

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 15 May 2017

PE1 – Application to Modify Development Consent No. 010.2005.00058025.005 at 184B Glendiver Road, The Oaks

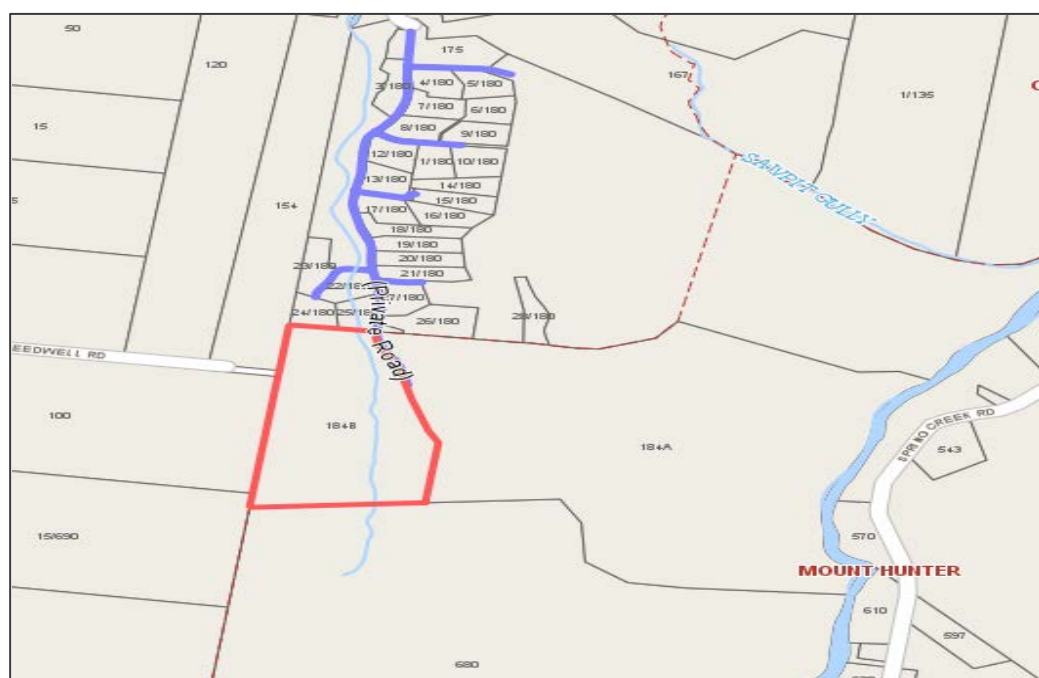
PLANNING AND ECONOMY

PE1

Application to Modify Development Consent No. 010.2005.00058025.005 for an Extension to Existing Poultry Farm at 184B Glendiver Road, The Oaks

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010.2005.00058025.005



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LOCATION MAP N

DEVELOPMENT INFORMATION

Development Application No:	010.2005.00058028.005
Property Address:	184B Glendiver Road, The Oaks
Applicant:	Konstruct Group
Owner:	N Vassallo
Proposal Details:	Modification of consent to extension to existing poultry farm – amendment of Conditions 1.1, 2.2 and 10.8 from Development Consent D800-05 and Conditions 10.8 (a), (b) and (c) and 10.16 of Modified Development Consent 010.2005.00058025.04
Zone:	WLEP 1991 – 1(b) Agricultural Landscape Zone WLEP 2011 – RU2 Agricultural Landscape Zone

Planning & Economy

**PE1 – Application to Modify Development Consent No.
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EXECUTIVE SUMMARY

- Consent is sought for modification to Conditions 1.1, 2.2 and 10.8 from Development Consent D800-05 and Conditions 10.8 (a), (b) and (c) and 10.16 of Modified Development Consent 010.2005.00058025.04 relating to the extension of an existing Poultry Farm at 184B Glendiver Road, The Oaks.
- The proposed modification seeks to:
 - (a) Change the poultry farm's operation from mechanical to natural ventilation. For the proposed (already approved) fourth poultry shed. The three existing sheds are already approved as naturally ventilated sheds.
 - (b) There is no proposed increase in bird numbers. Approved for 93,700 chickens. Allow night-time bird collection with controlled conditions.
 - (c) Increase the speed limit on the private road from 10km/h to 20km/h for poultry trucks.
- A number of Applications to Modify Development Consent have been dealt with by Council the most recent being Modified Development Consent 010.2005.00058025.04 which was determined October 2015.
- The application was notified from 3 January 2017 to 18 January 2017 in accordance with Council's adopted notification requirements. That notification period was extended to 10 February 2017 as a response to requests made in submissions. Nine (9) submissions were received relating to noise, trucks and odour.
- The application has been 'called up' by Council for determination.
- 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 received in relation to this application.
- It is recommended that the application be approved, but not in the manner requested by the applicant and subject to conditions.

REPORT

BACKGROUND

Previous Modification

An Application to Modify Development Consent 010.2005.00058028.004 was lodged with Council on 9 August 2013 seeking consent to amend Conditions 1.1, 2.2, 10.8 and 10.9.

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At the May 2014 Council Meeting, the application was presented to Council for determination, with a recommendation for refusal due to insufficient information being submitted to enable a comprehensive assessment and the application not being within the public interest.

At the meeting, Council resolved the following:

- 1. That Application to Modify Development Consent 010.2005.00058025.004 for the amendments to Conditions 1.1, 2.2, 10.8 and the deletion to Condition 10.9 from Development Consent D800-05 at Lot 11 DP 841569, 184B Glendiver Road, The Oaks be deferred as requested by the applicant so that the supplementary odour impact assessment reports can be peer reviewed by an independent odour expert.*
- 2. That the poultry farm operator be requested to re-enter into mediation with an accredited mediator to seek to resolve issues between themselves and the residents of the Glendiver Farm Community Estate.*
- 3. That the next time this modification is reported to Council that it detail whether or not mediation occurred and any public outcomes of that mediation.'*

Additional information was submitted in March 2015 in response to Council's deferral. Regarding part 1 of the resolution, the applicant has provided the peer review.

Regarding parts 2 and 3 of the resolution, a private mediation session was undertaken between the residents of the Glendiver Farm Community Title Estate and the owner/operator of the Poultry Farm on 21 May 2015.

At the meeting held on 19 October 2015 Council considered a report for an Application to Modify Development Consent 010.2005.00058028.004 and resolved:

That Application to Modify Development Consent 010.2005.00058025.004 for the amendments to Conditions 1.1, 2.2, 10.8 and the deletion to Condition 10.9 from Development Consent D800-05 at Lot 11 DP 841569, 184B Glendiver Road, The Oaks be determined as follows:

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a) *Conditions 1.1, 2.2, 10.8 and 10.9 are amended to read as follows:*

'1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184B Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled "Project: - Development for Proposed Poultry Shed" drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.

2.2 The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.

10(8) Night-time pick up of birds shall not take place between the hours of 10pm and 7am, except where permitted by Condition 10(8)(a).'

b) *Condition 10.9 is recommended to be deleted.*

c) *Conditions 1.5, 2.2(a), 10.8(a), 10.8(b), 10.8(c) and 10.16 are recommended to be inserted.*

'1.5 Development shall take place in accordance with the recommendations of the following reports:

- *"Broiler Farm Management Plan" prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004*
- *"Alco Farm Broiler Farm Truck Noise Management Plan" prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015.*

Prior to the issue of the Construction Certificate the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

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2.2(a) *Each shed (existing and approved by Development Consent D800- 05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.*

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

10(8)(a) *Bird pickups are permitted between 10pm and 12am, but only during extreme weather conditions.*

The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by Condition 10(8).

10(8)(b) *The hours of operation for bird pickups shall come into effect within twenty-eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.*

(Reason: to provide certainty to all adjoining and nearby landowners and the operator of the poultry farm development that hours of operation restriction from Development Consent D800-05 and Application to Modify Development Consent 010.2005.00058025.004 are operable)."

10(8)(c) *The speed of trucks servicing the poultry farm until they are past the community title land after 5pm (specifically for bird collections at night) be 10km/h and require the installation of appropriate signage.*

10.16 *The surrounding neighbours and Council must be informed at least 24 hours in advance of night time (after 9pm) collection and batch delivery of birds.*

d) *Changes are recommended to update those conditions requiring information to be submitted to council or the Principal Certifying Authority for approval prior to the issue of a Construction Certificate.*

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e) Given the changes to the consent conditions, it is recommended that a consolidated consent be approved subject of this application to modify the consent and as such, the consent be as follows (conditions amended and added will appear in italics and unchanged conditions remain in normal font).'

Consultation with community

During the month of June Council held poultry forums to discuss the management of poultry farms in association with the community, farmers and the industry. These meetings were conducted on the 7th and 8th (Wednesday and Thursday nights). As a result of these meetings a good neighbour charter was developed, please see below.

Good Neighbour Charter for the Wollondilly Poultry Industry

The Charter was signed in 2016 by Council, NSW Farmers Association, Inghams Enterprises, Cordina Farms and Red Lea Chickens.

The Good Neighbour Charter was developed to promote a collaborative approach to mitigate the impact caused by farming operations. A commitment from Council, poultry growers and processing companies, to achieve continuous improvement in terms of farm activities and community engagement was required.

The importance of the Poultry Industry is recognised in the Charter and the following statement is incorporated into the document:

'In rural areas, Council support the rights of farmers to undertake and pursue agricultural activities which incorporate reasonable and practical measures to avoid environmental harm and minimise impact upon adjoining land.'

Key issues that needed to be canvassed with neighbours on an ongoing basis included odour management, noise minimisation and vehicle movements. These issues are fundamental to the proposed modification.

Noise Mitigation Measures for the Wollondilly Poultry Industry

At the Ordinary Meeting of Council held on Monday 17 October 2016 Council considered a report that recommended:

1. *'That Council note the report and consider the attached condition (Next Page) of consent as an alternative to a night time curfew when assessing future Development Applications.'*

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2. *That the imposition of a night time curfew for the pick-up of birds be considered when dealing with substantiated and unresolved noise complaints.*
3. *That the community and industry representatives that participated in the recent Noise Mitigation Measures Workshop be acknowledged in writing and congratulated for their considerable effort.'*

Council resolved:

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

The condition referred to in 1 above in the report recommendation was:

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Fair and Reasonable Noise Mitigation Measures for the Wollondilly Poultry Industry

Draft Condition and Advisory Note

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

ADVISORY NOTE:

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

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

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

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Noise Management Assessment Report

Following requests from Council Senior Health Officer a 'Noise Management Assessment' report was submitted on 3 March 2017. The report states:

The findings and recommendations summarised in the report are based on:

- *site inspections and audit noise measurements*
- *ambient background noise measurements, modelling and assessment documented in the Air Noise Environment Report, dated 18 January 2013*
- *investigations and recommendations documented in the Benbow Environmental Report, dated 18 March 2015, and*
- *noise assessment procedures published in the EPA, Industrial Noise Policy (INP,), Draft Industrial Noise Guideline (DING) and Road Noise Policy (RNP).*

A summary at the end of the report states:

'Alco Farm was developed prior to the INP (2000) and before the existence of noise sensitive residential development. For developments pre 2000 the range of practical and feasible noise mitigation measures available is limited.

The INP provides an approach for established industries to adopt to change in noise expectations of communities while remaining economically viable. Under these circumstances it is standard accepted practice for authorities and the farm manager to negotiate achievable noise limits for the site.

PNTL's (project noise trigger levels) should not be misinterpreted as mandatory noise limits. Noise trigger levels designate the initial target levels for a proposed or existing development and when exceeded trigger' the process of assessing feasible and reasonable control measures. Achievable noise limits result from applying all feasible and reasonable noise control measures. For sites with limited mitigation opportunities, the achievable noise limits may generally be above the project noise trigger levels.

From our inquiries noise incidents for Alco Farm relate to night time trucks at the gated entrance and along the local road, noise from activities associated harvesting (pick-ups) has not been identified as a noise issue.

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Site investigations have shown that there are opportunities to manage and reduce noise from site related activities. The mitigation options presented in Table 4 should be reviewed and evaluated in terms practicability and being feasible and reasonable.

Modelling for the closest noise receptors has shown noise during normal site activities and daytime feed deliveries satisfies the INP amenity criterion 50dBA and the PNTL's. During night harvesting predicted noise levels of 38/9dBA satisfy the INP amenity criterion 40dBA and marginally exceed the PNTL's (2dBA). Table 4 presents options to manage and reduce noise from activities associated with harvesting (pick-ups). It is noted that noise associated with harvesting (pick-ups) at the sheds has not been identified as a noise issue.

Modelling and audit measurements have shown that maximum noise level events for the assessment of sleep disturbance during harvesting (pick-ups) have shown that L_{Amax} and L_{Aeq} levels satisfied the DING trigger levels.

With the effective implementation of changes at the gate entrance and scheduling Volvo trucks to service Alco Farm for harvesting (pick-ups), modelling has shown that truck noise can be controlled and satisfy the RNP L_{Acq} 1 hour 50dBA and sleep arousal criterion L_{Amax} 60-65dBA.'

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Noise mitigation options are included in Table 4 in the report. Some of these options would require a level of co-operation with the residents of the Glendiver Farm Community Estate e.g. installation of a remote control system to open the gate or schedule gate to be open during harvesting (pick-ups). It is considered that such co-operation should not be insurmountable. Table 4 in the report is as follows:

Table 4. Noise Mitigation Options

Reference Source	Source	Location	Noise Mitigation Options
1	Trucks	Locked Gate	<ul style="list-style-type: none"> Replace Kenworth trucks with Volvo trucks or noise equivalent. Install remote control system to open the gate or schedule gate to be open during harvesting (pick-ups). Enforce truck speed limits Driver site induction training with respect to noise minimisation Drivers should be instructed not to use air/exhaust brakes if safe to do so.
2	Feed stock deliveries	Rear of shed	<ul style="list-style-type: none"> Daytime only
3	Forklifts during bird pick-up	Front and rear sheds	<ul style="list-style-type: none"> Upgrade engine mufflers Replace alarm with flashing light and work within designated areas Investigate options to upgrade forklifts Maintain carriers and tynes to minimise impact noise The surfaces of roads, loading areas and parking spaces maintained to allow all-weather access and minimise noise.
4	Truck/Forklift during bird harvesting	Shed 4	<ul style="list-style-type: none"> Truck parking and pick-up to be conducted on western side of shed
5	Truck	Sealed access road	<ul style="list-style-type: none"> Maintenance of road
6	Ventilation fans	Sheds 1-4	<ul style="list-style-type: none"> All new fans selected on acoustic performance
7	Site deliveries	Sheds 1-4	<ul style="list-style-type: none"> Daytime only
8	Litter clean out	Sheds 1-4	<ul style="list-style-type: none"> Daytime only
9	Trucks, plant/equipment	General	<ul style="list-style-type: none"> Regularly inspection and maintain all vehicles and plant/equipment. Attend promptly to any loose parts, rattling covers, worn bearings and broken components.

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CONSULTATION

Referral	Outcome
Environmental Health Officer	<p>Comments from Council's Senior Environmental Health Officer are as follows:</p> <p><i>'Odour –</i></p> <p><i>The louver system is common place for most poultry sheds with natural ventilation. The current sheds are very dated and not effective in preventing odour emanating from the shed. There has also been no further information to support the request from the previous application when Council imposed the condition. As such, it is recommended that this condition be maintained.</i></p> <p><i>Night time pickups –</i></p> <p><i>Reviewing the additional information report "Noise Management Assessment – Alco poultry farm" dated 28 February 2017, it is recommended that night time pickups to the property be allowed, providing that the applicant install a new gate system with remote control access or schedule the gate to be open during harvesting (pick-ups), to prevent trucks having to break and begin driving again which significantly increases the noise nuisance to sensitive receivers along that road. The new condition should require compliance with the acoustic report provided, specifically the mitigation measures outlined in Table 4, Page 8.'</i></p>

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1.1 DESCRIPTION OF SITE AND SURROUNDING AREA

The subject land is known as Lot 11 DP 841569, 184B Glendiver Road, The Oaks. It is irregular in shape and has an area of 19.79 hectares.

The land is accessed via a right of carriageway from Glendiver Road which passes through a community title subdivision. The northern end of the site which adjoins Glendiver Road has a width of 192.74m. The southern end of the site widens to 392.47m and varies in depth from around 500 to 600m.

Three (3) metal clad poultry sheds, silos and ancillary sheds are located on a hill rising up from Flaggy Creek. The land is at the bottom of a valley and is surrounded by hills. A residence is located on a hill behind the sheds. Flaggy Creek is located approximately 20m from the existing sheds and drains into a dammed area, the wall of which also provides road access to the sheds.

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Glendiver Farm Community Estate is located north and north-east from the subject development. This comprises a rural residential estate.

Extensive screening landscaping was undertaken to ensure the current sheds are not visible from most of the estate. On all other sides, paddocks are located which are mainly used for agricultural purposes.

1.2 DESCRIPTION OF DEVELOPMENT

The statement provided with the application details the following regarding the proposed modification:

'This Modification Application seeks Council approval for the amendment of Conditions 1.1, 2.2 and 10.8 of DA 800/05 and Conditions 10.8 (a), (b), (c) and 10.16 of Modification Development Consent 010.2005.00058025.04.

1.3 ASSESSMENT

Consent is sought for the amendment of Conditions 1.1, 2.2 and 10.8 of DA 800/05 and Conditions 10.8 (a), (b), (c) and 10.16 of Modification Development Consent 010.2005.00058025.04.

Condition 1.1

Existing Condition 1.1: D800-05:

'1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated tunnel ventilation system for this shed and the existing sheds detailed in the information submitted with Development Application No. D800-05.'

Modified Condition 1.1: Modification Application 010.2005.00058025.004:

'1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled "Project: - Development for Proposed Poultry Shed" drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.'

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Applicant's Proposed Amendment to Condition 1.1:

'1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with a natural ventilation system in accordance with DWG No. 12479 dated 22/10/12 prepared by D & M. Consulting Pty Ltd.'

Condition 2.2

Existing Condition 2.2: D800-05:

'2.2 The tunnel ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within two years of the date this consent becomes valid whichever is the earlier.'

Modified Condition 2.2: Modification Application 010.2005.00058025.004:

'2.2 The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.'

2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the "Air and Noise Assessment – Poultry Farm, The Oaks – FINAL" report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the "Odour Impact Assessment – Changes to Outcomes at Receiver R10" report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.'

Applicant's Proposed Amendment to Condition 2.2:

Applicant Proposes to Delete Condition 2.2:

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Applicant's Submission

The Applicant in co-operation with Cordina Farms (NSW Approved Producer) and NSW Farmers has prepared 'Broiler Farm Management Plan 2016' (BFMP) (copy enclosed) which was prepared in consideration of the management of the environmental impacts specific to the Alco Farm and its surrounds. The Management Plan is submitted with this Section 96(1A) Modification Application.

The BFMP is for four (4) conventional sheds. This includes the three (3) existing conventional sheds and an additional one (1) conventional shed to be built pending Council's approval of amended conditions.

It is important for Council to note the significant changes in the poultry industry over the past decade. In response to the changes in the poultry industry the BFMP states page 6:

"...Cordina Farms has reviewed its strategy to encourage new sheds to accommodate for the use of natural sunlight as well as natural ventilation system where possible.

"Hence it is with company approval that the proposed fourth shed at Alco Farm would be conventional shed using natural ventilation with circulating fans.

Cordina Farms is now an accredited RSPCA — Australia Approved Farming Scheme (AFS) producer. Cordina Farms is the only RSPCA Approved producer to have more than 65 approved farms under the RSPCA-AFS.

Under this scheme, farmers have had to meet the stringent conditions that better reflect higher animal welfare standards. The Alco Farm was one of the first farmers to join the scheme.

Birds that are grown under the RSPCA-AFS are placed at a lower density, have environmental enrichments programs available which includes perches, pecking objects as well as having access to natural ventilation and sunlight.

The farm currently consists of three conventional sheds which are open-sided sheds that can be naturally ventilated. During the summer months internal fans and a fogging system are used to cool the shed. During winter, internal curtains and heaters are used to maintain temperature inside the sheds.

The three oldest sheds have a floor area of 1472m² each and the new shed will have a floor area 1672m². Therefore the total floor area will be 6088m²."

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In support of the installation of 'naturally ventilated sheds' i.e. conventional sheds, Byron Stein, Industry Development Officer (Poultry Meat), Department of Primary Industries has provided advice in regard to tunnel ventilation versus naturally ventilated shedding. The letter dated 9 February 2015 is attached to this 96 (1A) Modification Application. From this letter pages 2 and 3 the following advice is provided:

"In summary, it is our position that at high stocking rates, which has been the industry norm until very recently, tunnel ventilated shedding is still considered best practice.

However, in late 2013 one of the major supermarket retailers announced that they would only supply RSPCA accredited chicken meat from 1 January 2015. This has resulted in a significant change to stocking densities and production systems associated with chicken meat farming in Australia. Most notably, stocking densities have been reduced from a maximum 40kg/m² to 32kg/m². This is a significant reduction in stocking density and has implications for the economic feasibility of using tunnel ventilation. Further, environmental impacts, especially odour, are highly correlated to stocking density. At lower stocking rates the environmental impacts of chicken meat production are reduced. This is also true of odour impacts.

It is our position that for lower stocking rates, such as those which are mandated by the RSPCA approved chicken scheme; naturally ventilated shedding is an economically and environmentally sound option for chicken meat production. This includes the management practices associated with naturally ventilated shedding, such as fogging. However, irrespective of the cooling system used, care must be taken to ensure litter is kept dry. It must be stressed that odour and other environmental impacts are not just a function of stocking densities and shed type, but is in fact most influenced by management and husbandry practices. In other words, irrespective of the type of shed used, it's important that litter is kept dry and friable, with a moisture level between 15 to 30%.

In conclusion, it is the position of DPI that for conventional chicken meat production, at high stocking rates, tunnel ventilated shedding remains best practice. However at lower stocking rates, for example as mandated by the RSPCA approved chicken meat scheme, naturally ventilated sheds are considered acceptable, both from an economic and environmental perspective. However, as mentioned, this is dependent on sound husbandry practices and management in accordance with current best practice.

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Finally, it should be noted that the RSPCA accredited chicken meat scheme should provide environmental regulators with some degree of comfort. The scheme is regularly audited and is quite onerous. Growers and processors are regularly inspected, and the RSPCA has very strict and stringent guidelines on litter management and bird welfare. Failure to keep litter thy will result in a loss of accreditation which will have significant implications for both the grower and the processor. It is likely that these requirements will also ensure that odour from litter is significantly minimized".

In support of the Modification Application the NSW Farmers Association (NSWFA) is completing an Environmental Management System and Environmental Management Plan (EMP) for 'Alco Farm' which will include:

- *Identification Details*
- *Legal Requirements*
- *Natural Resources*
- *Operation, Design and Management*
- *Monitoring, Recording and Reviewing*
- *Training*
- *Reviewing Farm EMP*
- *Maps and Plans.*

NSWFA will be completing workshops covering the EMS programme which will allow for the completion of a full EMP for Alco Farm. The owner of Alco Farm is committed to completing this workshop and having the Farm accredited under the EMS programme. This will ensure that the Farm is operating under the best practice and the owner will be aware of any impact the Farm may have on the local community. Within the first 12 months after the completion of the EMP, Alco Farm will have an independent audit carried out to ensure its operation complies with the Farm EMP. Wollondilly Council will be provided with a copy of the EMP and the findings of the independent audit when available.

The construction of the additional conventional shed and the existing three (3) conventional sheds will operate under the Broiler Farm Management Plan 2016' (BFMP), accreditation of the RSPCA — Australia Approved Farming Scheme (AFS) , NSW Farmers Environmental Management Plan and Conditions of Development Consent No. 800/05.

It is submitted that as the Poultry Growing Farm is operating at lower stocking rates as mandated by the RSPCA approved chicken meat scheme, naturally ventilated shedding is an economically and environmentally sound option for chicken meat production. (B. Stein, DPI Letter p. 3). The existing three (3) conventional shed continue to operate with natural ventilation and the approved additional shed should also be constructed as a conventional shed.'

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Based on the assessment by Council staff and taking into account the letter from DPI, it is recommended that conventional ventilation be permitted only on the basis that louvers are fitted in conjunction with a fully automated system. An automated system is considered suitable to both address potential odour issues and avoid reliance on manual operation. This enables certainty for Council and the Community that systems will activate quickly to address concerns.

This is consistent with the approach taken for Modification Application 010.2005.00058025.004.

It is recommended that Condition 1.1 as modified in Development Consent 010.2005.00058025.004 be retained to read as follows:

'1.1 Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled "Project: - Development for Proposed Poultry Shed" drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.'

Furthermore, as detailed in the assessment for Condition 1.1, it is recommended that all four sheds contains louvers and be fully automated.

Therefore, it is recommended that the conditions as modified in Modification Consent 010.2005.00058025.04 be retained to read as follows:

'2.2 The automated conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.

2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the "Air and Noise Assessment – Poultry Farm, The Oaks – FINAL" report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the "Odour Impact Assessment – Changes to Outcomes at Receiver R10" report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.

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Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.'

Condition 10.8

Existing Condition 10.8: D800-05:

'10.8 The pickup of birds for processing shall be carried out on any day between the hours of 7am and 11pm. In this respect any traffic movements associated with the pickup of birds shall also not occur prior to 7am or beyond 11pm.'

Modified Condition 10.8: Modification Application 010.2005.00058025.004

'10.8 The pickup of birds shall not take place between the hours of 10pm and 7am, except where permitted by Condition 10(8)(a).

10(8)(a) Bird pickups are permitted between 10pm and 12am, but only during extreme weather conditions.

The persons having the benefit of this consent shall keep accurate records regarding weather conditions and the like should justification be sought if complaints are received by Council in regards to breaching the bird pickup curfew set by condition 10(8).'

Applicant's Proposed Amendment to Condition 10.8:

'10.8 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 and 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.'

Condition 10(8)(a) to be deleted.

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Applicant's Submission

It is accepted practice in the industry that night time collection of live birds is the most efficient and humane method to collect and transport birds to the processing plant. It is essential for animal welfare and the economics of the poultry farm operation that there be flexibility in the time periods for pickup of live birds from the poultry farm. The curfew times imposed on the poultry farm by Condition 10.8 and 10(8)(a) are too restrictive.

The Applicant and other poultry growers are encouraged by the Good Neighbour Charter initiated by Wollondilly Shire Council. The Ordinary Meeting of Council on 17 October 2016 resolved to the commitments sought from the community being amended to read:

"Be aware of what living in a rural environment means in terms of the activities associated with poultry industry (e.g. the night time pick up of birds) and how that may influence your ability to live in such an environment".

The 'Broiler Farm Management Plan 2016' provides for action to be taken by parties involved:

Mr Vassallo:

Mr Vassallo is aware of the impact of noise and business operations on his neighbours:

- *Mr Vassallo has negotiated a settlement with the Glendiver Community for the upkeep and maintenance of the roadway through the community.*
- *Mr Vassallo will aim to prevent avoidable noise and minimise unavoidable noise by working closely with his contractors, Cordina Farms and their contractors. Any avoidable noise or neighbour complaints will be promptly reported to Cordina Farms and corrective action will be taken as soon as possible.*
- *Mr Vassallo engaged the services of an environmental consultant to assess the proposed development and its potential effects on noise. These reports dated January 3, 2008; January 18, 2013 and November 19, 2014 have been previously submitted to Council. The results for noise outlined in the report are within acceptable levels.*
- *Maintain all loading areas to be free from holes and any unevenness that would contribute to noise production.*
- *Mr Vassallo has installed signs on farm limiting traffic to 10km/hr.*
- *All sheds clearly numbered.*
- *Locked gate on main entrance of farm to restrict unauthorised vehicle access.*

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Cordina Farms:

- *Cordina Chickens has made a number of significant changes to reduce noise. The live bird trailers have been altered to offset the levels at which the modules are transported reducing noise during transit. This alteration means that the live bird drawers will not interlock with other modules, reducing the need to shake modules to unload them and therefore significantly reducing noise during loading and unloading.*
- *Cordina Farms will continue to work closely with Mr Vassallo to address any of his concerns regarding noise associated with Cordina Farms or its contractors. This includes day old deliveries, feed deliveries and pick up vehicles and personnel.*

Live Bird Pick Up Contractor

The live bird pick up contractor has been notified of the issues concerning Mr Vassallo's Farm and the Glendiver Estate. Girraween Transport and their staff are aware of the impact of noise on neighbours and are working to reduce avoidable noise by:

- *Installing rubber dampers on forklifts to stop the banging of the tyres onto the main frame.*
- *Truck entry and exit speeds through the estate have been capped to 20 kilometres per hour. Truck drivers and pick up crews have all been notified of the situation regarding entry and exit speeds. Vehicle speed approaching the farm on the Glendiver Road is clearly signposted as 60 kilometres per hour.*
- *All forklifts have had their engines fitted with governor mechanisms to limit their speed and therefore noise output.*
- *Pick up crew supervision and management is monitored and controlled. Each crew has its supervisor who is responsible for the actions of their pick up crew.*
- *Crews have been notified that they must limit the volume of their voices when talking to others during night time hours.*
- *The pick-up contractors will use the prime movers which have the lowest noise emissions for pickup. The prime movers to be used will be Scania, Volvo or equivalent.*

The BFMP provides a detailed plan of management for the Alco Farm. This document is available for information of residents and the general community.

Byron Stein, Industry Development Officer (Poultry Meat), Department of Primary Industries has provided detailed advice by way of a letter in regard to the night collection of birds as an industry wide practice. The letter dated 9 February 2015 is attached to this 96 (1A) Modification Application. From this letter page 3 the following advice is provided:

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'In terms of the night time bird collection curfew of between 7am and 11 pm we wish to advise the following:

Night time collection of birds is an industry wide practice, not only in Australia but overseas as well. The principle reasons for the night time collection of birds which are ready for processing are:

- a) Birds are quieter in dark conditions, making them easier to catch and load into crates for transport to the processing plant.*
- b) Animal Welfare. It is proven that birds suffer less stress associated with capture and transport when this is conducted in cool and dark conditions.*
- c) Animal production. Productivity losses are minimised by ensuring that birds are calmer and cooler when collected in the late evening or very early morning.*

A blanket night time curfew of 11pm unfortunately does not take into account differences between seasonal ambient conditions and periods of light and darkness. A curfew of 11pm potentially restricts or compromises the ability of a processor or pick-up crew to collect the birds in conditions which are conducive to acceptable animal welfare standards and productivity outcomes. I would urge the consent authority to consider this and to attempt to reach a compromise position which takes into account the considerable logistical difficulties of restricting pick up times to between 7am and 11pm.

The Department of Primary Industries submission provides Council with the 'industry wide practice' for the collection of live birds. The Applicant and Cordina Farms have considered all aspects of the procedures involved in the pickup of birds and will take action to minimise the generation of noise.

Council is requested to allow for flexibility in the hours for bird pick up and amend Condition 10.8 and delete Condition 10 (8) (a) in the best interest of bird welfare and the continued operation of the poultry growing farm. Condition 10(8)(a) will be superseded by the terms of amended Condition 10.8.

The amended Condition 10.8 and deletion of 10(8)(a) reflect Council's Development Consent Condition 2 DA010.2002.00058844.002 No. 325 Scoggies Road, Lakesland adopted by Council's Ordinary Meeting on 17 October 2016.

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Condition 10 (8)(a) could be deleted if the proposed amendment to Condition 10.8 was accepted.

It is agreed the amendments are consistent with the approach adopted for the modification application at Scroggies Road except the following paragraph is not included in the proposed modified condition:

‘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.’

That paragraph should be included in the proposed modified condition 10.8. Further the following paragraph should be added to condition 10.8:

The noise mitigation options included in Table 4 of the *‘Noise Management Assessment Alco Poultry Farm 184 Glendiver Road The Oaks’* prepared by Atkins Acoustics are to be implemented and arrangements in respect of the *‘Locked Gate’* are to be implemented prior to undertaking any night time pick up of birds.

The Industry Development Officer (Poultry Meat), Department of Primary Industries appears to support a change to the night curfew.

A *‘Broiler Farm Management Plan 2016’* submitted with the application includes a section on noise management that reflects the recommendations of a *‘Broiler Farm Truck Noise Management Plan’* prepared by Benbow Environmental in March 2015.

Condition 10(8)(b)

Existing Condition 10(8)(b): D800-05

No condition in the original consent.

Modified Condition 10(8)(b): Modification Application 010.2005.00058025.004

‘10(8)(b) The hours of operation for bird pickups shall come into effect within twenty —eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.’

Applicant’s Proposed Amendment to Condition 10(8)(b).

Condition 10(8)(b) to be deleted.

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Applicant's Submission

'If Condition 10.8 is amended and Condition 10 (8)(a) is deleted then Condition 10 (8)(b) is not relevant. It should be noted that legal advice was provided to Council on 28 June 2015 prepared for the Applicant by Barrister, Mr. Greg Newport. The legal advice states that:

"It is clear the Council is without power to require compliance with the Consent to 'commence from the completion of the existing growing batches"

As with commencement of the growing batches the hours of operation of bird pick up in 28 days of the date of the determination of the Application to Modify Development Consent 010.2005.00058025.004 is without power to require compliance with Condition 10(8)(b).'

Comments

It is agreed that Condition 10(8)(b) would become superfluous. Legal advice provided by the applicant suggests that Council may have difficulty enforcing the condition in any event. This has been confirmed with our own legal advice which was provided to council on the 26 of September 2016. This advice identified that there was concern to the validity of the condition imposed.

Condition 10(8)(c)

Existing Condition 10(8)(c): D800-05

No condition in the original consent.

Modified Condition 10(8)(c): Modification Application 010.2005.00058025.004

'10(8)(c) The speed of the trucks servicing the poultry farm until they are past the community title land after 5pm (specifically for bird collection at night) be 10km/h and require the installation of appropriate signage.'

Applicant's Proposed Amendment to Condition 10(8)(c).

'10(8)(c) The speed of the trucks servicing the poultry farm to be restricted to 20km/h while travelling through the community title land and restricted to 10km/h on the poultry farm.'

Applicant's Submission

'The Broiler Farm Management Plan 2016 has provided Live Bird Pick Up Contractors with the following direction:

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"Truck entry and exit speeds through the estate have been capped to 20 kilometres per hour. Truck drivers and pick up crews have all been notified of the situation regarding entry and exit speeds. Vehicle speed approaching the farm on the Glendiver Road is clearly signposted as 60 kilometres per hour".

It is submitted that a 20km/h speed limit for all hours of the day and night is a reasonable and safe speed limit to be imposed. The Applicant does not have the authority to install speed limit signs on the Glendiver Community Estate access driveway.'

Comments

It appears that the major factor influencing the original truck speed condition imposed by Council was noise attenuation for trucks travelling through the private road after 5pm. The applicant has not provided any data regarding noise created by trucks either travelling at 10km/h or 20km/h.

The 'Broiler Farm Truck Noise Management Plan' prepared by Benbow Environmental in March 2015 states:

'Vehicle speed approaching the farm has also been reduced on Glendiver Rd to a maximum of 40 kph, and then as the trucks pass through the community title area the speed is further reduced to 20 kph.'

It is considered that the applicant has not provided sufficient justification to support a modification of the condition as no data has been provided regarding noise increases or decreases as a result of altering the speed from 10kph to 20kph. Discussions should be held by the applicant with the private road owners to attempt to get agreement to be able to erect speed limit signs. A site inspection revealed that 20kph signs have already been erected along the private road.

Condition 10(8)(c) is not modified to the 20km/h, signs are to be removed as they contradict the condition of development consent or altered to add "(Truck speed limited 10km/h)".

Condition 10.16

Existing Condition 10.16: D800-05

No condition in the original consent.

Modified Condition 10.6: Modification Application 010.2005.00058025.004

'10.16 The surrounding neighbours and Council must be informed at least 24 hours in advance of night time (after 9pm) collection and batch delivery of birds.'

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Applicant's Proposed Amendment to Condition 10.16.

Condition 10.16 to be deleted.

Applicant's Submission

'Condition 10.16 will not be relevant with the requested amendment of Condition 10.8 for the night time collection of live birds.'

In support of the application Cordina Farms in consultation with the Applicant, Konstruct Group Pty Ltd has engaged an Acoustic Consultant, Graham Atkins to undertake noise surveys and report on the new bench mark noise levels for both the subject property and associated Cordina Farms.'

Comments

It is to be recommended that the noise mitigation options included in Table 4 of the *'Noise Management Assessment Alco Poultry Farm 184 Glendiver Road The Oaks'* prepared by Atkins Acoustics are to be implemented and arrangements in respect of the *'Locked Gate'* are to be implemented prior to undertaking any night time pick up of birds.

It is recommended the condition be modified to ensure that the applicant operate the poultry farm pick-up of birds in accordance with the Good Neighbour Charter.

1.4 SECTION 79C ASSESSMENT

1.4.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS
Environmental Planning and Assessment Act 1979

S96 Modification of consents—generally

(1A) Modifications involving minimal environmental impact.

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- (a) it is satisfied that the proposed modification is of minimal environmental impact, and

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it is considered the application is of minimal environmental impact.

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- (b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and

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the development is considered to be substantially the same.

- (c) it has notified the application in accordance with:
- (i) the regulations, if the regulations so require, or
 - (ii) a development control plan, if the consent authority is a Council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and

Comments

the application was notified for 15 days commencing 3 January 2017 and all previous objectors were informed in accordance with Council's adopted policy. Submitters requested an extension of the notification period and it was extended to 10 February 2017.

- (d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be. Subsections (1), (2) and

Comments

all submissions received have been considered and all relevant issues relating to the application have been summarised and commented on in this report. A total of nine (9) submissions have now been received.

State Environmental Planning Policy No 55—Remediation of Land

The development is satisfactory in this regard.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2—1997)

Approval of the application will not generate any non-compliance in regards to the aims, objectives or provisions of the plan.

Wollondilly Local Environmental Plan 1991

Approval of the application will not generate any non-compliance in regards to the relevant provisions of the environmental planning instrument.

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**1.4.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING
INSTRUMENTS**

None

1.4.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS

Development Control Plan No. 43 Poultry

Approval of the modification application as recommended will not create any non-compliance in regards to the controls contained within this plan.

The conditions in the original consent were imposed to ensure that the impacts of the additional shed will not have an adverse impact upon the adjoining landowners.

Additional conditions were recommended to eliminate any ambiguity and to provide certainty to those who have objected to the application and to the persons having the benefit of this consent regarding onsite operations.

**Wollondilly Agricultural Landscape Development Control Plan and
Wollondilly Agricultural Lands Development Control Plan**

The proposed changes to the existing and the inclusion of a modified condition will not create any non-compliance in regards to the controls contained within this plan.

Development Control Plan No.36 - Development in Rural Areas

The proposed changes to the existing and the inclusion of a modified condition will not create any non-compliance in regards to the controls contained within this plan.

**1.4.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER
INTO**

None

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1.5 IMPACT OF THE DEVELOPMENT

Heads of Consideration	Comment
Natural Environment	The proposed modification would not alter or exacerbate impacts on the natural environment.
Built Environment	Impacts upon the built environment would not change as a result of the proposed modifications.
Social Impact	It is recommended that condition 10.8 be modified. Adoption of the noise mitigation options included in Table 4 of the <i>'Noise Management Assessment Alco Poultry Farm 184 Glendiver Road The Oaks'</i> prepared by Atkins Acoustics is perceived to have the potential to mitigate noise impacts associated with night time delivery of birds so that improvements in respect of the current arrangements should occur.
Economic Impact	It is considered that the proposal will allow the continued operation of a long established poultry farm.

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1.6 SUITABILITY OF THE SITE

The site is considered to be suitable for the development. This site is located in a rural area with mitigation measures existing on the site to manage any potential issues with the surrounding area.

1.7 SUBMISSIONS

The application was notified for 15 days commencing 3 January 2017 and all previous objectors were informed in accordance with Council's adopted policy. Submitters requested an extension of the notification period and it was extended to 10 February 2017.

Below is a summary of the issues and comments.

Concern	Comment
Notification from 3 January to 18 January 2017 was considered to be inappropriate due to the holiday season and it was requested that an extension be given until 18 April 2017.	An extension of the notification period to 10 February was agreed to.
Four (4) trucks were moving through the Glendiver Farm residential estate on 23 January 2017 between 1.45am and 3.45am in contravention of Development Application (DA)	The hours of operation condition as modified under Modification Application 010.2005.00058025.004 was previously amended to permit bird pickup up until 12am, and not before 7am.

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Concern	Comment
<p>conditions and the <i>Good Neighbour Charter for the Wollondilly Poultry Industry</i>. Earlier breaches in September 2016 have also occurred.</p> <p>All previous rules have been broken so any further traffic through Glendiver Farm estate would exasperate the ability to live in peace and quiet.</p>	<p>A legal opinion provided by the applicant suggests that the conditions included in the approved Modification Application 010.2005.00058025.004 cannot yet be applied. They would apply once the developer implemented the development granted consent under Modification Application 010.2005.00058025.004.</p> <p>In effect this would mean that that current three (3) sheds could operate without any curfew and therefore possibly no breach has occurred.</p> <p>Council's Compliance Team have investigated the matter have received a response in relation to the vehicle movements that occurred during the early hours of 23 January 2017.</p> <p>That response advised that the weather conditions preceding that morning had been extreme for that week and therefore pick-ups were delayed for the welfare of the birds and workers. The latest opportunity to collect the birds was on the Monday morning. A number of farms which were all bound by curfews had to be cleared out on that morning. In order to minimise the impact on the residents more birds were picked up on that day to alleviate a greater number of vehicle movements.</p> <p>Where an application is with Council to consider the hours of activity generally, Council withholds compliance action during the period of assessment subject to the scope and degree of the breach.</p> <p>In this regard the Compliance Team will continue to investigate complaints regarding vehicle movements in order to ensure all effort is being made to comply.</p>

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Concern	Comment
	It should be noted that Modification Application 010.2005.00058025.004 resulted in approval of a fourth shed.
It should not be accepted by Council that the proposed modification involves minimal environmental impact as any additional shed/s on the land must have a significant impact due to unsuitable topography and the potential to contaminate natural waterways/wetlands.	Modification Application 010.2005.00058025.004 resulted in approval of a fourth shed on 19 October 2015. This modification request only seeks to change operated requirements and does not propose additional sheds.
Tunnel ventilation conditions in their existing form should be retained.	<p>As explained earlier in this report Existing Condition 2.2 under D800-05 was as follows:</p> <p><i>‘2.2 The tunnel ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within two years of the date this consent becomes valid whichever is the earlier.’</i></p> <p>That condition was Modified under Modification Application 010.2005.00058025.004 to read:</p> <p><i>‘2.2 The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.</i></p> <p><i>2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air</i></p>

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Concern	Comment
	<p><i>Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.</i></p> <p><i>Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.’</i></p> <p>Thus there is no current condition requiring tunnel ventilation.</p> <p>In respect of the installation of louvers it is recommended that the conditions as modified in Modification Consent 010.2005.00058025.04 be retained.</p>
<p>Condition 10.8 should not be modified at all:</p> <ul style="list-style-type: none"> ▪ The night curfew should be retained. ▪ Fully automated louvers should be installed to all four (4) poultry shed 	<p>Retention of all of the night curfew conditions as approved under Modification Application 010.2005.00058025.004 is not recommended.</p> <p>It is recommended that Condition 10(8)(a) that reads <i>‘Bird pickups are permitted between 10pm and 12am, but only during extreme weather conditions.’</i> be deleted because the:</p> <ul style="list-style-type: none"> ▪ Existing poultry farm consisting of three sheds has operated without a curfew since commencement of operations. However within the 2013 modification council introduced a curfew to control the hours of disruption. ▪ Industry Development Officer (Poultry Meat), Department of Primary Industries appears to support a change to the night curfew overall for the industry. However no DPI comment has been sought specifically for this modification. ▪ Wording of Condition 10.8 is

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Concern	Comment
	<p>proposed to be modified to reflect Council's approved approach to a modification application for Scroggies Road.</p> <ul style="list-style-type: none"> ▪ 'Broiler Farm Management Plan 2016' submitted with the application includes a section on noise management that reflects the recommendations of a 'Broiler Farm Truck Noise Management Plan' prepared by Benbow Environmental in March 2015. ▪ Adoption of the noise mitigation options included in Table 4 of the 'Noise Management Assessment Alco Poultry Farm 184 Glendiver Road The Oaks' prepared by Atkins Acoustics is perceived to have the potential to mitigate noise impacts associated with night time delivery of birds so that improvements in respect of the current arrangements should occur. <p>The modified wording for condition 10.8 is applicant to be:</p> <p><i>10.8 The night time pick-up of birds is permitted by this consent under the following terms:</i></p> <p><i>Clean out of the sheds shall be between 7:00am and 6:00pm weekdays and 7:00am to 4:00pm Saturdays only.</i></p> <p><i>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.</i></p> <p><i>Except where required under relevant Work Health and Safety Law; machinery, equipment, forklifts etc. that have beeping</i></p>

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Concern	Comment
	<p><i>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.</i></p> <p><i>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.</i></p> <p><i>The noise mitigation options included in Table 4 of the 'Noise Management Assessment Alco Poultry Farm 184 Glendiver Road The Oaks' prepared by Atkins Acoustics are to be implemented. In addition arrangements in respect of the 'Locked Gate' are to be implemented prior to undertaking any night time pick up of birds.</i></p> <p><i>Condition 10(8)(b) that reads 'The hours of operation for bird pickups shall come into effect within twenty—eight (28) days of the date of the determination of Application to Modify Development Consent 010.2005.00058025.004.' is proposed to be deleted for legal reasons. This was confirmed to be required with legal advice. Amended recommended Condition 10.8 would apply from occupation of the fourth shed.</i></p> <p><i>Condition 10(8)(c) that reads 'The speed of the trucks servicing the poultry farm on the private road after 5pm (specifically for bird collection at night) be 10km/h and require the installation of appropriate signage' to limit truck speed is proposed to be retained as the applicant has not sufficiently justified amending that condition.</i></p>

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Concern	Comment
	<p>In respect of the installation of louvers it is recommended that the conditions as modified in Modification Consent 010.2005.00058025.04 be retained to read as follows:</p> <p><i>2.2 The automated conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.</i></p> <p><i>2.2(a) Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.</i></p> <p><i>Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.’</i></p>
<p>Condition 10.16 that requires notification of night time truck movements to surrounding neighbours and Council should be retained.</p>	<p>It is recommended that this condition be retained.</p>
<p>A condition should be included in the modification requiring comprehensive independent testing of water quality in Flaggy Creek.</p>	<p>Advice received from Council’s Senior Environmental Health Officer is that complaints associated with possible pollution of Flaggy Creek have been investigated. Water testing has led to the</p>

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Concern	Comment
	<p>conclusion that the poultry farm is unlikely to be a source of nutrients occurring in the creek.</p> <p>Existing condition 3.1 of the consent requires the submission of a Soil and Water Management Plan.</p>

Planning & Economy

1.8 THE PUBLIC INTEREST

While there has been significant public interest and opposition to the proposed modifications, it is considered that, subject to the modification of Condition 10.8, the site is suitable for the development. The modification of condition 10.8 is consistent with Council’s recent approach to facilitating night time pick up of birds from existing poultry farms.

Additionally condition 10.13(b) is proposed to reflect the change in poultry industry practice and the applicants commitment to the Good Neighbour charter.

FINANCIAL IMPLICATIONS

There will be no impacts on Council’s adopted budget or forward estimates.

ATTACHMENTS INCLUDED IN A SEPARATE BOOKLET

1. Report to the Ordinary Meeting of Council held 19 October 2015
2. Minutes of the Ordinary Meeting of Council held 19 October 2015

RECOMMENDATION

That Application to modify Conditions 1.1, 2.2 and 10.8 of DA 800/05 and Conditions 10.8 (a), (b), (c) and 10.16 of Modification Development Consent 010.2005.00058025.004.at Lot 11 DP 841569, 184B Glendiver Road, The Oaks be determined as follows:

- a) Condition 10.8 be amended to read as follows:

‘10.8 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.

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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 and 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.

The noise mitigation options included in Table 4 of the 'Noise Management Assessment Alco Poultry Farm 184 Glendiver Road The Oaks' prepared by Atkins Acoustics are to be implemented. In addition arrangements in respect of the 'Locked Gate' are to be implemented prior to undertaking any night time pick up of birds.'

- b) Conditions 10(8)(a), 10(8)(b) be deleted.
- c) Conditions 1.1, 2.2, 10(8)(c) and 10.16 as modified in Development Consent 010.2005.00058025.004 be retained.
- d) Given the changes to the consent conditions, a consolidated consent be approved subject to this application to modify the consent and as such, the consent be as follows (conditions amended and added will appear in italics and unchanged conditions remain in normal font).

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.

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- 1.1 *Development consent is granted for the construction of one (1) additional chicken growing shed on Lot 11 DP 841569, No. 184 Glendiver Road, The Oaks and incorporated conventional shed with natural/conventional ventilation system in accordance with the plans prepared by D & M Consulting titled “Project: - Development for Proposed Poultry Shed” drawing Number. 12479 (Sheets 1, 4 and 5 of 5) dated 22/10/12 submitted with Application to Modify Development Consent 010.2005.00058025.004.*
- 1.2 Development shall take place in accordance with plans and information submitted in relation to Development Application No. D800-05 or where superseded by the information and particulars submitted with Application to Modify Development Consent 010.2005.00058025.004 except as varied by the following conditions.
- 1.3 The entire poultry farm, including the existing sheds is to be operated solely in accordance with this development consent.
- 1.4 A Construction Certificate shall be approved by Council or the nominated Accredited Certifier prior to the commencement of any works authorised by this consent.
- 1.5 Development shall take place in accordance with the recommendations of the following reports:
- “Broiler Farm Management Plan” prepared by Cordina Farms Pty submitted with Application to Modify Development Consent 010.2005.00058025.004
 - “Alco Farm Broiler Farm Truck Noise Management Plan” prepared by Benbow Environmental (Report No.141183_Truck Noise_Mgmt_Rev4) dated March 2015.

Prior to the issue of the Construction Certificate, the Broiler Farm Management Plan subject of this condition shall be endorsed by all relevant parties and submitted to Council.

2. BUILDING DESIGN

These conditions are 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.

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- 2.1 All materials and colours to be used in the external construction of the proposed shed shall be complimentary to those of the existing development.
- 2.2 *The conventional ventilation systems for the existing sheds shall be installed and be operational prior to the issue of the Occupation Certificate for the new shed or within one (1) year of the date the determination of Application to Modify Development Consent 010.2005.00058025.004.*
- 2.2(a) *Each shed (existing and approved by Development Consent D800-05) shall have louvers installed and be fully automated to control temperature, humidity and ventilation requirements to address odour concerns and comply with the recommendations of the “Air and Noise Assessment – Poultry Farm, The Oaks – FINAL” report prepared by Air Noise Environment (Project Ref: 3249) dated January 2013 and where superseded by the “Odour Impact Assessment – Changes to Outcomes at Receiver R10” report prepared by Benbow Environmental (ref: 141183-Let3) dated 26 February 2015.*

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

3. EROSION AND SEDIMENT CONTROL

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

- 3.1 A Soil and Water Management Plan, in accordance with Council's Design Code DCP and Construction Specification is to be submitted with the Construction Certificate for the development and approved by Council or the nominated Accredited Certifier.

The installation of the erosion and sediment control devices identified on the soil and water management plan, is to be completed prior to the commencement of any works on the site and are to remain in place after construction is completed.

- 3.2 Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site is muddy.

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- 3.3 All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- 3.4 Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.

4. BUILDING GENERAL

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

- 4.1 All construction work shall be:
- (i) restricted to between 7.00am and 5.00pm Mondays to Fridays (inclusive);
 - (ii) restricted to between 8.00am and 1.00pm on Saturdays;
 - (iii) prohibited on Sundays and Public Holidays unless written approval to vary the hours is granted by Council.
- 4.2 There being no burning of builder's rubble, felled trees or other material on the site.
- 4.3 Submission of a Waste Management Plan in accordance with Council's Waste Minimisation and Management guidelines *shall be submitted to Council or the nominated Accredited Certifier* prior to the issue of the Construction Certificate.

5. CARPARKING/LOADING/ACCESS

These conditions have been imposed to:

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.
 - (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry to facilities.
- 5.1 In accordance with the provisions of Development Control Plan No.7 – Off Street Carparking – 2 all-weather car parking spaces and access thereto shall be provided for the proposed development. Such spaces are to measure not less than 2.6m x 5.5m.

Details shall be submitted to Council or the nominated Accredited Certifier for approval prior to the issue of the Construction Certificate.

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- 5.2 The road which provides access to the poultry farm the Glendiver Farm Community Title Estate shall be maintained to an appropriate standard to cater for all vehicles that are associated with the poultry farm for the life of the poultry farm. *(Amended by 010.2005.00058025.003)*

6. LANDSCAPING

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

- 6.1 Compliance with the provisions of Council's Tree Preservation Order. Under the order a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree which:

- (a) Is greater than 3m in height;
- (b) Has a girth greater than 45cm at a height of 1m from the ground;
- (c) Has a branch spread greater than 3m.

- 6.2 In order to ensure that the development is adequately landscaped a detailed landscape plan prepared by a person with horticultural qualifications shall be submitted to *Council or the nominated Accredited Certifier* for approval prior to release of the Construction Certificate and shall include the following:

- (a) All existing and proposed site structures.
- (b) All existing vegetation.
- (c) Location of proposed planting around the additional shed and ventilation system to screen it from surrounding areas and enhance the landscape character of the site.
- (d) Details of growth and maintenance.

- 6.3 Landscaping is to be installed in accordance with the approved Plan prior to the issue of the Occupation Certificate and maintained in accordance with the details provided on that Plan at all times.

7. STORMWATER

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

- 7.1 Stormwater runoff from and through the property is to be appropriately managed so as to control nuisance, damage and hazard during storm events.

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- 7.2 Stormwater runoff from all impervious surfaces on the property shall be collected and conveyed to a point suitable for integration with either the natural or constructed stormwater drainage system.

A piped drainage system shall be provided to convey runoff from storms up to the 10% AEP. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.

8. INSPECTIONS

These conditions have been imposed to ensure that the structure is constructed to an approved standard and related approvals.

- 8.1 The proposed building works shall be inspected by *Council or the nominated Accredited Certifier* at the following stages of construction to ensure they comply with the Building Code of Australia and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control measures are implemented
- Pier holes/footings before pouring of concrete
- Steel reinforcing before pouring of concrete
- Structural steel work before covering
- Roof water drainage before backfilling
- Retaining wall structure to the excavated area before backfilling
- Completion of the building work before occupation or use.

9. DEVELOPMENT (SECTION 94A) CONTRIBUTIONS

These conditions are imposed to ensure the adequate provision of public facilities required as a result of the development, the following conditions apply:

- 9.1 Pursuant to Section 80A(1) of the Environmental Planning & Assessment Act, 1979 and the Wollondilly Development Contributions Plan 2005 (as amended by Ministerial Section 94E Direction dated 10 November 2006), a contribution of \$30,000 shall be paid to Council.

This contribution is calculated from Council's adopted Development Contributions Plan (as Amended) in the following manner:

Non-residential Development with proposed development cost between \$100,001 and \$200,000 - 0.5% levy. The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

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The contribution is to be paid before release of the *Construction Certificate* in accordance with the provisions of the Wollondilly Development Contributions Plan, 2005.

10. OCCUPATION & USE

These conditions are 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.

10.1 The Occupation Certificate is not to be issued until all relevant conditions have been complied with.

10.2 The new shed shall not be occupied until Council or the nominated Accredited Certifier has issued an Occupation Certificate.

10.3 The poultry sheds shall be used for chicken production and will have a maximum combined stocking rate of *93,700 birds*.

An annual audit shall be supplied to Council on the anniversary of the Occupation Certificate to verify the stocking rate with each growing cycle. Council shall be authorised to make an independent check and clarify that audit with the producer.

10.3(a) The development shall only be operated as an accredited RSPCA – Australia Approved Farming Scheme (AFS) poultry farm at all times, for the life of the development.

10.4 No manure or spent litter is to be stored external to the sheds.

10.5 All manure and spent litter is to be taken from the property in covered loads so as to prevent spillage of contents.

New shavings are to arrive on the site in covered loads, and spent litter shall be removed from the sheds at the removal of each 'batch' of birds from each shed and replaced with fresh shavings.

At no stage shall spent litter be retained on the property.

10.6 Council shall be provided with a complete list detailing all chemicals used in the operation of the farm prior to issue of the Construction Certificate. Only chemicals approved for use on poultry farms are to be used.

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10.7 All deliveries and collections from the site, other than the pick up of birds for processing, shall take place between 7am and 5pm Monday to Saturday inclusive. No deliveries or collections shall occur on Sundays or Public Holidays.

10.8 *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 and 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.

The noise mitigation options included in Table 4 of the 'Noise Management Assessment Alco Poultry Farm 184 Glendiver Road The Oaks' prepared by Atkins Acoustics are to be implemented. In addition arrangements in respect of the 'Locked Gate' are to be implemented prior to undertaking any night time pick up of birds.

10(8)(a) Deleted

10(8)(b) Deleted

10(8)(c) *The speed of the trucks servicing the poultry farm on the private road after 5pm (specifically for bird collection at night) be 10km/h and require the installation of appropriate signage to limit truck speed.*

10.9 Deleted (under a previous consent).

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10.10 All watering of stock is to be by way of nipple feeders in accordance with the information submitted with the Development Application.

No cup watering is permitted in any part of any shed.

10.11 Prior to the issue of the construction certificate, the approved plans are to be amended to clearly indicate the location and details of a cool room to be utilised for the storage of dead birds.

10.12 There shall not be any storage, stockpiling or keeping of dead birds external to the cool room.

All dead birds from the poultry sheds are to be stored in the cool room at all times prior to collection by an approved waste contractor, who shall transport the dead birds for disposal at a licenced waste management centre.

Details on the collection and disposal of dead birds from the site, in the form of a contract with an approved waste contractor and a waste management plan outlining compliance with the requirements of this condition is to be submitted to *Council or the nominated Accredited Certifier* for approval prior to the issue of the Occupation Certificate.

10.13 (a) The requirements of conditions 10.3 to 10.12 (inclusive) shall be incorporated into a Management Plan for the site.

The Management Plan is also to adopt the NSW Chicken Farming Guidelines prepared by NSW Agriculture, except where inconsistent with the requirements of the conditions of this consent.

The Management Plan is to be signed by the operator of the farm, the relevant processor and approved by *Council or the nominated Accredited Certifier* prior to the issue of the Occupation Certificate.

The poultry farm must be operated in accordance with the approved management plan at all times.

(b) A Management Plan shall be submitted to council within 6 months of this determination and shall provide a plan which is in accordance with the following:

- EMP audit
- Stocking rates
- BFMP
- Good neighbour charter
- RSPCA accreditation.

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- 10.14 The poultry farm shall be conducted in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful products of the industry.
- 10.15 The poultry farm shall not generate offensive noise or offensive odour as defined under the Protection of the Environment Operations Act.
- 10.16 *The night time pickup shall be in accordance with the recommendations of the Good Neighbour Charter 2016.*

11. ODOUR MANAGEMENT

This condition is imposed to protect the amenity of the area with respect of odour and to ensure that the development will not result in increased odour impacts.

- 11.1 Within six months of the commencement of use of the subject sheds odour monitoring shall be undertaken during a week in which the birds are at maximum size.

If this monitoring finds out that the post development odour level at any dwelling is higher than 5OU and is also higher than the predevelopment odour level, a plan of odour management shall be prepared to the satisfaction of Council and implemented within twelve (12) months.

- 11.2 If Council receives three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of odour from the subject property or three (3) consecutive lodged and independent complaints in one (1) month in relation to the emission of dust complaint from the subject property and such complaints are verified by Council in accordance with applicable and acceptable industry standards and practices to have arisen from the use of the subject property, then the owners will comply with all such reasonable directions as may be given by Council (after consultation by Council with the owners) with the objective of ameliorating the said impacts.

The one exception to this condition is where such complaints arise from or in circumstances which can only be attributed to natural disasters and the like beyond the control of the owners.

- 11.3 That the Development shall not cause any offensive noise under the Protection of the Environment Operations Act, 1997.

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

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

12.1 COMPLIANCE WITH BUILDING CODE OF AUSTRALIA

- (1) All building work must be carried out in accordance with the provisions of the *Building Code of Australia*.
- (2) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188 of the Environmental Planning and Assessment Regulation 2000, subject to the terms of any condition or requirement referred to in clause 187(6) or 188(4).

12.2 EXCAVATIONS AND BACKFILLING

- (1) All excavation and backfilling associated with the erection of demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

12.3 RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

- (1) 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
- (2) Adequate provision must be made for drainage.

12.4 SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

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- (a) Stating that unauthorised entry to the work site is prohibited, and
 - (b) Showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.
- (2) Any such sign is to be removed when the work has been completed.
- (3) This clause does not apply to:
- (a) building work carried out inside an existing building, or
 - (b) building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

12.5 TOILET FACILITIES

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
- (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 facilities approved by the council, or
 - (iii) 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.
- (3) The provision of toilet facilities in accordance with this Clause must be completed before any other work is commenced.

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(4) In this clause:

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 95B of the Regulation.

Approved by the council means the subject of an approval in force under Division 1 of Part 3 of the Local Government General Regulation 2005.

Public sewer has the same meaning as it has in the Local Government General Regulation 2005.

Sewage management facility has the same meaning as it has in the Local Government General Regulation 2005.

13. ADVICE

- 13.1 At all times work is being undertaken with 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.
- 13.2 During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc, that require alteration shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- 13.3 A Road Opening Permit must be obtained from Council before trenching or other excavation work is undertaken within the public road reserve. It is the responsibility of each contractor and/or subcontractor to obtain such a permit. The permit must be held on site and produced when requested by a Council Officer.
- 13.4 The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:

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- Motor vehicle insurance (comprehensive or property damage) for all self-propelled plant, as well as valid registration or RTA permit (Including CTP insurance). Primary producer's registration is not valid registration for use on Public Road construction work.
- Workers Compensation Insurance.
- Ten Million Dollar Public Liability Insurance.