

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

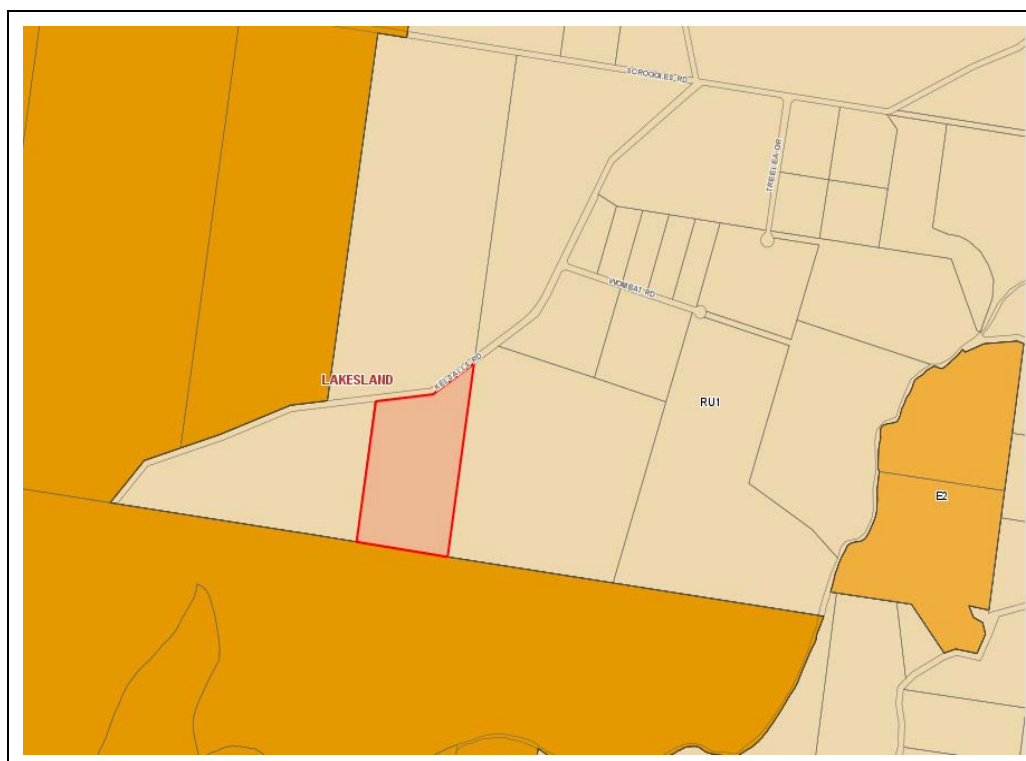
PE5 – Development Application No. 010.2015.00000316.001 – 115 Kelsalls Road, Lakesland

PE5

Development Application No. 010.2015.00000316.001 – 115 Kelsalls Road, Lakesland – Extension to existing poultry sheds 4, 5 and 6 and construct additional two (2) new sheds

Planning Consultant

DD010.2015.00000316.001



LOCATION MAP  N

DEVELOPMENT INFORMATION

| | |
|------------------------------------|---|
| Development Application No: | 010.2015.00000316.001 |
| Property Details: | 115 Kelsalls Road Lakesland |
| Applicant: | Tattersall Lander Pty. Limited |
| Owner: | B.I. & R.M. Bartolo |
| Proposal Details: | Extension to three (3) existing poultry sheds and construction of two (2) additional sheds |
| Zone: | RU1 Primary Production |

**PE5 – Development Application No. 010.2015.00000316.001 – 115
Kelsalls Road, Lakesland**

EXECUTIVE SUMMARY

- The report outlines Council's assessment of an application for extension of existing sheds 4, 5 and 6 and the construction and use of two (2) new sheds for poultry farming purposes.
- A total of twenty seven (27) submissions were received as a result of the notification exercise.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extends 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 made in association with this application.
- It is recommended that the application be approved subject to conditions.

REPORT

BACKGROUND

The development application originally sought approval for extension of the existing poultry sheds and construction and use of six (6) new poultry sheds.

The applicant has since revised the proposal to seek approval for extension of existing sheds 4, 5 and 6 and the construction and use of two (2) new sheds for poultry farming purposes.

Also on the Business Paper for this evening are reports relating to Council's recent program of consultation and the draft Good Neighbour Charter. This work has been undertaken in conjunction with residents and representatives from the local poultry growers group, the poultry processors, NSW State Government's Department of Primary Industry and Environmental Protection.

CONSULTATION

The application was advertised for a period of 28 days from 4 June 2015 to 6 July 2015. A total of twenty seven (27) submissions were received.

The application was also referred to the following internal and external referral bodies.

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| Party | | Comment |
|----------|--|---|
| External | Department of Primary Industries - Water | <p>The Office of Water provided the following comments for the original proposal:</p> <p><i>'The Office of Water has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), a controlled activity approval is not required and no further assessment by this agency is necessary.</i></p> <p><i>Should the proposed development be varied in any way that results in development extending onto waterfront land, then the Office of Water should be notified.'</i></p> <p>Comments in respect of the altered proposal were as follows:</p> <p><i>'I refer to your recent letter of 6 October 2015 received by the Department of Primary Industries - Water on 6 October 2015 in relation above mentioned amended application.</i></p> <p><i>The Office has reviewed the amendments proposed and considers that the previous advice given remains valid for the proposal.'</i></p> |
| | Water NSW | <p>Water NSW advised as follows:</p> <p><i>'Based on Water NSW's review of the information provided, the proposed development has been assessed by Water NSW as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. Water NSW would therefore concur with Council granting consent to the application subject to the following conditions being imposed:</i></p> <p><i>1. All runoff generated from the existing and proposed sheds shall be collected and directed to the existing dam on site which is situated outside the hydrological</i></p> |

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| Party | | Comment |
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| | | <p><i>catchment of Warragamba Dam, No runoff from the site or overflow from the dam shall be directed to the Warragamba Special Area in the north.</i></p> <p>2. <i>No waste generated from the construction activities or site operations shall be stored or disposed of within the Warragamba Special Area that adjoins the property in the north.'</i></p> |
| Internal | Development Engineer | Council's Development Engineer recommends conditions relating to: engineering and construction; public roads; loading/access; drainage/stormwater; erosion & sediment control; earth fill and inspections. |
| | Health Officer | <p>The Noise and Air Quality Assessments submitted with the development application are satisfactory and conclude that the predicted impacts are within acceptable levels and relevant criteria for reasonable neighbourhood amenity.</p> <p>Drinking water standards for rain water collection will not be adversely affected and drinking water quality has been verified as being within the normal range for domestic rainwater tanks throughout NSW.</p> <p>Conditions are recommended for farming to be limited to turkeys only.</p> |
| | Environment Officer | Council's Environment Officer has recommend conditions of consent relating to matters including the ongoing management of stormwater to protect the catchment, management and stabilisation of fill, vegetation management (including weeds and tree removal) and protection of the buffer vegetation from grazing. |
| | Heritage Adviser | <p>Council's Heritage Advisor has provided the following comments:</p> <p><i>'The site plan shows native vegetation planting (landscape buffer) on two sides of the development. A suitable condition of consent should be that the proposal is to</i></p> |

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| | Party | Comment |
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| | | <i>have a 10m belt of native vegetation planting, similar to that already proposed elsewhere on this development, on the part of the property adjacent to the World Heritage Area.'</i> |

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1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The site is located at the western end of Kelsalls Road and adjoins the Nattai National Park.

The site currently contains six (6) poultry sheds and a dwelling and outbuildings. The total area of the land is approximately 16.08 hectares. There are two farm dams on the site.

Figure 1 is an aerial photo of the site and surrounds. There is remnant native vegetation in the south west portion of the site. The area surrounding the existing poultry sheds is cleared.

The poultry sheds are used for the raising of turkeys for meat production. It is intended to increase the capacity of the poultry farm to a maximum of 75,000 turkeys at any one time.



Figure 1: Aerial photo of 115 Kelsalls Rd.

Surrounding properties (with the exception of the National Park) are mostly rural-residential uses.

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Another poultry farm development is located approximately 701 metres north-north-east from the subject site (measured lineally). Development Application 010.2015.00000292.001 has been submitted for this poultry farm seeking consent for its expansion. This application is also being reported to Council for determination.

1.2 DESCRIPTION OF DEVELOPMENT

Approval is sought for extension of existing sheds 4, 5 and 6 and the construction and use of two (2) new sheds for poultry farming purposes. The proposal also includes filling of the land in the vicinity of the shed extensions and the new sheds to provide a flat building surface, heavy vehicle access roads and to divert all runoff from the shed areas to an earth dam. The development application also seeks consent for the enlargement of the earth dam (see Attachment 1 in the separate Attachment Booklet).

Specific details about farm and stock management operations have been provided with the application and include the following:

- Existing maximum capacity = 42,000 turkeys at any one time
- Proposed maximum capacity = 75,000 turkeys at any one time
- Growing cycle unchanged at 16 to 18 weeks per batch
- Spelling between batches unchanged at 2-3 weeks between batches
- Number of batches per year unchanged at 2 to 3 batches p.a.
- Timing of litter removal period unchanged at 4 to 5 days immediately following de-stocking
- Timing of thinning process unchanged from week 11 onwards removing approx. 20% of stock prior to end of the growing cycle
- Timing of chick delivery unchanged at a four week period of restocking
- Bedding materials unchanged (wood shavings and saw dust)
- Feed and water dispensing methods unchanged
- Feed storage methods unchanged
- All sheds to be naturally ventilated
- Dead bird management unchanged with dead birds removed, refrigerated immediately and disposed from the site
- Interior lighting of sheds unchanged from 5am and 9pm
- Water use to increase reliance on capture of runoff, collection in rainwater tanks and earth dam and re-use of extracted dam water (resulting in less reliance on existing bore)
- Chemical storage and use methods unchanged.

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The proposal also provides for the on-going protection and management of an area of remnant native vegetation in the west and south west portions of the site. The area is approximately 11 hectares and will be subject to weed and pest management plans and will be protected from grazing and disturbance.

1.3 SECTION 79C ASSESSMENT

Under legislation, Council is required to assess development proposals set out as follows:

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy No. 55 – Remediation of Land

The proposal is not for residential purposes and does not propose a change of use. Therefore no assessment is required with regard to potential or existing contamination.

Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River

| Planning Policies, Recommended Strategies and Development Controls | Comment |
|--|---|
| Total catchment management | <p>There will be no significant adverse impacts to the catchment within the adjoining local government area so no referral is required.</p> <p>As confirmed by NSW Office of Water – the proposal will have a neutral or beneficial impact on the catchment.</p> |
| Environmentally sensitive areas | <p>Impacts are considered to be acceptable subject to appropriate stormwater management in accordance with the proposal and recommended conditions if the application was to be approved.</p> <p>Buffers are to be maintained adjacent to the National Park and management of vegetation on the site would need to be in accordance with recommended conditions if the application was to be approved.</p> <p>The National Parks and Wildlife Service (NPWS) were advised of the proposal as that Agency owns adjoining land. NPWS did not respond.</p> |

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| Planning Policies, Recommended Strategies and Development Controls | Comment |
|--|---|
| Water quality | <p>Water NSW has completed a Neutral or Beneficial Impact Assessment and concluded that the proposal will not have a detrimental impact on pollutant loads.</p> <p>Additional roof capture water to be directed to enlarged dam and re-used.</p> <p>No detrimental impacts on the stability of existing stream banks would occur. Conditions recommended for vegetation management clear of the area of the proposed works.</p> |
| Water quantity | <p>Additional runoff is to be directed to an existing dam and re-used on-site.</p> |
| Cultural heritage | <p>Places of cultural significance will benefit from the retention and management of the vegetated buffer to the adjoining National Park and World Heritage Area.</p> <p>The development footprint is highly disturbed land and a specific survey is considered unnecessary. A survey was not recommended by Council's Heritage Advisor.</p> |
| Flora and fauna | <p>Existing remnant native vegetation and habitat for flora and fauna contiguous with the adjoining National Park would be preserved.</p> <p>All works are proposed within areas of the site which have a long history of clearing and disturbance.</p> <p>A Flora and Fauna Impact Assessment has been submitted with the development application that concludes the proposal would be unlikely to cause the local extinction of any threatened species, endangered ecological communities and populations. Council's Environment Officer supports the conclusions and recommendations of this report.</p> |

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| Planning Policies, Recommended Strategies and Development Controls | Comment |
|---|--|
| | The proposal includes the provision of a vegetated buffer which is to be managed for ongoing ecological integrity. |
| Agriculture/aquaculture and fishing | <p>The site is within a rural zone and the proposal is for continued use of agriculture and is therefore consistent with this strategy.</p> <p>Separation distances are proposed and Noise and Odour Impact Assessments submitted with the application (based on the original proposed number and location of sheds) demonstrate that noise and odour impacts will not be unreasonably detrimental to neighbour amenity. The landscape plan and the recommendation of the Heritage Advisor are considered appropriate for screening and enhancement of the perimeter surrounding the sheds.</p> <p>Sustainability of the existing agricultural use will be reinforced by the proposed extension to existing sheds and new sheds to allow for some increase in overall production capacity.</p> |
| Metropolitan strategy | The proposal is consistent with the current Plan for Growing Sydney by maintaining and improving the use of natural resource lands for agriculture in close proximity to the metropolitan market. |
| Buildings, works or land uses within conservation area sub-catchments | Although a corner of the site is within the physical catchment of Warragamba Dam there are no works proposed which will impact on the drinking water catchment. |
| Filling | The proposal seeks development consent for filling of land to provide a levelled area for the construction of sheds and for access roads between sheds for trucks. In parts the fill depth exceeds 1m and the area to be filled exceeds 100m ² . |
| Intensive animal industries | Conditions are recommended requiring the submission of a Farm Management Plan containing specified information with a Construction Certificate if the application was to be approved. |

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Wollondilly Local Environmental Plan, 2011 (LEP 2011)

| Zoning | Characterisation/Relevant Zone Objectives | Comment |
|-----------------------------------|--|--|
| Zone RU1 Primary Production | Intensive livestock agriculture | Intensive livestock agriculture is permitted in the zone with Council's consent |
| | To encourage sustainable primary industry production by maintaining and enhancing the natural resource base. | The proposal is a continuation of the existing sustainable primary production use with opportunities to improve the natural resource base with the implementation of a Farm Management Plan and protection and management of remnant native vegetation as a buffer to the adjoining National Park. |
| | To encourage diversity in primary industry enterprises and systems appropriate for the area. | Poultry farming is long-established in the local area. Poultry farming has a network of support services and operations in the local area including the Poultry Processing Plant at Tahmoor and local rural suppliers. |
| | To minimise conflict between land uses within the zone and land uses within adjoining zones. | Subject to recommended conditions of consent and implementation of the recommendations of the Air Quality, Noise and Flora and Fauna Reports if the application was to be approved the potential for land use conflict would be minimised. The commencement of the use of the site for poultry farming pre-dates the current occupancy of most surrounding and nearby rural residential properties. |

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Relevant LEP 2011 Clauses

| Clause | Comment |
|----------------------------|--|
| 5.10 Heritage conservation | Although adjacent to a World Heritage Area (Blue Mountains National Park) the proposal will have no detrimental impact to the heritage values of the park and conditions are recommended (if the application was to be approved) to maintain and manage a buffer of remnant native vegetation within the site to further enhance the ecological integrity of the World Heritage Area. |
| 7.1 Essential services | Essential services are provided to the site and no additional services are required. |
| 7.5 Earthworks | Earthworks involving fill to a maximum of approximately 3m are proposed for level building platforms for the new sheds. Earthworks involving cut and fill for internal vehicle access roads and also for the extension to the existing earth dam would also be required. Conditions are recommended if the application was to be approved for soil and water management plans and erosion and sedimentation control plans to be submitted with the Construction Certificate to adequately protect the local catchment and to stabilise all disturbed areas immediately following construction activity. |

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1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Not applicable.

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1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Wollondilly Development Control Plan 2016, Volume 1 – General

| Relevant Provisions | Comment |
|--|---|
| Part 1 - Preliminary | |
| <i>1.2 Objectives of the Plan</i> | |
| 1. To assist in the realisation of the aims of Wollondilly Local Environmental Plan, 2011. | Noted |
| 2. The specific controls and volumes of this plan each have objectives as detailed throughout this plan. | Noted |
| <u>1.4 Application of the volumes of this plan</u> If there is an inconsistency between the volumes of this plan then the earlier volume shall prevail over the later volume. For example, if there is an inconsistency between Volumes 2 and 5, Volume 2 would prevail because it is found earlier in this plan. | Noted |
| Part 2 - General considerations for all development | |
| <i>2.1 Objectives</i> | |
| 1. To ensure that developments are undertaken with due regard to human safety. | The proposal will not result in any unreasonable risk to human safety, provided farm practices, including deliveries and pick-ups are appropriately managed in accordance with recommended conditions of consent. |
| 2. To ensure that developments do not unreasonably impact on their surrounds. | As detailed in the application documentation and this assessment report, the development will have no unreasonable and/or adverse impact on the surrounds, in terms of environmental impact, amenity of neighbours or impact on the local road network. |

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| Relevant Provisions | Comment |
|---|---|
| 3. To ensure that developments achieve a satisfactory level of social equity. | Subject to conditions, the development will not compromise social equity in that impact on neighbour amenity is demonstrated to be reasonable and traffic generation associated with the development will not preclude the free and frequent use of the local road network by other road users. |
| <i>2.2 Controls</i> | |
| 1. The consent authority shall consider the following safety and human health risks in assessing a development application under this volume: | |
| a) Road and traffic hazards; | Based on comments and recommended conditions from Council's Development Engineering Section, there will be no adverse impacts An assessment against the controls in the Development Control Plan is provided later in this assessment report |
| b) Bushfire threat; | Not applicable. |
| c) Flood risk; | Not applicable. |
| d) Noise, vibration, pollution, odour, radiation or waste from surrounding land uses; | Based on comments and recommended conditions from Councils' Environmental Health Officer, there will be no adverse impacts. An assessment against the controls in the Development Control Plan is provided later in this assessment report |
| e) Exposure to electricity transmission systems; | Not applicable. |
| f) Exposure to radiation from telecommunications infrastructure; | Not applicable. |

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| Relevant Provisions | Comment |
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| g) Potential exposure to children of material (including signage) from any nearby restricted premises and/or sex services premises; | Not applicable. |
| h) Hazards from vehicles within car parking areas; and | Not applicable. |
| i) Hazard from potential contamination of the land. | Not applicable. |
| Part 4 – Community Engagement | |
| <i>4.4 Requirements for advertising</i> | |
| The Development Application was advertised for a 28 day period in accordance with the controls of Wollondilly Development Control Plan 2011. The provisions of that plan are no different to the controls in this plan. | |
| Part 9 – Environmental protection | |
| <i>9.1 Objectives</i> | |
| 1. To improve and maintain environmental outcomes for the areas mapped as natural resources biodiversity and natural resources water under Wollondilly Local Environmental Plan, 2011. | Not applicable. |
| 2. To improve and maintain environmental outcomes for unmapped areas of biodiversity and/or riparian value. | The rear part of the site contains vegetation mapped as being an Endangered Ecological Community. While no works are proposed in this part of the site, a conservation zone is proposed to be created to protect this unmapped area of Endangered Ecological Community. |
| 3. To maintain links between identified environmentally sensitive land and provide habitat and riparian corridors and appropriate buffer zones to these areas. | There is no risk of compromising links between identified environmentally sensitive lands or encroaching into buffer zones to habitat or riparian areas. |

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| Relevant Provisions | Comment |
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| <i>9.3 Controls</i> | |
| 1. Development carried out on areas mapped as 'sensitive land' on the Natural Resources – Biodiversity Map and the Natural Resources Water Map under Wollondilly Local Environmental Plan, 2011 shall occur so as to either avoid, minimise or mitigate any adverse impact as detailed in Clause 7.2 and 7.3 of Wollondilly Local Environmental Plan 2011. | Not applicable. |
| 2. If a development is not able to avoid, minimise or mitigate an adverse impact on sensitive land mapped on the Natural Resources Biodiversity Map, the vegetation shall not be cleared or otherwise disturbed unless the impacts are offset through biobanking or a similar conservation arrangement. | Scattered vegetation is required to be removed to accommodate the development. The rear part of the property contains dense vegetation mapped as being an Endangered Ecological Community and it is recommended that a conservation zone be established in order to protect the vegetation and to also ensure that it remains as a screen between the development site and the world heritage area. |
| 3. The consent authority shall not grant consent to any development that would result in the clearing or other disturbance of an environmental asset unless it is satisfied that any adverse impacts will be offset through bio banking or a similar environmental conservation arrangement. | No conservation arrangement has been proposed as the total area of land to be cleared is less than 5,000m ² in size. |
| 4. Any development application on a site that includes sensitive land mapped on the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011 with a riparian buffer distance, must include an accurate survey of riparian buffer distances to determine the exact location of the buffer which is to be measured from the top of bank of each side of the watercourse. It should be noted that the LEP maps are indicative | Not applicable. |

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| Relevant Provisions | Comment |
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| <p>and based on watercourse centre lines. These maps do not identify the location of the top of banks of watercourses as it is not the intent of the map to show this and the position of watercourse centre lines shown is only approximate. The map seeks to identify what buffer distance is to be applied to each watercourse and not the extent of that buffer on the ground.</p> | |
| <p>5. All stormwater generated from any development shall be treated to an acceptable standard to maintain water quality. In determining the “acceptable standard” the consent authority shall be mindful of the relevant guidelines of the State and Federal Governments. This treatment must be undertaken outside any areas mapped as sensitive land in the Natural Resources – Water map under Wollondilly Local Environmental Plan, 2011.</p> | <p>Stormwater runoff is to be directed to the expanded earth dam and is considered satisfactory by Council’s Development Engineer.</p> |
| <p>6. Nothing in this section prevents minor works on environmental land for the purposes of providing infrastructure.</p> | <p>Not applicable.</p> |
| <p>7. Where a development is proposed on sites which do not contain areas mapped on the Natural Resources Water or Natural Resources Biodiversity maps and contain native vegetation, the development shall be located in accordance with the following (in order of preference):</p> | |
| <p>i) on cleared parts of the site wherever possible; or</p> | <p>Scattered vegetation is to be removed. the development is compliant.</p> |
| <p>ii) in locations where the least amount of vegetation removal would be required (e.g. close to roads) if the development is not able to be located wholly in a cleared area; or</p> | <p>Scattered vegetation is to be removed. the development is compliant.</p> |

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| Relevant Provisions | Comment |
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| iii) If the development is not able to be located wholly in a cleared area, then the development should be located on parts of the site in which the vegetation is determined as being of the least significance and recovery potential. | The intact areas of vegetation located at the rear of the site are not being disturbed as part of this application but a conservation area is recommended as outlined above. |
| This includes consideration of vegetation removal for any main buildings, ancillary buildings, asset protection zones, effluent disposal areas and access driveways that may be required for the development. | Not applicable. |
| 8. In cases where native vegetation removal is required a flora and fauna report from an appropriately qualified ecologist may be required to satisfy compliance with any of the controls listed above. | Council's Environmental Services Section has recommended conditions. |
| Part 11 – Landscaping | |
| <i>11.1 Objectives</i> | |
| 1. To encourage the planting of endemic species in landscaping. | To be conditioned accordingly. |
| 2. To reduce the impact of landscaping on the environment, infrastructure and human safety. | Satisfactory. |
| 3. To create a landscape character that is defined by native vegetation and not introduced species. | Satisfactory. |
| <i>11.2 Recommended Species (refer to DCP for further details of controls)</i> | |
| A detailed assessment regarding landscaping is provided against the specific controls for intensive livestock keeping establishments in Volume 8 of the Development Control Plan | |

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Wollondilly Development Control Plan 2016, Volume 8 – Primary agricultural and Rural uses

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| Relevant Provisions | Comment |
|--|---|
| Part 1 - Preliminary | |
| <i>1.2 - Objective</i> | |
| (a) To promote and encourage rural and agricultural enterprises. | The proposal involves the expansion of an existing intensive livestock agricultural use. |
| (b) To encourage development that protects the rural amenity, natural landscape features of significance and scenic qualities of Wollondilly Shire. | Various consultant reports submitted with the development application indicate that the development will not compromise rural amenity. Council's Environmental Health Officer has recommended conditions relating to noise, odour and dust management to protect the amenity of neighbours. It is considered that the proposal will not impact on any natural landscape features. |
| (c) To ensure that agricultural activities have a neutral or beneficial effect on water quality. | Water NSW has stated that the proposed development has been assessed as being able to achieve a neutral or beneficial effect on water quality provided appropriate conditions are included in any development consent and are subsequently implemented. Water NSW would therefore concur with Council granting consent to the application subject to conditions being imposed. |
| (d) To ensure that the establishment of new, or expansion of existing farms will not adversely impact on biodiversity, endangered ecological communities and threatened species. | Subject to conditions, the development is satisfactory |
| (e) To minimise the potential for land use conflict. | A number of submission have been submitted highlighting potential issues with the expansion of this and the poultry farm development located at 325 Scroggies Road, Lakesland. Based on the information contained in the |

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| Relevant Provisions | Comment |
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| | reports that accompanied the Development Application and comments Council's internal sections, it is considered that the development will not result in any land use conflict. Conditions are recommended to mitigate such concerns. |
| (f) To ensure that the opportunity for long term sustainable agricultural production is maximised. | The proposed expansion ensures production can meet demand and that farm operations can continue to occur in a sustainable manner. |
| Part 3 – Specific Land Use Controls | |
| <i>3.3 Intensive livestock agriculture</i> | |
| <i>3.3.1 Siting and setbacks</i> | |
| <i>Objectives</i> | |
| (a) To ensure that the impacts of development such as air, dust, water, odour, noise and visual amenity are minimised by identifying minimum buffer or setback requirements. | Various consultant reports submitted with the development application indicate that the development will not compromise rural amenity. Council's Environmental Health Officer has recommended conditions relating to noise, odour and dust management to protect the amenity of neighbours and mitigate land use conflict. |
| (b) To allow for the development of intensive livestock agriculture in locations which are suited to sustainable production. | It is considered that the site is suitable for the development. |
| <i>Controls</i> | |
| 1. Development for the purposes of intensive livestock agriculture, are required to comply with the minimum buffers distances outlined below: (See DCP for table details). | Noted. |
| 2. Development must be in accordance with the "Blue Book" Code of Practice for Animal Care produced by the Department of Primary Industries. | Compliance with the 'Blue Book Code' is to be included in the Farm Management Plan to be submitted with the Construction Certificate. Conditions are recommended. |

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| 3. Sites with a slope greater than 3-4% must not be used for intensive livestock agriculture. | Satisfactory. |
| 4. Sites that have residual chemicals in the soil such as organochlorides and arsenic must not be used for intensive livestock agriculture. | To be conditioned accordingly. |
| 5. Development must be located having regard to the topography and microclimate of the area to ensure concentration of odours cannot occur. | Satisfactory. |
| <i>3.3.2 Noise, odour and dust Objectives</i> | |
| (a) To minimise noise, odour and dust impacts from Intensive livestock keeping establishments on the amenity of surrounding land uses. | Subject to conditions, the development is satisfactory. |
| (b) To encourage healthy, sustainable practices to minimise the impact of development. | Conditions are recommended for the farm to be managed and operated in accordance with the Best Practice Management for Meat Chicken Production in NSW, Manual 1 – Site Selection and Management, prepared by NSW Department of Primary Industries (2012). |
| <i>Controls</i> | |
| 1. Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours. | Satisfactory. |
| 2. Locate all stationary noise generating machinery within sheds and where practical away from property boundaries. | To be conditioned accordingly. |
| 3. Ensure that feed grain is stored in a dry storage area to prevent fermentation. | To be conditioned accordingly. |

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| 4. Prevent entry of drainage/seepage water into site sheds and storage facilities through the construction of earth contour banks and drainage. | To be conditioned accordingly. |
| 5. Feeding troughs and self-feeders must be designed to minimise any spillage that could potentially contribute to odour emissions. | To be conditioned accordingly |
| 6. Appropriately silenced forklifts should be utilised to reduce night noise generation. | To be conditioned accordingly |
| 7. Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000). | To be conditioned accordingly |
| 8. Industry Best Practice Management measures developed to eliminate or reduce odour are to be undertaken. | To be conditioned accordingly |
| 9. Where practical, major truck deliveries and produce transport should be scheduled between the hours of 7am to 6pm weekdays, 7am to 1pm Saturdays. It is noted that exceptional circumstances may mean deliveries are conducted outside these hours on occasions. | To be conditioned accordingly |
| <i>Additional controls for poultry sheds</i> | |
| 1. All poultry sheds are to be appropriately cleaned out after every batch. | To be conditioned accordingly |
| 2. Sheds or structures must be adequately ventilated. | Council's Environmental Health Officer has not raised any objection to this control. |
| 3. Shed curtains or shutters must be utilised during shed clean outs (to minimise the impact of dust on adjoining land users). As far as practicable, dust generated must stay within property boundaries. | To be conditioned accordingly |

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| Relevant Provisions | Comment |
|---|---|
| 4. The type of litter material chosen for shed floors must have regard to its propensity to produce dust. | To be conditioned accordingly |
| <i>3.3.3 Soil, waste and water management</i> | |
| Note Applicants are advised to consult with the requirements for Earth dams contained within Section 3.6 of this Volume, when designing sedimentation ponds. | |
| Objectives | |
| a) To minimise the impact of stormwater and surface run-off on receiving water courses or water bodies and on adjacent lands, and | All new runoff is to be directed to the expanded dam. Details of the management and maintenance of the dam are to be included in the Farm Management Plan. |
| b) To ensure drainage systems efficiently control water flows and minimise the impact on natural drainage patterns of the site. | No issues have been raised by Council's engineers. |
| Controls | |
| 1. Local drainage patterns are to be maintained and stormwater flows effectively managed. | Satisfactory |
| 2. Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off. | Satisfactory |
| 3. Suitable impermeable sedimentation pond structures must be constructed that will not contaminate surface and ground waters. | To be conditioned accordingly |
| 4. Development must provide appropriate methods for the adequate management and handling of litter, manure, composting and removal of dead animals. | Litter waste is to be removed by contracted services. Dead birds are refrigerated on-site and disposed of and removed for pet food. Details are to be included in a Farm Management Plan. |
| 5. Runoff from feeding pens and site buildings (sealed or compacted) is to be collected in | No issues raised by the engineers. Conditions are recommended. |

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| Relevant Provisions | Comment |
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| sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm. | |
| 6. All sedimentation ponds are to be de-sludged to remove build-up of solid effluent when their storage capacity is reduced by more than 25%. | To be conditioned accordingly |
| 7. Loads of litter, manure and feed being transported to the property are to be adequately covered. | To be conditioned accordingly |
| 8. Prompt and safe disposal of feed by-products is to be arranged where recycling is not possible to avoid the harbouring of pests and vermin. | To be conditioned accordingly |
| 9. Diversion banks may need to be constructed to intercept and divert runoff away from manure stockpiles and carcass disposal areas. | To be conditioned accordingly |
| 10. Runoff from shed roofs, access tracks and hard stands (sealed or compacted) is to be collected and stored on site. Note: Any runoff existing on the site must be free of sediment | To be conditioned accordingly |
| <i>3.3.4 Transport and access</i> | |
| <i>Objectives</i> | |
| (a) To minimise the noise and environmental impacts of vehicle movements to and from the site | Subject to conditions, it is considered that the development will not result in any adverse impacts. |
| (b) To ensure adequate access to the development is provided | Subject to conditions, it is considered that access is acceptable. |
| <i>Controls</i> | |
| 1. Internal access roads must be of all weather design construction and have turning areas to accommodate large articulated vehicles and be designed to minimise the amount of backing by trucks/forklifts where required. | To be conditioned accordingly |

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| Relevant Provisions | Comment |
|---|--|
| 2. The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses. | Satisfactory |
| 3. The timing and manner of transport activities associated with the development including the frequency, times, routes and number of animal deliveries and pick-ups, feed deliveries and clean-outs must take into consideration the impact on adjoining neighbours. | <p>Vehicle movements not associated with the transfer of live birds are to occur between of 7am to 6pm weekdays and 7am to 1pm Saturdays.</p> <p>Truck movements associated with live birds are to be in accordance with the Industry Best Practice Standards and the 'Blue Book Code of Practice for Animal Care' produced by the Department of Primary Industries and the Noise and Odour Impact Assessments.</p> <p>Details of the actual timing and control of the number of trucks on the premises at any time are to be included in the Farm Management Plan. In this regard no more than two trucks associated with the movement of live birds are to be located on the site at any one time and trucks engines are not to be left idling when trucks are stationary.</p> |
| 4. Car parking and manoeuvring areas for vehicles must be constructed in accordance with Council's Design Specifications. | To be conditioned accordingly. |
| <i>3.3.5 Landscaping</i> | |
| <i>Objectives</i> | |
| (a) To mitigate the potential noise, dust and odour impacts of proposed intensive livestock developments. | Three rows of trees and shrubs are proposed as shown on the revised Landscape Plan submitted with the development application thus complying with the requirements for a wind break and visual screening. |
| (b) To minimise the visual impacts of development on the surrounding landscape. | The development will not result in any adverse visual impacts. |

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| Relevant Provisions | Comment |
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| <i>Controls</i> | |
| 1. Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply: (See DCP for further details relating to this control) | To be conditioned accordingly |
| 2. Landscaping must incorporate a mixture of trees, shrubs and groundcovers, and where practicable utilise species that are endemic to the Shire of Wollondilly. | To be conditioned accordingly |
| 3. All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from sheds (other than tunnel ventilated sheds) to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection. | To be conditioned accordingly Three rows of trees and shrubs are proposed as shown on the revised Landscape Plan submitted with the development application thus complying with the requirements for a wind break and visual screening. Council's Environment Officer has assessed the landscape plan and determined that species nominated for planting are acceptable and appropriate. |
| 4. The mature height of tall species used in site landscaping should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level). | To be conditioned accordingly |
| 5. Tree planting must not impede on the available area for on-site effluent disposal. | Satisfactory |
| 6. Refer to Council's Recommended Planting Species List in Volume 1 of this DCP (Section 11.2, Tables 1 – 7). | To be conditioned accordingly |
| <i>3.5 Farm buildings</i> | |
| <i>3.5.1 Siting and Design</i> | |
| <i>Objectives</i> | |
| (a) To ensure that farm buildings are designed and constructed to minimise the visual impact with the | The development is satisfactory |

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| Relevant Provisions | Comment |
|--|---|
| character of the rural landscape | |
| (b) To ensure that farm buildings are sited to minimise the visual impact on the amenity of the rural landscape | The development is satisfactory |
| <i>Controls</i> | |
| 1. Must not be located in visually prominent areas such as on ridgelines or vantage points | The building footprint for the sheds is not a prominent ridgeline or vantage point although it is elevated in comparison to the land to the south and east. |
| 2. Must not be erected on slopes in excess of 10%. | satisfactory |
| 3. Maximum 2 metres cut and 1 metre fill. | In parts the proposed fill will exceed 1m in depth. Maximum fill depth is approximately 2.46m. The fill will be compacted and the edge of the fill battered and grassed appropriately. It is recommended that Council support this departure |
| 4. Must comply with the minimum setbacks for a single dwelling house in Volume 4 of this DCP, from all property boundaries, unless otherwise provided by this Volume. | New sheds are set back more than the minimum setback required for a dwelling (18m). |
| <i>3.5.2 Bulk and scale</i> | |
| <i>Objectives</i> | |
| (a) To minimise the impact of development on the landscape. | The development is satisfactory |
| (b) To ensure the size of the buildings relate to its intended use, the size of the property and dominant land use. | The development is satisfactory. Landscaping will be established to reduce any potential issues. |
| <i>Controls</i> | |
| 3. The maximum size of a farm building in zones RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots must not exceed 500m ² , unless the applicant can justify | Each new shed is approximately 1,840m ² . The shed extensions are 218m ² for each of Shed 4, 5 and 6. The applicant has justified the additional size of the sheds is |

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| Relevant Provisions | Comment |
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| additional size is required to undertake the principle land use. The applicant must also specify the additional measures to be taken to minimise the impact of the farm building on the amenity of neighbouring land uses. | appropriate as they meet industry standards for stocking densities and are an efficient use of the limited development footprint. Additional measures proposed to minimise the impacts of the sheds are the provision of landscaping and the long term protection of remnant native vegetation within the site. |
| <i>3.5.3 Building height</i> | |
| <i>Objectives</i> | |
| a) To minimise the visual impact of farm buildings on the surrounding landscape, particularly in prominent locations such as ridgelines and crests. | |
| <i>Controls</i> | |
| 2. Maximum building height of a farm building in zones RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots is 7 metres. | Maximum shed height would be 4.644m. |
| <i>3.5.4 Colour</i> | |
| <i>Objectives</i> | |
| a) To minimise the visual impact of farm buildings and to ensure colours used are complimentary to the surrounding landscape and blend into the farming character of the Shire. | The development is satisfactory. There will be no additional impact generated as a result of an increase in shed numbers. Landscaping will also be used to reduce any impact. |
| <i>Controls</i> | |
| 1. The colour of a farm building must match or blend with the colour of existing structures and buildings on the property and be in keeping with the natural features of the surrounding environment. | The development is satisfactory. External colours, materials and finishes are specified to be consistent with the existing sheds. |
| 2. For vacant land, the colour of the farm building must be taken from the key features of the surrounding environment (dominant vegetation, soils, rock features). | As above |
| 3. Materials must be non-reflective. | Materials to be utilised are non-reflective. |

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| Relevant Provisions | Comment |
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| 4. Farm buildings constructed with galvanised corrugated iron or zincalume are encouraged, to assist in integrating new farm sheds into the existing rural landscape. | Not applicable. |
| <i>3.5.5 Landscaping</i> | |
| <i>Objectives</i> | |
| (a) To encourage the use of landscaping to provide a visual buffer between the farm building and surrounding land uses | The development is satisfactory |
| (b) To ensure landscape species are suitable having regard to surrounding structures, bushfire prone areas and the use of native species. | Council's Environment Officer has assessed the landscape plan and determined that species nominated for planting are acceptable and appropriate. |
| <i>Controls</i> | |
| 1. Landscaping must be provided in all rural zones where a farm building will be visible from neighbouring allotments and existing native vegetation cover does not provide adequate screening of the structure. | Landscaping is proposed. No issues have been raised with the planting regime. |
| 2. Landscaping must incorporate a mix of trees, shrubs and groundcovers, and where practical, incorporate plants that are endemic to the Shire of Wollondilly. | Council's Environment Officer has assessed the landscape plan and determined that species nominated for planting are acceptable and appropriate. |
| 3. All plantings are to be in groups and consist of advanced stock. | Council's Environment Officer has assessed the landscape plan and determined that species nominated for planting are acceptable and appropriate. |
| 4. In bushfire prone areas, fire retardant species must be used. | Council's Environment Officer has assessed the landscape plan and determined that species nominated for planting are acceptable and appropriate. |
| 5. Tree species used to screen farm buildings must have a height at maturity that is above the highest roof ridgeline of the building. | Council's Environment Officer has assessed the landscape plan and determined that species nominated for planting are acceptable and appropriate. |

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| Relevant Provisions | Comment |
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| 6. Landscaping must be setback 2 to 2.5 times the height of mature species chosen or a minimum of 12 metres (whichever is the greater) from the farm structure. | New landscaping is to provide a minimum 15m clearance from the nearest shed. |
| 7. Refer to Council's Recommended Planting Species List in Volume 1 of this DCP (Section 11.2, Tables 1 - 7). | Council's Environment Officer has assessed the landscape plan and determined that species nominated for planting are acceptable and appropriate. |
| <i>3.6 Earth dams</i> | |
| <i>Objectives</i> | |
| a) To ensure that earth dams are constructed to a safe standard, and | This application proposes to expand an existing earth dam. |
| b) To minimise the impact of dam construction on neighbouring properties and on the surrounding natural environmental features. | The development is satisfactory. |
| <i>Controls</i> | |
| 1. The width of a dam crest must be a minimum of 3 metres for a 3 metre high dam wall. The crest must increase in width 500mm from every metre above a 3 metre high dam wall. | To be conditioned accordingly. |
| 2. A minimum of 1.0 metre is to be established for freeboard (the distance between the highest water level and the top of the dam wall). This must increase by 10% for every metre over a 3 metre high wall. | To be conditioned accordingly. |
| 3. Soils predominantly consisting of gravels; organic soils or peat must not be used for dam construction or batters. The material used to construct an embankment should be sufficiently impervious to keep seepage low and ensure that dam walls remain stable. Soils with 25% clay content or greater are ideal to form an impervious barrier. | To be conditioned accordingly. |
| 4. The dam embankment must contain at least 200mm of compacted top soil and be planted | To be conditioned accordingly. |

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| Relevant Provisions | Comment |
|---|--------------------------------|
| with a good soil holding grass. Trees and shrubs must not be planted on the embankment. | |
| 5. The slope of the embankment batters must conform to the ratio of 3.0 horizontal to 1.0 vertical for both upstream and downstream slopes. | To be conditioned accordingly. |
| 6. An earth bywash is required on all dams in order to pass surplus runoff around the dam which would otherwise pass over the embankment. The bywash must be a minimum of 6 metres in width. | To be conditioned accordingly. |
| 7. The width of the outlet from the bywash must not be less than the inlet width and must not direct flow onto the downstream toe. The bywash cut batter must have a maximum steepness of 1.5:1. | To be conditioned accordingly. |
| 8. The bywash is to be excavated 75mm below the top water level and backfilled with compacted topsoil and planted with a suitable holding grass such as kikuyu. No trees or shrubs are to be planted in the bywash area. | To be conditioned accordingly. |
| 9. In spring fed dams and dams that consistently receive a large amount of surface water, a piped spillway may be required to act as an outlet. The spillway is to have an inlet of at least 100mm below the level of the bywash. Generally a 150mm pipe is suitable for this purpose. | Not applicable. |
| 10. To avoid erosion and cracking of soil around spillway pipes and movement of water along the pipe line, gypsum should be applied below, above and around the pipe for a minimum distance of 2 metres. The trench for the pipe is to be cut into the natural ground under the earth bank or through a | To be conditioned accordingly. |

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| Relevant Provisions | Comment |
|---|--------------------------------|
| compacted section of bank. The base width of the pipe trench is generally about 300mm wider than the diameter of the pipe. The trench should be cut and the pipe installed as early as possible in the construction process to allow the excavation time to settle and compact as cutting through the completed embankment creates a point of weakness which may result in failure. | |
| 11. The bywash or spillway water from an earth dam should not have an adverse effect on neighbouring properties. Dams are to be sited so that excess water is contained on the property on which they are located before meeting with a watercourse downstream. | To be conditioned accordingly. |
| 12. All farm dams are required to have a cut-off trench. The cut-off trench is to be constructed along the entire length of the embankment. It does not need to extend across the bywash. The trench must be taken down at least 300mm into the impervious soil and backfilled with impervious material ensuring it is less than 600mm below the natural surface. | To be conditioned accordingly. |
| 13. The earth dam must not be located near or adjoining a natural wetland, floodplain or riparian area, and shall be designed and located to avoid any impact on remnant vegetation or threatened species. | Satisfactory. |

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

Not applicable.

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1.4 IMPACT OF THE DEVELOPMENT

The proposed increase in production is expected to create additional impact upon the amenity of the area in terms of odour generation, noise impact and vehicle movements.

▪ **Odour generation**

The Applicant has provided Council with an Air Quality Assessment prepared by Benbow Environmental dated April 2015. The report suggests that up to 30 dwellings could be located within 1 km of the subject site. Accordingly it is recommended that the development should not generate odour exceeding 5 odour units (the standard measurement for odour impact).

The modelling for odour concentrations under the existing and proposed operations is provided as Attachment 2 in the separate Attachments Booklet.

The modelling suggests odour generation will not exceed the 5 odour unit threshold when measured at residential properties surrounding the subject site. The worst case scenario suggests that a exposure level equivalent to 2.64 odour unit can be expected.

▪ **Noise generation**

The NSW Industrial Noise Policy suggests at Table 2.1 that the amenity criteria for night time activities in a rural area impacting upon a residence should not exceed 45 dB(A) as a maximum.

In accordance with the Industrial Noise Policy this is to be measured over 15 minutes and assessed at the most-affected point on or within the residential property boundary or, if the boundary is more than 30 metres from the residence, at the most-affected point within 30 metres of the residence.

The Noise Impact Assessment prepared by Benbow Environmental dated March 2015 concluded that predicted noise levels would comply with the specific noise level limits (including sleep disturbance criteria) at all sensitive receptors for all modelled operational scenarios.

Given the existing approvals relating to the site are silent in terms of restrictions around pick-up of birds, it is intended to permit night pick-ups under this consent subject to noise criteria requirements.

▪ **Traffic Generation**

A Traffic Impact Assessment by SECA Solutions dated 14 September 2015 was submitted to Council based on the revised application details and incorporating consideration of the current Development Application DA2015/292 for extensions to the poultry farm at 325 Scroggies Road, Lakesland.

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This traffic impact assessment correctly models the traffic generation anticipated with both DA2015/292 and DA2015/316 for the variety of operational scenarios that involve truck movements being: bedding, chick and feed deliveries, thinning of stock, removal of birds at the end of the growing cycle and litter removal.

The increase in truck movements associated with the proposed increased capacity of the farms have been quantified and the number of vehicle movements distributed over additional days and nights required to perform different operations. It is important to note that the birds from each farm (115 Kelsalls Road and 325 Scroggies Road) will be delivered to the same meat processing plant at Tahmoor and therefore a limiting factor is the number of birds which can be received at this meat processing facility at any one time.

As a consequence the frequency of truck movements is anticipated to increase but more significantly the number of days/nights required for truck movements will increase. The traffic impact assessment concludes that overall the daily and hourly peak traffic generation will not significantly increase but the number of days when truck movements are required will increase to approximately 17 additional days per annum of truck movements.

The traffic impact assessment concludes that the pattern of heavy vehicle movements is not out of character with a rural area used for primary production and the increase in traffic flows and the nature of the traffic is such that it will not have a detrimental impact on the operational capacity of the local road network and intersections. The traffic impact assessment also verifies that the existing vehicle crossing and the dimension of the internal access roads are suitable to accommodate the size and frequency of proposed truck movements.

| Consideration | Comment |
|---------------------|--|
| Natural Environment | <p>Council's Environment Officer has assessed the application and recommends the proposal be subject to conditions in respect of weed and vegetation management, filling, water management and site rehabilitation.</p> <p>The Flora and Fauna Assessment submitted with the development application concluded as follows with regard to the area of the site to be disturbed by the proposed works:</p> <ul style="list-style-type: none"> No endangered ecological communities found or anticipated to be impacted; No threatened populations found or anticipated to be impacted; |

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| Consideration | Comment |
|-------------------|---|
| | <ul style="list-style-type: none"> No potential Koala Habitat found or anticipated to be impacted. <p>The report also concluded there will be no detrimental impacts to the ecological integrity of foraging habitats for threatened bat species and habitat and vegetation within the adjoining National Park and World Heritage Area subject to protection of the area of remnant vegetation in the west and south west portions of the site (equivalent to approximately 11 hectares) and subject to the implementation of a weed and pest control management plan and supervision of any tree removal which will impact on hollow-bearing trees.</p> <p>The findings of the flora and fauna report have been assessed and supported by Council's Environment Officer.</p> <p>The recommendations of the Flora and Fauna Assessment are to be incorporated into conditions of development consent if the application is to be approved.</p> |
| Built Environment | <p>The extensions to the existing sheds and the new sheds are to be spatially clustered to minimise the built impacts.</p> <p>The siting of the sheds complies with the minimum separation requirements of DCP 2011.</p> <p>The sheds are compatible with the landscape and scenic qualities of a rural landscape.</p> |
| Social Impacts | <p>The Noise, Air Quality and Traffic Impact Assessments have been assessed by Council's Environmental Health Officer and determined to be satisfactory terms of reasonable impacts to the amenity of the neighbourhood.</p> <p>Conditions are proposed if the application was to be approved to ensure compliance with the recommendations of these reports as well as the submission of a Farm Management Plan. The Farm Management Plan would describe in detail relevant activities and operations to demonstrate the methods and measures that will be implemented on a day-to-day basis to ensure the farm is operated to best practice standards and in a manner appropriate to the proposed use and the context and setting.</p> |

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| Consideration | Comment |
|------------------|---|
| Economic Impacts | <p>The proposal is consistent with the ongoing sustainable operation of the poultry farm to industry standards.</p> <p>Sustained operation of the poultry farm has flow on positive impacts for the overall sustainability of other established businesses ancillary to the poultry farm including the meat processing premises at Tahmoor and local rural suppliers.</p> |

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1.5 SUITABILITY OF THE SITE

The rural location and zoning of the site is considered to be suitable for the development because:

- Services required by the proposed development are available to the site.
- Access to the site is satisfactory.
- The proposed farm buildings are of a scale compatible with the existing development on the land and are appropriate for a rural area.
- There are no site constraints which prevent the development.
- Impacts upon nearby rural and rural residential neighbourhoods such as increased traffic, potential noise and odour are assessed as being acceptable.

1.6 SUBMISSIONS

| Concern | Comment |
|--|---|
| Cumulative impacts to be assessed – i.e. consider the other poultry farm re noise, odour, dust, traffic and road capacity. The poultry farm at 325 Scroggies Road, Lakesland is also the subject of a current application for alterations and additions to the poultry farm. | <p>The potential cumulative impacts of DA2015/316 and DA2015/292 (a separate Development Application seeking consent for alterations and additions to a poultry farm located at 325 Scoggies Road, Lakeland – approximately 701 metres north-north-east from the subject land [measured lineally]) have been assessed concurrently with both development applications assessed by Council’s specialist assessment officers and the overall Section 79C Assessments completed concurrently with broad-scale consideration of all relevant issues.</p> <p>The Traffic Impact Assessment by SECA Solutions dated 14 September 2015 models and analyses the anticipated impacts of the cumulative traffic generated by both development proposals. See the section of this report titled ‘Proposal’ for details of the Traffic Impact Assessment.</p> |

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| Concern | Comment | | | | | | | | | | | | | | | | | | | | |
|--|--|--|--------------------------|---|--------------------------|---|----------|-----|---|---|-------|----------|-----|---|---|-------|--------------------------------|-----|---|---|-------|
| Increased road damage from an increase in truck movements. | <p>Council's Development Engineer has assessed the application including potential traffic generation and has not raised road damage as an issue.</p> <p>The applicant has provided the following information on truck movements (it should be noted that the application is proposed to be conditioned that only turkeys could be farmed and a separate application would be required if chickens were to be farmed in the future):</p> <p>2) Truck Movements – refer to table below:</p> <table border="1" data-bbox="738 936 1401 1384"> <thead> <tr> <th data-bbox="738 936 895 1173">Truck Movements</th> <th data-bbox="895 936 1002 969">Daily</th> <th data-bbox="1002 936 1134 1173">Weekly (Only the bird supply or feed delivery)</th> <th data-bbox="1134 936 1257 1099">At thinning out/cleanout</th> <th data-bbox="1257 936 1401 1173">Total per cycle or batch per total of feed trucks</th> </tr> </thead> <tbody> <tr> <td data-bbox="738 1173 895 1211">Existing</td> <td data-bbox="895 1173 1002 1211">n/a</td> <td data-bbox="1002 1173 1134 1211">2</td> <td data-bbox="1134 1173 1257 1211">5</td> <td data-bbox="1257 1173 1401 1211">48/40</td> </tr> <tr> <td data-bbox="738 1211 895 1249">Proposed</td> <td data-bbox="895 1211 1002 1249">n/a</td> <td data-bbox="1002 1211 1134 1249">3</td> <td data-bbox="1134 1211 1257 1249">6</td> <td data-bbox="1257 1211 1401 1249">62/50</td> </tr> <tr> <td data-bbox="738 1249 895 1384">If sheds converted to chickens</td> <td data-bbox="895 1249 1002 1384">n/a</td> <td data-bbox="1002 1249 1134 1384">3</td> <td data-bbox="1134 1249 1257 1384">7</td> <td data-bbox="1257 1249 1401 1384">45/42</td> </tr> </tbody> </table> <p><i>'Trucks are not visiting the site on a daily basis; feed trucks will deliver up to 2-3 (times) per week. At a thinning/cleanout there will be up to 6 trucks (actually there are only 2 trucks involved and they are timed to rarely be on site together) entering the site per night.</i></p> <p><i>Growing cycles are 2.5 batches/year if turkeys and 5.5 batches if chickens. The farm will have the same batch numbers and the only difference will be in the number of birds that are handled, grown or serviced.</i></p> <p><i>The existing operations are for turkeys and these are processed at Tahmoor. Roads used in sequence are Kelsalls Road, Lakesland Road, Oaks Road, Thirlmere Way and Remembrance Drive to the processing plant off Rockford Road and Ralfe Street. Should the farm convert to</i></p> | Truck Movements | Daily | Weekly (Only the bird supply or feed delivery) | At thinning out/cleanout | Total per cycle or batch per total of feed trucks | Existing | n/a | 2 | 5 | 48/40 | Proposed | n/a | 3 | 6 | 62/50 | If sheds converted to chickens | n/a | 3 | 7 | 45/42 |
| Truck Movements | Daily | Weekly (Only the bird supply or feed delivery) | At thinning out/cleanout | Total per cycle or batch per total of feed trucks | | | | | | | | | | | | | | | | | |
| Existing | n/a | 2 | 5 | 48/40 | | | | | | | | | | | | | | | | | |
| Proposed | n/a | 3 | 6 | 62/50 | | | | | | | | | | | | | | | | | |
| If sheds converted to chickens | n/a | 3 | 7 | 45/42 | | | | | | | | | | | | | | | | | |

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| Concern | Comment |
|---|--|
| | <p><i>chickens then trucks would access onto the Hume Highway. Feed trucks usually undertake a servicing route from the producers supply depot and may visit several farms. Typical routes are indicated above.</i></p> <p><i>Details of truck (either semi-trailer or truck and dog or truck and trailer) movements per batch are:-</i></p> <ul style="list-style-type: none"> <i>• Frequency as per 2) above.</i> <i>• Bird delivery - 4x 6 tonne up to 3-4 days apart (4 in total) and over a total of 2 weeks.</i> <i>• Trucks are not serviced on site.</i> <i>• Feed deliveries - 2-3x truck and dogs/week.</i> <i>• Thinning s/cleanouts - 6/night - truck and trailer</i> <i>• Litter removal - 4-5/day for 4 days truck and dog (total of 18).</i> <p><i>Stocking rates- all birds (chicks) are usually delivered on 2 separate days within 2 weeks (total of 4 deliveries). Maximum shed capacities are delivered at this time. Thinnings are organised by the processor to meet market demand and animal welfare considerations and these thinnings can commence from week 11 through to week 20 (cleanout).</i></p> <p><i>These thinnings are undertaken to keep the weight of the birds/m2 of shed space within processor requirements. The cleanout removes all mature birds at 20 weeks. The same sort of operation would occur if chickens are grown with birds commencing being thinned at 32-34 days and this continues until cleanouts at 54 days.'</i></p> |
| <p>Roads and the bridge are not wide enough. There have been too many near misses and an increase in traffic will only exacerbate problem</p> | <p>See comments immediately above. Also the Traffic Impact Statement submitted with the application concludes:</p> <p><i>'From the site work completed and the review of the project, it is considered that the proposed expansion of the existing poultry farm will have a minimal impact upon the overall road network within the general vicinity of the site and along its transport route. The assessment has been undertaken allowing for the proposed expansion of the existing turkey farm at 325 Scroggies Road, Lakesland.</i></p> |

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| Concern | Comment |
|---|--|
| | <p><i>The existing traffic flows in the immediate vicinity of the site are low and well within acceptable limits whilst traffic on the Hume Motorway, if required, is also within acceptable limits. The additional traffic movements associated with the development occur primarily out of the peak periods with the majority happening at night. These will not have a noticeable impact upon the overall operation of the road network. There is no daily increase in traffic generated by the development but rather an extension of the length of the cleanout period from the existing 6 nights twice to three times a year to 10 nights twice to three times a year. There are marginal increases in traffic during other periods of the growing cycle.</i></p> <p><i>Should the farm transfer to chicken rather than turkey production the overall impact will see a reduction in the length of stock transfers at the end of the cycle but an increase in frequency due to the shorter growth cycle (5.5 batches per year). The number of truck movements per day/evening will be the same whether chickens or turkeys are grown. This will also have a minimal impact on the overall road network.</i></p> <p><i>The site access can operate in a safe manner and allows for vehicles to enter and exit the site in a safe manner, consistent with the existing operation of the site.'</i></p> |
| Increased waste (feathers) generation | The applicant advises that movement of litter is controlled by covered trucks and it often undertaken by specialised litter contractors. |
| Hours of operation issues (late night pickups and associated noise, lack of sleep). | Conditions are recommended in respect of hours of operation (if the application is to be approved) which are considered to be reasonably compatible with the amenity of the neighbourhood and consistent with the requirements for sustainable operation of a poultry farm in accordance with Industry Best Practice and the requirements of the 'Blue Book Code of Practice for Animal Care' produced by the Department of Primary Industries and the requirements for the operator and supply chain. |

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| Concern | Comment |
|--|--|
| | See also the information under the section in this table titled 'Increased road damage from an increase in truck movements.' |
| Amenity impacts as a result of current operations. | This development application presents an opportunity to revise and improve upon current operations with the potential to impose additional conditions of consent to protect neighbourhood amenity and commit ongoing operations to a Farm Management Plan. |
| No traffic impact assessment provided. | A Traffic Impact Assessment by SECA Solutions dated 14 September 2015 was received by Council and made publicly available with a second notification period. The Traffic Impact Assessment has been reviewed by Council's Development Engineer and determined to be satisfactory. |
| Variation to setbacks should not be supported. | The proposal as revised complies with the minimum separation distances and setback requirements of DCP 2011. |
| Manure being stockpiled onsite. | Information provided by the applicant indicates that wastes are disposed of by contracted services. Conditions (if the application is to be approved) are also recommended that no manure or other wastes are stockpiled and that specific waste management and disposal practices are contained in the Farm Management Plan to be submitted with the Construction Certificate. |
| Sheds are cleaned out at night and not during normal working/construction hours. | Advice received from the applicant states 'this is not a usual practice but it should be appreciated that cleanouts are undertaken as fast as can be arranged as part of the biosecurity operations being driven by the DPI and Industry.' Clean out of the sheds and maintenance operations are proposed to be conditioned to occur during daylight hours if the application is to be approved. |
| Some roads are weight restricted yet trucks use these roads. | The 'Road Rules 2014' apply to all vehicles using the public road network in NSW and were effective from 1 December 2014. In regard to heavy vehicles using the local road network ancillary to the operations of the poultry farm, Rule 104 specifically applies and permits the use of roads with signage that limits truck access if that road is on a route that is the only means of access to a destination. |

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| Concern | Comment |
|---|---|
| More dwellings have been approved in the locality which will only create more traffic impacts/conflicts between road users. | The Traffic Impact Assessment concludes that the proposal will have no detrimental impact on the road network. |
| No reticulated water so dust suppression can be an issue. | Water re-use from the expanded dam is to be used for dust control where necessary and does not rely upon reticulated potable water. |
| Health impacts as a result of dust, noise and odour. | The Noise and Air Quality Impact Assessment reports submitted with the development application demonstrate that the original proposal would have had acceptable impacts on the amenity of the neighbourhood and would not create an unreasonable risk to human health or the health of the environment. The revised proposal reduces the number of sheds and the capacity of the poultry farm and will have impacts less than those modelled in the Impact Assessment reports. Council's Environmental Health Officer has evaluated the reports submitted with the application and concurs that the anticipated impacts are acceptable. Appropriate conditions are recommended for the operation of the premises in accordance with the recommendations of the impact assessment reports if the application was to be approved. |
| Cross contamination and biosecurity issues | <p>The separation distance between the poultry farm the subject of this application and the nearest poultry farm at 325 Scroggies Road is 698m and complies with the minimum separation requirements.</p> <p>Advice from the applicant states that:</p> <p>'...the birds are fully contained with sheds. Biosecurity issues are adequately contained by quarantine controls and farm management plans that are regularly inspected by the processors and major retailers.'</p> |
| Faecal matter from farms impacting upon roof water supplies | Council's Environmental Health Officer has investigated this matter and has advised the drinking water standards for rain water collection will not be adversely affected by the proposal. Drinking water quality has been independently tested and verified as within the normal range for |

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| Concern | Comment |
|---------|--|
| | domestic rainwater tanks throughout NSW in response to this matter having been raised previously with Council. |

In addition to the above, Council received a detailed submission on 5 July 2016, which is included in the planning submissions booklet. Council's response to this submission dated 9 August 2016 and 22 September 2016 are included as Attachment 3 in the separate Attachments Booklet.

1.7 THE PUBLIC INTEREST

The proposal is permissible with development consent on the site and is consistent and compliant with all relevant objectives and controls of Wollondilly Local Environmental Plan 2011 and Wollondilly Development Control Plan 2011. The matters raised in submissions which are relevant to the assessment of the proposal can be reasonably addressed with recommended conditions of development consent if the application is to be approved. For these reasons the proposal is considered to be in the public interest.

CONCLUSION

A Noise Impact Assessment by Benbow Environmental dated March 2015 was submitted with the original application. This impact assessment was based on the original proposal for the extension of the six existing sheds and construction of six new sheds. The application has since been revised to a smaller scale. The Noise Impact Assessment concluded that predicted noise levels would comply with the specific noise level limits (including sleep disturbance criteria) at all sensitive receptors for all modelled operational scenarios.

An Air Quality Assessment Report by Benbow Environmental dated April 2015 was submitted with the original application. This assessment was based on the original proposal for the extension of the six existing sheds and construction of six new sheds. The application has since been revised to a smaller scale.

The Air Quality Report modelled scenarios for both turkeys and chickens noting that chickens are known to potentially generate more dust and odour than turkeys. The report concluded that modelled operational activities would not result in odours or dust which would be unreasonable to the amenity of neighbours subject to a Site Environmental Management Plan incorporating the management and operational criteria as modelled in the report. The report also recommended that, should the poultry farm include chickens, additional wind breaks would be required in the form of vegetation buffers to the west of the sheds.

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A Traffic Impact Assessment by SECA Solutions dated 14 September 2015 was submitted to Council based on the revised application details and incorporating consideration of the current Development Application DA2015/292 for extensions to the poultry farm at 325 Scroggies Road, Lakesland.

The Traffic Assessment provided with the applications suggests that the proposals will result in a marginal increase in traffic. However the impacts to the existing road operations are anticipated to be negligible.

Improvements to the alignment of Ruddocks Road and other sections of the haul route are currently being considered by Council's Engineering Section for inclusion in any draft conditions of consent. It has been recommended that any consent issued by Council should prohibit use of Scroggies Road for truck deliveries.

It should be noted that the 15 tonne road limits imposed in this locality are for traffic management purposes. It does not apply to trucks with a defined destination along the load limited road where no alternate access is available.

FINANCIAL IMPLICATIONS

This matter has no financial impact on Council's adopted budget or forward estimates. As per recommended condition 21 of this report, the cost of construction to be determined by a quantity surveyor report and a Section 94A contributions 1% levy to be paid prior to a construction certificate being released.

ATTACHMENTS INCLUDED IN SEPARATE BOOKLET

1. Plans of the proposed development.
2. Air Quality Modelling provided with the application.
3. Council response to detailed submission dated 22 September 2016 and 9 August 2016.

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RECOMMENDATION

That Development Application 010.2015.00000292.001 for continued use of extensions to existing poultry sheds No. 4, 5 and 6; construction of new poultry sheds No. 7 and 8; filling of land and expansion of the capacity of the existing earth dam at 115 Kelsalls Road Lakesland be approved subject to the following conditions:

1. COMPLIANCE

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

- (1) Development Consent is granted for continued use of the extensions to existing poultry sheds No. 4, 5 and 6; construction of new poultry sheds No. 7 and 8; filling of land and expansion of the capacity of the existing earth dam at 115 Kelsalls Road Lakesland.
- (2) Development shall take place in accordance with the following plans:

| Description | Drawn By | Sheet No. | Reference |
|---|------------------------------|--------------------------|---|
| Site Plan | Tattersall Lander Pty Ltd | | Undated |
| Plan of Proposed Poultry Sheds Showing Earthworks and Drainage Details Lot 2 in DP 856685, 115 Kelsalls Road, Lakesland | Tattersall Lander Pty Ltd | Sheet No.2 Revision B | Job No. 21443 Ref 21400099 |
| Section A-A (only in regard to filling levels and dam alterations) | Tattersall Lander Pty Ltd | Sheet 3 Revision B | Job No. 21443 Ref 214000100 Undated |

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| Description | Drawn By | Sheet No. | Reference |
|--|--------------------|-------------------------------------|--|
| Plan Showing Landscaping at Proposed Poultry Shed Site, Lot 2 in DP 856685, 115 Kelsalls Road, Lakesland | Tattersall Pty Ltd | Lander Sheet No. 1 Revision B | Job No. 21443 Ref 21500048 Undated |
| Proposed Chicken Sheds Typical Shed Details (elevations), Lot 2 in DP 856685, 115 Kelsalls Road, Lakesland | Tattersall Pty Ltd | Lander Revision A | Job No. 21443 Ref 21500049 29/4/15 |

Submitted in respect of Development Application No. 010.2015.00000316.001 except where varied by the following conditions:

- (3) Unless permitted by other conditions of this consent, there shall be no tree clearing unless the vegetation is:
- (a) Within the footprint of an approved building, internal access road or other works required for soil and water management and alterations to the existing earth dam;
 - (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.

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

‘Flora and Fauna Assessment for proposed Poultry Sheds, 115 Kelsalls Road, Lakesland NSW’ prepared by Wildthing Environmental Consultants (Job No. 12177) dated December 2014.

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‘Traffic Impact Statement for the proposed Poultry Farm, 115 Kelsalls Road, Lakesland, NSW’ prepared by SECA Solution (Ref: P0424 TL Bargo Poultry Farm) dated 14 September 2015.

‘Noise Impact Assessment prepared for Tattersall Lander Pty Ltd 115 Kelsalls Road, Lakesland NSW’ prepared by Benbow Environmental (Report 141269_NIA_Rev4) dated March 2015.

‘Air Quality Assessment prepared for Tattersall Lander Pty Ltd 115 Kelsalls Road, Lakesland NSW’ prepared by Benbow Environmental (Report 141269_Air_Rev2) dated April 2015.

Except where varied by the following conditions:

- (5) Poultry raised and kept in Sheds 1 to 8 on the endorsed site plan are limited to turkeys only.
- (6) In the event of any inconsistency of detail between the relevant plans and elevations the details in the elevations shall take precedent.

Prior to the issue of any Construction Certificate, the persons having the benefit of this consent shall establish an environmental conservation zone in accordance with Section 88B of the Conveyancing Act 1919 shall be established over all that land mapped as being “Sandstone Woodland” on Figure 5: Vegetation Map of Site within the ‘Flora and Fauna Assessment for proposed Poultry Sheds, 115 Kelsalls Road, Lakesland NSW’ prepared by Wildthing Environmental Consultants (Job No. 12177) dated December 2014 and also over all that part of the site within the area titled “Heavily Vegetated Area Not Surveyed’ on the plan titled “Plan Showing existing Poultry Sheds Lot 2 in DP 856685, 115 Kelsalls Road, Lakesland’ prepared by Tattersall Lander Pty Ltd (Job 214343, Sheets 1 and 2 of 2, Revision B) undated.

The restriction on title shall restrict the following:

- the erection of buildings,
- the grazing of animals,
- clearing of land
- dams
- drainage
- the establishment of any part of an asset protection zone(s) (both inner and outer protection zones required by Planning for Bushfire Protection 2006 and/or subsequent amending documents/plans in this regard), and/or
- any other similar purpose.

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

The registered plan from Land Property Information shall be submitted to the nominated Accredited Certifier to demonstrate compliance with this condition prior to the issue of any Construction Certificate.

- (7) This consent does not grant any approval for the removal of any vegetation beyond that indicated on the endorsed site plan. All existing vegetation clear of the proposed works is to be retained and protected.
- (8) Prior to the issue of any Construction Certificate, a Farm Management Plan is to be submitted to Council or a nominated Accredited Certifier for approval, to minimise odour generation. The Farm Management Plan shall include the following:
 - (a) All feeding systems, including feed lines, feeder trays and feeder pans must be maintained to ensure there is minimal spillage on the litter.
 - (b) The moisture content of the poultry litter within the sheds shall be monitored and maintained between 15 to 30% to avoid odour generation.
 - (c) All feed shall be stored in silos and or sealed containers.
 - (d) All sheds must be cleaned and disinfected after each batch. Clean out shall not be undertaken when climate factors (wind and temperature) increase the likelihood of offensive off site odour or dust impacts.
 - (e) All manure and spent litter is to be immediately removed from the property in covered loads following the clean out of each shed.
 - (f) Sheds curtains or shutters must be closed during clean outs.
 - (g) Deceased birds must not be buried onsite.
 - (h) All deceased birds must be removed from the sheds on a daily basis and stored within the freezer unit until collection and removal from the property for disposal by a licenced contractor.

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- (9) Prior to the issue of any Construction Certificate, plans, sections and engineering details for the enlargement of the existing earth dam shall be submitted to Council or a nominated Accredited Certifier for approval. The plans, sections and engineering details shall demonstrate that the capacity of the dam plus a minimum 1m freeboard will match the required capacity as detailed in this consent. They shall also demonstrate that the expanded dam complies with the requirements of Section 3.6 of Volume 8, Wollondilly Development Control Plan 2016.

In this regard, the expanded earth dam shall only be used for the capture, containment and re-use of stormwater and water runoff from the sheds and ancillary vehicle movement areas.

Use of the earth dam for any other purpose other than approved with this development consent may require a licence from NSW Department of Primary Industries – Water in accordance with the provisions of the Water Management Act, 2000.

- (10) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (11) Where any construction work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or construction-related traffic the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the anticipated timing and duration of such works. The land owner has the ultimate responsibility for ensuring anyone undertaking construction works in accordance with this consent is aware of this requirement and completes required construction work in accordance with this consent and this condition in particular.

2. BUILDING DESIGN

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

- (1) All materials and colours to be used in the external construction of the sheds shall match those of the existing sheds.

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3. DRINKING WATER CATCHMENT CONDITIONS

These conditions are imposed to ensure that the development has a neutral or beneficial impact on water quality.

- (1) All runoff generated from the existing and proposed sheds shall be collected and directed to the existing dam on site which is situated outside the hydrological catchment of Warragamba Dam, No runoff from the site or overflow from the dam shall be directed to the Warragamba Special Area in the north.
- (2) No waste generated from the construction activities or site operations shall be stored or disposed of within the Warragamba Special Area that adjoins the property in the north.'

Reason for Conditions 3(1) and (2) – Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011.

4. 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, 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 and filled areas adjacent to a building shall be retained, stabilised and drained to prevent the subsidence of the excavation or fill and/or the entry of surface water to the building. Where a 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 prior to the issue of a Construction Certificate. Where the height of any retaining wall 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 to approved work is being carried out at the rate of one (1) toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be installed 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) The approved development shall not interfere with the existing sewage disposal system.
- (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.
- (7) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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- (8) If the soil conditions require it:
 - (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
 - (b) Adequate provision must be made for drainage during and after construction.
- (9) There shall be no burning of builder's rubble, felled trees or other material on site.
- (10) Dust shall be controlled so that it will not leave the construction site.

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans for the proposed all weather gravel access and stormwater drainage shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Building Construction Certificate for any works associated with this development. Design parameters shall comply with the requirements of Council's Design Specifications.
- (3) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction. The measures shall be in accordance with Council's Construction specification and the Department of Housing's "Blue Book". The plan shall be approved by Council or the nominated Accredited Certifier.
- (4) Engineer's Certification shall be provided to Council or the nominated Accredited Certifier for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.

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6. PUBLIC ROADS

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

- (1) All work required to be carried out within a public road reserve must be separately approved by Council's Infrastructure Planning Section, under Section 138 of the Roads Act 1993.
- (2) Engineering plans for the required work within the public road must be prepared by a suitably qualified professional in accordance with Council's Design and Construction Specifications. These plans must be submitted to Council with the Section 138 Application for approval prior to the issue of the Building Construction Certificate. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans and 138 Consent Certificate.
- (3) The proposed truck routes provided by SECA Solutions, Section 2.2.1 dated 14 September 2015 is accepted, which is using Lakesland Road. For the use of Lakesland Road, the following upgrading work is required for improved road safety.

The existing curves in Lakesland Road located in front of No. 140 Lakesland Road (Lot: 21 DP: 979241), 120 Lakesland Road at Skarrats Lane (Lot: 332 DP: 751270) and 60 Lakesland Road (Lot: 3 DP: 602549) shall be upgraded with the following:

- widened to provide an 8.0 metre wide bitumen sealed pavement with 0.5 metre wide shoulders,
- the length of widening shall be from tangent point to tangent point plus tapers,
- including double barrier centre lines,
- advisory speed signs,
- a bitumen reseal for the complete road width for the length of the widening.

Note: Any adjustment to services shall be at the expense of the applicant.

- (4) **No truck access is permitted on Scroggies Road.**

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- (5) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council for Public Roads works. 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.
- (6) 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 that person's expense.

7. LOADING/ACCESS

These conditions have been imposed to ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.

- (1) Provision of all-weather gravel access as shown on the endorsed plan prepared by Tattersall Lander P/L. Details of this shall be shown on the engineering plans for approval by Council or the nominated Accredited Certifier prior to the issue of the Building Construction Certificate.

8. DRAINAGE/STORMWATER

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

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) All drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and relevant Australian Standard AS3500 except where otherwise provided in the Local Government Act, 1993 or the Local Government (General) Regulation, 2005.
- (3) All stormwater, roof and/or surface runoff must be directed to drain to the existing (expanded) on-site earth dam located to the east of the new sheds and outside the drinking water catchment as shown on the plans submitted from Tattersall Lander P/L Job No. 21443 Ref 21400099 Sheet No. 2 Revision B. These plans shall detail that the capacity of the existing dam is adequate for the additional stormwater runoff. If not adequate, detailed engineering plans shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of a Building Construction Certificate.

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- (4) Prior to the issue of any Occupation Certificate, all exposed and disturbed areas of earth and all existing and proposed drainage swales and all areas surrounding and between the sheds which are not used for all-weather vehicle access shall be seeded and grassed. Such areas shall be maintained with grass cover for the life of the development.
- (5) Stormwater runoff and water from the earth dam shall, where practical, be re-used on site. Such water shall be treated to remove sediment and nutrient before re-use. A management schedule for the maintenance of water quality in the earth dam is to be included in the Farm Management Plan to be submitted with the Construction Certificate.

9. 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 of the works.
- (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 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 approved Soil and Water Management Plan shall be completed prior to the commencement of any construction or site works. These devices are to be maintained in working order so as to prevent the discharge of silt into the local catchment.
- (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 stockpiling of materials in excess of the approved site works is not permitted.

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10. EARTH FILL

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

- (1) All filling on the site shall be compacted to not less than 95% Standard Compaction. A report on the site filling compaction is to be submitted in accordance with Wollondilly Shire Council's Design and Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the completed development indicating the areas subject to fill and the depth of fill in relation to the site boundaries.
- (2) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (3) Notice shall be provided to Council a minimum two (2) business days prior to the commencement of land filling operations and within two (2) business days of the completion of filling works.
- (4) Surface stormwater shall be controlled in such a manner that there is no significant alteration to existing flows onto adjoining properties during and on completion of construction.
- (5) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Primary Industries – Water.
- (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 fill shall not be used or emplaced on the site. If the fill has been placed on the site, all filling works shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.
- (8) All 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.

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11. INSPECTIONS

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

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:
 - Footings and pier holes before pouring of concrete
 - 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 roadworks have been excavated to subgrade
 - Prior to placement of base pavement layer
 - Prior to bitumen sealing
 - At practical completion of works.

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

- (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.

12. SERVICES

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

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the website 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.

13. 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) Any existing dead or dying tree within the existing landscaped buffers to the site boundaries are to be replaced with a similar or same native species endemic to the area. The species should consist of a low and a high canopy and have slender leaves to trap dust. Landscaped buffers are to be maintained to all site boundaries for the life of the development.
- (2) In addition to the approved Landscaping Plan, the following works shall also be undertaken prior to the release of any Occupation Certificate.

| Location | Requirements |
|---|--|
| Around and in between the poultry sheds | To be grassed, similar to existing turf onsite |
| Earth banks | To be grassed, similar to existing turf onsite |
| Open stormwater drains | To be grassed, similar to existing turf onsite |
| All disturbed areas across the site | To be grassed, similar to existing turf onsite |

- (3) All plantings to be in groups and consist of advanced stock.
- (4) Tree planting associated with this consent shall not impede the area used for onsite sewage disposal.
- (5) Prior to the issue of any Occupation Certificate, all exposed earth areas throughout the site, all existing and any drainage swales constructed in association with this consent and all areas between the sheds shall be seeded and grassed. Such areas shall be maintained for the life of the development.

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- (6) Landscaping is to be installed in accordance with the approved Plan prior to the issue of the Occupation Certificate.
- (7) The landscaping must be maintained in accordance with the details provided on that Plan at all times.

14. VEGETATION MANAGEMENT

These conditions have been imposed to protect significant vegetation that has been identified on the subject land.

- (1) The existing remnant vegetation in the south western portion of the site is to be retained and protected. No works are to be undertaken within a 5 metre radius of the drip zone of the tree(s) which comprise this vegetation identified for retention.
- (2) Effluent disposal shall not to be undertaken within a 5 metre radius of the drip zone of the remnant vegetation to be retained and protected.
- (3) Solid or liquid waste materials shall not be deposited in the area containing the remnant vegetation to be retained and protected.
- (4) No stock shall be permitted in the vegetated area identified for protection and management. Stock proof fencing shall be installed to the perimeter of the area for vegetation protection prior to the issue of any Occupation Certificate and shall be maintained in good order for the life of the development.

15. WEED MANAGEMENT

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

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to Council or a nominated Accredited Certifier for approval prior to the release of any Construction Certificate and shall include:
 - (a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (ie., low, medium, high);

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- (b) A treatment schedule in tabulated form, specifying for each species:
 - (i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - (ii) The rates of application methods of all herbicide treatments;
 - (iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - (iv) The timing of treatments.
- (c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site;
- (d) Details of any methods of disposal of weed material.

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Council or nominated Accredited Certifier that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

- (2) All preliminary weed treatment measures identified in the approved Weed Eradication and Management Plan shall be carried out prior to the issue of any Occupation Certificate. The Plan shall be implemented for the life of the development.
- (3) All weeds environmental or noxious shall be removed from the area nominated for protection and management of native vegetation and evidence of this weed reduction program is to be made available for inspection on request from Council.

16. EARTH DAMS

These conditions have been imposed to ensure all works are carried out in accordance with Development Control Plan 2016 – Volume 8 Section 3.6 Earth Dams.

- (1) The width of the dam crest is to be a minimum of 3 metres for a 3 metre high wall and increased in width by 500mm for every metre above 3 metres. The surface of the crest is to be slightly rounded to prevent water ponding on the crest.
- (2) A minimum of 1.0 metre is to be established for freeboard for the dam. The freeboard should be increased by 10% for every metre of the dam wall over 3 metres.

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- (3) The slope of the embankment batter to the dam is to conform with the ratio of 3.0 horizontal to 1.0 vertical for both the upstream and downstream slopes.
- (4) The dam bywash is not to direct flows onto the downstream toe.
- (5) The bywash cut batter is to have a maximum steepness of 1.5:1.
- (6) The bywash is to be excavated 200mm below the top of the water level and backfilled with compacted top soil and planted with a suitable stabilising spreading grass. No trees or shrubs are to be planted within the bywash area.
- (7) Any excess water from the dam is not to have an adverse effect on neighbouring properties. All excess water is to be contained within the site boundaries and integrated with the natural catchment.
- (8) The earth dam is to have a cut-off trench which is to be taken down a minimum of 300mm into impervious soil and backfilled with suitable impervious material.
- (9) The details of the extension to the existing earth dam shall be shown on the engineering plans to be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Building Construction Certificate.
- (10) Upon completion of the construction works for the expansion of the earth dam, the works shall be certified by a suitably qualified and experienced Geotechnical Engineer. A Registered Surveyor shall prepare a Works-as-Executed Plan. A copy of the certification and the Works-as-Executed Plan shall be submitted to Council within three (3) months of the completion of the works to expand the earth dam.
- (11) The dam is to be used for the capture and storage of stormwater. Water from the dam is to be re-used on site for stock watering, maintenance of the sheds and surrounds and dust control on the internal access roads.

(Reasons: To ensure all works for the expansion of the dam comply with Council's requirements in accordance with Wollondilly Development Control Plan 2016 – Volume 8 Section 3.6 Earth Dams).

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17. 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, 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, 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.

18. SIGNS

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

- (1) An application under the provisions of the Environmental Planning and Assessment Act, 1979 shall be submitted to Council for any new advertising or business identification signs unless those signs are exempt development as defined by the Act.

19. WASTE MANAGEMENT

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

- (1) A Waste Management Plan is to be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be prepared in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or a nominated Accredited Certifier in response to Condition 19(1) above.

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20. OCCUPATION AND USE

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

- (1) The total stocking rate for the farm shall not exceed 75,000 turkeys at any time.
- (2) Noise between 7:00am and 6:00pm must not exceed 55 dbA LAeq at the nearest residential receiver property boundary or, if that is more than 30 metres from the residence, at the most-affected point within 30 metres of the residence. (Noise between 7:00am and 10:00pm can exceed this noise level once in any 24 hour period by not more than 5 db(A) LAeq 15 minutes).
- (3) Noise between 6:00pm and 10:00pm must not exceed 50 dbA LAeq at the nearest residential receiver property boundary or, if that is more than 30 metres from the residence, at the most-affected point within 30 metres of the residence. (Noise between 7:00am and 10:00pm can exceed this noise level once in any 24 hour period by not more than 5 db(A) LAeq 15 minutes).
- (4) Noise between 10:00pm and 7:00am must not exceed 45 dbA LAeq at the nearest residential receiver property boundary or, if that is more than 30 metres from the residence, at the most-affected point within 30 metres of the residence.
- (5) Clean out of the sheds and maintenance operations shall be between 7:00am and 6:00pm weekdays and 7:00am to 1:00pm Saturdays only.
- (6) All truck movements not associated with the movement of live birds are to be between 7:00am and 6:00pm weekdays and 7:00am to 1:00pm Saturdays only.
- (7) Machinery, equipment, forklifts etc. that have beeping reversing alarms must not be used after 6:00pm.
- (8) Truck engines are to be turned off during bird pick up operations unless entering or leaving the premises.
- (9) Staff, contractors, sub-contractors and the like must be educated on noise mitigation measures and limiting the use of compression breaking etc.

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- (10) All sheds, mechanical equipment, fans, foggers and feed systems must be maintained to minimise the generation of mechanical noise and the likelihood of off-site vibration.
- (11) Manure or spent litter must not be retained or stockpiled on the site at any time.
- (12) The person having the benefit of this consent is advised that Council reserves the right to restrict the days and hours of operation of specific activities if considered necessary to prevent the emission of an “offensive noise” or an “offensive odour” as defined in the Protection of the Environment Operations Act, 1997.

ADVISORY NOTE:

In accordance with Council’s Enforcement Policy, where repeated complaint(s) about noise impacts on a sensitive receiver are verified by Council, a mediation process will be initiated involving the poultry farm operator, the processor, the truck operator and Council.

Where the mediation session fails to resolve ongoing and substantiated complaints, Council will considered enforcement action under the Protection of the Environment Operations Act including an Order placing restrictions (i.e. curfew) upon night time pick-up of birds with or without an exception for extreme weather conditions.

A breach (other than an exception as described above) of a curfew imposed by an Order may result in Council issuing a Penalty Infringement Notice (PIN) or commencing prosecution proceedings.

Offensive Noise means noise:

- (a) That by reason of its level, nature, character or quality or the time at which it is made, or any other circumstances:
 - (i) Is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
- (b) That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

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Offensive Odour means an odour:

- (a) That, by reason of its strength, nature, duration, character or quality or the time at which it is emitted or any other circumstances;
 - (i) Is harmful to (or 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 strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.
- (13) The poultry sheds shall not be used for habitable purposes.
- (14) The premises shall be maintained in a clean and tidy state at all times.
- (15) The proposed sheds shall not be used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (16) The extensions to sheds 5 and 6 shall not be used until a Building Certificate is issued by Council.
- (17) All lighting on the site shall be installed and directed to ensure there are no impacts or nuisances on neighbouring properties or public roads.

21. SECTION 94A CONTRIBUTIONS

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

- (1) Prior to Council or an Accredited Certifier issuing a Construction Certificate, the applicant shall provide a receipt for the payment to Council of a Section 94A contribution in accordance with the provisions of the Wollondilly Section 94 Development Contributions Plan, 2011.

The amount to be paid is to be calculated at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011 and is to be based on an up to date Quantity Surveyors report prepared in accordance with NSW Department of Planning & Infrastructure Circular PS 13 002 (issued 14 March 2013) and is to be provided with the first Construction Certificate application. The contribution is to be paid prior to the release of the Construction Certificate.

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**22. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL
PLANNING AND 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.

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

(2) ERECTION OF SIGNS

- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

Note. Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the Environmental Planning and Assessment Regulation 2000 which currently imposes a maximum penalty of \$1,100).

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23. ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Part 10 of Volume 1 of Wollondilly Development Control Plan 2016 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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- (6) 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 subdivision works.