

Ordinary Meeting Of Council



Wollondilly Shire Council

Minutes

Monday 17 October 2016

The meeting commenced at 6.39pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

WOLLONDILLY SHIRE COUNCIL

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RECORDING OF MEETINGS

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. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

PRESENT

Councillors: Hannan (Mayor), Landow, Gould, Khan, Lowry, Banasik, Deeth, Law and Briggs.

ALSO PRESENT WERE

General Manager, Executive Director Community Services and Corporate Support, Director Planning, Director Infrastructure and Environment, Manager Executive Services, Acting 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 88-11

There were no apologies noted for this meeting.

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DECLARATION OF INTEREST

TRIM 528-7

Cr Law declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item PE5 which related to a Development Application for 115 Kelsalls Rd, Lakesland. The reason being was that the manager of the farm subject to this report is known to him and was a former neighbour of his. Cr Law stated that he has little involvement with this person and therefore intended to stay in the meeting and vote on the matter.

Cr Banasik declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item GO5 – Revitalise Picton Project Update as he operates a business in Picton. Cr Banasik stated that he would stay in the meeting and vote on the matter.

Cr Banasik declared a Pecuniary Conflict of Interest in Item PE14 – NSW Land and Environment Court Proceedings – Commercial Development at 55-57 Menangle Street, Picton as he operates a business near this location in Picton. Cr Banasik advised that he would leave the meeting and not vote on this matter.

Cr Khan declared a Pecuniary Conflict of Interest in Items PE7 and IN1 as he is the owner of Bargo IGA which was the subject of both these reports. Cr Khan left the meeting and did not vote on these matters.

Cr Landow declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item PE14 as his mother owns a shop in a neighbouring property. Cr Landow advised that he would stay in the meeting and vote on the matter.

Cr Briggs declared a Non-Pecuniary Conflict of Interest in Item NOM9 relating to the Bargo RFS Shed as he is a member of the Lakesland RFS Brigade. Cr Briggs advised that he would stay in the meeting and vote on the matter.

Cr Gould declared a Pecuniary Conflict of Interest in NOM9 relating to the Bargo RFS Shed as he is employed by the NSW RFS. Cr Gould left the meeting and did not vote on this matter.

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CONFIRMATION OF MINUTES

TRIM 88-11

194/2016 Resolved on the Motion of Crs M Banasik and Lowry:

That the Minutes of the Ordinary Meeting held on Monday 15 August 2016, as circulated, be adopted as true and correct.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan
 and Gould

TRIM 88-11

195/2016 Resolved on the Motion of Crs M Banasik and Khan:

That the Minutes of the Extraordinary Meeting held on Monday 26 September 2016, as circulated, be adopted as true and correct.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan
 and Gould

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MAYORAL MINUTE

TRIM 531

I would like to welcome past Councillors Kate Terry and Col Mitchell for attending tonight's Council Meeting and would like to present them with a certificate and letter of appreciation on behalf of Council and the Community for the years of service as a Councillor. If they would like to come forward to accept their awards.

Former Crs Terry and Mitchell came forward to accept their awards. The General Manager said a few words of appreciation.

Col Mitchell addressed the meeting.

I would also like to acknowledge appreciation to our other past Councillors who could not be present tonight, Hilton Gibbs, Lou Amato and Benn Banasik.

During the past month the following events were attended by either myself or as indicated by other Councillors with details provided on the following pages.

Saturday 8 October 2016 Australian Local Government Woman's Association Executive Meeting attended by myself; Deputy Mayor Robert Khan; Executive Director, Ally Dench and relevant Council Staff

Saturday 15 October 2016 Macarthur 24 Hour Fight Against Cancer Official opening which I attended

Saturday 15 October 2016 Flourish Picton Revival Festival Finale Event attended by myself and the General Manager, Luke Johnson.

Sunday 16 October 2016 NSW Rural Fire Service Association Volunteers' Family Day at Bargo attended by Cr Matthew Deeth

Sunday Step up for Down Syndrome Walk attended by Cr Simon Landow

Sunday 16 October 2016 DamFest attended by myself, Deputy Mayor, Robert Khan and Crs Simon Landow, Matthew Deeth, Matt Gould and the General Manager, Luke Johnson

Sunday 16 October 2016 NSW Local Government Conference attended by myself, Deputy Mayor Robert Khan, Cr Michael Banasik, Cr Noel Lowry and General Manager, Luke Johnson.

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During October 2016 Council received two (2) applications for Sponsorships:

- Application from Wollondilly Women in Business to hold a Small Business Expo to showcase various businesses throughout the Shire for \$1,000.

This request has been assessed against the program criteria and deemed eligible to receive funding through the Donation Program as per the criteria for individuals and organisations.

Council also received 9 applications for Annual Assistance to hold Carols by Candlelight events from:

- St Stephens Anglican Thirlmere
- Picton Uniting Church
- Warragamba Silverdale Neighbourhood Centre
- Wollondilly Anglican Parish
- Buxton Community Association
- St James Menangle
- Wilton Anglican Church
- St Marks Anglican Church Appin
- Douglas Park Evangelical Church.

The applications have been assessed as eligible to receive funding through the Annual Assistance Program.

I would like to note appreciation for the donation of funds to future disaster recovery initiatives from Glenmore House Spring Garden Fair held on 15 & 16 October 2016.

Since becoming Mayor I have liaised with fellow Councillors in regards to the location of a new Gaol in Wollondilly and have advised the Minister for Corrections, The Hon David Elliott MP in the absence of any details regarding the location of this Gaol I would like to advise that Council at this time does not support a Gaol in Wollondilly. I have included this in tonight's Mayoral Minute to seek Council's endorsement of this position.

Dog attacks in our Shire have unfortunately been on the increase. This is extremely distressing for the livestock involved as they are left to suffer horrific injuries before they die or before treatment can be provided. I urge all dog owners to ensure their dogs are contained within their own properties.

I would like it noted approval has been granted for a fee waiver application from the Dam Fest Committee for the waiver of the Hire Fee for the booking of Warragamba Sportsground and Recreation Reserve for Dam Fest 2016. I seek Council's endorsement of the waiver of this fee.

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Finally I would like to table the 449 Register which has been approved by Council Executive as opposed to a report to Council until the Code of Meeting Practice is updated to include Tabling of items as an item of business. I request that the 449 Register be tabled at tonight's meeting.

I would now like to table the following pages of this document which provide more details in regards to events attended.

On Saturday 8 October 2016 the Executive Meeting of the Australian Local Government Women's Association was hosted by Wollondilly Shire Council and attended by myself, Deputy Mayor Robert Khan; Executive Director, Ally Dench; and relevant Council Staff.



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I attended the Launch of Revitalise which was held on Saturday 15 October 2016 in the Picton RSL Memorial Park.

Revitalise is a newly funded project for Council funded by the Live Music Office and will provide paid opportunities for local musicians of any genre to participate in 6 micro music festivals / pop up performances.



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Damfest was held on Sunday 16 October 2016 and was very well attended.

I would like to thank Cr Simon Landow, Deputy Mayor Cr Robert Khan, and Crs Matthew Deeth, Matt Gould and the General Manager, Luke Johnson for accompanying me to this event.



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The 2016 Local Government Conference commenced on Sunday 16 October 2016 and will conclude on Tuesday 18 October 2016.

Mayor Judith Hannan, Deputy Mayor Robert Khan, Cr Michael Banasik, Cr Noel Lowry and General Manager, Luke Johnson attended.



The Mayor asked the Councillors if they had any matters they would like to raise:

Cr Khan requested that the appointment of additional Councillors to the following committees be considered:

That Cr Banasik be appointed to the Australia Day Committee; Cr Landow be appointed to the General Managers Performance Review Committee and Cr Deeth be appointed to MACROC and that the Mayor be appointed as the President of MACROC.

Judith Hannan
MAYOR
October 2016

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196/2016 Resolved on the Motion of Crs Hannan and Law:

That the Mayoral Minute be accepted.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan
 and Gould

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Planning and Economy

PLANNING AND ECONOMY

PE1 Good Neighbour Charter relating to the Wollondilly Poultry Industry
266876 TRIM 1150

197/2016 Resolved on the Motion of Crs Law and Landow:

1. That Council note the report and endorse the attached Good Neighbour Charter relating to the Wollondilly Poultry Industry *with the following changes:*
 - a) *Point two of the commitments sought from the community being amended to read “Be aware of what living in a rural environment means in terms of the activities associated with the poultry industry (e.g. the night time pick-up of birds) and how that may influence your ability to live in such an environment.”*
 - b) *The preamble include employment numbers (both directly and indirectly) and the economic benefit to Wollondilly derived from the local Poultry Industry. Commentary also be included in relation to the identified risks to the industry and the economic ramifications of those risks.*
2. Council write to NSW Farmer’s Federation and various Processing Companies and seek a commitment to implementation of the Good Neighbour Charter as signatories to the document.
3. The General Manager be authorised to sign the final version of the Good Neighbour Charter.
4. The community and industry representatives that participated in the recent Good Neighbour Workshop be acknowledged in writing and congratulated for their considerable effort.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

Planning and Economy

198/2016 Resolved on the Motion of Crs Deeth and Briggs:

1. *That Council notes the recommendation and requests that it be further developed incorporating benchmark best practice industry figures in relation to maximum dB of Poultry Farm operations within Wollondilly.*
2. *That the Noise Mitigation Policy should address any inconsistencies between hours of operations and conditions of consent with other agriculture enterprises within similar RU1 zonings and in consultation with the Rural Liaison Committee.*
3. *That Council consider the updated EPA recommendations when released later in the year.*

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan
and Gould

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Planning and Economy

PE3 Application to Modify Consent No. 010.2002.00058844.002 – 325 Scroggies Road, Lakesland – Amend Condition 9.3 and Delete Condition 9.7
264984 DD010.2002.00058844.002

199/2016 Resolved on the Motion of Crs Gould and Landow:

That Application to Modify Development Consent No. 010.2002.00058844.002 to amend Condition 9.3 and delete Condition 9.7 of Development Consent No. D1682-02, at 325 Scroggies Road, Lakesland be modified in the following manner:

1. Condition 9.3 is modified to read:

Poultry manure or spent poultry litter must not be retained or stockpiled on the property at any time. This condition does not apply to manure or litter that:

- (a) is reused on site within 28 days of being collected; and*
- (b) is used as part of another lawful agricultural activity; and*
- (c) is stored under a waterproof cover in a location approved by Council to maximise the setback to the property boundaries; and*
- (d) is stored in accordance with all applicable guidelines of the NSW Department of Primary Industries.*
- (e) the application rate be no more than 10m³ per hectare.*

2. Condition 9.7 is modified (with an Advisory Note) to read:

The night time pick-up of birds is permitted by this consent under the following terms:

- Clean out of the sheds shall be between 7:00am and 6:00pm weekdays and 7:00am to 4:00pm Saturdays only.
- *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.*
- *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.*

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Planning and Economy

- **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.

3. All other conditions of consent remain valid and applicable.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

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PE4 Development Application No. 010.2015.00000292.001 – 325 Scroggies Road, Lakesland – Continued use of Extensions to Existing Poultry Sheds No. 5 and 6; Construction of Poultry Sheds No. 7-12; and Filling of Land in Three (3) Stages.

264984

DD010.2015.00000292.001

200/2016 Resolved on the Motion of Crs Hannan and Briggs:

That Development Application 010.2015.00000292.001 for continued use of 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 be deferred to permit:

- 1. The applicant to investigate odour mitigation measures including the reduction of shed numbers and / or alternate ventilation for all proposed sheds and possible retrofitting of existing sheds.**
- 2. The applicant to submit a modified air quality impact assessment detailing the preferred odour mitigation measures and predicted impact upon sensitive receivers.**
- 3. The applicant is to submit a modified noise impact assessment which takes into consideration any proposed mechanical ventilation systems.**
- 4. All new or modified reports shall include preferred mitigation measures and take into consideration any new sensitive receivers not identified in the original reports.**

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

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Planning and Economy

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

201/2016 **Resolved on the Motion of Crs Gould and Briggs:**

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

Planning and Economy

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 *or chickens* 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.**

Planning and Economy

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

Planning and Economy

- (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.

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.

- (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.**

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) No truck access *under the direct control of the grower* is permitted on Scroggies Road or Lakesland Road.
- (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.

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.
- (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.

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- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on 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.

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.

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- (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.

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:

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- 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.

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.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

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- (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.
- (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.

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- (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);
 - (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.**
- (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.**

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- (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).

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.

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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.

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 250,000 turkeys or chickens at any time.
- (2) Clean out of the sheds and maintenance operations shall be between 7:00am and 6:00pm weekdays and 7:00am to 4:00pm Saturdays only.

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- (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:***
 - (a) is reused on site within 28 days of being collected; and***
 - (b) is used as part of another lawful agricultural activity; and***
 - (c) is stored under a waterproof cover in a location approved by Council to maximise the setback to the property boundaries; and***
 - (d) is stored in accordance with all applicable guidelines of the NSW Department of Primary Industries.***
 - (e) 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.**

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.

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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.

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 shall not be used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.

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- (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) *An audit is to be undertaken by Council staff at least once every 12 month and the results of the audit are to be provided to Council.*

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.

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,

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

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

(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:

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- (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).

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.

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- (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.
- (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.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

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PE6 Development Application No.010.2009.00000827.003 - Modification of Consent 010.2009.00000827.001 relating to Alterations and Additions to an Existing Poultry Farm Development at Lot: 222 DP 1206433 430 Arina Road, Bargo

Planning Consultant/1006

DD010.2009.00000827.003

202/2016 Resolved on the Motion of Crs Law and M Banasik:

That in relation to Modified Application No. 010.2009.00000827.003 to amend the consent for a Poultry Farm at 430 Arina Road, Bargo, determination of the application be deferred to permit further consideration of the drainage issues affecting adjoining residents.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

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PE7 **Development Application No.010.2011.00000039.004 – 90 Railside Avenue, Bargo – Section 96 Application to Modify Development Consent: Changes to Existing Car Park, Ingress/Egress and Car Parking Numbers**
1006 DD010.2011.00000039.004

Cr Khan left the meeting due to a previously declared conflict of interest in this matter.

203/2016 **Resolved on the Motion of Crs Landow and Gould:**

That pursuant to Section 96(2) of the Environmental Planning and Assessment Act 1979, it is recommended that Council grant approval to Application to Modify Development Consent No.010.2011.00000039.004 and amend the subject Development Consent 010.2011.00000039.001 as follows:

1. Condition 1(2) is amended to read:

"1(2) Development shall take place in accordance with the following plans:

Plan Title	Author/Drawn By	Plan Reference	Dated
Ground Floor Plan (including landscaping schedule) as amended by Site Plan	Drawn by I.V. from PDS Project Design Services as amended by the plan drawn by 3d evolution	PDS-10-10 (Issue D) Sheet No. DA 01 as amended by Drawing No. CON-100 (Revision L)	13/05/11 25.01.2016
Section and Elevations	Drawn by I.V. from PDS Project Design Services	PDS-10-10 (Issue D) Sheet No. DA 03	13/05/11
Roof Plan	Drawn by I.V. from PDS Project Design Services	PDS-10-10 (Issue D) Sheet No. DA 02	3/05/11

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2. Condition 7(7) is inserted as follows:

“7(7) All works are to be designed and carried out in accordance with Wollondilly Shire Council’s adopted Design and Construction Specifications.”

3. Condition 10(1) is amended to read as follows:

“10(1) A total of forty-three (43) sealed car parking spaces and access thereto shall be provided for the proposed development.

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

4. Conditions 11(7), (8), (9) and (10) are inserted as follows:

“11(7) The applicant shall construct a new heavy duty concrete access (exit only) in Noongah St and alter the parking to relocate the Disabled Parking space as generally shown on the concept plan by Building Designers Australia (3d evolution) dated 25 January 2016. This exit shall include the installation of kerbs each side to delineate the access & provide separation to the parking & trolley bay.

Details of this must be provided on engineering plans and approved by Council’s Infrastructure Planning Section, under Section 138 of the Roads Act 1993. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans and Permit for Roadworks under Section 138 of the Roads Act.

11(8) The applicant shall carry out alteration works including signage (“Left Turn Only”) and line marking as proposed for the existing entry/exit associated with carpark 1 in Railside Ave generally as shown on the concept plan by Building Designers Australia (3d evolution) dated 25 January 2016. Details of this shall be included on the engineering plans for approval by Council’s Infrastructure Planning Section.

11(9) The applicant shall carry out alteration works including signage (“Exit Only” and “No Entry”) and line marking for the proposed new Noongah Street access associated with carpark 2 generally as shown on the concept plan by Building Designers Australia (3d evolution) dated 25 January 2016. Details for this shall be included on the engineering plans.

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11(10) An appropriate upgrade of the traffic management in Railside Avenue shall be undertaken to reinforce and facilitate the proposal to make the entry/exit associated with carpark 1 into a "left only" exit as well as improve traffic safety in the general vicinity of the site. Details of the upgrade shall be approved by the Local Traffic Committee and included on the engineering plans for approval by Council's Infrastructure Planning Section prior to the issue of a Permit for Roadworks under Section 138 of the Roads Act. The developer shall contribute to the cost of these works as determined by Council."

5. Advice Condition (d) be amended to read as follows:

"(d) 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."***

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

Vote For: Crs Briggs, Deeth, Lowry, Landow, Hannan and Gould

Vote Against: Crs Law and Banasik

Cr Khan returned to the meeting at 7.28pm.

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PE8 **Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo - Intensive Plant Horticulture, Erection of a Hail Net and Farm Building, Demolition of an Outbuilding and Enlargement of Existing Dam**
265155 DD010.2016.00000010.001

204/2016 **Resolved on the Motion of Crs Law and M Banasik:**

- A. That Council determine Development Application No. 010.2016.00000010.001 for Intensive Plant Horticulture, Erection of a Farm Building, Demolition of an Outbuilding and Enlargement of existing Dam at Lot: 1012 DP: 1067313, No. 275 Bargo Road, Bargo by the granting of development consent subject to the following conditions *including requirements for a 20 metre minimum setback from the property boundary to the growing beds and three rows of landscaping along the north-eastern boundary:*

1. COMPLIANCE

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

- (1) Development Consent is granted for Intensive Plant Horticulture, Erection of Hail Net and Farm Building, Demolition of an Outbuilding and Enlargement of existing Dam at Lot: 1012 DP: 1067313, No. 275 Bargo Road, Bargo.
- (2) Development shall take place in accordance with the following endorsed plans, submitted in respect of Development Application No. 010.2016.00000010.001 except where varied by the following conditions or marked in red on the approved plans:

Plan Title	Author	Date
Site Plan	Technibuild Consulting	As Stamped Approved
Part Site Plan	Technibuild Consulting	As Stamped Approved
Property Access Detail Plan	Technibuild Consulting	As Stamped Approved
Floor Plan, Elevations, Section & Details	Technibuild Consulting	As Stamped Approved
Landscape Plan	HLS Pty Limited	03/01/2015

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

- *Statement of Environmental Effects prepared by Precise Planning dated December 2015;*
- *Environmental Assessment (Flora and Fauna) prepared by Woodlands Environmental Management dated 17 December 2015.*

- (4) In the event of an inconsistency of detail between the relevant plans and elevations the details shown in the elevations shall take precedent.

- (5) The farm building shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.

- (6) 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).

- (7) The proposal shall be redesigned to achieve the following outcomes:

- A personal access door(s) shall be provided to the proposed farm building in accordance with the Building Code of Australia.

Amended plans demonstrating compliance with this Condition shall be submitted to Council or the nominated Accredited Certifier prior to the issue of a Construction Certificate.

- (8) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:

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

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

- (9) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

2. INTEGRATED DEVELOPMENT

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

- (1) The attached General Terms of Approval issued by the Department of Primary Industries - Water are included as conditions of this Consent.
- (2) A copy of the Water Access Licence and/or Water Supply Works Approval issued by the Department of Primary Industries - Water is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Occupation Certificate.

3. DEMOLITION

These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.

- (1) All demolition works that proposed to demolish (or partially demolish) any building, structure or installation that:
- Is over 15 metres in height
 - Is a chemical installation
 - Involves a tower crane on site
 - Involves a mobile crane with a rated capacity of more than 100 tonnes
 - Has structural components that are pre-tensioned or post-tensioned
 - Involved floor popping
 - Involves explosives
 - Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes

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- Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.
- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the publication How to Safely Remove Asbestos – Code of Practice (December 2011-WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of the air or ground.
- (4) All demolition material shall be disposed of in accordance with a waste management plan approved by Wollondilly Shire Council.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (7) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:
 - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
 - Induction training for onsite personnel
 - Management of asbestos, contamination and other hazardous materials
 - Dust control
 - Disconnection of gas and electrical supply
 - The demolition shall not hinder pedestrian or vehicle mobility in the locality
 - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.

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- (8) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (9) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.
- (10) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (11) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

4. 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) Any external and security lighting installed on the farm building shall be positioned to avoid light spillage to nearby non-agricultural development.

A lux diagram is to be submitted to the Principle Certifying Authority prior to the issue of the Occupation Certificate confirming compliance.

- (2) The farm building shall be constructed of earthy tone colours. Pale or patterned external finishes or multi-coloured or bright reflective roofs shall not be used.
- (3) Highly contrasting coloured external finishes shall only be used on sills, window heads, string courses etc.
- (4) Any above ground water storage tanks shall be coloured or painted in earthy colours to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.

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- (5) The person or company benefiting from this consent shall install spray drift netting to the sides of the proposed hail net structure. Such netting shall be installed prior to the release of an Occupation Certificate by the Principal Certifying Authority for the development.

The netting may be rolled up when not in use and rolled down prior to the application of any chemicals by use of spray application.

- (6) The farm building shall be located wholly within the development lot and shall maintain rear and side setbacks in accordance with the approved site plan. A survey report completed by a registered surveyor shall be submitted to the Principal Certifying Authority at the commencement of work / at slab formwork stage prior to the pouring of concrete to demonstrate compliance with this condition.
- (7) *The location of all hydroponic beds shall be setback no less than 20m from the common boundary with No. 295 Bargo Road, Bargo (Lot: 100 DP: 773840).*

5. CONSTRUCTION GENERAL

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

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of demolition or 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 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:

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- (a) Must be a standard flushing toilet; and
- (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

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

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

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

- (4) 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 Subdivision Certificate for the development.
- (5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (6) There shall be no burning of builder's rubble, felled trees or other material on site.
- (7) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

- (8) If the soil conditions require it:**
 - (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and**
 - (b) Adequate provision must be made for drainage.**
- (9) The hydroponic beds shall not interfere with the existing sewerage disposal system.**
- (10) The hydroponic beds shall not be erected within 1.5m from the existing sewerage management system.**

6. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.**
- (2) Engineering design plans for the access, truck turning area and stormwater management and dams, shall be submitted to Council and approved by Council's Infrastructure Planning Section, under Section 138 of the Roads Act 1993. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans and Permit for Roadworks under Section 138 of the Roads Act. All levels are to be reduced to Australian Height Datum. 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 shall be submitted to Council or the nominated Accredited Certifier.**

The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the nominated Accredited Certifier with the engineering plans.

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- (4) Upon completion of construction, the works shall be certified by a suitably qualified Civil or Geotechnical Engineer.

A Registered Surveyor shall prepare work as executed plans of all stormwater management and the dam.

Dam capacity volumes are to be provided on the plans. A copy of all documents shall be submitted to Council prior to the issue of an Occupation Certificate for the development.

7. DRAINAGE/STORMWATER

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

- (1) The person who has the benefit of this consent shall incorporate adequate dissolved pollutant, silt, grass and oil pollutant controls into the stormwater management system.

The pollution control devices shall be located within the property and shall be regularly maintained at the applicant's cost.

Details of the stormwater pollution control system shall be shown on the engineering plans and approved by Council.

- (2) Engineering plans for the required stormwater drainage work must be prepared by a suitably qualified professional in accordance with Council's Design and Construction Specifications. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans. These plans must be approved by Council before the commencement of construction work.
- (3) Stockpiles and storage bins for any materials shall be located clear of drainage lines and in such a position that they are within the erosion containment boundary. Stormwater diversion drains are to be constructed to intercept and divert runoff away from any stockpiles, bins and composting areas.
- (4) All drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and Australian Standard AS/NZS 3500 except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2005.

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- (5) A drainage system shall be provided that ensures appropriate management of stormwater. In this regard the system shall collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (6) The disposal of any overflow water from any dams, structures and/or the market garden areas is not permitted to be directed to Dogtrap Creek or into any of the riparian/Shale/Sandstone Transitional Forest vegetation.
- (7) The development shall incorporate an integrated approach to water management using alternative water sources (e.g. water tanks, recycled irrigation water etc) wherever possible.
- (8) All drainage swales shall be wide, gently sloping, suitably grassed and maintained at all times to reduce erosion, increase infiltration and act as biological filters.
- (9) Stormwater runoff from the roof of the proposed farm building shall be discharged to an on-site water tank. Such a water tank shall be in accordance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and where applicable shall be in accordance with Australian Standard AS/NZS 3500.3.2 – Stormwater Drainage.

Details of the stormwater tank shall be provided on the Building Plans for approval by Council or a nominated Accredited Certifier prior to the release of a Construction Certificate.

8. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
- (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry facilities.
- (1) The applicant shall provide and maintain an all-weather standard gravel access from Bargo Road to the proposed truck turning area and farm building, as generally shown on the concept plan by Technibuild Consulting. Details shall be included on the Engineering Plans for approval.

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- (2) All vehicles shall enter and leave the site in a forward direction.

9. PUBLIC ROADS

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

- (1) Prior to the issue of an Occupation Certificate, the applicant shall construct a vehicular driveway and pipe crossing on Bargo Road, sufficient for heavy vehicle access, and increased cover over the pipe culvert to a minimum of 200mm. Details of the proposed driveway upgrade shall be shown on the engineering plans.

The driveway is to be inspected to the satisfaction of Council's Development Engineer. An inspection fee, in accordance with Council's Fees and Charges, will be payable and approved by Council's Infrastructure Planning Section, prior to the issue of a Permit for Roadworks under Section 138 of the Roads Act.

- (2) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (3) Access gates to the site must be set back no less than 15 metres from the edge of bitumen.

10. EROSION AND SEDIMENT CONTROL

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

- (1) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (2) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (3) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (4) 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.

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- (5) 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.
- (6) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining water course or table drains.

11. EARTH FILL

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

- (1) Apart from areas used for growing, all filling on the site shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist.

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

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

12. INSPECTIONS

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

- (1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
- When drainage lines have been laid, jointed and bedded, prior to backfilling
- When roadworks have been excavated to subgrade, prior to placing of pavement
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- At practical completion of works.

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

- (2) 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:

Farm Building

- Footings
- Pier holes before pouring of concrete
- Steel reinforcing before pouring of concrete
- Wet area damp proofing and flashing before lining
- Structural steel work before covering
- Stormwater drainage before backfilling
- Bearers and joist inspection before flooring is fixed
- Frame work before internal cladding or lining is fixed
- Completion of the building work before occupation or use.

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Hail Netting and Hydroponic beds

- Pier holes before pouring of concrete
- Stormwater drainage before backfilling
- Completion of the building work before occupation or use.

- (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 Principal Certifying Authority.

13. 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.

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

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

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

14. WASTE MANAGEMENT

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

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application.
- (2) Prior to the issue of any Occupation Certificate the applicant shall submit to Council or the nominated Accredited Certifier details for the collection and disposal of internal waste generated by the intensive plant agriculture and associated farm building to be arranged through a licensed authorised contractor.

Planning and Economy

- (3) Arrangements shall be in place for the regular maintenance and cleaning of the farm building.
- (4) A designated general waste/recycling storage area shall be included within the farm building in accordance with the requirements of the Building Code of Australia. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Occupation Certificate.

15. OCCUPATION & USE

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

- (1) The farm building shall not be used for habitable purposes.
- (2) The farm building shall be used in association with the intensive plant agriculture activities on the site and shall not be separately let or occupied.
- (3) A copy of the Water Access Licence and/or Water Supply Works Approval for the dam and the bore issued by the Department of Primary Industries - Water is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Occupation Certificate.
- (4) The disturbed areas surrounding the approved work shall be reinstated to Council's satisfaction upon completion of the work.
- (5) The premises shall be maintained in a clean and tidy state at all times.
- (6) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (7) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission or discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful product.
- (8) Dust shall be controlled so that it will not leave the site.

Planning and Economy

- (9) All activities relating to the intensive plant agriculture shall be conducted between the hours of 6am and 10pm Mondays to Sundays - except those truck movements associated with Condition 15(21).**
- (10) No external flood lighting or the light shall be permitted to be employed to allow field based work outside of daylight hours.**
- (11) The development shall be operated so that it does not give rise to an “offensive odour” as defined in the Protection of the Environment Operations Act, 1997.**

Offensive odour means an odour:

- (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:**
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or**
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or**
 - (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.**
- (12) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.**

Offensive noise means noise:

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

Planning and Economy

- (13) Truck engines *and headlights* are to be turned off during pick up operations unless entering or leaving the premises.
- (14) Employees and the like must be educated on noise mitigation measures and limiting the use of compression breaking etc.
- (15) Mechanical equipment, fans and refrigeration equipment must be maintained to minimise the generation of mechanical noise and the likelihood of off-site vibration.
- (16) Silenced forklifts must be used and only operable between 6am and 10pm, Mondays to Sundays, so as to limit any impacts on the amenity of the adjoining landowners/occupiers.
- (17) The farm building or hydroponic beds shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (18) Should any organic fertilisers be used in the operation and use of the Intensive Plant Agriculture (Horticulture) facility, such material shall be spread and watered immediately upon delivery to the site and not stockpiled so as to avoid any opportunity for offensive odours to generate.
- (19) No unprocessed or raw manure shall be utilised in the Intensive Plant Agriculture (Horticulture) facility.
- (20) Trucks servicing the development shall enter and leave the site only between the operating hours, being from 6am until 10pm, Mondays to Sundays. One additional (1) truck movement shall be permitted between 10pm and 3am each day to permit the delivery of vegetables to the markets.
- (21) The use of any pesticide(s) must meet the requirements of any relevant pesticide legislation (currently being the *Pesticides Act 1999 (NSW)* and associated regulations such as the *Pesticides Regulation 2009*, *Pesticides Amendment (Records) Regulation 2001* and the *Pesticides Amendment (User Training) Regulation*, administered through the NSW Department of Environment, Climate Change and Water).
- (22) The storage, transport, and keeping of records for all pesticides used in crop production are to be in accordance with any relevant legislation (currently being the *Pesticides Regulation 2009*).
- (23) The storage and application of fertilisers shall be in accordance with the *Fertilisers Act 1985*.

Planning and Economy

- (24) Prior to the application of any fertilisers, pesticides or substance to the crops by spray application the person or company benefiting from the consent shall ensure that the spray drift netting installed to the sides of the hail net structures is secured to the ground in accordance with the manufactures specifications.**
- (25) The operation of the development shall be such that it complies with the requirements of the *Protection of the Environment Operations Act, 1997* at all times.**
- (26) All machinery and stationary noise generating equipment shall be located, where practical, away from property boundaries to ensure the protection of the amenity of the adjoining landowners/occupiers.**
- (27) Cultivation between hydroponic beds should be minimised and only undertaken for moisture and ground cover retention.**
- (28) This consent does not approve the retailing of any products grown and/or produced on-site.**
- (29) The hydroponic beds and hail structures are to be maintained to ensure that the structures do not fall into disrepair. If the netting becomes detached from the main structure, the person or company benefiting from the consent is to repair the netting as soon as practicable.**
- (30) Wastewater generated by the hydroponic beds and any associated watering system shall be assimilated within the property boundaries.**
- (31) If Council receives three (3) independent validated complaints in one (1) month in relation to the emission of noise and/or odour from the subject property and such complaints are verified by Council, then the owners will comply with all such reasonable directions as may be given by Council (after consultation by Council with the owners) with the objective of ameliorating the said impacts.**
- (32) All refuse (organic matter) shall be disposed of either into an onsite waste receptacle or ploughed into the site as soon as practical to minimise odour generation from decaying burden.**
- (33) Wherever practical, ploughing and the application of fertiliser and pesticides shall be avoided on windy days to minimise dust impacts on adjoining properties.**

Planning and Economy

- (34) Bird scaring devices which emit audible sound are not to be used in relation to the development.

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.

- (1) An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act and in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Schedule 2 of Wollondilly Local Environmental Plan 2011.
- (2) No advertising flags or banners or the like are to be erected on or attached to Council's footpaths, street lights or telegraph poles.

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

18. LANDSCAPING

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

Planning and Economy

- (1) The development shall be undertaken in accordance with the provisions of Clause 5.9 of Wollondilly Local Environmental Plan 2011 (WLEP 2011) and 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) Landscaping is to be installed in accordance with the approved Plan prior to the release of the Occupation Certificate, except for the following amendments, prior to the release of the Occupation Certificate:
 - (a) three (3) rows of Brush Cherry Lillypilly (*Syzygium australe*) shall be planted *at 2 metre intervals between rows* to the north-eastern boundary to the extent as marked on the approved Landscape Plan prepared by HLS Pty Limited *and to the full length of the common boundary with No. 295 Bargo Road, Bargo (Lot 100 DP 773840)*. The access driveway and hydroponic tables shall be adjusted to permit the plantings and sufficient room for manoeuvring and maintenance of the landscaping, hydroponic tables and hail netting, and
 - (b) all plantings are to be in groups and consist of advanced stock, and
 - (c) landscaping shall not impede solar access to growing crops, and
 - (d) fire retardant species must be used, and
 - (e) landscaping must be maintained in accordance with the details provided on that Plan at all times, and
 - (f) when mature, such landscaping shall be sufficient to intercept a direct line of sight from the public road.
 - (g) *that the applicant be required to suitably maintain the trees and that any that die are to be replaced.*
- The landscaping must be maintained in accordance with the details provided on that Plan at all times.
- (3) 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 farm building shall be seeded and grassed. Such areas shall be maintained for the life of the development.

19. VEGETATION MANAGEMENT

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

- (1) No works are to be undertaken within a 5 metre radius of the drip zone of the tree(s) or vegetation nominated for retention.**
- (2) Earthworks are not permitted within a 5 metre radius of the drip zone of nominated or significant trees.**

20. 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 the 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).**
 - (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.**

Planning and Economy

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Principal Certifying Authority 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 weed eradication and management plan shall be carried out prior to the release of the Occupation Certificate.

21. EARTH DAMS

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

- (1) The proposed earth dam works shall be constructed generally as shown in the approved plans by Technibuild Consulting.
- (2) The earth dam is to have a cut off trench constructed along the entire length of the embankment. The trench shall be taken down at least 0.3 metre into impervious soil and backfilled with impervious material.
- (3) The slope of the embankment batter is to conform with the ratio of 3H:1V for both the upstream and downstream slopes.
- (4) Any excess water from the dam is not to have an adverse effect on neighbouring properties. All excess water is to be contained on the property which contains the dam, before meeting with a downstream watercourse.
- (5) A minimum of 1.0 metre is to be established for freeboard (the height from the water level to the top of the dam wall). This must increase by 10% for every metre over a 3 metre high wall.
- (6) The bywash is to be excavated 200mm below the top water level and backfilled with compacted topsoil and planted with a suitable holding grass such as kikuyu or couch. No trees or shrubs are to be planted in the bywash area.
- (7) The bywash cut batter is to have a minimum steepness of 1.5:1.
- (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.

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- (9) The dam bywash is not to direct flows onto the downstream toe.
- (10) Certification from a Registered Surveyor is to be submitted to Council verifying that capacity of the dam does not exceed 1069 cubic metres.
- (11) 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.
- (12) 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 to be stable. A soil with 25% clay content is ideal to form an impervious barrier.
- (13) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (14) To avoid erosion 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 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.
- (15) Upon completion of construction, the works shall be certified by an appropriately qualified professional Engineer or a Registered Surveyor shall prepare work as executed plans, with a copy of all documents submitted to Council for its records.

22. TREE REMOVAL

These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.

- (1) All trees greater than 3 metres in height or with a branch spread greater than 3 metres are to be clearly marked on the Engineering Plans.

- (2) Prior to the commencement of any work all mature trees shall be inspected by a qualified arborist/bush regenerator. Those trees that are considered are to be clearly marked and are to be inspected by a Council Officer prior to work commencing.

23. SECTION 94 CONTRIBUTIONS

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

- (1) A Section 94A Development Contribution of \$5,595.00 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2011 based on a 1% levy for non-residential development with a value exceeding \$200,000 and an estimated construction cost of \$559,500.00.

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

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

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

- (1) **COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989**
 - (a) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Planning and Economy

- (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.

(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.

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- (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).

25. ADVICES

- (1) 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.
- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (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:

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- **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) **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.**
- (6) **A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.**

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

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Planning and Economy

PE9 **Development Application No.010.2016.0000031.001 - 745 Barkers Lodge Road, Mowbray Park - Temporary Use of Land (Special Events) for the Purpose of four (4) Family Events per Year**
265155 DD010.2016.00000031.001

This Development Application was withdrawn at the Applicants request.

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Planning and Economy

PE10 **Wilton New Town Project**
272723

TRIM 6930-5

205/2016 **Resolved** on the Motion of Crs Landow and Lowry:

1. That consideration of the report relating to Wilton New Town Project be deferred to permit a Councillor Workshop with staff, the Department of Planning and major Wilton Junction land owners.
2. That Council write to the Minister for Planning, to request that the Kruk Report into mining coexistence be released so that the Land Use and Infrastructure Strategy can be finalised and also commit to providing adequate public transport and health services before its finalisation. Considering the imminent release of the South West District Plan, finalisation of the Land Use and Infrastructure Strategy should be deferred until the District Plan is released to ensure that they both coordinate land use and infrastructure decision making together.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

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PE11 Greater Macarthur Priority Growth Area TRIM 8520
243773

206/2016 Resolved on the Motion of Crs M Banasik and Law:

1. That Council reaffirm the comments relating to the Greater Macarthur Priority Growth Area and draft amendments to State Environmental Planning Policy (Sydney Growth Centres) as resolved at the Council meeting on 8 August 2016 and attached to this report.
2. That Council request staging priority be given to locations within the Growth Centre that are supported by adequate public transport provision either existing or planned. For example priority should be given to development adjacent to Railway Stations in the Glenfield to Macarthur Corridor over sites distant of Railway stations.
3. That no development south of Rosemeadow should be undertaken prior to the upgrade of Appin Rd and the provision of a by-pass for the existing Appin Village.
4. That a subsequent submission be sent to the Department of Planning outlining any additional comments from Council if required.
5. *That another road and transport link between Camden and Campbelltown be highlighted as a major priority.*

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

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PE12 **Inclusion of Change to Minimum Lot Size Browns Road into The Oaks North Planning Proposal**
265508 TRIM 9004

207/2016 **Resolved on the Motion of Crs Hannan and Landow:**

1. That Council support the inclusion of additional land at Browns Road in the The Oaks North Planning Proposal for land being:

 Lots 1 - 22 DP 775993 No. 1 - 22 Browns Road, The Oaks
 To amend Wollondilly Local Environmental Plan, 2011 as follows:
 - amend the Lot Size Map to 1500 sqm.
2. That the amended Planning Proposal for The Oaks North be forwarded to the Minister for Planning and Environment for a Gateway Determination.
3. That Council request the Minister to grant Council delegation to make the amendments to Wollondilly Local Environmental Plan, 2011 in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979.
4. That the submitters and land owners be notified of Council's Resolution.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

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Planning and Economy

PE13 **Planning Proposal – Thirlmere Car Park; Penny Lane Land Reservation Requisition Release**
259421 TRIM 5298

208/2016 **Resolved on the Motion of Crs Law and Briggs:**

1. That Council support the Planning Proposal amend the Land Reservation Acquisition Map as it applies to Lot B & C DP 383947 (No. 64 Carlton Road & 31 Oaks Street, Thirlmere) and Lot 2 Section C DP 1569 (No. 27 Oaks Street, Thirlmere).
2. That in accordance with Section 59 to the Environmental Planning and Assessment Act, 1979 the Planning Proposal be forwarded to the Director-General with a request to make arrangements for the drafting of the amended Local Environmental Plan and that the Minister make the Plan in the form as detailed in this report.
3. That the affected landowners and persons who made submissions regarding the Planning Proposal be notified of Council's decision.

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

Vote For: Crs Khan, Briggs, Banasik, Deeth, Law, Landow, Hannan and Gould

Vote Against: Cr Lowry

WOLLONDILLY SHIRE COUNCIL

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Governance

GOVERNANCE

GO1 **Notice of Motion Status Report – September 2016**
264985

TRIM 5253-2

Items GO1 to GO2 were moved concurrently.

209/2016 **Resolved on the Motion of Crs M Banasik and Khan:**

That Council note the September Notice of Motion Status Report.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan
 and Gould

Governance

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Governance

GO2 **Annual Financial Statements for the Year Ended 30 June 2016**
56 TRIM 234-11

210/2016 **Resolved on the Motion of Crs M Banasik and Khan:**

1. That the Annual Financial Statements for the year ended 30 June 2016 be *authorised for issue* and an opinion be formed in the prescribed format (as attached) on the General Purpose Financial Reports.
2. That the audited financial reports, together with the Auditor's reports, be presented to the public at the 21 November 2016 Council meeting.
3. *That Council write to Mr Webster to thank him for his services.*

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

WOLLONDILLY SHIRE COUNCIL

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Governance

GO3 **Investment of Funds as at 31 July 2016 and 31 August 2016** TRIM 1022
112

Items GO3 and GO4 were moved concurrently.

211/2016 **Resolved on the Motion of Crs M Banasik and Khan:**

That the information and certification in relation to the investment of Council funds as at 31 July 2016 and 31 August 2016 be noted.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

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Governance

GO4 Adoption of Councillors Fees, Expenses & Facilities Policy
256

TRIM 111

Moved on the motion of Crs M Banasik and Khan:

That the Councillors Fees, Expenses & Facilities Policy be adopted with the suggested changes as set out in the Summary of Changes Table *and further amendments as follows:*

Section 4.39:

Council will make a provision of communication and technology equipment for Councillors for use in their civic duties subject to the provisions of this policy (as per attachments 9.4 and 9.5)

and

Section 4.54:

Removal of the reference "excluding the mayor".

Cr Law foreshadowed the motion that we accept the adoption of GO4 with the exclusion of the increase to the fees noted in Section 4.1.

212/2016 Resolved on the Motion of Crs M Banasik and Khan:

That the Councillors Fees, Expenses & Facilities Policy be adopted with the suggested changes as set out in the Summary of Changes Table *and further amendments as follows:*

Section 4.39:

Council will make a provision of communication and technology equipment for Councillors for use in their civic duties subject to the provisions of this policy (as per attachments 9.4 and 9.5)

and

Section 4.54:

Removal of the reference "excluding the mayor".

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

Vote For: Crs Khan, Banasik, Deeth, Landow and Hannan

Vote Against: Crs Law, Lowry, Briggs and Gould

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Governance

GO5 **Revitalise Picton Project Update**
267389

TRIM 9193

213/2016 **Resolved on the Motion of Crs Landow and M Banasik:**

1. That Council note the attached Revitalise Picton Action Plan.
2. *That a program of renewing the bins, seats and planter boxes in Picton be implemented as soon as possible utilising the approved funding set aside for the Revitalise Picton project and that if required additional funding be considered at the next budget review.*
3. *That Council seek heritage funding to repair heritage buildings in Picton that were affected by the June 2016 storm.*
4. *That Councillors receive quarterly updates as to how Picton is progressing.*

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

G06	<u>Establishment of Community Committee/Advisory Groups</u>
	238

214/2016 Resolved on the Motion of Crs Hannan and Gould:

That Council defer the re-establishment of the Community Committees to further consider a review of the community committee's structures within the context of the broader community strategic planning review currently being undertaken by Council.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan
and Gould

INFRASTRUCTURE

32

TRIM 4429

Cr Khan declared a Pecuniary Conflict of Interest in this matter as the owner of IGA at Bargo and left the meeting at 8.22pm.

That Council resolve to adopt the Recommendations of the Local Traffic Committee Meeting of 18 May 2016 as follows:

1. Changes to entry and exit movements of IGA driveway on Railside Avenue, Bargo

T7/16

TRIM 3338-5

- The implementation of left only (prohibiting right turns) out of the Railside Ave driveway for the Bargo IGA at 84-86 Railside Ave Bargo by way of signage and extending the existing concrete centre island.
- The provision of a dedicated right turn entry from Railside Ave into the driveway for the Bargo IGA at 84-86 Railside Ave Bargo using appropriate line marking.

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

Vote: Crs Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

Cr Khan returned to the meeting at 8.24pm

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Infrastructure

IN2 **Warragamba Inclusive Playground**
272884

TRIM 7164

216/2016 **Resolved** on the Motion of Crs Gould and Landow:

1. That Council allocate funding of \$100,000 in 2016/17 towards the consultation, detailed design and procurement of the inclusive playground at Warragamba sourced from Council's Recreation Restricted Cash Reserve.
2. That the General Manager be delegated the authority to enter into a Memorandum of Understanding with the Touched by Olivia Foundation to work in partnership on the development of an inclusive playground at Warragamba (within the financial limits set out in the report).
3. *That Council pursue the Project in terms of design, procurement and sponsorship with construction programmed for the 2017/18 financial year.*
4. *That Council finalise the funding allocation as a part of the 2017/18 annual budget process, which would include the Federal Government Grant, an allocation of Section 94 funding, an appropriate amount from Council's Asset renewal programs, any confirmed funding from appropriate Voluntary Planning Agreements plus sponsorship won through the partnership with Touched by Olivia.*

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Notice of Motion

NOTICE OF MOTION

TRIM 6416-6

NOM1 Notice of Motion No. 1 submitted by Cr Landow on 28 September 2016 regarding Pavement and Patching works across the Shire

217/2016 Resolved on the Motion of Crs Landow and Khan:

That a report be brought back to Council, setting out the goals of the Road Infrastructure Asset Management Plan with regard to pavement patching to inform the drafting of the new Resourcing Strategy, Delivery Program and Operational Plan with respect to the need for the increased allocation of resources, for the expansion of the annual road patching program to address the unacceptable condition of the roads in our Shire.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Notice of Motion

TRIM 6416-6

NOM2 Notice of Motion No. 2 submitted by Cr Banasik on 1 October 2016 regarding the banning of Greyhound Racing in NSW

218/2016 Resolved on the Motion of Crs M Banasik and Gould:

That Wollondilly Council write a letter to Mike Baird, the Premier of NSW *welcoming his decision not to ban Greyhound Racing in NSW.*

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

Notice of Motion

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Notice of Motion

TRIM 6416-6

NOM3 Notice of Motion No. 3 submitted by Cr Law on 26 September 2016 regarding Olive Lane

219/2016 Resolved on the Motion of Crs Law and Hannan:

- 1. That Council contact the various property owner's at Olive Lane, Tahmoor to discuss the practicality and ongoing viability of olive growing in this precinct.**
- 2. That the property owners be encouraged to lodge a combined Development Application to remove any unworkable restriction from the title of their land.**
- 3. *That this decision not be taken as a precedent.***

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

Notice of Motion

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Notice of Motion

TRIM 6416-6

NOM4 Notice of Motion No. 4 submitted by Cr Hannan and Cr Gould on 14 October 2016 regarding Wollondilly Shire Dams

220/2016 Resolved on the Motion of Crs Gould and Briggs:

That Council writes to Water NSW, *Sydney Water*, the Minister for Lands and Water, the Hon. Mr Niall Blair MLC, the Member for Wollondilly, Mr Jai Rowell MP; Minister for tourism and the Hon. Lou Amato to request that investigations and remediation works be completed as a high priority so as to enable the reopening of the Eighteenth Street Dam and Spillway Viewing Platform at Warragamba, outlining the importance of the Warragamba Dam viewing platform as tourism infrastructure for the community; and request that continued and essential support for picnic areas at Wollondilly Shire dams remain open and fully maintained.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Notice of Motion

Cr Hannan left the meeting at 8.50pm and the Deputy Mayor took the Chair.

TRIM 6416-6

NOM5 **Notice of Motion No. 5 submitted by Cr Gould on 14 October 2016 regarding the dangers posed by Domestic Dogs to Livestock**

221/2016 **Resolved on the Motion of Crs Gould and Landow:**

That Council undertake an education and community engagement campaign to raise awareness of the dangers domestic dogs can pose to livestock if they are not properly restrained.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, and Gould

Cr Hannan returned to the meeting at 8.52pm and resumed the Chair.

Notice of Motion

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Notice of Motion

TRIM 6416-6

NOM6 Notice of Motion No. 6 submitted by Cr Gould on 14 October 2016 regarding Live Streaming of Council Meetings

222/2016 Resolved on the Motion of Crs Gould and Landow:

That a report come to Council in time to be considered at the next Council meeting outlining the feasibility of live streaming council meetings over the internet and outlining any costs, issues and opportunities that are likely to arise from doing so.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

Notice of Motion

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Notice of Motion

TRIM 6416-6

NOM7 Notice of Motion No. 7 submitted by Cr Law on 14 October 2016 regarding upgrades to Avon Dam Road

223/2016 Resolved on the Motion of Crs Law and Khan:

- 1. That Council seeks assistance from RMS for the upgrade of Avon Dam Rd and that the section between Johnson Rd and Reservoir Rd be listed for urgent major repair.**
- 2. *That Council seek reclassification, through the Local Member, of this road to a regional road.***

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Notice of Motion

Cr Gould declared a Pecuniary Conflict of Interest in NOM9 stating that he is employed by the RFS and left the meeting at 9.11pm.

Cr Briggs declared a Non-Pecuniary Conflict of Interest in NOM9 stating that he is an active member of the RFS.

TRIM 6416-6

NOM9 **Notice of Motion No. 9 submitted by Cr Law on 14 October 2016 regarding the Bargo RFS Shed**

225/2016 **Resolved on the Motion of Crs Law and Landow:**

That the General Manager appoints a suitably qualified project manager on a part time basis for the Bargo RFS shed project.

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

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow and Hannan

Cr Gould returned at 9.18pm.

Notice of Motion

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Closed Reports

CLOSED REPORTS

In accordance with the Local Government Act 1993 (the Act) 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.

PE14 NSW Land & Environment Court Proceedings – Commercial Development at 55-57 Menangle Street, Picton
265155 TRIM 8999

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

“(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,”

On 12 February 2016, JT Consulting Services Pty Ltd filed a Class 1 Application in the New South Wales Land and Environment Court (LEC. NO 10106 of 2016) against the Notice of Determination dated 17 August 2015 refusing Development Application No. D525-05 for development described as Alterations and Additions to existing commercial building, to create eight (8) ground level shops, nine (9) units of shop-top housing dwellings over new shops and landscaped area at the southern end of the site and a draft voluntary planning agreement (VPA) at Lot 1 in DP 1005423 and described as 55-57 Menangle Street, Picton.

On 21 July 2016, Council appeared before Commissioner O'Neill of the Land and Environment Court at a s34 Conciliation Conference (Conference).

GO7 Divestment of Land - Old Post Office
10845 TRIM 9294

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

“(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business”

The report is closed due to the releasing of the information would prejudice the commercial position of Council to carry out business.

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Closed Reports

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.

No representations were received.

226/2016 Resolved on the Motion of Crs Deeth and Gould:

- 1. That Council move into Closed Session to consider the closed reports PE14 and GO7.**
- 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)(g).**
- 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.

Vote: Crs Khan, Briggs, Banasik, Deeth, Law, Lowry, Landow, Hannan and Gould

Council closed its meeting at 9.21pm.

The public and media left the chamber.

The Ordinary meeting re-opened to the public at 9.45pm. With the exception of Cr M Banasik, all those present prior to the closure were in attendance.

The General Manager advised of the resolutions adopted in the closed part of the meeting in respect of Items GO7 and PE14 and read them out as follows:

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Closed Reports

GO7 Divestment of Land - Old Post Office

1. That Council not accept the proposal to sell part of Council's land known as Lot 11 DP 856694 Menangle Street, Picton (Old Post Office).
2. That the applicant be advised that Council is willing to have a site inspection to consider further options.

PE14 NSW Land & Environment Court Proceedings – Commercial Development at 55-57 Menangle Street, Picton

1. That Council accept the contents of this report.
2. That Council agree in principle to the latest Concept Plan enclosed in Attachment 3 of this report subject to consideration of the design improvements discussed at the Councillor Workshop held 4 October 2016.
3. That Council support in principle the offset of commercial car parking spaces against the value of the view triangle and works in St Mary MacKillop Lane as outlined in the Proponent's letter of offer dated 6 and 17 October 2016.
4. That Council delegate their power under Section 377 of the Local Government Act 1993 to the General Manager to resolve the matter via a S34 agreement as outlined in the report.

WOLLONDILLY SHIRE COUNCIL

Minutes of the Ordinary Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 17 October 2016, commencing at 6.39pm

Closing

CLOSING

There being no further business, the Mayor declared the Ordinary Meeting closed at 9.48pm.

This and the preceding 98 pages are the Minutes of the Ordinary Meeting of Council held on Monday 17 October 2016 and were confirmed in the subsequent meeting held on Monday 21 November 2016.

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Mayor

Closing