2805/2013/DA-U Recommended Conditions of Consent

SCHEDULE A - Deferred Commencement Conditions

The following deferred commencement conditions must all be satisfied within 3 months for the subject development consent to become active.

1. Surrender of all Existing Development Consents for the operation of poultry farming.

The applicant shall surrender all the existing development consents pertaining to the operation of poultry farming at Nos. 315-317 Bensley Road, Ingleburn.

2. Building Certificate

The applicant shall obtain from Council a Building Certificate in respect of the structures that are the subject of this development consent that were constructed without prior approval, being the poultry shed and silo.

3. Allotment Consolidation

The applicant shall provide documentary evidence that the two properties that are the subject of this development consent (Lots 5-6 DP 221768, Nos. 315-317 Bensley Road Ingleburn) have been consolidated into a single allotment. The plan of consolidation shall include the dedication of a 4 metre by 4 metre splay at the corner of Bensley Road and Mercedes Road to Council.

SCHEDULE B - General Conditions

The following conditions have been applied to ensure that the use of the land and/or building is carried out in such a manner that is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on or benefit of the development consent.

1. Approved Development

The development shall be carried out in accordance with the approved plans listed below, and all associated documentation supporting this consent, except as modified in red by Council and / or any conditions within.

Drawing/Document No.	Prepared By	Date
Site plan	Ron Lewis	28 November 2013
Landscape plan Sheets 1-4 (as amended by Council)	Ron Lewis/M. Anderson	Submitted April 2014
Plan showing extent of production area	Ron Lewis	Submitted November 2014
Elevations, sections, floor plan and structural details (sheets 1 to 3)	Ron Lewis	Submitted December 2013
Nutrient dam, stormwater cycle and sediment control details	Technibuild Consulting	November 2013

2. Building Code of Australia

All building work must be carried out in accordance with the provisions of the *Building Code of Australia*. In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3. Landscaping

The provision and maintenance of landscaping shall be in accordance with the approved landscape plan containing Council's approved development stamp including the engagement of a suitably qualified landscape consultant/ contractor for landscaping works. The landscape design shall incorporate a significant portion of native, low water demand plants.

4. Unreasonable Noise, Dust and Vibration

The development, including operation of vehicles, shall be conducted so as to avoid the generation of unreasonable noise, dust or vibration and cause no unreasonable interference to the amenity of adjoining or nearby occupants. Special precautions must be taken to avoid nuisance in neighbouring residential areas, particularly from machinery, vehicles, warning sirens and the like.

In the event of a noise related issue arising during construction, the person in charge of the premises shall when instructed by Council, cause to be carried out an acoustic investigation by an appropriate acoustical consultant and submit the results to Council. If required by Council, the person in charge of the premises shall implement any or all of the recommendations of the consultant and any additional requirements of Council to its satisfaction.

5. Engineering Design Works

The design of all engineering works shall be carried out in accordance with the requirements detailed in the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

6. Rain Water Tank(s)

Rain water tank/s shall be installed on site for the collection and storage of stormwater for irrigation purposes.

7. Construction Certificate

Prior to the commencement of any works that requires a construction certificate:

- a. The applicant shall obtain a construction certificate for the particular works;
- b. The applicant shall appoint a principal certifying authority; and
- c. The private certifying authority shall notify Council of their appointment no less than two days prior to the commencement of any works

8. Management of the Poultry Farm

A complete Farm Environmental Management Plan is to be submitted for approval by Council prior to commencement of operation of the new most northern poultry shed, which is consistent with the NSW Department of Primary Industries – 'Best Practice Management for Meat Chicken Production in NSW, Manual 2 – Meat Chicken Growing Management'.

The Farm Environmental Management Plan must outline environmental performance standards and strategies to manage environmental impact within accepted environmental performance standards including, but not limited to:-

- Noise Management
- Odour and Dust Management
- Maintenance Management
- Waste and Litter Management
- Pest Management
- Water Management
- Complaint and Neighbourhood Policy
- Emergency Management.

9. Stock Rate

The total poultry stocking rate for the farm shall not exceed 62,500 birds at any time.

10. Animal Welfare

All poultry must be kept in accordance with the NSW Department of Primary Industries - Animal Welfare Code of Practice and Industry Regulations.

11. Noise Management

The Poultry Farming operation (including existing and proposed sheds) must incorporate noise mitigation measures and must comply with the EPA -NSW Industrial Noise Policy 2000.

The Poultry Farming operation must be designed and operate so that the use of the premises, building services, operations, equipment, machinery, vehicles and ancillary fittings must not emit 'offensive noise' as defined in the Protection of the Environment Operations Act, 1997:

Offensive noise means noise:

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

Within six months of the commencement of use of the premises, noise monitoring must be undertaken by a suitably qualified acoustic consultant with all noise generating mechanical equipment operating simultaneously and during a time the birds are being collected for processing. If this monitoring finds that the post development noise level at the boundary of any adjoining residence is 5d(B)A or more, above background noise levels, as outlined within the NSW Industrial Noise Policy 2000, appropriate noise mitigation measures must be implemented to the satisfaction of Council to reduce noise levels to within acceptable standards. A copy of the noise assessment report and its recommendations shall be submitted to Council within 9 months of the commencement of use.

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

Pick-up of birds for processing and all associated activities must take place between the hours of 7am and 10pm. No pick-up of birds for processing shall occur on Sundays or Public Holidays. Collection of birds shall take place only from the area designated within the acoustic report prepared by Benbow Environmental dated 28 November 2013.

No noise generating activities relating to the pick-up of birds for processing are to be continued outside of the designated times.

Truck engines are to be turned off during bird pick up operations unless entering or leaving the premises.

All sheds, mechanical equipment, fans, foggers and pneumatic feed systems (food and water systems) shall be well-maintained to minimise the generation of mechanical noise and the likelihood of off-site vibration. The feed blower shall operate for less than 2.5 hours per day.

The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of "offensive noise". Written notice of any such restriction will be given, and failure to comply with any such written notice will be deemed as a breach of this consent.

12. Odour and Dust Management

The Poultry Farming operation (including the existing and proposed sheds) must incorporate dust and odour mitigation measures.

Within six months of the commencement of use of the northern most shed, odour and dust monitoring of the whole Poultry Farming operation must be undertaken by a suitably qualified environmental consultant for a period of one month, and must include a week in which the birds are at maximum size and a period when the sheds are being cleaned. The odour monitoring report must record which particular activity is occurring on each day that monitoring is taking place. If this monitoring finds that the post development odour or dust levels, at any surrounding dwelling is higher than acceptable environmental standards e.g. 2 Odour Units, a plan of odour and dust management must be implemented and adhered to, to the satisfaction of Council to reduce odour and dust levels to within acceptable standards and in accordance with:

*Technical Notes: Assessment and management of odour from stationary sources in NSW, November.2006, SBN 1741374618

*Technical Framework: Assessment and management of odour from stationary sources in NSW, November 2006, ISBN 1741374596

The poultry shed shall be designed and operated so that the use of the premises, building services, operations, equipment, machinery, vehicles and ancillary fittings must not give rise to the generation of "offensive odour" as defined in the Protection of the Environment Operations Act, 1997:

Offensive odour means an odour:

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

All feed, seed and odorous materials shall be stored in silos and or sealed containers.

13. Maintenance Management

The Poultry Farming operation (including the existing and proposed sheds) must adopt a Maintenance Management Program. Documentation of the Farm's Maintenance Program must be kept on site at all times and available at the request of Council Officers.

The premises shall be maintained in a clean and tidy state at all times.

All sheds, mechanical equipment, fans, foggers, pneumatic feed systems (feed and water systems), fittings and vehicles must be effectively maintained to minimise odour, dust and noise impacts to the surrounding neighbours.

All sheds must be cleaned and disinfected within 24 hours after each batch of poultry is removed from the property for processing. The operator must appropriately dispose of all waste water and prevent all waste water leaving the sheds.

14. Waste and Litter Management

The Poultry Farming operation (including the existing and proposed sheds) must incorporate a Waste and Litter Management Program. Documentation of the Farm's Waste and Litter Management Program must be kept on site at all times and be made available at the request of Council Officers.

All manure and spent litter is to be taken from the property immediately following the clean out of each shed in covered loads to prevent spillage of contents. New shavings are to arrive on the site in covered loads and placed within each shed floor prior to delivery of each new batch of chickens. Spent litter shall be removed from the sheds at the removal of each batch of birds from each shed and replaced with fresh shavings.

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

At no stage shall spent litter/manure be retained or stockpiled on the property.

All dead birds must be removed from the sheds on a daily basis and stored within a designed pick up container with a secured lid and taken off site daily or stored within a freezer unit until collection.

On site burial of any animals, animal parts, animal waste, spent litter or other waste is not permitted at the premises.

All waste and litter from the Poultry Farming operation must be collected and disposed of appropriately by a suitable waste transporter and facility licensed by the EPA (Protection of the Environment Operations (Waste) Regulation 2005).

15. Pest and Vermin Management

The Poultry Farming operation (including the existing and proposed sheds) must incorporate an appropriate and effective Pest and Vermin Management Control Program. Documentation of the Farm's Pest and Vermin Management Control Program must be kept on site at all times and available at the request of Council Officers.

16. Complaint and Neighbourhood Policy

The Poultry Farming operation (including the existing and proposed sheds) must implement an appropriate Complaint and Neighbourhood Policy.

All surrounding neighbours must be informed 7 days in advance, of the night time collection, shed and batch delivery dates and times throughout the year.

All complaints must be addressed appropriately to rectify any impacts experienced by the surrounding neighbours.

17. Water Management

The Poultry Farming operation (including the existing and proposed sheds) must design, operate and manage the surface water flow from leaving the property.

The farm dam and roads must be maintained to reduce soil movement, dust, erosion and dam leakage.

The farm dam must be used only for storm water runoff and not used for disposal of any waste generated at the premises.

Appropriate vegetation must be maintained around the poultry sheds to eliminate contaminates, waste and wastewater entering the farm dam and natural watercourses.

The on-site waste water system must be maintained and operated to prevent wastewater/nutrients getting into the dam or natural water courses.

18. Emergency Management

The Poultry Farming operation (including the existing and proposed sheds) must incorporate an Emergency/Contingency Plan to appropriately deal with mass bird deaths, bird welfare issues, impacts on surface and natural watercourses and the spread of diseases.

The Poultry Farming operation must incorporate an Australian Veterinary Plan (Ausvetplan) to appropriately deal with Emergency Animal Diseases. The relevant authorities must be notified and the appropriate action must be taken as directed by the Chief Veterinary Officer, NSW Department of Primary Industries.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by either Campbelltown City Council or an accredited certifier. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

19. Acoustic Screening

The acoustic screen on the north-eastern side of the new northernmost shed requires a construction certificate and shall be shown on the plans in accordance with the configuration shown within the Noise Impact Assessment report prepared by Benow Environmental dated 28 November 2013. The material of the barrier shall be to the satisfaction of Council and shall not be colorbond. Landscaping shall be planted in front of the barrier between the barrier and Mercedes Road prior to the occupation of the new northernmost shed.

20. Sydney Water Stamped Plans

Prior to Council or an accredited certifier issuing a construction certificate, the approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easements, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets see Building and Developing then Building and Renovating

or telephone 13 20 92.

21. Soil and Water Management Plan

Prior to Council or an accredited certifier issuing a construction certificate, a detailed soil and water management plan shall be submitted to Council for approval.

22. Certification of Proposed Dam

Prior to Council or an accredited certifier issuing a construction certificate, the applicant shall submit a geotechnical report from a NATA registered laboratory assessing the stability and suitability of the land for the purpose of dam construction.

The report shall identify all measures necessary to construct the dam and the engineering plans for the dam, spillways and ancillary works shall be prepared and certified by a geotechnical engineer and approved by the NSW Dam Safety Committee.

Upon completion of construction, the works shall be certified by a geotechnical engineer, a registered surveyor shall prepare work as executed plans, and a copy of all documents shall be submitted to Council for its records.

23. Section 94A Developer Contribution - Community Facilities and Services

Prior to Council or an accredited certifier issuing a Complying Development Certificate or a Construction Certificate (or where a Construction Certificate is not required, a Subdivision Certificate), the applicant shall provide a receipt for the payment to Council of a community facilities and services contribution in accordance with the provisions of the Campbelltown City Council Section 94A Development Contributions Plan.

For the purposes of calculating the required S94A contribution, where the value of the total development cost exceeds \$100,000, the applicant is required to include with the application for the respective certificate, a report setting out a cost estimate of the proposed development in accordance with the following:

- where the value of the proposed development is greater than \$100,000 but less than \$500,000, provide a Cost Summary Report by a person who, in the opinion of the Council, is suitably qualified to provide a Cost Summary Report (Cost Summary Report Template 1). All Cost Summaries will be subject to indexation on a quarterly basis relative to the Consumer Price Index All Groups (Sydney) where the contribution amount will be based on the indexed value of the development applicable at the time of payment; or
- where the value of the proposed development is \$500,000 or more, provide a detailed development cost report completed by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors (Quantity Surveyors Estimate Report Template 2). Payment of contribution fees will not be accepted unless the amount being paid is based on a Quantity Surveyors Estimate Report (QS Report) that has been issued within 90 days of the date of payment. Where the QS Report is older than 90 days, the applicant shall provide an updated QS Report that has been indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 to ensure quarterly variations in the Consumer Price Index All Group Index Number for Sydney have been incorporated in the updated QS Report.

Copies of the Cost Summary Report - Template 1 and the Quantity Surveyors Estimate Report - Template 2 are located under "Developer Contributions" on Council's web site (www.campbelltown.nsw.gov.au) or can be collected from Council's Planning and Environment Division during normal business hours.

On calculation of the applicable contributions, all amounts payable will be confirmed by Council in writing.

Payment of Section 94A Developer Contributions will only be accepted by way of Cash, Credit Card or Bank Cheque issued by an Australian bank. Payment by any other means will not be accepted unless otherwise approved in writing by Council.

Note: This condition is only applicable where the total development value exceeds \$100,000.

PRIOR TO THE COMMENCEMENT OF ANY WORKS

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any works on site.

24. Erosion and Sediment Control

Prior to the commencement of any works on the land, adequate/approved erosion and sediment control measures shall be fully installed/implemented.

25. Erection of Construction Sign

Prior to the commencement of any works on the land, a sign/s must be erected in a prominent position on the site:

- Showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours
- b. Stating that unauthorised entry to the work site is prohibited
- c. Pollution warning sign promoting the protection of waterways (issued by Council with the development consent)
- d. Stating the approved construction hours in which all works can occur
- e. Showing the name, address and telephone number of the principal certifying authority for the work.

Any such sign/s is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

26. Vehicular Access during Construction

Prior to the commencement of any works on the land, a single vehicle/plant access to the site shall be provided, to minimise ground disturbance and prevent the transportation of soil onto any public road system. Single sized aggregate, 40mm or larger placed 150mm deep, extending from the kerb and gutter to the property boundary, shall be provided as a minimum requirement.

27. Public Property

Prior to the commencement of any works on site, the applicant shall advise Council of any damage to property which is controlled by Council which adjoins the site, including kerbs, gutters, footpaths, and the like. Failure to identify existing damage may result in all damage detected after completion of the development being repaired at the applicant's expense.

DEVELOPMENT REQUIREMENTS DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

28. Construction Work Hours

All work on site shall only occur between the following hours:

Monday to Friday 7.00am to 6.00pm Saturday 8.00am to 1.00pm

Sunday and public holidays No Work.

29. Erosion and Sediment Control

Erosion and sediment control measures shall be provided and maintained throughout the construction period, in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook),* the approved plans, Council specifications and to the satisfaction of the principal certifying authority. The erosion and sedimentation control devices shall remain in place until the site has been stabilised and revegetated.

Note: On the spot penalties up to \$1,500 will be issued for any noncompliance with this requirement without any further notification or warning.

30. Fill Compaction Requirements

Any filling carried out on the site shall be compacted to a minimum dry density of 98% Standard Compaction. Density testing, which is to be certified by a qualified geotechnical engineer, shall be undertaken for every 300mm rise in vertical height, with test locations being selected randomly across the site. At least 1 test shall be taken for every 500m² of the filled area (minimum 1 test per 300mm layer).

31. Fill Contamination

Any landfill used on the site is to be validated in accordance with the *Environment Protection Authority*'s guidelines for consultants reporting on contaminated sites. The validation report shall state in an end statement that the fill material is suitable for the proposed use on the land.

32. Dust Nuisance

Measures shall be implemented to minimise wind erosion and dust nuisance in accordance with the requirements of the manual – *Soils and Construction* (2004) (Bluebook). Construction areas shall be treated/regularly watered to the satisfaction of the principal certifying authority.

33. Revegetation

Revegetation in accordance with the requirements of the manual – *Soils and Construction (2004) (Bluebook)* shall be applied to all disturbed areas within seven days after completion of the earthworks.

34. Compliance with Relevant Specifications

All design and construction work shall be in accordance with:

- a. Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended);
- b. Council's Campbelltown (Sustainable City) DCP Volumes 1 and 3 (as amended);
- c. Soils and Construction (2004) (Bluebook); and
- d. Relevant Australian Standards and State Government publications.

35. Completion of Construction Works

Unless otherwise specified in this consent, all construction works associated with the approved development shall be completed within 12 months of the date of the notice of the intention to commence construction works under Section 81A of the Act.

In the event that construction works are not continually ongoing, the applicant shall appropriately screen the construction site from public view with architectural devices and landscaping to Council's written satisfaction.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by either Campbelltown City Council or an accredited principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

Note: For the purpose of this development consent, any reference to "occupation certificate" shall also be taken to mean "interim occupation certificate".

36. Section 73 Certificate

Prior to the principal certifying authority issuing an occupation certificate, a Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Early application for the certificate is suggested as this can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator.

For help either visit www.sydneywater.com.au > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an occupation certificate.

37. Geotechnical/Civil Engineering Certificate

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit a certificate to Council from a geotechnical engineer certifying that the dam, spillway and ancillary works have been completed in compliance with the approved plans and any NSW Dam Safety Committee requirements.

38. Final Inspection – Works as Executed Plans

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall submit to Council two copies of a work as executed plan certified by a qualified surveyor, which is in accordance with Council's Specification for Construction of Subdivisional Road and Drainage Works (as amended) and the requirements detailed in the Campbelltown (Sustainable City) DCP - Volume 3 (as amended).

39. Council Fees and Charges

Prior to the principal certifying authority issuing an occupation certificate, the applicant shall ensure that all applicable Council fees and charges associated with the development have been paid in full.

ADVISORY NOTES

The following information is provided for your assistance to ensure compliance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000, other relevant Council Policy/s and other relevant requirements. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

Advice 1. Environmental Planning and Assessment Act 1979 Requirements

The Environmental Planning and Assessment Act 1979 requires you to:

- a. Obtain a construction certificate prior to the commencement of any works. Enquiries regarding the issue of a construction certificate can be made to Council's Customer Service Centre on 4645 4000.
- b. Nominate a principal certifying authority and notify Council of that appointment prior to the commencement of any works.
- c. Give Council at least two days' notice prior to the commencement of any works.
- d. Have mandatory inspections of nominated stages of the construction inspected.
- e. Obtain an occupation certificate before occupying any building or commencing the use of the land.

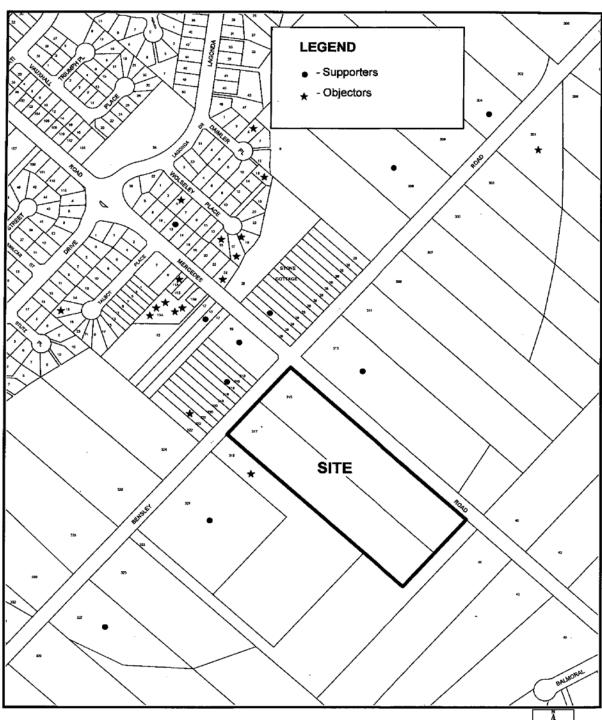
Advice 2. Tree Preservation Order

To ensure the maintenance and protection of the existing natural environment, you are not permitted to ringbark, cut down, top, lop, remove, wilfully injure or destroy a tree unless you have obtained prior written consent from Council. Fines may be imposed if you choose to contravene Council's Tree Preservation Order.

Advice 3. Salinity

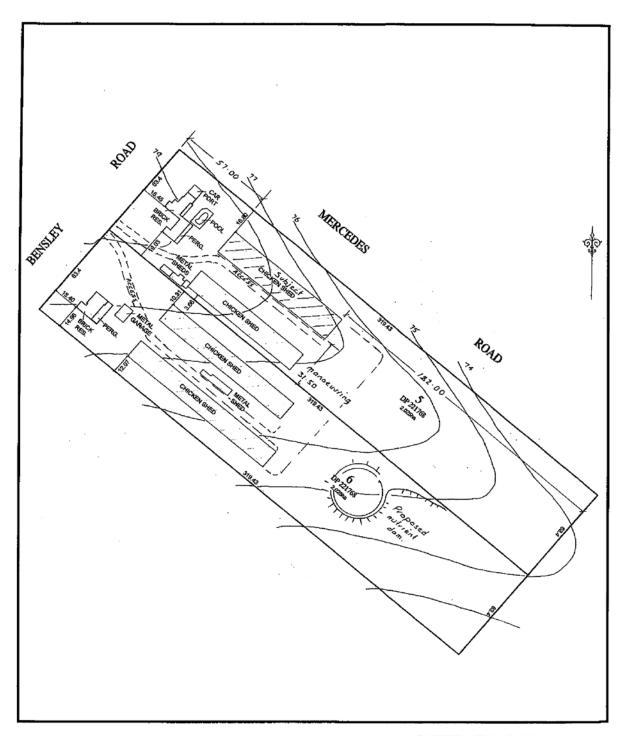
Please note that Campbelltown is an area of known salinity potential and as such any salinity issues should be addressed as part of the construction certificate application. Further information regarding salinity management is available within the Campbelltown (Sustainable City) DCP - Volumes 1 and 3 (as amended).

END OF CONDITIONS



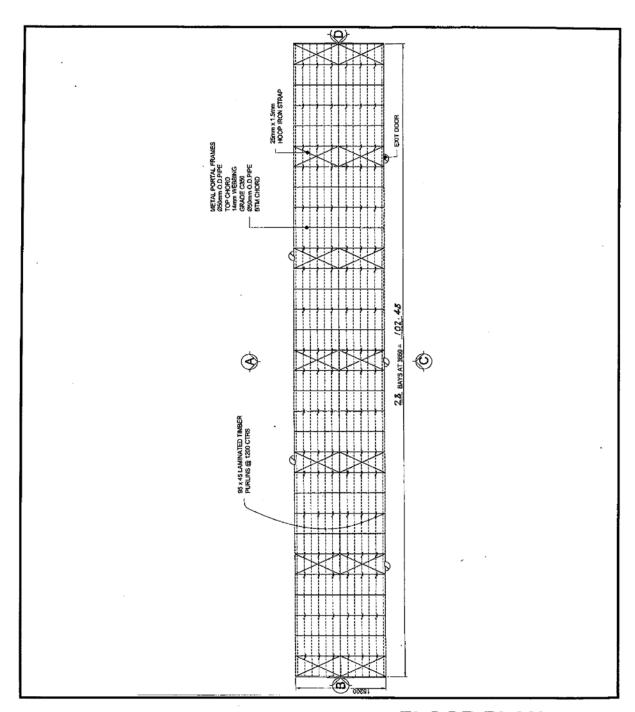
SUBJECT:

LOCALITY PLAN



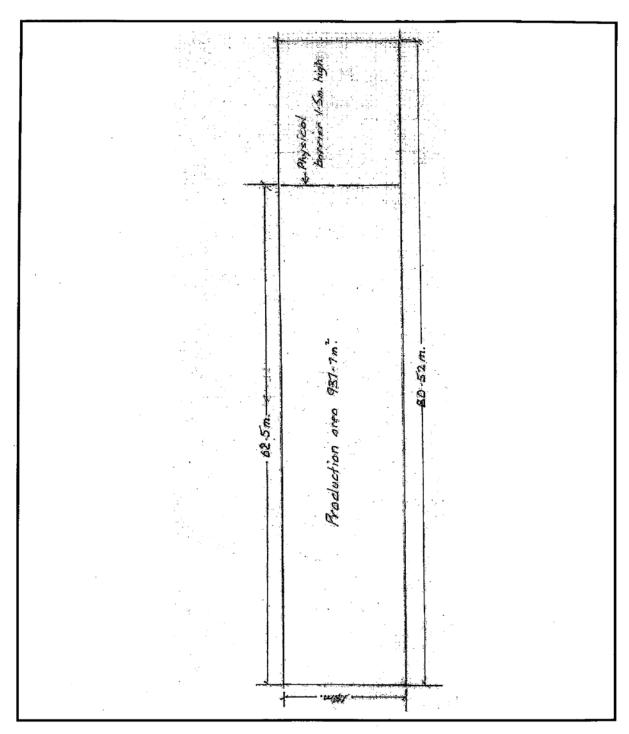
SITE PLAN

SUBJECT:



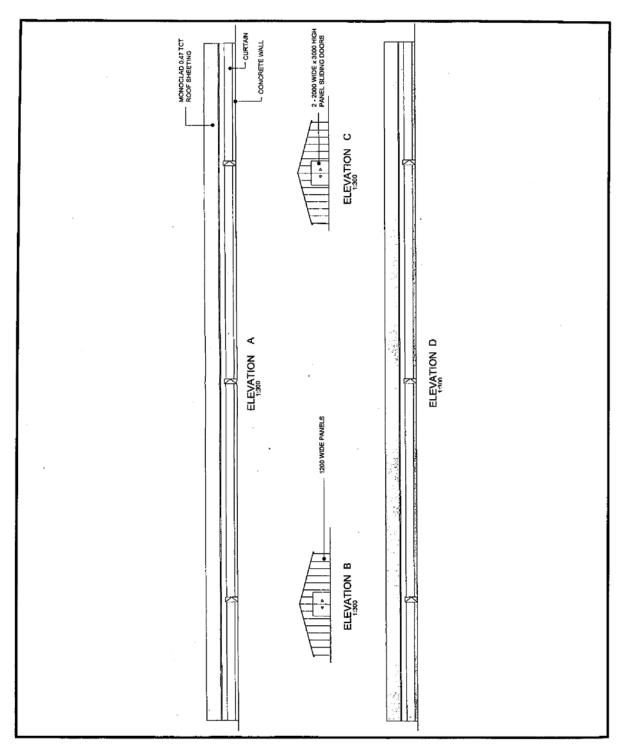
FLOOR PLAN

SUBJECT:



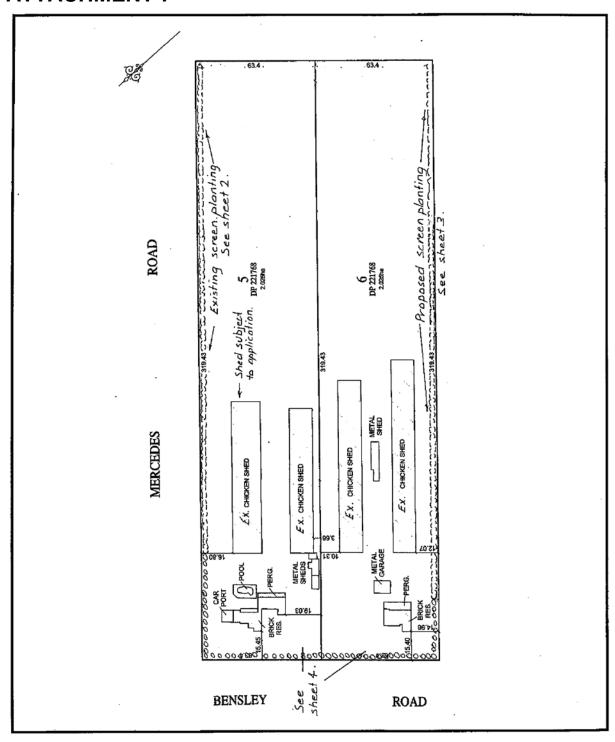
PRODUCTION AREA

SUBJECT:



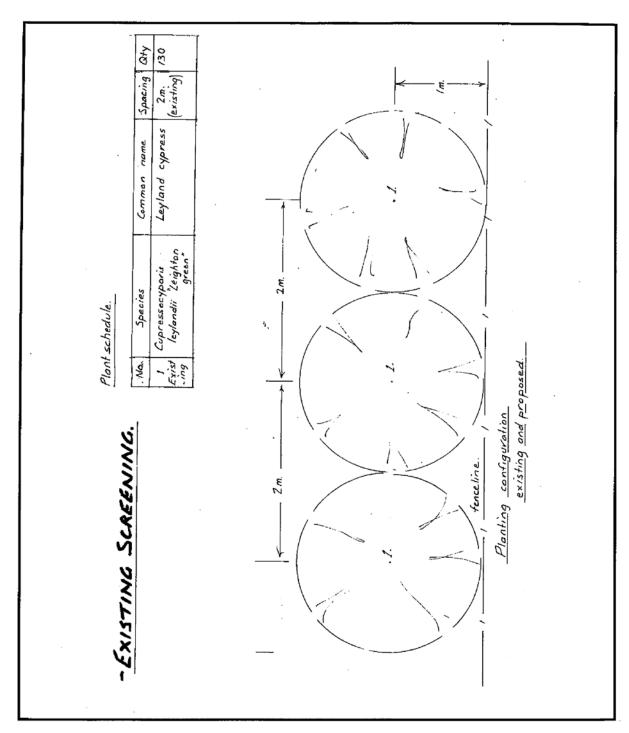
ELEVATIONS

SUBJECT:



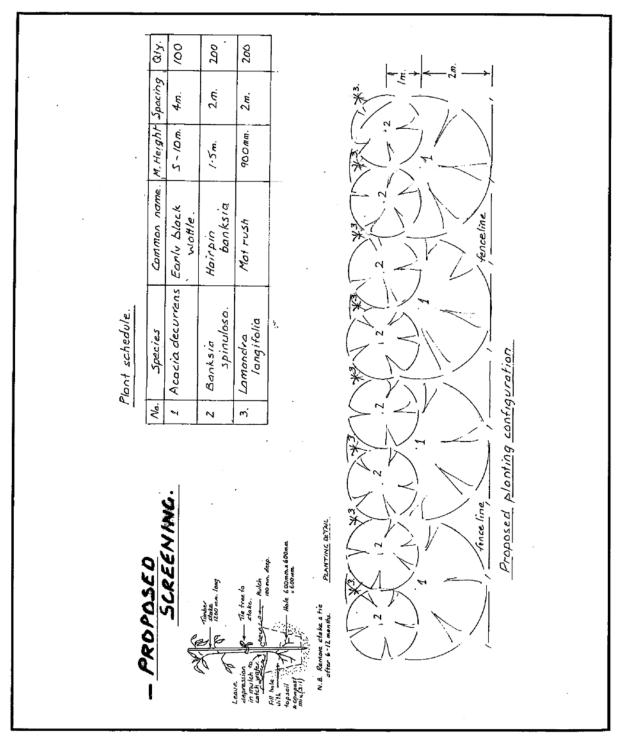
LANDSCAPE PLAN (1)

SUBJECT:



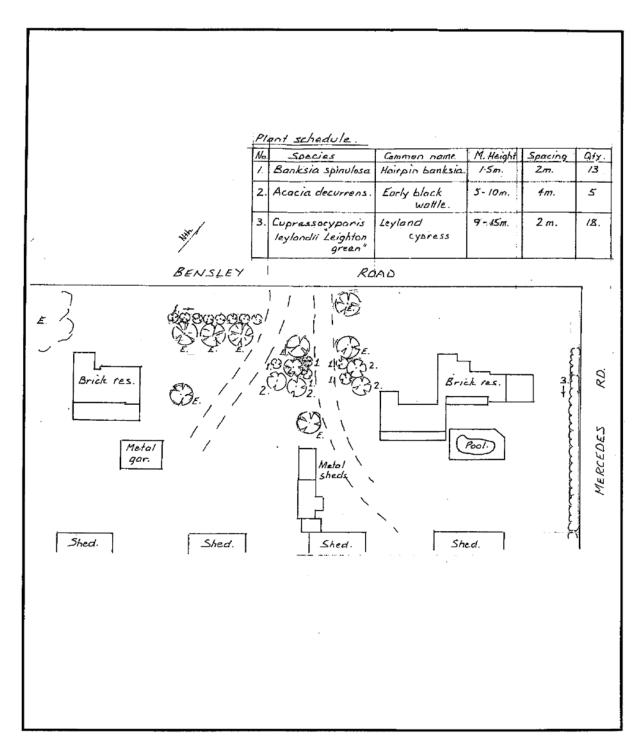
LANDSCAPE PLAN (2)

SUBJECT:



LANDSCAPE PLAN (3)

SUBJECT:



LANDSCAPE PLAN (4)

SUBJECT: