

MINUTES OF THE NOTHERN REGION PLANNING PANEL MEETING HELD AT TAMWORTH REGIONAL COUNCIL ON WEDNESDAY, 21 APRIL 2010 AT 5:30 PM

PRESENT:

Garry West	Chair
Bruce Clarke	Panel Member
Dr John Griffin	Panel Member
Cr Col Murray	Panel Member
Cr Phil Betts	Panel Member

IN ATTENDANCE

Alison McGaffin	Director, Environment, Planning and Economic Development
Lucy Walker	Senior Development Assessment Planner
Warren Faulkner	Manager, Works and Assets

APOLOGY: Pamela Westing

The meeting commenced at 5:30pm. The Chair welcomed everyone to the meeting of the Panel.

1. Declarations of Interest

Cr Webb and Cr Tait both declare conflicts due to personal or family associations with the Applicant Company. Cr Paul Durant withdrew due to his previous engagement as a councillor with an objector on a matter that is ancillary to this application.

2. Business Items

ITEM 1 - 2009NTH007 – Tamworth – DA 156/2010 – Poultry Broiler Farm, "Silverweir", Appleby Lane, Appleby

3. Public Submission -

Peter Back	spoke against the application
Robert Dirks	spoke against the application
Joe Kelly	spoke against the application
Richard Morphet	spoke against the application
Penny Webb	spoke against the application
Devon Drew	spoke against the application
David Forsythe	spoke against the application
Eric Fair	spoke against the application
Anthea Beckman	spoke against the application

Simon Smith (Department of Environment, Climate Change & Water Regional Director, Northern Tablelands Region Office) addressed the Panel

Eryn Bath (Environmental Planning consultant, on behalf of the applicant) spoke in favour of the application

4. Business Item Recommendations

2009NTH007 – Tamworth – DA 156/2010 – Poultry Broiler Farm, "Silverweir", Appleby Lane, Appleby

MOVED John Griffin; To allow discussion and debate to take place I move;

That DA 0156/2010 be approved subject to the conditions contained in Annexure 4 of the Report, plus conditions to establish and operate a Community Consultative Committee as provided by the Chairman, and that I would be willing to consider, with the concurrence of the seconder, changes/additions/deletions/revisions that may arise from deliberations, that may change the recommendation and conditions contained in Annexure 4.

Second by Cr Col Murray

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 including all roofing 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 \$25,000 is required to be lodged with Tamworth Regional Council.

14. COMMUNITY CONSULTATIVE COMMITTEE

1. Prior to the commencement of any works, the Applicant shall establish a Community Consultative Committee (CCC) to oversee the environmental performance of the project. The CCC shall:
 - (a) be comprised of:
 - at least 1 representatives from the Applicant, being the person responsible for environmental management;
 - at least 1 representative from Council (if available); and
 - at least 4 representatives from the local community, whose appointment has been approved by the Council. The local community representative positions will be re-appointed every two years unless otherwise agreed by the Council;
 - (b) be chaired by an independent chairperson, whose appointment has been approved by the Council;
 - (c) meet at least twice a year;
 - (d) review the Applicant's performance with respect to environmental management and community relations;
 - (e) undertake regular inspections of the project operations;
 - (f) review community concerns or complaints about the project operations, and the Applicant's complaints handling procedures; and
 - (g) provide advice to:
 - the Applicant on improved environmental management and community relations, including the provision of information to the community and the identification of community initiatives to which the Applicant could contribute;
 - the Council regarding the conditions of this approval; and
 - the general community on the performance of the project with respect to environmental management and community relations; and
 - (h) be operated generally in accordance with any guidelines the Department of Planning or Council may publish in regard to the operation of Community Consultative Committees.
2. The Applicant shall, at its own expense:
 - (a) ensure that 1 of its representatives attend CCC meetings;
 - (b) provide the CCC with regular information on the environmental performance and management of the project;
 - (c) provide meeting facilities for the CCC;
 - (d) arrange site inspections for the CCC, if necessary;
 - (e) take minutes of the CCC meetings;
 - (f) make these minutes available to the public through Council's public facilities;
 - (g) respond to any advice or recommendations the CCC may have in relation to the environmental management or community relations; and
 - (h) forward a copy of the minutes of each CCC meeting, including a response to any recommendations from the CCC, to the Council, Department of Planning and Department of Environment, Climate Change & Water within a month of the CCC meeting.

Note: The CCC is an advisory committee.

GENERAL

15. 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.

16. 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.

17. 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.

18. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

GENERAL TERMS OF APPROVAL

19. 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

20. 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

21. 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.

22. A site rubbish enclosure shall be provided on the site for the period of proposed construction works.
23. 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.
24. Should any item of Indigenous or European heritage be uncovered during construction, all work shall cease immediately.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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

30. 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;
 - (ii) 100 metres either side of the access to each Poultry Production Unit; and
 - (iii) 100 metres either side of the access to the property known as Kingston Park being Lot 2 DP590114

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

31. 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.

32. 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

33. 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.

34. 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 Council 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

35. 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.

36. 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.

37. The road works required by conditions 30, 31 and 32 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.

38. 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.

39. 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.

40. 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.

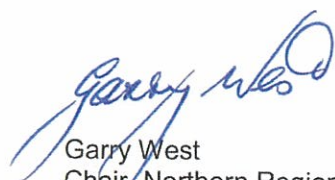
CONTINUED OPERATIONS

41. The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan.

42. 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.

The meeting concluded at 7:55pm

Endorsed by



Garry West
Chair, Northern Region Planning Panel
28 April 2010