

Annexure 4 – Proposed Conditions

DEFERRED COMMENCEMENT

To confirm and clarify the terms of approval as provided for by Section 80(3) of the Environmental Planning and Assessment Act 1979, the consent shall not operate until evidence has been submitted to Tamworth Regional Council's Development and Approvals Division to confirm the unformed public road located between Appleby Lane and the Peel River and bounded by Lot 17 DP 95993 and Lot 161 DP 560748 has been closed and the ownership transferred to Rostry Pty Ltd.

In accordance with clause 95(3) of the Regulation, a period of two (2) years from the date of this consent is allowed for the satisfaction of the "deferred commencement" matters.

PRIOR TO WORK COMMENCING

1. Pursuant to s.81A of the Act, the following matters must be satisfied prior to the commencement of work –
 - (i) obtain a construction certificate from either Tamworth Council or an accredited certifier;
 - (ii) appoint a Principal Certifying Authority (and advise Council of the appointment, if it is not the Council).
2. A minimum one (1) week's notice shall be given in writing to Tamworth Regional Council of the intention to commence works, together with the name of the principal contractor and any major sub-contractors engaged to carry out road works.
3. Traffic Control Plans are to be prepared by a certified and approved person in accordance with AS1742.3-1996 and the Road and Traffic Authority's current version of the "Traffic Control at Worksites" manual.
4. Traffic Control Plans for all stages of work are to be submitted to Tamworth Regional Council for approval a minimum of one (1) week prior to works commencing. The Traffic Control Plans must be in place if public roads are to be effected during the undertaking of the works and must reflect any changes in the work.
5. The contractors engaged to undertake work on the public road or public infrastructure must maintain public liability insurance cover to the value of \$20 million. The policy shall specifically indemnify Tamworth Regional Council from all claims arising from the execution of the works. Documentary evidence of the currency of the policy shall be provided to the Council prior to the commencement of work and upon request, during the progress of the work.
6. Erosion and sediment controls for all construction works are to be installed and authorised before any site works begin, and be maintained effectively for the duration of the construction works.

PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

7. The new external building materials for the development shall be non reflective and the colours selected to blend with the existing surrounds. The colour scheme shall be submitted for the approval of Tamworth Council prior to the issue of a Construction Certificate for the Poultry Production Units.
8. Pursuant to Section 68 of the Local Government Act, the following approvals shall be obtained:
 - (i) operate a system of sewage management
9. Detailed engineering drawings and construction specifications, specific to the works, prepared in accordance with Tamworth Regional Council's Engineering Guidelines for Subdivisions and Developments, are required for the following, as a minimum, to ensure all works are designed and constructed in accordance with recognised and accepted standards and guidelines:-
 - (i) Stormwater drainage including drainage calculations;
 - (ii) Road construction; and
 - (iii) Erosion and sedimentation control.

The engineering drawings shall be submitted to, and approved by Tamworth Regional Council prior to the issue of a Construction Certificate for the Poultry Production Units.

All engineering drawings and specifications are to be certified by a Chartered Professional Engineer or a registered consultancy.

10. A Works Authorisation Deed (WAD) is required from the Roads and Traffic Authority for work undertaken on the Oxley Highway. A copy of the WAD shall be submitted to Tamworth Regional Council prior to issue of a Construction Certificate for the Poultry Production Units.
11. A pavement report shall be prepared that demonstrates compliance with Australian Road Research Board "Special Report No. 41" and shall be submitted for approval prior to the issue of the Construction Certificate for the development to ensure that the minimum requirements for the public road have been met.
12. An Inspection and Test Plan (ITP) shall be prepared that satisfies the requirements of AUS-SPEC Document Numbers 7200.C0102-2006 and 7200.C0103-2006 for the construction of each asset category. The ITP shall be submitted for approval by Tamworth Regional Council's Development Engineer to ensure that the quality of construction meets the design criteria.
13. To ensure that site landscaping is established and maintained in accordance with the approved landscaping plan for a period of three (3) years from completion of development works, a Bank Guarantee of \$10,000 is required to be lodged with Tamworth Regional Council.

GENERAL

14. The development must be carried out in accordance with the development application and accompanying plans, drawings and other documents contained within the Environmental Impact Statement, Volumes 1 and 2 dated September 2009 (revised 6 January 2010) or as amended by conditions of this consent. Any amendment to the development or to these conditions will require consent.
15. All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent shall be completed prior to occupation of the premises to ensure compliance with the provisions of the Environmental Planning and Assessment Act 1979.
16. To confirm and clarify the terms of approval, consent is granted to the establishment of three (3) Poultry Production Units comprising six (6) sheds each with a maximum capacity of 50,000 birds, being a cumulative total of 900,000 birds.
17. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

GENERAL TERMS OF APPROVAL

18. The development shall be carried out in accordance with the General Terms of Approval issued by the Department of Environment, Climate Change and Water, attached in Annexure A to this consent.

DEVELOPER CONTRIBUTIONS

19. The applicant shall be required to contribute toward the routine maintenance provided by Council to those sections of the public road under the control of Tamworth Regional Council and used by haulage operations relating to the development. Such roads shall include Haul Route 1 (being sections of) Appleby Lane, Appleby-Gidley Lane, Gidley Lane, Wallamore Road and Haul Route 2 (being sections of) Appleby Lane, Gunnedah Road.

Such contributions shall be based on Tamworth Regional Council's adopted contributions methodology formula for rural based industry traffic generating developments as specified by the Parry S.94 Contributions Plan No. 4 pursuant to Section 94 of the Environmental Planning and Assessment Act 1979.

The current rate of contributions has been assessed at 23.4 cents/tonne of material or product transported to or from the site using Haul Route 1 and 15 cents/tonne of material or product transported to or from the site using Haul Route 2. The General Manager may at any reasonable time request production of the applicant's records to verify the quantities of bedding, chicks, feed, gas, live birds, used bedding or dead birds transported in connection with the development.

Alternatively, the applicant may agree to make regular contributions of \$3,191 per quarter. This amount has been calculated as being equivalent to the haulage rates above on the basis of the complex operating as described in the documentation supplied with the development application. This simpler mechanism is offered by Council to reduce the accounting obligations that would otherwise be incumbent on the applicant.

The agreed rate of contribution shall be subject to annual adjustment in accordance with fluctuations in the Consumer Price Index (All Groups Sydney), or other negotiated appropriate index. These adjustments will be effective from 1st July each year.

DURING CONSTRUCTION

General

20. Work on the project shall be limited to the following hours to prevent unreasonable disturbance to the amenity of the area –

Monday to Friday	7:00am to 5:00pm
Saturday	8:00am to 1:00pm if audible on other residential premises, otherwise 7:00am to 5:00pm

No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises. The builder shall be responsible to instruct and control his sub-contractors regarding the hours of work.

21. A site rubbish enclosure shall be provided on the site for the period of proposed construction works.
22. If signs of contamination are discovered during construction, work shall cease immediately. Please contact Tamworth Regional Council's Environment and Health Division by phoning (02) 67675703 for advice regarding remediation.
23. Should any item of Indigenous or European heritage be uncovered during construction, all work shall cease immediately.
24. A copy of the current stamped approved engineering construction plans and specification must be kept on site for the duration of the works and be made available upon request to an officer of Tamworth Regional Council.
25. All works undertaken on a public road are to be maintained in a safe condition at all times. Tamworth Regional Council may at any time and without prior notification make safe any such works it considers unsafe and recover all reasonable costs incurred from the developer.
26. The developer shall ensure that dust suppression is undertaken to the satisfaction of the Tamworth Regional Council, in the form of constant water spraying or other natural based proprietary dust suppressant, to ensure that dust caused by any vehicles moving within the site does not cause a nuisance to surrounding properties.

27. Stockpiles of topsoil, sand, aggregates, spoil or other material shall be stored clear of any natural drainage path, constructed drainage systems, easement, water bodies, or road surface and located wholly within the site with measures in place to prevent erosion or movements of sediment in accordance with the approved erosion and sediment control management plan.
28. All spillage of materials, as a result of delivery or handling, must be removed as soon as practicable and placed into suitable receptacles for reclamation or disposal in a manner that does not cause pollution of the environment.

Roadworks

29. Appleby Lane shall be upgraded to a 9 metre wide pavement and sealed with an 8 metre wide two coat (14/7) bitumen seal:

- (i) From the Oxley Highway to the entrance of Poultry Production Unit 2; and
- (ii) 100 metres either side of the access to each Poultry Production Unit.

The pavement shall be designed in accordance with Council's Engineering Guidelines for Subdivisions and Developments.

30. The following road works shall be undertaken by the developer in accordance with the requirements of the Roads and Traffic Authority:

- (i) A modified RTA Type B intersection (copy attached) and an AUSTROADS BAL left turn treatment shall be constructed at the junction of the Oxley Highway and Appleby Lane to ensure the intersection is adequate to accommodate the traffic associated with the development; and
- (ii) The existing bus shelter located opposite the junction of Appleby Lane shall be relocated to the north western side of the intersection to improve safety.

A Works Authorisation Deed (WAD) is required from the Roads and Traffic Authority for the works on the Oxley Highway.

31. To facilitate traffic associated with the operations, the shoulder on the east bound lane at the junction of Gidley Lane and Wallamore Road should be upgraded to include widening and sealing of the shoulder to facilitate east bound heavy turning movements in accordance with the recommendations of the Traffic Impact Assessment prepared by RoadNet (dated August 2009).

Work shall be undertaken in accordance with Council's Engineering Guidelines for Subdivisions and Developments.

Inspections

32. It is required that a Principal Certifying Authority (PCA) be appointed to undertake all critical stage inspections as prescribed under the Environmental Planning and Assessment Regulations 2000. The owner may appoint either Tamworth Regional Council or an accredited certifier to be the PCA.

33. Inspection - As a consent authority under the Water Management Act 2000, the following inspections are required to be carried out by Tamworth Regional Council. Where is not the Principal Certifying Authority, an additional fee for each inspection will apply:
- (i) The installation of the septic tank and any sullage trenches prior to backfilling or covering.

PRIOR TO OCCUPATION

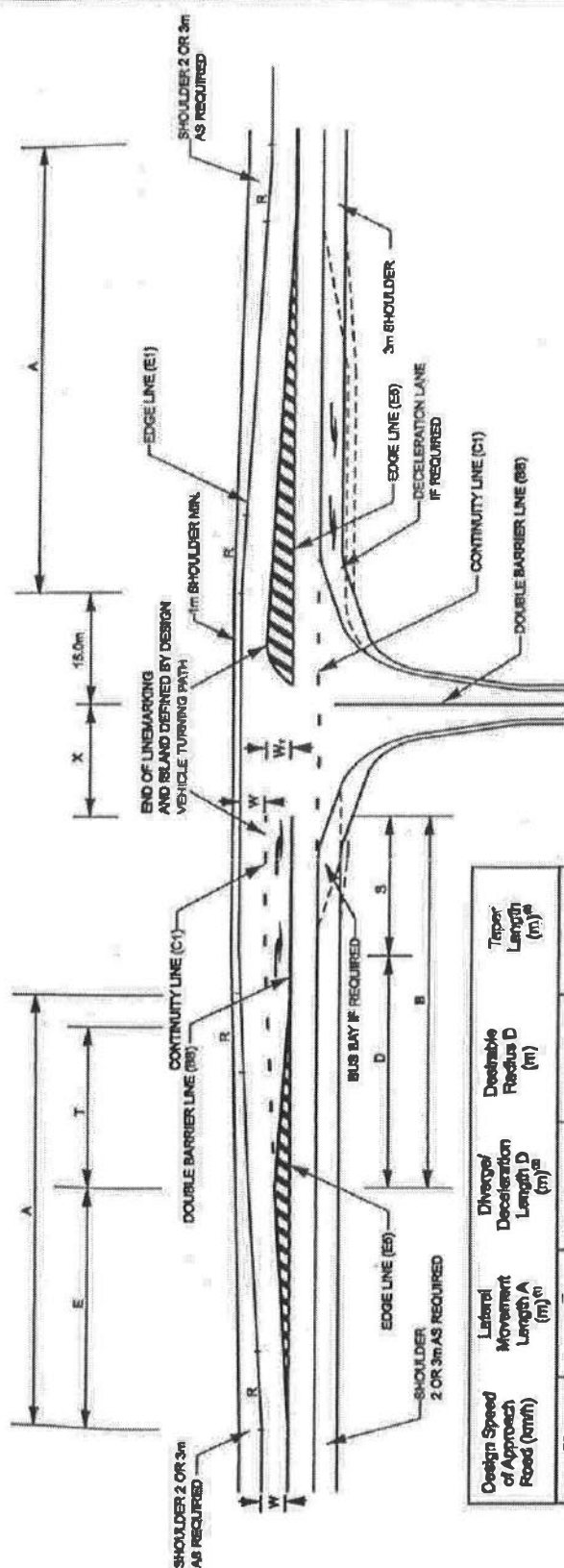
34. The land shall be consolidated into single title and documentary evidence of registration of the plan of consolidation with the Lands Title Office is to be submitted to Tamworth Regional Council's Development and Approvals Division prior to occupation to ensure that the requirements of the Building Code of Australia are achieved and that no portion of the total development site is disposed of independently.
35. To minimise the visual impact of the development, landscaping around each Poultry Production Unit shall be completed prior to issue of an Occupation Certificate for any of the sheds within that Poultry Production Unit. The landscaping proposed around each driveway shall be completed within 6 months of construction of the related Poultry Production Unit.
36. The road works required by conditions 29, 30 and 31 of this consent to facilitate the development shall be completed prior to issue of an Occupation Certificate for any shed in a Poultry Production Unit.
37. To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by the occupants, the building (or part of the building in the case of alterations and additions) shall not be occupied or used until
- (i) it is completed in accordance with the approval and the principal certifying authority has completed a satisfactory final inspection, or
 - (ii) the principal certifying authority gives written permission to allow the building to be occupied or used before it is completed.
38. One A1 set of approved construction drawings shall be amended to show the "work-as-executed" and submitted to Tamworth Regional Council. These drawings shall be revision "W" and are to be certified by a registered surveyor or a Chartered Professional Civil Engineer.
- An "AutoCAD" file of the "works-as-executed" plan shall be submitted to Tamworth Regional Council to upload into Council's Geographic Information System.
- A 'pdf' version of the "works-as-executed" plans shall also be submitted to ensure that adequate electronic records are maintained of community infrastructure.
39. All test results, material certificates, non-conformance reports and signed off Hold/Witness Points as required by the Inspection and Test Plan (ITP) shall be

submitted for the review of the Development Engineer to verify the quality of the completed product.

CONTINUED OPERATIONS

40. The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.
41. All water required for the operations of the development shall be supplied from the water licence which provides for an allocation from the Peel River. At no time is a ground water supply permitted to be utilised.

MODIFIED 'TYPE B' RIGHT-TURN TREATMENT



RPMA AS PER RTA GUIDELINES,

W = Nominal through lane width (m) (incl. widening for curves)
 W' = Nominal width of turn lane (m) (incl. widening for curves based on the design turning vehicle) = 3.0m minimum
 B = Total length of auxiliary lane including taper, diverging/deceleration and storage (m)
 E = Distance from start of taper to 2.0m width (m) = $(AWW) \times 2$
 S = Storage length to cater for design turning vehicle (m)
 T = Taper length (m) = $0.33 \times V \times W$

V = Through operating speed (km/h)
 X = Distance based on design vehicle turning path, typically 10-15m

(1) Based on a diverge rate of 1/msec and a turn lane width of 3.0m, increase lateral movement length if turn lane width >3.0m. If the through road is on a slight horizontal curve, increase lateral movement length so that a minimal decrease in speed is required for the through movement.

(2) Based on a 20% reduction in through road speed at the start of the taper to a stopped condition using a value of deceleration of 3.5m/s². Adjust for grade.

(3) Based on a turn lane width of 3.0m.

(4) Where Type 2 road trains are required, minimum A=80m.

Design Speed of Approach Road (m/min)	Lateral Movement Length A (m) ^a	Diagonal Deceleration Length D (m) ^a	Desirable Radius D (m)	Taper Length (m) ^a
50	40 ^a	15	110	16
60	50 ^a	25	175	15
70	60	35	240	20
80	65	45	280	20
90	75	55	350	25
100	85	70	425	30
110	95	85	500	30
120	100	100	600	35