



Hawkesbury City Council

hawkesbury  
local  
planning  
panel  
meeting  
business  
paper

date of meeting: 16 May 2019

location: Council Chambers

time: 12:00 p.m.



## **HAWKESBURY LOCAL PLANNING PANEL MEETING**

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**SECTION 2 – Reports for Determination**

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### SECTION 2 – Reports for Determination

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### SECTION 3 – Reports for Determination

**Item: 005** CP - DA 0225/18 - Lot 2 DP 575959, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899 - Richmond Pre-School and Senior Citizens Centre 114 March Street, Richmond - (95498)

**Previous Item:** 014, Hawkesbury Local Planning Panel (20 December 2018)

**Directorate:** City Planning

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#### DEVELOPMENT INFORMATION

**Application Number:** DA0225/18

**Date Received:** 24/05/2018

**Proposal Details:** Centre-Based Child Care Facility - Alterations, Additions, Increase Capacity of Facility by eight Children and Tree Removal

**Estimated Cost:** \$350 000.00

**Legal Description:** Lot 2 DP 575929, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899

**Property Address:** Richmond Pre-School and Senior Citizens Centre 114 March Street Richmond

**Area:** 3415.5 Square Metres

**Zoning:** SP2 Infrastructure under *Hawkesbury Local Environmental Plan 2012*

**Applicant:** Hawkesbury City Council

**Owner:** Hawkesbury City Council

**Exhibition Dates:** 1/11/2018 - 15/11/2018

**Submissions:** Two

**Key Issues:** ♦ Tree removal

**Recommendation:** Approval

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#### REPORT:

##### Executive Summary

This development application seeks approval for alterations and additions to a centre-based child care facility in order to improve the entrance to the building, administration areas and amenities of the Richmond Pre-School child care centre at No. 114 March Street Richmond.

The matter was the subject of an assessment report presented to the Hawkesbury Local Planning Panel meeting of 20 December 2018 as required under Schedule 1, item 1(a) of the S9.1 Local Planning Panels Direction, being development for which the applicant or land owner is the Council.

The original assessment report recommended approval of the application; however the Panel considered that four of the five trees proposed to be removed have a high amenity and retention value which contributes to the visual amenity of the locality. The determination of the application was deferred pending the submission of amended plans that provide for the retention of the trees proposed to be removed.

Subsequently the applicant redesigned the proposed child care centre additions in order to retain the trees and submitted amended plans and an arboricultural impact assessment report on 19 April 2019.

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The amended proposal has been assessed having regard to the previous resolution of the Local Planning Panel and the relevant planning controls applicable to the proposal. The amended proposal will provide for a better environmental outcome and it is recommended that the development be supported subject to the conditions recommended in this report. The application is referred back to the Local Planning Panel for determination.

#### **Previous Panel Consideration and Determination**

This application has previously been referred to the Local Planning Panel meeting of 20 December 2018 and the report is reproduced in full as Attachment 2 to this report.

The panel considered additions and alterations to the child care centre and unanimously resolved that the determination of the application be deferred pending the submission of amended plans that provide for the retention of four of the large mature trees proposed to be removed.

In this regard it was considered that the trees proposed to be removed have a high amenity and retention value which contributes to the visual amenity of the area. The minutes of the meeting and reasons of deferral are included in Attachment 3 to this report.

#### **Applicant's Response to Panel Determination**

Following the panel's resolution the applicant redesigned the proposal so that the four trees identified as having high amenity value would be retained. This has resulted in a redesign of the development so that the proposed additions will be located outside of the area occupied by the trees previously proposed to be removed.

#### **Further Assessment**

The development has been assessed as part of the original report presented to the local planning panel meeting of 20 December 2018 and is included in full under attachment 2 of this report.

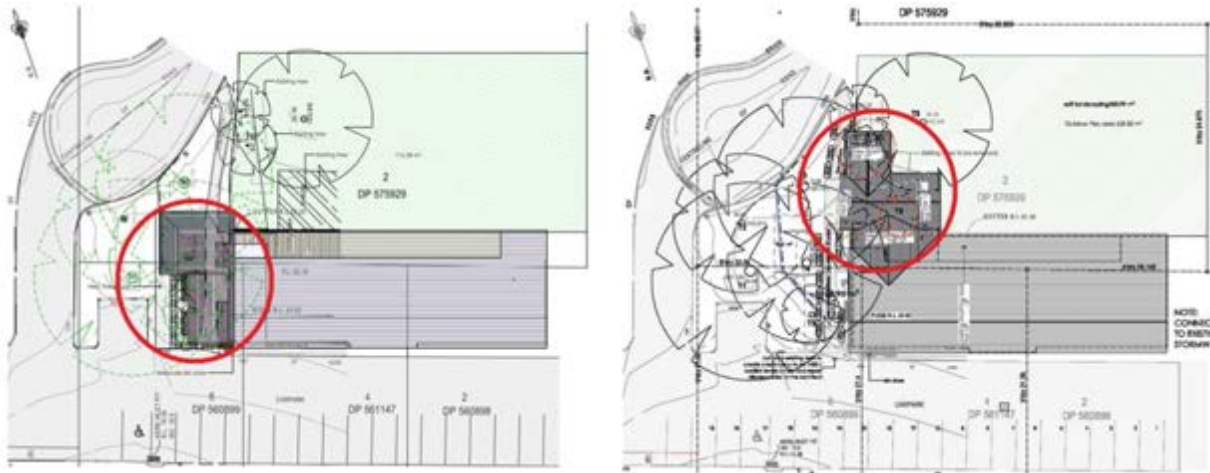
Image 1 below shows that the original additions have been moved from the western side of the existing building to the northern side of the existing building. This will result in the removal of two 6 to 8 metre high *melaleuca linariifolia* trees and a reduction in approximately 11sqm of outdoor play area for the child care centre.



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**Image 1:** Originally proposed location of additions in red on the left and the new location of the additions circled in red on the right.

The amended proposal has been assessed and remains consistent and acceptable having regard to the matters previously considered under Section 4.15 of the Environmental Planning and Assessment Act 1979. Particularly in relation to permissibility of the development and compliance with the requirements for child care centres.

Whilst the redesign of the proposal has resulted in the proposed additions being relocated on the site it is considered that the changes will have a positive environmental impact on the locality and the amendments would not be required to be re-notified under Hawkesbury Development Control Plan 2002.

In this regard the amended proposal would not have an additional impact on the environment or the locality as the amended proposal does not seek to locate the additions closer to adjacent residential property boundaries and the matters raised as part of the initial notification of the proposal will remain unchanged having regard to traffic safety on the site and noise from the existing car park and children. The amended proposal will also resolve one of the concerns raised about the loss of the four large mature trees shown in image 2 below.

The arboricultural impact assessment report submitted with the amended design confirms that:

- the two trees proposed to be removed, circled in red under image 2, have a low retention value due to the structural defects observed; and
- that the amended development will not adversely impact the health of the trees to be retained.



**Image 2:** Group of trees proposed to be retained on the left and the trees proposed to be removed on the right.

The arboricultural report recommends replacement plantings for the trees proposed to be removed in order to compensate for the loss of amenity and tree retention/protection measures that should be implemented to protect the remaining trees. Suitable conditions are recommended in this regard.

Finally the encroachment of the proposed additions into the outdoor play area of the child care centre will not contravene the minimum outdoor unencumbered areas as required under the *Child Care Planning Guideline* issued by the Department of Planning, the *Education and Care Services National Regulations* and the *Children (Education and Care Services) Supplementary Provisions Regulation 2012*.

The minimum outdoor area specified for 48 children has been calculated at 336sqm based on a requirement of 7sqm per child and the child care centre will provide an outdoor play area of approximately 638.8sqm.

Consequently the amended proposal is considered acceptable and should be supported as it is consistent with the direction of the local planning panel and the matters for consideration contained under Section 4.15 of the Environmental Planning and Assessment Act 1979.

#### **RECOMMENDATION:**

That Development Application DA0225/18 at Lot 2 DP 575929, Lot 2 DP 560898, Lot 4 DP 561147, Lot 6 DP 560899, Richmond Pre-School and Senior Citizens Centre, 114 March Street, Richmond for Alterations, Additions, Increase Capacity of Facility by 8 Children and Tree Removal, be approved subject to the following conditions:

**HAWKESBURY LOCAL PLANNING PANEL MEETING****SECTION 2 – Reports for Determination****Meeting Date:** 16 May 2019**General Conditions****1. Approved Plans and Supporting Documentation**

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

**a) Plans Reference:**

<b>Drawing Number/Name</b>	<b>Prepared by</b>	<b>Issue No.</b>	<b>Date</b>
Site Plan 17/12/20-A.01	Barbra Tarnawski Architects	B	6 April 2019
Floor Plan 17/12/20-A.02	Barbra Tarnawski Architects	B	6 April 2019
Roof Plan 17/12/20-A.03	Barbra Tarnawski Architects	B	6 April 2019
Elevations 17/12/20-A.04	Barbra Tarnawski Architects	B	6 April 2019
Sections 17/12/20-A.05	Barbra Tarnawski Architects	B	6 April 2019
RCP and electrical layout 17/12/20-A.06	Barbra Tarnawski Architects	B	6 April 2019
Accessible bathroom 17/12/20-A.07	Barbra Tarnawski Architects	B	6 April 2019
Window and door schedule 17/12/20-A.08	Barbra Tarnawski Architects	B	6 April 2019
Colour schedule 17/12/20-A.09	Barbra Tarnawski Architects	B	6 April 2019
Schedules of finishes and fixtures 17/12/20-A.10	Barbra Tarnawski Architects	B	6 April 2019
Landscape Plan 17/12/20-A.12	Barbra Tarnawski Architects	B	6 April 2019

**b) Document Reference:**

<b>Document</b>	<b>Prepared By</b>	<b>Date</b>
Arboricultural Impact Assessment	Creative Planning Solutions Pty Ltd	18 April 2019

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

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#### 2. Appointment of a Principal Certifying Authority

No work shall commence until:

- a) A Building Construction Certificate is issued by:
  - (i) Council; or
  - (ii) An Accredited Certifier;
- b) A Principal Certifying Authority is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
  - (i) name and licence number of the builder undertaking the construction works;  
or
  - (ii) name and permit number of the owner-builder (if relevant);
- c) The Principal Certifying Authority has:
  - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
  - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
  - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- d) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
  - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
  - (ii) notified the Principal Certifying Authority of the appointment of the principal contractor;
  - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work;
- e) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

#### 3. Section 6.16(1) Certificates Required

The accredited certifier shall provide copies of all Section 6.16(1) certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

#### 4. Occupation Certificate Required Prior to The Use Of The Building

The building/structure shall not be occupied or used prior to the issuing of an Interim or Final Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of its issue.

**5. Commencement of the Use of the Land**

The approved use of the land shall not commence until all relevant conditions of this consent have been complied with and an Interim or Final Occupation Certificate has been issued. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

**6. Works on Public Land - Not Permitted Without Approval**

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas.

**7. Prescribed Conditions - Compliance with National Construction Code**

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

**8. Excavation - Archaeology**

If any object having heritage significance is uncovered during the course of the work:

- a) all work must stop immediately in that area; and
- b) the NSW Office of Environment and Heritage and Council must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further work can continue.

**9. Excavation - Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) the Office of Environment and Heritage and Council must be advised of the discovery.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

**10. Tree Pruning and Removal**

This consent is limited to the removal of two trees.

Tree pruning and removal works are to be carried out by an experienced Arborist with minimum AQF Level 3 qualifications in accordance with Australian Standard *AS4373 - 2007 Pruning of*

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*Amenity Trees, Safe Work Australia Guide for Managing Risks of Tree Trimming and Removal Work (2016)* and other applicable legislation.

Trees numbered 1, 2, 3, 4, 5, 8 and 9 in the Arboricultural Impact Assessment listed in this consent must be protected and retained in accordance with the recommendations of this report.

#### 11. Tree Planting – Landscaping

In order to compensate for the loss of amenity resulting from the proposed tree removal two small growing (5-8m) native canopy tree plantings should be planted on the site.

The trees must have a minimum pot size of 45 Litres or have a minimum height of 1.5 metres at the time of planting. The following species should be considered for replacement planting:

- *Ceratopetalum gummiferum* (NSW Xmas Bush)
- *Tristaniopsis laurina* (Water Gum)
- *Elaeocarpus reticulatus* (Blueberry Ash)

Alternate tree sizes or species may be considered upon written submission to Council if the species specified above are not available at the time of planting.

#### Prior to the Issue of Construction Certificate

#### 12. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

#### 13. Access for Persons with a Disability

Details demonstrating compliance with Australian Standard AS 1428.1 - 'Design for Access and Mobility and Disability (Access to Premises - Buildings) Standards 2010' in relation to the development are to be submitted to the Certifying Authority prior to issue of a Construction Certificate.

#### 14. Vermin and Pest Management

The design of the building and bin storage areas shall incorporate measures to eliminate or minimise the potential for birds, rodents, flies and other pests to congregate at the development.

The following measures are to be incorporated in the design of the building:

- a) sealing surfaces to prevent moisture and odour absorption;
- b) elimination of crevices where waste, moisture and vermin can accumulate;
- c) providing screening of the ventilation openings in the building;
- d) eliminating horizontal surfaces where birds can congregate; and
- e) minimising horizontal ledges where dust and litter can accumulate.

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Details demonstrating compliance with the above requirements must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

#### 15. **Structural Engineers Design - Concrete and Structural Steel**

A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Certifying Authority prior to issue of Construction Certificate.

#### **Prior to Any Works Commencing on Site**

#### 16. **Principal Certifying Authority - Details**

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 6.6(2) of the *Environmental Planning and Assessment Act 1979*.

#### 17. **Toilet Facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

#### 18. **Notice of Commencement**

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

#### 19. **Principal Certifying Authority (PCA) Site Sign**

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and

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- c) stating that unauthorised entry to the work site is prohibited.

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

#### 20. Safety Fencing

The site is to be secured by a fence, in accordance with SafeWork NSW requirements, to prevent unauthorised access during the period of all works.

#### 21. Demolition - General

All demolition works must be carried out in accordance with the following:

- a) all demolition work shall be carried out strictly in accordance with Australian Standard AS 2601 - 'The Demolition of Structures';
- b) demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current SafeWork NSW 'Demolition License' and SafeWork NSW 'Class 2' (Restricted) Asbestos License and comply with SafeWork NSW 'Guide to Working with Asbestos';
- c) site safety/security fencing shall be provided prior to commencement of any work on-site and shall be removed only when all hazards, including site waste, have been removed. The site safety/security fencing shall comply with the following Australian Standards:
  - (i) Demolition Sites - Australian Standard AS 2601 - 'Demolition of structures';
  - (ii) Construction Sites - Australian Standard AS 4687 - 'Temporary fencing and hoardings';
  - (iii) Ongoing Site Safety/Security - Australian Standard AS 1725 - 'Chain-link fabric security fencing and gates';
- d) demolition work shall be carried out only between the hours of 7am to 6pm Mondays to Fridays and 8am to 4pm Saturdays. No work is to be carried out on Sundays or public holidays;
- e) no trees shall be removed from the site unless they are shown for removal on the approved plans, or separately approved by Council;
- f) erosion and sediment control measures shall be installed prior to any demolition works commencing and maintained in accordance with the requirements contained in the Hawkesbury Development Control Plan 2002;
- g) all waste on the site is to be stored, handled and disposed of in such a manner as to not create air pollution (including odour), offensive noise or pollution of land and/or water;
- h) public footways and roadways adjacent to the site must be fully maintained and cleared of obstructions during construction. No building materials, waste containers or skips may be stored on the road reserve or footpath without prior separate approval from Council;
- i) any materials stored on site must be stored away from any drainage path or easement, natural watercourse;
- j) demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings;



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- k) waste must be transported to a place which can lawfully accept it. All non-recyclable demolition materials are to be disposed of at an approved waste disposal depot in accordance with legislation;
- l) no material is to be burnt on site;
- m) details as to the method and location of disposal of demolition materials (weight dockets, receipts, etc.) should be kept on site as evidence of approved methods of disposal and recycling; and
- n) the site shall be grassed or otherwise rendered erosion resistant immediately upon completion of demolition.

#### **22. Demolition - Notice**

- a) Notice is to be given to Council of the date on which it is proposed to commence demolition. This notice shall:
  - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
  - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work;
  - (iii) provide the relevant SafeWork NSW license details of the demolisher/contractor; and
  - (iv) details of the demolisher/contractors current Public Liability/Risk Insurance Policy providing for a minimum cover of \$10 million.
- b) Notice is to be given to adjoining property owners of the date on which it is proposed to commence demolition. This notice shall:
  - (i) be given not less than two days before the date on which it is proposed to commence demolition work;
  - (ii) provide details of the name, contact details of the demolisher/contractor undertaking the work; and
  - (iii) provide the telephone number of SafeWork NSW Asbestos/Demolition Hotline - 1800 672 718.

#### **23. Demolition - Work Plans**

The demolition work shall comply with the provisions of Australian Standard AS 2601 - 'The Demolition of Structures'. The work plans required by Australian Standard AS 2601 - 'The Demolition of Structures' shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of works.

#### **24. Erosion and Sediment Control for Minor Development**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)'.

#### **25. Sydney Water - Endorsement of Approved Plans**

The approved plans must be submitted to and endorsed by Sydney Water via the 'Sydney Water Tap-in' website to determine whether the development will affect Sydney Water's water

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mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.  
Please refer to Sydney Water's website.

Evidence of the building plan approval must be forwarded to the Principal Certifying Authority prior to the commencement of works.

#### **26. Support and Protection for Neighbouring Buildings**

If an excavation associated with the approved development extends below the level of the base of the footings of a building on an adjoining property the person having the benefit of this consent must, at that person's own expense:

- a) protect and support the adjoining premises from possible damage from the excavation;
- b) where necessary, underpin the adjoining premises to prevent any such damage; and
- c) provide a minimum seven days written notice to the owners/occupiers of adjoining properties giving details of the excavation and the proposed method of support of the excavated area.

The proponent is liable for any part of the cost of work carried out for the purposes of this condition whether carried out on the development site or on any adjoining land.

#### **27. Sydney Water - Section 73 Compliance Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. For details refer to Sydney Water's website.

Following application, a 'Notice of Requirements' will be forwarded detailing water and/or sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The 'Notice of Requirements' must be submitted to the Principal Certifying Authority before the commencement of works.

### **During Construction**

#### **28. Construction Hours**

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;

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- (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
- (iii) a variation is approved in advance in writing by Council.

#### 29. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the principal certifying authority:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

#### 30. Loading and Unloading During Construction

The following requirements apply.

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

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#### 31. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

#### 32. Termite Treatment

The development shall be treated for termites in accordance with the National Construction Code and Australian Standard AS 3660.1 - 2014 - 'Termite Management - New Building Work' by a suitably qualified, licenced person.

A Certificate of Compliance is to be provided to the Principal Certifying Authority and a Notice of Treatment is to be provided to the metre box.

#### 33. Implementation of Erosion and Sediment Control Plan

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

#### 34. Asbestos Handling

If asbestos is encountered during any work, measures must be in place in accordance with SafeWork NSW NSW Guidelines and the *Occupational Health and Safety Regulation 2001*. Work shall not commence or continue until all the necessary safeguards required by SafeWork NSW are fully in place.

Only contractors who are appropriately licensed for asbestos disposal by SafeWork NSW may carry out the removal and disposal of asbestos from demolition and construction sites.

Prior to commencing the removal of any structures containing asbestos, a commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring 400mm x 300mm shall be erected in a prominent visible position on the site in accordance with Australian Standard AS 1319 - 'Safety Signs for the Occupational Environment'.

The person entitled to act on this consent shall notify adjoining residents in writing five working days prior to the demolition.

Asbestos waste must only be disposed of at a landfill site authorised to receive such waste. All receipts and supporting documentation must be retained in order to verify lawful disposal and are to be made available to Council on request.

#### Prior to Issue of Occupation Certificate

#### 35. Survey Certificate at Completion

A Survey Certificate, prepared by a Registered Surveyor, is to certify the location of the building in relation to the boundaries of the allotment.

The certificate is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

**36. Suitability of Glazing - Windows and Doors**

Glazing materials (e.g. windows, doors, footlights, balustrades and shower screens) are to be installed within the building in accordance with Australian Standards AS 1288 - 'Glass in Buildings - Selection and Installation' and AS 2047 - 'Windows and external glazed doors in buildings'.

A Certificate of Compliance is required to be provided to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

Note: The certificate is required to be signed by the manufacturer and the installer.

**37. Suitability of Glazing - Balustrades**

Glass balustrades must be designed and installed in accordance with Australian/New Zealand Standard AS/NZS 1170.1 - 'Structural design action s- Permanent, imposed and other actions'.

Engineering certification must be provided to the Principal Certifying Authority for glass balustrading used in the development prior to the issue of an Interim Occupation Certificate.

**38. Suitability of External Use of Timber**

Evidence of the type of timber installed indicating both species and durability as required by Australian Standard AS 1684 - 'Residential Timber-Framed Construction' is required to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Note: This is required for bushfire construction purposes as well as use of timber in decks and balustrades in particular.

**39. Termite Protection - Certificate of Treatment**

The type and method of termite treatment (complying with Australian Standard AS 3660.1 - 2014 - 'Termite Management - New Building Work') provided to walls and floors, pipe penetrations, jointing of new work to existing and slab perimeters. A copy of the termite treatment and materials used shall also be securely fixed inside the meter box for future reference.

**40. Termite Protection - Notice**

A Termite Protection Notice, in accordance with Australian Standard AS 3660.1 - 'Termite Management - New building work', printed on durable material, shall be affixed at the entrance to a crawl space or in the case of slab on ground construction, in the meter box prior to a Final Inspection being carried out. The notice shall include information on the form of termite protection employed and the expected service life of the barrier before maintenance is required.

**Operational Conditions**

**41. Centre-based Child Care Facility**

Approval is given for use as a Centre-based Child Care Facility with a maximum capacity of 48 children.

A separate approval/license is required to be obtained from the NSW Department of Community Services before any increase to the current number of children being cared for onsite.

**42. Hours of Operation - Centre-based Child Care Facility**

The Centre-based Child Care Facility shall operate or trade only between the following hours:

8:00am to 4:00pm, Monday-Friday.

Operations such as staff accessing the site, cleaning, preparing for operation, and office administration may be undertaken outside of the above hours provided no disturbance to the amenity of the neighbourhood occurs.

**43. Signage**

No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval. No advertising signs or structures shall be displayed on the footpaths, pedestrian paths, roadways or on any land other than the approved development site.

**44. Loading Within Site**

All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or adjacent roadways.

**45. Annual Fire Safety Statement**

The owner of the building is responsible for the lodgement with Council of an Annual Fire Safety Statement from a competent person so as to confirm the essential fire safety measures required to be provided in the building exist and are being maintained. The Annual Fire Safety Statement shall be issued within 12 months of the issue of the Final Fire Safety Certificate, and then on an annual basis thereafter.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:

- a) Forwarded to the Commissioner of Fire and Rescue New South Wales by email to [afss@fire.nsw.gov.au](mailto:afss@fire.nsw.gov.au); and
- b) Prominently displayed in the building.

**Advisory Notes**

**(i) Equitable Access**

The applicant shall make themselves aware of the *Discrimination Against People with Disabilities Act (DDA)* and assess their responsibilities and liabilities with regards to the provision of access for all people.

**(ii) Acid Sulfate Soils - Monitoring of Excavation During Works**

All excavations are to be monitored to ensure that acid sulphur soils are not encountered during works. Signs that may indicate the presence of acid sulphur soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

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**(iii) Site Contamination Discovered During Demolition or Construction**

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, then the applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with Council.

**(iv) Dial Before You Dig**

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

**(v) Requirements of 88B Instrument**

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

**(vi) Works on Public Land - Public Liability Insurance**

Any person or contractor undertaking works on public land must take out a Public Risk Insurance policy with a minimum cover of \$10 million in relation to the occupation of public land and the undertaking of approved works within Council's road reserve or public land, as approved by this consent.

The policy is to note, and provide protection/full indemnification for Council, as an interested party. A copy of the policy must be submitted to Council prior to commencement of any works. The policy must be valid for the entire period that the works are being undertaken.

**(vii) Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that are likely to be affected by the proposed development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

**Proposed Reasons for Decision:**

The Panel considers the proposal is acceptable and it is recommended that the proposed development be approved based on the following grounds:

- The proposal is acceptable having regard to the statutory requirements applying to the development.
- The proposed adequately satisfies the objectives and provisions of the Hawkesbury Local Environmental Plan 2012.
- The amended proposal has adequately addressed the resolution made by the Local Planning Panel on 20 December 2018.
- The proposal was notified in accordance with the Hawkesbury Development Control Plan 2002. Submissions received raised concerns in respect to traffic safety, noise, stormwater

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and loss of vegetation which have been considered as part of the assessment of the proposal.

It is considered that the proposal will not result in any adverse impacts in terms of noise, stormwater, traffic or tree removal.

- The proposal will provide improved child care facilities for the community.

**ATTACHMENTS:**

**AT - 1** Site and Architectural Plans

**AT - 2** Assessment Report presented for 20 December 2018 Local Planning Panel Meeting  
(*Distributed under separate cover*)

**AT - 3** Minutes of 20 December 2018 Local Planning Panel Meeting  
(*Distributed under separate cover*)





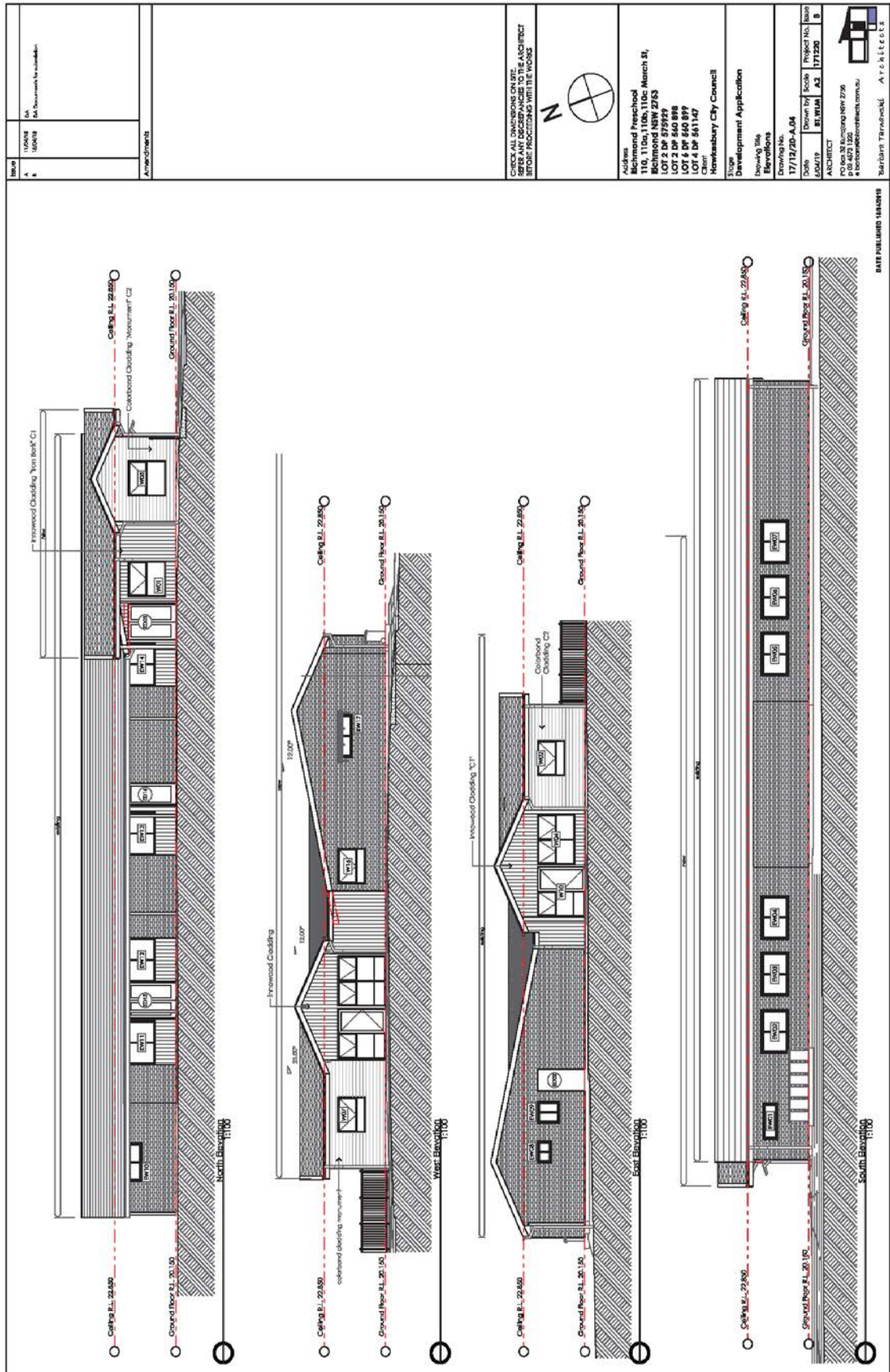
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**Item: 006** CP - DA 0237/18 - Lot 15 DP 753766, Intensive Livestock Agriculture - Poultry Farm - 3787 Putty Road, Colo Heights - (95498)

**Directorate:** City Planning

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#### DEVELOPMENT INFORMATION

**Application Number:** DA0237/18

**Date Received:** 31/05/2018

**Proposal Details:** Designated Development - Intensive Livestock Agriculture - Poultry Farm - Six Poultry Sheds with a Combined Maximum Capacity of 240,000 Birds, Use of Existing Water Storage Facilities for Sediment Control and Water Supply, Feed Storage Silo's, Ancillary Maintenance and Storage Shed, Access Road and Landscape Works

**Estimated Cost:** \$5,707,164.00

**Legal Description:** Lot 15 DP 753766

**Property Address:** 3787 Putty Road COLO HEIGHTS NSW 2756

**Area:** 46.67 Hectares

**Zoning:** RU1 Primary Production and SP2 Infrastructure under *Hawkesbury Local Environmental Plan 2012*

**Applicant:** JD Industries Pty Limited

**Owner:** JD Industries Pty Limited

**Exhibition Dates:** 29/06/2018 - 28/07/2018

**Submissions:** Nil

**Key Issues:**

- ◆ Noise
- ◆ Odour
- ◆ Water pollution

**Recommendation:** Approval

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#### REPORT:

##### Executive Summary

The application proposes the construction of six poultry sheds to accommodate a maximum capacity of 240,000 birds, a water storage facility, feed silos and ancillary farm buildings at No. 3787 Putty Road, Colo Heights.

An assessment of the proposal and information submitted has revealed that the development is acceptable having regard to the natural constraints of the site and potential impacts on the surrounding locality; particularly in relation to impacts on native vegetation, noise, odour and traffic.

A Clause 4.6 variation accompanies the application which seeks to vary the ten metre maximum building height requirement specified under Clause 4.3 of Hawkesbury Local Environmental Plan 2012. This variation relates to four of the six feed storage silos which will service the proposed poultry sheds and involves a 4% to 8.5% variation to the 10 metre maximum height requirement. It is recommended that the variation be supported as the application has been able to demonstrate that strict compliance with this control is unreasonable and that there are sufficient environmental planning grounds to justify contravening the development standard.

The application has been notified in accordance with the regulations and no objections were received in relation to the proposal.

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It is recommended that the proposal be supported as the application proposes an intensive agricultural use that is consistent with the zone objectives and acceptable having regard to the planning controls applicable to the development.

#### **Reason for Referral to Local Planning Panel**

Development Application No. DA0237/18 is referred to the Hawkesbury Local Planning Panel for consideration and determination as the proposal is identified as:

- Sensitive Development under S9.1 Local Planning Panels Direction Schedule 1 Item 4 (a) being designated development.

#### **Proposal**

Development application No. DA0237/18 seeks consent for Intensive Livestock Agriculture - Poultry Farm comprising Six Poultry Sheds with a Combined Maximum Capacity of 240,000 Birds, Use of Existing Water Storage Facilities for Sediment Control and Water Supply, Feed Storage Silo's, Ancillary Maintenance and Storage Shed, Access Road and Landscape Works.

#### **Permissibility**

The site is zoned part RU1 Primary Production and part SP2 Infrastructure under Hawkesbury Local Environmental Plan (LEP) 2012. The proposed development is proposed to be carried out on part of the land zoned RU1 Primary Production and the development is permitted with consent being defied as Intensive Livestock Agriculture.

#### **Key Issues**

The key issues relating to the development application is in relation to noise, odour, water pollution and building height.

#### **RECOMMENDATION:**

It is recommended that development application No. DA0237/18 be approved subject to conditions.

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#### **REPORT:**

##### **Description of Proposal**

The application seeks to establish a poultry farm for the raising of chickens for meat. The poultry farm is proposed to be established in two stages and the details of each of stage are summarised below.

##### **Stage 1**

- removal of an existing small dam and scattered vegetation through the site,
- construction of new driveway along Putty Road,
- decommissioning of the existing driveway servicing the dwelling,
- earthworks to create a levelled building pad and access,
- construction of four poultry sheds (sheds 3,4,5 and 6 shown on the plan),
- installation of four 8.6 metre high feed storage silos,
- use of the existing dams to provide for water supply and sediment and nutrient control for the poultry farm,
- use of three existing sheds for the storage of tractors, equipment and trucks associated with the poultry farm,
- use of the existing dwelling to provide staff amenities (office, toilet and showers)

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- installation of one 500 Litre water/medication tank per poultry shed. The tanks will be above ground and constructed using green PVC,
- installation of one 375,000 litre aboveground metal water tank coloured green, and
- construction of internal access roads.

#### **Stage 2**

- construction of two poultry sheds and associated internal access roads.(sheds 1 and 2 shown on the plan)
- installation of two 8.6 metre high feed storage silos, and
- installation of one 500 Litre water/medication tank per poultry shed. The tanks will be above ground and constructed using green PVC.

Earthworks associated with the proposed building pads will not require the importation of any material to the site. The proposed building pads will be created using a balance of cut and fill of existing material on the land.

Each poultry shed would measure 144.2 metres long and 14.8 metres wide with a maximum height of 4.3 metres above the finished ground level. The poultry sheds will be constructed on a compacted clay floor, comprising of metal walls and roof and have a maximum capacity of 40,000 birds per building. The poultry sheds wall colour will be eucalyptus green. The poultry sheds will provide for both tunnel ventilation and natural ventilation systems for the birds.

It is intended that the poultry farm would operate as follows:

- 24 hours seven days a week operation with most daily activities occurring between 7:00am and 7:00pm and bird collection and transportation to occur between 6:00pm and 6:00am;
- employment of two full time staff and up to two casual staff to assist with the collection of birds and cleaning of sheds; and
- 9 week production cycle of birds consisting of seven weeks for the birds to grow and two weeks for cleaning of the sheds. (approximately 5.4 cycles per year)

The application is supported by:

- Environmental Impact Statement, prepared by Urban City Planning, dated May 2018
- Flora and Fauna assessment, prepared by Fraser Ecological, dated 10 April 2019
- Bushfire Hazard Assessment report, prepared by Control Line Consulting, dated 23 March 2017
- Traffic and Parking impact assessment report, prepared by Barker Ryan Stewart, dated May 2018
- Hydrological assessment report, prepared by Toby Fiander, dated 28 May 2018
- Draft operational management plan, prepared by Urban City Planning, dated May 2018
- Assessment of federal and state guidelines for poultry, prepared by Urban City Planning, dated May 2018
- Odour impact assessment report prepared by Pacific Environment, dated 17 May 2018
- Environmental noise assessment prepared by Day Design, dated 17 May 2018

#### **Description of Site and Locality**

The site is legally known as Lot 15 in DP 753766 with a street address of 3787 Putty Road Colo Heights NSW 2756. The site contains a dwelling house, farm sheds, native vegetated areas, cleared paddocks, four dams and is currently used for rural residential and agricultural grazing land.

The subject property is located on the western side of Putty Road and has a total area of 46.6 hectares.

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Neighbouring development consists of rural residential and agricultural land uses that are surrounded by native bushland with the Wollemi National Park to the west of the site and the Parr State Conservation Area to the east of the site.

The existing large water storage facilities on the land (dam and sediment pond) are proposed to be used in conjunction with the poultry farm and are located at the top of a first order creek line that feeds into New Yard Creek to north east of the site.

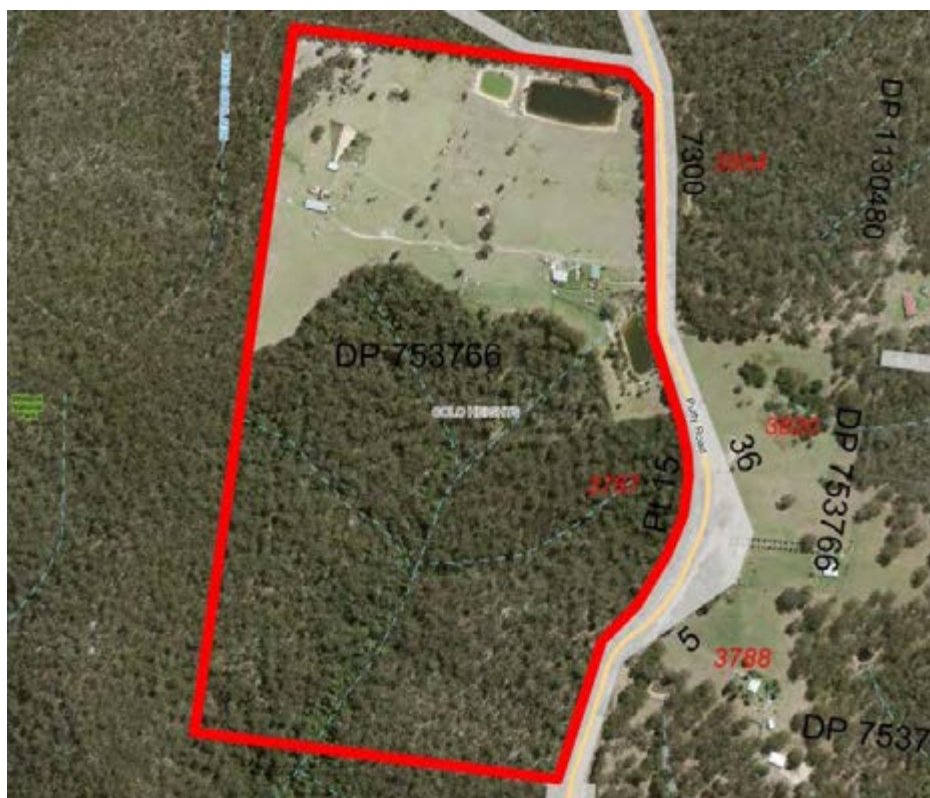


Image 1: Aerial photograph of site

#### Notification

Prior to the lodgement of the application the applicant consulted with surrounding owners in order to prepare the Environmental Impact Statement (EIS). The applicant did not receive any feedback or objections as part of this process.

Following the lodgement of the application Hawkesbury City Council notified the development in accordance with the regulations and Chapter 3 of the Hawkesbury Development Control Plan 2002 (DCP). No submissions were received as a result of the notification of the application.

#### Application History

31 May 2018	Application lodged with Council.
14 June 2018	Initial review letter sent to the applicant requesting detailed cost estimate to be provided.
15 June 2018	Application notified between 29/06/2018 - 28/07/2018.
17 July 2018	Applicant provided detailed cost report.
30 August 2018	Applicant was requested to provide additional information in relation to; <ul style="list-style-type: none"><li>- the spillway treatment proposed for the sediment pond,</li><li>- detailed plans for the proposed new driveway including swept paths.</li></ul>



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11 September 2018	Applicant requested additional time to prepare documents in relation to Councils letter of 30 August 2018.
1 November 2018	Applicant provided plans for the proposed sediment pond spillway and detailed driveway plans.
13 November 2018	Driveway plans sent to the RMS for review.
6 February 2019	Applicant was requested to provide outstanding fees associated with the revised cost of works submitted with the application. Paid on 25 February 2019.
4 March 2019	Additional clarification was requested from the applicant in relation to: <ul style="list-style-type: none"><li>- specification of the feed silos;</li><li>- water and medication storage tank details;</li><li>- staging of the development;</li><li>- casual staff numbers;</li><li>- uses of existing buildings;</li><li>- amenities; and</li><li>- landscaping details.</li></ul>
4 March 2019	Applicant provided clarification in respect to the above: <ul style="list-style-type: none"><li>- advised the silos will be approximately 6 metres high;</li><li>- water and medication storage tanks will be above ground;</li><li>- stage 1 will be sheds 3-6 and stage 2 will be sheds 1-2;</li><li>- two casual staff are required during the chicken collection process;</li><li>- the existing sheds will be used for storage of equipment ancillary to the poultry farm;</li><li>- the existing dwelling will be used to provide amenities and office space for the staff.</li></ul>
12 March 2019	Applicant requested to provide supporting silo plan details, tree and vegetation removal plan for the new driveway, more detailed spillway details for the sediment pond, clarification in relation to bulk earthworks and turning templates for materials onsite.
12 March 2019	RMS advised Council that they would provide concurrence to the new driveway subject to conditions included in their correspondence.
17 April 2019	Applicant provided elevation details for the silos, updated flora and fauna assessment in relation to vegetation removal within the road reserve, more detailed spillway treatment details, confirmation that excess topsoil on the site will be spread over the vegetation buffers and vehicle turning paths for manoeuvring onsite.
18 April 2019	Applicant was advised that the heights of the silos exceeds the 10 metre maximum building height requirement of the LEP and is required to be supported by a Clause 4.6 variation request.
29 April 2019	Applicant submitted Clause 4.6 variation in support of the height for the proposed feed storage silos.

**Referrals**

As part of the assessment of the proposal the application has been referred to the following external agencies:

- NSW Natural Resources Access Regulator (NRAR) under the *Water Management Act 2000*
- NSW Department of Planning and Environment (DOP) being designated development
- NSW Roads and Maritime Services (RMS) as Putty Road is a main arterial road.

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#### Council Policies, Procedures and Codes to which the matter relates

State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry (SEPP No. 33)  
State Environmental Planning Policy No 44—Koala Habitat Protection (SEPP No. 44)  
State Environmental Planning Policy No 55—Remediation of Land (SEPP No. 55)  
State Environmental Planning Policy (Infrastructure) 2007 (SEPP Infrastructure)  
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997) (SREP No. 20)  
Hawkesbury Local Environmental Plan 2012 (LEP 2012)  
Hawkesbury Development Control Plan 2002 (HDCP 2002)

#### Matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP & A Act)

In determining the application, Council is required to take into consideration the following matters as are relevant to the development that apply to the land to which the development application relates:

##### (a) The provisions of

##### (i) Any environmental planning instrument (EPI) :

##### **State Environmental Planning Policy No. 33 – Hazardous and Offensive Industry**

An assessment of the proposal has been undertaken against the requirements of SEPP No. 33 and the NSW Department of Planning *Hazardous and Offensive Development Application Guidelines – Applying SEPP 33*. The SEPP defines potentially hazardous and offensive industries as follows:

*"potentially hazardous industry means a development for the purposes of any industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would pose a significant risk in relation to the locality:*

- (a) to human health, life or property, or
- (b) to the biophysical environment,

*and includes a hazardous industry and a hazardous storage establishment.*

*potentially offensive industry means a development for the purposes of an industry which, if the development were to operate without employing any measures (including, for example, isolation from existing or likely future development on other land) to reduce or minimise its impact in the locality or on the existing or likely future development on other land, would emit a polluting discharge (including for example, noise) in a manner which would have a significant adverse impact in the locality or on the existing or likely future development on other land, and includes an offensive industry and an offensive storage establishment."*

The supplied documentation does not indicate that the development involves the storage and/or use of dangerous goods and accordingly the proposal is not defined as a potentially hazardous industry.

By virtue of the nature of the use, the proposed development has the potential to generate noise and odour impacts. Council's Environmental Health Officer has reviewed the submitted acoustic and odour assessment reports with the application and confirmed

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that the development is not expected to produce significant adverse impacts in the locality or on the existing or likely future development on other land.

Suitable development consent conditions in relation to noise, odour and waste have been recommended in this report in order to ensure that adequate safeguards will be in place to enable emissions from the facility to be controlled to a level at which they are not significant.

Consequently the development is considered satisfactory having regard to the provisions of SEPP No. 33.

#### ***State Environmental Planning Policy No. 55 – Remediation of Land***

The land within the development area consists of grassed paddocks that have been historically used for grazing of livestock, farm buildings and an existing dwelling. The proposal does not raise any concerns in relation to possible site contamination that would make the land unsuitable for the continued use of the land for the purposes of agriculture.

As part of the proposed earthworks it is considered that there may be the potential to uncover buried farm waste material, such as irrigation piping or old sheds/animal shelters which may have been associated with the historic agricultural use of the land. An 'Unexpected Finds Protocol', including stop work procedures, should be developed to manage any unexpected finds that may be found as part of the earthworks. A suitable condition has been recommended in this regard.

#### ***State Environmental Planning Policy No 44—Koala Habitat Protection***

The site exceeds 1ha in area and therefore triggers the requirements of SEPP No. 44. The Flora and Fauna assessment submitted with the application confirms that the site contains known koala feed species and koalas have previously been recorded within 10km of the subject site however no koala feed species are proposed to be removed or evidence of Koala habitation identified on the site.

Consequently it is considered that the proposal will not have any impact on potential or core koala habitat as defined by this policy and Council is not prevented from granting consent to the development application.

#### ***State Environmental Planning Policy (Infrastructure) 2007***

SEPP Infrastructure applies to the proposal as the front portion of the land is reserved for the purposes of road widening and the application proposes a new driveway along a classified road.

Accordingly the application was referred to the RMS in accordance with Clause 100 (2) and Clause 101 (2) of this policy.

On 12 March 2019 the RMS confirmed they have reviewed the proposed driveway and the area of land reserved for road widening and would grant concurrence subject to the development being required to comply with the conditions specified in their correspondence. The conditions recommended in the RMS correspondence have been included as part of the recommended list of conditions included in this report. A copy of any determination will be required to be sent to the RMS within 7 days in accordance with Clause 100.

The proposal is further considered satisfactory having regard to Clause 101(2) which reads as follows;

- (2) *The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

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- (a) *where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*
- (b) *the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
  - (i) *the design of the vehicular access to the land, or*
  - (ii) *the emission of smoke or dust from the development, or*
  - (iii) *the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) *the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

In this regard the traffic and parking impact assessment report and the plans submitted with the application have been able to demonstrate that:

- the new driveway is required to be provided in order to provide safe vehicular access to the land as the current driveway is located on a crest,
- the development will not adversely impact the safety, efficiency and ongoing operation of Putty Road due to the low traffic volumes along Putty Road and the anticipated traffic movements to the site,
- traffic noise or vehicle emissions generated by the proposal are expected to be consistent with the normal operation of a main arterial road.

#### ***Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River***

The subject land falls within the boundary of SREP No. 20. This Policy aims "*to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*". SREP No. 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The proposed poultry farm is defined as an 'intensive animal industry' for the purposes of Clause 11 (11) of SREP No. 20 and the development is not prohibited under this plan as the subject land is not located in a floodway.

The additional matters for consideration for intensive animal industries have been assessed and the proposal is considered acceptable given that:

- the application is supported by a draft operational management plan for the farm, an assessment of the proposal against the federal and state guidelines for poultry and a Hydrological assessment report which confirm that the development has been designed so that it can be operated in accordance with best management practises in order to mitigate the impact of the development on the water quality; and
- the proposal will not have any impact on the Hawkesbury River during a flood event.

The proposal is consistent having regard to the aims and objectives of SREP No. 20 given that proposed development will not significantly impact on the environment of the Hawkesbury-Nepean River either in a local or regional context, the land is not located within an identified scenic corridor and the development is consistent with the general and specific aims, planning considerations, planning policies and recommended strategies of this plan.

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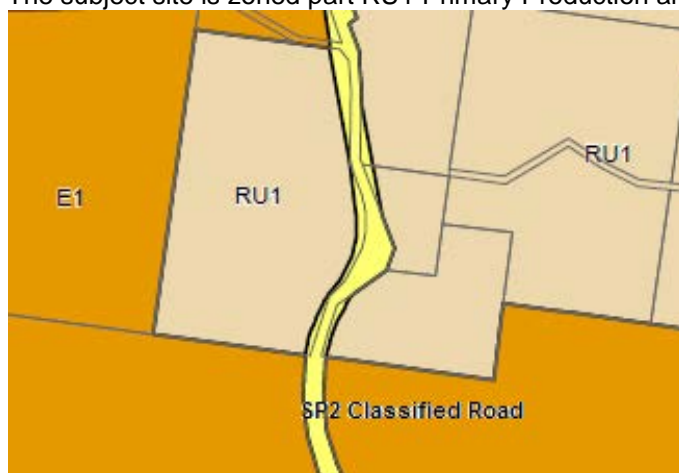
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#### *Hawkesbury Local Environmental Plan 2012*

The proposed development has been assessed against the provisions of LEP 2012 and has been found to be generally consistent with the provisions relating to permissibility, zone objectives and environmental impacts. An assessment of the proposed development against the relevant provisions of the Plan follows:

#### *Clause 2.2 Zoning of land to which Plan applies*

The subject site is zoned part RU1 Primary Production and part SP2 Infrastructure.



**Image 2: Zone map extract**

The proposed land use, earthworks, buildings and infrastructure associated with the proposed poultry farm are all located on the portion of the land zoned RU1 Primary Production.

Driveway access to the site will be gained over a portion of the land zoned SP2 Infrastructure.

#### *Clause 2.3 Zone objectives and Land Use Table*

The proposal is permitted with consent in the RU1 Primary Production zone being defined as intensive livestock agriculture which is defined as follows:

**intensive livestock agriculture** means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,
- (d) poultry farms,

*but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.*

*Note. Intensive livestock agriculture are a type of agriculture."*

The Land Use Table establishes the following objectives for the RU1 Primary Production zone:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*

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- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage agricultural activities that do not rely on highly fertile land.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

The proposal is consistent having regard to the zone objectives given that:

- the proposal would encourage sustainable primary industry production by utilising land that is not hindered by environmental constraints and has been historically used for agriculture;
- the application proposes an intensive agricultural land use in an area that is considered appropriate for the development as the land is largely remote from built up residential areas and provides sufficient separation between the proposed activity and adjacent development so that the proposal can be managed in a manner that does not result in any adverse impacts in terms of noise, odour or traffic;
- the agricultural use for the land will not result in fragmentation or alienation of resource lands;
- the proposed development will not result in any unreasonable rural land use conflicts as the proposal will fit in with the existing agricultural/rural character of the area as it is sufficiently setback from adjacent development and native vegetated areas;
- the proposal will encourage an agricultural land use that does not rely highly on fertile land;
- the proposal will not have an adverse impact on the water catchments as minimal wastewater will be generated and stormwater from hardstand areas will be collected, treated and used as part of the operation of the farm,
- the development would occur in areas of the site that have been already cleared of vegetation and will not result in any adverse impact on local native vegetation including the habitat of threatened species, populations and ecological communities,
- the proposal will have a distinctive agricultural component and not adversely impact the landscape values of the locality, and
- the proposal will not result in the creation of unreasonable demand for the provision or extension of public amenities or services.

#### *Clause 4.3 Height of Buildings*

The building height map specifies a maximum building height of 10 metres for the subject land. The proposed poultry sheds comply with the maximum building height however four of the six feed storage silos will not comply with the maximum building height due to the extent of earthworks proposed above the existing ground level. The proposed silos will all measure 8.6 metres in height, 3.9m in diameter and be constructed out of metal. See Attachment – 5 Silo plan.

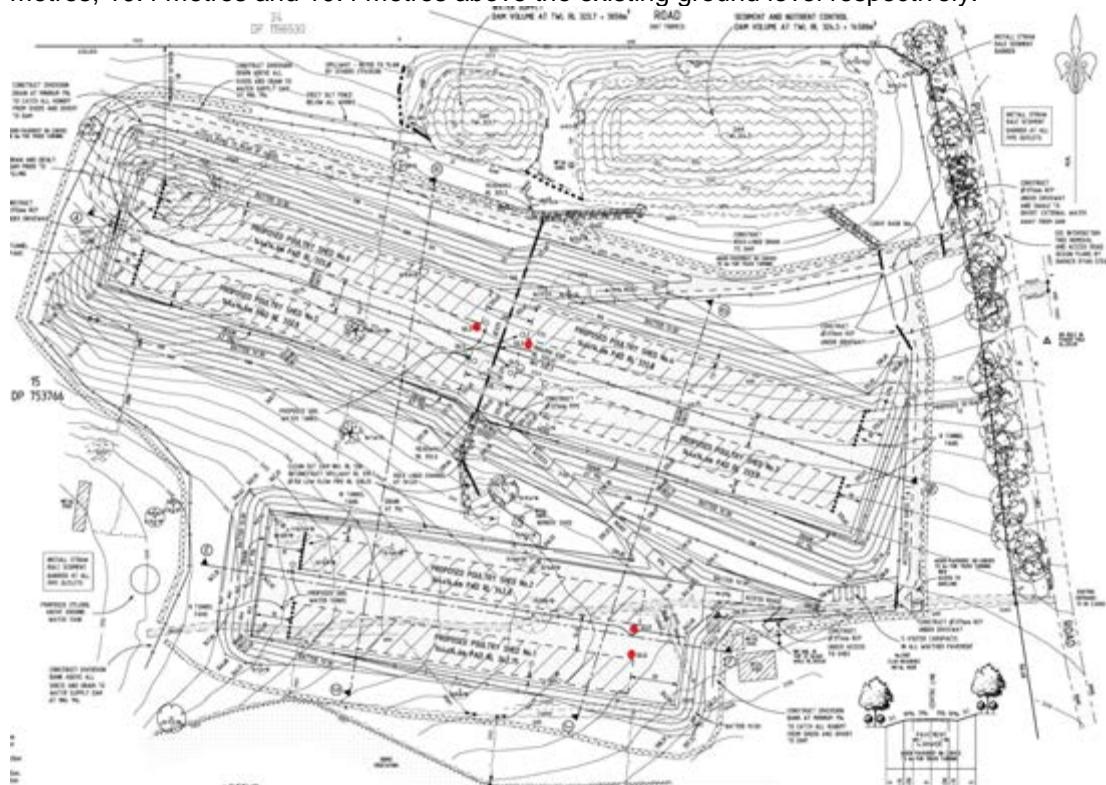
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The silos associated with shed number 5 and 3 will be below the maximum 10 metre building height requirement as fill underneath these silos will not be greater than 800 millimetres.

Fill under the silos that do not comply with the maximum building height will range from 1.8 metres to 2.25 metres above the natural ground level due to the topography of the land and amount of cut and fill required to create a level building pad. This would result in the silos associated with shed number 1, 2, 4 and 6 measuring 10.85 metres, 10.7 metres, 10.4 metres and 10.4 metres above the existing ground level respectively.



**Image 3: Part site plan showing location of feed storage silos (circled and marked in red) that do not comply with maximum building height requirement.**

The degree of variation proposed is between 4% and 8.5% and the application is supported by a request to vary the maximum building height under Clause 4.6 of LEP 2012 which has been considered in the report below.

In assessing building height Council is required to be satisfied that the proposal meets the objectives of Clause 4.3(1) which are stated below:

- (a) to protect privacy and the use of private open space in new development and on adjoining land,
- (b) to ensure that the bulk of development is not excessive and relates well to the local context,
- (c) to nominate heights that will provide a transition in built form and land use intensity,
- (d) to ensure an appropriate height transition between new buildings and heritage items.

Notwithstanding the noncompliance identified in relation to the maximum building height requirement it is considered that the proposal is satisfactory having regard to the objectives of this clause in that:

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- the height of both the poultry sheds and feed silos will not result in any adverse impacts in terms of privacy or use of private open space on adjoining land,
- the proposal is significantly setback from adjoining development and the road,
- the bulk of the development has been designed to fit the buildings into the landscape and relates to the topography of the land and local context.
- the proposed silos will be positioned in between and adjacent to the poultry sheds in order to reduce the scale of the structures and provide a transition between built form associated with the development on the site.

#### **Clause 4.6 Exceptions to development standards**

The application is supported by a written request pursuant to Clause 4.6 seeking to justify the variation to the development standard for building height.

The objective of this clause is to provide an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6(3) states that consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard.

The written request submitted with the application seeks a variation to the maximum 10 metre building height requirement for four of the feed storage silos associated with the poultry sheds. The request seeks to justify that the contravention of the development standard on the basis that:

1. The site has been specifically chosen due to the particular attributes of the land in terms of transport, distances from adjacent development, ability to manage potential noise and odour impacts and amount of land cleared of any significant vegetation. The technical reports submitted in conjunction with the application confirm that there are sufficient environmental planning grounds to support the proposed land use and that requiring strict compliance with the building height control would be unreasonable given that the deviation from the standard is required as a result of the area required to be levelled to provide for the proposed poultry sheds.
2. The silos are ancillary to the proposed poultry farm and are considered to be minor structures due to their size, bulk and scale which is considered minimal compared in comparison to the overall development. The silos will also be screened by existing and proposed landscaping.
3. The proposed silos will meet the objectives for building height given that the silos will not interfere with the privacy of adjacent development on adjoining land as the structures are not habitable, suitably setback from adjacent development, are not a focal point for the development and not considered to be excessive in terms of bulk.
4. Strict compliance would tend to hinder the attainment of the following objectives contained under Clause 1.3 of the EP&A Act 1979:
  - (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment, and*
  - (c) *to promote the orderly and economic use and development of land, and*
  - (g) *to promote good design and amenity of the built environment,*



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In that the information accompanying the application has been able to demonstrate that the site is suitable for the proposed land use, the proposed layout of the farm will promote the orderly and economic use and development of the site and the development is consistent with other agricultural developments in the region in terms of the character size, bulk and scale.

It is considered that the applicant has been able to satisfactorily justify the contravention of the development standard based on the reasons provided in the written requested, particularly given that:

- strict compliance with the 10 metre maximum building height would be unreasonable as the site has been specifically chosen due to the sites attributes and the silos are a minor component having regard to the overall scale and size of the development,
- that the contravention of the development standard is as a result of the proposed earthworks which have been terraced in order to allow for the large poultry sheds to fit in with the natural slope of the land and requiring strict compliance for the feed silos will not necessarily result in a better environmental outcome for the site,
- the proposed development achieves the objectives of the development standard despite the non-compliance given that the degree of variation is considered to be negligible and the development will provide for a suitable transition of built form on the site without interfering with the privacy and use of private open space on adjoining land,
- the development satisfactorily meets the objectives of the RU1 Primary Production zone and the feed storage silos are required in order to allow for the intensive agricultural use of the land.
- The proposal is considered to be in the general public interest because the development is consistent with both the objectives of the building height requirement standard and the objectives of the zone, and
- the reasons for the variation to the building height requirement are unique to both the site and the development and will not set an undesirable precedent when considering other developments in the locality.

Based on the above Council can be satisfied that a variation proposed is acceptable having regard to Clause 4.6 of the LEP and it is recommended that the variation request be supported.

Circular PS 08-003 issued on 9 May 2008 informed Council that it may assume the Director-General's concurrence for exceptions to development standards.

#### *Clause 5.18 –Intensive livestock agriculture*

The main objective of this clause relevant to this application is to ensure appropriate environmental assessment of development has been undertaken for the purpose of intensive livestock agriculture. Clause 5.18(3) requires the consent authority must take the following into consideration the following matters when determining whether or not to grant development consent for the purpose of intensive livestock agriculture:

- (a) *the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,*

**Comment:** The EIS has been prepared in accordance with Secretary's Environmental Assessment Requirements (SEAR's) which were obtained prior to the preparation of the EIS. The SEAR's identifies the key environmental planning issues that relate to the proposal and the key state agencies required to be contacted (Department of Industry (Agricultural Land Assessment and water)

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Environmental Protection Agency, NSW RMS and Council) in preparation of the EIS.

The EIS is supported by technical assessments in relation to waste, noise, odour, water, traffic, flora and fauna, bushfire and operational plans prepared by suitably qualified and experienced persons. The reports have all taken into account the matters raised by the state and local agencies which were contacted as part of the preparation of the EIS.

The EIS and accompanying documentation has been assessed and found to adequately address the environmental factors relevant to the proposal subject to the development being required to comply with the documentation submitted with the application.

- (b) *the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,*

**Comment:** The application is supported by an odour impact assessment report which models the impacts of potential dust and odour from the proposed development on the nearest residential receivers which are located between approximately 390 meters and 510 metres from the proposed poultry sheds.

The modelling takes into account the terrain and meteorology characteristics of the locality and concludes that the odour levels at the closest sensitive receivers have been predicted to be well below the NSW EPA assessment criterion. The report further recommends mitigation measures which can be used as part of the design, landscaping, operation and maintenance of the poultry farm in order to control potential odour. This includes:

- weatherproofing the roof and walls of the poultry sheds in order to reduce moisture entering the sheds,
- enclosing feed silos so that dust is contained,
- providing tunnel ventilation for the sheds,
- using nipple drinkers for the chickens to reduce water spillage,
- regular monitoring of ventilation and water systems,
- daily monitoring of shed bedding material and its moisture content,
- removal of poultry litter in covered trucks and not removing litter during poor weather conditions,
- removal of dead birds daily,
- maintaining areas around the sheds to be clean and sanitary manner,
- use of low scent sanitizers when cleaning the sheds,
- establishment of vegetation screens around the development,
- community liaison with nearby residents in order to improve communication, receive complaints and report incidents.

The above recommendations are consistent with best industry practice and align with the draft operation management plan and assessments provided with the application in relation to federal and state guidelines for poultry farms. Council's environmental health officers have reviewed the documentation and information submitted with the application and raise no objections in terms of odour subject to the development being required to be designed and operated in accordance with the recommendations of the odour impact assessment. Suitable conditions are included in the recommendation of this report below.

- (c) *the potential for the pollution of surface water and ground water,*

**Comment:** The proposed poultry sheds are to be constructed on a compacted clay base floor and weatherproofed in order to prevent stormwater from entering the buildings and creating a potential water pollution issue with the chicken litter contained within the poultry sheds.

The floor of the sheds will be covered in bedding material consisting of timber shavings or sawdust in order to keep the floor dry and collect waste from the chickens. The material will be replaced as part of the cleaning process of the sheds at the end of each breeding cycle. Water being associated with the cleaning of the sheds will be limited as much as possible in order to limit any wastewater seeping through the compacted impermeable clay floor. This is consistent with best practice and does not raise any concerns in relation to potential pollution of surface water and ground water associated with the use of the chicken sheds.

The hydrological assessment report submitted with the application assesses water requirements for the poultry farm and stormwater management for the site.

It is essential that water collected from the roof of the poultry sheds and surrounding hardstand areas be directed to the dam and sedimentation pond so that stormwater can be used as a source of water for the operation of the farm. Water being collected is proposed to pass through proposed swales and sediment basins in order to maintain water quality and this will ensure that the proposal does not have any adverse impacts on watercourses downstream of the subject site.

Furthermore the hydrological modelling provided with the application confirms that the dams have sufficient capacity to manage stormwater on site and that suitable measures can be put in place to ensure surface stormwater does not raise any issues in terms of water pollution on the site or on downstream properties.

*(d) the potential for the degradation of soils,*

**Comment:** The proposal will not result in any significant degradation of soils as part of the proposed land use which will be contained largely within the proposed poultry sheds. The proposed earthworks will be required to be fully stabilised both during construction and prior to the commencement of the use in order to prevent any impacts in terms of soil or sediment erosion. Suitable conditions have been recommended in this regard.

*(e) the measures proposed to mitigate any potential adverse impacts,*

**Comment:** The operation management plan and the assessment provided in relation to federal and state guidelines for poultry farms submitted with the applications demonstrate that the proposal can be managed in accordance with best practice and that matters such as waste, odour, noise and water quality will be able to be controlled so that the development does not result in any adverse impacts on the environment or adjacent developments.

*(f) the suitability of the site in the circumstances,*

**Comment:** The subject site has been chosen as it is a large rural land holding cleared of any significant vegetation, has direct access to a main arterial road and provides sufficient separation with adjacent development. The suitability of the site has been discussed throughout this report.

*(g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,*

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**Comment:** The property owners currently operate other poultry farms in Western Sydney and have specifically chosen this site due to its particular attributes which would enable the expansion of their operations within the Sydney region in accordance with industry codes of best practice for the health and welfare of animals.

The documentation submitted with the application clearly demonstrates that the operator intends to and will be able to comply with the relevant industry standards for the health and welfare of poultry, in particular:

- Department of Primary Industries' 'Best Practice Management for Meat Chicken Production in NSW (Manual 2 - Meat Chicken Growing Management),
- Department of Primary Industries Standing Committee - Model code of practice for the welfare of animals for domestic poultry, land transport of poultry,
- Australian Government Department of Agriculture Fisheries and Forestry - National Farm Biosecurity Manual and National Water Biosecurity Manual for Poultry Production; and
- RSPCA Approved farming Scheme standards of meat chickens.

Should the proposal be supported it is recommended that the development be conditioned to also comply with the CSIRO's 'Model Code of Practice for the Welfare of Animals (Domestic Poultry, 4th Edition)'.

- (h) *the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.*

Comment: The proposal is consistent having regard to the industry standards for poultry including the Department of Primary Industries' 'Best Practice Management for Meat Chicken Production in NSW (Manual 1 – Site selection and Development)'.

The draft farm management plan submitted with the application confirms that the proposal would not depart from industry standards. The operator will be required to prepare a final detailed farm management plan prior to the commencement of the farm and which will be required to be prepared in accordance with the requirements of the Department of Primary Industries and best practice guidelines. The plan will be required to be consistent with the documentation submitted with the application and include the following:

- farm description including poultry numbers and stocking densities specifying that the poultry farm shall be limited to no more than 40, 000 birds within each shed and a maximum of 240,000 birds for the site;
- in-shed litter management including dripper and fogger (where fitted) maintenance
- waste management;
- stock water supply quality and management;
- feed storage and management;
- used litter management;
- dead bird management;
- dust management including unsealed roads;
- noise management – stationary plant;

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- noise management – pick-ups and service vehicles;
- sampling, monitoring and reporting of the waste water treatment plant (anaerobic, aerobic, maturation and holding ponds and irrigation areas) against the relevant environmental criteria;
- contingency plans for the failure of the waste water treatment system or periods of high rainfall;
- pest management;
- chemical management;
- protection and management of the landscape buffers;
- environmental monitoring of the dam;
- community liaison; and
- complaints handling.

The farm management plan will also be required to be reviewed on a regular basis. Suitable conditions are recommended in this regard.

Based on the above assessment it is considered that the development is acceptable having regard to the requirements of Clause 5.18 of LEP 2012.

#### *Clause 6.1 – Acid Sulfate Soils*

The land is not identified as containing Acid Sulfate Soils on the Acid Sulfate Soils Planning Map.

#### *Clause 6.2 – Earthworks*

The proposed earthworks are ancillary to the proposed intensive agricultural use of the land and the development has been designed in a manner that would not adversely impact drainage patterns of the locality or the amenity of adjoining properties. The creation of the proposed building pads would result in a maximum cut of four metres and maximum fill of three metres in order to achieve a balance of cut and fill over the development area and avoid having to import or export material to or from the land.

Earthworks associated with the development are proposed due to the large area required to provide a levelled building pad for the poultry farms and will allow for:

- the poultry sheds to be terraced and fit in with the natural slope of the land,
- development to drain to the existing dam and take advantage of stormwater that will be collected from hardstand and roofed areas, and
- the poultry farms to be suitably setback from Putty Road.

The extent of the earthworks are considered to be relative to the overall size of the development and would not have any detrimental impact on the functions of neighbouring uses or features of surrounding land given the setbacks and landscaping proposed as part of the application.

The proposal is acceptable having regard to the requirements of this clause and the proposal to utilise existing material on the land will mitigate impacts that would be associated with the need to import or export material to or from the land.

Should the proposal be supported it would be required that earthworks be managed so as to not have any adverse impacts in terms of sediment and soil erosion, dust nuisance or water pollution.

#### *Clause 6.4 – Terrestrial Biodiversity*

The proposed development has been located in a cleared area of the site that would result in the least disruption to native vegetation. The development area is mapped as land that provides 'Connectivity between significant vegetation' on the Terrestrial Biodiversity Map.

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The Flora and Fauna report submitted with the application considers the impacts the proposal would have on remnant vegetation located within the development area, the vegetation required to be removed for the construction of the new driveway and native vegetation surrounding the development.

The development area has been identified as land that once supported *Shale Sandstone Transition Forest* vegetation community (which is listed as a Critically Endangered Ecological Community) and considers that the impact the development would have on flora and fauna would be minimal given the low value of habitat found on land which has been highly degraded due to the significant period of time it has been used for agricultural use.

The assessment recommends that vegetation outside of the development areas be fenced off during the construction and that pre-clearing surveys be undertaken in order to mitigate any impacts associated with the construction of the development. Furthermore the report considered that the proposed works are unlikely to result in a significant impact on any listed species or communities provided that the best practice recommendations for wastewater and nutrient runoff management be implemented.

Based on the information submitted with the application it is considered that the proposal is unlikely to have any adverse impact on the condition, ecological value and significance of the fauna and flora and that the development has been designed, sited and can be managed to avoid any significant adverse environmental impact. Accordingly the proposal is acceptable having regard to the requirements of this clause.

#### *Clause 6.7 – Essential Services*

The land has suitable access, electricity and sewer and the proposal would not require any significant extension or modifications to existing services. The applicant would be required to obtain a water access licence in order to use the existing dam to service the facility. It is recommended that this licence be obtained prior to the commencement of any works or issue of a construction certificate.

In addition to the relevant EPI's listed above consideration was made to the following additional environmental planning instruments listed below:

#### ***State Environmental Planning Policy (State and Regional Development) 2011***

The proposed development has not been identified as being of regional or state significance under this plan.

#### ***State Environmental Planning Policy (Primary Production and Rural Development) 2019***

The SEPP came into effect on 28 February 2019 after the application was lodged. Clause 9 of the SEPP provides saving provisions for applications which had not been determined prior to the commencement of this policy. Nevertheless the proposal is considered acceptable having regard to the requirements of the SEPP which aim to facilitate the orderly economic use and development of lands for primary production and reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.

#### ***State Environmental Planning Policy (Coastal Management) 2018***

The proposed use does not raise any issues in respect of the aims and considerations of this policy as the site is well removed from mapped coastal wetlands and littoral rainforests areas.

**ii. Draft Environmental Planning Instrument that is or has been placed on exhibition and details of which have been notified to Council:**

**Draft State Environmental Planning Policy (Remediation of Land)**

The Explanation of Intended Effect for the above draft SEPP was placed on exhibition from 31 January 2018 to 13 April 2018.

The proposed new SEPP intends to update the current SEPP 55 requirements and add new classes of remediation works that require development consent.

The proposed development has been considered under the current SEPP and found to have no potential site contamination that warrants further investigation. Accordingly the proposal is acceptable having regard to the draft SEPP.

**Draft State Environmental Planning Policy (Environment)**

The Explanation of Intended Effect for the Environment SEPP was placed on exhibition between 31 October 2017 and 31 January 2018.

The intent of the SEPP is to both simplify the planning rules and definitions for environmental areas and consolidate several existing planning policies including Sydney Regional Environmental Plan No. 20—Hawkesbury-Nepean River (No 2—1997) in to one new SEPP.

The Explanation of Intended Effect for the Draft SEPP does not propose to change matters required to be considered or permitted under the SREP No. 20 which will be repealed and replaced with the new Environment SEPP.

The proposed development has been considered against the provisions of the existing SREP and found to be acceptable. Accordingly the requirements of the Draft SEPP have been considered.

**iii. Development Control Plan applying to the land:**

***Hawkesbury Development Control Plan 2002***

The proposal is consistent having regard to the requirements of the DCP 2002. An assessment of the proposal against the relevant provisions of this plan follows:

Part A Chapter 3 – Notification

The application was notified between 29/06/2018 - 28/07/2018. No submissions were received in response to the notification of the proposal. As part of the assessment of the proposal the applicant was requested to clarify details about the development in relation to the proposed driveway access, vegetation removal and water storage tanks and the feed silos. The details provided do not change the nature of the development and it is considered that the application is not required to be renotified under this policy as the additional information is not likely to have any additional impact on the environment or on the locality.

Part C Chapter 1 – Landscaping

The application proposes a landscape buffer around the poultry sheds in order to minimise potential impacts associated with dust deposition and odour dispersion consistent with the recommendations of the odour impact assessment report submitted with the application. Landscaping will be provided in a two metre buffer around the proposed building pads and can be made up of a mixture of native trees and shrubs planted at 1-1.5 metre centres. This landscape buffer would also provide for a continuous vegetated screen around the poultry farm. It is recommended that landscaping be planted prior to the commencement of the operation and will be required to be designed and supervised by a suitably qualified and experienced person.

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In addition to the landscape buffer the application proposes the removal of up to three native mature trees and approximately 450sqm of native understory in order to provide a safe line of sight for vehicles accessing the new driveway. The removal of this vegetation has been considered in the amended flora and fauna assessment report dated April 2019 and it has been found to have minimal impact on threatened flora and fauna species given the low value of habitat proposed for removal.

In order to offset the visual impact associated with the removal of vegetation for the new driveway it is recommended that landscaping be provided in the area occupied by the existing driveway which is proposed to be made redundant. Suitable conditions have been recommended in this regard.

#### Part C Chapter 2 – Car parking and Access

This chapter does not specify car parking requirements for a parking rate for poultry farms. Details submitted with the applications confirm that residents living on the land will manage the farm and that up to two casual staff would be required when collecting poultry and cleaning the poultry sheds. Five visitor parking spaces have been shown on the plans in front of the proposed poultry sheds and are considered suitable based on the number of employees expected to run the farm.

Furthermore it is noted that there is suitable space on the land in order to support the proposed driveway access, manoeuvring and traffic.

#### Part C Chapter 3 – Signs

No signage is proposed as part of the application.

#### Part C Chapter 4 – Soil and sediment erosion

The earthworks associated with the construction of the development will be able to be carried out in a manner that protects downstream watercourses. Upon completion of the earthworks the land will be required to be stabilised by turfing filled batters and swales, landscaping around the sheds and sealing of access roads in order to ensure the proposal does not have any adverse impact in terms of soil and sediment erosion. Suitable conditions in respect to earthworks have been recommended in this regard.

#### Part C Chapter– Effluent disposal

The development proposes that amenities for staff will be provided within the existing dwelling. This is considered to be acceptable due to the low number of workers proposed to be on the site.

#### **iii. Planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:**

There are no planning agreements applicable to this application.

#### **iv. Matters prescribed by the Regulations:**

The proposed development is acceptable having regard to the relevant provisions of the Environmental Planning and Assessment Regulations 2000 (the regulations). The following relevant sections of the regulations have been considered.

#### Building Code of Australia (BCA)

Should the proposal be supported the development will be required to comply with the National Construction Code - BCA. Suitable conditions have been recommended in this regard.

#### Section 94A contributions



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The development is subject to Hawkesbury Section 94A Contributions Plan 2015 and the development subject to a 1% levy based on the estimated cost of development.

Clause 101 of the regulations specify that a notice concerning a development consent subject of a Section 94A condition must include the contribution plans under which the condition is imposed and the address of the places where a copy of the contributions plan may be inspected. An appropriate condition has been recommended in this regard.

#### Designated development

The proposed activity is within 100 metres of a natural waterbody as the existing dam is on a first order stream that connects to New Yard Creek. Consequently the proposal has been identified as being designated development for the purposes of Part 1 Clause 21 (4) of Schedule of the regulations which reads as follows:

- (4) *Poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers for egg production or breeders and whether as free range or shedded birds:*
  - (a) *that accommodate more than 250,000 birds, or*
  - (b) *that are located:*
    - (i) *within 100 metres of a natural waterbody or wetland, or*
    - (ii) *within a drinking water catchment, or*
    - (iii) *within 500 metres of another poultry farm, or*
    - (iv) *within 500 metres of a residential zone or 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.*

The application has been prepared and advertised in accordance with the regulations and the EIS submitted with the application satisfactorily addresses the requirements specified in the SEAR's provided for the development.

#### **b) The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:**

An assessment of the likely impacts of the proposed development has been considered as part of the assessment of the proposal in the report above and the development is considered to be acceptable, particularly in relation to odour, water quality, visual impacts, earthworks, flora and fauna, land use and compatibility with adjoining land uses. It is considered that the information provided with the application adequately address potential impacts both the natural and built environments.

Additional likely impacts of the proposal which have been considered as part of the assessment of the proposal are included below.

#### Context and setting

The development is considered to be appropriate for the site and is not expected to impact adversely on the amenity of the locality or the surrounding environment. The land is surrounded by numerous agricultural pursuits and the application proposes suitable separation between the proposed activities and adjoining property boundaries.

When considering the overall bulk and scale of the development it is clear that the proposed land use requires a significant amount of space to support the proposal and it is considered that the appearance of the development is consistent with what would be expected to support a poultry farm.

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#### Access, Transport and Traffic

Traffic and Parking impact assessment report estimates a maximum of 115 truck movements over a growing cycle for the delivery of birds, pick up of birds, delivery of feed, removal of manure, delivery of bedding material and delivery of gas. This would equate to an average of 18 truck movements per week or 2.5 truck movements per day should all six sheds be operating at capacity.

It is considered that the volume of traffic generated by the proposal will not have any adverse impact on the locality in terms of safety or nuisance on adjacent development and that traffic to the site can be appropriately managed as six sheds will all be occupied at different stages of development. Furthermore Putty Road is a main arterial road which is more than suitable to accommodate the traffic loads anticipated.

#### Utilities

Electricity, onsite sewerage and telephone services are available to the subject site. The development will be reliant on obtaining a water allocation licence for the property in order to provide water for the poultry farm.

The application anticipates a total water supply of approximately 19 Mega Litres per annum to service the proposed poultry farm. Water will be required for chicken drinking water, cleaning and shed ventilation and cooling. The current dams on site have a total capacity of 17.5 Mega litres on site and will be sufficient to support the proposed use. The operator will be required to obtain a water access licence for the proposed use of the dams for commercial purposes.

In periods of dry weather the operator of the farm will be able to cart water to the site and or reduce water consumption by limiting the stocking rates of the sheds.

#### Heritage

The subject site and surrounding properties do not contain any heritage items and are not within any heritage conservation areas.

#### Waste

Waste from chicken litter, bedding material and deceased birds will be removed on a regular basis and not be stored or stockpiled on the site.

Stormwater collected from roofwater and surrounding access driveways will be directed to proposed grass swales and into the existing dams. No wastewater runoff is expected from inside the poultry sheds which will be sealed and protected from weather. The poultry sheds will be cleaned out by removing bedding material placed on the floor of the sheds to collect manure and waste associated with the poultry. The sheds will be washed with high pressure water and sanitised in order to minimise wastewater which will be evaporated.

It is recommended that a condition of consent be imposed on the development requiring the regular sampling, monitoring and reporting of the water in the dams against relevant environmental criteria.

#### Noise

The acoustic report submitted with the application considers both the construction noise and the noise associated with the operation of the farm 24 hours a day, seven days a week.

The report identifies that the construction works will at times have noise impacts in excess of noise management levels and recommends noise controls and noise management plans which can be put in place to minimise noise impact from construction activities.

Noise associated with the operation of the farm will generally occur during the day occur between 7:00am and 7:00pm with the delivery and collection of chickens proposed to be carried out between 6:00pm and 6:00am. Birds are collected and transported to the site during

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night time hours due to the welfare of the animals as this is the time the birds are dormant. A management plan is proposed to be put in place to ensure that the operator limits noise emissions as much as possible during night time deliveries and collections.

The acoustic assessment report demonstrates that the proposal can be operated in a manner that provides acceptable noise limits at the nearest residential receivers, provided noise from the fans on the tunnels of the poultry sheds comply with one of three options:

1. Fans can be fitted with noise attenuators.
2. The operator can limit the number of fans proposed to be used at night.
3. Fans can be selected which have a speed or can be programmed so that the maximum noise emitted from each fan does not exceed 65dB(A) at a three metre distance.

Council's environmental health officers have reviewed the recommendations of the report and consider that the provision of noise attenuation hardware specified in option one is the most satisfactory of the three options. This is because the hardware will reduce noise regardless of whether or not the noise attenuation is programmed into the fans. Option two is not considered viable during extreme weather conditions, and may impact on animal welfare and option three is also considered suitable. Consequently it is recommended that the development be conditioned to select either option one or three specified in the report. Suitable conditions have been recommended in this regard and details will be required to be provided prior to the issue of a Construction Certificate.

#### Natural Hazards

The application is accompanied by a Bushfire Report prepared in conjunction with the NSW Rural Fire Services document 'Planning for Bushfire Protection – 2006' by a Fire Protection Association Australia Certified Practitioner.

Whilst the provisions of Planning for Bushfire Protection 2006 (PBP) do not specifically relate to this type of development (as they are not residential uses), the principal aim of PBP is to protect all development.

The report considers matters associated with the protection of persons or property that may arise from a bushfire and provides recommendations in respect to the maintenance of asset protection zones, construction requirements and evacuation procedures that could be adopted having regard to the bushfire risk of the site.

It is recommended that the development be conditioned to comply with the recommendations included in this report in relation to construction materials, asset protection zones, property access, fire fighting equipment maintenance of any gas bottles and emergency evacuation plans for the site.

#### Technological Hazards

No evidence of technological hazards.

#### Safety, Security and Crime

The site will be fully fenced and negligible impact is expected.

#### Economic Impact On The Locality

Positive impact is expected on employment and agricultural activities in the local area.

#### Site Design And Internal Design

Adequate space is available to support the proposal.

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#### Construction

Suitable conditions are to be imposed regarding the construction phases in accordance with the BCA and civil work requirements associated with the development.

#### Cumulative Impact

There are no cumulative impacts associated with the proposed development.

#### Social Economic Impact in the Locality

The development will provide for an intensive agricultural industry on a site that is considered to be best suited to the proposed land use. The development will provide a modern facility for the keeping of chickens, provide food for the greater Sydney area and generate employment. It will therefore have a positive social and economic impact.

#### **c) Suitability of the site for the development:**

The site has been chosen due to the specific site attributes that would allow for the development to be carried out in a manner that would not have any significant adverse impacts in terms of noise, odour, flora and fauna, wastewater or traffic.

The land is of sufficient area and dimensions, and is relatively free of environmental constraints that could hinder the use of land and the documentation submitted in support of the proposal has been able to demonstrate that site is suitable to accommodate the proposed development.

#### **d) Any submissions made in accordance with the Act or the Regulations:**

##### ***Public Submissions***

No public submissions were received in response to the notification of the application.

##### ***External agency referrals***

External Referrals	Comments
NSW Natural Resources Access Regulator (NRAR)	<p>The application has been identified as Integrated Development under the <i>Environmental Planning and Assessment Act 1979</i> as approval under the <i>Water Management Act 2000</i> is required for the water management works associated with modifications to the existing dam.</p> <p>On 30 July 2018 the NRAR issued their general terms of approval for the proposal subject to the issue of a controlled activity approval.</p> <p>Should the proposal be supported the applicant will be required to obtain a controlled activity approval prior to the issue of a construction certificate.</p>
NSW Department of Planning and Environment (DOP)	<p>The application is identified as designated development under the Regulations as the poultry farm is located within 100 metres of a natural waterbody.</p> <p>The application was referred to the NSW DOP as part of the preparation of the EIS and the applicant received the SEARs on March 2017.</p> <p>An assessment of the Environmental Impact assessment has been undertaken and it is considered that the information submitted in conjunction with the application adequately addresses the matters required to be covered as part of the SEARs</p>

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External Referrals	Comments
	The application was referred to the DOP as part of the lodgement of the application where no objections were received or conditions recommended in relation to the proposal.
NSW Roads and Maritime Services (RMS)	<p>The application was referred to the NSW RMS as the development proposes construction of a new driveway access to Putty Road which is a main arterial road and the front portion of the property along Putty Road is reserved for road widening and zoned SP2 Infrastructure.</p> <p>On 12 March 2019 the RMS confirmed that they have reviewed the information submitted with the application and would provide concurrence to the proposed vehicular crossing subject to conditions. The conditions specified by the RMS have been included as part of the list of conditions recommended in this report.</p>

#### e) The Public Interest:

The matter of public interest has been taken into consideration in the assessment of the application.

The proposed development is consistent with the relevant Environmental Planning instruments including the Hawkesbury LEP 2012 and Hawkesbury DCP 2002.

The development would facilitate the use of the land for a permitted land use, is consistent with the objectives of the zone and would support agriculture and employment opportunities within the Hawkesbury.

As a result it is considered that the approval of this application would be in the public interest.

#### Development Contributions

##### Section 7.12 Fixed development consent levies (Hawkesbury Section 94A Contributions Plan 2015)

Council's contribution plan specifies a 1% levy to be imposed on the development based on the estimated cost of works. A registered quantity surveyors report has been submitted with the application that estimates the cost of development at \$5,707,164.00.

The estimated cost of development has been divided into the respective stages of the development with the following costs being calculated:

- Stage 1 would total \$3 80 9419 and a contribution levy of \$38 094.19 would apply.
- Stage 2 would total \$1 897 745 and a contribution levy of \$18 977.45 would apply.

The contribution fees would be required to be paid prior to the issue of a Construction Certificate for each respective stage. A condition consistent with the requirements of Council contribution plan has been recommended in this regard.

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#### Conclusion

The application has been assessed having regard to Section 4.15 of the Environmental Planning and Assessment Act 1979 and the proposal considered acceptable having regard to the relevant planning controls applicable to the development.

Accordingly, it is recommended that the proposal be supported subject to conditions recommended in this report.

#### RECOMMENDATION:

That:

1. The written request lodged pursuant to Clause 4.6 of *Hawkesbury Local Environmental Plan 2012* to the maximum building height control be supported; and
2. Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, the Hawkesbury Local Planning Panel, as the consent authority, grant development consent to Development Application No. DA0237/18 for Intensive Livestock Agriculture - Poultry Farm at 3787 Putty Road, Colo Heights, subject to the following conditions below:

#### General Conditions

##### 1. Integrated Development - General Terms of Approval

The general terms of approval from the NSW Natural Resource Regulator, reference No. IDAS1107820, dated 30 July 2018 are attached and form part of this consent.

##### 2. Approved Plans and Supporting Documentation

The development must be carried out generally in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

###### a) Plans Reference:

Drawing Name	Prepared by	Date
Plan of proposed earthworks for poultry sheds Sheet 1 of 5	McKinlay Morgan and Associates	21 September 2017
Plan of proposed earthworks for poultry sheds Sheet 3 of 5	McKinlay Morgan and Associates	17 April 2019
Sections through proposed earthworks Sheet 4 of 5	McKinlay Morgan and Associates	9 April 2019
Sections through proposed earthworks Sheet 5 of 5	McKinlay Morgan and Associates	21 September 2017
Vehicle Crossing and Driveway Design Plans SY17066C102, SY17066C103, SY17066C104 and SY17066C105.	Barker Ryan Stewart	16 April 2019
Plainview & elevations Sheet 1 of 9	R&DG Sanday	7 March 2018

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Elevation & schedule & detail Sheet 2 of 9	R&DG Sanday	7 March 2018
Section & detail Sheet 3 of 9	R&DG Sanday	7 March 2018
Overview Sheet 4 of 9	R&DG Sanday	7 March 2018
Typ. portal detail Sheet 5 of 9	R&DG Sanday	7 March 2018
Typ. post detail Sheet 6 of 9	R&DG Sanday	7 March 2018
Typ. beam detail Sheet 7 of 9	R&DG Sanday	7 March 2018
Typ. coolcell beam detail Sheet 8 of 9	R&DG Sanday	7 March 2018
Drop post and general notes Sheet 9 of 9	R&DG Sanday	7 March 2018
Plan of bywash outlet and longitudinal section Sheets 1-2	Toby Fiander and Assoicates	08 April 2019
Silo elevation plan	Prepared by Applicant	April 2019
Plan of proposed large rigid truck deliveries	Barker Ryan Stewart	15 April 2019

**b) Document Reference:**

<b>Document</b>	<b>Prepared By</b>	<b>Date</b>
Environmental impact statement	Urban City Planning	May 2018
Flora and fauna assessment	Fraser Ecological Consulting	10 April 2019
Bushfire hazard assessment report	Control Line Consulting	23 March 2017
Traffic and parking impact assessment report	Barker Ryan Stewart	May 2018
Hydrological assessment report	Toby Fiander	28 May 2018
Draft operational management plan	Urban City Planning	May 2018
Assessment of federal and state guidelines for poultry	Urban City Planning	May 2018
Odour impact assessment report	Pacific Environment	17 May 2018
Environmental noise assessment	Day Design	17 May 2018

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

**3. Appointment of a Principal Certifying Authority**

No work shall commence until:

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- a) A Building Construction Certificate is issued by:
  - (i) Council; or
  - (ii) An Accredited Certifier;
- b) A Principal Certifying Authority is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
  - (i) name and licence number of the builder undertaking the construction works; or
  - (ii) name and permit number of the owner-builder (if relevant);
- c) The Principal Certifying Authority has:
  - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
  - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
  - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- d) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
  - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
  - (ii) notified the Principal Certifying Authority of the appointment of the principal contractor;
  - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work;
- e) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

#### 4. Section 6.16(1) Certificates Required

The accredited certifier shall provide copies of all Section 6.16(1) certificates issued under the *Environmental Planning and Assessment Act 1979* relevant to this development to Council within seven days of issuing the certificate.

Note: A registration fee applies.

#### 5. Occupation Certificate Required Prior to The Use Of The Building

The building/structure shall not be occupied or used prior to the issuing of an Interim or Final Occupation Certificate by the Principal Certifying Authority. Where an Interim Occupation Certificate has been issued, only that part of the building to which the Certificate applies may be occupied or used.

A copy of the Occupation Certificate shall be submitted to Council within two days of its issue.

#### 6. Civil Works Specification Compliance

All civil construction works required by this consent shall be undertaken in accordance with *Hawkesbury Development Control Plan Appendix E Civil Works Specification*. Inspections shall be carried out and compliance certificates issued by Council or an Accredited Certifier.



**7. Sewer Authority - Hawkesbury City Council**

This development falls within the Sewerage Scheme controlled by Council. Therefore Council is the approving authority for all sewer works.

**8. Works on Public Land - Not Permitted Without Approval**

No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council or other relevant authority. In this regard the person having benefit of the consent is to contact Council prior to the commencement of any design works or preparation of a Construction and Traffic Management Plan.

The developer must bear the cost of all works associated with the development that occurs on public land, including the restoration of damaged areas.

**9. Excavated Soil - Classification**

Any soils excavated from the subject site are to be classified under the NSW DECC Waste Classification Guidelines. Testing is required to be undertaken by a suitably qualified consultant prior to offsite disposal.

All waste materials must be removed to appropriately licensed waste facilities by a suitably qualified contractor in accordance with NSW DECC Waste Classification Guidelines.

Details of soil excavation, transportation and disposal works must be provided to the Principal Certifying Authority as part of the validation reporting for the development.

**10. Prescribed Conditions - Compliance with National Construction Code**

All building works must be carried out in accordance with the requirements of the National Construction Code (Building Code of Australia).

**11. Tree Protection – Removal of Trees**

Vegetation that is to be retained on site must be fenced off during works to prevent damage to vegetation.

Vegetation removal shall be undertaken in accordance with the recommendations included under Part 6 of the Flora and Fauna assessment report dated 10 April 2019.

**12. Excavation - Archaeology**

If any object having heritage significance is uncovered during the course of the work:

- a) all work must stop immediately in that area; and
- b) the NSW Office of Environment and Heritage and Council must be advised of the discovery.

Note: Depending on the significance of the object uncovered, an archaeological assessment and excavation permit under the *Heritage Act 1997* may be required before further work can continue.

**13. Excavation - Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

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- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) the Office of Environment and Heritage and Council must be advised of the discovery.

All necessary approvals from the NSW Office of Environment and Heritage shall be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal heritage impact permit may be required under the *National Parks and Wildlife Act 1974*.

#### Prior to the Issue of Construction Certificate

##### 14. Water Licence

Prior to the commencement of any works or issue of a Construction Certificate the applicant must obtain a water use approval under the *Water Management Act 2000* for the use of the existing dams to service the proposed facility.

##### 15. Controlled Activity Approval

Prior to the commencement to any works or issue of a Construction Certificate the applicant must obtain a controlled activity approval under the *Water Management Act 2000*.

##### 16. NSW Roads and Maritime Services - Main Arterial Road

The applicant is required to obtain approval under Section 138 of the Roads Act 1993 prior to the issue of a Construction Certificate. The Construction Certificate Plans must demonstrate compliance with the following requirements specified by the NSW Roads and Maritime Services in their correspondence SYD18/00967/01 (A23445291) dated 12 March 2019;

- a) the subject property is affected by a road proposal for road widening. Any new building or structures together with any improvements integral to the future use of the site, are to be erected clear of the land required for road or road widening (unlimited in height or depth).
- b) all vehicles are to enter and exit the site in a forward manner.
- c) all vehicles are to be wholly contained on site before being required to stop.
- d) adequate vehicular sight distance allowances from the proposed vehicular crossing to vehicles on Putty Road are to be in accordance with the Austroads Guide to Road Design: Part 4A: Unsignalised and Signalised Intersections (Section 3 – Sight Distances) and AS 2890.2 design guidelines (whichever is the greater) for a 100km/h speed zone. Vegetation and proposed landscaping/fencing must not hinder sight lines to and from the vehicular crossings to motorists, pedestrians and cyclists. It is noted that the western shoulder and road reserve along Putty Road must be maintained and kept clear to ensure good sight distance to the north.
- e) the redundant driveway/s on the Putty Road boundary shall be removed and replaced with kerb and gutter, where applicable, to match existing.
- f) Any changes to the site access will be required to be constructed as a sealed all weather access driveway.  
The design and construction of the proposed gutter/vehicle crossing on Putty Road shall be in accordance with the Roads and Maritime Requirements, Details of these requirements should be obtained by email to [DeveloperWorks.Sydney@rms.nsw.gov.au](mailto:DeveloperWorks.Sydney@rms.nsw.gov.au).

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Detailed design plans of the proposed gutter/vehicle crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by Roads and Maritime Services.

- g) No stormwater discharge from the development site will be permitted into the Roads and Maritime Services Putty Road reserve.

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to the Roads and Maritime Services for approval, prior to the commencement of any works. Documents should be submitted to [Development.Sydney@rms.nsw.gov.au](mailto:Development.Sydney@rms.nsw.gov.au).

A plan checking fee will be payable and a performance bond is required before Roads and Maritime approval is issued.

Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate demonstrating compliance with the above requirements.

#### 17. Stormwater Discharge to Natural Watercourse

Stormwater discharge point to the natural watercourse must be protected against erosion. Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of a Construction Certificate.

#### 18. Vegetation Clearing for Sight Distance

The plans submitted for Construction Certificate must clearly identify trees and vegetation required to be removed along the Putty Road reserve to achieve required minimum sight distance as per the traffic impact report.

#### 19. Security Bond

Prior to issue of a Construction Certificate or approval under the Roads Act 1993 or Local Government Act 1993, a security bond of \$10,000 is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site.

The Bond is recoverable upon written application to Council on completion of the works, subject to satisfactory restoration as required. Fees for the lodgement of the bond apply.

#### 20. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifying Authority prior to the issue of any Construction Certificate.

Note: All building works valued at \$25,000 or above are subject to the payment of a Long Service Levy at the rate of 0.35%. Payments can be made at Long Service Payments Corporation offices or most councils.

#### 21. Section 94A (Monetary) Contributions

A contribution under Section 94A (7.12) of the *Environmental Planning and Assessment Act 1979* must be paid in accordance with the following:

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a) Contribution Required

In accordance with Council's Section 94A Contributions Plan 2015, a monetary contribution (indexed at the time of payment) must be paid to Council for the amount specified below.

b) Amount of Contribution

The contribution amount of:

- i) \$38 094.19 prior to the issue of a construction certificate for stage 1 of the development.
- ii) \$18 977.45 prior to the issue of a construction certificate for stage 2 of the development.

This fee is based on the supplied value-of-works of \$3 80 9419.00 for stage 1 and \$1 897 745.00 for stage 2.

The contribution amount detailed in (b) will be indexed at the time of actual payment in accordance with movement in the Consumer Price Index as published by the Australian Bureau of Statistics (Table 6401.0).

Contributions must be receipted by Council and evidence of payment submitted to the Certifying Authority prior to the issue of any Construction Certificate.

Please present a copy of this condition when paying the contribution at Council's Customer Service Centre so that it can be recalculated.

Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 7.12 contribution payable is to be based on the revised value of works.

22. **Engineer Designed Pavement Commercial**

The car park pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings. *AUSTROADS Guide to Pavement Technology* can be used as the design guideline for the pavement design.

The above details must be incorporated on appropriately submitted plans prior to the issue of the Construction Certificate.

23. **Driveway Construction - Commercial in Council Road Reserve**

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application shall be provided to the Certifying Authority.

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application shall be provided to the Certifying Authority.

The vehicular crossing must:

- a) have a minimum width of six metres within the road reserve;
- b) not interfere with existing public infrastructure;
- c) have a sealed finish;

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- d) be constructed in accordance with Hawkesbury Council's 'Driveway Specification' and Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

Note: The Agreement Form for Driveways and the Driveway Specification are available from Council's website.

#### 24. Redundant Driveway and Layback

The redundant vehicular driveway and layback must be removed and the area appropriately turfed, paved and landscaped with native vegetation in a manner that conforms to the adjoining road reserve. The area forward of the front boundary must be kept smooth, even and free from any trip hazards.

Landscaping of the redundant driveway must consist of a minimum of 6 mature trees and a mixture of small shrubs and grasses endemic to the area in order to offset the removal of vegetation required for the new driveway. Landscaping should be designed by a suitably qualified and experienced person.

Trees to be planted are to be mature native species with a minimum pot size of 45 litres or 1.5 metre height at planting and have a height of no less than 20 metres at maturity.

This work must be carried out at the developer's expense, including all alterations of public infrastructure where necessary. Details are to be provided to the Certifying Authority prior to the issue of the Construction Certificate.

#### 25. Verification of Driveway Grades with Council Standards

To verify that vehicular access driveway will comply with *AS2890.1:2004 Parking Facilities Part 1 Off Street Parking* requirements, a scaled long section of the proposed driveway from the boundary to the car park and garage must be submitted prior to issue of a Construction Certificate and shall include:

- a) existing natural surface levels;
- b) proposed grades and finished surface levels of the driveway;
- c) details of the method of treatment of any fill/retaining wall which may be required in conjunction with the proposed driveway.

Access driveways must be widened and pavement constructed along the truck turning path as shown in the plan number SY17066C102 Rev C dated 16/04/2019 prepared by Barker Ryan Stewart.

#### 26. Detailed Drainage Design

A detailed drainage design of the site must be submitted to and approved by Council prior to the release of the Construction Certificate. The detailed plan must:

- a) be generally in accordance with approved plan prepared by McKinlay Morgan & Associates;
- b) drain to the existing dam;
- c) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all areas, estimated flow rates, invert levels and sizes of all pipelines;
- d) be to the satisfaction of the Certifying Authority;

- e) be designed to cater for a 1 in 20 year Average Recurrence Interval storm event;
- f) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year Average Recurrence Interval storm event; and
- g) comply with Council's Hawkesbury Development Control Plan 2002 - Appendix E and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

**27. Dam Design**

Design of the dam is to be undertaken in accordance with the Dam Construction Chapter in the Hawkesbury Development Control Plan 2002.

Details satisfying the design requirements are to be submitted and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**28. Overland Flow**

The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots shall not be impeded or diverted; and
- c) water flow shall follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above shall be provided to the Certifying Authority prior to the issue of a Construction Certificate.

**29. Stormwater Discharge to Natural Watercourse**

Stormwater discharge point to the natural watercourse must be protected against erosion. Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**30. Water Quality Infrastructure**

Detailed design of the water quality elements is to be provided, together with modelling to demonstrate that the water quality targets required by Section 8.24 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 are achieved prior to issue of a Construction Certificate by the Certifying Authority.

**31. No Fill Permitted**

It must be clearly noted on plans submitted to the Certifying Authority prior to issue of the Construction Certificate that no fill shall be imported onto the site and or exported from site as part of this development.

**32. Internal Roads – Design Requirements**

Internal roads/driveways shall comply with Section 4.2.7 of *Planning for Bush Fire Protection* 2006.

Details demonstrating compliance with the requirements of this condition are to be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.

**33. Traffic Control Plan**

A Traffic Control Plan prepared in accordance with the Roads and Traffic Authority publication 'Traffic Control at Worksites' is to be prepared by an appropriately qualified person and submitted to Council, prior to commencement of any works, for approval.

The Traffic Management Plan is to be approved by Roads and Maritime Services before submission to Council for approval.

**34. Soil and Water Management Plan**

The applicant must submit to and obtain approval from the Certifying Authority of a Soil and Water Management Plan (SWMP) prior to issue of a Construction Certificate. The SWMP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction (2004)' and shall contain, but not be limited to:

- a) clear identification of site features, constraints and soil types;
- b) details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum;
- c) an 'Unexpected Finds Protocol', including stop work procedures, is to be developed for the earthworks phase of the development to manage any unexpected finds of potential farm waste or asbestos-containing materials, such as irrigation piping;
- c) erosion and sediment control plans shall be provided for three phases of construction:
  - (i) prior to commencement of works;
  - (ii) during bulk earthworks;
  - (iii) post drainage construction;
- e) any temporary sediment basins shall be as a minimum designed to a five day 85th percentile rainfall event and soil type in calculations shall be confirmed by a geotechnical engineer;
- f) erosion and sediment control plans shall provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary sediment basins, sediment filters, filter barriers and other controls;
- g) a strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks;
- h) identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site;
- i) measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil;
- j) procedures for the re-use, treatment and disposal of water from sedimentation basins; and
- k) a program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.

**35. Waste Management Plan Required**

A waste management plan is required to be prepared:

- a) identifying all waste (including excavation, demolition and construction waste materials) that will be generated by the work on the site;
- b) identifying the quantity of waste material to be:
  - (i) reused on-site;
  - (ii) recycled on-site and off-site;
  - (iii) disposed of off-site;
- c) if waste materials are to be reused or recycled on-site - specify how the waste material will be reused or recycled on-site; and
- d) if waste materials are to be disposed of or recycled off-site - specify the contractor who will be transporting the materials and the waste facility or recycling outlet to which the materials will be taken.

A garbage receptacle must be provided at the work site before works begin and must be maintained until the works are completed. The garbage receptacle must have a tight fitting lid and be suitable for the reception of food scraps and papers.

The waste management plan is to be prepared and submitted to the Certifying Authority prior to the issue of the Construction Certificate.

**36. Structural Engineers Design - Concrete and Structural Steel**

A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Certifying Authority prior to issue of Construction Certificate.

**37. Structural Engineers Design - Retaining Walls**

Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**38. Bush Fire Protection - Construction Requirements**

The building shall comply with the recommendations of the Bushfire hazard assessment report, prepared by Control Line Consulting dated 23 March 2017, including:

- a) no future landscaping features, planting of shrubs, trees or other vegetation shall occur in such a manner as to compromise the integrity of the bushfire asset protection zones,
- b) the poultry sheds are constructed using non-combustible materials,
- c) the internal driveway to each of the poultry sheds must comply with Section 4.3.1 Access (2) Property Access of *Planning for Bush Fire Protection 2006*,
- d) the perimeter of the asset protection zone comply with Section 4.1.3 Access (3) Fire Trails of *Planning for Bush Fire Protection 2006*,
- e) the poultry farm shall maintain a reserve Static Water Supply (SWS) for use during a bushfire event not less than 50, 000 litres within the recommended asset protection



zone. This may include water within the dam, and

- f) that all plumbing associated with the reserve water supply above the ground or for a depth of not less than 300mm below ground shall be metal.

Details of compliance with the above are to be provided in the plans and specifications for the Construction Certificate.

**39. Bushfire Protection - Bushfire Attack Level**

The building must be constructed in accordance with Bushfire Attack Level (BAL) 29 type construction in accordance with Australian Standard AS 3959 - 'Construction of buildings in bushfire prone areas'.

Details demonstrating compliance with the above requirements must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**40. Acoustic Construction Requirements**

A suitably qualified acoustic consultant shall be engaged to assist with the preparation of the final building plans and specifications to ensure compliance with "Option 1" or Option 3" of the measures specified under part 7 of the Environmental noise assessment report prepared by Day Design, dated 17 May 2018.

Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**41. Odour Impact Construction Requirements**

The development must be designed and constructed in accordance with the measures specified under part 7 of the odour impact assessment report prepared by Pacific Environment dated 17 May 2018.

Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**42. Shed floors to be impervious**

Details are required to be provided demonstrating that the floors of the poultry sheds will be impervious to water and comply with the recommendations of the Hydrological assessment report prepared by Toby Fiander dated 28 May 2018. The plans must show:

- a) The type of material that will be used for the floors of each poultry shed.
- b) The treatment that that material has received such as compaction and/ or chemical treatment/sealant.
- c) A statement that the floors would be capable of being impervious.

Details demonstrating compliance with this requirement must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

**43. Native vegetation screen planting**

The landscape buffer around the poultry sheds must consist of native vegetation endemic to the area and provide a height that will aid in minimising dust deposition and odour dispersion as recommended in the odour impact assessment report prepared by Pacific Environment dated 17 May 2018.

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The planting must consist of a combination of trees and shrubs planted at 1-1.5m centres so as to provide a continuous vegetated screen to the poultry farm.

The landscape plan must be prepared by a suitably qualified person and must be submitted to the Certifying Authority prior to issue of the Construction Certificate.

#### **Prior to Any Works Commencing on Site**

#### **44. Principal Certifying Authority - Details**

The applicant shall advise Council of the name, address and contact number of the Principal certifier, in accordance with Section 6.6(2) of the *Environmental Planning and Assessment Act 1979*.

#### **45. Toilet Facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

#### **46. Survey Certificate - Building to be Verified by a Registered Surveyor**

In order to ensure compliance with approved plans, a Survey Certificate, prepared by a Registered Surveyor, including locating any easements affecting the subject land, is to be undertaken:

- a) at the completion of earthworks and prior to the placement of any footings showing the completed level of the building platform and its relationship to the boundaries.

Progress certificates shall be submitted to the Principal Certifying Authority at the time of carrying out relevant progress inspections. Under no circumstances is work allowed to proceed should such survey information be unavailable or reveal discrepancies between the approved plans and the works as constructed.

#### **47. Notice of Commencement**

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifying Authority (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

#### **48. Principal Certifying Authority (PCA) Site Sign**

A sign must be erected in a prominent position on any site on which building work, subdivision

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work or demolition work is being carried out:

- a) showing the name, address and telephone number of the Principal Certifying Authority for the work;
- b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours; and
- c) stating that unauthorised entry to the work site is prohibited.

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

#### 49. **Safety Fencing**

The site is to be secured by a fence, in accordance with NSW WorkCover requirements, to prevent unauthorised access during the period of all works.

#### 50. **Asbestos Material Handling**

Work involving bonded asbestos removal work (of an area of more than 10 square metres) or friable asbestos removal work must be undertaken by a person who carries on a business of such removal work in accordance with a licence under Clause 458 of the *Work Health and Safety Regulation 2011*.

In addition to the above, the following shall be satisfied:

- a) the person having the benefit of this consent must provide the Principal Certifying Authority with a copy of a signed contract with such a person before any development or works commence;
- b) any such contract must indicate whether any bonded asbestos material or friable asbestos material will be removed, and if so, must specify the landfill site (that may lawfully receive asbestos) to which the bonded asbestos material or friable asbestos material is to be delivered;
- c) if the contract indicates that bonded asbestos material or friable asbestos material will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the Principal Certifying Authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

#### 51. **Removal of Vegetation**

Prior to the commencement of any works a pre-clearing survey of the area proposed to be cleared is required to be undertaken by a suitably qualified and experienced ecologist in accordance with the general mitigation measures specified in the Flora and fauna assessment prepared by Fraser Ecological dated 10 April 2019.

Trees that contain hollows are to be inspected by a suitably qualified fauna ecologist and the following measures are required to be undertaken:

- a) tree removal to take place outside of breeding season for that species;
- b) all hollows identified for removal are to be inspected prior to removal. Where any threatened or non-threatened species are identified the fauna ecologist is to advise of best course of action;

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- d) the felling of all hollow-bearing trees is to be conducted under the supervision of a fauna ecologist. Hollows of high quality or with fauna residing within shall be sectionally dismantled and all hollows are to be inspected for occupation, activity and potential for reuse; and
- e) re-used hollows or those with likely occupation are to be relocated to natural areas within close proximity to the site.

Details of the results of this inspection and compliance with the requirements of this condition shall be submitted to Council prior to and following any tree removal work taking place.

Note: Removal of trees containing hollows that provide habitat for wildlife may require a license from NSW Office of Environment & Heritage.

#### During Construction

##### 52. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials shall be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
  - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - (iii) a variation is approved in advance in writing by Council.

##### 53. Acoustic Construction Requirements

The recommendations contained under part 8 of the acoustic report prepared by Day Design, dated 17 May 2018 shall be followed during construction.

##### 54. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the principal certifying authority:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the

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site into drainage systems, waterways, adjoining properties and roads.

- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

#### 55. Loading and Unloading During Construction

The following requirements apply.

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

#### 56. Critical Stage Inspections

Prior to the commencement of building work and at nominated stages during the construction of the building, a minimum of 48 hours' notice is required to be provided to allow the Principal Certifying Authority to ensure that the critical stage inspections are undertaken.

Note: Critical stage inspections are required to be carried out in accordance with Clause 162A of the *Environmental Planning & Assessment Regulation 2000*.

#### 57. Installation of Traffic Management Devices

Traffic Management Devices must be installed and maintained for the duration of the proposed works in compliance with the approved Traffic Management Plan.

#### 58. Implementation and Maintenance of Soil and Water Management Plan (SWMP)

The measures required in the Soil and Water Management Plan must be implemented as a priority over general construction works. The controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- a) all sediment fences, sediment traps and socks are properly placed and are working effectively and,
- b) drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the *Protection of the Environment Operations Act 1997* to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

**59. Management of Overland Flows**

The works associated with the development shall ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

**60. Earthworks - General Requirements**

All earthworks on site must comply with the following:

- a) topsoil shall be stripped only from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) no fill must be imported to the site;
- d) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed;
- e) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- f) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

**61. Compaction – Landfill**

All fill including existing fill must be compacted in accordance with a compaction ratio of 98% as specified in Table 5.1 of Australian Standard AS 3798 - 'Guidelines on Earthworks for Commercial and Residential Developments'.

**62. Topsoil and Stockpiles of Materials**

Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural

watercourse, footpath, kerb, and/or road surface.

Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action.

**63. Reuse of Cleared Vegetation**

Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of to an appropriate waste facility.

No vegetative material is to be disposed of by burning on-site other than in an approved heating or cooking device.

**64. Replacement Trees and Landscaping Required**

Replacement trees and landscaping required to be undertaken in relation to the redundant driveway as specified in this consent should be planted no later than three months after tree removal has taken place.

Trees shall be protected and maintained so as to ensure that they reach maturity.

**Prior to Issue of Occupation Certificate**

**65. Completion of Civil Construction Certificate Works**

A Part 4A Compliance Certificate is required to be obtained for the civil works prior to the issue of an Occupation Certificate.

The Compliance Certificate is required to confirm that all the civil works for the relevant stage have been completed in accordance with the approved Construction Certificate Plans, approved supporting documentation and to the satisfaction of the Certifying Authority.

**66. Detailed Works As Executed Plans**

A 'Works As Executed' plans must be submitted to the Certifying Authority prior to issue of a Compliance Certificate for civil works by a registered surveyor certifying compliance with the approved design plans. The 'Works As Executed' dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans. The plans must verify:

- a) finished surface levels;
- b) extent and depth of fill material;
- c) surface and invert levels of any pits;
- d) invert levels and sizes of any pipelines; and
- e) floor levels of all buildings.

All levels must relate to the datum level of the approved design plans.

**67. Bush Fire Protection - Construction Requirements**

Prior to the issue of an Occupation Certificate the applicant must be able to demonstrate that

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the development complies with the recommendations of the Bushfire hazard assessment report, prepared by Control Line Consulting dated 23 March 2017, including:

- a) the reserve Static Water Supply (SWS) shall be permanently plumbed to a diesel fire fighting pump with a capacity determined by a hydraulic expert having consideration for simultaneous usage of all outlets. The pump must be located in such a position to be shielded from the direct mechanisms of bushfire attack,
- b) that a water delivery line of not less than 50 mm diameter be plumbed from the fire fighting water pump to the reserve SWS tank, to an outlet point located within 4 metres of the junction of access driveways shown directly south of the dam to be used as the SWS within the subject allotment to enable fire fighting tankers to refill. The outlet of this line shall be fitted with a ball or gate valve and a 65 to 38mm reducer Stortz fitting,
- c) the development must provide and have readily available kink resistant hoses with a diameter not less than 19mm and a fire fighting nozzle, capable of reaching all elevations of the poultry farm sheds, and fittings suitable for connection to the fire fighting water pump,
- d) that approved NSW Rural Fire Service SWS signage is installed at approved locations for the proposed development, and
- e) that if the supply of gas to the subject buildings is undertaken it shall be installed and maintained in accordance with AS1596/2002 and requirements of relevant authorities.

#### **68. Acoustic Certification**

Prior to the issue of an Occupation Certificate an acoustic consultant shall certify that the development complies with the acoustic details provided in conjunction with the Construction Certificate and the recommendations of the environmental noise assessment report prepared by Day Design, dated 17 May 2018.

#### **69. Landscaping - Works to be Completed**

All landscaping works, including the landscape buffers around the poultry sheds and planting within the redundant driveway, approved under this consent are to be completed prior to the issue of an Occupation Certificate.

#### **70. Energy Provider Certificate**

Documentary evidence from an Energy Provider confirming that satisfactory arrangements have been made to serve the proposed development shall be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

#### **71. Operational conditions**

A detailed Plan of Management shall be prepared for the poultry farm and provided to Council for approval prior to the release of the Occupation Certificate. This plan shall be prepared in accordance with the requirements of the Department of Primary Industries and best practice guidelines including:

- a) Department of Primary Industries' 'Best Practice Management for Meat Chicken Production in NSW (Manual 2 - Meat Chicken Growing Management)
- b) CSIRO's 'Model Code of Practice for the Welfare of Animals (Domestic Poultry, 4th Edition)'



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- c) Rural Industries Research and Development Corporation's 'National Environmental Management System for the Meat Chicken Industry (2003)'
- d) Department of Primary Industries' 'Odour Management Options for Meat Chicken Farms (2004)'.
- e) Department of Primary Industries Standing Committee - Model code of practice for the welfare of animals for domestic poultry, land transport of poultry,
- f) Australian Government Department of Agriculture Fisheries and Forestry - National Farm Biosecurity Manual and National Water Biosecurity Manual for Poultry Production; and
- g) RSPCA Approved farming Scheme standards of meat chickens.

The plan must clearly specify details in relation to the following:

- farm description including poultry numbers and stocking densities specifying that the poultry farm shall be limited to no more than 40, 000 birds within each shed and a maximum of 240,000 birds for the site;
- in-shed litter management including dripper and fogger (where fitted) maintenance
- waste management;
- stock water supply quality and management;
- feed storage and management;
- used litter management;
- dead bird management;
- dust management including unsealed roads;
- noise management – stationary plant;
- noise management – pick-ups and service vehicles;
- sampling, monitoring and reporting of the waste water treatment plant (anaerobic, aerobic, maturation and holding ponds and irrigation areas) against the relevant environmental criteria;
- contingency plans for the failure of the waste water treatment system or periods of high rainfall;
- pest management;
- chemical management;
- protection and management of the landscape buffers;
- environmental monitoring of the dam;
- community liaison; and
- complaints handling.

#### **Operational Conditions**

##### **72. Maintenance of Landscaping**

All trees and plants forming part of the approved landscape design must be maintained on an ongoing basis. Maintenance includes watering, weeding, fertilizing, pest and disease control and any other activity required to maintain healthy trees, plants and turfed areas.

##### **73. Public Complaints Management**

During the operation of the development, the proprietor shall ensure that the following contact details are available for community complaints:

- a) a telephone number on which complaints about operations on the site may be registered

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- b) a postal address to which written complaints may be sent
- c) an email address to which electronic complaints may be transmitted.

The proprietor shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details shall also be provided on this site.

#### **74. Loading Within Site**

All loading and unloading operations must be carried out wholly within the confines of the site, at all times and must not obstruct other properties or adjacent roadways.

#### **75. Dust Management - Trafficable and Vehicle Manoeuvring Areas**

All trafficable and vehicle manoeuvring areas on the site shall be maintained in a condition that will minimise the generation or emission of windblown or traffic generated dust at all times

#### **76. Odour Impact Operational Requirements**

The development must be operated in accordance with the measures specified under the odour impact assessment report prepared by Pacific Environment dated 17 May 2018, including the following:

- a) daily monitoring of bedding material must be completed to identify, removal and replace and caked materials beneath drinking lines or areas with excessive moisture;
- b) poultry litter must be removed from the sheds and immediately transported off-site in covered trucks during the clean-out phase. Handling of poultry litter should be avoided during adverse weather conditions, early mornings, nights or during strong wind;
- c) poultry manure cleared from the sheds should be removed immediately from the site except in the case of an emergency. In such an emergency, poultry manure/litter should not be stored at the site longer than 24 hours;
- d) ventilation systems must not be used during the clean-out stage of the sheds;
- e) deceased birds must be removed daily;
- f) insides and outsides of the sheds are to be kept in a clean and sanitary manner;
- g) during sanitation, the amount of air released from the sheds is to be minimised while using any sanitiser that produced a scent and a low scent sanitiser be used where possible;
- h) internal access roads must be maintained in a condition that will minimise the generation or emission of windblown or traffic generated dust at all times; and
- i) a complaints and incidents management strategy should be improvements to ensure that all complaints and incidents relating to poultry operation are promptly and effectively addressed.

#### **77. Noise Generating Activities - Daytime and evening hours**

During the hours of 7am to 10pm, or 8am to 10pm on a Sunday or Public Holiday, the development shall be conducted in such a manner that the LA(eq) noise levels, do not exceed 5 dB(A) (LAeq) above background noise levels at any property boundary when measured and

calculated in accordance with the NSW EPA's Noise Policy for Industry (2017).

**78. Noise Generating Activities - Night hours**

Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise as defined by the Protection of the Environment Operations Act 1997.

**79. Pesticides - Storage and Use**

The application, management and record keeping of pesticides at the premises must comply with the following legislation or guidelines:

- a) WorkCover NSW 1998 - 'Code of Practice for the Safe use of and Storage of Chemicals (including pesticides and herbicides) in Agriculture';
- b) WorkCover 'Code of Practice for the Labelling of Workplace hazardous substances';
- c) NSW Department of Primary Industries 'Spray Drift Management - Principles, strategies and supporting information'; and
- d) NSW Department of Primary Industries 'Reducing herbicide spray drift'.

**80. Hazardous Substances - Safety Data Sheets**

Safety Data Sheets (SDS) of all hazardous substances used on the premises must be kept on-site and be readily available to all staff. Staff involved with handling these materials are to be trained how to safely use and store these substances prior to their use.

**81. Bunding - Chemicals, Fuels and Oils**

The proprietor shall store all chemicals, fuels and oils used on-site in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards and/or the NSW Environment Protection Authority's 'Storing and Handling Liquids: Environmental Protection - Participants Manual'.

**82. Environmental Monitoring – Air, Noise and Water Quality**

Hawkesbury City Council is the Appropriate Regulatory Authority under the Protection of the Environment Operations Act 1997.

A suitably qualified person shall undertake an environmental monitoring program in respect of air, noise and water quality after 12 months from the commencement of use.

Where Council receives a pollution complaint, the proponent shall be notified and a suitably qualified person shall undertake and implement environmental monitoring program in respect of air, noise and water quality.

**83. Waste Generated On-site**

Deceased stock is to be disposed of in an approved compost bin which is protected from rain, surface water, and extreme heat. Disposal of composted waste is to be done in such a manner as to not impact on water pollution or odour experienced by nearby receivers.

All other liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with the Waste Classification Guidelines (NSW EPA, 2014), or any superseding document, to safeguard protection of the environment and human health. Waste generated on the site can only be taken to, and accepted at, a waste facility which is lawfully authorised to

receive, re-use and/or dispose of that type of waste.

**84. Lighting**

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 - 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

**85. Farm Management Plan**

The operation of the poultry farm is to be carried out in accordance with the approved Plan of Management and shall be reviewed on a regular basis.

**86. Bush Fire Protection – Operation Requirements**

The poultry farm must be managed in accordance with the recommendations of the Bushfire hazard assessment report, prepared by Control Line Consulting dated 23 March 2017, including:

- a) an Emergency/Evacuation Plan is prepared in accordance with the NSW Rural Fire Service document *A guide to developing a Bush Fire Emergency Management and Evacuation Plan 2014*,
- b) an emergency plan is developed in accordance with the NSW Department of Primary Industries document, *Planning for emergencies - a guide for animal holding establishments 2007*, and
- c) inner protection areas should be maintained around the constructed sheds in accordance with the recommendations of the Bushfire hazard assessment report, prepared by Control Line Consulting dated 23 March 2017.

**87. Use of Existing Dwelling**

Services in the existing dwelling must be made available to the employees.

**88. Use of Existing Sheds**

The existing farm buildings are required to be limited to being used for the storage of plant, machinery and equipment associated with the Poultry Farm. Any proposal to provide amenities or change the floor layout of these buildings would require separate approval.

**89. Environmental Monitoring – Air, Noise and Water Quality**

A suitably qualified person shall undertake an environmental monitoring program in respect of air, noise and water quality after 12 months from the commencement of use.

Where Council receives a pollution complaint, the operator will be notified and Council will require a suitably qualified person to undertake and implement environmental monitoring program in respect of air, noise and water quality.

**90. Signage**

No advertising signs or structures shall be erected, displayed or affixed on any building or land without prior approval.

**91. Use of Outdoor areas**

The storage of goods or materials associated with the poultry farm shall be confined within the buildings located on the subject property.

**Advisory Notes (if applicable)**

**(i) Approval Authority**

This development falls within the Sewerage Scheme controlled by Council, therefore Council is the approval authority for all sewer works.

**(ii) Equitable Access**

The applicant shall make themselves aware of the *Discrimination Against People with Disabilities Act (DDA)* and assess their responsibilities and liabilities with regards to the provision of access for all people.

**(iii) Acid Sulfate Soils - Monitoring of Excavation During Works**

All excavations are to be monitored to ensure that acid sulphur soils are not encountered during works. Signs that may indicate the presence of acid sulphur soils include:

- a) change in colour of the soil into grey and green tones;
- b) effervescence;
- c) the release of sulphur smelling gases such as sulphur dioxide or hydrogen sulphide; and
- d) lowering of the soil Ph by at least one unit.

Should any of the above indicators be present excavation work on the site is to stop and Council is to be notified to determine what action is required to be taken before work may commence.

**(iv) Site Contamination Discovered During Demolition or Construction**

Should any new information come to light during demolition or construction works which has the potential to alter previous conclusions about contamination, then the applicant must be immediately notified and works must cease. Works must not recommence on site until the consultation is made with Council.

**(v) Dial Before You Dig**

Prior to commencement of work, the free national community service 'Dial Before You Dig' shall be contacted on 1100 regarding the location of underground services in order to prevent injury, personal liability and even death. Enquiries should provide the property details and the nearest cross street/road.

**(vi) Requirements of 88B Instrument**

The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.

**(vii) Utilities and Services**

Utilities, services and other infrastructure potentially affected by construction and operation shall be identified prior to construction to determine requirements for access to, diversion, protection, and/or support. Consultation with the relevant owner and/or provider of services that

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are likely to be affected by the proposed development shall be undertaken to make suitable arrangements for access to, diversion, protection, and/or support of the affected infrastructure as required. The cost of any such arrangements shall be borne by the developer.

#### **(viii) Incident Reporting - Environmental Management**

The proprietor shall notify, immediately after occurrence, Council and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment.

#### **Proposed Reasons for Decision**

The Panel considers the proposal is acceptable and approves the proposed development based on the following grounds:

- The proposal is acceptable having regard to the statutory requirements apply to the development.
- The proposed adequately satisfies the objectives the Hawkesbury Local Environmental Plan 2012 in that the proposal will promote the agricultural use of the land.
- The site is considered suitable for the proposed land use due to the sites location and distances to adjacent properties.
- The development will be able to be operated in a manner that does not have any significant adverse impacts on adjacent development in terms of noise, traffic, odour, waste, visual appearance or water pollution.
- That support of variation to the maximum building height control will not set any undesirable precedents and strict compliance with the control would be unreasonable due to the specific nature of the proposed land use.

#### **ATTACHMENTS:**

- AT - 1** Locality Plan
- AT - 2** Site Plan
- AT - 3** Floor and Elevation Plan
- AT - 4** Section Plan
- AT - 5** Silo Plan
- AT - 6** Natural Resources Access Regulator General Terms of Approval

**Meeting Date:** 16 May 2019

**Meeting Date:** 16 May 2019

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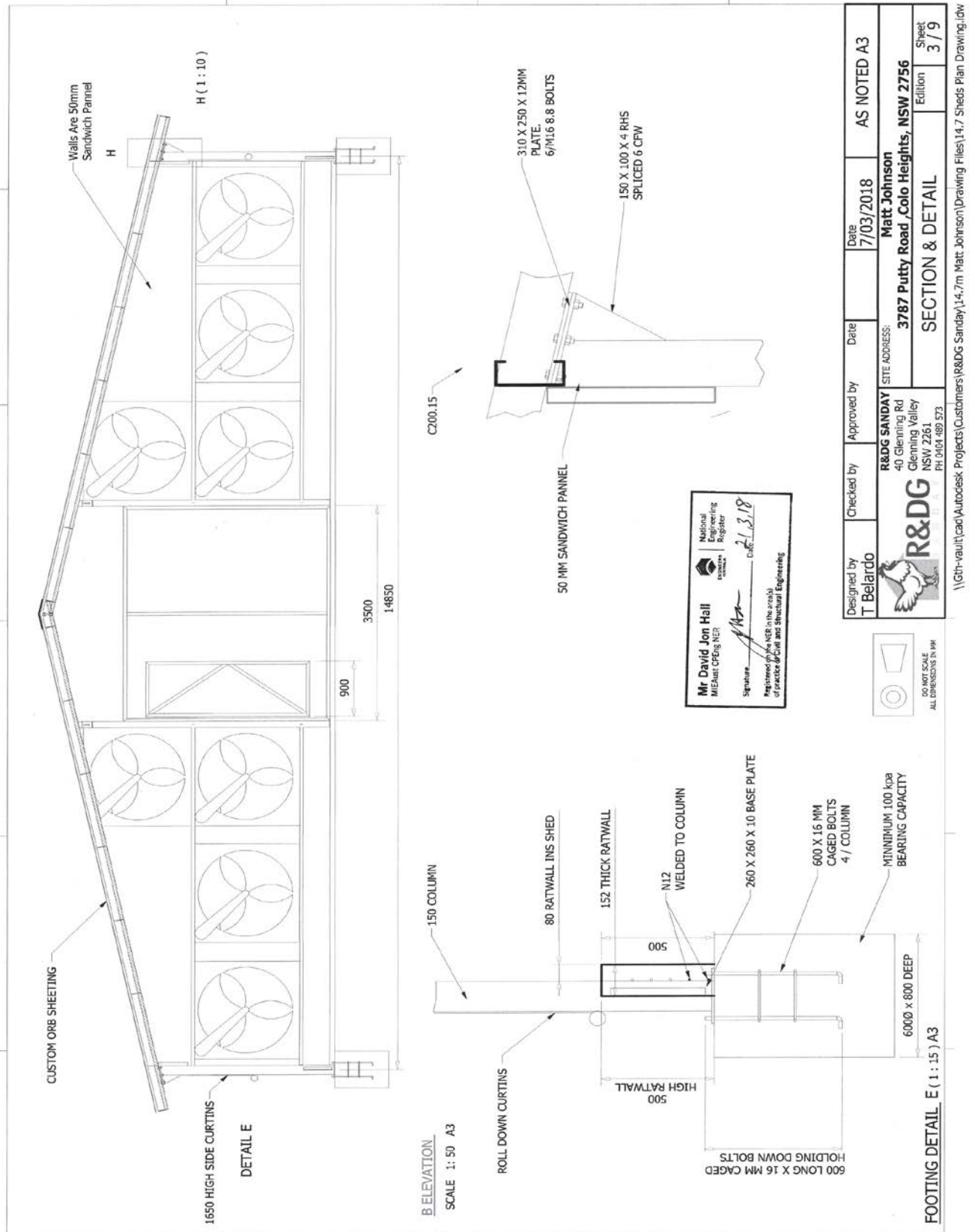


# HAWKESBURY LOCAL PLANNING PANEL MEETING

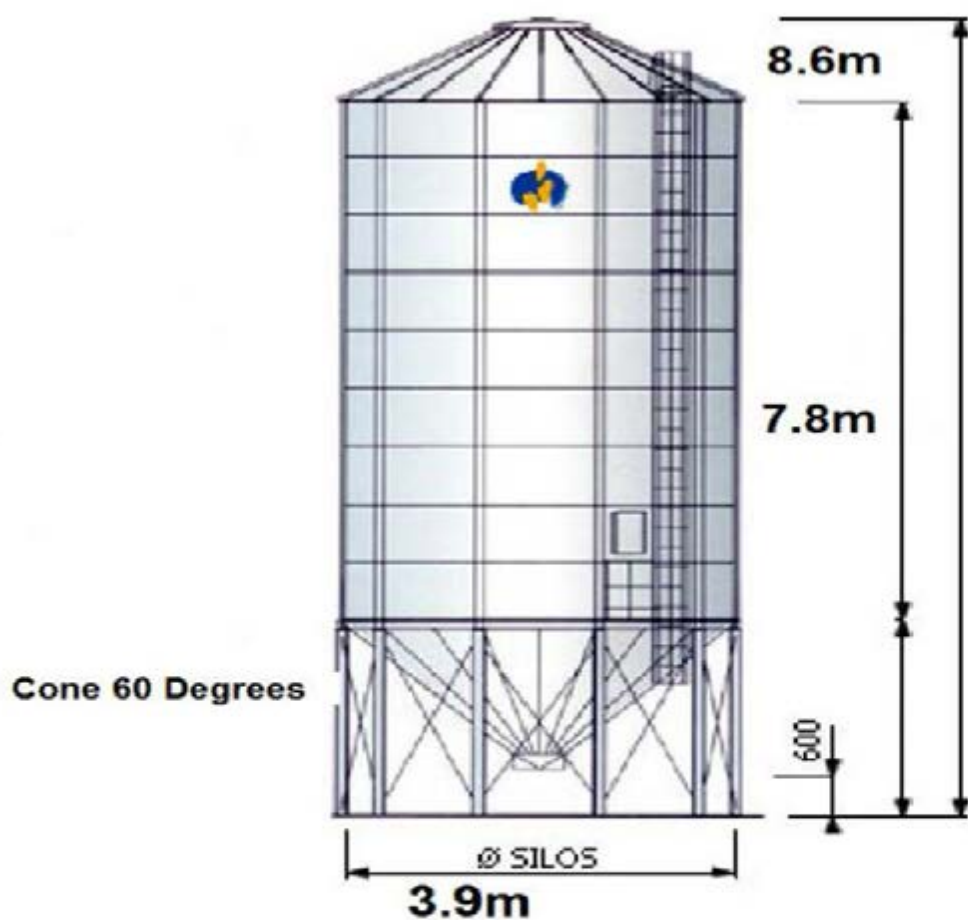
## SECTION 2 – Reports for Determination

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### AT - 4 Section Plan



AT - 5 Silo Plan



**Silo Elevation**  
**Proposed Poultry Farm**  
**3787 Putty Road, Colo Heights**  
**April 2019**

HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 2 – Reports for Determination

Meeting Date: 16 May 2019

AT - 6 Natural Resources Access Regulator General Terms of Approval



Natural Resources  
Access Regulator

Contact: Jarrod Grimston  
Phone: 02 9842 8372  
Email: jarrod.grimston@nrar.nsw.gov.au

General Manager  
Hawkesbury City Council  
George St  
WINDSOR NSW 2756

Our ref: IDAS1107820  
Our file: V18/543-3#19  
Your ref: DA0237/18

Attention: William Pillon

30 July 2018

Dear Sir/Madam

**Re: Integrated Development Referral – General Terms of Approval**

**Dev Ref: DA0237/18**

**Description: Intensive Livestock agriculture - Poultry Farm, involving the construction of six poultry sheds with a maximum capacity for each shed of 40,000 birds, use of existing water storage facilities for sediment control and water supply, feed collection and storage silo's, ancillary maintenance and storage shed, access road and landscape works**

**Location: 3787 Putty Road COLO HEIGHTS**

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.



HAWKESBURY LOCAL PLANNING PANEL MEETING

SECTION 2 – Reports for Determination

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- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

**The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*.** The development consent holder must apply to NRAR for a Controlled Activity Approval **after consent** has been issued by Council **and before the commencement of any work or activity.**

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

[www.industry.nsw.gov.au](http://www.industry.nsw.gov.au) > [Water](#) > [Licensing & Trade](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely



**Irene Zinger**  
**Manger Regional Water Regulation (East)**  
**Water Regulatory Operations**  
**Natural Resources Access Regulator**

# HAWKESBURY LOCAL PLANNING PANEL MEETING

## SECTION 2 – Reports for Determination

Meeting Date: 16 May 2019



Natural Resources  
Access Regulator

### General Terms of Approval

for proposed development requiring approval  
under s89, 90 or 91 of the Water Management Act 2000

**Reference Number:** IDAS1107820  
**Issue date of GTA:** 30 July 2018  
**Type of Approval:** Controlled Activity  
**Description:** Intensive Livestock agriculture - Poultry Farm, involving the construction of six poultry sheds with a maximum capacity for each shed of 40,000 birds, use of existing water storage facilities for sediment control and water supply, feed collection and storage silo's, ancillary maintenance and storage shed, access road and landscape works  
**Location of work/activity:** 3787 Putty Road COLO HEIGHTS  
**DA Number:** DA0237/18  
**LGA:** Hawkesbury City Council  
**Water Sharing Plan Area:** Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
<b>Design of works and structures</b>	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0019-00003	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.
<b>Erosion and sediment controls</b>	
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
GT0021-00002	The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.
<b>Plans, standards and guidelines</b>	
GT0002-00446	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 02372018 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00197	A. The application for a controlled activity approval must include the following plan(s): - Sediment and Erosion Control Plan, Stormwater Management Plan,

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water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au

## HAWKESBURY LOCAL PLANNING PANEL MEETING

### SECTION 2 – Reports for Determination

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Natural Resources  
Access Regulator

### General Terms of Approval

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<b>Location of work/activity:</b>	3787 Putty Road COLO HEIGHTS
<b>DA Number:</b>	DA0237/18
<b>LGA:</b>	Hawkesbury City Council
<b>Water Sharing Plan Area:</b>	Greater Metropolitan Region Unregulated River Water Sources
	Stormwater Outlet Structure Plan. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <a href="https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities">https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities</a> .
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
GT0030-00006	The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <a href="https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities">https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities</a> .
	<b>Rehabilitation and maintenance</b>
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).
	<b>Reporting requirements</b>
GT0016-00003	The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

oooO END OF REPORT Oooo



hawkesbury  
local  
planning  
panel  
meeting

end of  
business  
paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.