

PLANNING AND NATURAL SYSTEMS

ATTACHMENT A

**POULTRY FARM - LOT 45 DP 790098, 1181
CEDAR PARTY ROAD, CEDAR PARTY**

ORDINARY MEETING

14 DECEMBER 2016

DRAFT CONDITIONS

DEVELOPMENT APPLICATION No. 84/2017/DA

DRAFT CONDITIONS OF APPROVAL 84/2017/DA

General Requirements

The following conditions of consent are general conditions applying to the development.

1. The development is to be carried out in accordance with the details submitted with application **84/2017/DA** and the stamped plans (as amended by the following conditions).
2. Provision being made within the site for a turning area to accommodate a 19 metre design semi-trailer, in accordance with the design guidelines of Austroads.
3. All building works must be carried out in accordance with the provisions of the Building Code of Australia.
4. The development is to be operated wholly in conjunction with the Poultry Farm on the adjoining lot 44.
5. Plant species used for landscaping must be restricted to species that do not have known potential to become environmental weeds.

Prior to the Issue of the Construction Certificate

The following conditions of consent must be complied with prior to the issue of the Construction Certificate.

6. Suitable details must be provided for the approval of the Accredited Certifier of an appropriate system to control dust emissions from the site during construction works. The approved method of controlling dust emissions from the site is to be implemented and maintained for the duration of construction works on the site.
7. A Soil & Water Quality Management Plan must be prepared by a suitably qualified and practicing engineer, detailing temporary and permanent measures proposed to be installed, and submitted to Council for approval. The Plan must incorporate suitable measures to prevent erosion and the off-site migration of sediment. Such measures must include:

- a) Limiting areas disturbed for construction works at any one time, by staging construction so that one shed pad is created first and the second and subsequent shed pads are not created until the first is suitably stabilised,
- b) Diverting any surface water flows across the work areas using surface water drains,
- c) Providing sediment fencing in appropriate locations to filter sediment laden water from work sites,
- d) Utilising temporary sediment dams during and following construction to capture runoff from work sites until the disturbed areas are stabilised,
- e) Immediately stabilising work areas through seeding and turf establishment,
- f) Provide a Management Plan for the whole of life for the development showing the methods proposed to de-silt the sediment dams and remove the accumulation of high nutrient materials which will accumulate,
- g) Construct low mounds around the lowest level contour to prevent back up water from Killabakh Creek and the watercourses from picking up on-site nutrients from the site during storm events and then conveying them to the creek system.
- h) Construction of, as well as the regularity of de-silting, any temporary or permanent water quality control devices required to remove the accumulation of high nutrient materials which are directed away from the facility and free range foraging areas during storm events. Nutrient laden storm-water must not enter receiving waters.

The Plan must consider the impact of water quality for the whole-of life of the development.

- 8. No activity is to be carried out on site until a Construction Certificate has been issued, other than:
 - a) Site investigation for the preparation of the construction, and/or
 - b) Implementation of environmental protection measures, such as erosion control etc that are required by this consent.
- 9. The registration of a Right of Carrriageway burdening Lot 44 DP 790098 and benefiting Lot 45 DP 790098, across the proposed access driveway, prior to the issue of a Construction Certificate. Documentary evidence of the registration with the Land and Property Management Authority must be submitted to the Accredited Certifier prior to the issue of the Construction Certificate.
- 10. Submission of an Environmental Management Plan (EMP) prepared to meet the objectives, criteria and best practice guidelines of the elements contained within the Environmental Guidelines for the Australian Egg Industry June 2008. The EMP shall be signed and dated by the farm manager and staff and submitted to Council prior to the issue of a Construction Certificate.
 - a) The plan shall meet the requirements of:
 - I. AS/NZS ISO 14001:2016 - Environmental Management Systems and shall set objectives and strive for best industry practices in the management of all

environmental aspects including (but not limited to) impacts of odour, dust, noise, litter and dead bird disposal.

- II. Model Code of Practice Domestic Poultry
- III. NSW Biosecurity Guidelines for Free Range Poultry Farms
- IV. National Biosecurity Manual – Poultry Production, and
- V. National Farm Biosecurity Manual – Poultry Production

b) The management plan shall have specific regard to:

- I. The storing of chemicals and potential contaminants
- II. Procedures for dead bird collection, storage and disposal
- III. Procedures for maintaining appropriate moisture content of poultry litter
- IV. Management of pastures around poultry farm buildings to ensure vegetative cover is maintained
- V. Odour, noise and dust monitoring testing procedures and recording details, with testing being carried out not less than once every 12 month period.

c) Amongst the procedures to be established includes a complaint or feedback registry regarding environmental complaints relating to odour, dust and noise emissions. The following information to be recorded shall include the:

- I. nature of the complaint,
- II. time and date the odour was said to have occurred,
- III. weather conditions at the time the odour was said to be offensive,
- IV. time and date of the complaint was lodged,
- V. name and address of the complainant, and
- VI. mitigation measures implemented.

The document shall be dynamic, reviewed annually and report the effectiveness of any recommendations made. Council reserves the right to amend the Management Plan in order to mitigate any adverse impacts.

The Environmental management Plan approved for the Poultry Farm on the adjoining lot should be updated in conjunction with this plan to ensure consistency.

11. The applicant is to make a contribution to Council in accordance with Section 94A of the *Environmental Planning and Assessment Act 1979* in accordance with the *Greater Taree Section 94A Contributions Plan 2016*. The amount payable is set out as follows:

Development Cost: > \$200k	1.0%	Total: \$46,000.00
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Contribution Plans may be inspected on Council's website www.midcoast.nsw.gov.au.

Timing of Payment

- a. For development where a construction certificate is required, the contribution must be paid prior to the release of the construction certificate.
- b. For works authorised under a complying development certificate, the contributions are to be paid prior to any work authorised by the certificate commences, as required by clause 136L of the *Environmental Planning and Assessment Regulation 2000*.

Indexing

The proposed cost of carrying out development is to be indexed to reflect quarterly variations in the Consumer Price Index (All Groups Index) for Sydney as published by the Australian Bureau of Statistics between the date the proposed cost was determined by Council and the date the levy is paid.

Please contact Council's Customer Service staff to confirm the amount payable, prior to payment.

Prior to Commencement of Works

The following conditions of consent must be complied with prior to any works commencing on the development site.

12. A Construction Certificate is to be issued by an Accredited Certifier prior to commencement of any construction works. The application for this Certificate is to satisfy all of the requirements of the *Environmental Planning and Assessment Regulation 2000*.
13. A Construction Certificate issued by the Principal Certifying Authority is to be deposited with Council at least 48 hours prior to commencement of any construction works on the site.
14. Prior to works associated with the development commencing, soil erosion and sediment controls measures are to be provided on the development site in accordance with Council's Development Control Plan 2010. Such measures are to be kept in place for the duration of the construction.
15. A Construction Certificate for the building work is to be issued and the person having the benefit of the development consent must appoint a principal certifying authority prior to the commencement of any building works.
16. Council must be provided with photographic evidence of any existing damage to Council infrastructure fronting or adjacent to the development site. Otherwise any damage is assumed to be related to the development and must be rectified in accordance with Council's current standards at no cost to Council.
17. Signage is required to be erected in a prominent position on any work site on which building or demolition work is being carried out. The signage shall indicate:
 - a. The name, address and telephone number of the principal certifying authority for the work; and
 - b. The name of the principal contractor and a telephone number at which that person may be contacted outside of working hours; and
 - c. That unauthorised entry to the work site is prohibited.

The sign is to be removed when the work has been completed.

During Construction Works

The following conditions of consent must be complied with during the construction stage of the development.

18. A copy of the stamped approved plans must be kept on site for the duration of site works and be made available upon request to either the Principal Certifying Authority or an officer of the Council.
19. All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.
20. The principal certifying authority (if not the Council) is to notify Council of their appointment and notify the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work no later than 2 days before the building work commences.
21. Site works are not to commence until the sediment control measures have been installed in accordance with the approved plans.
22. The submission to and approval by Council prior to the commencement of any works, of details for the disposal of any spoil gained from the site and /or details of the source of fill, heavy construction materials and proposed routes to and from the site. Details shall be provided prior to the commencement of works and at latter stages of construction if details change.
23. Clearing of land, excavation, and/or earthworks, building works, and the delivery of building materials shall be carried out between the following hours:

Mondays to Fridays - 7:00am to 6:00pm
Saturdays - 8:00am to 1:00pm
24. Erosion and Siltation control measures must be undertaken and maintained in respect to any part of the land where the natural surface is disturbed or earthworks are carried out. The controls shall comply with Council's DCP Part D3 Erosion and Sediment Control and be in accordance with the approved soil and water quality management plan.
25. This development is subject to Council's DCP 2010 Part M Site Waste Minimisation and Management. The Waste Management Plan required to be submitted under this development consent is required to be implemented during all stages of construction.
26. Stockpile of soil and other material shall be located away from sensitive environmental receptors, and if not to be used immediately, must be covered with an appropriate control such as geo-textile fabric.
27. The proposed access driveway must be constructed utilising a porous paving product that avoids undulation.
28. The poultry shed flooring shall contain 12 - 20% clay content for depths of 150mm. The flooring shall be compacted to approximately 98% density which is to be confirmed by a geotechnical engineer.
29. A grassed verge shall be planted along the side of each shed for a width of 20m measured from the external wall.
30. The applicant will provide Council with validation documents or receipts from the waste transporter stating the nature (VENM) and quantity of any fill material imported to the site.
31. Any exposed soil surface areas must be grassed/landscaped to minimise soil erosion.

32. The access road shall provide suitable manoeuvring areas for loading and unloading of birds on-site, access for service/maintenance vehicles and general access to the active poultry farming areas on-site. All vehicles are to enter and exit the site in a forward manner.

Prior to Issue of the Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

33. An application for an Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
34. The internal access driveways, vehicle manoeuvring areas and parking areas must be constructed of 200 mm of consolidated gravel and surfaced with stabilised blue metal to minimise dust disturbance from the property.
35. The construction of the soil & water quality management measures in accordance with the approved Soil & Water Quality Management Plan. Certification of the construction by a suitably qualified consultant shall be provided to the Principal Certifying Authority prior to issue of the Occupation Certificate.
36. Any damage caused to Council owned infrastructure, including the verge area, in connection with the construction works are required to be rectified in accordance with Councils current standards at no cost to Council.
37. The building shall be completed in accordance with the relevant provisions and requirements of the Building Code of Australia.
38. The existing driveway at No. 1181 Cedar Party Road must not be used for the entry/ exit of large vehicles to the development (i.e. semi-trailers and pantechs). All large vehicle access to the development must be from the driveway at No. 1153 Cedar Party Road.
39. All vehicle movements, deliveries and any other operations associated with the use of the premises must be restricted to approved hours of operation. Any alteration to these hours will require the prior approval of the Consent Authority.
40. Prior to the issue of an Occupation Certificate, all areas disturbed by construction activities associated with the construction of the development, shall be revegetated and stabilised so as to prevent erosion occurring.
41. The development is to be conducted in a manner so as not to interfere with the amenity of the area by reason of noise, vibration, wastewater, waste products or otherwise.
42. Prior to the release of the Occupation Certificate, provide details of the proposed methods of storing chemicals and potential contaminants including the provision for secondary containment to the storage facility.
43. Application for an Occupation Certificate must be submitted to and approved by the Principal Certifying Authority prior to occupation of the building.
44. The poultry sheds are not being occupied until an Occupation Certificate has been issued.

45. The internal access road and truck manoeuvring area as shown on the approved plan must be properly constructed, graded, drained, with all weather porous compacted surface.
46. Minimum pipe size for table drains without overhanging trees is 375 mm diameter reinforced concrete. For table drains with overhanging trees the minimum size is 450mm diameter R.C.

Ongoing Operations

The following conditions of consent shall be complied with through out the operational life of the development.

47. All chemicals and materials associated with the use of the site, including empty containers, are to be stored within the building.
48. The land use is to be carried out in a manner so as not to interfere with the amenity of the area by reason of unreasonable noise, smell, dust, waste water, waste products or otherwise.
49. All external stockpiles must be covered or maintained so that dust and grit nuisance is not caused to any adjoining residence.
50. Deliveries to and from the site, including waste collection, must only take place between:
 - 7.00am to 6.00pm weekdays
 - 8.00am to 4.00pm on Saturdays.No deliveries are permitted on Sundays.
51. Landscaping is to be planted in accordance with the approved plans and maintained for the life of the development.
52. All waste generated on the premises shall be transported to a facility which is licensed to receive that material.
53. The maximum number of birds to be kept on the property at any one time and/or batch cycle shall not exceed 60,000 birds. Further development consent will be required to increase the number of chickens, sheds and/or frequency of batch cycles, having regard to traffic, noise, odour and dust impacts. The batch cycle in all poultry sheds shall start and finish at the same time with an overlap of no more than three days.
54. Noise levels generated by the poultry farm operations, associated activities including vehicle movements within the site shall not exceed 5dBA above the ambient noise level measured at the boundary of the property in compliance with the NSW Industrial Noise Policy (NSW EPA 2000). Noise levels at night associated with bird pick-up and associated night time activities shall not create sleep disturbance within nearby residences.
55. Noise from vehicles on public roads shall comply with the Environmental Criteria for Road Traffic Noise (NSW EPA 1999). Use of exhaust muffling equipment and adjustable reversing alarms or lights on vehicle should be considered by farm operators.

56. All deliveries (including feed deliveries) and truck movements shall not take place outside daylight hours, except for emergencies or for the collection of birds which may take place during the night between the hours of 8.30pm to 4.00am.
57. The operation of all mechanical plant equipment and machinery shall not give rise to offensive noise as defined in the *Protection of the Environment Operation Act 1997*.
58. All external lights shall be operated and maintained in accordance with the Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the amenity of residents of the surrounding area or to motorists on nearby roads. Lights used to illuminate the site for security and bird pick up must be angled or shielded so that they do not directly illuminate any nearby sensitive landuses.
59. A full shed clean out shall be undertaken at the end of every batch cycle. Clean out shall be conducted in minimum ventilation mode and shall not be undertaken when climate factors (wind and temperature) increase the likelihood of offensive off site odour or dust impacts. Litter shall be removed from the shed using front end loaders and sweepers. The litter removal process should ensure that litter does not become wet
60. All spent litter and manure removed during the full shed clean out program shall be loaded directly onto covered trucks and taken off site for disposal to a licensed facility for commercial processing at an approved premises. Manure and litter shall not be stored or stockpiled on site at any time, without the consent of Council so as to not cause pollution or a nuisance to adjoining lands.
61. Dead birds shall be collected daily and stored immediately in an approved, sealed composting unit or bio-bin located on site. The bio-bin shall be placed within an impermeable bunded compound so as to prevent nutrient laden surface waters. At the end of each batch cycle or where required due to full capacity, the bio bin shall be emptied and transported off site by an approved waste contractor for final processing and manufacturing. The bio-bin shall be located so vehicles have easy access when servicing the bin. Dead birds shall not be composted onsite.
62. A contingency plan shall be in place for disposal of mass bird mortalities (i.e. from endemic diseases, heat stress or exotic disease). Farm practices for dead bird management and disposal shall be in accordance with the requirements of the NSW Department of Industry and Investment in relation to the preferred method for mass disposal of birds in the case of an exotic disease outbreak. Entry of people and equipment should be controlled and supervised in accordance with current industry biosecurity standards.
63. All gases, odours, fumes, steam, moisture and particulate matter generated by the use of the premises must comply with the requirements of the *Protection of the Environment Operations Act 1997* (i.e. Sections 124,126,127 and 128).
64. The moisture content of the poultry litter within the sheds shall be monitored and maintained between 15 to 30% to avoid odour generation,
65. Pastures surrounding the poultry farm buildings are to be managed to maintain vegetative cover and stabilise soils.
66. Water harvesting from Killabakh Creek shall only occur when a suitable licence is in place.

67. Periodic watering of unsealed roadways shall be undertaken to reduce dust emissions when necessary.
68. All buildings, plant and equipment shall be designed and maintained to exclude vermin from the farm sheds, water and feed supplies and breeding sites for pests shall be eliminated from the farm.
69. Pesticide use must meet the requirements of the *Pesticides Act 1999* and Associated Regulations. All agricultural chemicals used on the farm are to be registered and are to be stored, mixed applied and disposed of in accordance with NSW Work Cover Authority's Code of Practice for the Safe Use and Storage of Chemicals (including pesticides and Herbicides) in Agriculture (Workcover NSW 1998).
70. Sheds shall be closed during chemical applications to minimise off site chemical spray drift, particularly into sensitive land use areas such as watercourses and adjoining residences.
71. Spillages shall be contained and cleaned up immediately to minimise the likelihood of stormwater contamination.
72. Water used for cleaning operations shall not result in runoff from the poultry shed.
73. The farm operations shall be conducted and implemented in accordance with the farm management and procedures outlined in the approved Environmental Management Plan except where modified by any conditions of this consent.
74. All forklifts operating within the site shall be fitted with reversing strobe lights and shall not have reverse beepers or alarms to minimise noise disturbance to adjoining residents.