

Extra Ordinary Meeting Of Council



Wollondilly Shire Council

Minutes

Monday 26 February 2018

The meeting commenced at 6.30pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

WOLLONDILLY SHIRE COUNCIL

Minutes of the Extra Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 26 February 2018

RECORDING OF MEETING	3
WEBCAST NOTICE	3
PRESENT	3
ALSO PRESENT WERE	4
NATIONAL ANTHEM	4
ACKNOWLEDGEMENT OF COUNTRY	4
APOLOGIES AND LEAVE OF ABSENCE REQUESTS	4
DECLARATION OF INTEREST	4
SUSTAINABLE AND BALANCED GROWTH	5
GR2 Development Application No. 010.2015.00000292.001 – 325 Scroggies Road, Lakesland – Continued use of extensions to existing Poultry Sheds No. 5 & 6; Construction of Poultry Sheds No. 7-12; and filling of Land in three (3) Stages	5
Efficient and Effective COUNCIL	32
EC1 Second Quarterly Review of 2017/18 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2017	32
CLOSED REPORTS	33
GR1 Western Sydney City Deal	33
CLOSING	35

Minutes of the Extra Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 26 February 2018

RECORDING OF MEETING

The Mayor stated that in accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. It was requested that mobile phones be placed on silent.

WEBCAST NOTICE

The Mayor advised members of the public present, that tonight's meeting is webcast live and requested that as both video and audio transmission is being publically broadcast to please remain quietly seated in the public gallery.

Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that Wollondilly Shire Council records and webcasts live, all Ordinary and Extraordinary Meetings of Council held in open session for the purpose of facilitating community access. The webcasts are publically available for viewing on Council's website.

Video footage collected is of the decision making body only, if you do not wish your image to be recorded please remain in the public gallery. Your image, voice, personal and health information may be recorded, publicly broadcast and archived if you speak during the meeting and/or don't remain in the space provided.

The webcasts and webcast recordings are protected by copyright and owned by Council. No part of the proceedings of a meeting of the Council may be recorded, copied or made available to others by members of the public without the authority of the Council.

Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation.

PRESENT

Councillors: Hannan (Mayor), Gould, Lowry, Banasik, Deeth Briggs and Smith.

Minutes of the Extra Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 26 February 2018

ALSO PRESENT WERE

General Manager, Executive Director Corporate and Community, Director Planning, Director Infrastructure and Environment, Assistant Director People, Legal and Governance, Chief Financial Officer, Manager Governance and one Governance Officer.

NATIONAL ANTHEM

The Mayor requested that everyone stand for the Australian National Anthem.

ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional Custodians of the Land:

I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to Elders both past and present.

APOLOGIES AND LEAVE OF ABSENCE REQUESTS

TRIM 88-13

An apology for Cr Landow and Cr Khan was noted for this meeting.

DECLARATION OF INTEREST

TRIM 9156

Cr Banasik declared a Pecuniary Conflict of Interest in Item GR1 relating to the Western Sydney City Deal. Cr Banasik advised he had an interest in two matters related to this report although he was unable to divulge any more information at present due to the confidential nature of the matter. Cr Banasik advised that he would leave the room during discussion and not vote on this Item.

Sustainable and Balanced GROWTH

OPERATIONAL 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.

All Stages

- (1) Development Consent is granted for continued use of the extensions to existing poultry sheds No. 5 and 6; construction of new poultry sheds No. 7, 8, 9, 10, 11 and 12; and filling of land in three (3) stages at Lot: 201 DP: 809884, 325 Scroggies Road, Lakesland.
- (2) Development shall take place in accordance with the following plans:

Description	Drawn By	Sheet No.	Reference No.	Date
Site Plan	Sydney Registered Surveyors	1 of 1	2306 SCROGGIES	10/02/2015 (Amendment D)
Typical Shed Floor Plan	Technibuild Consulting			Undated
Elevations for Additions to Sheds 5 & 6	Technibuild Consulting			Undated
Overall West End Elevations, Typical Side & End Elevations	Technibuild Consulting			Undated
Sections at A & B	Technibuild Consulting			Undated
Sections at C & D	Technibuild Consulting			Undated
Long Sections & Sheds - Sheds 7,9 & 12	Technibuild Consulting			Undated
Typical Shed Section & Details	Technibuild Consulting			Undated
Management Dam, Stormwater Cycle & Sediment Control for Proposed Poultry Farm Development	Technibuild Consulting			Undated

Minutes of the Extra Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 26 February 2018

Sustainable and Balanced GROWTH

Description	Drawn By	Sheet No.	Reference No.	Date
Section & Details Management Dam, Stormwater Cycle & Sediment Control for Proposed Poultry Farm Development	Technibuild Consulting			Undated
Drains Management Dam, Stormwater Cycle & Sediment Control for Proposed Poultry Farm Development	Technibuild Consulting			Undated
Details (NTS) Management Dam, Stormwater Cycle & Sediment Control for Proposed Poultry Farm Development	Technibuild Consulting			Undated

Growth

Submitted in respect of Development Application No. 010.2015.00000292.001, lodged on 28 April 2015, except where varied by the following conditions:

(3) The development shall be staged as follows:

- Stage 1: Certification of extensions to Sheds 5 and 6;
- Stage 2: Construction of Sheds 7, 8 and 9 with associated drainage and access works; and
- Stage 3: Construction of Sheds 10, 11 and 12 with associated drainage and access works.

Nothing operates to prevent Stages 1, 2 and 3 from being carried out concurrently.

(4) 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.

Sustainable and Balanced GROWTH

- (5) Development shall take place in accordance with the recommendations of the following reports:
- Acoustic report prepared by Wilkinson Murray Pty Ltd, Report No.15074 (Version A), dated 13 April 2015
 - 'Revised Odour Impact Assessment' prepared by Benbow Environmental, Report No - 161191-02_AQIA_Rev2 August 2017 (Released: 10 August 2017)
 - 'Planning Report' prepared by Precise Planning, Reference 1354, Dated April 2015 (as Amended)
 - 'Traffic Impact Assessment' prepared by Parking and Traffic Consultants, dated 27 July 2017
 - Flora and Fauna Assessment prepared by Woodland Environmental Management, dated 27 February 2015.
- (6) In the event of any inconsistency of detail between the relevant plans and elevations the details in the elevations shall take precedent.
- (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 offensive odour and noise 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.

Sustainable and Balanced GROWTH

- (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.**

Farm practices for dead bird management and disposal will comply with the National Farm Biosecurity Manual - Poultry Production.

- **Dead birds will be removed from the sheds daily and stored in a freezer, within 24 hours of death.**
- **A contingency plan will be developed for the disposal of birds from mass mortalities such as endemic disease, heat stress or exotic disease.**
- **All containers used for collecting dead birds will be washed and disinfected before being returned to the production area.**

- (i) **Vermin and pest management.**

- (9) **No consent is granted or implied for any expansion of the capacity of the existing earth dam.**

This 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 as indicated on the plan titled "Management Dam, Stormwater Cycle and Sediment Control for proposed Poultry Farm".

- (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) **A Building Certificate issued under Section 149D of the Environmental Planning & Assessment Act 1979 shall be provided to Council within three (3) months of the date of this consent for the extensions to Sheds 5 and 6 the subject of this consent.**

Sustainable and Balanced GROWTH

- (12) 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.

Stages 2 & 3

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

3. CONSTRUCTION GENERAL

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

Stages 2 and 3

- (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.

Sustainable and Balanced GROWTH

- (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.
- (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.

Sustainable and Balanced GROWTH

- (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.

- (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.

4. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

Stages 2 & 3

- (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.

Sustainable and Balanced GROWTH

- (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 shall be submitted to Council or a nominated Accredited Certifier. The measures shall be in accordance with Council’s Construction Specification and the guideline “Soils and Construction – Managing Urban Stormwater”, 1st edition (the “Blue Book”) published by Landcom March 2004. The plan is to be approved by Council or the Accredited Certifier with the Engineering Plans.
- (4) Soil and Water Management Plans shall be submitted reflecting the works associated with each stage of construction for multistage developments.
- (5) 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.

5. PUBLIC ROADS

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

Stages 2 & 3

- (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 any 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) In accordance with the Traffic Impact Assessment prepared by Parking and Traffic Consultants dated 27 July 2017, all truck movements for bird pick-up, shed clean-out and grain delivery shall be restricted to the defined transport routes (see Figure 2, 3 and 4 of the Traffic Impact Assessment). For bird pick-ups, vehicles travelling from Tahmoor to the subject site shall utilise Route B via Remembrance Drive and Barkers Lodge Road.

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The proponent may engage a suitably qualified persons to prepare a Road Safety Audit for any other transport route option. The Audit shall recommend proposed upgrade works required to address road safety for Council's consideration and approval.

- (4) 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.
- (5) 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.
- (6) 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.

The above works shall be completed at the Applicant's expense prior to the issue of any Occupation Certificate for use of the poultry sheds.

- (7) *Neither Lakesland Road or Scroggies Road (East of the intersection with Ruddocks Road) shall be used for truck movements in association with bird pick-up, shed clean out or grain delivery.*

Sustainable and Balanced GROWTH

6. 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.

Stages 2 & 3

- (1) Provision of all-weather gravel access as shown on the endorsed plan prepared by Sydney Registered Surveyors (Sheet No. 1 of 1, Reference No. 2306 SCROGGIES, Amendment D, dated 23/06/2015). 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.

7. DRAINAGE/STORMWATER

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

Stages 2 & 3

- (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 on-site earth dam located to the east of the new sheds and outside the drinking water catchment as shown on the plans titled "Management Dam, Stormwater Cycle & Sediment Control for Proposed Poultry Farm Development" prepared by Technibuild Consulting.
- (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.

Sustainable and Balanced GROWTH

- (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 approved prior to the issue of any Construction Certificate.**

8. EROSION AND SEDIMENT CONTROL

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

All Stages

- (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.**

9. EARTH FILL

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

Stages 2 & 3

- (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.

Sustainable and Balanced GROWTH

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.

10. INSPECTIONS

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

Stages 2 &3

(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.

11. SERVICES

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

Stages 2 & 3

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

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.

12. LANDSCAPING

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

All Stages

- (1) The development shall be undertaken in accordance with the provisions Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 (DCP 2011). Under these provisions a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree or vegetation without a permit unless it is exempted under WLEP 2011 or DCP 2011.
- (2) 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.

Sustainable and Balanced GROWTH

Stages 2 &3

- (3) A detailed landscape plan, drawn to scale by a person with horticultural qualifications or similar (such qualifications must be endorsed on the plans) shall be submitted to and approved by Council or a nominated Accredited Certifier prior to the release of the Construction Certificate. This plan must include the following:
- (a) All existing and proposed site structures.
 - (b) All existing vegetation.
 - (c) Details of proposed earthworks including mounding, retaining walls and planter boxes.
 - (d) Location, number and type of proposed plant species
 - (e) Details of planting procedure and maintenance.
 - (f) Details of drainage and watering systems
 - (g) Details of plantings to the full extent of the eastern boundary and 100m of the south-eastern boundary.
 - (h) Details of compliance with the landscaping requirements of other conditions of this consent and any prior development consent relating to the lot.
- (4) Landscaping is to be installed in accordance with the Approved Plan prior to the release of an occupation certificate. The landscaping must be maintained in accordance with the details provided on that Plan at all times.
- (5) Any existing dead or dying tree/s 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.

13. VEGETATION MANAGEMENT

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

All Stages

- (1) The existing remnant vegetation in the southern 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.

Sustainable and Balanced GROWTH

- (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.**
- (5) **During construction no native trees are to be cut down, lopped, destroyed or removed. Any further clearing must be approved either through Council or through the Local Land Services through a Property Vegetation Plan.**

14. WEED MANAGEMENT

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

Stages 2 & 3

- (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 (i.e., low, medium, high);**
 - (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.**

Sustainable and Balanced GROWTH

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.**

15. HERITAGE

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

All Stages

- (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.**

16. 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.

All Stages

- (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.**

17. 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:

All Stages

- (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 18(1) above.

18. 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:

All Stages

- (1) (a) The maximum number of birds permitted by this consent at any one time is as follows:
 - Turkeys - 126,000 at placement (commencement of growing cycle)
 - Chickens - 240,000 at placement (commencement of growing cycle).

Notwithstanding the above, at no time during any growing cycle is the bird density to exceed the following:

 - Turkeys - 46kgs/sqm
 - Chickens - 30kgs/sqm.
- (b) The grower shall document the average weight and density calculations and provide these documents to Council if requested.

Sustainable and Balanced GROWTH

- (c) The raising of a combination of turkeys and chickens in a single growing cycle across the whole farm is not permitted.
- (2) Clean out of the sheds and maintenance operations shall be between 7:00am and 8:00pm weekdays and 7:00am to 4:00pm Saturdays only.
- (3) Except in emergency circumstances where the welfare of the birds is at risk, all poultry industry related truck movements not associated with the movement of live birds are to be between 7:00am and 8:00pm weekdays and 7:00am to 4:00pm Saturdays only.
- (4) Except where required under relevant Work Health and Safety law machinery, equipment, forklifts etc. that have beeping reversing alarms must not be used after 6:00pm.
- (5) Truck engines and headlights are to be turned off during bird pick up operations unless entering or leaving the premises.
- (6) Staff, contractors, sub-contractors and the like under the direct control of the grower must abide by a Code of Conduct Agreement with the poultry grower to ensure noise mitigation measures are adhered to when working onsite and travelling along surrounding roads.
- (7) 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.
- (8) Poultry manure or spent litter must not be retained or stockpiled on the property at any time. This condition does not apply to manure or litter that:
- is reused on site within 28 days of being collected; and
 - is used as part of another lawful agricultural activity; and
 - is stored under a waterproof cover at least 50 metres from the property -boundaries; and is stored in accordance with all applicable guidelines of the NSW Department of Primary Industries.
 - the application rate be no more than 10m³ per hectare.
- (9) 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.

Sustainable and Balanced GROWTH

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.**

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.**
- (10) The poultry sheds shall not be used for habitable purposes.**
 - (11) The premises shall be maintained in a clean and tidy state at all times.**
 - (12) The proposed sheds (Sheds 7 – 12) shall not be used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.**
 - (13) The extensions to sheds 5 and 6 shall not be used until a Building Certificate is issued by Council.**
 - (14) All lighting on the site shall be installed and directed to ensure there are no impacts or nuisances on neighbouring properties or public roads.**
 - (15) The farm owners/operators are to undertake regular monitoring of air quality, noise levels weather conditions and water quality in the dam and provide the methodology and results of that monitoring annually to Council.**

Sustainable and Balanced GROWTH

- (16) The farm owners/operators are to keep records of complaints made to them regarding operational matters and any actions taken to resolve them and provide the details to Council annually.
- (17) The night time pick-up of birds is permitted by this consent under the following terms:
- (a) Clean out of the sheds shall be between 7:00am and 6:00pm weekdays and 7:00am to 4:00pm Saturdays only.
 - (b) Except in emergency circumstances where the welfare of the birds is at risk, all poultry industry related truck movements not associated with the movement of live birds are to be between 7:00am and 8:00pm weekdays and 7:00am to 4:00pm Saturdays only.
 - (c) Except where required under relevant Work Health & Safety Law; machinery, equipment, forklifts etc. that have beeping reversing alarms must not be used after 6:00pm. Truck engines and headlights are to be turned off during bird pick up operations unless entering or leaving the premises.
 - (d) Staff, contractors, sub-contractors and the like under the direct control of the grower must abide by a Code of Conduct Agreement with the poultry grower to ensure noise mitigation measures are adhered to when working on site and travelling along surrounding roads.

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. noise limits or 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.

- (18) Whether chickens or turkeys, there should be no exceedances of the 5.0 OU criterion at any of the 16 sensitive receivers when in operation.

19. SECTION 94A CONTRIBUTIONS

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

Stages 2 & 3

- (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.

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

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

All Stages

- (1) **COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989**
 - (a) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (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.

Sustainable and Balanced GROWTH

- (b) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia.
- (c) This clause does not apply:
 - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.
- (d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
 - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
 - (ii) Construction certificate, in every other case.

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

21. ERECTION OF SIGNS

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.

- (1) 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.
- (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Sustainable and Balanced GROWTH

- (3) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (4) 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.
- (5) 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).

22. WATER NSW

- (1) All stormwater runoff from the sheds shall be directed to an existing dam located to the east of the new sheds and outside the drinking water catchment, as shown on the Plan for the Management Dam, Stormwater & Sediment Control prepared by Technibuild Consulting.

Reason for Condition 1 - Water NSW has based its assessment under the State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 on this version of the development.

23. RURAL FIRE SERVICE

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

- (1) At the commencement of building works and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Sustainable and Balanced GROWTH

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

- (2) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
- (3) Water, electricity and gas are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

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 applicant's 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.**

Minutes of the Extra Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 26 February 2018

Sustainable and Balanced GROWTH

- (5) 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.**

On being put to the meeting the motion was declared CARRIED.

Vote for: Crs Briggs, Banasik, Deeth, Lowry, Gould and Smith
Vote against: Cr Hannan

Closed Reports

CLOSED REPORTS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10A (2) of the Act and should be dealt with in a part of the meeting closed to the media and public.

Cr Banasik left the meeting at 7.04pm due to a previously declared conflict of interest in the next Item.

GR1

Western Sydney City Deal

3006

TRIM 9430

Set out below is the relevant Section 10A(2) clause of the *Local Government Act 1993* in relation to matters which can be dealt with in the closed part of a meeting.

(d) *commercial information of a confidential nature that would if disclosed*

(i) *prejudice the commercial position of the person who supplied it.*

The Western Sydney City Deal report considers commercial aspects of projects currently being negotiated through the Western Sydney City Deal process and would prejudice the commercial position of Council to carry out business if considered in an open session. At this point in time certain aspects of projects also are considered confidential in nature.

Councillors are advised that, in addition to the application of the confidentiality provisions of the Local Government Act and GIPA, the City Deal process remains subject to Commonwealth confidentiality law as a Cabinet-in-Confidence process. If Cabinet in Confidence information is revealed, that action may bring the relevant Council into disrepute if it is subsequently found that action has breached other legislation and in doing so also would represent a breach the Code of Conduct.

The consequences of such action could include censure and/or suspension under state law, and possible criminal prosecution under the Crimes Act 1914 (Cth) and related federal secrecy legislation.

Councillors are further advised that Cabinet-in-Confidence information is exempt from disclosure by Council under Clause 2, Schedule 1 of the Government Information (Public Access) Act 2009 (GIPA).

Pursuant to Section 10A(4) of the Local Government Act 1993 the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

Closed Reports

No representations were received.

37/2018 Resolved on the Motion of Crs Briggs and Lowry:

- 1. That Council move into Closed Session to consider business identified in the closed report Western Sydney City Deal.**
- 2. That pursuant to Section 10A(1) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2)(d)(i).**
- 3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.**

On being put to the meeting the motion was declared CARRIED.

Crs Briggs, Deeth, Lowry, Hannan, Gould and Smith

Council closed its meeting at 7.08pm.

The public and media left the chamber.

The Ordinary meeting re-opened to the public at 8.28pm.

The Mayor read the resolution adopted in respect of Item GR1.

That Council:

1. Delegates authority to the Mayor to sign the Western Sydney City Deal on behalf of their Council if the Mayor is satisfied with the response from the other levels of government and;
2. Notes that the Council is not legally bound at this point should the Mayor decide to sign the City Deal document and;
3. Notes that a further report will be brought back to Council prior to any binding commitments being made.

Minutes of the Extra Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 26 February 2018

Closing

CLOSING

There being no further business, the Mayor declared the Extra Ordinary Meeting closed at 8.29pm.

This and the preceding 34 pages are the Minutes of the Extra Ordinary Meeting of Council held on Monday 26 February 2018 and were confirmed in the subsequent meeting held on Monday 19 March 2018.

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Mayor