY ACCESS ADVISORY COMMITTEE (DAAC)	All Crs welcome to attend	Manager Community Outcomes	Meetings held at 2.00pm, 2nd Wednesday of February, May, August and November in the Council Chambers.
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE	All Crs welcome to attend	Manager Economic Development & Tourism	Meetings held at 3.30pm, 4th Wednesday of February, May, August and November in the Council Boardroom.
ENVIRONMENT AND HERITAGE COMMITTEE	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
LOCAL TRAFFIC COMMITTEE	Mayor Cr Gibbs Cr Mitchell	Manager Infrastructure Planning	Meetings held at 2.00pm on the third Wednesday monthly, except February, May and August meetings are held on the 4 th Wednesday at 10.00am in the Council Boardroom.
MINERALS AND ENERGY RESOURCES COMMITTEE (NEW)	All Crs welcome to attend	Manager Environmental Services	Quarterly.
PICTON FLOOD PLAIN RISK MANAGEMENT COMMITTEE	Cr Amato	Manager Infrastructure Planning	As required.
ROAD SAFETY GROUP	All Crs welcome to attend	Manager Infrastructure Planning	10.30am, 1st Thursday each month in the Council Chambers..
RURAL INDUSTRY LIAISON COMMITTEE	All Crs welcome to attend	Manager Planning	Meetings held as required in the Council Chambers.
TRANSPORT ADVISORY COMMITTEE	All Crs welcome to attend	Manager Infrastructure Planning	As required.
YOUTH ADVISORY COMMITTEE	All Crs welcome to attend	Manager Community Outcomes	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

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

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
JOINT REGIONAL PLANNING PANEL	Mayor General Manager	Manager Planning	As decided by the Panel Chair.
LACHLAN REGIONAL TRANSPORT COMMITTEE	Cr Hannan Cr M Banasik (Alternate)	Director Planning	Meetings held quarterly.
LOCAL EMERGENCY MANAGEMENT COMMITTEE	No Councillor member	Manager Works	Meetings held 6 times per year at various venues.
MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)	Mayor Cr Terry Cr M Banasik Cr Gibbs	General Manager	Meetings held 7.00pm, on Wednesdays quarterly at Campbelltown, Camden & Wollondilly Councils.
MALDON DOMBARTON RAIL LINK FEASIBILITY STUDY - PROJECT REFERENCE GROUP	Cr Hannan	Director Planning	As required.
MG MY GATEWAY	No Councillor Member	General Manager	Meetings held monthly at Centric, Park Central.
QUEEN VICTORIA SUPPORT GROUP	Cr Mitchell	Manager Community Outcomes	As required.
SOUTH EAST AUSTRALIAN TRANSPORT STRATEGY INC. (SEATS)	Cr Hannan	Manager Infrastructure Planning	Meetings held quarterly at various locations.
SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP	Cr M Banasik	Manager Community Outcomes	Meetings held quarterly at Goulburn Council offices.

Committee/Advisory Group Membership List – 2014-2015

EXTERNAL COUNCIL COMMITTEES	MEMBERS AND DELEGATES	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP	Cr Hannan	Manager Infrastructure Planning	Board Meetings held quarterly in Wollondilly, Campbelltown, Camden & Liverpool. Finance Meetings - Bi-monthly UWS.
SOUTH WEST REGIONAL WEEDS COMMITTEE	Cr Law	Manager Environmental Services	Meetings held at 9.00am, 1st Wednesday of March, June, September and December. Various locations South West Sydney.
SYDNEY PERI URBAN NETWORK	No Councillor Member	Executive Director Community Services and Corporate Support	Meetings held as required at various locations.
SYDNEY CATCHMENT AUTHORITY LOCAL GOVERNMENT REFERENCE PANEL	Mayor	Manager Environmental Services	Meetings held at 12.00pm, 1st Monday quarterly.
TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE	Cr Mitchell Staff representative	Manager Environmental Services	Meets quarterly as required at Tahmoor Colliery.
WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)	Mayor	Manager Works	Quarterly.
WOLLONDILLY/ WINGECARRIBEE - BUSH FIRE MANAGEMENT COMMITTEE	Mayor Cr Law	Manager Environmental Services	Meetings held at 12.30pm, 1st Wednesday quarterly, Venue Bridge Street, Picton.
YERRANDERIE MANAGEMENT COMMITTEE	No Councillor Member	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 apply 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.*

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday
19 October 2015

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 – Extension to Poultry Farm – Glendiver Rd, The Oaks

PLANNING AND ECONOMY

PE1 **Application to Modify Development Consent No. 010.2005.00058025.004 for an Extension to Existing Poultry Farm at 184B Glendiver Road, The Oaks**

1006

010.2005.00058025.004



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LOCATION MAP N

DEVELOPMENT INFORMATION

Development Application No:	010.2005.00058028.004
Property Address:	184B Glendiver Road, The Oaks
Applicant:	Konstruk Group
Owner:	N Vassallo
Proposal Details:	Modification of consent – amend Conditions 1.1, 2.2, 10.8 and 10.9 from Development Consent D800-05
Zone:	WLEP 1991 – 1(b) Agricultural Landscape Zone
	WLEP 2011 – RU2 Agricultural Landscape Zone

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 October 2015

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

EXECUTIVE SUMMARY

- Consent is sought for amendments to Conditions 1.1, 2.2, 10.8 and 10.9 from Development Consent D800-05 relating to the extension of an existing Poultry Farm at 184B Glendiver Road, The Oaks.
- This Application to Modify Development Consent was presented for determination at the May 2014 Council Meeting. Council resolved to defer its determination.
- Additional information has been submitted to Council for review in response to Council's deferral of the application.
- The application has been re-notified in accordance with Council's adopted notification requirements. An additional thirteen (13) submissions were received.
- The application has been 'called up' by Council for determination
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been received in relation to this application.
- It is recommended that the application be approved, but not in the manner requested by the applicant and subject to conditions.

REPORT

BACKGROUND

The subject Application to Modify Development Consent was lodged with Council on 9 August 2013 seeking consent to amend Conditions 1.1, 2.2, 10.8 and 10.9.

At the May 2014 Council Meeting, the application was presented to Council for determination, with a recommendation for refusal due in insufficient information being submitted to enable a comprehensive assessment and the application not being within the public interest.

At the meeting, Council resolved the following:

1. *That Application to Modify Development Consent 010.2005.00058025.004 for the amendments to Conditions 1.1, 2.2, 10.8 and the deletion to Condition 10.9 from Development Consent D800-05 at Lot 11 DP 841569, 184B Glendiver Road, The Oaks be deferred as requested by the applicant so that the supplementary odour impact assessment reports can be peer reviewed by an independent odour expert.*

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

2. *That the poultry farm operator be requested to re-enter into mediation with an accredited mediator to seek to resolve issues between themselves and the residents of the Glendiver Farm Community Estate.*
3. *That the next time this modification is reported to Council that it detail whether or not mediation occurred and any public outcomes of that mediation.*

Additional information was submitted in March 2015 in response to Council's deferral. Regarding part 1 of the resolution, the applicant has provided the following:

“Review of the information presented in Table 3.5 indicates compliance with the assessment goals provided in the EPA Odour Impact Assessment guideline are predicted for all receptors with the exception of Receptor 10 for the maximum and average emission rate scenario.

Based on the results of the dispersion modelling it is therefore concluded that:

- *For both average and maximum odour emission rates, odour concentrations above the EPA odour criteria could be experienced at a single receptor (Receptor 10).*
- *For all other receptors, compliance with the odour criteria is expected for both average and maximum emission rate scenarios.*

It is therefore recommended that best practice odour management (see Section 3.6) is adopted as part of the operation of the poultry farm”.

In order to address the findings of the Air Noise Assessment in regard to Receptor 10, Benbow Environmental has provided a letter dated 26 February 2015 which provides methods to reduce the strength of odour emissions.

These measures include:

- Reduction in bird stocking densities
- Litter is aerated at least every fortnight so that it remains dry and without a hard crust. This prevents anaerobic processes occurring within the litter that generate odorous gases forming.
- Greater emphasis on management practices which have the benefit of reducing odour.

Benbow Environmental's letter addressing the 'Changes to the Outcome at Receiver 10' dated 26 February 2015 is attached.

Comments from an independent peer reviewer forms **Attachment 1** to this consent.

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

Regarding parts 2 and 3 of the resolution, a private mediation session was undertaken between the residents of the Glendiver Farm Community Title Estate and the owner/operator of the Poultry Farm on 21 May 2015. The applicant provided the following comments regarding the mediation session:

“The mediation meeting was chaired by Lorraine Lopich (Mediate Today Pty Ltd) and was held at The Oaks Community Hall on 21 May 2015. Those present included four (4) members of the Glendiver Community Association (GCA) and Mr Nick Vassallo (owner/applicant) and his consultants being Chris Weston (Town Planner) Dick Benbow (Environmental Consultant), Paul Elias and Felicity Reddy (representatives of Cordina Farms).

There was no agreement reached between the representatives of the GCA and the owner of the poultry growing farm regarding the amendments to Conditions 1.1, 2.2, 10.8 and 10.9 of DA 800/05.

The GCA requested that the application be deferred to October/November 2015 in order for the GCA to engage a consultant to review and report on the reports presented with the Section 96(1A) Modification Application submitted on 15 March 2015. Copies of these reports were made available to the GCA for the mediation meeting. Mr. Vassallo suggested an extension of time to the GCA to July which was not accepted.

It is considered that to delay the determination of the application to the October or November 2015 Council Meeting is too long a period. The GCA have already had an extension of time and to date a number of submissions from the GCA have been lodged with Council. There has been 2 months to prepare submissions and engage consultants.”

CONSULTATION

Referral	Outcome
Environmental Health Officer	Conditions are recommended. Comments regarding the information submitted to council by the applicant and responding to the concerns raised by the objectors follow later in this report.

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject land is known as Lot 11 DP 841569, 184B Glendiver Road, The Oaks. It is irregular in shape and has an area of 19.79 hectares.

The land is accessed via a right of carriageway from Glendiver Road which passes through a community title subdivision. The northern end of the site which adjoins Glendiver Road has a width of 192.74m. The southern end of the site widens to 392.47m and varies in depth from around 500 to 600m.

Three (3) metal clad poultry sheds, silos and ancillary sheds are located on a hill rising up from Flaggy Creek. The land is at the bottom of a valley and is surrounded by hills. A residence is located on a hill behind the sheds. Flaggy Creek is located approximately 20m from the existing sheds and drains into a dammed area, the wall of which also provides road access to the sheds.

Glendiver Farm Community Estate is located north and north-east from the subject development. This comprises a rural residential estate.

Extensive screening landscaping was undertaken to ensure the current sheds are not visible from most of the estate. On all other sides, paddocks are located which are mainly used for agricultural purposes.

1.2 DESCRIPTION OF DEVELOPMENT

The statement provided with the application details the following regarding the proposed modification:

“The amendment of these conditions is required for the Poultry Farm to comply with best industry practices and RSPCA standards for the housing and collection of birds.

Industry practices have moved away from tunnel ventilation shedding and introduced Freedom Farm Sheds. The benefits of Freedom Farm Sheds are outlined in correspondence provided by Cordina Chicken Farms Pty Ltd (Cordina) and included with this submission.

Conditions of Consent for DA No. 800/05 were provided at a time when tunnel ventilation was considered best practice for the industry; this has now changed and as such the conditions of consent for the existing and approved poultry farm require amendment.

Also as detailed in correspondence from Cordina the welfare of the birds must be considered in determining the best pick up time for birds. There is a need for some flexibility in the pickup hours for trucks collecting the birds from the poultry farm in the evenings, particularly in the hot summer periods and peak Christmas periods.”

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

In brief, the changes would result in the following:

- Bird density for Freedom Farm Sheds is 15 birds per square metre being far less than the industry standard of 20 birds per square metre for Tunnel Ventilated Sheds and 16 birds per square metre for conventionally ventilated Sheds.
- The bird density will be reduced to 15 birds per square metre and the number of birds per batch will be reduced from 122,764 birds to 93,700.
- The reduction in bird numbers will reduce truck movements from 86 to 64 movements per batch. A reduction of 22 truck movements during each growth batch.

1.3 ASSESSMENT

Consent is sought to amend Conditions 1.1 and 10.8 and delete Conditions 2.2 and 10.9 from Development Consent D800-05 as follows:

a) Condition 1.1 states the following:

“1.1 Development Consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184, Glendiver Road, The Oaks and incorporated tunnel ventilation system for this shed and the existing sheds detailed in the information submitted with Development Application No. D800-05.”

The applicant requests the condition be amended to read as follows:

“1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with a natural ventilation system in accordance with DWG No. 12479 dated 22/10/12 prepared by D & M. Consulting Pty Ltd.”

The applicant's justification:

The tunnel ventilation system for the operation of poultry sheds is no longer considered the best practice in the poultry growing industry. It is proposed the additional shed as a ‘Conventional Shed’ but all sheds will operate under a specific Cordina Farm system known as ‘Freedom Farm Sheds’ which will provide for lower density of birds per square metre and reduction of bird numbers for each shed.

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

Each of the existing sheds currently operates with 16 circulation fans per shed and it is proposed to install ventilation fans (2) on the western elevation of each shed as recommended by the Air and Noise Assessment, dated January 2013 prepared by Air Noise Environment.

The noise and air emissions have been modelled to address the building design and use. Refer to Air and Noise Assessment and amended plans lodged with this application.

The subject poultry farm is approved as an RSPCA – Australia producer. These birds are marketed as the Cordina Farm specific 'Freedom Farm RSPCA Approved Chickens'. Birds produced under this system are unique to the Cordina farming operation.

The benefits of using Freedom Farm Sheds over Tunnel Shedding or Conventional Sheds are summarised as follows:

- *Freedom Farm Sheds have the accreditation of the RSPCA by providing a lower density for birds per square metre, natural sunlight, natural air flow and fans which results in a higher level of bird welfare.*
- *The bird density of Freedom Farm Sheds is 15 birds per square metre. This is far less than the industry standard of 20 birds per square metre for Tunnel Ventilated Sheds and 16 birds per square metre for Conventional Sheds.*
- *The RSPCA standards require bird densities be restricted to 28 kilograms of live weight per square metre during the entire batch. This means that the birds are thinned out earlier and the reduced density in the sheds should reduce the pressure on the litter conditions and hence potentially reduce odour.*
- *The reduction in bird numbers per batch will result in a reduction of truck movements per batch. The numbers of truck movements per batch of birds for the different types of shedding are: Tunnel Sheds 86 truck movements, Conventional Sheds 72 truck movements and Freedom Farm Sheds 64 truck movements.*
- *Freedom Farm Sheds are open sided wire meshed which allows for odour to escape through all sidewalls.*
- *Freedom Farm Sheds rely on natural air flow and circulation fans located on the sides of each shed to direct air to the ventilation fans located at the western end of the sheds.*

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

Comments:

Council's Environmental Health Officer has provided the following comments:

"The NSW Department of Primary Industries are the advisory authority on poultry farms, tunnel ventilation was specified by them as best practice in the manuals 'Best Practice Management for Meat Chicken Production in New South Wales'.

Submitted to Council with the section 96 was a letter from Byron Stein, DPI's Industry Development Officer for Poultry Meat advising that with the lower stocking rates and the aeration of the litter due to the lower stocking rate, the odour generated levels in natural ventilation is comparable to tunnel ventilation with higher stocking rates.

As the DPI are the advising body in the industry and the authors of the Best practice manuals, if we have advice from the DPI that tunnel ventilation is not best practice with lower stocking rates as submitted, it is my opinion that we regard this advice as the most up to date and current information, and as such allow natural ventilation.

In changing to natural ventilation I would recommend they upgrade all of their shed to have an automated louver system.

In accordance with above, one of the objections from the legal team representing The Community Association is that tunnel ventilations is ensuring the poultry farm's proposed development will comply with Best Practice Management for Meat Chicken Production in New South Wales published by the NSW Department of Primary Industries; as this manual was written a number of years ago and we have advice from the DPI that with lower stocking rates it isn't best practice to have tunnel ventilation, this concern becomes alleviated.

Concerns have also been raised that there is no guarantee that the operator of the poultry farm will remain part of the RSPCA - AFS Scheme and maintain low bird stocking rates, however we can condition the stocking rates and these concerns will also be alleviated.

In consideration of the above, particularly the technical advice for the DPI, if the low stocking rates are maintained and the automated louvers are installed, that natural ventilation be approved."

A letter has been obtained by the applicant from the Department of Primary Industries (DPI) which discusses tunnel versus conventional/natural ventilation poultry sheds. DPI advise that tunnel ventilation is industry standard, however, below is an extract from that letter providing commentary on tunnel versus conventional ventilation in regards to stocking rates:

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“It is our position that for lower stocking rates, such as those which are mandated by the RSPCA approved chicken scheme, naturally ventilated shedding is an economically and environmentally sound option for chicken meat production. This includes the management practices associated with naturally ventilated shedding, such as fogging.

However, irrespective of the cooling system used, care must be taken to ensure litter is kept dry. It must be stressed that odour and other environmental impacts are not just a function of stocking densities and shed type, but it is in fact most influenced by management and husbandry practices. In other words, irrespective of the type and shed use, it’s important that litter is kept dry and friable, with a moisture level between 15 to 30%.

In conclusion, it is the position of Department of Primary Industries that for conventional chicken meat production, at high stocking rates, tunnel ventilation shedding remains best practice. However, at lower stocking rates, for example mandated by the RSPCA approved chicken meat scheme, naturally ventilated sheds are considered acceptable, bit from an economic and environmental perspective. However, as mentioned, this is dependent on sound husbandry practices and management in accordance with current best practice.”

The letter from the Department of Primary Industries forms **Attachment 2** to this report.

Based on the assessment by Council staff, the letter from DPI, it is recommended that conventional ventilation be permitted only on the basis that louvers are fitted in conjunction with a fully automated system to remove the human element so there is surety to not only Council, but also to the residents of the community title estate that, in the event conditions within the sheds are becoming a point source of odour pollution, automated systems will activate whatever is necessary to address the odour issue.

It is recommended that Condition 1.1 be amended to read as follows:

“1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled “Project: - Development for Proposed Poultry Shed” drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.”

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b) Condition 2.2 states the following:

“2.2 The tunnel ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within two (2) years of the date this consent becomes valid, whichever is the earlier.”

The applicant’s justification for the deletion of the condition:

“The poultry farm consists of three existing sheds. These are naturally ventilated and the proposed fourth shed would be similar to the existing three. The bird density (number of birds per square metre of floor area) has decreased for farms that are producing as RSPCA-accredited as outlined in the Broiler Farm Management Plan 2015.

The RSPCA accreditation system has no emphasis on using tunnel ventilated sheds. There is a misconception that tunnel ventilated sheds are the preferred option. This may have been the case before the RSPCA accreditation system was put into practice. This system provides many advantages for reduced generation of odour and prefers a more natural environment for the birds’.

In support of the installation of ‘naturally ventilated sheds’ i.e. conventional sheds, Byron Stein, Industry Development Officer (Poultry Meat), Department of Primary Industries has provided advice in regard to tunnel ventilation versus naturally ventilated shedding.

Finally, it should be noted that the RSPCA accredited chicken meat scheme should provide environmental regulators with some degree of comfort. The scheme is regularly audited and is quite onerous. Growers and processors are regularly inspected, and the RSPCA has very strict and stringent guidelines on litter management and bird welfare. Failure to keep litter dry will result in a loss of accreditation which will have significant implications for both the grower and the processor. It is likely that these requirements will also ensure that odour from litter is significantly minimised.

Under this scheme, farmers have had to meet the stringent conditions that better reflect higher animal welfare standards.

Birds that are grown under the RSPCA-AFS are placed at a lower density, have environmental enrichments programs available which includes perches, chopped chaff for foraging as well as natural ventilation and sunlight.”

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Comments:

Furthermore, as detailed in the assessment for Condition 1.1, it is recommended that all four sheds contains louvers and be fully automated to remove the human element so there is surety to not only Council, but also to the residents of the community title estate that in the event circumstances within the sheds are becoming a point source of odour pollution, automated systems will activate whatever is necessary to address the odour issue.

Therefore, it is recommended that the condition be amended to read as follows:

“2.2 The automated conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.

2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.”

There are existing conditions relating to Odour Management. These conditions require, within six (6) months, odour monitoring being undertaken and if odour exceeds 5 Odour Units at any dwelling, a plan of odour management shall be prepared to the satisfaction of Council within twelve months.

c) Condition 10.8 states the following:

“10.8 The pickup of birds for processing shall be carried out on any day between the hours of 7am and 11pm.”

The applicant requests the condition be amended to read as follows:

“10.8 The pickup of birds for processing shall be carried out on any day between the hours of 7am and 1 am. If in this respect any traffic movements associated with the pickup of birds shall also not occur prior to 7am or beyond 1am.”

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The applicant's justification:

“Currently there are no restrictions on the hours of operation of the existing three chicken growing sheds. The poultry farm has been operating for over 40 years with no restricted hours or truck movement numbers. It is accepted practice in the industry that night time collection of live birds is the most efficient and humane method to collect and transport birds to the processing plant.

There is a need for some flexibility in the pickup hours for trucks collecting the birds from the poultry farm in the evenings, particularly in the hot summer periods and peak Christmas periods.

In support of the amended hours of the pickup of birds for processing the applicant engaged Benbow Environmental to prepare a Farm Truck Noise Management Plan and Cordina Farms Pty Ltd to prepare a Broiler Management Plan 2015.

Mr Byron Stein, Industry Development Officer (Poultry Meat), Department of Primary Industries has provided detailed advice by way of a letter in regard to the night collection of birds as an industry wide practice. The letter dated 9 February 2015 is attached to this 96(1A) Modification Application. From this letter page 3 the following advice is provided:

In terms of the night time bird collection curfew of between 7am and 11pm we wish to advise the following;

Night time collection of birds is an industry wide practice, not only in Australia but overseas as well. The principle reasons for the night time collection of birds which are ready for processing are:

- a) Birds are quieter in dark conditions, making them easier to catch and load into crates for transport to the processing plant.*
- b) Animal Welfare. It is proven that birds suffer less stress associated with capture and transport when this is conducted in cool and dark conditions.*
- c) Animal production. Productivity losses are minimised by ensuring that birds are calmer and cooler when collected in the late evening or very early morning.*

A blanket night time curfew of 11pm unfortunately does not take into account differences between seasonal ambient conditions and periods of light and darkness. A curfew of 11pm potentially restricts or compromises the ability of a processor or pick-up crew to collect the birds in conditions which are conducive to acceptable animal welfare standards and productivity outcomes.

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I would urge the consent authority to consider this and to attempt to reach a compromise position which takes into account the considerable logistical difficulties of restricting pick up times to between 7am and 11pm.

It is essential for animal welfare and the economics of the operation that there is flexibility in the time period for the pickup of birds. The 11pm curfew imposed by Condition 10.8 is too restrictive and a time of 1am would allow for the collection of birds during the extreme summer weather conditions.

The Broiler Farm Management Plan in its recommendations on page 20 states:

There are approximately 8 nights of bird collection per batch at 5.4 batches per year. This means that there is approximately 43 nights per year of pick up activity. We wish to reject the imposition of a curfew for the farm. We will instead treat the farm as a sensitive farm where we will endeavour to cease operation of pick up as early as practical.

Benbow Environmental was engaged by the applicant to address noise management for the poultry growing farm. The 'Broiler Farm Truck Noise Management Plan' for the Alco Farm. From this report, pages 10 and 11 provide actions that have been undertaken to reduce the noise generated at the time of bird pick up.

The applicant has considered all aspects of the procedures involved in the pickup of birds and taken action to minimise the generation of noise.

Council is requested to allow for flexibility in the hours for bird pick up and amend Condition 10.8 in the best interest of bird welfare and the continued operation of the poultry growing farm."

Further justification has been provided by the applicant titled 'Corrective Action Taken by Parties Involved' forms **Attachment 3** to this report.

Comments:

It must be drawn to the applicant's attention that there are currently restrictions to the hours of operation. The consent became active on 15 February 2013 where Council provided a letter to the person(s) having the benefit of consent that the survey works undertaken constituted works for the purpose of the consent being acted upon. As such, those conditions relating to the operation of the whole farm have applied from that date. A condition is recommended in this regard.

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At the February 2015 Council Meeting, Development Application 010.2012.00000125.001 for an intensive livestock keeping (poultry farm) establishment at 440 Cawdor Road, Cawdor was approved by Council. During the assessment of that application, a number of objections were received regarding hours of operation due to the adjoining poultry (in the Camden Local Government Area) having a curfew permitting that operator to have bird pickups as late as 1.30am.

In response to the concerns raised by the objectors, the following Occupation and Use conditions were recommended and were supported by Council:

“(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 only permitted beyond 10pm 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).”

The reasons for the above conditions of consent were as follows:

“Conditions of consent will restrict bird pickup nights to only 10pm, which is consistent with other approvals for poultry developments in recent years. 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.”

“Council has consistently applied restrictions for bird pickups no later than 10pm to ensure the impact on adjoining landowners is managed and impacts reduced. 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.”

The conditions were imposed to ensure that the operation of the poultry farm can operate in accordance with the requirements of the Wollondilly Development Control Plan 2011 Volume 2 relating to poultry farm development and to give the adjoining and nearby landowners comfort that there will be no impacts during normal sleeping hours.

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

Upon review of Development Consent 010.2013.00000039.001 relating to alterations and additions to an intensive livestock keeping (poultry farm) establishment at 120 Kendall Street, Thirlmere, revealed that trucks are permitted to pick up birds until 1am. The original consent from 1995 permitted the operations to occur as late as 1am and the based upon the information contained in the noise assessment report that accompanied the latest application, it proposed a number of measures to be implemented around the farm so onsite operations reduced. There were minimal objections to noise generated by vehicles servicing the site along Kendall Street.

Bird pickup hours at Glendiver poultry farm, are currently restricted between 7am to 11pm inclusive, which is beyond what is typically permitted by Council's current Development Control Plan being 10pm (noting this application was assessed against the controls from Development Control Plan No.43 - Poultry). Section 7 of DCP43 did not contain any controls to hours of operation restrictions, it required applicants to nominate the hours and on merit, conditions were imposed in this regard.

A number of submissions have been received highlighting the issues with noise generation associated with truck movements through the community title estate. There are 5.4 batches per year and there are eight (8) pickups by trucks associated with each batch. This equates to forty-three (43) pickup nights per calendar year. Restricting the pickup hours as recommended will help alleviate the noise generation concerns.

Therefore, it is recommended the condition generally remain as drafted with the exception of permitting a later pick up to 12am but only during extreme weather conditions (similar to what was approved in Development Consent 010.2012.00000125.001).

Permitting bird pickups to occur beyond 12am is not considered warranted at this point in time given the number of objections received by Council relating to this and the two previous Applications to Modify Development Consent and to address rural land use conflict concerns, proximity to of dwellings to the road and the topography of the area.

Therefore, Condition 10(8) is recommended to be amended as follows:

"10(8) Night-time pick up of birds shall not take place between the hours of 11pm and 7am, except where permitted by Condition 10(8)(a)."

"10(8)(a) Bird pickups are permitted between 11pm and 12am, but only during extreme weather conditions."

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“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 10(8).”

An extension to 12am is considered fair and reasonable considering vehicles have to travel through a community title estate with houses located in close proximity to the internal access road.

It is suggested this be used as a trial period and should no objections be received in the twelve months from the date of the approval of this application, than the person(s) having the benefit of the consent can consider lodging another application to amend the condition to permit bird pickup up until 1am.

d) Condition 10.9 states the following:

“10.9 The tunnel ventilation system as outlined in the submitted plans and information is to be installed in sheds.

Each shed shall be altered by the closing of all sides to ensure that the tunnel ventilation system is able to be operated effectively.”

The applicant requests the condition be deleted.

The applicant’s justification:

“As previously stated in the justification of Condition 1.1 and 2.2 naturally ventilated conventional shedding meets RSPCA Standards for housing birds.”

Comments:

It has been recommended previously in this report that the odour mitigation controls for the development remain as conventional ventilation, but with the added requirement to be full automated and contain louvers.

This condition is recommended to be deleted as the proposed changes to the wording of Condition 2.2 incorporate the requirements of this condition.

e) Additional Matters for consideration

i) The applicant has also submitted a “Broiler Farm Management Plan” prepared by Cordina Farms Pty and an “Alco Farm Broiler Farm Truck Noise Management Plan” prepared by Benbow Environmental. These two management plan documents have been prepared for the day to day operations of the development.

It is recommended that these documents form part of the development consent and as such, the following condition is recommended to be inserted as follows:

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Compliance Condition 1.5

“1.5 Development shall take place in accordance with the recommendations of the following reports:

- *“Broiler Farm Management Plan” prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004*
- *“Alco Farm Broiler Farm Truck Noise Management Plan” prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015*

Prior to the issue of the Construction Certificate the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.”

- ii) On 21 June 2013, a letter was sent to the applicant confirming the survey works that were undertaken at that time constituted physical commencement and the conditions of Development Consent D800-05 now apply to the operation and use activities for the whole poultry farm.

A number of concerns have been raised with council in regards to non-compliance with the restrictions to operational aspects of the development.

To remove any uncertainty from this point on, it is recommended that a condition be inserted that specifically advises the operator of the poultry farm as to when the operational restrictions apply.

Therefore, the following is recommended:

“10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable).”

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- iii) Condition 9.1 of the consent is recommended to be amended so the timing of the developer contribution payment shall be made prior to the issue of the Construction Certificate and not the Occupation Certificate.

Therefore, the condition is recommended to be amended as follows:

“9.1 Pursuant to Section 80A(1) of the Environmental Planning & Assessment Act, 1979 and the Wollondilly Development Contributions Plan 2005 (as amended by Ministerial Section 94E Direction dated 10 November 2006), a contribution of \$30,000 shall be paid to Council.

This contribution is calculated from Council’s adopted Development Contributions Plan (as Amended) in the following manner:

Non-residential Development with proposed development cost between \$100,001 and \$200,000 - 0.5% levy. 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, 2005.

The contribution is to be paid before release of the Construction Certificate in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.”

1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

Environmental Planning and Assessment Act 1979

S96 Modification of consents—generally

(1A) Modifications involving minimal environmental impact

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and

Comments: it is considered the application is of minimal environmental impact

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- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

Comments: the development is considered to be substantially the same

- (c) it has notified the application in accordance with:
- (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comments: the application was notified to all previous objectors in accordance with Council's adopted policy.

- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. Subsections (1), (2) and

Comments: all submissions received have been considered and all relevant issues relating to the application have been summarised and commented on in this report. A total of thirty four submissions have now been received.

State Environmental Planning Policy No 55—Remediation of Land

The development is satisfactory in this regard.

**Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River
(No 2—1997)**

Approval of the application will not generate any non-compliance in regards to the aims, objectives or provisions of the plan.

Wollondilly Local Environmental Plan 1991

Approval of the application will not generate any non-compliance in regards to the relevant provisions of the environmental planning instrument.

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1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

None

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Development Control Plan No. 43 Poultry

Approval of the application as recommended will not create any non-compliance in regards to the controls contained within this plan.

The conditions in the original consent were imposed to ensure that the impacts of the additional shed will not have an adverse impact upon the adjoining landowners.

Additional conditions are recommended to eliminate any ambiguity and to provide certainty to those who have objected to the application and to the persons having the benefit of this consent regarding onsite operations.

**Wollondilly Agricultural Landscape Development Control Plan and
Wollondilly Agricultural Lands Development Control Plan**

The proposed changes to the existing and the inclusion of new conditions will not create any non-compliance in regards to the controls contained within this plan.

Development Control Plan No.36 - Development in Rural Areas

The proposed changes to the existing and the inclusion of new conditions will not create any non-compliance in regards to the controls contained within this plan.

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

None

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1.4 IMPACT OF THE DEVELOPMENT

Heads of Consideration	Comment
Natural Environment	It is considered that the proposal will have satisfactory impacts subject to Condition's.
Built Environment	It is considered that the proposal will have satisfactory impacts subject to Condition's.
Social Impact	Approval of the application as recommended is considered to address those issues that have been brought to Council's attention by the adjoining and nearby landowners. Further, a condition is recommended to advise all parties that the operational requirements from the original consent (D800-05 and subsequent modification approvals) are active and permit a 28 day grace period from the date of this approval to bring all matters into accordance with the consent.
Economic Impact	It is considered that the proposal will have minor positive impacts in this regard.

1.5 SUITABILITY OF THE SITE

The site is suitable for the development.

1.6 SUBMISSIONS

The application was originally notified for a fifteen day period to all previous objectors from 29 August 2013 to 13 September 2013. A total of twenty-one (21) submissions were received (fifteen (15) being form letters).

The application was renotified from another fifteen (15) days from 30 March 2015 to 13 April 2015 as a result of additional information being submitted to Council. An additional thirteen (13) submission were received.

Below is a summary of the issues and comments.

Concern	Comment
Trucks are moving through the estate outside of current curfew hours of operation. We have been woken by trucks mostly around 1.30am – 4am. The noise generated by the trucks is causing amenity impacts. Further, if the application is	The hours of operation condition has been amended to permit bird pickup up until 12am, and not before 7am. A condition is also recommended advising that the operational conditions relating to the whole farm are active but provide a 28 days grace period to bring all operations into line with the consent

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Concern	Comment
<p>approved as suggested by the applicant, it is our opinion that there will be virtually no curfew at all. This contravenes the requirements of Section 2.5.4, Volume 2 from the Wollondilly Development Control Plan 2011 regarding hours of operation.</p>	<p>requirements.</p> <p>The controls from Wollondilly Development Control Plan 2011 do not apply to the subject development as the application was assessed and determined prior to the commencement of said plan. The application has been reassessed against the controls from those DCPs in force during the assessment of the parent application.</p>
<p>The main source of conflict between the community title estate and the poultry farm is the road. If Council agrees to increase the size of trucks to 40 tonnes (the road was built with a 27 tonne limit and this is what the residents and poultry farm operator pay maintenance for) this will destroy the road which we currently pay for. We believe it is fair and reasonable if the tonnages of the trucks then Council should either pay for the ongoing road maintenance or ask the applicant pay for it.</p> <p>The previous application detailed there will be a 40% increase in the number of birds (from 67,800 to 94,300) resulting in a 26% increase in the number of heavy trucks using the road. This is considered to be a significant increase. The increase in traffic needs to be controlled with a curfew which will effect land use conflict, specifically noise generation.</p>	<p>In the original report to Council, it was noted that the application would involve additional large trucks visiting the site. There are no restrictions placed in the consent to limit truck size and/or weights.</p> <p>A previous application to modify the consent was presented at the May 2012 Council Meeting after a mediator was engaged by Council to resolve the issues surrounding the road.</p> <p>Essentially, a legal/civil agreement was formed between the community estate residents and the operator of the poultry farm development. Council resolved to permit the amendment to the consent and as such, Condition 5.2 was amended to read as follows:</p> <p><i>“5.2 The road which provides access to the poultry farm across the Glendiver Farm Community Title Estate shall be maintained to an appropriate standard to cater for all vehicles that are associated with the poultry farm for the life of the poultry farm.”</i></p> <p>The internal road is a private road (not a road vested in Council) and as such, Council has no obligation to maintain it.</p> <p>The issues surrounding the maintenance of the road has been dealt with in the previous application and was agreed to by the residents of the community title</p>

Planning & Economy

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Concern	Comment
<p>Truck speeds along the road is also a concern. A condition of consent was imposed for the Cawdor poultry development limiting trucks to 10km/h after 5pm and for signage to be installed in this regard</p>	<p>estate and the poultry farm operator.</p> <p>Occupation and Use Condition (27) from Development Consent 010.2012.00000125.001 states the following:</p> <p><i>(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.</i></p> <p>This condition came about as a result of the current Development Control Plan.</p> <p>Section 7 Transport/Night Time Activities from Development Control Plan No.43 – Poultry contained information detailing driving at moderate speeds (not above 20km/h) to aid in reducing noise and transport issues.</p> <p>Given the internal road is a private road and not a road that Council has any jurisdiction over, the speed environment is a civil matter between the community title association and the poultry farm.</p> <p>The control of speed over the road is a civil matter between the two parties, not Council.</p>
<p>If Council agrees to the modification, the next stage will be the full implementation of the best practice guidelines referred to in the application recommending a truck size of 40 tonnes, thus destroying the road.</p>	<p>There is nothing in the development application seeking consent to bring the whole development into accordance with the best practice manuals or any request to increase the size of the trucks servicing the site.</p> <p>Further, the applicant has advised 40 tonnes trucks have been servicing the site prior to and as long as the current landowner/operator has owned the farm.</p>

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

Concern	Comment
	<p>Given the internal road is a private road, it is a civil matter between the community title association and the poultry farm operator to negotiate an acceptable outcome in this regard as this is associated with the requirements of Condition 5.2 of the consent.</p>
<p>Changing the consent to allow for natural ventilation seems like a cost cutting option for the applicant. More birds equal more odours under the proposed changes. We already have foul odour many times a week.</p>	<p>The applicant has advised they wish to operate the farm as an accredited RSPCA – Australia Approved Farming Scheme (AFS) establishment.</p> <p>The current approval permits a total of 104,000 birds and this application is proposed to reduce the total number to 93,700. This will be regulated by the relevant authorities in this regard and documentary is kept onsite in this regard.</p> <p>Regarding the change to conventional/natural ventilation, this matter has been covered extensively previous in this assessment report and based on the information from the applicant, the Department of Primary Industries and from Council's Environmental Health Officer, no issues are raised in this regard on the basis the system is fully automated and louvers are installed. Conditions are recommended in this regard.</p> <p>Please refer to Assessment Item (a) in this report.</p>
<p>The applicant was ordered to undertake mediation with the residents and this has not occurred. The applicant continues to ignore all of Council's directions and has no concern for the welfare of the residents in wanting a peaceful place to reside.</p>	<p>Mediation was undertaken on 21 May 2015. Comments from the applicant have been provided in the Background Section of this report.</p>
<p>Best Practice Manuals observes that odour is the most important issue associated with meat chicken farms and even if the</p>	<p>Regarding the change to conventional/natural ventilation, this matter has been covered extensively previous in this assessment report and</p>

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Concern	Comment
<p>design include best practice shed (insulation, ventilation, drinking systems and automated controls) poor management can easily offset these positive aspects and result in excessive odour.</p> <p>Odour generation has been an impact on the adjoining community title estate. The Best Practice Manuals observe that 'current best practice for intensive chicken meat production is sheds to be designed with tunnel ventilation and pad cooling. The manuals note that modern tunnel ventilated sheds...are standard for all new sheds or expanding meat chicken operations.</p> <p>More specifically the manuals make clear that industry best practice involves the use of automated system that maintains optimum ventilation rates by monitoring relative humidity and temperature and controlling evaporative cool pads, fans and mini vents.</p> <p>The applicant's submission provides:</p> <ul style="list-style-type: none"> ▪ no technical evidence regarding the operation of conventional sheds with no tunnel adequately control odour emissions, ▪ nothing to show the operation of the sheds will provide superior odour control to tunnel ventilation <p>It is our opinion that conventional sheds will not provide for adequate odour control.</p>	<p>based on the information from the applicant, the Department of Primary Industries and from Council's Environmental Health Officer, no issues are raised in this regard on the basis the system is fully automated and louvers are installed. Conditions are recommended in this regard.</p> <p>Please refer to Assessment Item (a) in this report.</p>

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PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

Concern	Comment
<p>While the applicant claims that it is operating under the RSPCA scheme, which results in lower bird stocking rates and removes the need for tunnel ventilation. There is no assurance that the farm will continue to operate in accordance with the RSPCA scheme or guarantee that from time to time will remain as an RSPCA farm and maintain low bird stocking rates.</p>	<p>Conditions regarding the operation in accordance with the accredited RSPCA – Australia Approved Farming Scheme (AFS) and stocking rates are recommended.</p> <p>Any changes to numbers or other operational matters will require separate approval from Council.</p>
<p>There is nothing in the consent to require the farm to operate in accordance with the Best Practice Manuals.</p>	<p>Condition 10.13 from the consent states the following:</p> <p><i>“10.13 The requirements of conditions 9.3 to 9.12 (inclusive) shall be incorporated into a Management Plan for the site. The Management Plan is also to adopt the NSW Chicken Farming Guidelines prepared by NSW Agriculture, except where inconsistent with the requirements of the conditions of this consent.</i></p> <p><i>The Management Plan is to be signed by the operator of the farm, the relevant processor and approved by Council prior to the issue of the Occupation Certificate.</i></p> <p><i>The poultry farm must be operated in accordance with the approved management plan at all times.”</i></p> <p>This consent already requires the development to comply with the NSW Chicken Farming Guidelines prepared by NSW Agriculture.</p> <p>This condition will be amended to reflect the requirements of Conditions 10.3 to 10.13 instead of Conditions 9, which refers to developer contributions.</p>
<p>I have never complained about the smell from the farm as the farm was in existence before I bought my land. However, I have not been able to open windows to</p>	<p>The installation of odour mitigation controls to the new and existing sheds will reduce odour impact generation.</p>

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

Concern	Comment
<p>cool the house down at night because of the odours. You can smell the odours from the farm from the access gate to the estate, approximately 1km from the farm.</p>	<p>This has been a requirement of the consent from 2008 in response to objections raised at that time.</p>
<p>The Cawdor poultry approval imposed the following conditions:</p> <ul style="list-style-type: none"> ▪ 13(13) limiting bird pickups between 7am to 10pm, ▪ Condition 13(32) requiring the surrounding neighbours and Council be given at least 24 hours' notice in advance of night time (after 9pm) collection and batch delivery of birds, and ▪ Condition requiring tunnel ventilation being installed. <p>I would respectfully ask the same condition be applied to the subject poultry farm.</p>	<p>Conditions are recommended in this regard.</p> <p>A condition of consent is recommended in this regard (recommended Condition 10.16)</p> <p>This has already been addressed in the report. Based on the merits of the case and the information submitted with the application, conventional/natural ventilation is considered to be acceptable</p>
<p>Alternatively, the consent should be cancelled since that is has been 10 years since it was initially approved and continues to be modified.</p>	<p>The consent has a statutory lapse date of five (5) years.</p> <p>On 15 February 2013, at the request of the applicant, a letter was sent to the persons having the benefit of the consent advising</p> <p><i>“in accordance with the decision by the NSW Court of Appeal in Hunter Development Brokerage Pty Ltd v Cessnock City Council and Tovedale Pty Ltd v Shoalhaven City Council [2005], Council considers that the survey work to peg the poultry shed location constitutes “physical commencement” within the meaning of the Section 95 (4) of the EP&A Act and as such consent will not lapse on the relevant date...”</i></p>

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

Concern	Comment
	<p>A more recent judgment from the Court of Appeal (<i>K and M Prodanovski Pty Ltd vs. Wollongong City Council [2013] NSWCA 202</i>) provided a judgment (generally) which made clear that all preconditions to the commencement of work required by conditions of development consent, no matter how insignificant, must be satisfied in order to prevent the consent from lapsing.</p> <p>In response to the concerns raised by an objector, a review of the information and particulars that were submitted in January 2013 has been undertaken and staff are of the opinion that the survey works constitutes engineering works. This work has a clear nexus with the approved development and appears to be more than merely notional in nature. Based on the Hunter Development Brokerage Pty Ltd and the Prodanovski judgements and in accordance with Section 95(4) from the Environmental Planning and Assessment Act 1979, staff are of the opinion that the development has physically commenced and as such, the consent has not lapsed.</p>
<p>Condition 2.2 requires tunnel ventilation be installed within 2 years of the consent or prior to the Occupation Certificate for the new shed being issued. How can the condition be deleted the time validity has already expired and if Council ignores this flagrant disregard of council's authority it will make a mockery of the system.</p> <p>By not complying with this condition, does this mean the consent has lapsed?</p>	<p>The original approval was granted by Council on 18 April 2008.</p> <p>The first Application to Modify Development Consent was submitted on 3 March 2009 and withdrawn on 23 July 2009. The second modification was received on 8 September 2011 and determined on 12 December 2011. This application was received on 9 August 2013.</p> <p>The assessments of the modifications have taken considerable time given the concerns raised in the objections. During the assessment of any modification, Council's Compliance Team defers compliance audits until a determination has been made.</p>

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

Concern	Comment
	<p>Nonetheless, it is recommended that the current condition be amended to provide the persons having the benefit of the consent another twelve (12) months or prior to the Occupation Certificate for the new shed to install the necessary items regarding odour controls subject of Condition 2.2 as recommended to be amended.</p> <p>Breaches of conditions of consent, as referred to in the objector's statement, do not affect the statutory lapse date of the consent.</p>
<p>The applicant claims that there are currently no restrictions on the hours of operation for the existing sheds. The applicant omits that fact that condition 10.8 became effective when Council granted physical commencement on 15 February 2013. The operator has not complied with this condition to the detriment to the residents in the estate.</p>	<p>This matter has been addressed previously in this assessment report.</p> <p>A condition of consent is recommended which advises the operation of the farm must be brought into line with the operational conditions of consent from D800-05 and subsequent modifications.</p>

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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.

FINANCIAL IMPLICATIONS

There will be no impacts on Councils adapted budget or forward estimates.

ATTACHMENTS

1. Independent Peer Review Comments prepared by Benbow Environmental submitted by the applicant in March 2015.
2. Letter from Department of Primary Industries regarding tunnel versus conventional ventilation.

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3. 'Corrective Action Taken by Parties Involved', being Cordina Chickens and Girraween Transport.
4. Proposed Plans of Development subject of Application to Modify Development Consent 010.2005.00058025.004.

RECOMMENDATION

That Application to Modify Development Consent 010.2005.00058025.004 for the amendments to Conditions 1.1, 2.2, 10.8 and the deletion to Condition 10.9 from Development Consent D800-05 at Lot 11 DP 841569, 184B Glendiver Road, The Oaks be determined as follows:

- a) Conditions 1.1, 2.2, 10.8 and 10.9 are amended to read as follows:

"1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184B Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled "Project: - Development for Proposed Poultry Shed" drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.

2.2 The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.

10(8) Night-time pick up of birds shall not take place between the hours of 11pm and 7am, except where permitted by Condition 10(8)(a)."

- b) Condition 10.9 is recommended to be deleted.
- c) Conditions 1.5, 2.2(a), 10.8(a) and 10.8(b) are recommended to be inserted

"1.5 Development shall take place in accordance with the recommendations of the following reports:

- *"Broiler Farm Management Plan" prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004*
- *"Alco Farm Broiler Farm Truck Noise Management Plan" prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015.*

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Prior to the issue of the Construction Certificate the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

10(8)(a) Bird pickups are permitted between 11pm 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 10(8).

10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable)."

- d) Changes are recommended to update those conditions requiring information to be submitted to council or the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.
- e) Given the changes to the consent conditions, it is recommended that a consolidated consent be approved subject of this application to modify the consent and as such, the consent be as follows (conditions amended and added will appear in italics and unchanged conditions remain in normal font).

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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.

- 1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled "Project: - Development for Proposed Poultry Shed" drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.
- 1.2 Development shall take place in accordance with plans and information submitted in relation to Development Application No. D800-05 or where superseded by the information and particulars submitted with Application to Modify Development Consent 010.2005.00058025.004 except as varied by the following conditions.
- 1.3 The entire poultry farm, including the existing sheds is to be operated solely in accordance with this development consent.
- 1.4 A Construction Certificate shall be approved by Council or the nominated Accredited Certifier prior to the commencement of any works authorised by this consent.
- 1.5 Development shall take place in accordance with the recommendations of the following reports:
 - "Broiler Farm Management Plan" prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004
 - "Alco Farm Broiler Farm Truck Noise Management Plan" prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015

Prior to the issue of the Construction Certificate, the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

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2. BUILDING DESIGN

These conditions are 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.

- 2.1 All materials and colours to be used in the external construction of the proposed shed shall be complimentary to those of the existing development.
- 2.2 *The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.*
- 2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the "Air and Noise Assessment – Poultry Farm, The Oaks – FINAL" report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the "Odour Impact Assessment – Changes to Outcomes at Receiver R10" report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

3. EROSION AND SEDIMENT CONTROL

These conditions have been imposed to minimise the impact of the construction and use of the buildings on the environment and on adjoining properties.

- 3.1 A Soil and Water Management Plan, in accordance with Council's Design Code DCP and Construction Specification is to be submitted with the Construction Certificate for the development and approved by Council or the nominated Accredited Certifier.

The installation of the erosion and sediment control devices identified on the soil and water management plan, is to be completed prior to the commencement of any works on the site and are to remain in place after construction is completed.

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- 3.2 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.
- 3.3 All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- 3.4 Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

4. BUILDING GENERAL

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

- 4.1 All construction work shall be:
 - (i) restricted to between 7.00am and 5.00pm Mondays to Fridays (inclusive);
 - (ii) restricted to between 8.00am and 1.00pm on Saturdays;
 - (iii) prohibited on Sundays and Public Holidays unless written approval to vary the hours is granted by Council.
- 4.2 There being no burning of builder's rubble, felled trees or other material on the site.
- 4.3 Submission of a Waste Management Plan in accordance with Council's Waste Minimisation and Management guidelines *shall be submitted to Council or the nominated Accredited Certifier* prior to the issue of the Construction Certificate.

5. 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.
- 5.1 In accordance with the provisions of Development Control Plan No.7 – Off Street Carparking – 2 all-weather car parking spaces and access thereto shall be provided for the proposed development. Such spaces are to measure not less than 2.6m x 5.5m.

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Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

- 5.2 The road which provides access to the poultry farm the Glendiver Farm Community Title Estate shall be maintained to an appropriate standard to cater for all vehicles that are associated with the poultry farm for the life of the poultry farm. *(Amended by 010.2005.00058025.003)*

6. LANDSCAPING

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

- 6.1 Compliance with the provisions of Council's Tree Preservation Order. Under the order a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree which:

- (a) Is greater than 3m in height;
- (b) Has a girth greater than 45cm at a height of 1m from the ground;
- (c) Has a branch spread greater than 3m.

- 6.2 In order to ensure that the development is adequately landscaped a detailed landscape plan prepared by a person with horticultural qualifications shall be submitted to *Council or the nominated Accredited Certifier* for approval prior to release of the Construction Certificate and shall include the following:

- (a) All existing and proposed site structures.
- (b) All existing vegetation.
- (c) Location of proposed planting around the additional shed and ventilation system to screen it from surrounding areas and enhance the landscape character of the site.
- (d) Details of growth and maintenance.

- 6.3 Landscaping is to be installed in accordance with the approved Plan prior to the issue of the Occupation Certificate and maintained in accordance with the details provided on that Plan at all times.

7. STORMWATER

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

- 7.1 Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

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7.2 Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system.

A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

8. INSPECTIONS

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

8.1 The proposed building works shall be inspected by *Council or the nominated Accredited Certifier* at the following stages of construction to ensure they comply with the Building Code of Australia and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control measures are implemented.
- Pier holes/footings before pouring of concrete.
- Steel reinforcing before pouring of concrete.
- Structural steel work before covering.
- Roof water drainage before backfilling.
- Retaining wall structure to the excavated area before backfilling.
- Completion of the building work before occupation or use.

9. DEVELOPMENT (SECTION 94A) CONTRIBUTIONS

These conditions are imposed to ensure the adequate provision of public facilities required as a result of the development, the following conditions apply:

9.1 Pursuant to Section 80A(1) of the Environmental Planning & Assessment Act, 1979 and the Wollondilly Development Contributions Plan 2005 (as amended by Ministerial Section 94E Direction dated 10 November 2006), a contribution of \$30,000 shall be paid to Council.

This contribution is calculated from Council's adopted Development Contributions Plan (as Amended) in the following manner:

Non-residential Development with proposed development cost between \$100,001 and \$200,000 - 0.5% levy. 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, 2005.

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The contribution is to be paid before release of the *Construction Certificate* in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

10. OCCUPATION & USE

These conditions are 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.

10.1 The Occupation Certificate is not to be issued until all relevant conditions have been complied with.

10.2 The new shed shall not be occupied until Council or the nominated Accredited Certifier has issued an Occupation Certificate.

10.3 The poultry sheds shall be used for chicken production and will have a maximum combined stocking rate of *93,700 birds*.

An annual audit shall be supplied to Council on the anniversary of the Occupation Certificate to verify the stocking rate with each growing cycle. Council shall be authorised to make an independent check and clarify that audit with the producer.

10.3(a) The development shall only be operated as an accredited RSPCA – Australia Approved Farming Scheme (AFS) poultry farm at all times, for the life of the development.

10.4 No manure or spent litter is to be stored external to the sheds.

10.5 All manure and spent litter is to be taken from the property in covered loads so as 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.

At no stage shall spent litter be retained on the property.

10.6 Council shall be provided with a complete list detailing all chemicals used in the operation of the farm prior to issue of the Construction Certificate. Only chemicals approved for use on poultry farms are to be used.

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10.7 All deliveries and collections from the site, other than the pick up 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.

10.8 *Night-time pick up of birds shall not take place between the hours of 11pm and 7am, except where permitted by Condition 10(8)(a).*

10(8)(a) Bird pickups are permitted between 11pm 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 10(8).

10(8)(b) The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable).

10.9 *Deleted.*

10.10 All watering of stock is to be by way of nipple feeders in accordance with the information submitted with the Development Application.

No cup watering is permitted in any part of any shed.

10.11 Prior to the issue of the construction certificate, the approved plans are to be amended to clearly indicate the location and details of a cool room to be utilised for the storage of dead birds.

10.12 There shall not be any storage, stockpiling or keeping of dead birds external to the cool room.

All dead birds from the poultry sheds are to be stored in the cool room at all times prior to collection by an approved waste contractor, who shall transport the dead birds for disposal at a licenced waste management centre.

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Details on the collection and disposal of dead birds from the site, in the form of a contract with an approved waste contractor and a waste management plan outlining compliance with the requirements of this condition is to be submitted to *Council or the nominated Accredited Certifier* for approval prior to the issue of the Occupation Certificate.

- 10.13 The requirements of conditions 10.3 to 10.12 (inclusive) shall be incorporated into a Management Plan for the site.

The Management Plan is also to adopt the NSW Chicken Farming Guidelines prepared by NSW Agriculture, except where inconsistent with the requirements of the conditions of this consent.

The Management Plan is to be signed by the operator of the farm, the relevant processor and approved by *Council or the nominated Accredited Certifier* prior to the issue of the Occupation Certificate.

The poultry farm must be operated in accordance with the approved management plan at all times.

- 10.14 The poultry farm shall be conducted 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.
- 10.15 The poultry farm shall not generate offensive noise or offensive odour as defined under the Protection of the Environment Operations Act.
- 10.16 *The surrounding neighbours and Council must be informed at least 24 hours in advance of night time (after 9pm) collection and batch delivery of birds.*

11. ODOUR MANAGEMENT

This condition is imposed to protect the amenity of the area with respect of odour and to ensure that the development will not result in increased odour impacts.

- 11.1 Within six months of the commencement of use of the subject sheds odour monitoring shall be undertaken during a week in which the birds are at maximum size.

If this monitoring finds out that the post development odour level at any dwelling is higher than 5OU and is also higher than the predevelopment odour level, a plan of odour management shall be prepared to the satisfaction of Council and implemented within twelve (12) months.

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11.2 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.

The one exception to this condition is where such complaints arise from or in circumstances which can only be attributed to natural disasters and the like beyond the control of the owners.

11.3 That the Development shall not cause any offensive noise under the Protection of the Environment Operations Act, 1997

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

These conditions are imposed as they are mandatory under the provisions of the Act.

12.1 COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

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

12.2 EXCAVATIONS AND BACKFILLING

- (1) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) 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.

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12.3 RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

- (1) 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
- (2) Adequate provision must be made for drainage.

12.4 SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - (a) Stating that unauthorised entry to the work site is prohibited, and
 - (b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (2) Any such sign is to be removed when the work has been completed.
- (3) This clause does not apply to:
 - (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

12.5 TOILET FACILITIES

- (1) 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.
- (2) Each toilet provided:
 - (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 facilities approved by the council, or

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- (iii) 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.
- (3) The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.
- (4) In this clause:

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 95B of the Regulation.

Approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government General Regulation 2005.

Public sewer has the same meaning as it has in the Local Government General Regulation 2005.

Sewage management facility has the same meaning as it has in the Local Government General Regulation 2005.

13. ADVICE

- 13.1 At all times work is being undertaken with 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.
- 13.2 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 alteration shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- 13.3 A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 October 2015

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

13.4 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 RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
- Workers Compensation Insurance.
- Ten Million Dollar Public Liability Insurance.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 October 2015

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

ATTACHMENT 1 – 010.2005.00058025.004 – 19 OCTOBER 2015



Benbow
ENVIRONMENTAL

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admin@benbowenviro.com.au

RTB/md

Ref. 141183-Let3

26 February 2015

ATTENTION: Nic Vassallo

ALCO Farm

184 Glendiver Road,

THE OAKS NSW 2570

Email: nix69@tpg.com.au

CC Weston and Associates

Email: cweston@bigpond.net.au

Dear Nic,

Re:

**Odour Impact Assessment –
Changes to the Outcome at Receiver R10**

I draw your attention to the findings of the Noise and Odour Assessment prepared by Air Noise Environment, January 2013.

The assessment found that excessive odour levels would be experienced at Receptor 10. This was on the basis of the sheds having exhaust fans that would direct the odour towards this receptor. It was also on the basis of the higher odour levels emitted from tunnel ventilated sheds.

The "ALCO Farm" is accredited with the RSPCA which has the following benefits in reducing the strength of the odour emissions:

- Bird stocking densities are reduced.
- Litter is aerated at least every fortnight so that it remains dry and without a hard crust. This prevents anaerobic processes occurring within the litter that generate odorous gases forming.
- Greater emphasis on management practices which have the benefit of reducing odour.

The development is able to proceed with a condition worded in the following manner:

"The operation and management of the chicken growing sheds is to ensure that the emission of odour does not exceed the levels prescribed by the Environmental Protection Authority.

Should Council receive any justified odour complaints the applicant/owner will be required to undertake an Odour Modelling Report to rectify odour levels and implement the findings of the OME in 40 days."

Engineering a Sustainable Future for Our Environment

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19 October 2015

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On commissioning of the fourth shed, an odour intensity audit needs to be conducted and reported to Council.

Yours faithfully,
for Benbow Environmental



R T Benbow
Principal Consultant

PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

ATTACHMENT 2 –010.2005.00058025.004 – 19 OCTOBER 2015



Primary Industries

9 February 2015

TRIM Ref: OUT15/2787

Chris Weston
C.C. Weston and Associates
PO Box 6142
The Oaks NSW 2570
E: ccweston@bigpond.net.au

Dear Mr Weston

RE: Development Application Number D800-05 with respect to Land Lot 11, DP 841569 at 184 Glendiver Road, The Oaks.

I refer to your email dated 11th December 2015 seeking clarification on the Department of Primary Industries position in regard to Best Practice Management for Meat Chicken Production in NSW, and specifically to our position on tunnel versus naturally ventilated shedding for meat chicken production. You also enquired about the standard industry practice of night time collection of grown birds which have reached the required processing weights and criteria. Finally, you have also enquired about acceptable dead bird disposal methods.

I refer also to the Deferred Commencement Consent – Section 80(3) for Development Application Number D800-05 in which Wollondilly Shire Council have requested that the new and existing sheds be constructed and operated using tunnel ventilation, and for curfew restrictions on the collection of birds which have been limited to between 7am and 11pm.

- 1) In terms of shedding type and construction, it is my understanding that council have interpreted the DPI Best Practice Management for Meat Chicken Production in NSW (2012) guidelines to mean that all intensive chicken meat production should be produced using tunnel ventilated shedding. This interpretation stems from page 19 of Manual 1, Site Selection and Development, which states that “*Current best practice for intensive chicken meat production is for sheds to be designed with tunnel ventilation and pad cooling*”.

Whilst DPI has not changed its position in terms of tunnel ventilation being best practice, it is important to understand the context and operating environment in which that position is held. These are as follows:

- a) Higher stocking densities. Tunnel ventilation enables processors and growers to stock sheds with greater bird densities. This is permitted under the Model Code of Welfare for Animals: Domestic Poultry which provides for higher stocking rates in tunnel ventilated sheds (40kg/m²)
- b) Production efficiency. Tunnel ventilated sheds are typically associated with greater productivity and efficiency than naturally ventilated sheds. In other words, tunnel ventilated sheds generally achieve better feed conversion ratios than naturally ventilated sheds.
- c) Climate control. Tunnel ventilated sheds permit greater control of the shed environment under conditions of high stocking densities (36 to 40kg/m²). At these stocking densities it is critical to be able to adjust shed ventilation rates and shed temperatures to ensure the birds are kept comfortable and to keep litter dry and friable, as well as providing a constant supply of fresh air.

In summary, it is our position that at high stocking rates, which has been the industry norm until very recently, tunnel ventilated shedding is still considered best practice.

However, in late 2013 one of the major supermarket retailers announced that they would only supply RSPCA accredited chicken meat from 1 January 2015. This has resulted in a significant

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ABN 72 189 919 072
www.industry.nsw.gov.au

Planning & Economy

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change to stocking densities and production systems associated with chicken meat farming in Australia. Most notably, stocking densities have been reduced from a maximum 40kg/m² to 32kg/m². This is a significant reduction in stocking density and has implications for the economic feasibility of using tunnel ventilation. Further, environmental impacts, especially odour, are highly correlated to stocking density. At lower stocking rates the environmental impacts of chicken meat production are reduced. This is also true of odour impacts.

It is our position that for lower stocking rates, such as those which are mandated by the RSPCA approved chicken scheme; naturally ventilated shedding is an economically and environmentally sound option for chicken meat production. This includes the management practices associated with naturally ventilated shedding, such as fogging. However, irrespective of the cooling system used, care must be taken to ensure litter is kept dry. It must be stressed that odour and other environmental impacts are not just a function of stocking densities and shed type, but is in fact most influenced by management and husbandry practices. In other words, irrespective of the type of shed used, it's important that litter is kept dry and friable, with a moisture level between 15 to 30%.

In conclusion, it is the position of DPI that for conventional chicken meat production, at high stocking rates, tunnel ventilated shedding remains best practice. However at lower stocking rates, for example as mandated by the RSPCA approved chicken meat scheme, naturally ventilated sheds are considered acceptable, both from an economic and environmental perspective. However, as mentioned, this is dependant on sound husbandry practices and management in accordance with current best practice.

Finally, it should be noted that the RSPCA accredited chicken meat scheme should provide environmental regulators with some degree of comfort. The scheme is regularly audited and is quite onerous. Growers and processors are regularly inspected, and the RSPCA has very strict and stringent guidelines on litter management and bird welfare. Failure to keep litter dry will result in a loss of accreditation which will have significant implications for both the grower and the processor. It is likely that these requirements will also ensure that odour from litter is significantly minimised.

- 2) In terms of the night time bird collection curfew of between 7am and 11pm we wish to advise the following;

Night time collection of birds is an industry wide practice, not only in Australia but overseas as well. The principle reasons for the night time collection of birds which are ready for processing are:

- a) Birds are quieter in dark conditions, making them easier to catch and load into crates for transport to the processing plant.
- b) Animal Welfare. It is proven that birds suffer less stress associated with capture and transport when this is conducted in cool and dark conditions.
- c) Animal production. Productivity losses are minimised by ensuring that birds are calmer and cooler when collected in the late evening or very early morning.

A blanket night time curfew of 11pm unfortunately does not take into account differences between seasonal ambient conditions and periods of light and darkness. A curfew of 11pm potentially restricts or compromises the ability of a processor or pick-up crew to collect the birds in conditions which are conducive to acceptable animal welfare standards and productivity outcomes. I would urge the consent authority to consider this and to attempt to reach a compromise position which takes into account the considerable logistical difficulties of restricting pick up times to between 7am and 11pm.

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3) Dead bird disposal.

Dead bird disposal methods associated with routine poultry farming are distinct from mass mortality events associated with disease or other causes of mass bird mortalities.

Guidelines for acceptable routine (daily) dead bird disposal options are outlined in the Best Practice Management for Meat Chicken Production in NSW, Manuals 1 & 2. These can be downloaded from the NSW Department of Primary Industries website at <http://www.dpi.nsw.gov.au/agriculture/livestock/poultry/development/bpm>

I understand that the local consent authority is requiring your client to place routine bird mortalities in a freezer or cool room until the carcasses can be collected for disposal. Whilst this is an acceptable option for dead bird storage and disposal it should be noted that there are several alternative options for dead bird disposal which may also be considered.

In response to your specific enquiry about on-site composting, please refer to page 27 of Manual 2 of the Best Practice Management for Meat Chicken Production in NSW guidelines. On-site composting is an acceptable method of dead bird disposal as long as the methods used comply with the aforementioned guidelines. For specific information and methods for on-site composting there are several industry guidelines which provide useful information and guidance to ensure that on-site composting is conducted appropriately and will meet local and state environmental guidelines and requirements.

Useful resources include:

1. The National Environmental Management System for the Meat Chicken Industry – Version 2. This document can be downloaded from the internet at <https://rirdc.infoservices.com.au/items/14-100>
2. Poultry Mortality Composting Management Guide available at http://extension.uga.edu/publications/files/pdf/B%201266_3.PDF
3. Natural Rendering: Composting poultry mortality available at <http://cwmi.css.cornell.edu/aifs.pdf>

Finally, it should be noted that recycling and re-use of organic wastes is a current investment priority of the NSW Office of Environment and Heritage. For further information on composting organics, as well as potential access to grants and assistance please see the Office of Environment and Heritage website at <http://www.environment.nsw.gov.au/grants/OrganicsInf.htm>

I hope that this response provides the clarification you seek. Should you wish to discuss this further, please don't hesitate to contact me.

Yours sincerely



Byron Stein | Industry Development Officer (Poultry Meat)
Department of Primary Industries | 159 Auburn Street | Goulburn 2580
T: 02 4828 6618 | F: 02 4822 3261 | M: 0428 259 628 | E: byron.stein@dpi.nsw.gov.au
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PE1 – Extension to Poultry Farm – Glendiver Rd, The Oaks

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(c) Corrective action taken by parties involved

i) Cordina Chickens

Cordina Chickens has made significant changes to the live bird trailers. The location peaks on the trailers which hold the live bird modules in position have been modified so as to offset the levels at which the modules are transported. This has the effect of reducing noise at a few levels. The drawers in these live bird modules can now no longer vibrate as much and therefore generate less noise during transit. Secondly the live bird drawers cannot interlock with other modules which would normally require these modules to be shaken loose before they can be unloaded. This has had a significant impact on noise reduction.

ii) Girraween Transport

Girraween Transport and their staff are aware of the situation regarding the concerns of the neighbours around poultry farms.

In order to reduce the impact in the neighbourhood of the pick-up operation the following has taken place:

- Rubber dampers have been installed on forklifts to stop the banging of the tynes onto the main frames.
- Truck entry and exit speeds have been capped to less than 10 kilometres per hour. Truck drivers and pick-up crews have all been notified of the situation regarding entry and exit speeds. Vehicle speed approaching the farm has also been reduced on Westbrook Rd to a maximum of 60 kph.
- All forklifts have had their mufflers replaced with new Flow Tech units, as referred to in the acoustics report. Onsite monitoring of the noise emission of the new mufflers was carried out. The installation of these new mufflers has had the effect of reducing noise output of these forklifts by 4 to 5 dB(A) This is a reduction of between 7 to 8%
- All forklifts have had their engines fitted with governor mechanisms to limit their speed and therefore noise output.
- Pick-up crew supervision and management is to be more controlled especially regarding conversation between members. Each crew has its supervisor who is responsible for the actions of the pick-up crew. The pick-up crew normally arrive in a crew cabin truck independent of the trailer arrival. On the crew cab truck is the fork lift that the crew will be using for the night. They usually park somewhere near the sheds but out of the way of the pick-up activity for that night. Once pick-up is complete they check the sheds with the grower, complete the appropriate paper work and leave. Departure time from farm is usually close to the time the loaded trailers leave. On some nights they could leave prior to the last trailer being picked up due to logistics of that night.

The applicant has considered all aspects of the procedures involved in the pick up of birds and taken action to minimize the generation of noise.

Council is requested to allow for flexibility in the hours for bird pick up and amend Condition 10.8 in the best interest of bird welfare and the continued operation of the poultry growing farm.

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Management Plan: "Alco" Broiler Farm

Corrective action taken by parties involved

Mr Vassallo:

Mr Vassallo is aware of the impact of noise and business operations on his neighbours:

- Mr Vassallo has negotiated a settlement with the Glendiver Community for the upkeep and maintenance of the roadway through the community.
- Mr Vassallo will aim to prevent avoidable noise and minimise unavoidable noise by working closely with his contractors, Cordina Farms and their contractors. Any avoidable noise or neighbour complaints will be promptly reported to Cordina Farms and corrective action will be taken as soon as possible.
- Mr Vassallo engaged the services of an environmental consultant to assess the proposed development and its potential effects on noise. These reports dated 30.01.2008; January 18, 2013 and November 19, 2014 are attached. The results for noise outlined in the report are within acceptable levels.
- Maintain all loading areas to be free from holes and any unevenness that would contribute to noise production.
- Mr Vassallo has installed signs on farm limiting traffic to 10km/hr
- All sheds clearly numbered
- Locked gate on main entrance of farm to restrict unauthorised vehicle access.

Cordina Farms:

Cordina Chickens has made a number of significant changes to reduce noise.

- The live bird trailers have been altered to offset the levels at which the modules are transported reducing noise during transit. This alteration means that the live bird drawers will not interlock with other modules, reducing the need to shake modules to unload them and therefore significantly reducing noise during loading and unloading.
- Cordina Farms will continue to work closely with Mr Vassallo to address any of his concerns regarding noise associated with Cordina Farms or its contractors. This includes day old deliveries, feed deliveries and pick up vehicles and personnel.

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Management Plan: "Alco" Broiler Farm

Girraween Transport:

Girraween transport has been notified of the issues concerning Mr Vassallo's Farm and the Glendiver Estate. Girraween Transport and their staff are aware of the impact of noise on neighbours and are working to reduce avoidable noise by:

- Installing rubber dampers on forklifts to stop the banging of the tynes onto the main frame
- Truck entry and exit speeds through the estate have been capped to 20 kilometres per hour. Truck drivers and pick up crews have all been notified of the situation regarding entry and exit speeds. Vehicle speed approaching the farm on the Glendiver Road is clearly signposted as 60 kilometres per hour.
- All forklifts have had their mufflers replaced with new Flow Tech units, as referred to earlier. Monitoring of the noise emission after installation of the new mufflers was carried out on another farm contracted to Cordina. This test showed that the noise from the forklifts had been reduced by 4 to 5 dB(A), or 7 to 8%.
- All forklifts have had their engines fitted with governor mechanisms to limit their speed and therefore noise output.
- Pick up crew supervision and management is monitored and controlled. Each crew has its supervisor who is responsible for the actions of their pick up crew.
- Crews have been notified that they must limit the volume of their voices when talking to others during night time hours.

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Management Plan: "Alco" Broiler Farm

4. Odour management

The primary sources of odour risk on most poultry farms are from litter within shed; removal, stockpiling or spreading of used litter; disposal of dead birds and bird odour. While management strategies can and will be put in place to minimise odour generated from these sources, it is possible that a level of chicken odour as is normally associated with chicken farming may be detectable at the nearest boundary of the Farm. While some people find such odours normal and acceptable for rural areas, others find them offensive. The level of perception and tolerance of odours varies with individuals.

It should be noted that between 1973 and 2005 no recorded complaints have been lodged with Council, furthermore odour can also be generated from surrounding properties (e.g. a grazier spreading manure or chicken litter on their land as fertilizer) and can be mistakenly perceived to be originating from the Farm. Cumulative odour can also be an issue. This can occur when a number of urban and rural odour sources pool together to generate excessive odour. These issues should be kept in mind when investigating odour problems.

Where a legitimate odour problem is established, we will investigate odour reduction strategies, bearing in mind commercial realities and our responsibilities under the Protection of the Environment Operations Act 1997, particularly Section 126 which states *"The occupier of any premises who deals with materials in or on those premises in such a manner as to cause air pollution (odour) from those premises is guilty of an offence if the air pollution so caused, or any part of the air pollution so caused, is caused by the occupier's failure to deal with those materials in a proper and efficient manner"*

In-shed Litter Management

Litter in the chicken sheds is potentially a significant source of odour. Litter moisture is the primary contributor to odour generation. A base level of moisture within the litter is essential to avoid dust problems and to promote beneficial organisms. Optimal litter moisture is generally between 15 and 30%. Litter moisture is generated by the birds (e.g. faecal moisture), from the operation of drinkers and foggers (cooling sprays). Management of ventilation, sheds, equipment, nutrition and bird health are all essential for maintaining ideal litter moisture levels and consequentially managing odour from litter within the sheds. The Farmer will

- Aim to maintain optimal litter moisture so that the litter remains friable
- Monitor litter moisture daily using visual observation
- Use bedding materials which is dry, able to absorb moisture and avoid caking (e.g. wood shavings, rice hulls and composted litter). Mr Vassallo uses new bedding material in his brood area every batch (wood shavings) and composted litter in the grow-out end of the shed. To compost litter, cake should be removed, friable litter stacked and composted for approximately 7 days. The litter is then spread on the floor.

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- Manage water flows to prevent water entering chicken sheds and storage facilities from rain, irrigation sprinklers and surface water;
- Maintain drains in the immediate vicinity of the chicken sheds and within the site so as to prevent water ingress into poultry houses or poultry house floors;
- Maintain nozzles and correct pressure in drinker and fogger lines.
- Where supplementary foggers are utilized; ensure that they are maintained and not overused, to minimise wet litter;
- Adjust height and maintain drinker and feeder lines to prevent spillage;
- Use nipple drinkers
- Continually monitor ventilation, heating and cooling systems to ensure moisture content of the litter is controlled, maintain friable litter and minimise condensation;
- Record as necessary observations regarding litter quality, moisture, litter management practices (such as breaking paper, rotary hoeing and litter bugging) and any other aspect that would increase shed odour levels.
- Remove patches of wet or caked litter from sheds as soon as possible and replace with dry, friable litter, and take corrective action against the causes of the wet or caked litter;
- Break up damp or caking litter by mechanical means;
- Maintain insulation to a level that prevents condensation forming on the undersides of roofs;
- Remove or compost litter immediately after every batch is completed;
- Maintain ventilation and cooling systems so that birds are kept in a comfortable environment and avoid excessive water consumption associated with high shed internal temperatures.

Used Litter Management

Used litter can be a source of odour and pollution, particularly if stored, spilled or spread inappropriately on the Farm. Wet litter especially can generate odour. Removal of used litter from the farm eliminates the risk of odour problems. The Farmer will:

- Aim to remove all unusable litter from the farm at the completion of each farm cleanout
- Monitor litter removal at the end of each farm cleanout
- If immediate removal of litter is not possible, litter may be stored on the Farm for a short term provided that any stockpile area is designed to avoid emitting odour and polluting or contaminating surface water, ground water and land by keeping the stockpile dry and secure until it can be removed from the Farm. Council may inspect the storage site;
- Where possible, avoid litter or manure becoming wet during the removal process;
- Reduce ventilation from shed during removal, taking into consideration the safe environment of the workers;
- Avoid spilling manure and litter from vehicles on drives and roads, immediately clean up any spent litter from drives and roads;
- Cover all litter and manure when transporting;

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Dead Bird Management

Dead birds can be a significant source of odour and pollution if they are not disposed of properly. Many alternatives and new technologies exist for dead bird storage and disposal. Options for dead bird disposal include lidded garbage bins with frequent pick up, freezing with disposal to a rendering plant, approved land fill or composting. These disposal methods must be approved by the relevant authorities prior to use. Please see examples and references attached in support of composting birds.

The Farmer will:-

- Collect dead birds daily or more frequently if conditions require (eg. Hot weather) to minimise odour generation, insect, rodent and vermin infestation;
- Monitor dead bird pick-up, correct operation cool room container and removal of dead birds from the Farm;
- Record number of dead birds per shed and date dead birds are removed from the farm;
- Monitor bird health and maintain at optimum to minimise bird deaths, report to Processor if there is a suspected bird health problem;
- Dispose of dead birds in a way that avoids odour, and pollution to surface water, groundwater and land;
- Place dead birds in disposal system daily (within reasonable time of removal from sheds), and in such a way that prevents feral or insect activity in relation to same;
- Monitor mortalities and if they exceed acceptable levels report to the Processor and if appropriate arrange for more frequent dispatch of carcasses from the Farm;
- In the event of a mortality emergency that is beyond the scope of the Farmer to manage, contact the appropriate regulatory authority for advice and assistance on mass carcass disposal;
- In the event of an exotic disease outbreak, follow the instruction of the NSW Agriculture Chief Veterinary Officer in control;
- In the case of power failure, farmers are encouraged to maintain a standby generator with capacity to operate all relevant farm equipment under maximum load.
- Have available an alternative means of collection/disposal in case of an emergency or catastrophic mortality situation; For exotic disease contingency identify in appropriate area on site that can be safely used to bury slaughtered birds in the eventuality of an exotic disease outbreak with DPI approval. This area should be free from development and be relatively isolated from runoff, the water table, sensitive natural features and the poultry housing.

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Management Plan: "Alco" Broiler Farm

Bird Odour

During the heat of summer, foggers are used to spray a fine mist over the birds acting as an evaporative cooler. Birds that become excessively wet due to the overuse of foggers tend to emit a much stronger odour compared to normal. Prolonged use of foggers in the event of heatwave conditions can have serious impact on litter quality and bird odour.

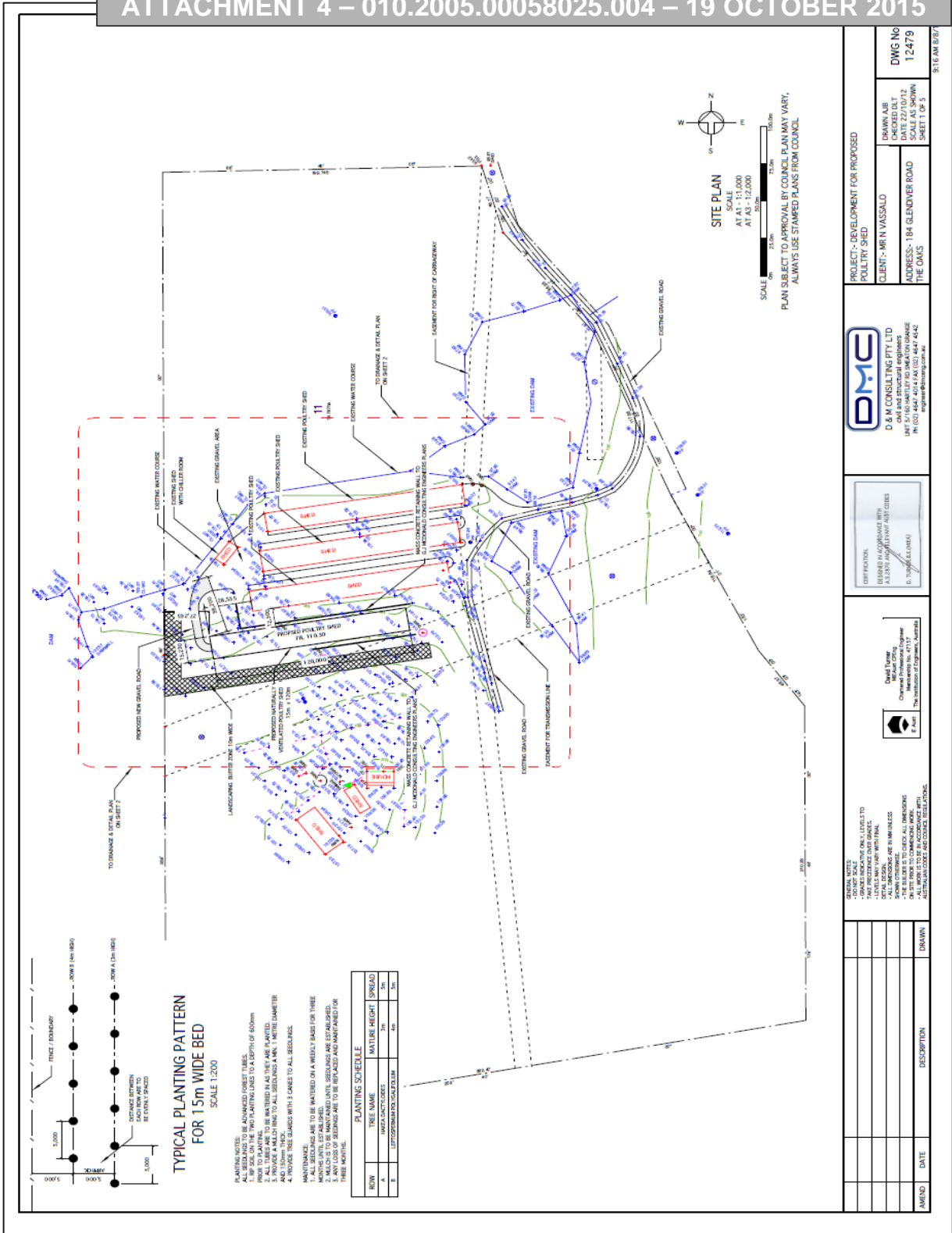
Alco Farm has two types of fogger nozzles in his sheds. Two lines of brass foggers (*beaumac*) are used regularly during summer to cool the birds. There is also an additional line of "SF2" foggers on the northern side of the sheds which is used only on extremely hot days (over 40°C). Prioritising bird welfare during these extreme heat waves is often at the expense of litter and odour. Management practices listed above must be used to ameliorate the effects of fogging during these times.

Annual farm audits, known as *heat wave audits*, are carried out prior to the hotter months and all farms must pass the audit. For any non-compliance recorded during the audit, growers are given an appropriate amount of time to rectify the problem and are then re-audited. During the audit the cooling systems are checked to ensure they are in working order and to check for leakages, blockages and any other problems that would inhibit their functionality.

As of November 2014, Mr Vassallo has been audited by Cordina Field Service staff and has passed the heat wave audit. This demonstrates that his cooling systems are adequately maintained.

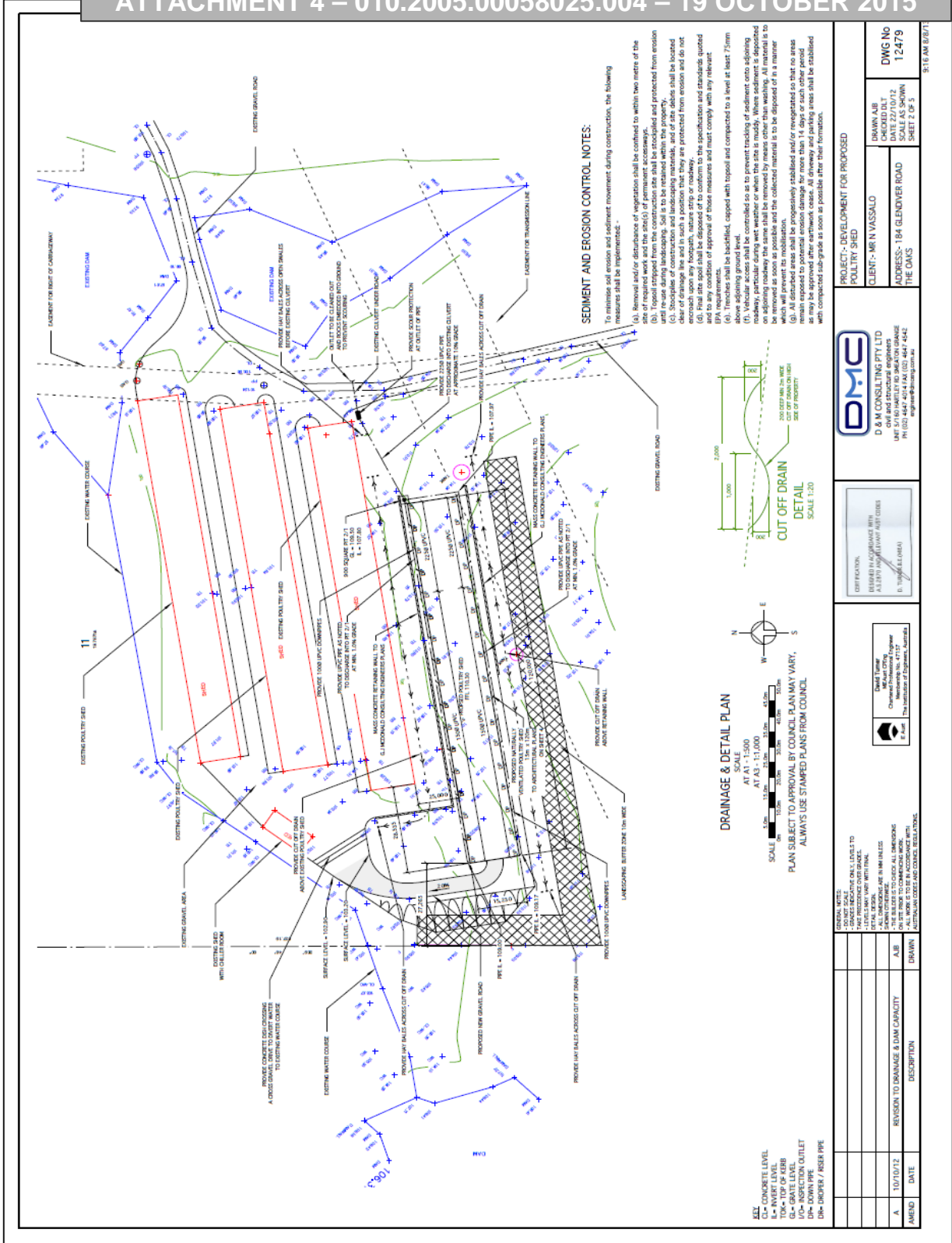
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SEDIMENT AND EROSION CONTROL NOTES:

- To minimise soil erosion and sediment movement during construction, the following measures shall be implemented:
 - Removal and/or disturbance of vegetation shall be confined to within two metres of the excavation and the soil or permeable shall be enclosed and protected from erosion until re-use during landscaping. Soil is to be retained within the property.
 - Stockpiles of construction and landscaping materials, and site debris shall be located on paved areas or on concrete slabs. Stockpiles are to be protected from erosion and do not exceed 1.5m in height. Stockpiles are to be protected from erosion and do not exceed 1.5m in height.
 - Final site spoil shall be disposed of to conform to the specification and standards quoted and to any condition of approval of those measures and must comply with any relevant legislation.
 - Trenches shall be backfilled, capped with topsoil and compacted to a level at least 75mm above adjoining ground level.
 - Vehicle access shall be controlled so as to prevent tracking of sediment onto adjoining roads. Sediment shall be removed from the site as soon as possible. Sediment shall be removed as soon as possible and the collected material is to be disposed of in a manner which will prevent its mobilisation.
 - Drainage channels shall be installed and maintained in accordance with the standards which remain adopted to prevent erosion damage for more than 14 days or such other period as may be approved after earthwork ceases. All driveway and parking areas shall be stabilised with compacted subgrade as soon as possible after their formation.

PROJECT: DEVELOPMENT FOR PROPOSED POULTRY SHED	
CLIENT: MR N VASSALO	DRAWN AUB
ADDRESS: 184 GLENDIVER ROAD THE OAKS	CHECKED DLT
	DATE 22/10/12
	DWG No 12479
	SHEET 2 OF 5

DMC
 D M CONSULTING PTY LTD
 CIVIL AND STRUCTURAL ENGINEERS
 UNIT 5/160 HARLEIGH DAMATION GARAGE
 PH (08) 4399 8100
 www.dmc-engineers.com.au

CITY OFFICER:
 ENDORSED IN ACCORDANCE WITH
 A LETTER FROM THE CITY ENGINEER
 D. VASSALO (E.L. 184)

Scale:
 AT A1 - 1:500
 AT A3 - 1:1,000
 SCALE 1:500

PLAN SUBJECT TO APPROVAL BY COUNCIL. PLANS MAY VARY.
 ALWAYS USE STAMPED PLANS FROM COUNCIL.

REVISION TO DRAINAGE & DAM CAPACITY	AUB
DATE	10/10/12
DESCRIPTION	

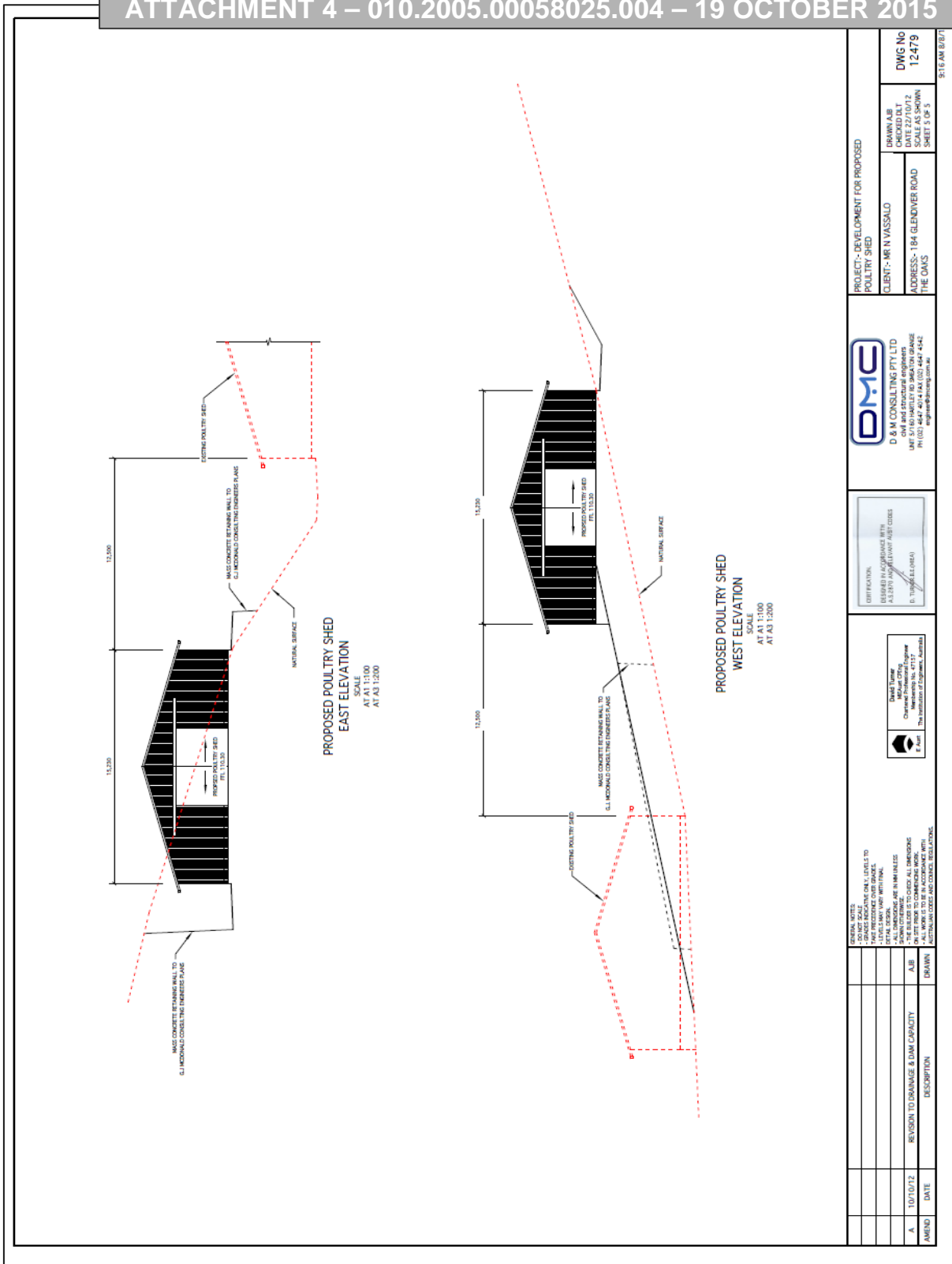
AMEND	DATE	DESCRIPTION

GENERAL NOTES:
 1. CONSULT LOCAL COUNCIL FOR ALL LEVELS TO FACE PRESENCE OF OUTGRADE.
 2. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT CODES AND STANDARDS.
 3. ALL WORK IS TO BE IN ACCORDANCE WITH THE CURRENT CODES AND STANDARDS.

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 October 2015

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PE2 – Multi Dwelling Housing (9 units) - 2-4 Pitt St, Tahmoor

PE2

Development Application No. 010.2014.00000792.001 – Construction of Multi Dwelling Housing (9 units) at 2-4 Pitt Street, Tahmoor

1006

010.2014.00000792.001

Planning & Economy



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↑
LOCATION MAP N

DEVELOPMENT INFORMATION

Development Application No:	010.2014.00000792.001
Property Address:	2-4 Pitt Street, Tahmoor
Applicant:	Dwell Designs Australia
Owner:	Z Azzi
Proposal Details:	Construction of multi dwelling housing – nine (9) units
Zone:	R3 Medium Density Residential

PE2 – Multi Dwelling Housing (9 units) - 2-4 Pitt St, Tahmoor

EXECUTIVE SUMMARY

- Development consent is sought to construct a medium density development comprising nine (9) residential units at 2-4 Pitt Street, Tahmoor.
- Three (3) submissions have been received raising concerns with the operation of the development.
- Four (4) variations are proposed in regards to controls from the medium density development requirements within Wollondilly Development Control Plan 2011 Volume 3 Residential Development.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been received in relation to this application.
- It is recommended that the application be approved subject to conditions.

REPORT

CONSULTATION

Referral	Outcome
Development Engineer	Conditions recommended
Building Surveyor	Standard Building Code of Australia conditions are recommended
Health Officer	Conditions regarding noise mitigation are recommended
Waste Management	Conditions recommended
Disabilities Access	No comments
Design Engineer	Conditions recommended
Property	Concerns regarding drainage have been raised. Conditions from engineering are sought
Mines Subsidence	Approval has not been obtained regarding the amended plans. A deferred commencement condition of consent is recommended to ensure approval is obtained prior to the consent becoming active.
NSW Police	No response received
State Rail/ARTC	No response received

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1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The site is known as Lots 426 and 427 DP 9278, No.s 2-4 Pitt Street, Tahmoor. The combined area of the site is 3,512.2m² and together forms a large triangle parcel of land bound by the Great Southern Railway, Thirlmere Way, Mahonga and Chapman Streets and three (3) residential allotments, being 21 Thirlmere Way, 40A Castlereagh Street and 2B Chapman Street.

The site is vacant and contains a number of trees. These trees are representative of Shale/Sandstone Transitional Forest species (Critically Endangered Ecological Community) but are an isolated stand of trees within the Tahmoor residential environment. A small drainage depression traverses the land but is not mapped as being a watercourse as defined by the Water Management Act 2000.

1.2 DESCRIPTION OF DEVELOPMENT

Development consent is sought for the construction of a medium density development comprises nine (9) residential units with associated works. Each unit contains three (3) bedrooms. Unit 7 is designated as being an accessible unit in accordance with Australian Standard AS4299.

The units will be brick in construction with walls comprising a combination of bricks and render to provide visual relief and interest, topped with colourbond roofs. A colour palette has been provided and the development will be finished in a number of colours, being greys, white, brown and caramel.

Access to the site will be from Pitt Street. The portion of the road subject of this application is unformed and will need to be constructed to provide practical access to Mahonga and Chapman Streets.

1.3 SECTION 79C ASSESSMENT

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy (Infrastructure) 2007

Clause	Comment
<p>2 <i>Aim of Policy</i></p> <p><i>The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:</i></p> <p><i>(a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and</i></p>	<p>Noted and satisfactory</p>

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Clause	Comment
<p>(b) providing greater flexibility in the location of infrastructure and service facilities, and (c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and (d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and (e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and (f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.</p>	
<p>85 Development immediately adjacent to rail corridors</p> <p>(1) This clause applies to development on land that is in or immediately adjacent to a rail corridor, if the development:</p> <p>(a) is likely to have an adverse effect on rail safety, or (b) involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or (c) involves the use of a crane in air space above any rail corridor.</p> <p>(2) Before determining a development application for development to which this clause applies, the consent authority must:</p>	<p>(1) n/a</p> <p>(2) The application was referred to the authority twice and no comments were received.</p> <p>Twenty-one (21) days after the cessation of the referral period, the</p>

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Clause	Comment
<p>(a) <i>within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and</i></p> <p>(b) <i>take into consideration:</i></p> <p>(i) <i>any response to the notice that is received within 21 days after the notice is given, and</i></p> <p>(ii) <i>any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</i></p>	<p>authority was contacted and asked if there were any comments and/or concerns that were needed to be brought to council's attention. No response was received.</p> <p>An assessment against the controls from the document "Development near Rail Corridors and Busy Roads – Interim Guidelines" will be undertaken later in this assessment report. This assessment will detail if there are any conditions of consent that are required to be imposed in regards to the provisions of the legislation.</p>
<p>86 <i>Excavation in, above or adjacent to rail corridors</i></p> <p>(1) <i>This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:</i></p> <p>(a) <i>within or above a rail corridor, or</i></p> <p>(b) <i>within 25m (measured horizontally) of a rail corridor. or</i></p> <p>(c) <i>within 25m (measured horizontally) of the ground directly above an underground rail corridor.</i></p>	<p>(1) Noted. However, the maximum cut proposed for the development is 519mm and the maximum amount of fill will be 347mm. therefore, these provisions of this clause do not apply.</p>
<p>87 <i>Impact of rail noise or vibration on non-rail development</i></p> <p>(1) <i>This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:</i></p> <p>(a) <i>a building for residential use,</i></p> <p>(b) <i>a place of public worship,</i></p> <p>(c) <i>a hospital,</i></p> <p>(d) <i>an educational establishment or child care centre.</i></p>	<p>(1) noted</p>

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Clause	Comment
<p>(2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.</p> <p>(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:</p> <p>(a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,</p> <p>(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.</p>	<p>(2) an assessment against the Publication “Development near Rail Corridors and Busy Roads – Interim Guidelines” will be undertaken in order to determine what measures are required to be provided</p> <p>(3) A noise impact assessment report was submitted and reviewed by Council's Senior Environmental Health Officer and conditions are recommended. It is recommended that details shall be provided prior to the issue of a Construction Certificate demonstrating that suitable measures will be installed and further, evidence to be presented to Council or the Principal Certifying Authority prior to the issue of any Occupation Certificate</p>
<p>100 Development on proposed classified road</p> <p>(1) Consent for development for any of the following purposes on land reserved for the purposes of a classified road (but before the land is declared to be a classified road) may be granted only with the concurrence of the chief executive officer of the RTA:</p> <p>(a) subdivision that results in the creation of an additional lot with dwelling entitlements,</p> <p>(b) development with a capital investment value greater than \$150,000,</p> <p>(c) development for the purpose of dwellings that are, or any other building that is, to be held under strata title.</p>	<p>(1) Access will not be obtained from Thirlmere Way, which is mapped as being a classified road.</p>

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Clause	Comment
<p>101 <i>Development with frontage to classified road</i></p> <p>(1) <i>The objectives of this clause are:</i> (a) <i>to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and</i> (b) <i>to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.</i></p>	<p>(1) Access will not be obtained from Thirlmere Way, which is mapped as being a classified road. It is considered that the development will not have any adverse impact upon the operation of the public road system.</p>
<p>102 <i>Impact of road noise or vibration on non-road development</i></p> <p>(1) <i>This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000 vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:</i></p> <p>(a) <i>a building for residential use,</i> (b) <i>a place of public worship,</i> (c) <i>a hospital,</i> (d) <i>an educational establishment or child care centre.</i></p>	<p>(1) Thirlmere Way does not accommodate 40,000 vehicles per day, as such, no further assessment is required under this clause.</p>

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State Environmental Planning Policy (BASIX)

Question	Answer
Are the street address, postcode and LGA correct on the BASIX certificate?	YES
Are the dwelling type and the number of bedrooms correct?	YES
Is the site area on the certificate correct?	YES
Is the roof are correct?	YES
Are the conditioned and unconditioned floor areas on the certificate correct?	YES
Are the landscaping/lawn areas correct on the certificate?	YES

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State Environmental Planning Policy No. 55 – Remediation of Land

Question	YES	NO
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	Proceed to Question 3	Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	Proceed to Question 3	Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: <ul style="list-style-type: none"> ▪ Child care facility ▪ Educational use ▪ Recreational use ▪ Health care use ▪ Place of public worship ▪ Residential use in a commercial or industrial zone 	Proceed to Question 5	Proceed to Question 4
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	Proceed to Question 5	Proposal satisfactory under SEPP 55 and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	Request contaminated site assessment	Proposal satisfactory under SEPP 55 and DCP.

Comments: council's records show that there have been no previous land use activities operating from the subject land to have caused any contamination of land. No further investigations and/or reporting is required

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

Relevant Provisions	Comment
3. Aims of the Plan	Subject to conditions of consent, the development will not have any adverse impacts upon receiving waters and/or the catchment. Water from the site will be integrated with the existing stormwater system located onsite (drainage point located along the boundary to a drainage pipe under the

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Relevant Provisions	Comment
	rail) and onsite detention and other measures to be constructed will ensure post development flows are similar to pre development flows.
11. Development controls	
(7) Filling	Standard conditions of consent are recommended

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,	Noted and satisfactory
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	Noted and satisfactory. Standard conditions are recommended
(c) to protect water quality in land that is situated within water supply catchments,	Conditions are recommended
(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,	Not applicable.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	Satisfactory

Characterisation: multi dwelling housing
Zone of land: R3 Medium Density Residential
Permissibility: yes, with consent

Zone Objective	Comment
<i>To provide for the housing needs of the community within a medium density residential environment.</i>	Satisfactory
<i>To provide a variety of housing types within a medium density residential environment.</i>	Satisfactory
<i>To enable other land uses that provides facilities or services to meet the day to day needs of residents.</i>	Satisfactory
<i>To encourage the provision of affordable housing.</i>	Satisfactory

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LEP Clauses

Clause	Comment
Part 4 Principal development standards	
4.3 Height of buildings – 9m	A restriction of 9m applies. No unit exceeds the height restriction.
Part 5 Miscellaneous provisions	
5.9 Preservation of trees or vegetation	Trees are required to be removed from the development site. These trees are representative of being shale/sandstone transitional forest vegetation (a listed Critically Endangered Ecological Community under the Threatened Species Conservation Act 1995). However; the cluster is an isolated stand of trees located within an urban environment and is not contiguous with other similar type vegetation to form a corridor. The removal of the trees will not cause any impact to the threatened species however, conditions regarding inspections before removal are recommended.
Part 7 Additional local provisions	
7.1 Essential services	To be conditioned accordingly
7.2 Biodiversity protection	Not applicable.
7.3 Water protection	Not applicable.
7.4 Flood planning	Not applicable.
7.5 Earthworks	To be conditioned accordingly

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1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft environmental planning instruments that apply and/or affect this land.

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Volume 1 – General

Relevant Provisions	Comment
1.2 Aims of Plan	Noted
1.11 Request for Variation	Four (4) variations are proposed, relating to each dwelling facing a public road, rear setbacks, awnings and eaves setbacks. These will be discussed in more detail later in this assessment report.

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Relevant Provisions	Comment
2.1 Advertising and Notification of Development Proposals	The application was advertised and notified in accordance with the plan's requirements.
2.3 Tree and vegetation provisions	<p>Trees are required to be removed from the development site. These trees are representative of being shale/sandstone transitional forest vegetation (a listed Critically Endangered Ecological Community under the Threatened Species Conservation Act 1995).</p> <p>However; the cluster is an isolated stand of trees located within an urban environment and is not contiguous with other similar type vegetation to form a corridor. The removal of the trees will not cause any impact to the threatened species however, conditions regarding inspections before removal are recommended</p>
2.4 Landscaping	To be conditioned accordingly
2.9 Contaminated land and Land filling	An assessment has already been undertaken against the provisions of SEPP55 earlier in this report
2.10 Land slip and subsidence	An approval from the Mines Subsidence Board has not been obtained regarding the amended plans. Prior to any construction, the approval will need to be obtained. A "deferred commencement" Condition is recommended
2.12 Site waste minimisation and management	To be conditioned accordingly
2.13 Salinity	To be conditioned accordingly
2.14 Water Management	Subject to conditions, the development will not have any adverse impacts upon the Hawkesbury-Nepean catchment, riparian areas and/or downstream properties.
2.15 Transport and Movement	Subject to conditions, the development will not have any adverse impact upon the operation of the public road system or affect pedestrian movements.
2.16 Landscape & Scenic Quality	<p>This development will generally be the first of its kind within the medium density zone within this part of Tahmoor under the provisions of the WLEP 2011.</p> <p>While it may appear as uncharacteristic of the existing built form within the immediate area, the application has been amended so the units will be</p>

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Relevant Provisions	Comment
	<p>complementary in that they will not appear to be stark within the urban landscape character or have excessive bulk and scale.</p> <p>Landscaping will help alleviate any concerns and given the units are two storeys in height; they will read similarly to the other two storey residential dwellings that are located within the immediate area and adjoining the development site.</p>

Volume 3 – Residential

No.	Control	Comment
1	<p>Residential development to which these provisions apply must achieve a minimum density of 25 lots per hectare rounded down to the nearest dwelling.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Example A 1,345m² allotment is 0.1345 Ha. Minimum Yeild = 25 \times lot area in hectares = 25 \times 0.1345 = 3.3625 = 3 dwellings</p> </div>	<p>The combined site area is 3512.2m²</p> <p>25 \times 0.3512 = 8.78</p> <p>Nine units are proposed. The development is satisfactory in this regard</p>
2	<p>Residential development to which these provisions apply must not exceed a maximum density of 45 lots per hectare rounded down to the nearest dwelling.</p> <div style="border: 1px solid black; padding: 5px;"> <p>Example A 1,345m² allotment is 0.1345 Ha. Maximum Yeild = 45 \times lot area in hectares = 45 \times 0.1345 = 6.0525 = 6 dwellings</p> </div>	<p>The combined site area is 3512.287m²</p> <p>45 \times 0.3512 = 15</p> <p>Nine units are proposed. The development is satisfactory in this regard</p>
3	<p>In determining the density of development under these provisions land used for the following purposes is not taken into account:</p> <ul style="list-style-type: none"> ▪ Environmental Conservation ▪ Public Roads ▪ Land reserved for future development ▪ Dedication to Council as public open 	<p>The development is satisfactory in this regard</p>

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No.	Control	Comment
	space ▪ Basins, wetlands and similar stormwater management systems (water tanks are to be included in the calculation)	
Building Design		
4	The total portion of the site covered by all pools, buildings and paving shall not exceed 75% of the site area.	Site coverage is approximately 54%. The development is satisfactory in this regard
5	Filling of land shall not increase the natural ground level by more than 1.0m.	The plans of development shows only 347mm of fill will be used. The development is satisfactory in this regard
6	Cut shall be limited to 2.0 metres below natural ground level.	The plans of development shows that only 519mm of the site will have cut. The development is satisfactory in this regard
7	Each frontage of the lot to a public road must be addressed by a dwelling. A dwelling is taken to address a frontage if the façade of the dwelling visible from that frontage meets the front façade requirements of this volume.	A variation has been sought and will be discussed later in this report.
8	Any front façade must feature a personal access door.	The development is satisfactory in this regard
9	Any front façade must have no stretch of blank wall greater than 5.0m in length.	The development is satisfactory in this regard
10	A side or rear façade must have no stretch of blank wall greater than 12.0 metres.	The development is satisfactory in this regard
11	No more than 50% of the front façade shall be garage doors.	The development is satisfactory in this regard
12	The number of garage doors visible to the street shall be limited to 2. In this control a double garage door shall be counted as 2 doors.	The development is satisfactory in this regard

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No.	Control	Comment
13	The front façade shall be provided with at least one habitable room with a window looking out onto the public road.	The development is satisfactory in this regard
14	Medium density developments must not: <ul style="list-style-type: none"> ▪ Be mirror reversed; ▪ Have a repeated façade; ▪ Locate garages at the centre of the building's front façade; nor ▪ Present an excessively bulky front façade. 	The development is satisfactory in this regard
15	One dwelling per five provided in a medium density development (rounded down) shall be provided as an adaptable dwelling.	Unit 7 has been designed for this purpose. Conditions are recommended to ensure the unit complies with AS4299
Setbacks		
16	Where there is a dwelling on each adjoining lot, the setback for the dwelling from any primary road shall be the average setback of the existing adjoining dwellings plus or minus 10%. Such a setback shall be no less than 4.5m.	Compliant. All units have a setback that is equal to or greater than 6.5m in regard to Pitt Street and Thirlmere Way respectively. However, the units are orientated to face the internal driveway access road and do not face the aforementioned streets. Based on the merits of the case, no objection is raised in this regard
17	Where there is a dwelling on one adjoining lot the front setback for the dwelling shall be plus or minus 10% of the setback of the adjoining dwelling. Such a setback shall be no less than 4.5m.	Not applicable.
18	Where there is no dwelling on an adjoining lot the front setback shall be 4.5m for a lot with and area less than 900m ² and 6.5m for other residential lots.	Compliant. All units have a setback that is equal to or greater than 6.5m in regard to Pitt Street and Thirlmere Way respectively. However, the units are orientated to face

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No.	Control	Comment
		the internal driveway access road and do not face the aforementioned streets. Based on the merits of the case, no objection is raised in this regard
19	The minimum side setback shall be 0.9m from land not included in the development.	The development is satisfactory in this regard
20	The minimum rear setback from land not included in the development shall be 8.0m for a two (2) storey dwelling and 3.0m for a single storey dwelling or a single storey part of a two (2) storey dwelling.	A variation has been sought and will be discussed later in this report.
21	The methods for determining primary and secondary roads and setbacks prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes), 2008, are adopted by this volume.	Noted
22	No part of any garage shall be located within 5.5 metres of a frontage of the site to a public road.	The development is satisfactory in this regard
23	Awnings and other building features that do not form a wall of a room may be located between the building setback to a primary and/or secondary road and shall not extend more than 1.5m in front of that building setback.	A variation has been sought and will be discussed later in this report.
24	Eaves and other building features that do not form a wall of a room may be located within the side and rear building setbacks but shall not extend more than 450mm into that building setback.	A variation has been sought and will be discussed later in this report.
25	For corner or irregular allotments with multiple road frontages the setback from any secondary road shall be 2m for a lot with an area less than 900m ² and 3m for other residential lots.	The development is satisfactory in this regard
Private Open Space		
26	A minimum principal area of private open space must be provided for each dwelling with the following characteristics: a. Gradient no steeper than 1:20 (Rise:Run) b. Width no less than 3 metres in any direction	The development is satisfactory in this regard

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No.	Control	Comment
	<ul style="list-style-type: none"> c. Must be directly accessible from, and adjacent to, a habitable room, other than a bedroom d. Have an area no less than 24 square-metres. e. Must not be located in the front building setback f. Not be used for clothes drying, effluent disposal or garbage storage 	
Common Open Space		
27	<p>The size of the principal area of private open space for each dwelling may be reduced to 10 square-metres if an area of common open space is provided for the development with the following characteristics:</p> <ul style="list-style-type: none"> a. Gradient no steeper than 1:20 (Rise:Run) b. Width no less than 6 metres in any direction c. At least 3 hours of solar access to 50% of the area (ignoring shadowing caused by trees). d. Provided with suitable fixed embellishment comprising a minimum of: e. Seating and tables at the rate of 6 seats and one table per 3 dwellings rounded up to the nearest whole number. f. Barbeque facilities at the rate of 1 barbeque per 3 dwellings rounded up to the nearest whole number g. Children’s play equipment h. Have a total area no less than 8 square-metres per dwelling i. Must not be located in the front building setback j. Not be used for effluent disposal or garbage storage k. Be secured from public access but available to all occupiers in the development. 	No common open space is proposed and the number of units are less than the minimum ten specified in this control
Parking, Access and Vehicular Safety		
28	A minimum of one parking space must be provided wholly on the site for each dwelling. Such a space or spaces may be an open hard stand space or a carport or	Each unit has a garage. Units 1, 2, 5, 6, 7, 8 and 9 have a second stacked

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No.	Control	Comment
	garage, whether attached to or detached from the dwelling.	parking space rearward of the garage area. Units 3 and 4 appear to have additional spaces within the common driveway area
29	An open hard stand car parking space must measure at least 2.6m wide and 5.4m long.	The development is satisfactory in this regard
30	A minimum of 1 visitor parking space per three (3) dwellings (rounded up) must be provided wholly on the site. Such a space or spaces may be an open hard stand space or a carport or garage, whether attached to or detached from the building.	Three (3) visitor parking spaces are proposed. The development is satisfactory in this regard
Landscaping		
31	At least 10% of the area of the site shall be formally landscaped with an automated water system to be provided.	The development is satisfactory in this regard. Conditions are recommended
Privacy		
32	Dwellings must not result in unreasonable overlooking into the private open space or windows of habitable rooms in the vicinity.	The development is satisfactory in this regard. There is no ability to causally survey adjoining landowners' private open space areas. Windows between the units are offset and/or designed so there is little opportunity for causal surveillance between unit's habitable rooms
33	A window that has a sill height of 1.7m or more above the floor level within the room shall be taken to have no potential for overlooking.	Noted
Stormwater		
34	Stormwater from new buildings must be gravity fed to a constructed or natural stormwater system. The use of charged lines is not permitted for stormwater connections except for connections conveying roof water to tanks within the property.	Council's development engineering section raise no objection in the proposed stormwater measures proposed by the

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No.	Control	Comment
		applicant and conditions are recommended
Waste Management		
35	<p>The development shall be provided with onsite waste management facilities to allow for:</p> <ul style="list-style-type: none"> a) the collection of domestic waste from each dwelling b) the storage of the waste out of sight of any publically accessible place, dwelling window, area of private open space and area of common open space. c) The collection of domestic waste from the development by waste collection vehicles. 	<p>The development is satisfactory in this regard. no issues have been raised by Council's Development Engineering Section and Waste Management Sections.</p> <p>Conditions are recommended to ensure bin pick up is undertaken from Pitt Street to ensure no vehicular conflict at the junction of Mahonga and Chapman Streets</p>
Environmental Protection		
36	Development must be designed and located to result in no clearing of significant stands of native vegetation.	<p>Trees are required to be removed from the development site. These trees are representative of being shale/sandstone transitional forest vegetation (a listed Critically Ecological Community under the Threatened Species Conservation Act 1995).</p> <p>However; the cluster is an isolated stand of trees located within an urban environment and is not contiguous with other similar type vegetation to form a corridor. The removal</p>

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No.	Control	Comment
		of the trees will not cause any impact to the threatened species however, conditions regarding inspections before removal are recommended

Four (4) variations have been sought for the proposed development. The following is an assessment of the applicant's variation, comments and recommendations from the assessing officer:

Clause Number	Control 7
Description of Control	<i>Each frontage of the lot to a public road must be addressed by a dwelling. A dwelling is taken to address a frontage if the façade of the dwelling visible from that frontage meets the front façade requirements of this volume.</i>
Proposed Variation	Units 7 to 9 (inclusive) are orientated to face the internal access rather than the unformed public road.

The applicant provided the following (in summary)

- The combined allotments result in an irregular shaped site, having frontages to two infrastructure networks, being local roads at the south and northwest and the Great Southern Railway line at the east
- Despite these actual frontages, there are physical constraints associated with each street frontage. Pitt St, whilst for all intents and purposes is a "street frontage", is unformed, and is therefore not accessed by local traffic
- The secondary frontage to Thirlmere Way also has physical limitations of an actual frontage. This frontage is dominated by an elevated bridge providing access to the eastern fringe of Tahmoor, with the actual usable frontage being of a minor width with little street presence.
- There are three properties adjoining Pitt St to the opposite side of the unformed roadway. The centre site is an internal allotment which has its rear yard adjoining the road, whilst the other two sites, have their side boundaries against the street the length of Pitt St opposite the subject sites is dominated by a mixture of privacy fencing, creating no true street presence.
- Therefore the decision to address Units 7, 8 and 9 internally as opposed to towards Pitt St is not considered out of context with the current streetscape character
- The provision of the low front fencing to the length of Pitt Street which is complimentary to the adjoining allotment will assist to integrate the development with the existing built environment, create a pleasing streetscape and contribute to an aesthetically pleasing landscape character.

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- The non-compliance is not detrimental to the achievement of the objectives of this control and whilst these elevations do not typically "address" Pitt St, they do contain the prescribed elements required for a "front façade" including a personal access door, no blank walls which are greater than 5.0m in length and garage doors which dominate more than 50% of the facade.

Assessing Officer's comments:

As mentioned above, the existing residential developments along Pitt St do not have dwellings fronting the street, which is not a formed public road.

The design of the units facing an internal driveway/communal area is better suited for traffic/vehicular manoeuvrability rather than having all units gaining access directly from Pitt Street.

Similarly Units 5 and 6 do not front Thirlmere Way. Frontage to Thirlmere Way is not practical due to the bridge. Access from the road will not comply with RMS' safe intersection sight distance requirements for the speed environment (60km/h). Traffic generation along this part of the road during peak periods also impacts safe intersection sight distance.

The proposed masonry and timber fence is considered to have a positive impact. This fence will ensure an aesthetically pleasing outcome for both Council and the development without causing any impact to those residents living opposite.

Given the shape of the site and its limitations, it is considered the development makes best of the situation and achieves an reasonable design in this regard. It is recommended that the variation be supported.

Clause Number	Control 20
Description of Control	<i>The minimum rear setback from land not included in the development shall be 8.0m for a two (2) storey dwelling and 3.0m for a single storey dwelling or a single storey part of a two (2) storey dwelling.</i>
Proposed Variation	Rear setbacks of two storey elements of Units 1 to 4 inclusive being less than 8m <ul style="list-style-type: none"> • Unit 1 – 5.996m • Unit 2 – 5.8m • Unit 3 – 5.44m • Unit 4 – 4.911m

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The applicant provided the following (in summary)

- These units adjoin the railway and the second storey controls do not comply with the 8m setback.
- The purpose of this control is to ensure adequate visual and acoustic privacy – particularly their private open space. As a result, the achievement of the 8m numerical standard required by this control becomes less fundamental, as the preservation of privacy to a public transport service is less crucial than that of maintaining amenity to residential site uses.
- The proposed reduced setbacks will not result in adverse impacts to residents of either the development or adjoining occupants, nor are the achievement of the control objectives compromised.
- Configuration and overall design of the proposal will afford a high standard of living for occupants of the development and will not present as a development which is excessive in terms of bulk and scale.
- Acoustic fencing and construction materials to address noise impacts from the adjoining railway.
- Private open space will comply with Council’s controls

Assessing Officer’s comments:

There is no objection regarding the applicant’s request to vary this control. The design is does not have excessive bulk or scale and will not have any negative impact Likewise, it is considered that there will be no impact from adjoining landowners in regards to privacy and/or overshadowing (see the objectives of the Development Control Plan).

Based on the merits of the case it is considered that the variation be supported as the will be no adverse impacts. Controls are recommended in the noise impact assessment report to ensure future occupants are not affected by intermittent rail noise and/or vibration. It is recommended that the variation be supported.

Clause Number	Control 20
Description of Control	<i>Awnings and other building features that do not form a wall of a room may be located between the building setback to a primary and/or secondary road and shall not extend more than 1.5m in front of that building setback.</i>
Proposed Variation	Units 8 and 9 to encroach 0.95 and 0.65m respectively beyond the 1.5m building elements permitted within the primary road setback

The applicant provided the following (in summary)

- Units 8 and 9 have been oriented internally, resulting in the elevation which addresses Pitt Street forming the rear of the dwelling and including provision for private open space areas

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- As a result, the rear terrace roof of Units 8 and 9 encroach on the 1.5m building element permitted within this setback, Whilst the encroachment is considered minimal, justification specifically correlates with the decision to address the dwellings internally as opposed to provide the front façade addressing the unformed roadway
- The inclusion of the roofs does not result in excessive bulk and scale, will not detract from the streetscape or character of the locality generally and are not visually dominating.

Assessing Officer's comments:

There is no objection regarding the applicant's request to vary this control. The encroachment is into a part of the site which by virtue of the design is a rear setback for the units.

The units will have a 6.5m setback from the street (which is what the plan requires) and this should not be treated as a rear setback and increased to 8m. The house at 29 Chapman St has a setback of 900mm to Pitt Street and the house at 40A Castlereagh St has a setback of 5.6m to Pitt Street.

If these two dwellings were to be used to determine the average setback to Pitt Street, this will equate to an average of 3.25m. Given the units will have a 6.5m setback to the rear building line and minor encroachments as proposed, the development is considered to be consistent with the objectives in accordance with the control. That is, it is considered the development will not have any streetscape impacts or have excessive bulk and scale (when compared to the over two storey tall garage facility for 29 Chapman St and the double storey design of 40A Castlereagh Street). It is recommended that the variation be supported.

Clause Number	Control 24
Description of Control	<i>Eaves and other building features that do not form a wall of a room may be located within the side and rear building setbacks but shall not extend more than 450mm into that building setback.</i>
Proposed Variation	Eaves relating to the two storey elements of units 1 to 4 inclusive addressing The Great Southern Railway boundary encroach beyond the permitted building elements within the rear setback (450mm).

The applicant provided the following (in summary)

Non-compliance with this control is directly identifiable with non-compliance with control 20 above. As sufficient justification for the non-compliance has been previously provided, no further commentary is necessary.

Assessing Officer's comments:

Given the assessing officer's recommendation to support the variation for Control 7, it is considered that there will be no adverse impact in this regard.

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The eave encroachment is considered to be minor and will not cause any impacts or be contrary to the aims and/or objectives of the plan or other applicable environmental planning instruments and/or guideline documents. It is recommended that the variation be supported.

General

In accordance with Planning Circular PS13-003 (dated 18/3/2013), the provisions of the Wollondilly Local Environmental Plan 2011 take primacy over the controls contained in a Development Control Plan.

The controls within a Development Control Plan 'are not statutory requirements' and they do not have determinative weight to a development proposal. The DCP is used as a 'guide' to 'facilitate' development that is permissible under the provisions of an Environmental Planning Instrument such as the WLEP 2011.

Both allotments were created in 1918 by the then Department of Lands and their shape are not consistent with typical lot configuration (one being a triangle and the other a parallelogram). It appears that it was always intended for Pitt Street to run parallel with The Great Southern Railway apart from the deviation required for the Thirlmere Way railway crossover. The resultant lot shape does not allow for a typical medium dwelling housing development to be erected on the land without some form of variation having to be considered. The application has been amended to best address the controls in the Development Control Plan and based on the merits of the proposal, it is recommended that the four variations be supported as the development is consistent with the aim and objectives from the WLEP 2011 and the R3 Medium Density development zone.

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

None

1.4 IMPACT OF THE DEVELOPMENT

Head of Consideration	Comment
Natural Environment	Subject to conditions, the development is considered to be satisfactory and will not have any adverse impact upon the natural environment
Built Environment	The design of the development is considered to be satisfactory. There will be no adverse impact upon the urban landscape character
Social Impacts	Approval of the application will not have any adverse social impacts
Economic Impacts	Approval of the application will not have any adverse economic impacts

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1.5 SUITABILITY OF THE SITE

The site is considered to be suitable for the development. Conditions are recommended to ensure that there will be no adverse impacts to those residing on the land surrounding the development site.

Access to and from the site is proposed from Pitt Street, which is currently an unformed road reserve. An extension of the public road is required from the corner of Chapman and Mahonga Streets to ensure that all passenger and garbage collection traffic can enter and leave in a forward direction to the existing public roads.

Further, part of Pitt Street will need to be formally constructed to ensure traffic can enter the site and to not deny access to those residential dwellings that have an access to the current unformed road reserve. Currently, the dwelling at 2B Chapman Street has a garage access onto Pitt Street and the dwelling at 40A Castlereagh Street has a gate for pedestrian access. The intent of the application will ensure that approval of this application will afford sufficient access to the site and maintain access to Pitt Street for the aforementioned properties. Conditions will require the persons having the benefit of this consent to partly construct Pitt Street to a public road standard.

Development near Rail Corridors and Busy Roads – Interim Guidelines

This guideline document provides more detailed controls when considering Development Application against the provisions of the State Environmental Planning Policy (Infrastructure) 2007. Given this development is located immediately adjacent to The Great Southern Railway and Thirlmere Way, being a classified road, an assessment against the document is required in regards to noise and vibration.

Noise – road and rail:

The closest unit to the railway corridor is Unit 4, being setback 5.124m from the boundary. However, from the centreline of track, Unit 4 is located 23.7m from the centreline of the closest railway track. The highest speed environment along that part of the railway is 85km/h for the XPT. In accordance with Figure 3.1, a full acoustic assessment is required.

According to Council's records, the average daily traffic count for the bridge over the railway is 9,623 vehicles/day (according to Council's latest traffic count data). The distance of the closest unit to the centreline of the road is approximately 19.2m and the speed environment is 60km/h. in accordance with Figure 3.4(a), the development requires an acoustic assessment.

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In accordance with the guidelines, an acoustic report was submitted with the application and reviewed by Council's Senior Environmental Health Officer who recommended conditions of consent in this regard. The assessment against the provisions of the State Environmental Planning Policy (Infrastructure) 2007 concluded that if the development is for the purpose of a building for residential use, the consent authority must be satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- in any bedroom in the building: 35dB(A) at any time 10pm–7am
- anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.

Conditions are recommended to ensure the development complies with the requirement above and that documentary evidence be provided to the Principal Certifying Authority demonstrating compliance with such conditions prior to the issue of any Occupation Certificate. These requirements will only apply to those affected rooms that face towards the railway and Thirlmere Way.

Vibration:

A report was submitted with the application and no concerns have been raised by Council's Environmental Health Officer. The report identified that the development must comply with Australian Standard AS2670 Part 2 Evaluation of Human Exposure to Vibration and Shock in Buildings. Conditions are recommended in this regard.

Further, a response from the ARTC was not provided to Council advising if there are any issues in this regard.

1.6 SUBMISSIONS

The application was advertised for a period of fifteen days from 10 December 2014 to 2 January 2015. Three (3) submissions were received.

Amended plans were submitted in response to concerns raised by Council staff and were renotified to those who made submissions previously. No additional submissions were submitted in response to the changes.

Below is a summary of the submissions and the assessing officer's responses:

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Concern	Comment
<p>If the development goes ahead, we will lose access from Pitt Street to our property. The plan shows a driveway and pedestrian walkway extending through Pitt Street to Mahonga Street. I didn't think a driveway would be allowed to extend through a public road, even if unformed. Will the developer be required to form the road?</p>	<p>Conditions of consent will require the partial construction of Pitt Street. The construction of the road will ensure that access is afforded to the development and ensure that access to and from those dwellings having a common boundary to Pitt Street (being 2B Chapman Street and 40A Castlereagh Street) will be able to still gain access to Chapman and Mahonga Streets</p>
<p>In accordance with the controls from the Development Control Plan, each frontage to a public road must be addressed by a dwelling, must create attractive streetscapes, maximise passive surveillance and have a door facing the street.</p>	<p>A variation has been sought by the applicant. Based on the merits of the case, it is recommended that Council support the departure. It is considered that the development will not have any adverse urban landscape impacts and/or the built environment.</p>
<p>Where there is no dwelling on an adjoining lot, the front setback shall be 6.5m for other residential lots (where they exceed 900m² in size. the development should be aesthetically pleasing, have attractive streetscape and not dominate the landscape by excessive bulk or inappropriate scale. The four units do not comply because dwellings do not face the road and setbacks for units 1, 8, 9 and 10 do not comply.</p>	<p>The application has been redesigned so that all units sharing a boundary with a public road have a setback no less than 6.5m.</p> <p>It is considered that the development will not have any adverse urban landscape impacts and/or the built environment.</p>
<p>If Thirlmere Way is perceived to be their road frontage than the units do not comply with setbacks from a secondary road and should be 3m and the setbacks for units 1 and 10 will be wrong and units 6 and 7 face the road.</p>	<p>The application has been redesigned so that all units sharing a boundary with a public road have a setback no less than 6.5m.</p> <p>A variation has been sought regarding the orientation of the units towards a public road. It has been recommended that the departure be supported for the reasons mentioned previously in this report.</p>
<p>Only four visitor parking spaces are proposed. The overflow of cars will end up parking on Chapman St causing congestion and impact upon the road operation.</p>	<p>The Development Control Plan requires a total of three visitor parking spaces. The application has been amended so three parking spaces are provided. The development is</p>

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Concern	Comment
Some units have three bedrooms and one parking space. The overflow of cars will park on Chapman St again	satisfactory in this regard. The Development Control Plan only requires one parking space per unit. Each unit has two parking spaces. The development is satisfactory in this regard.
The artist sketches look charming but this site is more suited to single dwellings, not townhouses. The views portrayed in the plans give us an impression of cramped housing.	The design of the development is considered to be satisfactory and not to have a detrimental impact on the urban landscape character of the town.
Units 1 to 5 will experience the noise and vibration of many trains that pass on a daily basis. The plans show that a sound barrier will be constructed. This will encase the residents and with approximately 4m to the boundary will give us the impression of a penal courtyard. If there was no barrier, we will recommend 6.38mm window glass that we have installed.	Conditions are recommended for the development to incorporate measures to ensure the units are constructed to the controls from the publication “Development near Rail Corridors and Busy Roads – Interim Guidelines” as required by the State Environmental Planning Policy (Infrastructure) 2007. The construction of a noise barrier is not considered to have any adverse impacts on the built form.
Why isn't Pitt Street being built to connect to Thirlmere Way?	The full construction of Pitt Street is not considered warranted or safe in regards to traffic and vehicular access along Thirlmere Way. That is, given the speed environment, safe intersection sight and stopping distances in relation to the bridge over the rail line, a new access point onto Thirlmere Way at this junction will create a traffic conflict zone. Council and the Roads and Maritime Services have no plans to formally construct Pitt Street as Chapman and Castlereagh Streets are considered satisfactory to accommodate all vehicular traffic from the immediate area onto Thirlmere Way.

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1.7 THE PUBLIC INTEREST

Subject to conditions, it is considered that the development will be within the public interest. While objections have been received, conditions will ensure any issues and concerns are satisfactorily addressed and/or suitably mitigated.

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FINANCIAL IMPLICATIONS

The developer contributions payable in accordance with the following table:

Development Type	Applicable	Condition Required
Dual Occupancy, Multiple Dwellings, Medium Density, Mixed Use Development (e.g. Shop Top Housing, RFBs, Care takers dwellings)	Yes	Yes

ATTACHMENTS

1. Selected plans of proposed development (full set on exhibition at Council Meeting)

RECOMMENDATION

That Development Application 010.2014.00000792.001 for the construction of a multi dwelling housing at Lots 426 and 427 DP 9278, No.s 2-4 Pitt Street, Tahmoor be approved subject to the following conditions:

‘Deferred Commencement’ consent has been granted to the Application in accordance with the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979 (As Amended). This consent will become valid and may be acted upon subject to the meeting of the following requirements:

- (i) The approval from the Mines Subsidence Board shall be obtained and submitted to Council in relation to the amended plans of development prepared by Dwell Designs (Plan Reference 1404 392) Issue B dated 20/5/15.

NOTE:

1. Nothing in this Deferred Commencement consent permits the commencement of any works or development as proposed in this application until the receipt of a valid development consent from Council.
2. This deferred commencement consent will laps if the above requirement has not been satisfied within five (5) years of the date of the deferred commencement consent.
3. Following compliance with the above conditions of Deferred Commencement Consent, written confirmation of Consent will be forwarded to you from Council.

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4. Once the consent is valid, the development will also be subject to the following conditions outlined below.

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 of multi dwelling housing – nine (9) units at Lots 426 and 427 DP 9278, No. 2-4 Pitt Street, Tahmoor.
- (2) Development shall take place in accordance with the following plans:

Plan Title	Author	Reference	Dated
Site Plan Drawing 3/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 1 Drawing 7-8/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 2 Drawing 9-10/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 3 Drawing 11-12/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 4 Drawing 13-14/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 5 Drawing 15-16/34	Dwell Designs	1404 362 Issue B	20/5/2015
Units 6 and 7 Drawing 17, 19, 20/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 8 Drawing 21-22/34	Dwell Designs	1404 362 Issue B	20/5/2015
Unit 9 Drawing 23-24/34	Dwell Designs	1404 362 Issue B	20/5/2015
Cover Sheet – Colour Scheme Drawing 5/34	Dwell Designs	1404 362 Issue B	20/5/2015
Ground Floor Plan Drawing 4/34	Dwell Designs	1404 362 Issue B	20/5/2015
First Floor Plan Drawing 1/34	Dwell Designs	1404 362 Issue B	20/5/2015

submitted in respect of Development Application No. 010.2014.00000792.001 except where varied by the following conditions:

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- (3) Prior to the issue of any Construction Certificate for the development Lots 426 and 427 DP 9278 shall be consolidated into one allotment. Documentary evidence shall be provided to Council and/or a nominated Accredited Certifier that the consolidation of lots has been registered by NSW Land and Property Information.
- (4) Development shall take place in accordance with the recommendations Sections 7 and 8 from “Acoustic Report – Impact Assessment of Railway Noise and Vibration on the Proposed Residential Development at 2-4 Pitt Street, Tahmoor NSW” prepared by Far West Consulting Engineers (NSW) (Ref: 1429498) dated 8 September 2014 except where varied by the following conditions. .
- (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) 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. 010.2014.00000792.001 received on 25/11/2014 except where varied by the following conditions of consent.
- (7) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
 - (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.

- (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.

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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) The design details of the proposed building façade, including all external finishes, glazing and colours, must be in accordance with the approved materials schedule and sample board as follows:

Cover Sheet – Colour Scheme Drawing 5/34	Dwell Designs	1404 362 Issue B	20/5/2015
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- (2) Highly contrasting coloured brickwork shall only be used on sills, window heads, string courses etc.
- (3) Any above ground water storage tanks shall be coloured or painted in earthy colours to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (4) Unit 7 shall comply with AS4299. Prior to the issue of any Construction Certificate a certificate certifying compliance with this condition prepared by a suitably qualified person must be provided to Council or the nominated Accredited Certifier.
- (5) Prior to the issue of any Occupation Certificate, the persons having the benefit of this consent shall provide documentary evidence to the Principal Certifying Authority that Unit 7 has been constructed in accordance with the requirements of Condition 2(4).
- (6) Due to the close proximity of the Railway Corridor to the proposed development the subject building/s are to acoustically treated in order to achieve acceptable interior noise levels as recommended by “Development near Rail Corridors and Busy Roads – Interim Guideline” or any subsequent replacement guideline as published by the NSW Department of Planning. The dwellings must demonstrate that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
- In any bedroom in the building: 35dB(A) at any time 10pm-7am
 - Anywhere else in the building (other than a garage, kitchen, bathroom or hallway): 40dB(A) at any time.

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A report shall be provided to Council or the nominated Accredited Certifier by a suitably qualified acoustic consultant confirming that the recommended standards can be achieved. Such report is to be submitted prior to the release of the Construction Certificate.

- (7) In accordance with the requirements of the Conditions 1(3) and 2(5), confirmation by a suitably qualified acoustic consultant is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate that the acoustic treatments required in order to achieve acceptable interior noise levels for each unit have been satisfactorily installed.
- (8) Each unit must be designed in accordance with Table 3 – Vibration Criteria from Australian Standard AS2670 Part 2 Evaluation of Human Exposure to Vibration and Shock in Buildings.

The development must be designed and constructed in accordance with the following table:

Place	Time	Continuous vibration (mm/s) Velocity	Intermittent or impulsive vibration (mm/s)	Continuous vibration (m/s ²) Velocity	Intermittent or impulsive vibration (m/s ²)
Residential	<u>Day:</u> 7am to 10pm	0.2	6	0.01	0.3
	<u>Night:</u> 10pm to 7am	0.14	2	0.007	0.1

Details shall be provided to Council or the nominated Accredited Certifier prior to the issue of the Construction Certificate demonstrating compliance with this condition.

- (9) Prior to the issue of any Occupation Certificate of any unit, documentary evidence from a suitably qualified and practicing vibration consultant or engineer shall be provided to the Principal Certifying Authority demonstrating that each unit satisfies the requirements of Condition 2(8).

3. SALINITY MANAGEMENT

These conditions have been imposed in response to the NSW State Governments' best management practices for the management of urban salinity

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- (1) The concrete slab for the proposed dwelling(s) shall be constructed using Class 32 mpa (N32) concrete or a sulphate resisting type SR cement with a water to cement ratio of 0.5.

Salt resistant concrete which has been mixed, laid and cured is less permeable to water and therefore salt. Details verifying compliance with this condition shall be submitted to the Principal Certifying Authority after placement of the concrete and prior to any further building work.

- (2) The site is located in an area likely to have, or has been confirmed as having soil salinity levels that will have a cumulative damaging effect on the building over time.

The following construction inclusions shall be incorporated in the building design to reduce/prevent any detrimental affect to the building from accumulative salt deposits:

- a) Provide a damp proof barrier with high impact resistance to under slab in accordance with the NSW provisions of part 3.2.2.6 of the Building Code of Australia.
- b) Drainage shall be provided to the building perimeter including subsoil drainage to prevent water pondage or soil water logging in the building vicinity.
- c) Finished surface level including paving should not be higher than the base of the first course of brick work or the brick work and mortar below DPC should be exposure rated.
- d) DPC material must be carried through to the face of any applied finish.
- e) Retaining walls should be built of salinity resistant materials.

4. BASIX CERTIFICATES

These conditions have been imposed to ensure that the structure is constructed to approved standard and related approvals.

In accordance with clause 97A(2) of the Environmental Planning and Assessment Regulation, 2000, it is a condition of this development consent that all the commitments listed in the following BASIX Certificates are fulfilled:

Unit No.	BASIX Certificate No.
1	571621S_02
2	572376S
3	572420S_02
4	5777880S
5	572420S_02
6	572417S_02
7	572418S_02
8	572419S_02
9	572707S_02

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In this condition:

- a) relevant BASIX Certificate means
 - i) a BASIX Certificate that was applicable to the development when this consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development consent when this consent is modified); or
 - ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX certificate; and
- b) BASIX Certificate has the meaning given to the term in the Environmental Planning and Assessment Regulation, 2000.

5. 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 Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8.00am and 1.00pm Saturdays 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 height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved before the issue of the Construction Certificate.

Where the height exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.

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- (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 Council or the nominated Accredited Certifier illustrating compliance with the relevant provisions of the Building Code of Australia. Where Council is to be the nominated Accredited Certifier Council's Building Services Section may be contacted between 8:00am and 10:00am Monday to Friday on 02 4677 1100 if further clarification is required.
- (6) 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 and for the life of the development.
- (7) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (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.

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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) 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.

- (11) Prior to the issue of the Construction Certificate the person having the benefit of this development consent shall submit a report to Council or a nominated Accredited Certifier from a suitably qualified and practicing acoustic engineer demonstrating that the noise levels within all dwellings in all stages will not exceed the recommended noise levels outlined in The Australian and New Zealand Standard entitled "AS/NZS 2107, Acoustics—Recommended design sound levels and reverberation times for building interiors".
- (12) There shall be no burning of builder's rubble, felled trees or other material on site.

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- (13) Prior to the commencement of any construction work all mature trees shall be inspected by a qualified arborist/bush regenerator. Those trees that are considered are to be clearly marked and are to be inspected by a Council Officer prior to work commencing.
- (14) Prior to the issue of any Construction Certificate for the development, the boundaries of the existing drainage easement shall be clearly marked out on site by a registered surveyor and a plan clearly identifying the proximity of the proposed works to this easement shall be submitted to Council and/or a nominated Accredited Certifier.
- (15) The proposed works shall be completed in a manner such that there is no damage caused to the drainage infrastructure or to the pipeline within easement.
- (16) There shall be no encroachment of paths, fencing or similar improvements onto the drainage easement without prior Council approval.
- (17) There shall be no loss of support or damage to the drainage easement as a result of excavation within the site.

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:-

- (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 and stormwater drainage calculations, for all road, driveways, parking and drainage construction, shall be submitted to Council.

The plans must be approved prior to the issue of a Building 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.

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Drainage calculations are to be carried out in accordance with “Australian Rainfall and Runoff” published by the Institution of Engineers Australia, and are to include a contoured catchment diagram and delineation of flow paths for storms of average recurrence interval of 1:100 years (1% AEP) where appropriate.

- (3) Where Council’s Construction Specification require that density tests, beam tests or CBR tests be undertaken, the results shall be forwarded to the nominated 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 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 certified “Works as Executed” plan from a Chartered Professional Engineer or Registered Surveyor is to be submitted in accordance with Council’s Construction Specifications for all road stormwater lines to the Principle Certifying Authority before the final inspection for the Certificate of Practical Completion.

The “Works as Executed” details shall be shown on the approved plans and must certify that the works have been constructed in accordance with the approved drawings and to the levels specified.

The applicant shall provide of all new assets constructed within the public land as per Council’s asset valuation sheet.

Where Council is the nominated Principal Certifying Authority, the spread sheet will be attached to the approved plans and is available from the Design Specifications on the Website.

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- (6) 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 Council or a nominated Accredited Certifier. 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 Council with the Engineering Design Plans.
- (7) 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 Council.

The safety precautions are to be in accordance with the requirements of the “Traffic Control at Work Sites” manual (as published by the RMS). The plan is to be prepared and endorsed by a person with current NSW Roads and Maritime Services (RMS) certification and provided to Council before the issue of a Building Construction Certificate for the development.

- (8) Certification by a qualified Structural Engineer on the structural design for retaining walls, detention tanks and drainage pits which do not conform to Council’s standard design shall be provided to Council or a nominated Principal Certifying Authority prior to issue of the Building Construction Certificate of the development.
- (9) Engineer’s Certification shall be provided to the nominated Principal Certifying Authority for all civil works carried out within the private property prior to the issue of any Occupation Certificate for the development.
- (10) Engineering Plans for all public road and drainage infrastructure shall be forwarded to Council, as the road authority and asset owner, for comment and approval prior to issue of the Building Construction Certificate.

7. 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) The applicant shall provide storm water drainage and onsite detention as shown generally on the concept plan by John Romanous & Associates Drawing No.1523-S1/2 Rev C dated 15.05.2015 with the following variations:

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- a) The existing stormwater pipe system discharge from Thirlmere Way into the open channel in Pitt Street shall be decommissioned and connected to the proposed piped drainage adjacent to Unit 5 and Unit 6.
- b) The open drainage channel traversing Pitt street and development site shall be decommissioned and backfilled. Surface levels are to be regraded to shed water away from properties and towards a natural or constructed drainage system.
- c) The proposed piped drainage system adjacent to Unit 5 and Unit 6 shall be located as close as possible to the southern boundary of the development lot. Overland flow path shall be constructed to convey runoff from storm events up to the 1% AEP. A 3 metre wide Easement for Drainage shall be created over the pipe and overland flow path benefiting Council.
- d) The scour protection for the piped drainage outlets adjacent to Unit 2 shall be redesigned to a pit and energy dissipation system and overflow weir for storm events up to the 1% AEP. Maintenance access is to be considered in the design process.

Drainage details shall be shown on the engineering plans for approval by Council or a nominated Accredited Certifier prior to issue of the Building Construction Certificate. Engineering Plans for all public drainage infrastructure shall be forwarded to Council, as the asset owner, for comment and approval prior to issue of the Building Construction Certificate.

- (3) Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system. Any necessary amplification or upgrading of the downstream drainage system shall be carried out at no cost to Council, including the dedication of appropriate easements.

A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

- (4) The extent and depth of the 1 in 100 year ARI flow path shall be shown on the engineering plans. A restriction as to use shall be placed on the title of the lot preventing any alteration to the surface level or placement of any building, structure or unsuitable fence on the land affected by the 1 in 100 year ARI flow.
- (5) The minimum floor level of any dwelling shall be 0.5 metres above the level of the 1 in 100 year ARI flow path level.

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- (6) Where any drainage structure in which Council has an interest traverses private property, the applicant shall, at no cost to Council, create and vest in Council drainage easements over the structure.
- (7) The discharge of stormwater from the subdivision shall be carried to a point suitable for integration with either the natural or constructed stormwater drainage system. Any necessary amplification or upgrading of the downstream drainage system shall be carried out at no cost to Council, including the dedication of appropriate easements.
- (8) A restriction shall be placed on the Title of each lot for any fencing to comply with Council's *"Guidelines for the Erection of Fencing on Allotments in the Vicinity of Easements and Watercourses"*.
- (9) An Operation and Management Plan shall be prepared for the management and maintenance of the Onsite Detention Basin. The plan shall be approved by Council or nominated Accredited Certifier prior to the issue of the Building Construction Certificate.

A restriction as to use shall be placed on the title of the lot requiring the maintenance of the basin in accordance with the Operation & Management Plan.

8. 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.**
- (1) Provision shall be made for vehicles to access and leave the site in a forward direction.
 - (2) The internal driveways, car parking spaces and manoeuvring areas are to be constructed using segmental paving, exposed aggregate concrete or other coloured or textured finish and shall be compatible with the external colours, materials and finishes of the dwellings.

A detailed plan showing the dimensions, grades and finishes of all parking, driveway and manoeuvring spaces shall be submitted to Council or a nominated Accredited Certifier with the Building Construction Certificate application in order to demonstrate compliance with Australian Standard AS/NZS 2890.1 – Parking facilities – Off-street car parking.

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All dimensions are to be measured from the inside face of kerbs and edging to driveway, parking spaces and manoeuvring areas.

- (3) Provision shall be made for vehicles to access and leave the site in a forward direction. Sufficient manoeuvring area shall be provided adjacent to all parking spaces and garages. Turn path simulations shall be provided on the Engineering Plans to provide evidence of sufficient manoeuvring area.

9. PUBLIC ROADS

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

- (1) Kerb and Gutter in accordance with Council's Design & Construction Specifications shall be provided on all new roads throughout the subdivision.
- (2) Provision of Vehicular Access to the site through the construction of layback gutter crossings/concrete footpath crossings in accordance with Council's Design & Construction Specifications.

All obsolete vehicular crossings must be reconstructed as kerb.

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 Works Section. A property entrance application shall be submitted to Council with payment of the current fees for the access construction.

- (3) 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.
- (4) 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.
- (5) Access to the proposed development from Thirlmere Way is denied. A restriction to the effect, shall be placed on the Title of the consolidated lot.

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- (6) Street lighting shall be provided at the frontage of the site in Pitt Street as determined by Council. Such lighting is to be in accordance with Australian Standard AS/NZS 1158 – Lighting for roads and public spaces and shall be certified by an Endeavour Energy Approved design consultant.
- (7) A suitable public access road shall be provided that will facilitate vehicular access from Chapman Street to the proposed driveway access into the development.

The public access road shall be concrete formation of commercial vehicle standard, minimum 6 metres wide and extend a minimum 6 metres past the access driveway to the development.

The intersection with Chapman Street shall be via a reinforced kerb crossing 6 metre wide. Access road design details shall be forwarded to Council for approval as the Road Authority.

Note: Any adjustment to services shall be at the expense of the applicant and is additional to the contributions required by Council.

- (8) Provision of Vehicular Access to the site through the construction of a concrete footpath crossing off the public access road in accordance with Council's Design & Construction Specifications.
- (9) 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.
- (10) 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) Street Lighting shall be provided using **LED LIGHTING** along the public access road and pedestrian pathway in Pitt Street to comply with the current Australian Standard and certified by an Endeavour Energy approved design consultant.
- (12) A 1.5 metre concrete pathway shall be constructed, at no cost to Council, along the Pitt Street frontage from Chapman Street and connect to the existing pathway network in Thirlmere Way. Road crossings shall be accessed for safety in accordance with the Austroads Guide to Road Design Part 6A:

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Pedestrians and Cyclists. Details of pathway and road crossing treatments shall be detailed in the Engineering Plans. Pathway design details shall be forwarded to Council for approval as the Road Authority.

10. 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.
- (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.

11. 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 Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist.

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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) There shall be no loss of support of the drainage easement as a result of excavation or filling within the site.
- (4) 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.
- (5) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (6) 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.
- (7) 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.
- (8) Fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of Council.

In the case of batters less than 0.6 metres in height the maximum slope shall be 1 in 4 unless supported by a geotechnical report prepared to the satisfaction of Council.

- (9) As specified in the amended Statement of Environmental Effects received by Council on 25 May 2015 prepared by Rebecca Zerk, cut shall not exceed one (1) metre and fill shall not exceed one (1) metre.

12. 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:

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- Footings
- Pier holes before pouring of concrete
- Steel reinforcing before pouring of concrete
- Wet area damp proofing and flashing before lining
- Structural steel work before covering
- 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.

(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
- After shaping and prior to topsoil/turf placement of overland flow paths
- When part of the pavement depth (as indicated by Principal Certifying Authority) has been placed
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- A completion of pavement shaping, prior to priming
- At sealing (minimum 24 hours required after priming)
- At completion of the preparation of kerb and guttering subgrade
- 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
- At final completion of works (minimum of 12 months after date of issue of practical completion certificate).

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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.

- (3) 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.

13. SERVICES

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

- (1) Electricity supply is to be made available to all proposed dwellings in accordance with the requirements of Endeavour Energy. In this regard, written confirmation from Endeavour Energy that suitable arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.
- (2) Provision is to be made for the supply of telephone services to all proposed dwellings in accordance with the requirements of Telstra. In this regard, written confirmation from Telstra Australia that arrangements have been made shall be submitted to the Principal Certifying Authority prior to the release of the Occupation Certificate.
- (3) 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 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.

- (4) All power and services provided to the development within the site shall be underground.

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- (5) All of the letter boxes for the development shall be contained in the one structure which shall be constructed from materials that are complimentary to those used in the buildings on the site.

The letter box structure shall be to the satisfaction of Australia Post and shall be positioned so that it does not obstruct sight lines for vehicles entering or leaving the site or adjoining land.

A concrete or other pathway constructed from materials complementary to the development shall link the letter box structure to the rest of the development.

- (6) Clothes lines shall be provided for each dwelling at the rate of 12 lineal metres of line and shall not be visible from a public place.

14. 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) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted to Council with Development Application 010.2014.00000792.001.

15. 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 premises shall be maintained in a clean and tidy state at all times.
- (2) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (3) The buildings shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (4) The Development shall be serviced by Council's 'Wheel in Wheel out' Domestic Waste Management Service to be collected from Chapman Street. No waste bins are to be presented for kerb side collection on any public road. A restriction on the use of land shall be created on the certificate of title restricting the placement of kerb side waste bins on any public road.

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- (5) All mobile garbage bins from the development are not permitted to be collected from either Mahonga and/or Chapman Streets. Each mobile garbage bin shall be collected from Pitt Street.

16. 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.
- (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.

17. 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 Council or a nominated Accredited Certifier prior to the release of the Building 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.

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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.

The landscape plan must include the following:

- a) automatic irrigation shall be installed throughout all communal/landscape areas
 - b) all paving must be semi-porous or graded to maximise onsite infiltration of stormwater
 - c) common open space area shall have landscaping to help ‘soften’ the built form and to ensure that privacy of adjoining residents is maintained whilst providing sufficient amenity to residents.
- (2) 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 at all times.

18. FENCING

These conditions are imposed to ensure that any fencing has a minimal effect on the landscape/streetscape/environment of the locality:

- (1) Fencing shall be constructed on the following property boundaries:

Location	Treatment
Along the common property boundary with The Great Southern Railway	1.8 metre high fence to achieve a minimum noise attenuation rating of RW50 as detailed in the “Acoustic Report – Impact Assessment of Railway Noise and Vibration on the Proposed Residential Development at 2-4 Pitt Street, Tahmoor NSW” prepared by Far West Consulting Engineers (NSW) (Ref: 1429498) dated 8 September 2014.
Along the common property boundary with Thirlmere Way	1.8 metre high fence comprising masonry and horizontal timber slats as shown on the Cover Sheet – Colour Scheme plan subject of Condition 1(2) in this consent.
Along the common property boundary with Pitt Street to the common fence between Units 7 and 8	1.8 metre high fence comprising masonry and horizontal timber slats as shown on the Cover Sheet – Colour Scheme plan subject of Condition 1(2) in this consent.

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From the junction of the common fence boundary between Units 7 and 8 along Pitt Street to the eastern fence of Unit 9	1.8m fence comprising masonry and horizontal timber slats as shown on the Cover Sheet – Colour Scheme plan subject of Condition 1(2) in this consent.
From the eastern fence of Unit 9 along Pitt Street towards the Mahonga, Pitt and Chapman Street junction	1.2m high fence comprising masonry and horizontal timber slats as shown on the Cover Sheet – Colour Scheme plan subject of Condition 1(2) in this consent.
Between each unit	1.8m high and be of timber lapped paling construction or similar.

- (2) Prior to the issue of the Building Construction Certificate, a fencing plan shall be submitted to and approved by Council or the nominated Accredited Certifier.
- (3) All fencing shall be installed prior to the issue of first Occupation Certificate issued within the development.
- (4) The fence shall not be white in colour.

19. SECTION 94 CONTRIBUTIONS

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

- (1) Payment of a Contribution for seven (7) dwellings in accordance with the Wollondilly Section 94 Contribution Plan 2011, the cost of which will be determined and payable at the time of the release of the Construction Certificate.

The current amount payable is:

(i) Open Space, Sport & Recreation (Shire)	\$1,134
(ii) Open Space, Sport & Recreation (Precinct)	\$46,508
(iii) Library & Community Facilities (Shire)	\$5,369
(iv) Library & Community Facilities (Precinct)	\$6,923
(v) Transport & Traffic (Roads & Intersections)	\$33,194
(vi) Transport & Traffic (Cycleways)	\$280
(vii) Stormwater Drainage	\$133
(viii) Plan Administration	\$4,676
TOTAL	\$98,217

These figures are reviewed quarterly in accordance with the provisions of the Contributions Plan and an updated figure must be obtained from Council at the time of payment.

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**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
- (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*.
- (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.
- (b) 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*.
- (c) This clause does not apply:
- (i) 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
- (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.
- (d) 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:
- (i) development consent, in the case of a temporary structure that is an entertainment venue, or
- (ii) 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.

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(2) 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.
- (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.

(3) NOTIFICATION OF HOME BUILDING ACT 1989 REQUIRMENTS

- (a) For the purposes of Section 80A (11) of the Act, the requirements of this condition are prescribed as conditions of a Development Consent for development that involves any residential building work within the meaning of the Home Building Act 1989.
- (b) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:
 - (aa) the name and licence number of the principal contractor; and
 - (ab) the name of the insurer by which the work is insured under Part 6 of that Act.
 - (ii) in the case of work to be done by an owner-builder:

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- (aa) the name of the owner-builder; and
- (ab) if the owner-builder is required to hold an owner-builder permit under the Act, the number of the owner-builder permit.
- (c) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under sub-condition (2) becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

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., which 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 Plan checking approval for the 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.

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:

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- (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) A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
- (7) 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.
- (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 or at Council's offices at 62-64 Menangle St, Picton.

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CONSTRUCTION OF NINE TOWN HOUSES
 LOT 426 DP 9278 AND LOT 427 DP 9278
 2-4 PITT ST, TAHMOOR, NSW 2573

Sheet Index	Layout Name
1	Cover Sheet - Colour scheme
2	Site Analysis
3	Site plan
4	Ground floor plan
5	First floor plan
6	Roof plan
7	Unit 1 Plans-Section-Elevation
8	Unit 1 Elevations-3D Views
9	Unit 2 Plans-Section-Elevations
10	Unit 2 Elevations-3D Views
11	Unit 3 Plans-Section-Elevations
12	Unit 3 Elevations-3D Views
13	Unit 4 Plans-Section Elevations
14	Unit 4 Elevations-3D Views
15	Unit 5 Plans-Section-Elevations
16	Unit 5 Elevations-3D Views
17	Unit 6-7 Ground floor plan
18	Unit 6-7 Sections
19	Unit 6-7 First floor plan- North/East Elevation
20	Unit 6-7 South and West Elevations
21	Unit 8 Plans - Section - Elevations
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31	Erosion and sediment control plans
32	Site sections
33	3D Views
34	Survey plan

SAMPLES	COLOUR	SURFACE
	Concrete driveway	Driveway
	Dark brick	External walls
	Cave man by Dulux or similar	All windows and doors frame
	Whisper by Colobard or similar	Gutters and downpipes
	Natural white by Dulux	External walls rendered
	Whisper by Colobard or similar	Flat roofing
	Dob by Dulux or similar	- Garage door
	Coral train 501 by Dulux or similar	- Elevation and proposed window with rendered, refer to 3D views and elevations

Note : Colour of proposed samples may change upon execution.

FILE: TAHMOOR	JOB NO: 1404 362	PROJECT: TOWN HOUSES
DRAWN: JF	SCALE:	CLIENT: MR ZIAD AZZI
DESIGNED: AB	DRAWING NO: 1/34	ADDRESS: 2-4 Pitt St, Tahmoor NSW 2573
PLOT DATE: 20/05/2015	ISSUE: B	TITLE: Cover Sheet - Colour scheme

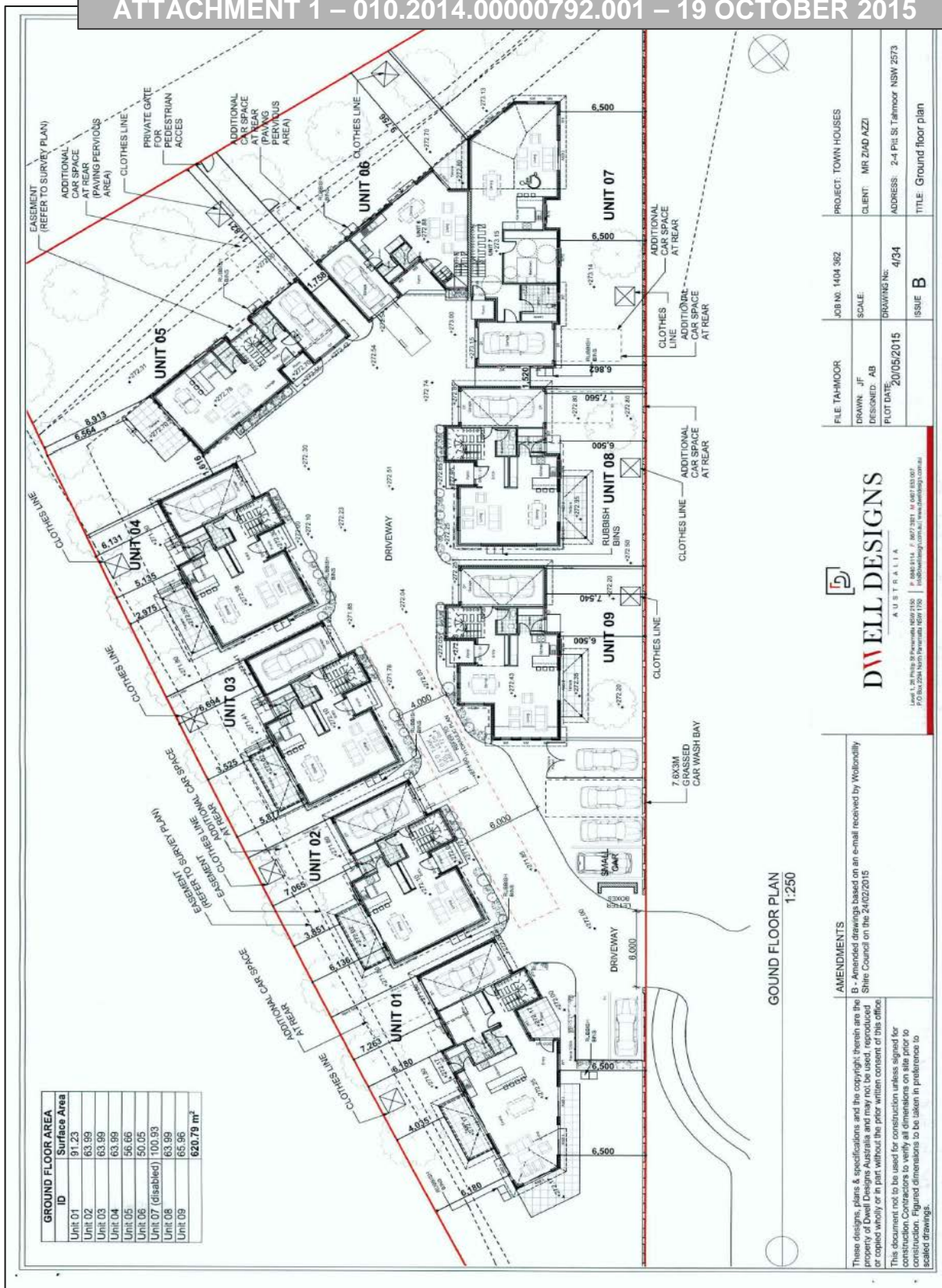
DWELL DESIGNS
 AUSTRALIA
 Unit 1, 117 Pitt St, North Parramatta NSW 2150
 Tel: 02 9639 4400 Fax: 02 9639 4401
 www.dwell-designs.com.au

AMENDMENTS
B - Amended drawings based on an e-mail received by Wollondilly Shire Council on the 24/02/2015

Planning & Economy

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ATTACHMENT 1 – 010.2014.00000792.001 – 19 OCTOBER 2015



FILE TAHMOOR	JOB NO. 1404 362	PROJECT: TOWN HOUSES
DRAWN: JF	SCALE:	CLIENT: MR ZIAD AZZI
DESIGNED: AB	DRAWING NO: 4/84	ADDRESS: 2-4 Pitt St, Tahmoor NSW 2573
PLOT DATE: 20/05/2015	ISSUE B	TITLE: Ground floor plan

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 Level 1, 28 Perry St Parramatta NSW 2150 P 0488 9114 F 0672 3911 A 0672 683 007
 PO Box 2254 North Parramatta NSW 1505 | dwelldesigns.com.au | www.dwelldesigns.com.au

AMENDMENTS
 B - Amended drawings based on an e-mail received by Wollondilly Shire Council on the 24/02/2015

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PE2 – Multi Dwelling Housing (9 units) - 2-4 Pitt St, Tahmoor

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FILE: TAHMOOR	JOB NO: 1404-362	PROJECT: TOWN-HOUSES
DRAWN: JF	SCALE:	CLIENT: MR ZIAD AZZI
DESIGNED: AB	DRAWING No: 5/34	ADDRESS: 2-4 Pitt St, Tahmoor NSW 2573
PILOT DATE: 20/05/2015	ISSUE: B	TITLE: First floor plan

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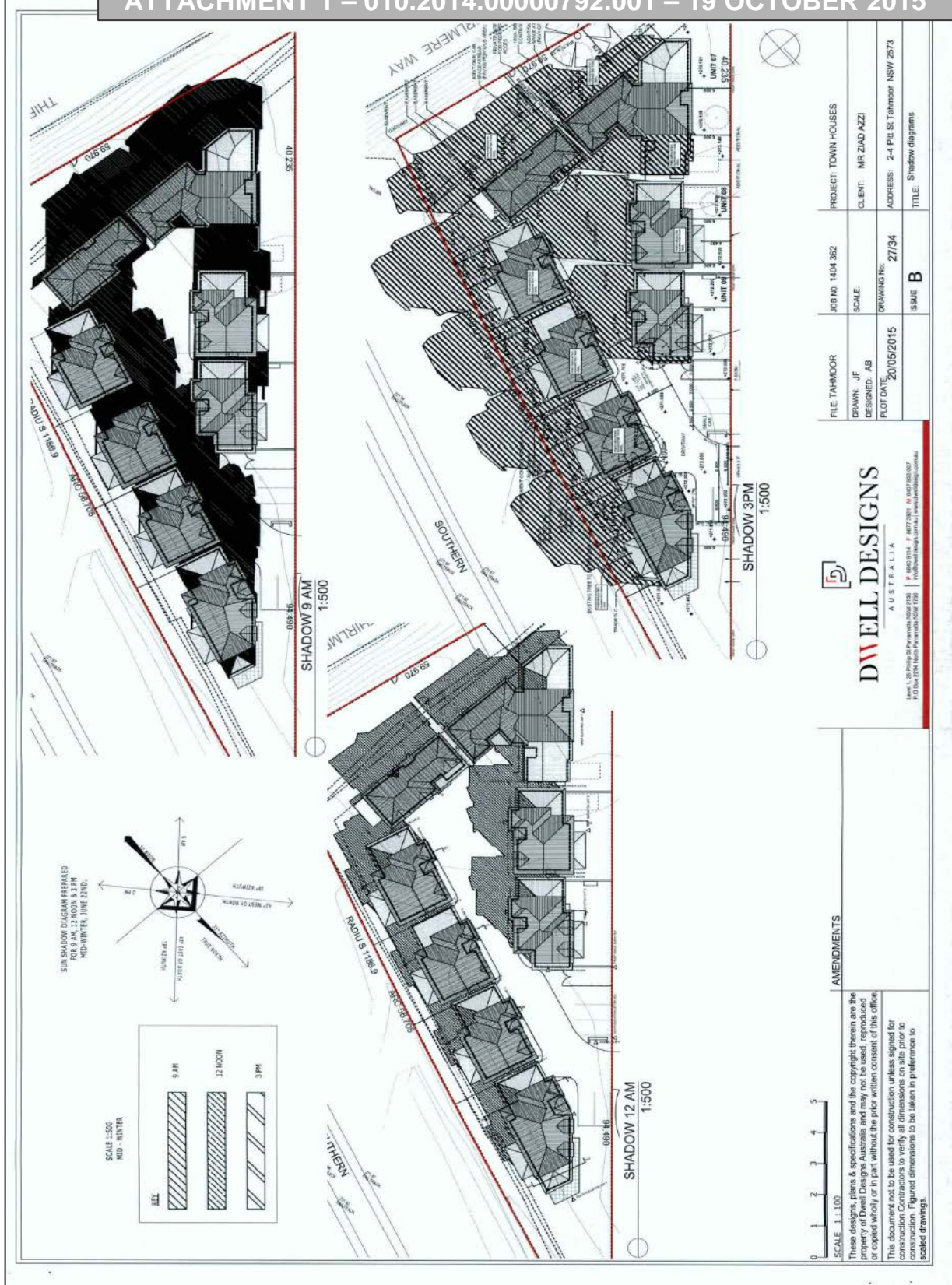
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Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 19 October 2015

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UNIT 1

UNIT 2

UNIT 3

UNIT 4

UNIT 5

UNIT 8

AMENDMENTS
 B - Amended drawings based on an e-mail received by Wollondilly Shire Council on the 24/02/2015

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FILE: TAHMOOR	JOB NO: 1404 362	PROJECT: TOWN HOUSES
DRAWN: JF	SCALE:	CLIENT: MR ZIAD AZZI
DESIGNED: AB	DRAWING NO: 33/34	ADDRESS: 2-4 Pitt St, Tahmoor NSW 2573
PLOT DATE: 20/05/2015	ISSUE: B	TITLE: 3D VIEWS

Planning & Economy