

Closed Meeting Of Council



Wollondilly Shire Council

Closed Minutes 21 November 2016

The meeting commenced at 8.30pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

WOLLONDILLY SHIRE COUNCIL

Minutes of the Closed Meeting of Wollondilly Shire Council held in the Council Chamber,
62-64 Menangle Street, Picton, on Monday 21 November 2016 commencing at 8.30pm

PRESENT	3
ALSO PRESENT WERE	3
APOLOGIES	3
DECLARATION OF INTEREST	3
PLANNING & ECONOMY	4
PE5 Development Application No. 010.2015.00000316.001 – 115 Kelsalls Road, Lakesland – Extension to existing poultry sheds 4, 5 and 6 and construct additional two (2) new sheds	4
GOVERNANCE	28
GO7 Divestment of Land - Old Post Office	28
CLOSING	29

WOLLONDILLY SHIRE COUNCIL

Minutes of the Closed Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 November 2016 commencing at 8.30pm

PRESENT

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

ALSO PRESENT WERE

General Manager, Executive Director Community Services and Corporate Support, Director Planning, Director Infrastructure and Environment, Manager Executive Services, Manager Governance, and one Administration Officer.

APOLOGIES

TRIM 88-11

There were no apologies for this meeting.

DECLARATION OF INTEREST

There were no declarations of Interest.

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Planning and Economy

PLANNING & ECONOMY

PE5 Development Application No. 010.2015.00000316.001 – 115 Kelsalls Road, Lakesland – Extension to existing poultry sheds 4, 5 and 6 and construct additional two (2) new sheds
266876 TRIM 8642-2

263/2016 Resolved on the Motion of Crs Gould and Landow:

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

1. COMPLIANCE

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

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

Description	Drawn By	Sheet No.	Reference
Site Plan	Tattersall Lander Pty Ltd		Undated
Plan of Proposed Poultry Sheds Showing Earthworks and Drainage Details Lot 2 in DP 856685, 115 Kelsalls Road, Lakesland	Tattersall Lander Pty Ltd	Sheet No.2 Revision B	Job No. 21443 Ref 21400099

Minutes of the Closed Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 November 2016, commencing at 8.30pm

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Description	Drawn By	Sheet No.	Reference
Section A-A (only in regard to filling levels and dam alterations)	Tattersall Lander Pty Ltd	Sheet 3 Revision B	Job No. 21443 Ref 214000100 Undated
Plan Showing Landscaping at Proposed Poultry Shed Site, Lot 2 in DP 856685, 115 Kelsalls Road, Lakesland	Tattersall Lander Pty Ltd	Sheet No. 1 Revision B	Job No. 21443 Ref 21500048 Undated
Proposed Chicken Sheds Typical Shed Details (elevations), Lot 2 in DP 856685, 115 Kelsalls Road, Lakesland	Tattersall Lander Pty Ltd	Revision A	Job No. 21443 Ref 21500049 29/4/15

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

- (3) Unless permitted by other conditions of this consent, there shall be no tree clearing unless the vegetation is:
 - (a) Within the footprint of an approved building, internal access road or other works required for soil and water management and alterations to the existing earth dam;
 - (b) Within three (3) metres of the footprint of an approved building, or
 - (c) Preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

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

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

Minutes of the Closed Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 November 2016, commencing at 8.30pm

Planning and Economy

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

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

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

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

Except where varied by the following conditions:

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

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

The restriction on title shall restrict the following:

- the erection of buildings
- the grazing of animals
- clearing of land
- dams
- drainage

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

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

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

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

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(h) Vermin and pest management.

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

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

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

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

2. BUILDING DESIGN

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

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

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3. DRINKING WATER CATCHMENT CONDITIONS

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

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

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

4. CONSTRUCTION GENERAL

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

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, site excavation, filling or other site preparation works (with the exception of site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 6:00pm Mondays to Fridays (inclusive), 8:00am and 1:00pm Saturdays and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Excavated and filled areas adjacent to a building shall be retained, stabilised and drained to prevent the subsidence of the excavation or fill and/or the entry of surface water to the building. Where a retaining wall exceeds 600mm in height, plans and specifications of the retaining wall shall be submitted to Council or a nominated Accredited Certifier and approved prior to the issue of a Construction Certificate. Where the height of any retaining wall exceeds 1m in height, a certificate prepared by a suitably qualified Structural Engineer shall be submitted with the plans and specifications.

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- (4) Toilet facilities are to be provided at or in the vicinity of the work site on which to approved work is being carried out at the rate of one (1) toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be installed prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
 - (b) Must be connected:
 - (i) to a public sewer, or
 - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

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

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

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

- (5) The approved development shall not interfere with the existing sewage disposal system.
- (6) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Occupation Certificate.
- (7) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

5. ENGINEERING & CONSTRUCTION SPECIFICATIONS

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

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

6. PUBLIC ROADS

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

- (1) All work required to be carried out within a public road reserve must be separately approved by Council's Infrastructure Planning Section, under Section 138 of the Roads Act 1993.
- (2) Engineering plans for the required work within the public road must be prepared by a suitably qualified professional in accordance with Council's Design and Construction Specifications. These plans must be submitted to Council with the Section 138 Application for approval prior to the issue of the Building Construction Certificate. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans and 138 Consent Certificate.
- (3) No truck access *under the direct control of the grower* is permitted on Scroggies Road or Lakesland Road.
- (4) A defects liability period of twelve (12) months will apply from the date of issue of the Certificate of Practical Completion by Council for Public Roads works. A 10% maintenance bond, or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's Construction Specification for all work that is to become the property of Council.
- (5) The person having the benefit of this consent shall undertake all reasonable efforts to protect the public road pavement from damage during the course of construction work. Restoration of any damaged road or footway shall be at that person's expense.

7. LOADING/ACCESS

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

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

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8. DRAINAGE/STORMWATER

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

- (1) Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.
- (2) All drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and relevant Australian Standard AS3500 except where otherwise provided in the Local Government Act, 1993 or the Local Government (General) Regulation, 2005.
- (3) All stormwater, roof and/or surface runoff must be directed to drain to the existing (expanded) on-site earth dam located to the east of the new sheds and outside the drinking water catchment as shown on the plans submitted from Tattersall Lander P/L Job No. 21443 Ref 21400099 Sheet No. 2 Revision B. These plans shall detail that the capacity of the existing dam is adequate for the additional stormwater runoff. If not adequate, detailed engineering plans shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of a Building Construction Certificate.
- (4) Prior to the issue of any Occupation Certificate, all exposed and disturbed areas of earth and all existing and proposed drainage swales and all areas surrounding and between the sheds which are not used for all-weather vehicle access shall be seeded and grassed. Such areas shall be maintained with grass cover for the life of the development.
- (5) Stormwater runoff and water from the earth dam shall, where practical, be re-used on site. Such water shall be treated to remove sediment and nutrient before re-use. A management schedule for the maintenance of water quality in the earth dam is to be included in the Farm Management Plan to be submitted with the Construction Certificate.

9. EROSION AND SEDIMENT CONTROL

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

- (1) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion of the works.

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

10. EARTH FILL

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

- (1) All filling on the site shall be compacted to not less than 95% Standard Compaction. A report on the site filling compaction is to be submitted in accordance with Wollondilly Shire Council's Design and Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist. Such a report shall be supported by a survey plan of the completed development indicating the areas subject to fill and the depth of fill in relation to the site boundaries.
- (2) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (3) Notice shall be provided to Council a minimum two (2) business days prior to the commencement of land filling operations and within two (2) business days of the completion of filling works.

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- (4) **Surface stormwater shall be controlled in such a manner that there is no significant alteration to existing flows onto adjoining properties during and on completion of construction.**
- (5) **No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Primary Industries – Water.**
- (6) **Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.**
- (7) **Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination, the fill shall not be used or emplaced on the site. If the fill has been placed on the site, all filling works shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.**
- (8) **All fill batters shall be limited to a maximum slope of 1 in 2 for batters greater than 0.6 metres in height unless supported by a geotechnical report prepared to the satisfaction of Council.**

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

11. INSPECTIONS

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

- (1) **Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:**
 - **Footings and pier holes before pouring of concrete**
 - **Completion of the building work before occupation or use.**
- (2) **The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:**

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- **Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented**
- **When roadworks have been excavated to subgrade**
- **Prior to placement of base pavement layer**
- **Prior to bitumen sealing**
- **At practical completion of works.**

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

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

12. SERVICES

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

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

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

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

13. LANDSCAPING

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

- (1) **Any existing dead or dying tree within the existing landscaped buffers to the site boundaries are to be replaced with a similar or same native species endemic to the area. The species should consist of a low and a high canopy and have slender leaves to trap dust. Landscaped buffers are to be maintained to all site boundaries for the life of the development.**

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- (2) In addition to the approved Landscaping Plan, the following works shall also be undertaken prior to the release of any Occupation Certificate.

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

- (3) All plantings to be in groups and consist of advanced stock.
- (4) Tree planting associated with this consent shall not impede the area used for onsite sewage disposal.
- (5) Prior to the issue of any Occupation Certificate, all exposed earth areas throughout the site, all existing and any drainage swales constructed in association with this consent and all areas between the sheds shall be seeded and grassed. Such areas shall be maintained for the life of the development.
- (6) Landscaping is to be installed in accordance with the approved Plan prior to the issue of the Occupation Certificate.
- (7) The landscaping must be maintained in accordance with the details provided on that Plan at all times.

14. VEGETATION MANAGEMENT

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

- (1) The existing remnant vegetation in the south western portion of the site is to be retained and protected. No works are to be undertaken within a 5 metre radius of the drip zone of the tree(s) which comprise this vegetation identified for retention.
- (2) Effluent disposal shall not to be undertaken within a 5 metre radius of the drip zone of the remnant vegetation to be retained and protected.
- (3) Solid or liquid waste materials shall not be deposited in the area containing the remnant vegetation to be retained and protected.

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- (4) No stock shall be permitted in the vegetated area identified for protection and management. Stock proof fencing shall be installed to the perimeter of the area for vegetation protection prior to the issue of any Occupation Certificate and shall be maintained in good order for the life of the development.

15. WEED MANAGEMENT

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

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

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

- (2) All preliminary weed treatment measures identified in the approved Weed Eradication and Management Plan shall be carried out prior to the issue of any Occupation Certificate. The Plan shall be implemented for the life of the development.

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- (3) All weeds environmental or noxious shall be removed from the area nominated for protection and management of native vegetation and evidence of this weed reduction program is to be made available for inspection on request from Council.

16. EARTH DAMS

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

- (1) The width of the dam crest is to be a minimum of 3 metres for a 3 metre high wall and increased in width by 500mm for every metre above 3 metres. The surface of the crest is to be slightly rounded to prevent water ponding on the crest.
- (2) A minimum of 1.0 metre is to be established for freeboard for the dam. The freeboard should be increased by 10% for every metre of the dam wall over 3 metres.
- (3) The slope of the embankment batter to the dam is to conform with the ratio of 3.0 horizontal to 1.0 vertical for both the upstream and downstream slopes.
- (4) The dam bywash is not to direct flows onto the downstream toe.
- (5) The bywash cut batter is to have a maximum steepness of 1.5:1.
- (6) The bywash is to be excavated 200mm below the top of the water level and backfilled with compacted top soil and planted with a suitable stabilising spreading grass. No trees or shrubs are to be planted within the bywash area.
- (7) Any excess water from the dam is not to have an adverse effect on neighbouring properties. All excess water is to be contained within the site boundaries and integrated with the natural catchment.
- (8) The earth dam is to have a cut-off trench which is to be taken down a minimum of 300mm into impervious soil and backfilled with suitable impervious material.
- (9) The details of the extension to the existing earth dam shall be shown on the engineering plans to be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Building Construction Certificate.

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- (10) Upon completion of the construction works for the expansion of the earth dam, the works shall be certified by a suitably qualified and experienced Geotechnical Engineer. A Registered Surveyor shall prepare a Works-as-Executed Plan. A copy of the certification and the Works-as-Executed Plan shall be submitted to Council within three (3) months of the completion of the works to expand the earth dam.
- (11) The dam is to be used for the capture and storage of stormwater. Water from the dam is to be re-used on site for stock watering, maintenance of the sheds and surrounds and dust control on the internal access roads.

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

17. HERITAGE

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

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

18. SIGNS

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

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

19. WASTE MANAGEMENT

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

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

20. OCCUPATION AND USE

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

- (1) The total stocking rate for the farm shall not exceed 75,000 turkeys or 250,000 chickens at any time.
- (2) Clean out of the sheds and maintenance operations shall be between 7:00am and 6:00pm weekdays and 7:00am to 4:00pm Saturdays only.
- (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.

Planning and Economy

- (6) Staff, contractors, sub-contractors and the like *under the direct control of the grower must abide by a Code of Conduct Agreement with the poultry grower to ensure noise mitigation measures are adhered to when working onsite and travelling along surrounding roads.*
- (7) All sheds, mechanical equipment, fans, foggers and feed systems must be maintained to minimise the generation of mechanical noise and the likelihood of off-site vibration.
- (8) Poultry manure or spent litter must not be retained or stockpiled on the *property* at any time. *This condition does not apply to manure or litter that:*
- (a) *Is reused on site within 28 days of being collected; and*
 - (b) *Is used as part of another lawful agricultural activity; and*
 - (c) *Is stored under a waterproof cover at an approved location which maximises the setback from the property boundaries; and*
 - (d) *Is stored in accordance with all applicable guidelines of the NSW Department of Primary Industries.*
- (9) The person having the benefit of this consent is advised that Council reserves the right to restrict the days and hours of operation of specific activities if considered necessary to prevent the emission of an “offensive noise” or an “offensive odour” as defined in the Protection of the Environment Operations Act, 1997.

ADVISORY NOTE:

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

Where the mediation session fails to resolve ongoing and substantiated complaints, Council will considered enforcement action under the Protection of the Environment Operations Act including an Order placing restrictions (i.e. curfew or noise restrictions) 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.

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Offensive Noise means noise:

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

Offensive Odour means an odour:

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

- (10) The poultry sheds shall not be used for habitable purposes.
- (11) The premises shall be maintained in a clean and tidy state at all times.
- (12) The proposed sheds shall not be used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (13) The extensions to sheds 5 and 6 shall not be used until a Building Certificate is issued by Council.
- (14) All lighting on the site shall be installed and directed to ensure there are no impacts or nuisances on neighbouring properties or public roads.
- (15) *An audit is to be undertaken by Council staff at least once every 12 month and the results of the audit are to be provided to Council.*

21. SECTION 94A CONTRIBUTIONS

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

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

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

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

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

- (1) **COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989**

(a) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
- (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

Planning and Economy

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

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

(2) ERECTION OF SIGNS

- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.**
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:**
 - (i) showing the name, address and telephone number of the principal certifying authority for the work, and**
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and**
 - (iii) stating that unauthorised entry to the work site is prohibited.**

Planning and Economy

- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (e) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (f) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

23. ADVICES

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

Minutes of the Closed Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 November 2016, commencing at 8.30pm

Planning and Economy

- **Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.**
 - **Workers Compensation Insurance.**
 - **Twenty Million Dollar Public Liability Insurance.**
- (4) **The following service providers should be contacted before commencement of construction to establish their requirements:**
- **Dial before you dig (various services) 1100**
 - **Telstra (telephone) 1 800 810 443**
 - **Endeavour Energy (electricity) 131 081**
 - **AGL (gas) 131 245**
 - **Sydney Water (water & sewer) 132 092.**
- (5) **The land is subject to the provisions of Clause 5.9 of Wollondilly Local Environmental Plan, 2011 and Part 10 of Volume 1 of Wollondilly Development Control Plan 2016 with regard to the preservation of trees and vegetation. Under these plans consent may be required for tree clearing beyond the limits set by this consent. If you intend to remove any vegetation you should make yourself familiar with the provisions of both plans. The plans may be viewed on Council's website at www.wollondilly.nsw.gov.au or at Council's offices at 62-64 Menangle St, Picton.**
- (6) **This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.**

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

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

Governance

GOVERNANCE

GO7 Divestment of Land - Old Post Office

10845

TRIM 9294

Moved on the motion of Crs Banasik and Khan:

1. That Council accept the offer to purchase Part Lot 11 DP 856694 Menangle Street, Picton for \$58,000 plus all costs and disbursements being paid by the applicant.
2. That in Council providing the agreement to sell the land does not at no time during this process assure the applicant of a positive outcome. Nor does it fetter Council's statutory obligations or discretions as Consent Authority or imply that Council will or must grant development consent or grant any other approval that may be required to carry out the development on the land.
3. That the Mayor and General Manager be authorised to execute all documentation in relation to the sale of the land and those requiring the Common Seal of Council.
4. That the proceeds of sale be placed in a *reserve for the future maintenance of the Old Post Office*.

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

Vote For: Crs Banasik, Briggs and Khan

Vote Against: Crs Deeth, Law, Lowry, Landow, Hannan and Gould

264/2016 Resolved on the Motion of Crs Landow and Hannan:

That Council not accept the offer to sell the land and that further negotiations be undertaken on the option of either leasing, creating a Right of Way or another potentially acceptable alternative.

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

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

Vote Against: Crs Banasik, Briggs and Khan

Minutes of the Closed Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 November 2016, commencing at 8.30pm

Closing

CLOSING

There being no further business, the Mayor resumed the Ordinary Council Meeting at 8.50pm.

This and the preceding 28 pages are the Minutes of the Closed Meeting of Council held on Monday 21 November 2016 and were confirmed at the subsequent meeting held on Monday 19 December 2016.

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Mayor