

Extra Ordinary Meeting Of Council



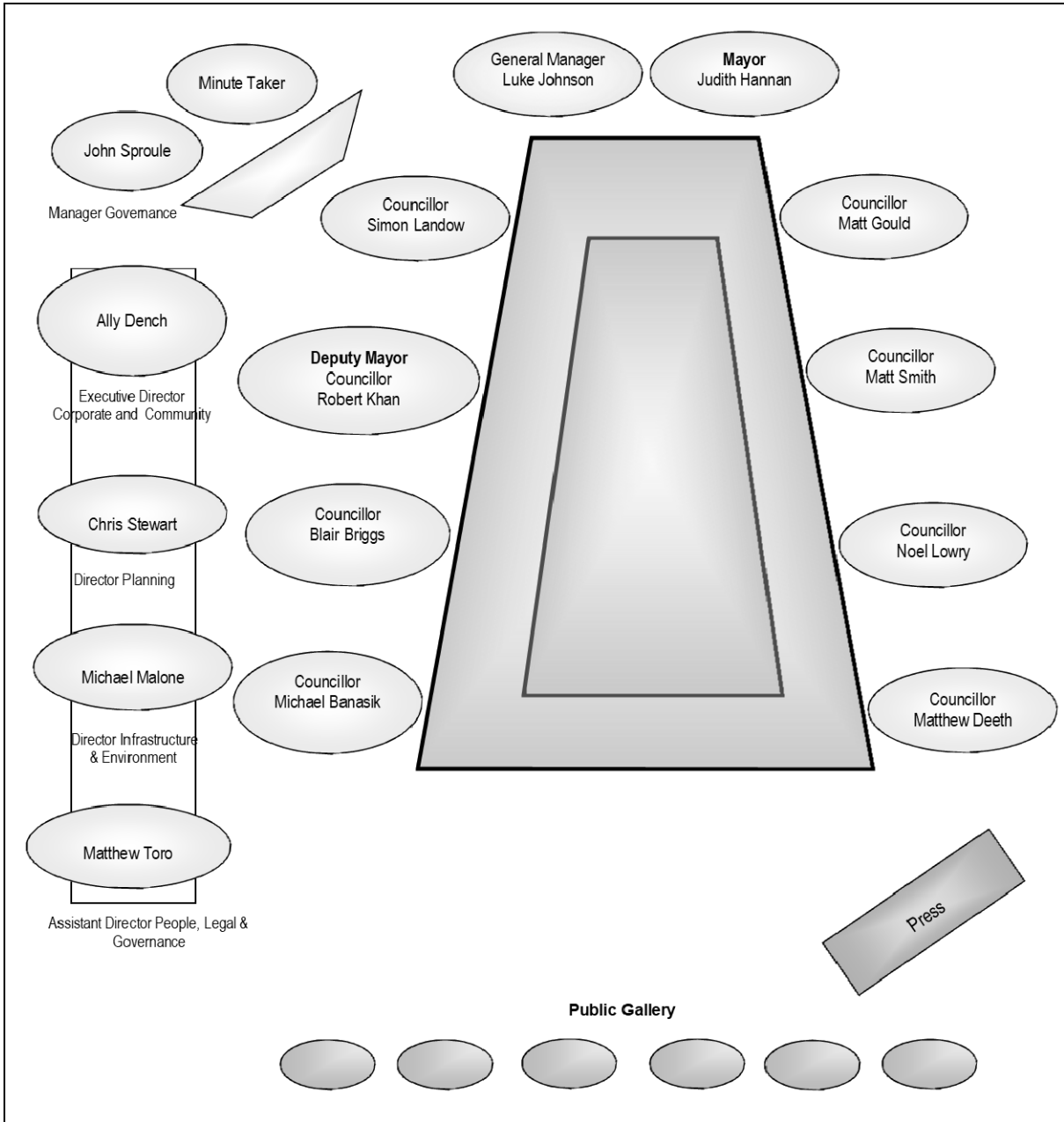
Wollondilly Shire Council

Notice of Meeting & Agenda Monday 26 February 2018

You are invited to attend an Extra Ordinary Meeting of Council to be held in the Council Chambers, 62-64 Menangle Street Picton on Monday 26 February 2018 commencing at 6.30pm.

Luke Johnson
General Manager

Seating in Council Chambers



EAST WARD

Cr Matthew Deeth	0428 335 743	Email: matthew.deeth@wollondilly.nsw.gov.au
Cr Noel Lowry	0406 047 086	Email: noel.lowry@wollondilly.nsw.gov.au
Cr Matt Smith	0448 083 566	Email: matt.smith@wollondilly.nsw.gov.au

CENTRAL WARD

Cr Michael Banasik	0425 798 068	Email: michael.banasik@wollondilly.nsw.gov.au
Cr Blair Briggs	0418 269 913	Email: blair.briggs@wollondilly.nsw.gov.au
Cr Robert Khan	0407 705 100	Email: robert.khan@wollondilly.nsw.gov.au

NORTH WARD

Cr Matt Gould	0427 936 471	Email: matthew.gould@wollondilly.nsw.gov.au
Cr Judith Hannan	0414 557 799	Email: judith.hannan@wollondilly.nsw.gov.au
Cr Simon Landow	0415 406 719	Email: simon.landow@wollondilly.nsw.gov.au

Business Papers will be available from Council's Foyer or alternatively on Council's website.

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OPENING

RECORDING OF THE MEETING

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

WEBCAST NOTICE

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

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Wollondilly Community Strategic Plan 2033

Council's format for reporting to our Ordinary Council Meetings will follow the adopted Create Wollondilly Community Strategic Plan 2033 themes of:

Sustainable and Balanced **Growth** | Management and Provision of **Infrastructure** | Caring for the **Environment** | Looking after the **Community** | Efficient and Effective **Council**

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

Social Justice Principles

EQUITY

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

ACCESS

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

PARTICIPATION

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

RIGHTS

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

Sustainable and Balanced Growth

OUTCOMES

WHAT DO WE WANT?

1. A built environment that supports liveable communities, respects the character, setting and heritage of our towns and villages and retains the vision of Rural Living.
2. A unique environment and rural landscape balanced with managed growth that is consistent with Council's Position on Growth and vision of Rural Living.
3. A strong local economy providing employment and other opportunities.
4. Expansion of employment and other opportunities based on the Shire's natural assets, strong agricultural base and tourism potential.
5. A strong and viable agricultural sector supported by the protection and preservation of agricultural assets and resources.

STRATEGIES

HOW WILL COUNCIL WORK TO ACHIEVE WHAT WE WANT?

Strategy GR1 – Growth

- Manage growth to ensure that it is consistent with Council's Position on Growth and achieves positive social, economic, and environmental outcomes for Wollondilly's towns and villages.

Strategy GR2 – Built Environment

- Manage land use and development to achieve a high quality built environment and innovative planning outcomes, while protecting our agricultural and rural landscape.

Strategy GR3 – Economic Development and Tourism

- Enhance economic development and tourism in Wollondilly Shire through the implementation of the Economic Development Strategy and the development of a Tourism Strategy and an Employment Strategy.

Strategy GR4 – Liveable Communities

- Plan for and enhance Wollondilly's liveability by encouraging great places to live with communities that are resilient, safe, affordable, healthy, well connected and retain their unique characters.

Strategy GR5 – Wilton New Town

- Create a new walkable and connected community supported by integrated public transport and matched by sustainable long-term local employment growth.

Strategy GR6 – Peri-urban lands

- Manage, promote and adequately protect peri-urban lands and their values.

Strategy GR7 – Agriculture

- Encourage and support agriculture and associated industries so that they continue to be a productive, sustainable and integral part of our economy, community, landscape and environment.

Strategy GR8 – Advocacy

- Advocate strongly for the interests of Wollondilly and its community in relation to planning and economic development outcomes and improved public transport services.

Management and Provision of Infrastructure

OUTCOMES

WHAT DO WE WANT?

1. Infrastructure that is safe, accessible and fit for purpose.
2. Infrastructure that is sustainably maintained.
3. Infrastructure that delivers upon the expectations and needs of our growing community.

STRATEGIES

HOW WILL COUNCIL WORK TO ACHIEVE WHAT WE WANT?

Strategy IN1 – Improve the Condition of our Road Network

- Manage, maintain and improve our road network to meet the needs of the community, now and into the future.

Strategy IN2 – Provision of Infrastructure and Facilities

- Provide a range of infrastructure and community facilities to meet the needs of the community, now and into the future.

Strategy IN3 – Manage Infrastructure and Facilities

- Manage infrastructure and community facilities to provide for and respond to community needs, improve safety and improve choices.

Strategy IN4 – Emergency Management

- Assist in the planning of the community's response to emergencies such as bushfires and flooding.

Strategy IN5 – Advocacy

- Advocate strongly for the interests of Wollondilly and its community in relation to infrastructure outcomes.

Caring for the Environment

OUTCOMES

WHAT DO WE WANT?

1. An environment that is valued, preserved and protected, with new planning and development proposals supporting these values.
2. A community that is engaged with, and cares about, their environment.

Wollondilly Community Strategic Plan 2033

STRATEGIES

HOW WILL COUNCIL WORK TO ACHIEVE WHAT WE WANT?

Strategy EN1 – Protect and enhance biodiversity, waterways and groundwaters

- Maintain and enhance the condition of biodiversity including the condition of water sources (both surface and groundwater).

Strategy EN2 – Protect the environment from development pressures

- Contribute to development to achieve positive environmental, social and economic outcomes.

Strategy EN3 – Vegetation management

- Achieve a balance between risk-based management and conserving biodiversity and maintaining public and private assets.

Strategy EN4 – Community involvement

- Engage the community during the preparation and implementation of Council's environmental activities and programs.

Strategy EN5 – Environmental awareness

- Enhance community awareness of the environmental values of Wollondilly's natural resources and rural lands and the threats to these values.

Strategy EN6 – Sustainable practices

- Enhance the adoption of sustainability practices by Council and the local community which reduce consumption of resources, generation of waste, as well as the level of greenhouse gas emissions.

Strategy EN7 – Agricultural Land and Capability

- Protect agricultural land and the natural resources which support agricultural capability.

Strategy EN8 – Auditing, Monitoring and Enforcement

- Undertake auditing, monitoring and regulatory enforcement and be responsive to community complaints to protect the environment and the health, safety and well-being of the community.

Strategy EN9 – Waste Management

- Provide the community with a workable and convenient waste management system, which also minimises waste generation, increases resource recovery and protects the environment.

Strategy EN10 – Advocacy

- Advocate strongly for the interests of Wollondilly and its community in relation to environmental outcomes.

Looking after the Community

OUTCOMES

WHAT DO WE WANT?

1. Access to a range of activities, services and facilities.
2. Communities that are engaged, cohesive, included, and have a sense of belonging.
3. Communities that are healthy, happy and feel safe.

STRATEGIES

HOW WILL COUNCIL WORK TO ACHIEVE WHAT WE WANT?

Strategy CO1 – Strong Community

- Deliver a range of community projects, services, and events (including in partnership with community groups and NGOs) which strengthen our community.

Strategy CO2 – Health and Wellbeing

- Promote and support community health and wellbeing and plan for long term health services for the Shire.

Strategy CO3 – Social Planning

- Undertake strategic social planning approaches regarding community needs and issues, particularly in relation to future population growth.

Strategy CO4 – Engagement and Communication

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

Strategy CO5 – Advocacy

- Advocate strongly for the interests of Wollondilly and its community in relation to community outcomes.

Efficient and Effective Council

OUTCOMES

WHAT DO WE WANT?

1. Government, community and business talking and working together.
2. A Council that demonstrates good business management and ethical conduct.
3. A Council that is viewed by the community as transparent, accountable and responsive to their concerns.

STRATEGIES

HOW WILL COUNCIL WORK TO ACHIEVE WHAT WE WANT?

Strategy EC1 – Employee Relations

- Build a resilient, safe and supported workplace that provides respectful, efficient and effective services for our customers now and for future generations.

Strategy EC2 – Risk Governance

- Ensure corporate risks are audited and managed appropriately to reduce the likelihood of any adverse impacts to Council or the community.

Strategy EC3 – Customer Service

- Deliver appropriate, responsive and effective service to our customers.

Strategy EC4 – Financial Sustainability

- Maintain Council in a strong financial position now and into the future.

Strategy EC5 – Resource Efficiency

- Drive a culture of continuous improvement across all aspects of service delivery.

Strategy EC6 – Information Management

- Implement innovative technological solutions to deliver quality information.

Strategy EC7 – Participation

- Enable community involvement in Council decision making.

Strategy EC8 – Accountability and Transparency

- Ensure Council maintains best practice approaches to open reporting and information access.

Strategy EC9 – Advocacy

- Advocate strongly for the interests of Wollondilly and its community.

Internal Committee/Advisory Group Councillor Representation Membership List 2017-2018

INTERNAL COMMITTEE OF COUNCIL WITH COUNCILLOR REPRESENTATION	COUNCILLOR REPRESENTATION 2017-18	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
ORDINARY COUNCIL MEETING	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 3rd Monday of each month in the Council Chambers.
COMMUNITY FORUM	Mayor Deputy Mayor Full Council	Manager Governance	Meetings held at 6.30pm, 2nd Monday of each month in the Council Foyer - Administration Building. Community Safety on the Agenda quarterly – February, May, August and November.
AUDIT, RISK, IMPROVEMENT COMMITTEE	Mayor Cr Briggs	Manager Governance	Meetings held in office hours at the Council Chambers.
AUSTRALIA DAY COMMITTEE*	Mayor Cr Hannan Cr Smith Cr Landow Cr Banasik	Manager Community Outcomes	Meetings held on 2 nd Tuesday of the month 5pm-7pm in the Council Boardroom as required.
COMMUNITY LEISURE CENTRE USERS ADVISORY GROUP	Cr Briggs	Manager Infrastructure Strategy & Planning	Meetings held at 6.00pm, March & September in the Council Chambers.
GENERAL MANAGERS PERFORMANCE REVIEW COMMITTEE	Mayor Cr Hannan Cr Gould Cr Khan Cr Landow	Assistant Director People, Legal & Governance	Facilitator Blackadder and Associates. Meetings held late January/early February & late July.
LOCAL TRAFFIC COMMITTEE	Cr Khan Cr Briggs (alt)	Manager Infrastructure Strategy & Planning	Meetings held at 2.00pm, 3rd Wednesday monthly, except February, May and August meetings are held on 4 th Wednesday at 10.00am in the Council Chambers.
WOLLONDILLY FLOODPLAIN RISK MANAGEMENT COMMITTEE	Cr Khan Cr Deeth	Manager Infrastructure Strategy & Planning	As required

Internal Committee/Advisory Group Councillor Representation Membership List 2017-2018

COMMUNITY ADVISORY COMMITTEES	COUNCILLOR REPRESENTATION 2017-18	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
COMPANION ANIMALS ADVISORY COMMITTEE	All Welcome	Manager Compliance	Quarterly, 1 st Tuesday in March, June September and December at Council's Boardroom
CUBBITCH BARTA RESERVE STEERING COMMITTEE	Maximum of 2 Councillors	Manager Infrastructure Strategy & Planning	Bi-monthly or as required at Council's Administration Building
DISABILITY ACCESS ADVISORY COMMITTEE	All Welcome	Manager Community Outcomes	Quarterly, 2nd Wednesday in February, May, August and November from 2pm – 3pm at Council's Administration Building
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE	All Welcome	Manager Tourism & Business Investment	Quarterly as required - Boardroom
MINERALS, ENERGY RESOURCES, WASTE AND ENVIRONMENT ADVISORY COMMITTEE	All Welcome	Manager Environmental Outcomes	Quarterly - Boardroom
RURAL INDUSTRY ADVISORY COMMITTEE	All Welcome	Manager Sustainable Growth	Quarterly and as required, 7.30pm on a Wednesday at Council Administration Building
TOURISM AND HERITAGE ADVISORY COMMITTEE	All Welcome	Manager Tourism & Business Investment	Quarterly as required – Gallery
TRANSPORT ADVISORY COMMITTEE	All Welcome	Manager Infrastructure Strategy & Planning	Quarterly, at Council's Administration Building
YOUTH ADVISORY COMMITTEE	All Welcome	Manager Community Outcomes	Quarterly, 1 st Tuesday of the month from 6.30pm – 8.30pm at Council's Administration Building or as required.

Internal Committee/Advisory Group Councillor Representation Membership List 2017-2018

EXTERNAL COUNCIL COMMITTEES	COUNCILLOR REPRESENTATION 2017-18	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
ASSOCIATION OF MINING RELATED COUNCILS COMBINED COUNCILS SOUTHERN MINING LIAISON COMMITTEE	Cr Khan Cr Banasik Cr Lowry (2 Cr votes + alt)	Director Infrastructure & Environment	Meetings held February, May, August and November at various venues
BORAL CEMENT – MALDON PLANT – COMMUNITY LIAISON COMMITTEE	Cr Smith	Manager Infrastructure Strategy & Planning	Meetings held quarterly at various locations.
CAMPBELLTOWN ARTS CENTRE CULTURAL PRECINCT ADVISORY GROUP	Cr Banasik	Manager Community Outcomes	Meetings held quarterly at Campbelltown Arts Centre.
COUNTRY PUBLIC LIBRARIES ASSOCIATION (SOUTH EASTERN ZONE)	Cr Banasik Cr Hannan (alt)	Manager Community Outcomes	Meetings held quarterly at rotating host Council locations.
GEORGES RIVER COMBINED COUNCIL COMMITTEE INC	Cr Banasik	Manager Environmental Outcomes	Meetings held at 7.00pm, 4th Thursday of every second month at various venues.
GREATER SYDNEY LOCAL LAND SERVICES LOCAL GOVERNMENT ADVISORY GROUP	Cr Briggs	Manager Environmental Outcomes	Quarterly.
ILLAWARRA COAL COMMUNITY CONSULTATIVE COMMITTEE	Cr Lowry	Manager Environmental Outcomes	Meetings held 4.30pm, last Tuesday of every second month.
LACHLAN REGIONAL TRANSPORT COMMITTEE	Cr Hannan	Director Planning	Meetings held quarterly

Internal Committee/Advisory Group Councillor Representation Membership List 2017-2018

EXTERNAL COUNCIL COMMITTEES	COUNCILLOR REPRESENTATION 2017-18	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
LOCAL EMERGENCY MANAGEMENT COMMITTEE	General Manager Luke Johnson	General Manager & Manager Works	Meetings held 6 times per year at various venues.
MACARTHUR REGIONAL ORGANISATION OF COUNCILS (MACROC)	Mayor – President Cr Hannan Cr Khan Cr Banasik Cr Deeth (Mayor + 3 Crs next 2yrs – Wollondilly President)	General Manager	Meetings held 7.00pm, on Wednesdays quarterly at Campbelltown, Camden & Wollondilly Councils.
MY GATEWAY	Assistant Director People, Legal & Governance Matthew Toro	Assistant Director People, Legal & Governance	Meetings held 7.00pm, on Wednesdays quarterly at Campbelltown, Camden & Wollondilly Councils.
QUEEN VICTORIA SUPPORT GROUP	Cr Smith	Manager Community Outcomes	As required
SOUTHERN TABLELANDS REGIONAL ARTS ADVISORY GROUP	Cr Banasik	Manager Community Outcomes	Meetings held quarterly at Goulburn council offices.
SOUTH WEST SYDNEY ACADEMY OF SPORT ADVISORY GROUP	Cr Briggs	Manager Infrastructure Strategy & Planning	Meetings held at 7.00pm, 4th Thursday of every second month at various venues.
SOUTH WEST REGIONAL WEEDS COMMITTEE	Cr Smith	Manager Environmental Outcomes	Meetings held at 9.00am, 1st Wednesday of March, June, September and December. Various locations South West Sydney.
SYDNEY PERI URBAN NETWORK	Executive Director Ally Dench	Manager Development Services	Meetings held 4.30pm, last Tuesday of every second month.
SYDNEY SOUTH WEST PLANNING PANEL	Mayor General Manager	Manager Planning	As decided by the Panel Chair.

Internal Committee/Advisory Group Councillor Representation Membership List 2017-2018

EXTERNAL COUNCIL COMMITTEES	COUNCILLOR REPRESENTATION 2017-18	RESPONSIBLE COUNCIL OFFICER	WHEN HELD AND VENUE
TAHMOOR COLLIERY COMMUNITY CONSULTATIVE COMMITTEE	Cr Khan	Manager Environmental Outcomes	Meetings quarterly as required at Tahmoor Colliery.
WATER NSW LOCAL GOVERNMENT REFERENCE PANEL	Cr Banasik Cr Gould (alt)	Manager Environmental Outcomes	Quarterly.
WOLLONDILLY DISTRICT LIAISON COMMITTEE (SLA WITH RFS)	Cr Briggs Cr Khan	Manager Works	Meetings held 7.00pm, on Wednesdays quarterly at Campbelltown, Camden & Wollondilly Councils.
WOLLONDILLY/ WINGECARRIBEE - BUSH FIRE MANAGEMENT COMMITTEE	Mayor Cr Briggs (12 month rotations of chair with Wingecarribee)	Manager Environmental Outcomes	Meetings held at 12.30pm, 1 st Wednesday quarterly, Venue Bridge Street, Picton
YERRANDERIE MANAGEMENT COMMITTEE	Cr Lowry Cr Gould	Manager Environmental Outcomes	Meetings held at 6.30pm, 1 st Thursday of March, June, September and December at The Heritage Centre, The Oaks. 1 st Saturday of alternate months - all day Yerranderie.

Sustainable and Balanced Growth

Sustainable and Balanced Growth
Report to the Extra Ordinary Meeting of Council held on Monday 26 February 2018

Relevance to Community Strategic Plan

SUSTAINABLE AND BALANCED GROWTH

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

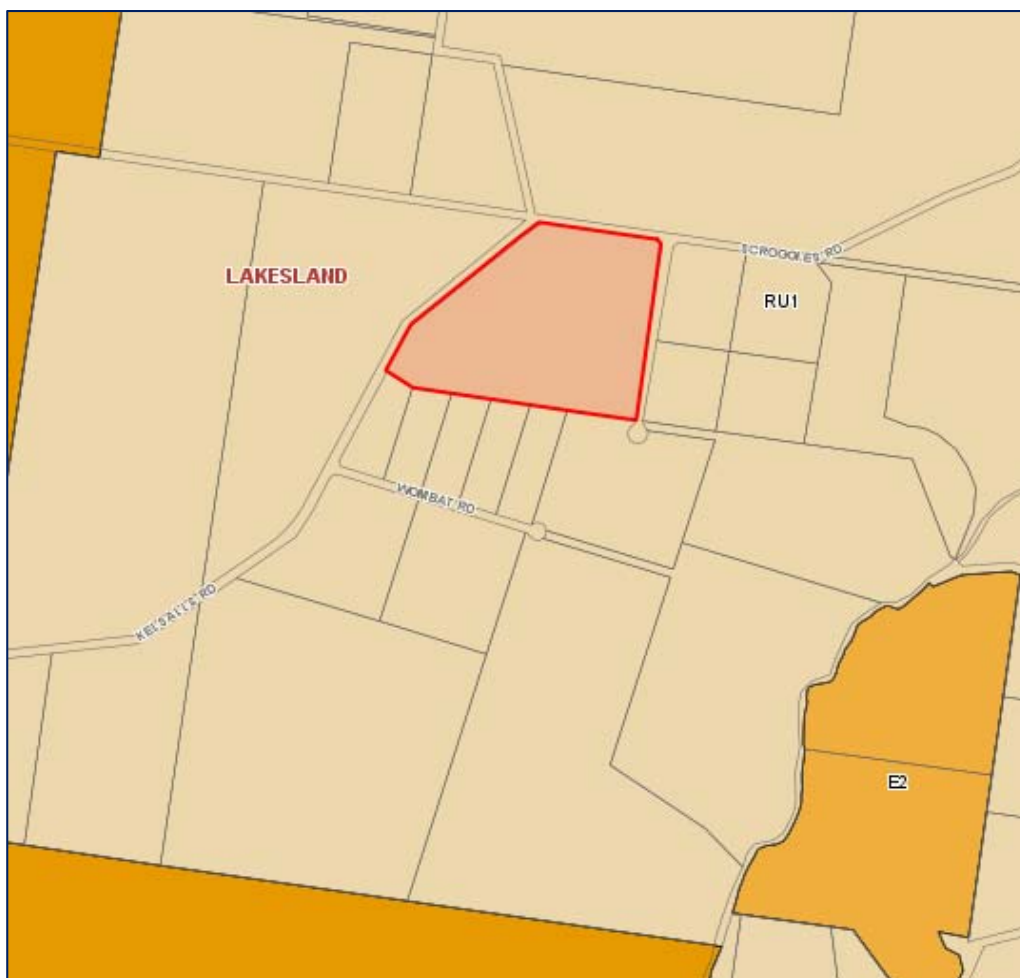
GR2 – Development Application No. 010.2015.00000292.001 – 325 Scroggies Road, Lakesland

GR2

Development Application No. 010.2015.00000292.001 – 325 Scroggies Road, Lakesland – Continued use of extensions to existing Poultry Sheds No. 5 & 6; Construction of Poultry Sheds No. 7-12; and filling of Land in three (3) Stages

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010.2015.00000292.001



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LOCATION MAP  N

Growth

**GR2 – Development Application No. 010.2015.00000292.001 – 325
Scroggies Road, Lakesland**

DEVELOPMENT INFORMATION

Development Application No:	010.2015.00000292.001
Property Details:	325 Scroggies Road, Lakesland
Applicant:	Precise Planning
Owner:	F & M Buttigieg
Proposal Details:	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.
Zone:	RU1 Primary Production

EXECUTIVE SUMMARY

- Council deferred this matter in October 2016 and on 19 February 2018.
- The purpose of this report is to outline the assessment of an application seeking consent for alterations and additions to an existing poultry farm in three (3) stages taking into account Councils decision at its meeting held 17 October 2016 to defer the application to allow submission of further information.
- In accordance with Council’s Development Control Plan, the new information submitted with the application was advertised and re-notified including those land owners who objected to the original application. Further submissions have been received.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that a deferred commencement consent be granted for the proposed development.



**GR2 – Development Application No. 010.2015.00000292.001 – 325
Scroggies Road, Lakesland**

REPORT

BACKGROUND

28 April 2015

Council received Development Application No. 010.2015.00000292.001, for development described on the Application Form as 'Alterations/additions to existing poultry farm.'

17 October 2016

The application was reported to Council's 17 October 2016 meeting and it was resolved:

'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.'*

Council also considered a modified application for the property at the meeting held 17 October 2016 and resolved:

'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:

**GR2 – Development Application No. 010.2015.00000292.001 – 325
Scroggies Road, Lakesland**

- (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.*
- *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 consider 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.

Sustainable and Balanced Growth
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**GR2 – Development Application No. 010.2015.00000292.001 – 325
Scroggies Road, Lakesland**

The above conditions relating to re-use of poultry manure and night time pick-up of birds have been incorporated into the draft consent attached to this report.

12 April 2017

The Applicant resubmitted documents to Council including an Air Quality Assessment based upon 96,000 turkeys or 240,000 chickens.

1 June 2017

Additional information sought from the Applicant by Council.

21 August 2017

Council receive a detailed response from the Applicant dated 14 August 2017 including clarification of bird numbers, traffic generation and revised Air Quality Assessment based upon 126,000 turkeys or 240,000 chickens at placement.

12 September 2017

Comments received from Water NSW.

14 September 2017

The proposal was re-notified including those land owners who objected to the original application for a period of 15 days commencing 14 September 2017. An extension to the exhibition period was granted to allow submissions to be received until 13 October 2017.

3 November 2017

The Applicant provided formal response to the concerns raised in neighbour submissions.

CONSULTATION

The additional information submitted in response to Councils resolution of 17 October 2016 was advertised and re-notified. The additional information was also referred to the following internal and external referral bodies.

**GR2 – Development Application No. 010.2015.00000292.001 – 325
Scroggies Road, Lakesland**

Internal Referral	Response
Development Engineer	<p>Comments provided in February 2016 recommended conditions in respect of engineering & construction specifications, drainage/stormwater, public roads, erosion and sediment control and inspections.</p> <p>Further advice received by email on 7 December 2017 stated:</p> <p>From the draft report,amend the following conditions:</p> <p>'5. Public Road.</p> <p>(2) Delete & replace with, <i>The additional poultry sheds authorised by this consent shall not be used for raising of any poultry until such time as upgrade works are completed by Council of the S bends in Ruddocks Road.</i></p> <p>This work will be completed by Council within two to three years of the date of this consent.</p> <p>The proponent has agreed to this constraint of use. (see page 5 & 6 of Precise Planning submission dated 14 August 2017). This will be included as a condition of deferred commencement.</p> <p>Previously, Council resolved that the truck route is to be Ruddocks, Ferguson & Barkers Lodge Roads only.</p>
Environmental Health Officer	<p>A response dated 26 September 2017 stated:</p> <p><i>'1) I have reviewed the "Revised Air Quality Impact Assessment for Modifications to Turkey Farm at 325 Scroggies Road, Lakesland by Benbow Environmental, ref no. 161191_AQIA_ Rev 2, August 2017" - contained in the letter from Precise Planning dated 14 August 2017, together</i></p>

Growth

Sustainable and Balanced Growth
 Report to the Extra Ordinary Meeting of Council held on Monday 26 February 2018

**GR2 – Development Application No. 010.2015.00000292.001 – 325
 Scroggies Road, Lakesland**

Internal Referral	Response
	<p><i>with the “Air Quality Impact Assessment supplied by Benbow Environmental, ref no. 161191_AQIA_Rev, 3 April 2017”, and note the following:</i></p> <p><i>The Benbow report has investigated impacts for the growing of both turkeys and chickens and includes actual air sampling of existing levels of odour during peak production, (worst case scenario). It is noted that the updated report has revised the total numbers of birds at placement to 126,000 turkeys (10,500 per shed) or 240,000 chickens (20,000 per shed).</i></p> <p><i>Both of the air quality reports have been based upon the EPA Guidelines, “Approved Methods for the Modelling of Air pollutants in New South Wales”, which states that an acceptable criteria for an affected population of approximately 30, should be 5.0 Odour Units/per cubic metre. Odour is allowed to exceed the criteria 1% of the time and is expected to occur occasionally. The modelling has determined that the aforementioned criteria shall be met at all sensitive receivers and as such the applicant is not considering a reduction in shed numbers or alternative mechanical ventilation systems. As the criteria has been met as per the EPA guidelines, I have no objection to this proposal.</i></p>
	<p><i>2) I recommend that the following conditions be removed:</i></p> <ul style="list-style-type: none"> ▪ <i>Condition 7 which states “Poultry raised and kept in sheds 1 to 12 on the endorsed site plan are limited to turkeys only”.</i> ▪ <i>Condition 19 (1) “The total stocking rate for the farm shall not exceed 126,000 turkeys at any time”.</i>

Growth

Sustainable and Balanced Growth
 Report to the Extra Ordinary Meeting of Council held on Monday 26 February 2018

**GR2 – Development Application No. 010.2015.00000292.001 – 325
 Scroggies Road, Lakesland**

Internal Referral	Response
	<p><i>I support the recommendation in the letter from Precise Planning, dated 14 August 2017, Ref: 1354 in that the following consent conditions should be included:</i></p> <p><i>a) The maximum number of birds permitted by this consent at any one time is as follows:</i></p> <ul style="list-style-type: none"> ▪ <i>Turkeys - 126,000 at placement (commencement of growing cycle)</i> ▪ <i>Chickens - 240,000 at placement (commencement of growing cycle)</i> <p><i>Notwithstanding the above, at no time during any growing cycle is the bird density to exceed the following:</i></p> <ul style="list-style-type: none"> ▪ <i>turkeys - 46kgs/sqm</i> ▪ <i>chickens - 30kgs/sqm</i> <p><i>b) The grower shall document the average weight and density calculations and provide these documents to Council if requested.</i></p> <p><i>c) The raising of a combination of turkeys and chickens in a single growing cycle across the whole farm is not permitted.</i></p> <p><i>In relation to the Benbow's Air Quality Impact Report, I note that several sensitive receivers not included in the original Todoroski report have now been included.</i></p> <p><i>As Council does not require further noise impact assessment for mechanical ventilation or operations, the resolution to take into consideration any new sensitive receivers not identified in the original noise impact assessment when undertaking new or modified reports is not applicable, (as no new or modified noise impact assessment report is required).</i></p>

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Internal Referral	Response
	<p>In response to issues raised in public submissions further advice dated 3 November 2017 states:</p> <p><i>Odour modelling is based on 16 sensitive receivers, including an additional 4 sensitive receivers which were not included in the original odour reports provided for the development. The Department of Environment and Conservation, Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales provides impact assessment criteria for complex odorous pollutants for a population of 30 affected residences at 5 odour units.</i></p> <p><i>In the odour modelling report, Camden meteorological station, was considered to be too far away to be considered representative of the subject site, therefore a site specific air pollution model (TAPM) was used to predict pollution concentrations utilising wind rose plots, wind frequency, direction and wind speed.</i></p> <p><i>Council regularly carries out audits of poultry farms, usually in response to complaints.</i></p> <p><i>Various conditions have been imposed to reduce the noise from night time pick-ups of birds. These include: no reverse beepers after 6pm, truck engines and headlights to be turned off during pick up operations unless entering or leaving the property, a code of conduct agreement for staff, contractors and sub-contractors to reduce operational noise and ongoing maintenance of equipment.</i></p> <p><i>Several perimeters of the farm have dense vegetation in place. All vegetation is conditioned to be retained and protected.</i></p>

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Internal Referral	Response
	<p><i>Storage of manure on the property is not permitted.</i></p> <p><i>A farm management plan is to be abided by. This aims to reduce the emission of dust, odour and noise from the growing of poultry.</i></p> <p><i>There is no evidence of runoff/seepage from the poultry into nearby watercourses.</i></p> <p>Council officers have attended the poultry farm and noted that the farm is carrying out best management practices in relation to the frozen storage of carcasses and no cremation is currently being undertaken at the site. The farm was noted to be in a clean and tidy state during the inspection.</p> <p>It was further noted that there was a truck delivery of feed being undertaken during the inspection. It was considered that the noise associated with this activity was not excessive. In addition there was no offensive odour when inspecting the south western most corner of the site.</p>
Environment	<p>Comments from Council’s, Senior EHO dated 25 September 2017 are provided below;</p> <p><u>Vegetation</u> No vegetation removal is required. There is native vegetation in the southern part of the site, however this is noted to be intended to be retained. It is noted a number of the Eucalypt trees located on the site appear to be dead or dying, including trees on the northern section of the site behind the row of planted conifers. This may be indicative of high water tables, or some other unknown reason.</p> <p><u>Noise, air, and odour</u> Council’s EHO has previously provided review and conditions in relation to air, odour and noise impacts. Environmental</p>

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Internal Referral	Response
	<p>Outcomes has no additional comment on these aspects.</p> <p><u>Stormwater</u> There is a natural drainage line on the property, located on the eastern section of the property downstream of the farm dam. This drainage line flows east across Treelea Grove and into bushland which includes Shale Sandstone Transition Forest Critically Endangered Ecological Community (CEEC).</p> <p>The proposed expansion of the poultry farm is likely to add additional nutrient load to stormwater due to additional numbers of birds, and increased volumes of stormwater due to increased area of hard surfaces. One of the objectors raised the issue of whether the drainage line below the dam is already being impacted with excess nutrients from the poultry farm. The applicant has submitted information that the brown colour of the water evident at this location may be a result of high iron levels in spring water that enters the drainage line below the farm dam. It is difficult make judgements about nutrient levels from visual inspection alone. Please note, water quality testing would be needed to provide a definitive answer.</p> <p>In relation to assessment of the current DA, it is important that the proposed extension of the poultry farm not have any additional water quality impacts on downstream receiving waters, both during construction and during the long term operation of the poultry farm. Stormwater runoff from the proposed sheds and development site will be directed to the existing dam. Technibuild Consulting provided advice to the applicant (dated 21 June 2016) that the capacity of the existing farm dam is adequate for the additional runoff that would be generated by the development.</p>

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Internal Referral	Response
	<p>The Referral from Council’s Engineers on TRIM would appear to express satisfaction that the proposal does include a stormwater treatment process sufficient to prevent offsite water quality impacts. If there is any doubt that the stormwater treatment process proposed by the applicant is sufficient to prevent water quality impacts on the natural drainage line and environments downstream. Further information to demonstrate this should be requested by Council prior to determination of the DA.</p> <p>Due to the proposed staging of earthworks, which could potentially lead to soil being left disturbed over extended periods of time, a detailed Soil and Water Management Plan would be required for construction. This SWMP is to address progressive stabilisation of the site to prevent erosion and sedimentation. Conditions recommended.</p>
External Referral	Response
Rural Fire Service	Correspondence dated 21 September 2017 recommended conditions in respect of asset protection zones and water and utilities.
Water NSW	<p>Comments received on 12 September 2017 stated:</p> <p>'Water NSW note that the additional information does not impact water quality and that the proposed poultry farm extensions are outside the Sydney Drinking Water Catchment.</p> <p>As such the advice given by Water NSW on 23 June 2015 still stands.'</p>

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1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The site is an irregularly shaped block located at the western end of Scroggies Road, Lakesland. It is bound by Kelsalls Road to the west, Scroggies Road to the north and Treelea Grove to the east and has an area of approximately 19.773ha.

Existing development on the land includes a brick residence, six (6) poultry sheds, two (2) earth dams and various ancillary structures and outbuildings. The perimeter of the property is screened with advanced trees. Generally the site is largely clear of vegetation with the exception of a small cluster of remnant vegetation adjacent to the southern boundary of the site.

The locality is characterised by a combination of large rural properties supporting various agricultural activities and smaller rural residential development. Immediately to the south and east of the subject site are rural residential lots, some of which house existing dwellings.

FIGURE 1: Aerial Photo of Site & Surrounds



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1.2 DESCRIPTION OF DEVELOPMENT

The development application seeks approval for alterations and additions to an existing poultry farm involving the extension of two existing sheds, erection of six (6) new poultry sheds and associated feed structures, construction of stormwater management structures and the construction of a small section of driveway.

The planning report submitted with the development application indicated that approval is being sought for the minor extension of existing sheds 5 and 6, however the applicant has since clarified that the extensions to sheds 5 and 6 are existing and approval is being sought for the continued use of these structures.

FIGURE 2: Site Plan (Sydney Registered Surveyors) and proposed sheds.



The original application included the following specific details relating to farm operations and management:

- Bird numbers increasing from 28,000 in 2.5 annual growing cycles to 58,000 in 2.5 annual growing cycles
- Employee numbers increasing from 2-3 to 4-5
- Typical operating hours 6am to 7pm (except bird pickups), which is consistent with existing operating hours

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- Shed management approach is unchanged (i.e. pine shavings used for bedding material, lights off at 9pm and back on 6am/7am, gas heating, fanning/fogging systems for cooling)
- Stocking density is unchanged at 4.5 birds per square metre
- Biosecurity management, storage and use of chemicals remain unchanged
- Silo banks for feeding will be connected sheds and filled by mechanical blowers attached to delivery vehicles, which is consistent with existing feeding methods
- Traffic movements, new stock deliveries, bird pickups and feed deliveries are proposed in accordance with the revised Traffic and Parking Assessment prepared by Parking and Traffic Consultants, dated 12 November 2015
- Stormwater will be directed via a series of earth drains toward the east of the site and be discharged to an existing dam.

Additional information received on 21 August 2017 has clarified bird numbers and traffic generation.

Bird Numbers

Maximum bird numbers at placement at any one time are:

Turkeys - 126,000 birds at placement (10,500 birds per shed)
Chickens - 240,000 birds at placement (20,000 birds per shed).

At no time during any growing cycle is the bird density to exceed the following:

Turkeys – 46kgs/sqm
Chickens – 30kgs/sqm.

The raising of a combination of turkeys and chickens in a single growing cycle across the whole farm would not be proposed.

Traffic Generation

The updated 27 July 2017 'Traffic Impact Assessment' includes the following summary:

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'The assessment of traffic activity has established that the proposal will lead to approximately twice the existing annual truck movements, directly correlating with the proposed increase of twice the existing number of sheds. It is emphasised however, that the activities of existing six sheds and proposed six sheds will be largely be staggered, to minimise the overlapping of activities. As a result, the maximum traffic activity in any single day or week will remain similar to peak traffic activity that already occurs within a day or week. Therefore no notable changes are anticipated to result to the local traffic conditions and patterns. Trucks will continue to use the state road network in accordance with the NSWLLS regulations, and limited use of local roads, primarily being Ruddocks Road and Fergusson Road.

A proportion of the estate, following completion of the proposal, will still be vacant and can adequately accommodate any likely parking demand on-site, therefore, no impacts to the local road network will result due to increased parking demands resulting from staff increases. In this regard, the on-site parking provision is considered fully compliant with the relevant planning controls. Heavy vehicle access to the proposed sheds has been checked using swept paths, revealing no issues.'

1.3 SECTION 79C ASSESSMENT

The report considered by Council at its meeting of 17 October 2016 comprehensively addressed:

Odour generation
Noise generation
Traffic Generation
Natural Environment
Built Environment
Social Impacts
Economic Impacts.

Additional information has been received on 21 August 2017 in respect of odour, noise and traffic generation. Additional assessment comments are provided in this report in relation to the additional information received by Council.

1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS

The report considered by Council at its meeting of 17 October 2016 comprehensively addressed:

- Environmental Planning and Assessment Regulations 2000 (Designated Development)
- State Environmental Planning Policy No. 55 – Remediation of Land
- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River
- Wollondilly Local Environmental Plan, 2011.

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1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

Not applicable.

1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

The report considered by Council at its meeting of 17 October 2016 comprehensively addressed:

- Wollondilly Development Control Plan 2016 Volume 1 - General
- Wollondilly Development Control Plan 2016 Volume 8 - Primary agricultural and rural uses.

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

Not applicable.

1.4 IMPACT OF THE DEVELOPMENT

Air quality

The Air Quality Report provided to Council on 12 April 2017 was based on 96,000 turkeys or 240,000 chickens. In light of the discussions with Council staff, this number has been revised to reflect more accurately the likely maximum bird numbers for turkeys at placement of 126,000.

The revised Air Quality Report received 21 August 2017 models two scenarios:

- Scenario A – Existing development (turkeys)
- Scenario B – Proposed development (turkeys).

The chicken numbers remain the same, at 240,000 hence the modelling scenarios for chickens included in the original report remain valid. The 'chicken' scenarios have not been remodelled in the revised report, simply because the maximum bird numbers for chickens has not changed. Therefore, both the original and revised reports should be read together.

Importantly, in all scenarios, whether chickens or turkeys, there are no exceedance of the 5.0 OU criterion at any of the 16 sensitive receivers.

The Applicant has also provided the following comments in relation to the Council resolution from the October 2016 Ordinary Meeting:

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“It is noted that the current Council resolution was based on the original Todoroski air quality report, lodged with this application. However, as discussed previously to Council dated 12 April 2017, the Benbow report is significantly more detailed than the original Todoroski report. The Benbow reports do not simply rely on air dispersion modelling (as the Todoroski report did), but involves actual air sampling of existing levels of odour during peak production, when the bird weight is at a maximum. The Benbow reports investigate air quality impacts for growing of both turkeys and chickens and includes an assessment of impact at sensitive receivers in Treelea Grove.

The revised Benbow report has addressed each of the items included in the Council resolution, as follows:”

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.*

The revised assessment models worst case birds at worst case meteorological and temperature conditions by running the batch starting week sensitivity analysis, then running the full emission simulation at that worst case. This is standard practice for broiler farm modelling.

Due to the positive outcome of this re-modelling, that is, the criteria is met at all sensitive receptors and is, it is unnecessary to consider either a reduction in shed numbers or alternate/mechanical ventilation systems”.

2. *The applicant to submit a modified air quality impact assessment detailing the preferred odour mitigation measures and predicted impact upon sensitive receivers.*

This report provides a modified air quality impact assessment as per point 2.

3. *The applicant is to submit a modified noise impact assessment which takes into consideration any proposed mechanical ventilation systems.*

No mechanical ventilation systems are proposed (note: that because the modelling predicts compliance with the 5.0 OU criterion at all sensitive receivers, it is unnecessary to propose mechanical ventilation for this development).

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.*

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An additional four (4) sensitive receptors were considered. R13 is a potential future residential receptor and R14, R15 and R16 are existing residential receptors that have also been included as requested. These are shown in Section 3 of the Revised Air Quality Impact Assessment. As all results comply with criteria, existing mitigation measures are considered adequate.

A 'Revised Air Quality Impact Assessment' dated August 2017 prepared by Benbow Environmental included the following background information:

“In April 2017, an odour impact assessment was undertaken for the proposed modifications to the existing turkey farm for the option of farming turkeys or chickens.

For turkeys an initial bird placement of 96,000 birds in total (8,000 bird per shed) for the farm was modelled. For chickens, an initial bird placement of 240,000 birds in total (20,000 birds per shed) was modelled.

This assessment provides the revised modelling results for an initial bird (turkey) placement of 126,000 birds in total (10,500 birds per shed). All other assumptions remain the same including the percentage of bird pickups and mortalities during the growing cycle.....

An additional four (4) sensitive receptors were considered. R13 is a potential future residential receptor and R14, R15 and R16 are existing residential receptors that have also been included as requested.”

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Table 3-1: Nearest Identified Sensitive Residential Receptors

Receptor ID	Address	Lot & DP	Direction from Sheds	Approximate Distance (m) ¹
R1	191 Wombat Road, Lakesland	Lot 6 DP 1006408	S	290
R2	149 Wombat Road, Lakesland	Lot 5 DP 1006408	S	260
R3	101 Wombat Road, Lakesland	Lot 4 DP 1006408	S	220
R4	59 Wombat Road, Lakesland	Lot 3 DP 1006408	S	225
R5	21 Wombat Road, Lakesland	Lot 2 DP 1006408	SW	245
R6	100 Wombat Road, Lakesland	Lot 501 DP 1039513	S	370
R7	95-105 Kelsalls Road, Lakesland	Lot 303 DP 868805	SW	470
R8	Scroggies Road, Lakesland	Lot 40 DP 651009	N	365
R9	180 Ruddocks Road, Lakesland	Lot 1 DP 100884	NW	570
R10	164 Ruddocks Road, Lakesland	Lot 1 DP 1079358	NW	690
R11	25 Treelea Grove, Lakesland	Lot 401 DP 1066451	E	210
R12	295 Scroggies Road, Lakesland	Lot 405 DP 1066451	E	380
R13	75 Kelsalls Road, Lakesland	Lot 1 DP 1006408	SW	490
R14	45 Treelea Grove, Lakesland	Lot 402 DP 1066451	E	210
R15	48 Treelea Grove, Lakesland	Lot 503 DP 1039513	S	270
R16	49 Treelea Grove, Lakesland	Lot 404 DP 1066451	E	340

¹ Distance is measured from the nearest proposed or existing shed and nearest residential façade.

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FIGURE 4: Nearest Sensitive Receptors (Benbow Environmental)

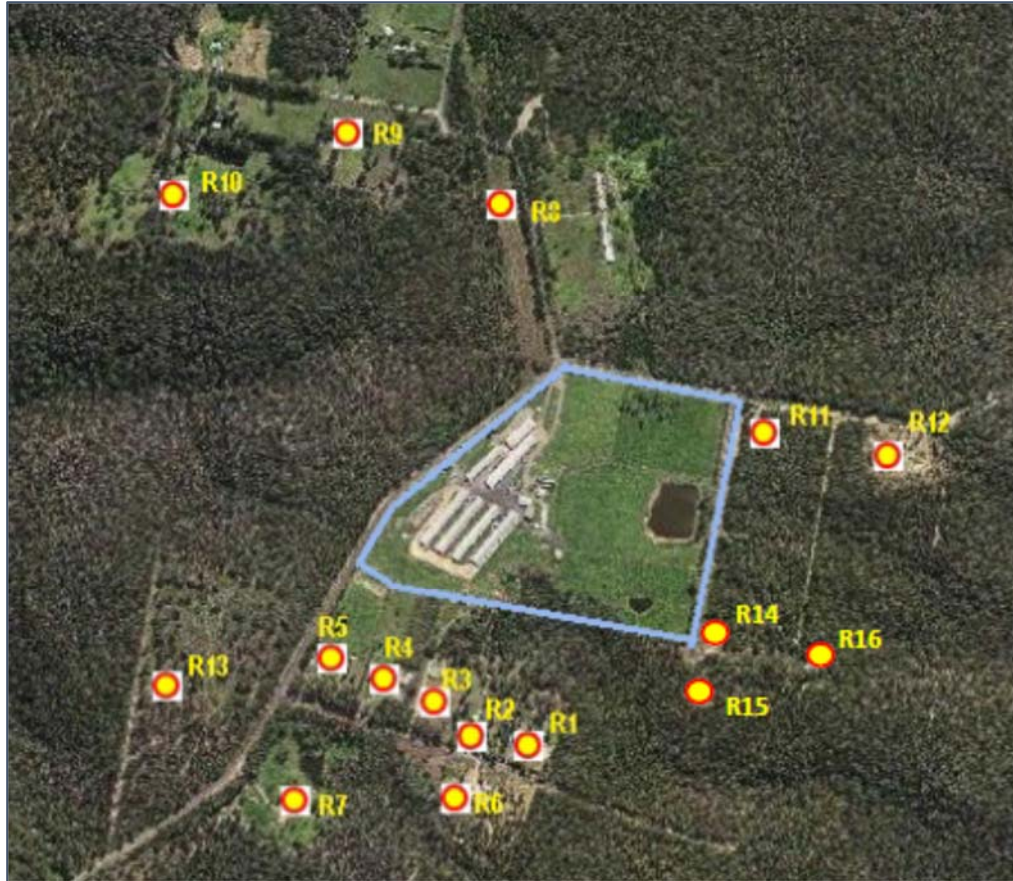


FIGURE 5: Farm Boundary Odour Readings

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FIGURE 6: Odour impacts are discussed in the report:

Under all the scenarios modelled there is compliance.

The existing farm operations are well below the criteria and the on-site measurements agree to a high degree of accuracy with the modelling.

The reasons for this are the low emission concentrations on well-managed farms. The odour emission rates used are those sampled by BE at other turkey farms and analysed by Stephenson Environmental odour laboratory. The farm that was used as the basis of deriving the odour emission rates operates with a high standard of management.

Springhill Farm management is at a higher standard based on the results of odour measurements at one of their sheds during peak production.

The addition of a further six sheds is appropriate for this site and the modelling of all scenarios showed that the site is not sensitive to odour exceedances.

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The odour modelling has not included the reduction that would be provided by the thick vegetation.'

A section of the report titled 'Statement of Odour Impacts' states:

'This revised odour impact assessment prepared by Air Quality Professionals and Benbow Environmental assessed the worst case conditions and uses the best methodology for odour assessments. All predicted odour levels comply with criteria at all sensitive receptor locations.

The farm has added protection which has not been included in the modelled results. This is the benefit that thick vegetation cover around a poultry farm provides in reducing odour levels by up to 40% provided the vegetation cover adheres to an engineering design.

As noted in the report and based on our findings during inspections of the farm, a high quality of farm presentation and farm management practices are a model for the poultry industry to be adopted within the Wollondilly Shire.

Approval is requested for an increase in initial bird (turkey) placement numbers to 126,000.'

Traffic Generation

The applicant provides that "The traffic report prepared by Parking and Traffic Consultants has been reviewed, as requested in Councils letter dated 1 June 2017.

Additional data has been obtained and incorporated into the report in order to assess the impact of vehicle movements related to the growing of chickens at the premises. The report has identified that, in the event the farm was used to grow chickens, the overall number of truck movements annually would decrease by around 15% when compared to turkeys, due primarily to the increase in the number of chickens that are transported on a single truck load.

It is very important in considering the estimated traffic generation volumes quoted in the traffic report, to understand that the volumes are based on the maximum bird numbers quoted earlier in this letter. The number of birds placed with the grower by the processor fluctuates based on market demand, but will not exceed the maximum stated previously. However, almost always, the maximum bird numbers will not be reached. In fact, almost always likely to be significantly less. This directly reduces the number of truck movements that will occur during a cycle for almost all cycles."

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Council Development Engineers raise no objection to the traffic based on the existing arrangements. Council intends to upgrade the existing S bend in Ruddocks Road within 2/3 years. The use of the additional poultry sheds is not recommended until such time as upgrade works are completed by Council.

The recommendation in this report is based upon issuance of a deferred commencement consent whereby the consent does not operate until upgrade works to Ruddocks Road are completed to Council's satisfaction.

The Traffic Report prepared for the proponent nominates the transport routes for shed clean out and grain delivery. It also nominates two routes for bird pick-ups. One via Remembrance Drive and Barkers Lodge Road for trips to the farm. The other relates to trips from the farm to the processing plant via Lakesland Road and Thirlmere Way.

It is recommended that Council endorse the transport routes nominated by the proponent. This will require the use of Lakesland Road for trucks laden with birds travelling to Tahmoor. It will also necessitate upgrade works to Lakesland Road at the proponent's expense.

It should be noted that the Barkers Lodge and Remembrance Drive intersection is a key priority for major upgrade works by Council. Given the likely upgrade works the draft consent has been worded to allow Council to consider and approve any alternate route. See conditions 5 (3), (6) and (7).

Noise Impact

The letter from Council dated 1 June 2017 states that a further acoustic assessment should be provided if the applicant wishes to pursue the operation of chickens in the future which would result in heavy increases in truck movements to and from the farm and during bird pick up events.

The applicant has provided the following response:

"The Noise Impact Assessment (NIA) envisaged that the proposed new sheds would be used for the production of turkeys. As the project developed the proponent has considered that the sheds could be used for chicken production. As correctly interpreted by Council the change from turkey to chicken would increase the number of batches per year from 2.5 to 5.5. With regard to the noise assessment the proposed change in number of batches per year does not change the noise impacts presented in the NIA, as the modelling scenario was conducted over a 15 minute period. It does however have the implication that the worst case scenario of trucks entering and being loaded occurs more often during the year. Therefore it is considered that the noise impacts presented in the original NIA are still appropriate."

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The predicted noise levels from all scenarios modelled in the original report met the Industrial Noise Policy (INP) intrusive noise criteria at all residential receivers. The noise scenarios developed by Wilkinson Murray were based on operational considerations of the project and are not based on the specific poultry type. The modelling would not reveal any difference in the 15 minute intrusive noise criterion, however the activities would occur more often during the year.

It is noted that the traffic report (McLaren Traffic Engineering) concludes, in relation to the alternative of raising chickens:

“In regards to a scenario of raising chickens, the primary variation is the schedule of truck movements, which occur more frequently for each component, but are typically lower in truck volumes than the respective activities associated with raising turkeys. Annually, this results in approximately 15% lower truck volumes than turkey raising.”

Therefore, in relation to the comments quoted above from Council’s letter, this is disputed by Parking and Traffic Consultants, primarily due to chickens being smaller in size and therefore having a greater number of chickens on board each truck.

Summary

The information provided to Council under cover letter dated 12 April 2017, as well as the information provided now, indicates:

- A revised maximum number of birds for turkey growing;
- The air quality modelling is below 5.0 OU at all sensitive receivers, for all scenarios (turkey and chicken);
- The current noise assessment is adequate because the modelling was undertaken in 15 minute intervals (as outlined by the INP) and the noise will not increase within any given 15 minute period, whether growing turkeys or chickens;
- The traffic report has concluded an overall decrease in estimated truck movements if the farm (as expanded) grew chickens, rather than turkeys;
- The resolution of Council from its meeting on 17 October 2016 has been addressed.

Council’s Senior Environmental Health Officer provided the following comments;

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“In relation to Council's resolution 3 and 4, from meeting dated 17 October 2017. It is noted in a previous response letter from Precise Planning dated 12 April 2017, that mechanical ventilation is not justified and that the sheds will be naturally ventilated. Cooling fans were operational in the noise modelling scenarios in the original noise impact assessment "325 Scroggies Road, Lakesland Poultry Farm Expansion, Report 15074, Version A, April 2015 by Wilkinson Murray". Therefore a revised noise impact assessment will not be required for mechanical ventilation.

The Noise Impact Assessment, above, advised that normal operations of the facility will comply with established noise criteria at all receivers in all periods. Wilkinson Murray have responded, as advised in Precise Planning's letter dated 14 August 2017, Ref 1354, that while the introduction of chickens will result in an increase of batches per year, from 2.5 to 5.5, the proposed change in the number of batches does not change the noise impacts presented in the Noise Impact Assessment. The modelling would not reveal any difference in the 15 minute intrusive noise criteria, however activities would occur more often during the year. Therefore a further noise impact assessment is not required for operations at the facility.”

In relation to the Benbow's Air Quality Impact Report, I note that several sensitive receivers not included in the original Todoroski report have now been included.”

1.5 SUITABILITY OF THE SITE

The report considered by Council at its meeting of 17 October 2016 addressed:

Land use conflict
Site topography.

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1.6 SUBMISSIONS

The original application was advertised for a period of 15 days commencing 22 July 2015 and additional information notified to submitters for a period of 15 days commencing 20 October 2015. A total of twenty-eight (28) submissions were received. Issues canvassed in submissions related to:

- Reduced property values
- Dead bird disposal
- Impacts on the local road network
- Odour impact assessment
- Offensive odour
- Drinking water quality
- Feathers litter as trucks are not adequately covered
- Stockpiling of manure
- Noise impact
- Opposition to chicken farming
- Contravention of EPA guidelines for separation distance between farms.

The additional information submitted in response to Council’s resolution of 17 October 2016 was advertised and re-notified to residents including those land owners who objected to the original application for a period of 15 days commencing 14 September 2017. An extension to the exhibition period was granted to allow submissions to be received until 13 October 2017.

A total of seven (7) submissions were received. One (1) further submission was received on 20 November 2017. An opportunity to comment on the issues raised in the submissions was given to the Applicant. The Applicant’s response was received on 30 October 2017 and detailed below.

Concern	Comment
<p>Odour impacts of cremation of dead birds have not been addressed.</p>	<p>It is confirmed in the Planning Report that in the past dead birds were incinerated.</p> <p>Management practices outlined in the SoEE are as follows:</p> <p><u>Dead birds</u></p> <ul style="list-style-type: none"> ▪ Farm practices for dead bird management and disposal will comply with the National Farm Biosecurity Manual - Poultry Production. ▪ Dead birds will be removed from the sheds daily and incinerated, or stored in a freezer, within 24 hours of death.



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Concern	Comment
	<ul style="list-style-type: none"> ▪ A contingency plan will be developed for the disposal of birds from mass mortalities such as endemic disease, heat stress or exotic disease. ▪ All containers used for collecting dead birds will be washed and disinfected before being returned to the production area. <p>Council comment - During a site inspection the issue of incinerating birds was raised with the owners. They indicated that incinerating birds no longer takes place, the removal of dead birds was by freezing birds and placing them in bins for collection. This was confirmed onsite.</p> <p><u>Abnormal events</u></p> <p>The following best management practices are proposed:</p> <ul style="list-style-type: none"> ▪ Inform neighbouring sensitive land users of unusual events or problems that may have a temporary adverse impact; ▪ Significant operational activities on the farm will be recorded - particularly those that have significant environmental impact; ▪ When a complaint is formally or directly made, a proactive rather than a defensive approach will be taken. Relevant evidence will be gathered, options identified and strategies implemented to remedy the problem. The complainant will be advised of the outcome of the investigation, as well as actions taken to avoid a recurrence of the problem; ▪ Mediation processes, in cases of dispute, will be participated in and cooperated with.

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Concern	Comment
	<p data-bbox="810 504 1141 537"><u>Complaints management</u></p> <p data-bbox="810 571 1396 672">All complaints will be treated seriously by the operator. The following best management practices are proposed:</p> <ul data-bbox="858 705 1420 1209" style="list-style-type: none"> ▪ Continue to operate the good neighbour policy; ▪ An abnormal odour event procedure is developed; ▪ Weather conditions will be monitored daily if complaints are ongoing; ▪ Full details of any complaints received will be recorded, along with results of investigations and corrective actions taken, in a Complaints Register. If there are regular complaints, these will be correlated to identify any trends. Surrounding residents will be encouraged to phone the operator directly with complaints <p data-bbox="810 1243 1348 1344">It is anticipated that the actions proposed above will result in a manageable social impact.'</p> <p data-bbox="810 1377 1420 1478">An 'Air Quality Impact Assessment' dated April 2017 clarified that cremation of dead birds was a past practice:</p> <p data-bbox="810 1512 1404 1713">'There were past practices at Springhill and observed at other poultry farms (which includes turkey farms) that could generate offensive odours with a strength of odour and characteristics which a reasonable person would find offensive.</p> <p data-bbox="810 1747 1396 1848">These past practices were the incineration of dead birds and stockpiling of manure on the farm.'</p> <p data-bbox="810 1881 1412 2038">A review of the 'Revised Air Quality Impact Assessment' dated August 2017 confirms that no particular assessment of the odour caused by cremation of dead birds has been assessed. This would not be unusual.</p>

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Concern	Comment
	<p>A condition will apply that no incineration of birds will be permitted.</p> <p>The assessment report does state:</p> <p>'The following NSW Environment Protection Authority (NSW EPA) guidelines have been utilised as part of preparing the Odour Impact Assessment:</p> <p>“Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales”; “Technical Framework – Assessment and Management of Odour from Stationary Sources in New South Wales”; “Technical Notes – Assessment and Management of Odour from Stationary Sources in New South Wales”; and “Generic Guidance and Optimum Model Settings for the CALPUFF Modelling System for Inclusion into ‘Approved Methods for the Modelling and Assessments of Air Pollutants in NSW, Australia””.</p> <p>The assessment models worst case birds at worst case meteorological and temperature conditions by running the batch starting week sensitivity analysis, then running the full emission simulation at that worst case. This is standard practice for broiler farm modelling.'</p> <p>Final comments from the Applicant state:</p> <p>'The proponent has a Council approved incinerator on the site, which has not been used for many years. The preferred method of dead bird disposal is, and has been for many years, collection of the dead birds and storage in a refrigerated cool room. Frozen dead birds are then removed from the site periodically.</p> <p>This process has been explained and demonstrated to Council at the workshop held on the proponent's farm and it is also detailed in the powerpoint presentation that Council has in its possession.'</p>

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	<p>Conditions of consent can be formulated to ensure that disposal of dead birds only involves removal from the sheds on a daily basis and storage within the freezer unit until collected by a licensed waste contractor.</p>
<p>Odour modelling is based on incorrect assumptions regarding nearest sensitive residential receptors (assumed population 30) and therefore falls into the criteria of 4.0 OU/m³ rather than 5,0 OU/m³ due to a larger population.</p>	<p>It is maintained by the Applicant that:</p> <p>'Any environmental concerns raised by the objectors have been addressed in the Air Quality Impact Assessment carried out by Benbow Environmental.</p> <p>Benbow Environmental is a professional service firm that is recognised as leaders in the field of air quality with more than 25 years of experience, who employ the services of highly qualified environmental scientists, environmental engineers and air quality professionals.</p> <p>We have included Benbow Environmental Preliminary Response to Objections regarding the issue raised of incorrect assumptions of nearest residential receptors.</p> <p>The proponent's farm has an Environmental Management System (EMS) and an Environmental Management Plan (EMP) in place for monitoring.</p> <p>Any scientific evidence that contradicts these reports should be provided to council by the objectors in the form of reports from other recognised environmental services.'</p> <p>Benbow Environmental have responded to this issue as follows:</p> <p>'The guidelines used to establish odour criteria for all of our odour assessments are the NSW Environment Protection Authority, Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (AMMAAP). The Table shows the odour</p>

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Concern	Comment														
	<p>criteria recommended in the AMMAAP. This criteria aims to "protect the majority of the population living within the vicinity of activities that emit odour".</p>														
	<p>Using this table is the accepted method for determining odour assessment criteria by the EPA.</p> <table border="1" data-bbox="817 792 1407 1142"> <thead> <tr> <th data-bbox="817 792 1123 913">Size of Affected Community</th> <th data-bbox="1123 792 1407 913">Odour Performance Criteria (Odour Units) (to be complied with for 99.0% of the time)</th> </tr> </thead> <tbody> <tr> <td data-bbox="817 913 1123 981">Urban (Population \geq 2000)</td> <td data-bbox="1123 913 1407 981">2.00 OU/m³</td> </tr> <tr> <td data-bbox="817 981 1123 1014">Population \approx 500</td> <td data-bbox="1123 981 1407 1014">3.00 OU/m³</td> </tr> <tr> <td data-bbox="817 1014 1123 1048">Population \approx 125</td> <td data-bbox="1123 1014 1407 1048">4.0 OU/m³</td> </tr> <tr> <td data-bbox="817 1048 1123 1081">Population \approx 30</td> <td data-bbox="1123 1048 1407 1081">5.0 OU/m³</td> </tr> <tr> <td data-bbox="817 1081 1123 1115">Population \approx 10</td> <td data-bbox="1123 1081 1407 1115">6.0 OU/m³</td> </tr> <tr> <td data-bbox="817 1115 1123 1142">Single residence (\leq 2)</td> <td data-bbox="1123 1115 1407 1142">7.0 OU/m³</td> </tr> </tbody> </table> <p>We determine the population size by looking at the number of households in the surrounding area and using an estimated 3 persons per household as a guide. The Australian Bureau of Statistics (ABS) states there are 3.2 average people per household in Lakesland (ABS, 2016). There is no set distance from a source to a receptor that is required to be considered under the AMMAAP. Therefore we use our judgement based on predicted impacts. Past experience has shown receptors located over 500m from the odour source are unlikely to be impacted. Our reports will generally include one or two receptors at a greater distance than 500m to ensure impacts are not evident in these locations.'</p> <p>The AMMAAP states that: "The detectability of an odour is a sensory property that refers to the theoretical minimum concentration that produces an olfactory response or sensation. As noted in section 1.5, this point is called the 'odour threshold' and defines one odour unit (1 QU). Therefore, an odour criterion of less than 1 OU would</p>	Size of Affected Community	Odour Performance Criteria (Odour Units) (to be complied with for 99.0% of the time)	Urban (Population \geq 2000)	2.00 OU/m ³	Population \approx 500	3.00 OU/m ³	Population \approx 125	4.0 OU/m ³	Population \approx 30	5.0 OU/m ³	Population \approx 10	6.0 OU/m ³	Single residence (\leq 2)	7.0 OU/m ³
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Concern	Comment								
	<p>theoretically result in no odour impact being experienced."</p> <p>In the report, R10 is located at a distance of 690m from your site and R9 is 570m away. For the worst case potential odour from farming chickens, the results indicate an odour of 0.93 OU and 1.14 OU respectively for the worst case scenario at these receptors. Odour from the farm is unlikely to be detected at these locations. Therefore it can be assumed the affected population is within a 570m radius of the farm.</p> <p>For this assessment the closest estimated population was found to be roughly 30. This took into account 14 households within a radius of 570m from the site. It has been advised that at least 2 of these households are currently vacant, therefore, an approximate population of 36 can be assumed. This is closer to 30 than to 125 as shown in the table above. For an estimated affected population of roughly 30 people, the odour assessment criteria is 5.0 OU/m³, which was considered to be applicable for the assessment and is considered to be fair and reasonable.</p> <p>For an accurate calculation of the assessment criterion, the following formula could also be used (also provided as part of the NSW EPA guidelines):</p> <p>Odour Impact Criteria (OU) = $[\log_{10}(\text{population}) - 4.5] / -0.6$</p> <p>The table below shows calculated odour impact criteria for different population sizes.</p> <table border="1" data-bbox="810 1848 1391 2067"> <thead> <tr> <th>Size of Affected Community</th> <th>Odour Assessment Criteria (Odour Units) (based on formula above) – OU/m³</th> </tr> </thead> <tbody> <tr> <td>30</td> <td>5.04 = 5.0</td> </tr> <tr> <td>33</td> <td>4.97 = 5.0</td> </tr> <tr> <td>36</td> <td>4.91 = 4.9</td> </tr> </tbody> </table>	Size of Affected Community	Odour Assessment Criteria (Odour Units) (based on formula above) – OU/m ³	30	5.04 = 5.0	33	4.97 = 5.0	36	4.91 = 4.9
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Concern	Comment										
	<table border="1"> <tr> <td>39</td> <td>4.85 = 4.9</td> </tr> <tr> <td>42</td> <td>4.80 = 4.8</td> </tr> <tr> <td>45</td> <td>4.74 = 4.7</td> </tr> <tr> <td>60</td> <td>4.54 = 4.5</td> </tr> <tr> <td>80</td> <td>4.33 = 4.3</td> </tr> </table> <p>It should be emphasised that all odour results comply for turkeys. The highest result was 4.16 at RU for a worst case scenario.'</p>	39	4.85 = 4.9	42	4.80 = 4.8	45	4.74 = 4.7	60	4.54 = 4.5	80	4.33 = 4.3
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Meteorological reports are grossly inaccurate as the closest weather station at Camden Airport is over 40km away.	<p>The 'Revised Air Quality Impact Assessment' states:</p> <p>'The nearest weather monitoring station within proximity to the subject site is Camden operated by the Bureau of Meteorology. This monitoring station is located approximately 20 kilometres away to the north east of the subject site and was deemed to be too far away to be considered representative of the subject site. As such TAPM (a prognostic air model used to simulate the upper air data) was used to derive the input meteorological data.</p> <p>For the purpose of inclusion in the air dispersion model a meteorological file using 2015 as the base year was generated by Air Quality Professionals Pty Ltd using TAPM as a site-representative meteorological file for use in the assessment.'</p>										
Regular monitoring of air quality, noise levels and weather conditions should occur.	<p>Points made by the Applicant confirm:</p> <p>'The proponent's farm has an Environmental Management System (EMS) and an Environmental Management Plan (EMP) in place for monitoring. Access to the monitoring could be required as a condition of consent, if Council considers this justifiable.'</p>										
Noise devises for trucks and forklifts must be fitted to comply with OH &S work cover.	<p>An acoustic report prepared by Wilkinson Murray dated April 2015 was submitted with the development application. The acoustic report assesses the potential noise emissions of the proposed expansion of the turkey farm and covers day to day shed operations and night time loading activities. The report suggests the noise produced from the overall</p>										

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Concern	Comment
	<p>development is not found to be in breach of the amenity criteria as outlined in Table 2.1 of the Industrial Noise Policy at all residential receivers. The noise from the additional sheds only has one sensitive receptor that will experience an increase in noise levels.</p> <p>Wilkinson Murray further advised in a letter dated 15 June 2017:</p> <p>'The NIA (Noise Impact Assessment envisaged that the proposed new sheds would be used for the production of turkeys. As the project developed the proponent has considered that the sheds could be used for chicken production. As correctly interpreted by Council the change from turkey to chicken would increase the number of batches per year from 2.5 to 5.5. With regard to the noise assessment the proposed change in number of batches per year does not change the noise impacts presented in the NIA, as the modelling scenario was conducted over a 15 minute period. It does however have the implication that the worst case scenario of trucks entering and being loaded occurs more often during the year. Therefore it is considered that the noise impacts presented in the original NIA are still appropriate.'</p> <p>An appropriate condition will satisfactory operational practices and procedures to mitigate and minimise noise occurs. (proposed condition 18 (12))</p>
<p>Mechanical equipment noises can be heard regularly during nights (pick-up of birds and humidity fans utilised during Summer months).</p>	<p>The proposal has been subject to a detailed 'Noise Impact Assessment' report. See comments immediately above.</p>
<p>No night time operations should be allowed except in emergencies.</p>	<p>At its meeting of 17 October 2016 Council approved a modification of consent that allowed night time operations.</p>

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Concern	Comment
<p>Perimeter vegetation screening density should be increased as it does not comply with the Wollondilly DCP as only 1 layer of trees are in place.</p>	<p>Council's DCP 2016 requires 3 rows of vegetation around boundaries.</p> <p>Benbow Environmental have addressed this in the 'Revised Air Quality Impact Assessment':</p> <p>'The farm has added protection which has not been included in the modelled results. This is the benefit that thick vegetation cover around a poultry farm provides in reducing odour levels by up to 40% provided the vegetation cover adheres to an engineering design.</p> <p>The vegetation cover provided at the Springhill Farm is adequate. They may volunteer to include further tree planting but it does not warrant being a condition of consent for this farm.'</p> <p>On the basis of this assessment it would be difficult to justify requiring an additional two (2) rows of landscaping around the boundary.</p> <p>A submission from the owner of 149 Wombat Road stated that in accordance with Council's DCP 2016 requirements three (3) rows of trees should be planted along the common boundary with the poultry farm. This is considered to be unnecessary as there is a substantial amount of vegetation on the northern half of 149 Wombat Road and natural vegetation at least three (3) trees deep present on the poultry farm adjacent to the common boundary.</p>

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Concern	Comment
	 <p data-bbox="810 1440 1406 1809">The following condition is to be recommended in respect of landscaping: '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.'</p> <p data-bbox="810 1843 1406 1872">(proposed condition 12 (2))</p>

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Concern	Comment
<p>Misinformation regarding the future of the poultry farm e.g. keeping of chickens and mental health implications occur as a result of noise and odour emissions.</p>	<p>Specialist studies indicate that noise and odour predicted to be generated by the proposed poultry farm expansion (including potentially farming chickens) would be at acceptable levels adopted in relevant standards and guidelines.</p> <p>Information included in the Applicant's submission makes the point:</p> <p>'When the application was originally submitted to Council, it related to turkeys. During the course of the assessment (in excess of 2 years), the market demands have shifted slightly so that poultry growers need the option to grow chickens in order to remain viable. The amendment of the application to include growing of chickens was a function of the current market demand, and there has been no misinformation provided by the proponent.'</p>
<p>Expansions to existing poultry farms which would make them more viable should not only be approved but should also be encouraged otherwise there would be a higher dependence on imports.</p>	<p>Noted.</p>
<p>Request council to carefully consider this DA in conjunction with the Bartolo DA:</p> <ul style="list-style-type: none"> ▪ Council has not exercised its right to consider the cumulative impact of these 2 applications on issues such as odour and dust. ▪ - Size of farms. 	<p>This matter was addressed in the report submitted to Council on 17 October 2016 as follows:</p> <p>'Council's Senior Environmental Health Officer has advised the following – The EPA specifies in "Technical Notes - Assessment and management of odour from stationary sources in NSW" (2006) that two farms should be considered as one single farm when determining odour impacts if they are "closer than half the shortest separation distance from each broiler farm to the receptor" (pg. 24). If they are further apart, they shall be treated as separate farms.</p>

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Concern	Comment
	<p>The closest receptor to one of the proposed poultry sheds (located at 325 Scroggies Rd) is 45 Treelea Grove at approx. 170m. The farms are further apart than 85 metres (half this distance), therefore in accordance with the Technical Notes, the applications shall be treated as separate farms.</p> <p>There are no other guidelines or recommended separation distances between farms in NSW. The EP&A Regulation (2000) outlines a separation distance of 500 metres be provided between farms, otherwise Designated Development will be triggered. As such it could be prudent to use the 500 metre figure. The two farms are 860 metres away from each other (measured shed to shed) therefore in exceedence of this figure.</p> <p>In both of the separation distances provided above the distance between the two farms exceeds the required distance. As such, there is no legislated guidance to consider these two applications as one separate application.'</p> <p>It is further noted that the Benbow Environmental 'Odour Impact Assessment' dated April 2017 included the following information:</p> <p>'The predicted levels of odour from Springhill could be reduced further by two factors:</p> <p>(1) The farm practices in place at the time of the odour sampling showed around 30% reduction in the odour concentration compared to the odour emission rate used in the modelling.</p> <p>(2) 40% reduction by the vegetation. The predicted levels are therefore higher than what are expected to be experienced.</p> <p>The objectors have rightfully raised the important point of contribution from other poultry farms within the vicinity of Springhill</p>

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	<p>Farm. This is a reasonable expectation. However, it should be noted that in NSW, the assessment of odour emitted from a site is independent of any sources of odour within the vicinity of the site.</p> <p>The contribution from the turkey farm within the vicinity of Springhill would contribute around 0.6 Odour Units without considering the reductions that will be provided by vegetation. When vegetation is considered, the contribution would be expected to be <0.3 Odour Units.'</p>
<p>An Environmental Impact Statement (EIS) should be required.</p>	<p>The proposed development is an addition to an existing development and therefore, in determining whether the proposal is designated development, the Environmental Planning and Assessment Regulation 2000 Schedule 3 Designated Development, Part 2, clauses 35 and 36, apply.</p> <p>Whether the proposal constituted Designated Development was comprehensively addressed in the report submitted to Council on 17 October 2016 under the heading '1.3.1 Provisions of Relevant Environmental Planning Instruments' and sub-heading 'Environmental Planning and Assessment Regulations 2000'.</p> <p>It was and is assessed that the proposed development is not designated and therefore an Environmental Impact Statement is not required.</p>

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<p>The development (as to be modified) is not substantially the same as the development that was originally approved.</p>	<p>This submission appears to be referring to provisions in respect of modifications as outlined in Section 96 of the Environmental Planning and Assessment Act and parts of the Environmental Planning and Assessment Regulations 2000.</p> <p>Council at its 17 October 2016 meeting approved a modification application that allowed night time pick up of birds. It appears that the submitter believes that this approach should not set a precedent and not apply to this application due to the large increase in bird numbers.</p> <p>Night time pick up is about bird welfare. The Noise Impact Assessment prepared by Wilkinson Murray suggests the noise levels will not exceed 40 dB(A) at the property boundary. It is proposed to recommend night time pick up of live birds be permitted subject to appropriate conditions.</p>
<p>Dust is a major concern for all residents in the area ranging from safe tank drinking water collected from rooftops to asthma. It would be negligent of Wollondilly Council not to request subsequent testing of drinking water in the surrounding Lakesland area to determine current risk and future risks associated with the proposed development.</p>	<p>In respect of dust the Benbow Environmental 'Odour Impact Assessment' dated April 2017 states:</p> <p>'Objectors have raised the issue of dust and their drinking water being contaminated. Although dust has not been modelled for this farm, our finding at numerous other poultry farms that have been modelled show that the contribution to existing dust levels is negligible.'</p> <p>Correspondence dated 21 October 2017 from Clear Lake Services submitted by the Applicant advises that in 2014 an examination was to determine if the ground water downstream of the dam wall was a discharge from the dam and to carry out repairs if necessary. It was concluded that:</p> <p>'No tests were made of the ground water, but from my observation of the similarity to the discolouration caused by bore water from</p>

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Concern	Comment
	<p>some bores in the local area, to that of the groundwater and the absence of any evidence of water passing through the dam wall or abnormal compaction of the wall, the water present downstream of the dam wall examined at "Spring Hill" 325 Scroggies Road Lakesland, is likely to be from a natural spring.</p> <p>Clear Lake Services has had experience in construction of earthen wall dams and has carried out successfully examination and repair to a number of leaking dams in the local area over the past 20 years.'</p> <p>Also submitted by the Applicant was correspondence dated 27 October 2017 from Qtech Australia in respect of the quality of drinking water in the tanks on the property located close to the existing poultry sheds:</p> <p>'Qtech Australia Pty Ltd took a sample from the drinking water tank reticulation at 325 Scroggies Rd for the purpose of testing for faecal contamination.</p> <p>The results from the analysis (tested to AS4276.7 by a NATA accredited laboratory) are shown below:</p> <p>Faecal Coliforms: <1 CFU/100mL Escherichia coli: <1 CFU/100mL</p> <p>The above results indicated that neither faecal coliforms nor E.Coli were detected in the sample. The results indicate that the sample complies with the Australia Drinking Water Guidelines and would be suitable for drinking based on these parameters.'</p>

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	A condition requiring a management schedule for the monitoring and maintenance of water quality in the earth dam is to be recommended. Water in the dam will be required to be treated. A further condition will require stormwater to be directed to the dam. (proposed condition 7 (5)).
Drinking water obtained from roof-tops of local houses and stored in tanks for drinking purposes is being affected by faecal matter contamination originating from the turkey farms.	See comments immediately above.
On-site storage of manure.	The existing operation is controlled by the requirements of modified condition 9.3 (modified consent approved 17 October 2016) that states: It would be recommended that this condition be applied to the subject application. (proposed condition 18 (8))
Evidence of run off/seepage adversely impacting (over supply of nutrients) the natural water course to the east.	See comments above in respect of dust being a major concern etc.
Infrastructure (roads) cannot support any further increases in truck traffic.	Comments in respect of this issue provided by the Applicant state: 'It is noted that Council is pursuing a widening to flatten out the bends in Ruddocks Road. The condition of local roads is a matter for Council. The most recent traffic report has been prepared in accordance with the RMS Guidelines and presents the relevant level of assessment for the type and scale of the project. The DA process does not require a dilapidation assessment of surrounding roads prior to the submission and a Road Safety Audit is not required. The report makes reference to the known sight line constraint (S bend in Ruddocks Road), which is planned to be addressed by Council, and the proponent is willing to accept a condition that the increase in birds can only take place following

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Concern	Comment
	<p>the road widening. The report describes the traffic activity associated with the proposal from the time the increase in birds occurs and has established that this level of activity can be accommodated by the road network. In this regard, there is no requirement to provide a comparison with existing use (or the net increase).</p> <p>In relation to the Council's intention to upgrade the existing S bend in Ruddocks Road, I refer to discussions with Council's Director Planning, where it was confirmed that the proponent would be agreeable to a condition along the following lines:</p> <p>“The additional poultry sheds authorized by this consent shall not be used for raising of any poultry until such time as upgrade works are completed by Council of the S bends in Ruddocks Road.’(proposed condition 1 (13))”</p>
<p>Ruddock Road should have a 60km/hr rather than an 80kl/hr speed limit.</p>	<p>There are no proposals to alter the speed limit at this stage. Council's Engineers have not recommended an alteration to speed limits.</p>
<p>The farm could accommodate more than 250,000 birds (on the basis that in the past the farm has exceeded the approved number of turkeys. If chickens that are kept reached 250,000 in number the EPA would need to issue a licence.</p>	<p>Information submitted by the Applicant in response to this issue adequately addresses it as follows:</p> <p>"There has always been some confusion regarding bird numbers in relation to poultry farms in the shire. Many farmers, in their original applications, nominated bird numbers at the end of the cycle rather than the beginning.</p> <p>Following discussions with Council's Director Planning, it has been agreed that the bird numbers to be stated on the application should be the maximum number of birds at placement (commencement of a cycle). This is the point in a cycle where bird numbers are at their highest, always reducing from this point due to thinning out (as birds grow) and mortality.</p>

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	<p>This clarification is important, as there is a clear difference between maximum bird numbers and the time during the cycle when potential impacts are greatest. It has been expressed to me by Council that a maximum bird number is required for the assessment and consent, as it allows a simpler enforcement process by Council. In the past, many development applications have been based on maximum bird numbers at the time in the cycle when potential impacts are greatest, rather than numbers at placement. Alternatively, some applications may have presented a maximum number of birds based on an average between placement and completion of the cycle. Either way, if the maximum bird numbers are based on any criteria other than the number at placement (commencement of a cycle), then the number will be incorrect and breaches of that maximum number are likely to occur for a short period during the cycle.</p> <p>In order to avoid this conflict, the air quality report ('Benbow report') and the traffic report are now based on maximum bird numbers at placement, which are as follows:</p> <ul style="list-style-type: none"> ▪ Turkeys - 126,000 birds at placement (10,500 birds per shed) ▪ Chickens - 240,000 birds at placement (20,000 birds per shed) <p>As noted, as the cycle progresses, the total bird numbers will always reduce from the 'at placement' number.</p> <p>It has been discussed with Council now on several occasions that bird density is generally controlled by both the grower and the processor on the basis of bird density not exceeding 46kgs/sqm for turkeys and 28 - 30kgs/sqm for chickens (depending on the provision of cooling systems and ventilation fans). This maximum density is maintained by taking an average bird weight on a weekly</p>

Growth

Sustainable and Balanced Growth
 Report to the Extra Ordinary Meeting of Council held on Monday 26 February 2018

**GR2 – Development Application No. 010.2015.00000292.001 – 325
 Scroggies Road, Lakesland**

Concern	Comment
	<p>basis and calculating based on shed floor space. When the density approaches the maximum due to bird growth during a cycle, the processor thins out the numbers to reduce the density, therefore maintaining compliance with the aforementioned maximum densities.</p> <p>In order to appropriately manage the maximum numbers and bird densities, the following condition is proposed for Councils consideration:</p> <p>The maximum number of birds permitted by this consent at any one time is as follows.</p> <ul style="list-style-type: none"> ▪ Turkeys - 126,000 at placement (commencement of a growing cycle) ▪ Chickens - 240,000 at placement (commencement of a growing cycle) <p>Notwithstanding the above, at no time during any growing cycle is the bird density to exceed the following:</p> <ul style="list-style-type: none"> ▪ Turkeys - 46kgs/sqm ▪ Chickens - 30kgs/sqm <p>The grower shall document the average weight and density calculations and provide these documents to Council if requested.</p> <p>The raising of a combination of turkeys and chickens in a single growing cycle across the whole farm is not permitted.</p> <p>Consent conditions (proposed condition 18 (1)) along these lines will provide certainty to the poultry grower and also make it simpler for Council to check compliance. If an approval is issued then the maximum number of birds permitted, both turkeys and chickens, would be stated in the consent</p>
<p>The proposed sheds are to be positioned less than 150m from an already approved dwelling at 25 Treelea Grove</p>	<p>A plan submitted with the response from the Applicant received on 30 October 2017 indicates that the setback to any dwelling at 25 Treelea Grove would exceed 150m</p>

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Concern	Comment
Lakesland which contradicts the Wollondilly DCP minimum setback/separation distances. 25 Treelea Grove is listed as being 210m from the proposed sheds when in fact it is 147m from the proposed sheds.	although it is acknowledged that the setback to the nearest western boundary of that lot would be less than 150m. Using the measuring tools on 'Nearmap' confirms that any dwelling at 25 Treelea Grove would be located further than DCP 2016 requirement of 150m from the nearest poultry shed. This provision meets the DCP 2016 requirements.
Construction of the additional sheds would lead to increased traffic and dust problems over an extended period as the works are proposed to be staged.	Conditions of consent are recommended in respect of consultation with neighbours during construction, restrictions on construction working hours, dust control and erosion and sediment control.
Poultry farms affecting lifestyles and investments will grow in value at the expense of all neighbouring and local properties.	No evidence has been provided to demonstrate impacts on values. The land is zoned for agricultural purposes and intensive livestock agriculture is permitted with consent. Comments from the Applicant make the following valid observations: 'The RU1 Primary Production zone objectives prioritise primary production over rural residential development. Property values are not a head of consideration pursuant to S79C EPA Act.'

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1.7 THE PUBLIC INTEREST

The proposal is permissible with development consent and is generally consistent with relevant environmental planning policies including Wollondilly Local Environmental Plan 2011 and development guidelines such as Wollondilly Development Control Plan 2016.

Predicted noise levels for typical and worst case operational scenarios would meet the NSW Industrial Noise Policy intrusive noise criteria at all residential receivers.

With regard to air quality, specialist reports predict that in all scenarios, whether chickens or turkeys, there would be no exceedence of the recommended 5.0 OU noise criterion in the NSW EPA Approved Methods for the Modelling and Assessment of Air Pollutants in New South Wales at any of the 16 sensitive receivers.

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An updated Traffic Impact Assessment, concluded that maximum traffic activity in any single day or week would remain similar to peak traffic activity that already occurs within a day or week. Therefore no notable changes are anticipated to result to the local traffic conditions and patterns. Trucks would continue to use the state road network in accordance with the relevant NSW regulations, and limited use of local roads, primarily being Ruddocks Road and Fergusson Road would occur.

FINANCIAL IMPLICATIONS

Funding has been allocated for road works to improve the alignment of the S bend along Ruddocks Road.

The developer contributions are payable at a time prior to the issue of a Construction Certificate.

RECOMMENDATION

That Development Application No. 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 approved subject to the following deferred commencement conditions:

DEFERRED COMMENCEMENT CONDITIONS

This consent will become valid and may be acted upon subject to meeting the following requirements:

- (i) The planned upgrade of Ruddocks Road, Lakesland being completed to a satisfactory standard determined by Council.

NOTE:

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

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

OPERATIONAL CONDITIONS:

1. COMPLIANCE

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

All Stages

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

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

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

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

(3) The development shall be staged as follows:

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

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

(4) Unless permitted by other conditions of this consent, there shall be no tree clearing unless the vegetation is:

- (a) Within the footprint of an approved building, internal access road or other works required for soil and water management and alterations to the existing earth dam;
- (b) Within three (3) metres of the footprint of an approved building, or

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- (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.
- (5) Development shall take place in accordance with the recommendations of the following reports:
- Acoustic report prepared by Wilkinson Murray Pty Ltd, Report No.15074 (Version A), dated 13 April 2015
 - 'Revised Odour Impact Assessment' prepared by Benbow Environmental, Report No - 161191-02_AQIA_Rev2 August 2017 (Released: 10 August 2017)
 - 'Planning Report' prepared by Precise Planning, Reference 1354, Dated April 2015 (as Amended)
 - 'Traffic Impact Assessment' prepared by Parking and Traffic Consultants, dated 27 July 2017
 - Flora and Fauna Assessment prepared by Woodland Environmental Management, dated 27 February 2015.
- (6) In the event of any inconsistency of detail between the relevant plans and elevations the details in the elevations shall take precedent.
- (7) This consent does not grant any approval for the removal of any vegetation beyond that indicated on the endorsed site plan. All existing vegetation clear of the proposed works is to be retained and protected.
- (8) Prior to the issue of any Construction Certificate, a Farm Management Plan is to be submitted to Council or a nominated Accredited Certifier for approval, to minimise offensive odour and noise generation. The Farm Management Plan shall include the following:
- (a) All feeding systems, including feed lines, feeder trays and feeder pans must be maintained to ensure there is minimal spillage on the litter.
 - (b) The moisture content of the poultry litter within the sheds shall be monitored and maintained between 15 to 30% to avoid odour generation.
 - (c) All feed shall be stored in silos and or sealed containers.
 - (d) All sheds must be cleaned and disinfected after each batch. Clean out shall not be undertaken when climate factors (wind and temperature) increase the likelihood of offensive off site odour or dust impacts.

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- (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.

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

Dead birds will be removed from the sheds daily and stored in a freezer, within 24 hours of death.

A contingency plan will be developed for the disposal of birds from mass mortalities such as endemic disease, heat stress or exotic disease.

All containers used for collecting dead birds will be washed and disinfected before being returned to the production area.

- (i) Vermin and pest management.
- (9) No consent is granted or implied for any expansion of the capacity of the existing earth dam.

This earth dam shall only be used for the capture, containment and re-use of stormwater and water runoff from the sheds and ancillary vehicle movement areas as indicated on the plan titled "Management Dam, Stormwater Cycle and Sediment Control for proposed Poultry Farm".

- (10) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (11) A Building Certificate issued under Section 149D of the Environmental Planning & Assessment Act 1979 shall be provided to Council within three (3) months of the date of this consent for the extensions to Sheds 5 and 6 the subject of this consent.

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- (12) Where any construction work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or construction-related traffic the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the anticipated timing and duration of such works. The land owner has the ultimate responsibility for ensuring anyone undertaking construction works in accordance with this consent is aware of this requirement and completes required construction work in accordance with this consent and this condition in particular.

2. BUILDING DESIGN

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

Stages 2 & 3

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

3. CONSTRUCTION GENERAL

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

Stages 2 and 3

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8:00am and 1:00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.

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- (3) Excavated and filled areas adjacent to a building shall be retained, stabilised and drained to prevent the subsidence of the excavation or fill and/or the entry of surface water to the building. Where a retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved prior to the issue of a Construction Certificate. Where the height of any retaining wall exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.
- (4) Toilet facilities are to be provided at or in the vicinity of the work site on which to approved work is being carried out at the rate of one (1) toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be installed prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

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

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

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

- (5) The approved development shall not interfere with the existing sewage disposal system.
- (6) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate.

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

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

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

4. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

Stages 2 & 3

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans for the proposed all weather gravel access and stormwater drainage shall be submitted to Council or the nominated Accredited Certifier. The plans must be approved prior to the issue of a Building Construction Certificate for any works associated with this development. Design parameters shall comply with the requirements of Council's Design Specifications.

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- (3) A “Soil and Water Management Plan” (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council or a nominated Accredited Certifier. The measures shall be in accordance with Council’s Construction Specification and the guideline “Soils and Construction – Managing Urban Stormwater”, 1st edition (the “Blue Book”) published by Landcom March 2004. The plan is to be approved by Council or the Accredited Certifier with the Engineering Plans.
- (4) Soil and Water Management Plans shall be submitted reflecting the works associated with each stage of construction for multistage developments.
- (5) Engineer’s Certification shall be provided to Council or the nominated Accredited Certifier for all civil works carried out within the private property prior to any occupation of the development or the issue of any Occupation Certificate.

5. PUBLIC ROADS

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

Stages 2 & 3

- (1) All work required to be carried out within a public road reserve must be separately approved by Council’s Infrastructure Planning Section, under Section 138 of the Roads Act 1993.
- (2) Engineering plans for any required work within the public road must be prepared by a suitably qualified professional in accordance with Council’s Design and Construction Specifications. These plans must be submitted to Council with the Section 138 Application for approval prior to the issue of the Building Construction Certificate. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans and 138 Consent Certificate.
- (3) In accordance with the Traffic Impact Assessment prepared by Parking and Traffic Consultants dated 27 July 2017, all truck movements for bird pick-up, shed clean-out and grain delivery shall be restricted to the defined transport routes (see Figure 2, 3 and 4 of the Traffic Impact Assessment). For bird pick-ups, vehicles travelling from Tahmoor to the subject site shall utilise Route B via Remembrance Drive and Barkers Lodge Road. Vehicles laden with birds travelling from the subject site to Tahmoor shall use Route A via Lakesland Road.

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

- (4) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council for Public Roads works. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's Construction Specification for all work that is to become the property of Council.
- (5) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at that person's expense.
- (6) For the use of Lakesland Road, the following upgrading work is required for improved road safety.

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

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

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

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

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6. ACCESS

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

Stages 2 & 3

- (1) Provision of all-weather gravel access as shown on the endorsed plan prepared by Sydney Registered Surveyors (Sheet No. 1 of 1, Reference No. 2306 SCROGGIES, Amendment D, dated 23/06/2015). Details of this shall be shown on the engineering plans for approval by Council or the nominated Accredited Certifier prior to the issue of the Building Construction Certificate.

7. DRAINAGE/STORMWATER

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

Stages 2 & 3

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) All drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and relevant Australian Standard AS3500 except where otherwise provided in the Local Government Act, 1993 or the Local Government (General) Regulation, 2005.
- (3) All stormwater, roof and/or surface runoff must be directed to drain to the existing on-site earth dam located to the east of the new sheds and outside the drinking water catchment as shown on the plans titled "Management Dam, Stormwater Cycle & Sediment Control for Proposed Poultry Farm Development" prepared by Technibuild Consulting.
- (4) Prior to the issue of any Occupation Certificate, all exposed and disturbed areas of earth and all existing and proposed drainage swales and all areas surrounding and between the sheds which are not used for all-weather vehicle access shall be seeded and grassed. Such areas shall be maintained with grass cover for the life of the development.

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- (5) Stormwater runoff and water from the earth dam shall, where practical, be re-used on site. Such water shall be treated to remove sediment and nutrient before re-use. A management schedule for the maintenance of water quality in the earth dam is to be included in the Farm Management Plan to be approved prior to the issue of any Construction Certificate.

8. EROSION AND SEDIMENT CONTROL

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

All Stages

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion of the works.
- (2) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.
- (3) Erosion and sediment control devices are to be installed prior to any construction activity on site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (4) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (5) The installation of the erosion and sediment control devices identified on the approved Soil and Water Management Plan shall be completed prior to the commencement of any construction or site works. These devices are to be maintained in working order so as to prevent the discharge of silt into the local catchment.
- (6) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (7) All excess material shall be removed from the site. The spreading or stockpiling of materials in excess of the approved site works is not permitted.

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9. EARTH FILL

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

Stages 2 & 3

- (1) All filling on the site shall be compacted to not less than 95% Standard Compaction. A report on the site filling compaction is to be submitted in accordance with Wollondilly Shire Council's Design and Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the completed development indicating the areas subject to fill and the depth of fill in relation to the site boundaries.
- (2) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (3) Notice shall be provided to Council a minimum two (2) business days prior to the commencement of land filling operations and within two (2) business days of the completion of filling works.
- (4) Surface stormwater shall be controlled in such a manner that there is no significant alteration to existing flows onto adjoining properties during and on completion of construction.
- (5) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Primary Industries – Water.
- (6) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (7) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination, the fill shall not be used or emplaced on the site. If the fill has been placed on the site, all filling works shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.
- (8) All fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of Council.

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

10. INSPECTIONS

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

Stages 2 &3

- (1) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:

Footings and pier holes before pouring of concrete
Completion of the building work before occupation or use.

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

Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented.

When roadworks have been excavated to subgrade
Prior to placement of base pavement layer
Prior to bitumen sealing
At practical completion of works.

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

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

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11. SERVICES

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

Stages 2 & 3

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

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

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

12. LANDSCAPING

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

All Stages

- (1) The development shall be undertaken in accordance with the provisions Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 (DCP 2011). Under these provisions a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree or vegetation without a permit unless it is exempted under WLEP 2011 or DCP 2011.
- (2) Any existing dead or dying tree within the existing landscaped buffers to the site boundaries are to be replaced with a similar or same native species endemic to the area. The species should consist of a low and a high canopy and have slender leaves to trap dust. Landscaped buffers are to be maintained to all site boundaries for the life of the development.

Stages 2 &3

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

13. VEGETATION MANAGEMENT

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

All Stages

- (1) The existing remnant vegetation in the southern portion of the site is to be retained and protected. No works are to be undertaken within a 5 metre radius of the drip zone of the tree(s) which comprise this vegetation identified for retention.
- (2) Effluent disposal shall not to be undertaken within a 5 metre radius of the drip zone of the remnant vegetation to be retained and protected.

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- (3) Solid or liquid waste materials shall not be deposited in the area containing the remnant vegetation to be retained and protected.
- (4) No stock shall be permitted in the vegetated area identified for protection and management. Stock proof fencing shall be installed to the perimeter of the area for vegetation protection prior to the issue of any Occupation Certificate and shall be maintained in good order for the life of the development.
- (5) During construction no native trees are to be cut down, lopped, destroyed or removed. Any further clearing must be approved either through Council or through the Local Land Services through a Property Vegetation Plan.

14. WEED MANAGEMENT

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

Stages 2 & 3

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to Council or a nominated Accredited Certifier for approval prior to the release of any Construction Certificate and shall include:
 - (a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (i.e., low, medium, high);
 - (b) A treatment schedule in tabulated form, specifying for each species:
 - (i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
 - (ii) The rates of application methods of all herbicide treatments;
 - (iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
 - (iv) The timing of treatments.
 - (c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site;
 - (d) Details of any methods of disposal of weed material.

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

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

15. HERITAGE

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

All Stages

- (1) Should any historical relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.
- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

16. SIGNS

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

All Stages

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

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17. WASTE MANAGEMENT

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

All Stages

- (1) A Waste Management Plan is to be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of any Construction Certificate. The Waste Management Plan is to be prepared in accordance with the provisions of Council's Waste Minimisation and Management Guidelines and is to include both the construction and post-construction phases of the development.
- (2) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan approved by Council or a nominated Accredited Certifier in response to Condition 18(1) above.

18. OCCUPATION AND USE

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

All Stages

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

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

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

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- (c) The raising of a combination of turkeys and chickens in a single growing cycle across the whole farm is not permitted.
- (2) Clean out of the sheds and maintenance operations shall be between 7:00am and 8:00pm weekdays and 7:00am to 4:00pm Saturdays only.
- (3) Except in emergency circumstances where the welfare of the birds is at risk, all poultry industry related truck movements not associated with the movement of live birds are to be between 7:00am and 8:00pm weekdays and 7:00am to 4:00pm Saturdays only.
- (4) Except where required under relevant Work Health and Safety law machinery, equipment, forklifts etc. that have beeping reversing alarms must not be used after 6:00pm.
- (5) Truck engines and headlights are to be turned off during bird pick up operations unless entering or leaving the premises.
- (6) Staff, contractors, sub-contractors and the like under the direct control of the grower must abide by a Code of Conduct Agreement with the poultry grower to ensure noise mitigation measures are adhered to when working onsite and travelling along surrounding roads.
- (7) All sheds, mechanical equipment, fans, foggers and feed systems must be maintained to minimise the generation of mechanical noise and the likelihood of off-site vibration.
- (8) Poultry manure or spent litter must not be retained or stockpiled on the property at any time. This condition does not apply to manure or litter that:
- Is reused on site within 28 days of being collected; and
 - Is used as part of another lawful agricultural activity; and
 - Is stored under a waterproof cover at least 50 metres from the property -boundaries; and is stored in accordance with all applicable guidelines of the NSW Department of Primary Industries.
 - the application rate be no more than 10m³ per hectare.
- (9) The person having the benefit of this consent is advised that Council reserves the right to restrict the days and hours of operation of specific activities if considered necessary to prevent the emission of an “offensive noise” or an “offensive odour” as defined in the Protection of the Environment Operations Act, 1997.

Offensive Noise means noise:

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

Offensive Odour means an odour:

- (a) That, by reason of its strength, nature, duration, character or quality or the time at which it is emitted or any other circumstances;
 - (i) Is harmful to (or likely to be harmful to) a person who is outside the premises from which it is emitted; or
 - (ii) Interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
 - (b) That is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.
- (10) The poultry sheds shall not be used for habitable purposes.
 - (11) The premises shall be maintained in a clean and tidy state at all times.
 - (12) The proposed sheds (Sheds 7 – 12) shall not be used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
 - (13) The extensions to sheds 5 and 6 shall not be used until a Building Certificate is issued by Council.
 - (14) All lighting on the site shall be installed and directed to ensure there are no impacts or nuisances on neighbouring properties or public roads.
 - (15) The farm owners/operators are to undertake regular monitoring of air quality, noise levels weather conditions and water quality in the dam and provide the methodology and results of that monitoring annually to Council.
 - (16) The farm owners/operators are to keep records of complaints made to them regarding operational matters and any actions taken to resolve them and provide the details to Council annually.

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

ADVISORY NOTE:

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

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

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

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

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19. SECTION 94A CONTRIBUTIONS

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

Stages 2 & 3

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

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

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

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

All Stages

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

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

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

21. ERECTION OF SIGNS

For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

- (1) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (2) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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- (3) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (5) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

22. WATER NSW

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

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

23. RURAL FIRE SERVICE

Asset Protection Zones

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

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

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Water and Utilities

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

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

ADVICES

- (1) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc. that require alterations shall be altered at the applicant's expense and to the satisfaction of Council and the authority concerned.
- (2) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (3) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

Motor Vehicle Insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.

- Workers Compensation Insurance
 - Twenty Million Dollar Public Liability Insurance.
- (4) The following service providers should be contacted before commencement of construction to establish their requirements:
 - Dial before you dig (various services) 1100.

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- (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.

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Relevance to Community Strategic Plan

EFFICIENT AND EFFECTIVE COUNCIL

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

EC1 - Second Quarterly Review of 2017/18 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2017

EC1

Second Quarterly Review of 2017/18 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2017
234777 TRIM 4960-10

EXECUTIVE SUMMARY

- The purpose of this report is to provide information on the Second Quarterly Review of 2017/18 Operational Plan including the Quarterly Budget Review Statement for the period ending 31 December 2017.
- Council resolved at its February 2018 meeting to defer this matter to this Extra Ordinary meeting for consideration.
- The document reports detailed information on Council's activities, actions and projects as at 31 December 2017 as well as the quarterly works program review and financial performance of Council for the second quarter of the 2017/18 financial year.
- It is recommended that the information provided in this report be received and that the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 31 December 2017 and proposed adjustments to the 2017/18 budget estimates, be adopted.
- A current list of projects comprising the Capital Works Program was tabled for information purposes on 19 February 2018.

REPORT

The Quarterly Review reports on progress in respect of the principle activities and actions detailed in the Delivery Program and Operational Plan as at 31 December 2017. The review also includes progress and highlights for a number of focus areas for the quarter.

The Quarterly Review also reports on Council's progress and outcomes from the Draft Capital Project program 2017/18, including a summary of funding from the special rate variation.

The Quarterly Review document includes Council's Quarterly Budget Review statement which measures Council's financial health as we progress through the year. It needs to adequately disclose Council's overall financial position and provide sufficient information to enable Councillors to make informed and transparent decisions. It is also a means by which Councillors can ensure that Council remains on track to meet its objectives, targets and outcomes as set out in the Delivery Program and Operational Plan.

EC1 - Second Quarterly Review of 2017/18 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2017

The Office of Local Government has prescribed that the Quarterly Budget Review Statement includes (as a minimum) the following components:

- Statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the review documents.
- Income & Expenses Statement, showing the original and revised budgets, along with any changes proposed in the current Quarterly Review. Actual income & expenditure to date is also required to be shown.
- Explanation for material variations between the revised budget and projected year end result and likely impacts of the variation.
- Capital Budget, also showing the original and revised budgets, along with any changes proposed in the current Quarterly Review. Actual income and expenditure to date is also required to be shown.
- Explanation for variations between the revised capital budget and projected year end result and likely impacts of the variation.
- Cash and investments position.
- Key Performance Indicators.
- Contracts entered into during the quarter (>\$50,000).
- Expenditure to date for Consultancies and external Legal Fees.

Collectively, these documents form the Quarterly Budget Review Statement (QBRS).

Clause 203 (1) of the Local Government (General) Regulation 2005 requires a Quarterly Budget Review Statement to be submitted to Council within two months after the end of each quarter (except the June quarter).

This is the second Quarterly Review of Council's 2017/18 Operational Plan, which in turn contributes to the delivery of Council's four (4) year Delivery Program and the twenty (20) year Community Strategic Plan. In accordance with the Local Government Act 1993, the document, including the Quarterly Budget Review Statement (QBRS) for the period ending 31 December 2017 is presented for Council's consideration.

The Quarterly Review document (including the QBRS) provides a comprehensive report on all of Council's services. It provides transparency and accountability to Council and the Community on the delivery of Council's annual program of operational activities and capital projects.

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EC1 - Second Quarterly Review of 2017/18 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2017

CONSULTATION

All members of the Executive and Senior Management have had input into the production of this review. The Quarterly Review including the Quarterly Budget Review Statement is an internally produced document that reports the progress of the 2017/18 Operational Plan. Therefore, in the preparation of this document there was no need for public consultation.

Copies of the Quarterly Review document were available at the Community Forum on Monday 12 February 2018.

FINANCIAL IMPLICATIONS

The QBRS provides Council and the Community with information in relation to Council's projected financial position. Having regard to the projected budget estimates and the original budget, Council's financial position is considered to be satisfactory.

For the 2017/18 financial year, Council originally adopted a balanced working funds position. Budgetary adjustments identified during the second quarter have enabled Council to maintain its available working funds at a balanced position. Details of the proposed budget variations for the second quarter of the 2017/18 financial year are provided in the Quarterly Budget Review Statement for the period ending 31 December 2017 (provided under separate cover).

The Quarterly Budget Review Statement for the period ending 31 December 2017 indicates that Council is progressing well in meeting the objectives contained within the 2017/18 Operational Plan.

A copy of the Quarterly Review document (including the QBRS) will be placed on Council's website.

ATTACHMENTS

1. The Quarterly Review including the Quarterly Budget Review Statement for the period ending 31 December 2017 is provided under separate cover.
2. Current list of projects comprising the Capital Works Program (as tabled on 19 February 2018).

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EC1 - Second Quarterly Review of 2017/18 Operational Plan including the Quarterly Budget Review Statement for period ended 31 December 2017

RECOMMENDATION

1. That the Quarterly Review, including the Quarterly Budget Review Statement for the period ending 31 December 2017 and proposed adjustments to the 2017/18 budget estimates, be adopted.
2. That the information provided in the tabled "Current List of Projects Comprising the Capital Works Program" be noted.

2017/18 Capital Works Program - Project Listing as at December Quarterly Review

Program / Project	Expenditure to 31 Dec 2017	Revised Draft Budget (Dec)	Funding			
			SRV Revenue	Other Revenue	Grants & Contributions	Restricted Cash
Pavement Renewal Program						
Menangle Road Razorback	7,048	7,500	0	7,500	0	0
Remembrance Drive Tahmoor	946,347	972,000	972,000	0	0	0
Bargo River Road Tahmoor	76,374	85,000	85,000	0	0	0
Finns Road Menangle	5,536	781,980	604,000	86,000	0	91,980
Mt Hercules Road Razorback	6,474	300,000	300,000	0	0	0
Silverdale Road Silverdale	12,334	800,000	490,000	0	310,000	0
Camden Street Wilton	63,831	184,000	184,000	0	0	0
Argyle Street Picton	130,658	140,000	140,000	0	0	0
Thirlmere Way - west of Stonequarry roundabout	84,532	110,000	110,000	0	0	0
Mary McKillop Lane	76,489	80,000	80,000	0	0	0
Douglas Park Drive Douglas Park	16,935	100,000	0	100,000	0	0
Remembrance Drive Razorback - landslip	0	50,000	0	50,000	0	0
Prince Street Bridge - approach	0	10,000	0	10,000	0	0
Prince Street Bridge - approach embankment monitoring	1,520	30,000	0	30,000	0	0
Moreton Park Road - landslip rectification	57,980	110,000	0	0	110,000	0
Blaxland Crossing Bridge, Wallacia	111,104	1,153,742	67,750	310,700	620,744	154,548
Rockford Road Bridge - batter restoration (re 5/6/16 storm damage)	0	46,000	0	0	46,000	0
Broughton Pass Bridge - embankment restoration	361,905	472,870	0	0	472,870	0
Cedar Creek Bridge (Matthews Creek) replacement	0	76,500	0	76,500	0	0
Werombi Road Brownlow Hill	519,881	645,000	645,000	0	0	0
Spring Creek Road	441,892	650,000	650,000	0	0	0
Mayfarm Road Mt Hunter	70,936	885,807	0	0	885,807	0
Old Razorback Road Razorback	8,766	10,000	10,000	0	0	0
Fairleys Road Picton	373,528	415,000	0	415,000	0	0
Avon Dam Road Bargo	141,394	716,300	0	716,300	0	0
Burns Road Thirlmere	150,543	150,543	0	0	0	150,543
Arina Road - Bargo Road to Bidewell Street	66,609	66,609	0	0	0	66,609
Menangle Road / Camden Road Intersection, Douglas Park	356,840	356,840	0	0	0	356,840
Montpelier Drive - (Dairy Corner) The Oaks	16,600	16,600	0	0	0	16,600
Bents Basin Road - rehabilitation of road shoulders	12,792	12,792	0	0	0	12,792
Thirlmere Way	52,391	53,000	53,000	0	0	0
Remembrance Drive pavement works with Black Spot	9,900	275,000	275,000	0	0	0
Remembrance Drive Truck Rest to Donalds Range Road - heavy patch	24,519	37,128	37,128	0	0	0
Silverdale Road Silverdale - heavy patch	897	3,747	3,747	0	0	0
Montpelier Drive The Oaks (Near Strathmore Road) - heavy patch	1,073	85,000	85,000	0	0	0
Montpelier Drive The Oaks (near Victoria Park Road) - heavy patch	1,073	75,000	75,000	0	0	0
Heavy patching program	0	102,525	102,525	0	0	0
Other Minor Projects	9,305	4,136	2,850	0	0	1,286
Pavement Renewal Program Total	4,218,005	10,070,619	4,972,000	1,802,000	2,445,421	851,198
Road Upgrade Program						
Montpelier Drive - Evelyns Range Road / Victoria Park Road	23,840	490,000	0	0	490,000	0
Montpelier Drive - Strathmore Road	27,320	753,125	0	0	753,125	0
Remembrance Drive - Picton to Razorback	0	636,500	0	0	636,500	0
Picton traffic feasibility study	0	90,000	0	0	90,000	0
Walton Street lighting	0	10,000	0	0	10,000	0
Progress Street pedestrian refuge	0	5,000	0	0	0	5,000
Road Upgrade Program Total	51,160	1,984,625	0	0	1,979,625	5,000
Kerb & Gutter (New)						
Goodlet Street - east side from existing to Mason Street	12,793	250,000	250,000	0	0	0
2054 Silverdale Road Silverdale	25,019	25,019	0	0	0	25,019
Kerb & Gutter Program (New) Total	37,812	275,019	250,000	0	0	25,019
Kerb & Gutter (Renewal)						
Camden Road Douglas Park - outside shops	23,620	38,500	0	38,500	0	0
Argyle Street Picton - outside Sportswear	10,000	50,000	50,000	0	0	0
Argyle Street Picton - outside IGA	6,265	14,000	14,000	0	0	0
Menangle Street Picton (at Library) - replace layback with kerb & gutter	6,806	8,000	8,000	0	0	0
John Street The Oaks - near Post Office	0	28,000	28,000	0	0	0
Station Street Douglas Park - outside No.4	0	76,500	0	36,500	0	40,000
Abelia Street Tahmoor (Mines Subsidence Board)	602,747	672,000	0	0	672,000	0
Marsh Street Silverdale - minor work	22,619	22,619	0	0	0	22,619
York Street Tahmoor	945	945	0	0	0	945
Kerb & Gutter Program (Renewal) Total	673,003	910,564	100,000	75,000	672,000	63,564
Footpath & Cycleways (New)						
Montpelier Drive - Edward Street to Glendiver Road	206,314	211,137	68,982	0	0	142,155
Goodlet Street Thirlmere - along side Primary School	4,000	29,680	29,680	0	0	0
315 Remembrance Drive Camden Park	4,000	0	0	0	0	0
1480 Burraborang Road Oakdale	36,817	37,542	37,542	0	0	0
Bingara Gorge Car Park - hard stand area	13,296	13,296	13,296	0	0	0
Footpath & Cycleway Program (New) Total	264,427	291,655	149,500	0	0	142,155
Footpath & Cycleways (Renewal)						
Fourteenth Street Warragamba	14,932	15,000	15,000	0	0	0
Botanic Gardens - replace gravel path with concrete	108,451	112,500	70,000	42,500	0	0
Bell Street Thirlmere	69,898	71,000	12,500	58,500	0	0
Yanderra / Bargo Cycleway	62,314	63,000	28,000	35,000	0	0
Heathcote Street / Prince Street Picton	6,718	15,000	15,000	0	0	0
Webster Street Picton - near creek	964	10,000	10,000	0	0	0
Footpath & Cycleway Program (Renewal) Total	263,278	286,500	150,500	136,000	0	0
Public Transport Facilities (New)						
Bus Stop signage program	0	8,063	0	0	0	8,063
Emmett Street Tahmoor - new bus shelter	2,727	15,000	0	15,000	0	0
Public Transport Facilities Program Total	2,727	23,063	0	15,000	0	8,063

Program / Project	Expenditure to 31 Dec 2017	Revised Draft Budget (Dec)	SRV Revenue	Other Revenue	Grants & Contributions	Restricted Cash
Traffic Facilities (New)						
Richardson Road & Cedar Creek Road Thirlmere - guardrail	50,656	50,656	50,656	0	0	0
Rockford Road Tahmoor - guardrail	8,430	8,430	8,430	0	0	0
Mt Hercules Road Razorback causeway - guardrail	0	18,000	18,000	0	0	0
Remembrance Drive Bargo - guardrail	0	10,596	10,596	0	0	0
Glendiver Road The Oaks - guardrail	0	24,352	24,352	0	0	0
Mt Hercules Road Razorback - guardrail	24,248	24,248	24,248	0	0	0
Douglas Park School - pedestrian refuge	47,532	60,718	13,718	0	40,633	6,367
Traffic Facilities (New) Program Total	130,866	197,000	150,000	0	40,633	6,367
Traffic Facilities (Renewal)						
Remembrance Drive Bargo - south of Bargo River Bridge	0	12,500	0	0	0	12,500
Remembrance Drive Bargo - guardrail from Carooloa Rd	50,656	50,656	0	0	0	50,656
Silverdale Road Wallacia - replace fence with guardrail	0	15,000	0	0	0	15,000
Stonequarry Ck Bridge - replacement of handrails	61,201	61,201	0	0	0	61,201
Traffic Facilities (Renewal) Program Total	111,857	139,357	0	0	0	139,357
Open Space Projects (New)						
Wilton Sportsground	31,432	100,000	0	0	100,000	0
Picton Sportsground bridge & linkages	179,605	265,000	0	0	0	265,000
Warragamba Civic Park - inclusive play space	22,531	100,000	0	0	100,000	0
Peppercorn Park Mount Hunter - upgrade and maintenance to playground	33,040	33,040	0	0	33,040	0
Bargo Skate Park - new shelter and maintenance to skate facility	5,853	5,853	0	0	5,853	0
New RV friendly site at Warragamba	11,511	40,000	0	0	0	40,000
Water Filter Stations	0	25,000	0	0	0	25,000
Various developer contribution funded projects	6,803	165,723	0	0	165,723	0
Open Space (New) Program Total	290,774	734,616	0	0	404,616	330,000
Open Space Projects (Renewal)						
Thirlmere Sportsground - upgrade drainage & pathway	41,463	70,000	70,000	0	0	0
Bargo Sportsground - demolish & replace storage shed	57,137	60,000	0	0	0	60,000
Tahmoor Sportsground - pump track construction	26,729	27,000	14,000	0	0	13,000
Botanic Gardens - replacement of shelter	16,227	16,227	16,227	0	0	0
Menangle - replacement of park shelter	6,092	7,000	7,000	0	0	0
Waterboard Oval Warragamba - replacement of sprinkler system	0	30,000	30,000	0	0	0
Picton Botanic Gardens - hard stand area	16,490	16,490	16,490	0	0	0
Cubbitch Barta Reserve Bridgewater - repair or replace pedestrian bridges	61,676	100,000	100,000	0	0	0
RSL Park Picton - footpath reconstruction	6,960	7,000	7,000	0	0	0
Hume Oval Car Park	0	8,000	8,000	0	0	0
Other Renewal Projects - to be advised	0	81,283	81,283	0	0	0
Open Space (Renewal) Program Total	232,774	423,000	350,000	0	0	73,000
Building Program (New)						
Antill Park - fire sprinkler system	268,405	317,876	0	0	0	317,876
Other Minor Projects	0	1,580	0	0	0	1,580
Building (New) Program Total	268,405	319,456	0	0	0	319,456
Building Program (Renewal)						
Thirlmere Memorial Park - amenities replacement and upgrade	4,512	140,000	110,000	0	30,000	0
Appin Park - amenities replacement and upgrade	1,902	165,000	0	0	165,000	0
Bargo Sportsground - amenities renewal and upgrade	12,779	130,000	26,000	0	104,000	0
Shire Hall - renovations for Tourism office	18,448	18,448	0	0	0	18,448
Wollondilly Leisure Centre - upgrade pool chlorination system	22,100	22,100	22,100	0	0	0
Administration Building - new carpet	23,387	24,169	24,169	0	0	0
Willis Park - clubhouse upgrade	1,696	10,000	10,000	0	0	0
Shire Hall - fire safety upgrade	0	15,000	0	15,000	0	0
Family Day Care Office - fire safety upgrade	0	15,000	0	15,000	0	0
Administration building - aluminium walkway on roof	13,110	14,420	0	0	0	14,420
Administration Building - capacity improvements	79,397	84,569	0	0	0	84,569
Old Picton Post Office - clock repairs	42,500	42,500	0	0	0	42,500
Mt Hunter Community Centre - shelter	10,275	10,275	10,275	0	0	0
Library renovations	54,085	58,753	0	0	0	58,753
Old Picton Post Office repairs	140,215	140,215	0	65,100	0	75,115
Leisure Centre upgrade	11,734	24,300	0	0	0	24,300
Douglas Park Sportsground - amenities refurbishment	11,245	11,245	0	11,245	0	0
Other Renewal Projects to be advised	825	106,149	47,456	58,693	0	0
Other Minor Projects	1,832	2,000	0	2,000	0	0
Rural Fire Service Buildings						
Bargo RFS Building - design & construct	641,494	1,365,000	0	0	710,000	655,000
Tahmoor Fire Station - building renovations	1,001	8,959	0	0	8,959	0
Mt Hunter RFS - hard stand area	320	45,000	0	0	45,000	0
Fire Control Centre improvements	14,427	30,000	0	0	30,000	0
Building (Renewal) Program Total	1,107,282	2,483,102	250,000	167,038	1,092,959	973,105
Plant Fleet Purchases						
2017/18 plant replacement program	230,065	935,924	0	0	0	935,924
Plant Fleet Purchases Total	230,065	935,924	0	0	0	935,924
Car Fleet Purchases						
2017/18 vehicle replacement program	0	100,000	0	0	0	100,000
Car Fleet Purchases Total	0	100,000	0	0	0	100,000
Stormwater Improvement Program						
Programmed stormwater works	0	161,192	0	0	0	161,192
Antill Park - dam wall repairs	117,482	125,000	0	0	0	125,000
Stormwater Drainage Program Total	117,482	286,192	0	0	0	286,192
Other Projects						
Warragamba Tip remediation	4,933	145,129	0	0	0	145,129
Bargo Tip remediation	37,833	102,077	0	0	0	102,077
Recycling bins various areas	76,805	80,000	0	0	0	80,000
Community Nursery - purchase of defibrillators	2,732	3,500	0	0	0	3,500
Other Projects Total	122,303	330,706	0	0	0	330,706
TOTAL	8,122,219	19,791,398	6,372,000	2,195,038	6,635,254	4,589,106

Closed Reports

Closed Report to the Extra Ordinary Meeting of Council held on Monday 26 February 2018

Closed Report

CLOSED REPORT

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

GR1

Western Sydney City Deal
3006

TRIM 9430

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

- (d) *commercial information of a confidential nature that would if disclosed*
 - (i) *prejudice the commercial position of the person who supplied it.*

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

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

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

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

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

Closed

Closed Report to the Extra Ordinary Meeting of Council held on Monday 26 February 2018

Closed Report

RECOMMENDATION

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

Closed