

**MINUTES OF THE ORDINARY MEETING OF THE CARRATHOOL SHIRE COUNCIL HELD
AT THE HILLSTON DISTRICT OFFICE
on Tuesday, 16 February 2021 commencing at 10 01 am**

1. PRESENT

Councillors: DL Jardine (Mayor), SM Groat, DP Fensom, MS Armstrong, RF Campbell, B Furner, WR Kite, GR Peters.

Staff: General Manager Rick Warren, Director Corporate and Community Services Robert Rayner and Director Infrastructure Services Paul Farrell.

2. LEAVE OF ABSENCE

Nil

3. DECLARATIONS OF PECUNIARY AND CONFLICTS OF INTEREST

Nil

4. CONFIRMATION OF THE PREVIOUS MINUTES

1546 RESOLVED that the minutes of the ordinary meeting of the Carrathool Shire Council held 16 December 2020 as circulated to all councillors, be confirmed, except for one change the location of the next meeting.

CARRIED

Moved: Cr GR Peters / Seconded: Cr SM Groat

5. BUSINESS ARISING

Nil

Manager Building & Regulatory Services joined the meeting at 10.01 am

6. MOTIONS & QUESTIONS (NOTICE GIVEN)

6.1 Notice of Motion – Lot Size Dwelling Entitlement – Rankins Springs

1547 RESOLVED that Council accept the notice of motion regarding lot size dwelling entitlement in Rankins Springs.

CARRIED

Moved: Cr SM Groat / Seconded: Cr RF Campbell

1548 RESOLVED that Council:

1. review the Carrathool Shire LEP with a view to look at all land use zones and minimum lot sizes for all urban areas within the LGA this to be included in the 2021-2022 budget for Council consideration for funding.
2. write to the proponent advising Council will be reviewing the LEP over the coming financial year.

CARRIED

Moved: Cr SM Groat / Seconded: Cr B Furner

Manager Building & Regulatory Services left the meeting at 10.30 am

7. PRESENTATIONS/PUBLIC ADDRESSES (WHERE SCHEDULED)

Nil

SUPPLEMENTARY AGENDA ITEMS

Nil

8. MAYORAL REPORTS

1549 RESOLVED that Council note the report provided by the Mayor for December 2020 and January 2021.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr MS Armstrong

9. DELEGATES REPORTS

The following verbal reports were provided by Council delegates:

Cr GR Peters reported on his attendance at the Ground Water Allocation Limits meeting.

GR Peters reported on the water issue at Ballyrogan.

Cr SM Groat reported on his attendance at the RAMJO meeting.

Cr SM Groat reported on the Hon. Sussan Ley's visit to Rankins Springs

1550 RESOLVED that Council note the verbal reports provided by the Council Delegates for December 2020 and January 2021.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr WR Kite

10.0 GENERAL MANAGER'S REPORT

10.1 Ongoing Action from Previous Business Papers

1551 RESOLVED that Council note the update on action report for February 2021.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

10.2 Precis of Correspondence

10.2.1 Crown Reserves Improvement Grant – Informing Council of Grant

1552 RESOLVED that Council note the successful grant of \$97,400 under the Crown Reserves Improvement Fund for upgrade of the Hillston Caravan Park amenities block at the rear of the park.

CARRIED

Moved: Cr B Furner / Seconded: Cr SM Groat

10.2.2 ANZAC Day

1553 RESOLVED that Council agree to provide traffic control for the 2021 ANZAC Day March.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr GR Peters

10.2.3 Hillston Outback Triathlon – Event Organiser Robin Bartholomew

1554 RESOLVED that Council continue to support the Hillston Outback Triathlon with promotion and if necessary traffic control to \$1,500 for the 2021 event.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr SM Groat

10.3 Caravan Parks - Operations

1555 RESOLVED that Council:

1. note the report on the operations of its three caravan parks.
2. staff provide a report to Council as to the economic feasibility of accommodation requirements in Rankins Springs.

CARRIED

Moved: Cr SM Groat / Seconded: Cr GR Peters

10.4 Building Better Regions Fund – Infrastructure Projects Stream

1556 RESOLVED that Council:

1. note the funding opportunity available under the Building Better Regions Fund – Round five.
2. submit an application to the fund to develop the Hillston Caravan Park through provision of two new cabins (one being accessible) and a three unit cabin (motel style accommodation).
3. source a contribution of up to \$125,000 from the Caravan Park Revenue as the 25% required for a \$500,000 total project.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr B Furner

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CR DL JARDINE, CHAIRMAN

10.5 Infrastructure Report

1557 RESOLVED that Council note the Infrastructure Report for December 2020 and January 2021.

CARRIED

Moved: Cr WR Kite / Seconded: Cr SM Groat

10.6 Update on Carrathool Road Construction

1558 RESOLVED that Council:

1. note the report on the update of the Carrathool Road construction.
2. continue with the current arrangements to complete the six million dollar construction project "Carrathool Road" by 30 June 2022 using inhouse resources.
3. staff report back to Council on funding opportunities for fixing country roads for Council to consider appointment of a Contractor from its panel of contractors.

CARRIED

Moved: Cr B Furner / Seconded: Cr MS Armstrong

10.7 Plant Report

1559 RESOLVED that the Plant Report for January 2021 be received.

CARRIED

Moved: Cr GR Peters / Seconded: Cr DP Fensom

Manager Building & Regulatory Services re-joined the meeting at 12.06 pm

10.8 Development Applications December 2020 and January 2021

1560 RESOLVED that the determinations for Development Applications received for December 2020 and January 2021 be noted.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr SM Groat

10.9 Development Application 2021/012 - Poultry Production Facility, Farm 1 Expansion

1561 RESOLVED that Council resolves to grant Development Consent for DA2021/012 for construction of a poultry production facility (8 sheds) along with associated surface water management features and all-weather access road, subject to the conditions imposed.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr WR Kite

Division: All in favour

Manager Building & Regulatory Services left the meeting at 12.18 pm

10.10 Hillston Caravan Park – Redevelopment Strategy

1562 RESOLVED that Council note the actions taken following the adoption of the report on Hillston Caravan Park – Review of Operations and Redevelopment Strategy.

CARRIED

Moved: Cr GR Peters / Seconded: Cr DP Fensom

10.11 Finance Report – Statement of Bank Balances – December 2020

1563 RESOLVED that Council note the Statement of Bank Balances as at 31 December 2020 and confirm payment of accounts as summarised in the reconciliation statement totalling \$4,867,637.52.

CARRIED

Moved: Cr WR Kite / Seconded: Cr RF Campbell

10.12 Finance Report – Investments Schedule – December 2020

1564 RESOLVED that Council note the Schedule of Investments as at 31 December 2020.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr WR Kite

10.13 Finance Report – Statement of Bank Balances – January 2021

1565 RESOLVED that Council note the Statement of Bank Balances as at 31 January 2021 and confirm payment of accounts as summarised in the reconciliation statement totalling \$4,722,557.87.

CARRIED

Moved: Cr B Furner / Seconded: Cr WR Kite

10.14 Finance Report – Investments Schedule – January 2021

1566 RESOLVED that Council note the Schedule of Investments as at 31 January 2021.

CARRIED

Moved: Cr DP Fensom / Seconded: Cr SM Groat

10.15 Operational Plan 2020/21 – Budget Review Statement for 2nd Quarter of 2020/21

1567 RESOLVED that the Budget Review for the 2nd Quarter of 2020/21 be received and the vote variations as listed in the Budget Review Statement be made.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr RF Campbell

10.16 Delivery Plan Performance Report

1568 RESOLVED that Council receive the Delivery Plan Progress Report for February 2021.

CARRIED

Moved: Cr WR Kite / Seconded: Cr B Furner

10.17 Council Policy 152 – On Time Payments

1569 RESOLVED that Council:

1. approve the draft On Time Payments Policy and place the draft policy on public exhibition for 28 days.
2. adopt the policy after the exhibition period if no submissions are received.

CARRIED

Moved: Cr RF Campbell / Seconded: Cr GR Peters

10.18 Carrathool/Narrandera Mobile Library Replacement

1570 RESOLVED that Council receive the report on the replacement of the mobile library.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr B Furner

10.19 New Rural Fire Service Stations

1571 RESOLVED that Council:

1. support the locations of the two new Rural Fire Service fire stations at Rankins Springs and Erigolia.
2. write to the Minister of Emergency Services regarding their concerns over the budget process

CARRIED

Moved: Cr WR Kite / Seconded: Cr RF Campbell

10.20 Economic Development Unit Report – February 2021

1572 RESOLVED that Council note the Economic Development Officers report for December 2020 – January 2021.

CARRIED

Moved: Cr GR Peters / Seconded: Cr SM Groat

Manager Building & Regulatory Services and Acting Manager Infrastructure Services joined the meeting at 1.04 pm

Manager Building & Regulatory Services and Acting Manager Infrastructure Services left the meeting at 1.16 pm

The meeting was adjourned for lunch at 1.16 pm

The meeting resumed after lunch at 2.06 pm

Economic Development Officer joined the meeting at 2.06 pm

10.21 Request for Council to Coordinate a Local Small Business Marketing Strategy

1573 RESOLVED that Council:

1. note the request to coordinate an advertising strategy wholly funded by local businesses.
2. thank Mr Revell for his letter, however at this stage not pursue the opportunity.

CARRIED

Moved: Cr MS Armstrong / Seconded: Cr B Furner

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CR DL JARDINE, CHAIRMAN

10.22 Stan Peters Oval Refurbishment Works – Update

1574 RESOLVED that Council receive the update on the refurbishment works at Stan Peters Oval.

CARRIED Moved: Cr B Furner / Seconded: Cr GR Peters

Economic Development Officer left the meeting at 2.29 pm

11.0 COMMITTEE REPORTS

11.1 Floodplain Management Committee Minutes

1575 RESOLVED that Council note the minutes of the floodplain committee meeting held in December 2020.

CARRIED Moved: Cr RF Campbell / Seconded: Cr GR Peters

12.0 CLOSED COUNCIL REPORTS

CLOSED COUNCIL 2.37 pm

1576 RESOLVED that Council resolve into closed council pursuant to Section 10A (2) of the *Local Government Act 1993*, to consider the closed Council report.

CARRIED Moved: Cr GR Peters / Seconded: Cr DP Fensom

12.1 Medical Services - Hillston

1577 RESOLVED that Council note the information regarding the operation of the Hillston Medical Centre.

CARRIED Moved: Cr SM Groat / Seconded: Cr DP Fensom

12.2 Tender 2021-007 Supply of Road Traffic Signs and Accessories

1578 RESOLVED that Council award Tender 2021-007 Supply of Roadside Signs and Accessories to Roadside Services & Solutions.

CARRIED Moved: Cr WR Kite / Seconded: Cr DP Fensom

OPEN COUNCIL 3.28 pm

1579 RESOLVED that Council resolve into open Council.

CARRIED Moved: Cr DP Fensom / Seconded: Cr RF Campbell

CLOSED COUNCIL REPORT

The resolutions of Council made while the meeting was closed to the public were read to the open Council meeting by the General Manager.

CARRIED Moved: Cr DP Fensom / Seconded: Cr RF Campbell

13.0 NEXT MEETING

The next **Ordinary Meeting** of Council will be held at the Goolgowi Council Chambers on **Tuesday 16 March 2021** commencing at **10.00am**.

CLOSURE

There being no further business, the meeting terminated at 3.30 pm.

The Minutes of the Ordinary Meeting of the Carrathool Shire Council held on Tuesday, 16 February 2021 were confirmed at the subsequent Ordinary Meeting of Council on Tuesday, 16 March 2021.

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Chairman of the Meeting of the Carrathool Shire Council held on Tuesday, 16 March 2021, at which meeting the above signature was subscribed.

ATTACHMENT

CONDITIONS OF APPROVAL DA2020/012

GENERAL

1. DEVELOPER COSTS

The developer is responsible for any costs relating to alterations and extensions of existing roads, drainage and services for the purposes of the development.

REASON: To ensure the development has no financial burden to the Council or other agencies.

2. SECTION 7.12 CONTRIBUTION

Pursuant to s7.12 of the Environmental Planning and Assessment Act 1979 and Carrathool Shire Council Section 7.12 Fixed Levy Plan, prior to the issue of an Occupation Certificate, the applicant must pay to Council a levy in the amount of \$50,000.00 towards the cost of one or more of the public facilities specified in the Works Schedule to that Plan.

This amount must be indexed in accordance with clause 25J(4) of the Environmental Planning and Assessment Regulation 2000 and clause 11 of the Carrathool Shire Council Section 7.12 Fixed Levy Plan. A copy of the Carrathool Shire Council Section 7.12 Fixed Levy Plan, is available for inspection at Council Chambers, 9-11 Cobram Street, Goolgowi.

REASON: Having considered the development in accordance with Section 7.12 of the *Environmental Planning and Assessment Act 1979*, as amended, Council is satisfied that the development will require the provision of, or increase the demand for, public infrastructure, public amenities or services within the area. Section 4.17(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

3. LANDSCAPE PLAN

The applicant shall submit a detailed landscape plan and legend to be approved prior to the release of the Construction Certificate.

REASON: To ensure that landscaping will be provided on the subject land. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

4. STORMWATER MANAGEMENT

A stormwater management plan is to be developed to outline the strategies to be used for the management and disposal onsite of stormwater generated by the development and submitted to Council for approval prior to the commencement of any works on site.

REASON: The character of the development is such that storm water runoff will be increased. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*.

5. OPERATIONAL ENVIRONMENTAL MANAGEMENT PLAN

A site-specific Operational Environmental Management Plan (OEMP) is to be prepared and submitted to Council prior to the issue of an occupation certificate for the site.

REASON: To ensure that all environmental requirements have been included. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

6. SITE ACCESS

All vehicular access (construction & operational traffic) to and from the site is to be via the new access to be constructed on Tyson Road only. No vehicles associated with the approved development are to use Back Hillston Road. The OEMP is required to clearly detail the required traffic route to be used.

REASON: To ensure that all only approved roads are used. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. ABORIGINAL FINDINGS

In the event that any Aboriginal objects are discovered and/or harmed in, or under the land, while undertaking the development activities, the proponent must:

- Not further Harm the object;
- Immediately cease all work at the particular location;
- Secure the area so as to avoid further harm to the Aboriginal object;
- Notify OEH as soon as practical on 131 555, providing any details of the Aboriginal object and its location;
- Not recommence any work at the particular location unless authorised in writing by OEH.

REASON: To ensure that Aboriginal sites are protected. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

8. ACCESS FOR PEOPLE WITH DISABILITIES

Provision must be made in the building and on the site for:

- a) access to the building for people with disabilities in accordance with the Building Code of Australia;
- b) toilet facilities for people with disabilities in accordance with the Building Code of Australia, and such toilet facilities must be accessible to all persons working in, or using, the building; and
- c) one motor vehicle parking space on the site for the exclusive use of people with disabilities in accordance with the Building Code of Australia.

NOTE: The applicant must ensure that these matters are addressed in the plans and specifications submitted with the application for a Construction Certificate.

9. CONSTRUCTION CERTIFICATE

The applicant must obtain a CONSTRUCTION CERTIFICATE pursuant to Section 6.3 of the *Environmental Planning and Assessment Act 1979*, as amended from either Council or an accredited certifying authority certifying that the proposed works are in accordance with the Building Code of Australia, PRIOR to any works commencing.

It is the responsibility of the applicant to ensure that the development complies with the provision of the Building Code of Australia in the case of building work and the applicable Engineering Standards in the case of structural or road works. This may entail alterations to the proposal so that it complies with these standards.

NOTE 1: No building, engineering or excavation or civil work may be carried out in relation to this development until the necessary Construction Certificate has been obtained.

NOTE 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this Development Application.

REASON: To ensure the design of the proposed work may be assessed in detail before construction commences and because it is in the public interest that the development complies with the appropriate construction standards. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

10. BUILDING CODE COMPLIANCE

All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date the application for the relevant Construction Certificate or Complying Development Certificate was made).

REASON: To ensure the development complies with the requirements imposed under Clause 98 of the *Environmental Planning and Assessment Regulations 2000*, as amended, and Section 4.17(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

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CR DL JARDINE, CHAIRMAN

11. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- a) stating that unauthorised entry to the site is prohibited, and
- b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside work hours
- c) the development consent or complying development consent number, the name and contact details of the Principal Certifying Authority.

Any sign must be removed when the work has been completed.

NOTE: This condition does not apply to:

- a) building work carried out inside an existing building, or
- b) building work carried out on premises that must be occupied continuously (both during and outside work hours) while the work is being carried out.

REASON: It is in the public interest that adequate safety measures are provided. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

12. NOTICE OF COMMENCEMENT

The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a Notice of Commencement of Building Works.

REASON: Because it is in the public interest that Council receive notification in accordance with the provision of the *Environmental Planning and Assessment Act 1979*, as amended and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

13. DEVELOPMENT APPLICATION RECORD TO BE KEPT ON SITE

The Builder must at all times maintain, on the job, a legible copy of the plan and specification approved with the Construction Certificate.

REASON: It is in the public interest that a copy of the Construction Certificate plans are available, and Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended).

14. HOURS OF OPERATION

The applicant must take all reasonable steps to minimise dust and noise generation during the demolition and/or construction process. No offensive noise must be emitted during either process. Such activities must only be undertaken Monday to Friday 7.00am to 6.00pm and Saturday 8.00am to 1.00pm, excepting public holidays.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended, and to comply with the Environmental Noise Control Manual, Chapter 171.

15. FIRE PRECAUTIONS

Adequate fire precautions must be undertaken during construction. This will mean the provision of at least one fire extinguisher to suit Class A, B and C fires and electrical fires at all times in the construction area.

REASON: To ensure that adequate fire protection services are provided in the building to restrict fire growth, to facilitate the fighting of fire to minimise damage to the building and its contents and to prevent the spread of fire to adjoining properties. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

16. RUBBISH AND DEBRIS

All building rubbish and debris, including that which can be windblown, must be contained on site in a suitable enclosure, approved by Council, at all times prior to disposal at Council's Waste Management Centre. The container must be erected on the building site prior to work commencing.

Materials and sheds or machinery to be used in association with the construction of the building must not be stored or stacked on Council's footpath, nature strip, reserve or roadway.

NOTE 1: No building rubbish or debris must be placed, or be permitted to be placed on any adjoining public reserve, footway, road or private land.

NOTE 2: The suitable container for the storage of rubbish must be retained on site until an Occupation Certificate is issued for the development.

REASON: To ensure that the building site and adjoining public places are maintained in a clean and tidy condition so as not to interfere with the amenity of the area. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

17. SITE DISTURBANCE

Any ground disturbance must be contained to the areas identified within the application, as assessed and should that impacted area change the proponent must seek further approval from Council and OEH.

REASON: To ensure that the area is protected. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

18. EROSION AND SEDIMENT CONTROL

Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

19. BUILDING NUMBER

A rural address number must be displayed in a position clearly visible from the road, at the entrance to the property (Tyson Road), in letters having a height of not less than 75 mm. The number must be visible against the background on which it is placed.

REASON: It is in the public interest that the building/property be easily identifiable. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

20. TOILET FACILITIES

Toilet facilities must be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:

- a) a standard flushing toilet connected to a public sewer, or

- b) if that is not practicable, an accredited sewage management facility approved by Council, or
- c) if that is not practicable, any other sewage management facility approved by Council.

NOTE 1: The provision of toilet facilities in accordance with this condition must be completed before any other work is commenced and the toilet facility must not be removed without the prior written approval of Council.

NOTE 2: "Vicinity" in this condition is defined to mean within 50 metres of the subject building site.

NOTE 3: The toilet facilities are to comply with all Work Cover NSW requirements.

REASON: To provide adequate sanitary facilities during the construction phase. Section 4.15(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

21. EXCAVATIONS AND BACKFILLING

All excavation and backfilling associated with the erection/demolition of the building must be properly guarded and protected to prevent them from being dangerous to life or property.

REASON: It is in the public interest that all building elements are able to withstand the combination of loads and other actions to which it may be subjected. Section 4.15(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended).

22. LICENSED PLUMBER

All plumbing and drainage work must be carried out by a Licensed Plumber and Drainer and to the requirements of AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage.

A Section 68 approval under the *Local Government Act 1993* must be obtained by a Licensed Plumber and Drainer, prior to any sewer or stormwater work being carried out on site. Further, a final inspection must be carried out upon completion of plumbing and drainage work and prior to occupation of the development.

REASON: It is in the public interest that plumbing work is carried out in accordance with AS/NZS 3500 and New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

23. PLUMBING INSPECTIONS

The applicant must obtain a Compliance Certificate pursuant to Section 6.16 of the *Environmental Planning and Assessment Act 1979*, as amended from Council or an accredited certifying authority certifying that the plumbing work identified in column 1 has been installed in accordance with AS/NZS 3500 and New South Wales Code of Practice, Plumbing and Drainage. For the purposes of obtaining the Compliance Certificates the plumbing works must be inspected by the accredited certifying authority at the times specified in Column 2.

	COLUMN 1	COLUMN 2
C	Stormwater Drainage	When all external stormwater drainage work is installed and prior to concealment.
E	Final	Prior to occupation of the building.

REASON: It is in the public interest that plumbing work is certifying as complying with AS/NZS 3500 and New South Wales Code of Plumbing Practice, Plumbing and Drainage. Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

24. ESSENTIAL ENERGY AND TELECOMMUNICATIONS – BUILDING

Prior to the commencement of construction, arrangements satisfactory to Country Energy and the relevant telecommunications authority, for both the provision of electrical power and telephone lines respectively, to fully service the development, are made.

The developer must furnish documentary evidence that arrangements, satisfactory to Country Energy and the relevant telecommunications authority, for both the provision of electrical power and telephone lines respectively, to fully service the development, have been made.

REASON: To ensure electrical power and telephone lines are available to service the development. Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979, as amended.

25. WATER

The water supply system for the poultry sheds is treated to drinking water standards in accordance with the recommendations by the National Water Biosecurity manual – Poultry Production (DAFF 2009).

REASON: To comply with the provisions of the National Biosecurity requirements.

26. OCCUPATION CERTIFICATE

The applicant must obtain an Occupation Certificate, pursuant to Section 6.3 of the Environmental Planning and Assessment Act 1979, from either Council or an accredited certifying authority, prior to occupation of the building.

NOTE: The issuing of an Occupation Certificate does not necessarily indicate that all conditions of development consent have been complied with. The applicant is responsible for ensuring that all conditions of development consent are complied with.

REASON: It is in the public interest that an Occupation Certificate be issued prior to occupation of the building. Section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.

27. BIODIVERSITY AND ABORIGINAL CULTURAL HERITAGE

The follow requirements have been prepared by Council based on the recommendations of the NSW Office of Environment & Heritage and must be complied with throughout the project:

- Mapping of native vegetation extent and plant community types on and adjacent to the proposed access on Tyson Road, including threatened ecological communities and assessment of remnant vegetation and vegetation for threatened species habitat values must be undertaken. This assessment must be provided to Council prior to any works within this area commencing.
- Details of all proposed vegetation and soil disturbance associated with the development, including ancillary infrastructure such as the water storage, residential dwellings, water pipelines and fences should be provided along with assessment of the impact to threatened species or populations, ecological communities or their habitats due to this vegetation disturbance, and identification of methods to minimise the impact of the proposal.
- Revegetation works within 100 metres of remnant native vegetation should be with species that naturally occur within the relevant community. Pasture species, weed seeds from hay bales and non-local native plants should not be introduced into native remnant vegetation.
- A minimum 20-meter buffer should be maintained between the construction footprint (including revegetation sites and vehicle access tracks) and the boundary of areas of remnant vegetation.
- A visual inspection of the site should be undertaken by suitably qualified and experienced person/s to determine whether any Aboriginal cultural heritage is, or likely to be, present at the development site. The site inspection is to be inclusive of all mature native trees at the development site to be impacted by the proposal or associated ancillary infrastructure.

CARRATHOOL SHIRE COUNCIL - Amended

- a) B-double access will only be allowed on this road, after written application is received by Council and approval is given by National Heavy Vehicle Regulator (NHVR). Note: B-Double access would be granted at this stage only for their vehicles at the number that has been identified, any increase in traffic numbers may require the road to be sealed.
- b) The intersection of the access driveway with Tysons Road is to be located and the roadside maintained so as to provide the required Safe Intersection Sight Distance (SISD) in either direction in accordance with the Austroads Publications for the prevailing speed limit.
- c) As a minimum the driveway to Tysons Road shall be constructed as a “Rural Property Access” type treatment in accordance with the Austroads Guide to Road Design. The driveway is to be constructed to provide for two-way movement for at least 100 metres from its intersection with Tysons Road and with a minimum width to accommodate the largest size of vehicle likely to access the subject site.
- d) As a minimum a sealed Basic Left Turn (BAL) treatment is to be constructed at the intersection of the access driveway with Tysons Road in accordance with the Austroads Guide to Road Design for the prevailing speed limit and shall be designed to accommodate road train vehicles.
- e) Any entry gate to the site shall be located at least 40m from the edge of seal of the carriageway of Tysons Road or at the property boundary whichever is the greater. This is to allow for the standing of large vehicles when gates are to be opened.
- f) Where a proposed driveway intersects with a sealed road, the driveway shall be sealed from the edge of seal of the carriageway to the entry gate or the property boundary whichever is the greater.
- g) The driveway access within the subject property shall be constructed using an all-weather surface, with a management plan to provide measures to suppress dust generation from the development site and Tyson Road shall be prepared and implemented to the satisfaction of Council. Dust management measures will be included in the approved Operational Environmental Management Plan (OEMP) for the Complex.
- h) The access driveway is to be designed and constructed so as not to interfere with the capacity of the current roadside drainage network and to prevent water from proceeding onto, or ponding within, the carriageway of Tysons Road. Any culvert proposed to be located within the clear zone of the carriageway for the prevailing speed zone is to be constructed with a traversable type headwall.
- i) Prior to B-double access on Tysons Road, you will need to seek advice and information from Griffith City Council for road access and condition, as they are responsible for a part of the section of Tysons Road.

REASON: to ensure safe road network and access to the site and suitable protection to Council asset.

GRIFFITH CITY COUNCIL

- a) Tysons Road is to be upgraded to a sealed rural access road standard with a formation width of 10.6 metres from the intersection of Kidman Way to the proposed accessway servicing the proposed development. Tysons Road is to comply with the rural road specifications outlined in Griffith City Council’s Engineering Guidelines – Subdivisions and Development Standards. **Prior to commencement of work**, detailed engineering design drawings for the roadworks shall be submitted to Griffith City Council for approval. Such plans shall include design and specifications for all proposed work as required for approval by Council.
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- b) The intersection of the accessway with Tysons Road is to be constructed and the roadside maintained to provide the required Sight Distance criteria for a reaction time of 2.5 seconds in accordance with the Austroads Publications as amended by the supplements adopted by Roads and Maritime Services for the posted speed limit.
-
- c) The driveway shall be designed and constructed to provide for two-way movement for the largest size vehicle (B-Doubles) accessing the site from its intersection with Tysons Road. The driveway shall be designed and constructed so that the largest size vehicle entering or exiting the development site is not required to cross the opposing travel lane of Tysons Road or the driveway in order to perform the access or egress manoeuvre to/from the development site. Associated line marking and signage is to be installed and maintained in accordance with Australian Standards.
-
- d) All traffic associated with the use of the development are to access the site from the main entrance located on Tysons Road. No access to the site is permitted off Back Hillston Road.
-
- e) Any works to be conducted in Griffith City Council’s Local Government Area are to be approved by Griffith City Council in accordance with the *Roads Act 1993*.

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Attachment 'A'

Administrative conditions

A1. Information supplied to the EPA

A1.1 Except as expressly provided by these general terms of approval, works and activities must be carried out in accordance with the proposal contained in:

- the Development Application No 2020/012 submitted to Carrathool Shire Council dated 19/11/2020; and
- the environmental impact statement titled 'Intensive Livestock Agriculture, The Ranch Poultry Production Complex, Farm1 Expansion' and its Appendices prepared by SLR Consulting Ltd dated November 2019 relating to the development, and
- the additional information titled 'The Ranch Poultry Production Complex, Farm 1 Expansion, Response to Submissions' prepared by SLR Consulting dated September 2020.

A2. Fit and Proper Person

A2.1 The applicant must, in the opinion of the EPA, be a fit and proper person to hold a licence under the Protection of the Environment Operations Act 1997, having regard to the matters in s.83 of that Act.

Limit conditions

L1. Pollution of waters

L1.1 Except as may be expressly provided by a licence under the Protection of the Environment Operations Act 1997 in relation of the development, section 120 of the Protection of the Environment Operations Act 1997 must be complied with.

L2. Waste

L2.1 The licensee must not cause, permit or allow any waste generated outside the premises to be received at the premises for storage, treatment, processing, reprocessing or disposal or any waste generated at the premises to be disposed of at the premises, except as expressly permitted by a licence under the Protection of the Environment Operations Act 1997.

L2.2 This condition only applies to the storage, treatment, processing, reprocessing or disposal of waste at the premises if it requires an environment protection licence under the Protection of the Environment Operations Act 1997.

L3. Noise limits

L3.1 Noise from the premises must not exceed an Leq (15 minute) noise emission criterion of 40dB(A) during the day time period (7.00am to 6.00pm) and 35dB(A) at all other times.

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L3.2 Noise from the premises is to be measured at the nearest affected sensitive receptor not associated with the development to determine compliance with this condition.

Definition

Leq(15 minute) is the level of noise equivalent to the energy average of noise levels occurring measured over a 15 minute period.

L4. Hours of operation

L4.1 All construction work at the premises must only be conducted between:

- a) 7.00am and 6.00pm Monday to Friday;
- b) 8.00am to 1.00pm Saturday; and
- c) at no time on Sundays or Public Holidays

L4.2 The hours of operation specified in conditions L4.1 may be varied with written consent if the EPA is satisfied that the amenity of the residents in the locality will not be adversely affected.

L5. Other limit conditions

L5.1 The total number of birds accommodated at the premise, at any one time, must not exceed 1,057,440.

L5.2 The proponent shall not populate the farm with the permitted number of broilers specified under condition L5.1 simultaneously at the commencement of a production cycle.

L5.3 All poultry shed ventilation exhaust fans must be constructed to vent to a stack (fan box) with a minimum release height of 5.8 meters.

L5.4 The applicant shall not populate the farm with the total number of broilers permitted simultaneously at the commencement of a production cycle.

L5.5 The shed 'down-time' for clean out between each batch of birds must be equal to or greater than 10 days.

L5.6 The exit velocity for all poultry shed vents must be no less than 3 metres per second when in use.

L5.6 The maximum bird density within a shed, expressed as live bird weight, must not exceed 34 kg/m² at any time.

Operating conditions

O1. Odour

O1.1 No condition of this Approval identifies a potentially offensive odour for the purposes of section 129 of the *Protection of the Environment Operations Act 1997 (POEO Act)*.

Note: The POEO Act states that no offensive odour may be emitted from particular premises unless potentially offensive odours are identified in an environment protection licence and the odours are emitted in accordance with conditions specifically directed at minimising the odours permitted.

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O2. Dust

O2.1 Activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises.

O2.2 Trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.

O3. Waste management

O3.1 The premises must have;

- a) sufficient on site chillers to store all bird mortality's (~1% of birds on site at any time);
- b) remove all mortality's found in the sheds immediately to the chillers; and
- c) ensure that when chillers are in use they are kept at ≤ 4 degrees celcius.

O3.2 Any bird mortality's generated at the premises are not permitted to be buried on site. Bird mortality's must be disposed or processed at a facility that can lawfully receive the waste.

Note: This condition does not apply if the applicant is directed by the NSW Department of Primary Industries to bury the birds on site.

O4. Waste water management

O4.1 All waste water and contaminated stormwater must be captured in a waste water collection system which prevents waste water from leaving the premises.

Note: This condition does not apply in rainfall events which create greater volumes of stormwater than an event with an average recurrence interval of a local 1 in 20 year, 24 hour rain event.

O5. Air quality conditions

O5.1 All activities carried out in and on the premises must be undertaken in a manner that prevents and/or minimises the emission of air pollutants from the premises.

O5.2 The premises must be designed, constructed, operated and maintained in a manner that does not preclude the retrofit of air quality (including odour) emission controls and management measures.

O5.3 A vegetation screen shall be planted around the perimeter of the farm as follows:

- a. Minimum total width of 40 metres
- b. Contain consistent, yet random plantings of a variety of tree and shrub species of differing growth habits, at a spacing of 4 metres to 7 metres
- c. Include species with long, thin and rough foliage
- d. Achieve a porosity of 0.5 (50% of the screen will be air space)
- e. Include species that are hardy and fast growing
- f. Foliage from base to crown (i.e. lower and upper storey vegetation)

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Monitoring and recording conditions

M1 Monitoring records

M1.1 The results of any monitoring required to be conducted by the EPA's general terms of approval, or a licence under the Protection of the Environment Operations Act 1997, in relation to the development or in order to comply with the load calculation protocol must be recorded and retained as set out in conditions M1.2 and M1.3.

M1.2 All records required to be kept by the licence must be:
in a legible form, or in a form that can readily be reduced to a legible form;

kept for at least 4 years after the monitoring or event to which they relate took place; and

produced in a legible form to any authorised officer of the EPA who asks to see them.

M1.3 The following records must be kept in respect of any samples required to be collected: the date(s) on which the sample was taken;

the time(s) at which the sample was collected;

the point at which the sample was taken; and

the name of the person who collected the sample.

M2 On-site meteorological monitoring station

M2.1 The meteorological weather station must be maintained to be capable of continuously monitoring the parameters specified in condition M2.2.

For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified opposite in the other columns.

The proponent must maintain and calibrate the meteorological monitoring station in accordance with the reference test methods and manufacturer's specifications. Records of the calibration and maintenance must be made available to EPA upon request

M2.2 Point X

Parameter	Units of measure	Frequency	Averaging Period	Sampling Method ^{1 2}
Rainfall	mm/hour	continuous	1 hour	AM-4
Sigma theta	degrees	continuous	10 minute	AM-2 and AM-4
Siting				AM-1

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Temperature at 2 metres	kelvin	continuous	10 minute	AM-4
Temperature at 10 metres	kelvin	continuous	10 minute	AM-4
Total solar radiation	watts per square metre	continuous	10 minute	AM-4
Wind Direction at 10 metres	degrees	continuous	10 minute	AM-2 and AM-4
Wind Speed at 10 metres	metres per second	continuous	10 minute	AM-2 and AM-4

Note 1 – Any other method approved in writing by the EPA

Note 2 – The weather monitoring instrumentation installed and operated at the site must have a stall speed or lower limit of measure for measuring wind speed less than 0.2 m/s.

Reporting conditions

R1. Annual returns

R1.1 The applicant must provide an annual return to the EPA in relation to the development as required by any licence under the Protection of the Environment Operations Act 1997 in relation to the development. In the return the applicant must report on the annual monitoring undertaken (where the activity results in pollutant discharges), provide a summary of complaints relating to the development, report on compliance with licence conditions and provide a calculation of licence fees (administrative fees and, where relevant, load based fees) that are payable.

Special conditions

E1. Air quality management plan

E1.1 The Applicant must develop and implement an Air Quality Management Plan (AQMP) that includes all project particulate emissions from all sources and a ranking of the project particulate sources.

The AQMP must identify the control measures that will be implemented for each emission source.

The AQMP must nominate for each of the proposed controls.

- a. Key performance indicator;
- b. Monitoring method;
- c. Location, frequency and duration of monitoring;
- d. Record keeping;

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- e. Response mechanisms; and
- f. Compliance reporting.

E2. Odour complaints

E2.1 Odour validation report

Based on odour complaints and when directed by the Environment Protection Authority (EPA) the Applicant must submit an Odour Validation Report (OVR) to the EPA.

The OVR must:

- g. Be carried out by a suitably qualified independent expert experienced in the characterization and treatment of odours from chicken broiler farms;
- h. Include a summary of any odour complaints received and actions taken to reduce odour emissions where complaints are verified;
- i. Where possible includes a field odour survey that characterises the frequency, intensity, duration, offensiveness, location and extent of off-site odours;
- j. Benchmark the design and management practices at the premises against industry best practice for minimising odour emissions, including investigation of newly developed and emerging control technology.
- k. Determine the premises compliance with S129 of the *Protection of the Environment Operations Act 1997* and recommend if additional odour mitigation measures are required.
- l. Where additional odour mitigation measures are recommended, nominate appropriate mitigation measures or management practices to ensure that odour is minimised as far as practicable.
- m. Any odour mitigation measures nominated must include a timetable for implementation.

E2.2 De-stocking of sheds

1. Where additional mitigation measures are recommended in any OVR submitted to the EPA, the applicant must de-stock sheds as directed by the EPA during the interim period until the mitigation measures have been physically installed, commissioned and are operating.
2. Should odour reports be received and verified by the EPA after the implementation of the additional odour mitigation measures the licensee must de-stock the premises as directed by the EPA until such time as the odour issues are addressed to the satisfaction of the EPA.

Note: The intent of this condition is to stagger de-stocking in consultation with the applicant until offensive odours are not leaving the boundary of the premises. Bird age and batch stage may be taken into consideration by the EPA when directing the de-stocking of sheds.

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Attachment B – Mandatory Conditions for all EPA licences

Operating conditions

Activities must be carried out in a competent manner

Licensed activities must be carried out in a competent manner.

This includes:

- a. the processing, handling, movement and storage of materials and substances used to carry out the activity; and
- b. the treatment, storage, processing, reprocessing, transport and disposal of waste generated by the activity.

Maintenance of plant and equipment

All plant and equipment installed at the premises or used in connection with the licensed activity:

- n. must be maintained in a proper and efficient condition; and
- o. must be operated in a proper and efficient manner.

Monitoring and recording conditions

Recording of pollution complaints

The licensee must keep a legible record of all complaints made to the licensee or any employee or agent of the licensee in relation to pollution arising from any activity to which this licence applies.

The record must include details of the following:

- the date and time of the complaint;
- the method by which the complaint was made;
- any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- the nature of the complaint;
- the action taken by the licensee in relation to the complaint, including any follow-up contact with the complainant; and
- if no action was taken by the licensee, the reasons why no action was taken.

The record of a complaint must be kept for at least 4 years after the complaint was made.

The record must be produced to any authorised officer of the EPA who asks to see them.

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Telephone complaints line

The licensee must operate during its operating hours a telephone complaints line for the purpose of receiving any complaints from members of the public in relation to activities conducted at the premises or by the vehicle or mobile plant, unless otherwise specified in the licence.

The licensee must notify the public of the complaints line telephone number and the fact that it is a complaints line so that the impacted community knows how to make a complaint.

This condition does not apply until 3 months after this condition takes effect.

Reporting conditions

Annual Return documents

What documents must an Annual Return contain?

The licensee must complete and supply to the EPA an Annual Return in the approved form comprising:

- a. Statement of Compliance; and
- b. Monitoring and Complaints Summary.

A copy of the form in which the Annual Return must be supplied to the EPA accompanies this licence. Before the end of each reporting period, the EPA will provide to the licensee a copy of the form that must be completed and returned to the EPA.

Period covered by Annual Return

An Annual Return must be prepared in respect of each reporting, except as provided below

Note: The term "reporting period" is defined in the dictionary at the end of this licence. Do not complete the Annual Return until after the end of the reporting period.

Where this licence is transferred from the licensee to a new licensee,

- a. the transferring licensee must prepare an annual return for the period commencing on the first day of the reporting period and ending on the date the application for the transfer of the licence to the new licensee is granted; and
- b. the new licensee must prepare an annual return for the period commencing on the date the application for the transfer of the licence is granted and ending on the last day of the reporting period.

Note: An application to transfer a licence must be made in the approved form for this purpose.

Where this licence is surrendered by the licensee or revoked by the EPA or Minister, the licensee must prepare an annual return in respect of the period commencing on the first day of the reporting period and ending on

- a. in relation to the surrender of a licence - the date when notice in writing of approval of the surrender is given; or
- b. in relation to the revocation of the licence - the date from which notice revoking the licence operates.

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Deadline for Annual Return

The Annual Return for the reporting period must be supplied to the EPA by registered post not later than 60 days after the end of each reporting period or in the case of a transferring licence not later than 60 days after the date the transfer was granted (the 'due date').

Notification where actual load can not be calculated

(Licences with assessable pollutants)

Where the licensee is unable to complete a part of the Annual Return by the due date because the licensee was unable to calculate the actual load of a pollutant due to circumstances beyond the licensee's control, the licensee must notify the EPA in writing as soon as practicable, and in any event not later than the due date.

The notification must specify:

- a. the assessable pollutants for which the actual load could not be calculated; and
- b. the relevant circumstances that were beyond the control of the licensee.

Licensee must retain copy of Annual Return

The licensee must retain a copy of the annual return supplied to the EPA for a period of at least 4 years after the annual return was due to be supplied to the EPA.

Certifying of Statement of Compliance and Signing of Monitoring and Complaints Summary

Within the Annual Return, the Statement of Compliance must be certified and the Monitoring and Complaints Summary must be signed by:

- a. the licence holder; or
- b. by a person approved in writing by the EPA to sign on behalf of the licence holder.

A person who has been given written approval to certify a Statement of Compliance under a licence issued under the Pollution Control Act 1970 is taken to be approved for the purpose of this condition until the date of first review this licence.

Notification of environmental harm

Note: The licensee or its employees must notify the EPA of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the Act

Notifications must be made by telephoning the EPA's Pollution Line service on 131 555.

The licensee must provide written details of the notification to the EPA within 7 days of the date on which the incident occurred.

Written report

Where an authorised officer of the EPA suspects on reasonable grounds that:

- a. where this licence applies to premises, an event has occurred at the premises; or

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- b. where this licence applies to vehicles or mobile plant, an event has occurred in connection with the carrying out of the activities authorised by this licence,

and the event has caused, is causing or is likely to cause material harm to the environment (whether the harm occurs on or off premises to which the licence applies), the authorised officer may request a written report of the event.

The licensee must make all reasonable inquiries in relation to the event and supply the report to the EPA within such time as may be specified in the request.

The request may require a report which includes any or all of the following information:

- a. the cause, time and duration of the event;
- b. the type, volume and concentration of every pollutant discharged as a result of the event;
- c. the name, address and business hours telephone number of employees or agents of the licensee, or a specified class of them, who witnessed the event; and
- d. the name, address and business hours telephone number of every other person (of whom the licensee is aware) who witnessed the event, unless the licensee has been unable to obtain that information after making reasonable effort;
- e. action taken by the licensee in relation to the event, including any follow-up contact with any complainants;
- f. details of any measure taken or proposed to be taken to prevent or mitigate against a recurrence of such an event;
- g. any other relevant matters.

The EPA may make a written request for further details in relation to any of the above matters if it is not satisfied with the report provided by the licensee. The licensee must provide such further details to the EPA within the time specified in the request.

General conditions

Copy of licence kept at the premises or on the vehicle or mobile plant

A copy of this licence must be kept at the premises or on the vehicle or mobile plant to which the licence applies.

The licence must be produced to any authorised officer of the EPA who asks to see it.

The licence must be available for inspection by any employee or agent of the licensee working at the premises or operating the vehicle or mobile plant.

Advice to Applicant

The applicant to contact Mr Paul Farrell, Director of Infrastructure Services to establish a supervisor and inspection protocol to cover works being undertaken on local roads under the control of Carrathool Shire Council.