

Report of Development Application

Pursuant to Section 79C of the Environmental Planning and Assessment Act 1979

APPLICATION DETAILS

Type of Application	Development Application
Application No.:	5/13/14
*Modification No.:	N/A
Council File No.:	4/13/14
Date of Lodgement:	10/07/13
Applicant:	Agri Australis Pty Ltd
Proposal:	Intensive Plant Agriculture – Hazelnut Farm
Description of Modification:	N/A
BCA Classification:	10a
Development Cost:	70 Million
Other Approvals:	Integrated approval under S89-91 Water Management Act 2000
Concurrence Required:	No
Referrals:	Internal Building Engineering External Roads and Maritime Service NSW Office of Water State Water Department of Primary Industries Environmental Protection Authority Essential Energy Catchment Management Authority

Determination Body & Reason:	Western Joint Regional Planning Panel under Schedule 4a of the Environmental Planning and Assessment Act 1979, as amended. The Panel is authorised to exercise the consent authority functions of Council as the development exceeds 20 million dollars capital investment.
Meeting Date:	25 September 2013
Assessment Officer:	Sam Robins

SITE DETAILS

Subject Land:

The subject land is identified as the following lots and DP's. The site is further described below.

Dellapool

Lots 1, 2, 3, 4, 5, 6, 7, DP 134973
 Lots 4, 5, 6, DP 754539
 Lots 9, 76, DP 754540
 Lots 1, DP 176290
 Lots 1, 2, DP 608219
 Lots 4, 5, 6, DP 578526
 Lots 1, 2, DP 256841
 Lots 1, DP 256871
 Lots 2, 3, DP 575669
 Lots 1, 2, DP 40359

Arrambee

Lots 6, 8, 28, 38, 78 DP 754540
 Lot 1 DP 1021799

Owner:	Waratah Land Pty Ltd
Owner's Consent:	03/07/13
Location:	The subject site is a combination of two existing properties known as 'Dellapool' and 'Arrambee'. The property is approximately 15km east of the town of Narrandera on the northern side of the Sturt Highway. The property is bound by the Murrumbidgee River to the north and Brewarrana Lane and Old Man Creek to the east.

STATUTORY CLASSIFICATION

Pursuant to Part 4 (Division 1)

Environmental Planning Instrument: Narrandera Local Environmental Plan 2013

Zoning: RU4 – Primary Production Small Lots and
W1 – Natural Waterways

Land Use Definition: Intensive Plant Agriculture

Statement of Permissibility: Permissible with consent

DESCRIPTION OF DEVELOPMENT

The applicant seeks permission for the abovementioned site to be used for intensive plant agriculture in the form of a Hazelnut plantation. At this stage the applicant is not proposing a processing facility. Any processing facility will be subject to a future application. The hazelnut plantation is proposed to be planted over approximately 2000ha of the 2665ha property (1 million trees). The trees will be planted in rows of 5m spacing with 4m between each tree. The trees will mature to a height of approximately 4-5m over a period of 7-9 years. A crop is not expected until the 3rd year with a substantial crop not predicted until the 5th year of operations.

Harvesting of the crop involves air blowing the rows of trees so that the hazelnuts fall into the middle of the rows. The nuts are then vacuumed up and placed in field bins before being transported to the main shed. At the shed the nuts will be sorted in a water bath before being placed in small silos where they will be dried down. The nuts will then be packed into bags and shipping containers for transport.

Additional works associated with the setting up and continuing operation of the hazelnut plantation include earthworks to improve drainage and water supply, construction of an aboveground water storage dam, installation of surface drip irrigation, replacement of pumping systems and pump sheds (including demolition of existing) and construction of a new shed located near the Arrambee Homestead.

Details of the works are as follows:

- Pumping station 1 – a new filtration and fertigation shed will be constructed south of the existing pump shed, which will remain in place. (24m x 12m)
- Pumping station 2 – the pump shed will be enlarged, renovated and a filtration/fertigation facility added.(24m x 12m)
- Pumping station 3 – the pump shed will be enlarged and a filtration and fertigation shed will be constructed in close proximity(24m x 12m)
- Pumping station 4 – this is a new pump station to be constructed on the bank of the storage dam in the southern part of the property(46m x 12m and 12m x 12m)
- Pumping station 5 – the existing shed is to be renovated and extended.

- New machinery shed (30m x 12m with pitch height of 6m)
- Earthworks including the supply channel and drainage. The supply channel runs from the river to the proposed dam in the middle of the property. The channel generally follows the route of the existing channel north – south from the river to Buckingbong Road before running west along the northern side of the road then crossing under the road via the construction of a culvert and then south to the dam. The channel will have a width of 4.2m.
- Water storage dam – an aboveground ‘turkeys nest’ storage dam is proposed to be located towards the centre of the site to supply water to the southern section of the operations. The dam is serviced by the supply channel from the river. When full the dam will have a surface area of 19.5ha with the ability to store 490megalitres of water. Given the sheer size of the dam the sides will only be 3.7m high with an external batter of 3:1.
- The irrigation system is a pressurised drip system that will deliver the required amount of water to the trees. The system has the capacity to supply the exact amount of water required dependant on weather conditions, time of year etc.

Existing dwellings, offices and farm buildings will be utilised by the business and operations.

A small number of paddock trees are proposed to be removed as part of this application along with fencing off and planting of vegetation along the river and small patches within the cultivated area.

When in full operation the farm will employ approximately 50 full time staff plus 30 seasonal staff with associated specialised contractors if and when required.

The hazelnut operation will be a typical farming operation in terms of hours, with a 7 day a week operation with intensities varying throughout the year depending on the season.

THE SITE & LOCALITY

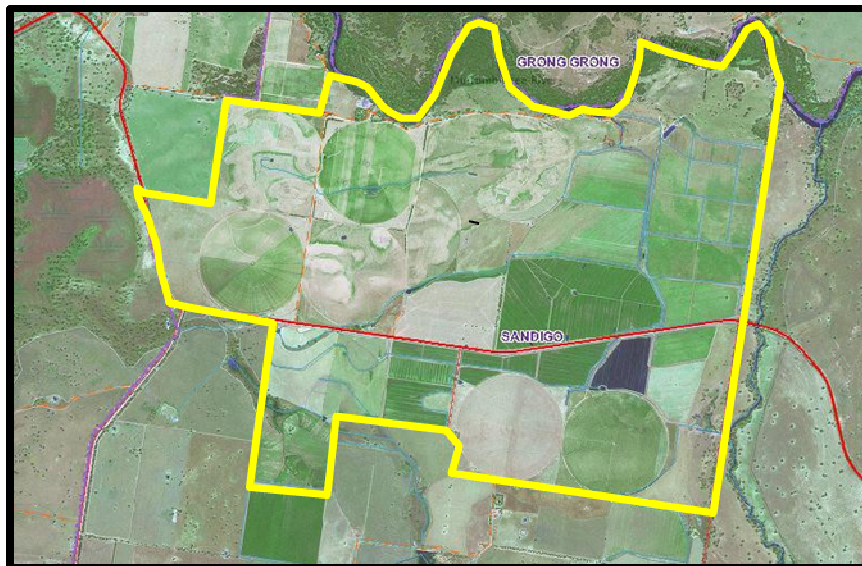
The subject site is a combination of two existing properties known as ‘Dellapool’ and ‘Arrambee’. The property is approximately 15km east of the town of Narrandera on the northern side of the Sturt Highway. The property is bound by the Murrumbidgee River to the north and Brewarrana Lane and Old Man Creek to the east.



Dellapool is a farm of 1788ha and Arrambee is a farm of 877ha and borders Dellapool to the south.

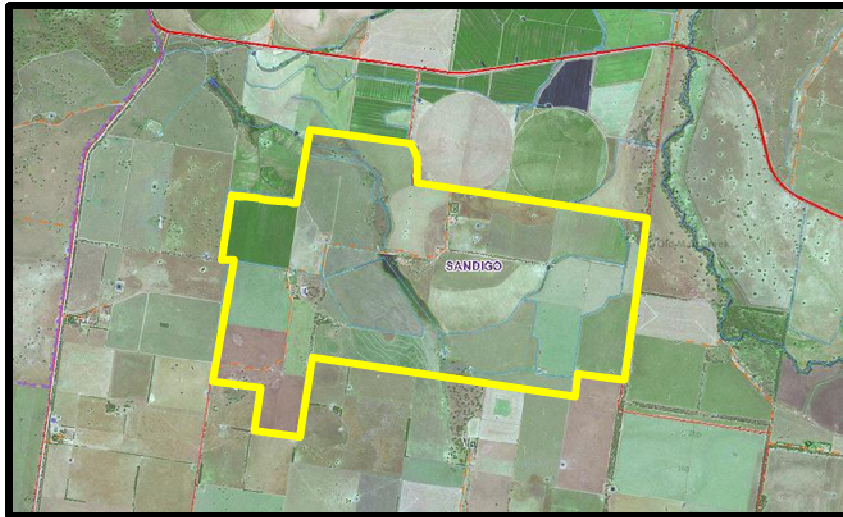
Existing uses – Dellapool

The farm is intensively irrigated, with over 90% of the property farmed for either irrigated or dry land cropping. The irrigated component of the property includes 660ha of flood irrigation and 610ha of centre pivot irrigation and the remainder is dry land cropping, grazing and preserved vegetation.



Existing uses – Arrambee

Arrambee has been recently farmed as essentially a dry land business with about 100ha of flood irrigation from Old Man Creek and bore extraction entitlement.



In total it is estimated that about 95% of the properties have previously been used for irrigated agriculture.

The site is generally flat with vegetation concentrated along the banks of the Murrumbidgee with patches throughout the site and isolated paddock trees. Sand dunes run for approximately 30m along the river frontage. The site contains a number of dwellings, farm buildings, flood irrigation channels and pump stations located throughout the property. The site also has Buckingbong Road running east – west through the centre, with Arrambee Road running off this to the eastern boundary of the site.

The main entrance to the site is at the end of Dellapool Road, a 2km gravel road that intersects with the sealed section of Buckingbong Road at a point 11km from the Sturt Highway. There are a number of alternative routes, such as south along Buckingbong Road and off Sandigo River Road, however the main route will be Dellapool Road onto Buckingbong Road and then the Sturt Highway.

There are no easements or restrictions within the boundaries of the subject site.

Sections of the site are bush fire and flood prone.

The surrounding area is a mix of agriculture being grazing stock and undertaking dry land and irrigated cropping.

An inspection of the site was undertaken on 10/07/13

SUMMARY OF MAIN ISSUES

Impact on character of the area

Impact on neighbouring properties

Flora and Fauna Impacts

MATTERS FOR CONSIDERATION PURSUANT TO SECTION 79C(1)

For the purpose of determining this development application, the following matters that are of relevance to the development have been taken into consideration pursuant to the provisions of Section 79C(1) of the Environmental Planning and Assessment Act, 1979.

(a)(i) - The provisions of any environmental planning instrument (EPI)
Local Environmental Plan
Narrandera Local Environmental Plan 2013 (LEP 2013)

1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in Narrandera in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

- (a) to protect, enhance and conserve agricultural land through the proper management, development and conservation of natural and man-made resources,*
- (b) to encourage a range of housing, employment, recreation and community facilities to meet the needs of existing and future residents of Narrandera,*
- (c) to promote the efficient and equitable provision of public services, infrastructure and amenities,*
- (d) to conserve environmental heritage.*

The relevant aim listed above is (2)(a), the land is currently used for agriculture and the planting of hazelnut trees would continue to be a use that would address this aim. There will be a number of additional buildings and infrastructure; however these will all be in association with the use. The proposal would be consistent with the aims of the LEP 2013.

2.7 Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

The proposal involves some minor demolition of existing pump stations. By lodging this application the applicant has satisfied this section of the LEP 2013.

Land Use Table

Zone RU4 Primary Production Small Lots

1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.*
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The proposal will provide a form of sustainable primary industry.

The development will diversify primary industry production in the area. Up to 50 new full time jobs and seasonal opportunities will be created for the regions workforce.

Generally the surrounding properties are used for agricultural activities within the adjoining RU4 zone. The subject site also adjoins the W1 Natural Waterways zone. There will be some impacts associated with the intensive agricultural activity, however these have been addressed below and considered to be minimal and acceptable.

The proposal would meet the objectives of this zone.

Part 3 Permitted with consent

Under this section *Intensive Plant Agriculture* is permitted with consent. Intensive plant agriculture is defined as follows:

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),*
- (b) horticulture,*
- (c) turf farming,*
- (d) viticulture.*

Note. *Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.*

By lodging this application the applicant has complied with this clause and Council can consider the proposal. The proposed farm buildings, water supply and irrigations systems, dams and general handling facilities for the hazelnuts are all ancillary to the main land use, being intensive plant agricultural and therefore will be assessed under this definition.

Zone W1 Natural Waterways

1 Objectives of zone

- To protect the ecological and scenic values of natural waterways.*
- To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
- To provide for sustainable fishing industries and recreational fishing.*

The pumps and pumping stations already exist and will simply be replaced or upgraded as part of this proposal. A detailed assessment of the impacts associated with these works has been carried out and addressed in the Statement of Environmental Effects. Given the pumps and pump stations exist, the upgrading of these facilities will only improve the current situation as the technology will ensure the pumps are more efficient and the new buildings will improve the visual impact on the river bank. The proposal would be considered compliant with the objectives of this zone.

Part 3 Permitted with consent

Under this section *Water supply systems* are permitted with consent. The pumping systems already exist, however they will be altered as part of this application and therefore require consent.

5.9 Preservation of trees or vegetation

(8) *This clause does not apply to or in respect of:*

(a) the clearing of native vegetation:

(i) that is authorised by a development consent or property vegetation plan under the Native Vegetation Act 2003

This clause is not applicable as all vegetation proposed to be removed as part of the proposal is subject to the Native Vegetation Act 2003.

Following the Flora and Fauna Assessment the Murrumbidgee Catchment Management Authority has been engaged to prepare a Property Vegetation Plan (PVP) under the provisions of the Native Vegetation Act. The applicant has indicated that more than 200ha of the property will be set aside to offset the 38 trees proposed to be removed.

The Draft Property Vegetation Plan has been reviewed and has no conflicts with the Development Application. The vegetation removal, set aside areas, offset planting and management of these areas have all been included in the PVP. The applicant will be required to comply with all aspects of the PVP.

The PVP gives approval for the removal of 35 trees. Although the DA states 38 trees, the application will be brought in line with the PVP. Large areas of existing vegetation will be required to be fenced off and extensive offset planting required.

Further assessment of the impacts on Flora and Fauna have been assessed throughout this report, however it is considered that compliance with the PVP will ensure negligible impacts occur.

The Office of Environment and Heritage also made the following comments in their submission:

...all clearing associated with this project (restricted to clearing of isolated paddock trees) has been approved under the Native Vegetation Act 2003 and hence has been offset with conservation areas identified elsewhere on the property. No other vegetation is to be cleared, that is all infrastructure and plantings are to be located in areas that have been previously cleared for agricultural activities...

Part 6 Additional Local Provisions

6.1 Earthworks

(1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.

(2) Development consent is required for earthworks unless:

(a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or

(b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.

(3) Before granting development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters:

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,*
- (b) the effect of the development on the likely future use or redevelopment of the land,*
- (c) the quality of the fill or the soil to be excavated, or both,*
- (d) the effect of the development on the existing and likely amenity of adjoining properties,*
- (e) the source of any fill material and the destination of any excavated material,*
- (f) the likelihood of disturbing relics,*
- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,*
- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

The proposed earth works for the channel and dam would require consideration under this clause.

The site currently contains an extensive amount of channels used for flood irrigation. The applicant proposes to fill in these channels with the exception of the main channel that will be extended to the southern side of Buckingbong Road to the proposed dam. This will encourage more water to follow the natural drainage routes throughout the site than currently happens. Where there is conflict between the natural drainage route and the dam or channel, such as where the channel joins the dam, sub surface structures will be used to allow the water to drain along its natural route. Given the size of the site and the fact that it is generally flat, negligible impacts are expected on drainage patterns.

Geo technical analysis was used to identify the most suitable location for the channel route and dam, this was to minimise the amount of water lost and areas that would require some clay lining. The site of the dam and route of the channel would not be considered detrimental to the soil stability or drainage patterns.

The earthworks will have little or no impact on the future use or redevelopment of the site given its current zoning.

The location of the earthworks is a substantial distance from neighbouring properties and would not be visible from neighbouring dwellings. Furthermore, as discussed the earthworks will not unreasonably impact on natural drainage patterns and therefore will not adversely impact on runoff to neighbouring properties.

All fill will be sourced from the property, however a condition of consent will ensure that should fill be required from off site it is of a suitable quality to be used on site.

The applicant will be required to comply with the National Parks and Wildlife Act should any relics be uncovered. Conditions of consent will be imposed to control these two issues.

The nearest part of the existing channel is located approximately 20 metres from the bank of the Murrumbidgee River so as not to impact on this waterway. This part of the channel will only be altered in terms of its size. A controlled activity approval would not be required for this works.

There will be no additional impact on the Murrumbidgee.

There is also a natural waterway that runs along the north eastern corner of the dam site. The applicant does not propose any above ground works within 40m of this waterway. The works that require the controlled activity approval from the Office of Water in this area are for the removal of the previously constructed bank within the waterway that runs through the property, constructed by the previous owner. This earthwork will be an improvement to the current drainage throughout the subject site.

The site does not impact on drinking water catchments.

The proposed earthworks will therefore be acceptable under this clause.

6.2 Flood Planning

(1) The objectives of this clause are as follows:

- (a) to minimise the flood risk to life and property associated with the use of land,*
- (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
- (c) to avoid significant adverse impacts on flood behaviour and the environment.*

(2) This clause applies to:

- (a) land identified as "Flood planning area" on the Flood Planning Map, and*
- (b) other land at or below the flood planning level.*

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- (a) is compatible with the flood hazard of the land, and*
- (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) incorporates appropriate measures to manage risk to life from flood, and*
- (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and*
- (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

(4) A word or expression used in this clause has the same meaning as it has in the Floodplain Development Manual (ISBN 0 7347 5476 0) published by the NSW Government in April 2005, unless it is otherwise defined in this clause.

(5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

The applicant has provided flooding data based on assumed levels given the site has not been mapped for the 1:100 ARI. The data is based on the 1974 flood and is considered acceptable for this assessment given the nature of the application.

The mapping shows that areas along the river and down the eastern boundary of the site are subject to flooding in the 1:100. The property also contains a flood way through the middle of the site and past the north eastern corner of the dam site.

The new pump station buildings would be located on flood prone land and conditions of consent will require that these buildings are structurally sound in a 1:100 year event. Given the small scale of these buildings and the size of the site, they will have negligible impact on the flow of flood waters. No other buildings are proposed on flood prone land.

As mentioned previously the channel will go underground within the flood way at the point of entry to the dam and the earthworks that have been put in place by the previous owner at this point will be removed to allow the floodway to take its natural path. Further to this the applicant has proposed to revegetate the floodway at this point to reduce the velocity and minimise erosion.

Given no habitable buildings are proposed and the current situation will only be improved the application is considered to raise no flooding issues and is therefore compliant with this clause.

6.4 Terrestrial Biodiversity

(1) The objective of this clause is to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

(2) This clause applies to land identified as "Biodiversity" on the Terrestrial Biodiversity Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether the development is likely to have:*
 - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and*
 - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and*

- (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (iv) any adverse impact on the habitat elements providing connectivity on the land, and*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Areas of the subject site have been identified as “Biodiversity” on the Terrestrial Biodiversity Map and therefore this clause applies.

The applicant had a Flora and Fauna study undertaken by ‘Good Environmental Systems’ this report states that *‘...the development of irrigation infrastructure (dam and delivery channels etc) will not have any significant impacts on the environment (native flora and fauna) as all works will be in highly degraded areas where land clearing, cultivation and domestic stock grazing has removed all but a small number of remnant woodland paddock trees. It is planned to remove 40 of these old and senescent trees but these will be more than adequately accounted for by the retention of good quality riparian and riverine woodland areas along the Murrumbidgee River (183ha)....No threatened species of flora as listed under the NSW Threatened Species Conservation Act, were located during the surveys and as such no significant impacts on any EEC or threatened native flora species will accrue from the development works. Similarly no threatened fauna were observed but habitat providing for the potential occurrence of several threatened fauna species was noted near to the Murrumbidgee River in those areas proposed/planned for retention as conservation areas.*

Given the assessment above the proposal will not be detrimental to the biodiversity and will satisfy the objectives of this clause. This is further confirmed by the comments from the Office of Environment and Heritage discussed above.

6.5 Groundwater vulnerability

(1) The objectives of this clause are as follows:

- (a) to maintain the hydrological functions of key groundwater systems,*
- (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.*

(2) This clause applies to land identified as “Groundwater Vulnerable” on the Groundwater Vulnerability Map.

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:

- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- (b) any adverse impacts the development may have on groundwater dependent ecosystems,*
- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*
- (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The whole subject site has been identified as “Groundwater Vulnerable” on the Groundwater Vulnerability Map and therefore this clause applies.

The improvements to the floodway on the site and the replacement of flood irrigation with drip irrigation will only improve the hydrological functions of the groundwater. The dam site has been examined by Geo-technical experts and designed to minimise seepage.

The management of the plantation will involve different techniques to the current farming practises however given there is minimal ground disturbance the impacts would be considered less than current practises.

The farming practice will utilise fertilizers and pesticides as is the case with many farming practises in the area. The application of pesticides is controlled by the Pesticides Act 1999. Any breaches in the application of pesticides that may impact on ground water is controlled under this Act and enforced by the Environmental Protection Authority.

The applicant has indicated that fertilizers will be added to the soil via fertigation (using the irrigation system). Fertilizer is not limited or monitored and therefore its impact on ground water systems must be negligible. Furthermore over fertilizing can have a detrimental impact on the trees and therefore the owner is extremely unlikely to over fertilise the soil and risk the health and productivity of their product.

6.6 Riparian Land and Watercourse

(1) The objective of this clause is to protect and maintain the following:

- (a) water quality within watercourses,*

- (b) the stability of the bed and banks of watercourses,*
- (c) aquatic and riparian habitats,*
- (d) ecological processes within watercourses and riparian areas.*

(2) This clause applies to the following land:

- (a) land identified as “Watercourse” on the Watercourse Map,*
- (b) all land that is within 40 metres of the top of the bank of each watercourse on land identified as “Watercourse” on that map.*

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider:

- (a) whether or not the development is likely to have any adverse impact on the following:*
 - (i) the water quality and flows within the watercourse,*
 - (ii) aquatic and riparian species, habitats and ecosystems of the watercourse,*
 - (iii) the stability of the bed and banks of the watercourse,*
 - (iv) the free passage of fish and other aquatic organisms within or along the watercourse,*
 - (v) any future rehabilitation of the watercourse and riparian areas, and*
- (b) whether or not the development is likely to increase water extraction from the watercourse, and*
- (c) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

Given the Murrumbidgee River bounds the subject site this clause applies.

The application proposes works on the banks of the river in the form of upgrading/replacing pumps and pump stations. This work will impact on the points to consider under clauses (3) and (4) above.

The new pumps will be above ground, fixed to concreted steel pylons and located within close proximity (3m) of the existing pumps. The pipes will be pre assembled and lowered onto the supports by crane to minimise the disturbance to the bank. All new and existing pipes will be fitted with 6mm screens at the point of intake, water lubricated and self banded to minimise pollution and impact on river life.

The proposed sheds and extension to existing sheds will also impact on the river bank. However the buildings will be certified so that they are structurally sound in the 1:100 ARI, constructed to meet all requirements of the BCA and will not involve the removal of vegetation.

Although there will be an impact on the river bank stability, vegetation and wildlife, the measures put in place to address these impacts would be considered appropriate to minimise these impacts to a degree that would be considered acceptable.

The upgrading of these pump stations on the river bank can be undertaken as part of the existing licensing agreements with The Office of Water and therefore controlled activity approvals are not required for these works.

6.9 Development on River Front Areas

(1) The objectives of this clause are as follows:

- (a) to support the natural migration of the river channel, including riverine processes,*
- (b) to protect and improve the bed and bank stability of rivers,*
- (c) to maintain or improve the water quality of rivers,*
- (d) to protect the amenity, scenic landscape values and cultural heritage of rivers,*
- (e) to protect public access to riverine corridors,*
- (f) to conserve and protect riverine corridors, including wildlife habitat.*

(2) Despite any other provision of this Plan, development consent may be granted to development on land in a river front area only for the following purposes:

- (a) boat building and repair facilities, boat launching ramps, boat sheds, charter and tourism boating facilities or marinas,*
- (b) the extension or alteration of an existing building that is wholly or partly in the river front area if the extension or alteration will be located no closer to the river bank than the existing building,*
- (c) environmental protection works,*
- (d) extensive agriculture and intensive plant agriculture,*
- (e) environmental facilities, recreation areas and recreation facilities (outdoor),*
- (f) water recreation structures.*

(3) Development consent must not be granted for a purpose specified in subclause

(2) unless the consent authority is satisfied of the following:

- (a) that the development will contribute to achieving the objectives for the zone in which the land is located,*
- (b) that the appearance of the development, from both the river and adjacent river front area, will be compatible with the surrounding area,*
- (c) that the development is not likely to cause environmental harm such as:*
 - (i) pollution or siltation of the river, or*
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, fauna or flora habitats, or*
 - (iii) an adverse effect on drainage patterns,*
- (d) that the development will only cause minimal visual disturbance to the existing landscape,*
- (e) that continuous public access, and opportunities to provide continuous public access, along the river front and to the river will not be compromised,*
- (f) that any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.*

(4) In this clause:

bed, of a river, means the whole of the soil of the channel in which the river flows, including the portion:

(a) that is alternatively covered or left bare with a rise or fall in the supply of water, and

(b) that is adequate to contain the river and its average or mean stage without reference to extraordinary freshets in the time of flood or to extreme droughts.

Given the application is for Intensive Plant Agriculture, development consent can be granted for works on river front areas subject to compliance with clause (3) and meeting the objectives of this section.

As mentioned previously the new pumps, pump stations and extension to pump stations will have an impact on the river, river banks and visual impacts from the river. The impact of habitat, pollution and stability have been addressed above and considered acceptable. Further to the comments above the upgrading of the equipment will improve the current situation.

Visually the larger sheds and increase in amount of pumps will impact on the existing landscape. However considering the sheds have either been located next to or behind the existing sheds and are of a simple design the impacts would be considered minimal. Further to this conditions of consent will require the sheds to be painted an appropriate colour to minimise their visual impacts.

6.10 Development on Riverbeds and Banks

(1) The objectives of this clause are as follows:

(a) to manage and maintain the quality of water in the Murrumbidgee River,

(b) to protect the environmental values, scenic amenity and cultural heritage of that river,

(c) to protect the stability of the bed and bank of that river,

(d) to limit the impact of structures in or near that river on natural riverine processes and navigability of that river.

(2) The clause applies to land comprising the bed of the Murrumbidgee River and up to the top of the bank of that river.

(3) Development consent must not be granted for any development on land to which this clause applies, unless the consent authority is satisfied of the following:

(a) that the development is likely to contribute to achieving the objectives of the zone in which the land is located,

(b) that the development will not increase erosion,

(c) the development is not likely to cause an adverse effect on riverine habitat or flora and fauna habitat,

(d) the development will not cause an adverse effect on drainage or flow patterns.

- (4) Development consent must not be granted for the erection of a structure on land to which this clause applies unless the consent authority is satisfied of the following:*
- (a) that the proposed structure will not be located on an outside bend of the Murrumbidgee River,*
 - (b) that the appearance of the proposed structure, from both that river and any adjacent land, will be compatible with the surrounding area,*
 - (c) that the development does not involve, and will not result in, the erection of more than one mooring per lot or per lots owned by the same owner or owners.*

(5) This clause is in addition to clause 6.9 and prevails to the extent of any inconsistency with that clause.

Other than pumping infrastructure no new development is proposed on the riverbed or bank of the Murrumbidgee River. As discussed above the location and impacts associated with this infrastructure is considered acceptable. It is important to note that locating the additional infrastructure in close proximity to the existing is a better outcome and lessens environmental impacts than locating the new infrastructure in a completely separate location.

6.13 Essential Services

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable vehicular access.*

No potable town water supply is available or required on site. Electricity is available in the form of overhead powerlines and underground telephone cables are available. Onsite effluent disposal is in existence for all onsite facilities. Stormwater drainage will follow natural drainage lines and the current vehicle access would be adequate for this farming operation.

State Environmental Planning Policies

State Environmental Planning Policy (Rural Lands) 2008

The aims of this Policy are as follows:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,*
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,*
- (c) to implement measures designed to reduce land use conflicts,*

(d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,

(e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

Part 2 Rural Planning Principles

7 Rural Planning Principles

The Rural Planning Principles are as follows:

(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,

(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,

(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The assessment throughout this report concludes that the application for intensive plant agriculture on agricultural land is an appropriate use and the management techniques and environmental impacts would be consistent with the aims, objectives and principles listed above. The development will have a positive impact on the social and economic interests of the local community without being detrimental to the environment. Although unique to the area, the hazelnut farm is a rural activity on rural land and therefore should be encouraged.

State Environmental Planning Policy No.44 – Koala Habitat Protection

The aims and objectives of this policy are as follows:

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

- (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and*
- (b) by encouraging the identification of areas of core koala habitat, and*
- (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones.*

A Flora and Fauna survey was undertaken by 'Good Environmental Systems'. Good identified that the subject site was a 'Potential Koala Habitat' given the population of River Red Gum habitat along the Murrumbidgee corridor. The application includes the provision to fence off this area for conservation purposes and no habitat will be removed from this area. Therefore any potential koala habitat is effectively protected and meets the requirements of this SEPP.

(a)(ii) - The provisions of any draft environmental planning instrument

Draft local environmental plans

There are no draft LEPs relevant to this site or this development

Draft state environmental planning instruments

There are no draft SEPPs relevant to this site or this development

(a)(iii) - Any development control plan

Narrandera Development Control Plan

Part E – Planning for natural hazards

Chapter 10 Flood liable land

The relevant sections of this chapter have been included below:

10.3 What are the criteria for determining development applications

The prescriptive controls include:

- *The setting of habitable and non-habitable floor levels, and*
- *The use of flood compatible building components and construction methods.*

The performance controls include, in defined circumstances:

- *An engineer's report on the structural adequacy of the building with regard to flood waters, debris impact and buoyancy;*
- *An engineer's report certifying that the development will not increase the flood effects elsewhere on the floodplain;*
- *Evidence of reliable evacuation access during flood events;*
- *Evidence that the land use will not cause pollution during flood events;*
- *Evidence that the building has been designed to minimise impact on flood flow, and*
- *Evidence that the storage of materials within the building or development can be carried out above a specified flood planning level.*

As discussed above the only buildings in flood prone area are the pump stations. Conditions of consent will require structural engineers details to ensure the building will withstand the impacts of a 1:100 Year flood event.

10.7 Flood controls in all other areas

Recreation and agriculture – Floodway and flood storage

Floor level

- *All floor levels to be no lower than the 20 year ARI level unless justified by a site specific assessment.*

Building components

- *All new structures to have flood compatible building components below the 100 year ARI level.*

Structural soundness

- *Engineers report to demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including the 100 year ARI level plus freeboard of 500mm.*

Flood effect

- *The flood impact to be considered to ensure that the development will not increase flood effects elsewhere, having regard to (i) loss of flood storage, (ii) changes in flood levels and velocities caused by alterations to the flood conveyance, and (iii) the cumulative impact of multiple developments in the floodplain. An engineer's report may be required at the discretion of the Council.*

Evacuation

- *Reliable access for pedestrians or vehicles is required from the building to an area of refuge above the PMF level: the access commencing and continuing at a level no lower than the lowest level of the building.*
- *The development is to be consistent with the evacuation plans specified in the SES Local Flood Plan adopted by the Council.*

Management and design

- *The applicant is to demonstrate that area is available to store goods above the 100 year ARI level.*
- *No storage of materials below the 100 year ARI level which may cause pollution or be hazardous during a flood.*
- *Applicant to demonstrate that any proposed fencing is of an open nature and collapsible during floods.*
- *Applicant to demonstrate that the proposed development is aligned with the direction of flood flow and where possible of an open nature.*

As discussed above.

Chapter 11 Bush fire prone land

Sections of the site along the river are mapped as bush fire prone and therefore this section of the DCP is relevant. However the proposal does not include subdivision for residential purposes or the construction of any habitable buildings and therefore no controls would apply. The application raises no bush fire issues.

Part F – Natural Resources

Chapter 12 Sensitive land resources in the shire and;

Chapter 13 Sensitive water resources in the shire

These sections of the DCP relate to the issues identified under Part 6 of the LEP 2013. These issues have been discussed and addressed under Part 6 of the LEP earlier.

(a)(iiia) - any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

No planning agreement has been entered into under section 93F.

(a)(iv) - any matters prescribed by the regulations

Matters prescribed by the *Environmental Planning and Assessment Regulation 2000* have been satisfied

(b) - The likely impacts of the development

Context and setting

The proposal is for an agricultural use in an agricultural zone surrounded by existing agricultural activities. There is nothing extraordinary in terms of farming practises associated with this application apart from the scale. The types of machinery, associated infrastructure and seasonal work are all consistent with that of neighbouring properties. The proposal would be appropriate in both context and setting.

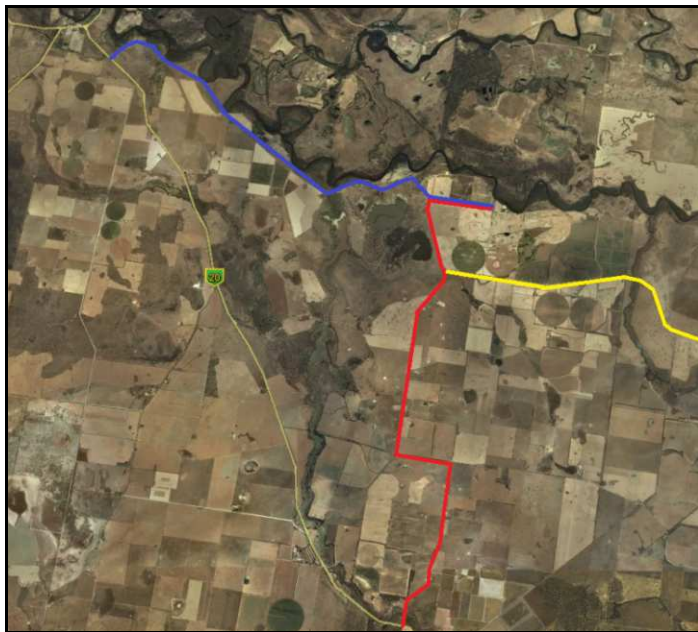
Access, transport and traffic

There are three options for vehicle movements to and from the site and these are as follows:

Route 1 (blue) – Sturt Highway onto Buckingbong Road then onto Dellapool Road

Route 2 (red) – Sturt Highway onto Sandigo River Road, onto Buckingbong Road then onto Dellapool Road

Route 3 (yellow) – Sturt Highway at Galore onto Buckingbong Road to Berembed Weir then onto Sandigo River Road



There is no logical reason to use route 3 due to distance and ease of access and direction and therefore the assessment of traffic impacts does not take this route into consideration. Route 2 is an alternative option during floods; however no produce will be harvested during floods and therefore this route will very rarely be used by trucks associated with this operation. The preferred option and the nominated route by the applicant is route 1.

Route 1 has a well marked intersection with good visibility off the Sturt Highway with Buckingbong Road. Buckingbong Road is a sealed rural road in good order until the

junction with Dellapool Road. Dellapool Road is a well formed gravel road that ends at the entry to the property.

The applicant has undertaken an assessment of the vehicle movements associated with the proposal. The conclusions are that during the setting up of the operations (a period of approximately 3 years) the traffic, being a mix of cars/utes and trucks would be substantially increased from the current operations. However, after this period the exports from the farm will generate less truck movements and tonnage on the regions roads than the current operations and the imports will only increase slightly.

Given Dellapool Road is unsealed it would be appropriate for Council to monitor this road during the first 3 years of the operation and require the applicant to grade and repair this road when and if required given any impacts on this road will be caused by the additional impact of this operation. A condition on any consent granted will ensure this is undertaken. After this period the road will only be utilised as it is currently and there are no reported issues with this road under current operational conditions.

The increase in traffic along the unsealed section of Dellapool Road will increase dust, however the road is well vegetated along its boundaries and with the closest dwelling being some 600m away the impact would be considered acceptable.

Buckingbong Road and the Sturt Highway are sealed Roads that are more than capable of taking the additional traffic loads during the first 3 years of operation.

The RMS has raised no issue with regards to the submitted information. The RMS has suggested a number of conditions for the reason of safety to be considered. These have been addressed under the submission section below.

Public domain

Given the location of the site the development will have minimal impact on the public domain.

Utilities

As discussed under section 6.13 of the LEP adequate services exist on site.

The applicant has indicated that updated amenities for staff will be constructed under a future development application should this application be approved. The current facilities, although rundown, are adequate. A recommended condition of consent will require an inspection of the septic systems to ensure they have the required capacity and meet the current standards.

The key component to the operation is water. The property has a number of existing licences to extract water from the Murrumbidgee and existing bores on site. The applicant is also in the process of attaining approval from the NSW Office of Water to irrigate the remaining three lots that currently do not have permission. The NSW Office of Water control the water licensing and the appropriate licenses are in place.

Heritage

No heritage items are listed on the site. Conditions of consent will require the applicant to comply with the National Parks and Wildlife Act 1974 should any artefacts be uncovered during construction of the associated infrastructure.

Water

As mentioned throughout this report water is the key element to this proposal and the applicant has gone into great detail in selecting the appropriate site for Hazelnut production with regard to access to water and soil conditions. The water licensing is controlled by NSW Office of Water and the appropriate licenses are in place.

The drip irrigation system is designed to input the correct amount of water into the soil based on extensive research on what is required by the trees in certain conditions, therefore the ground will not be saturated and there will be no additional impacts from this process off site.

The impacts associated with the pump stations, channel and dam have been discussed above and the impacts on the water quality considered acceptable.

Soils

The site has been carefully selected for a number of reasons including but not limited to the soil types throughout the site. The applicant has stated that the trees are adaptable to a variety of soils and with appropriate management in terms of irrigation and fertigation the trees will be successful in this location. Given the trees do not like water logging the rows will be mounded slightly.

The planting of the sand dune areas will improve the current situation as these areas are heavily eroded by wind and current farming practises. The trees will stabilise the dunes and therefore reduce erosion.

All fuel, chemical and fertiliser storage will be above ground, self bunded and away from water courses to minimise the chances of pollution. This will be a condition on any consent granted.

It is considered that the type of agriculture, along with the management techniques proposed, will result in minimal detrimental impact on the soil.

Air

The horticultural operation will have no additional impact to existing farming practises on site and in the vicinity. Spray drift and dust are common issues in farming regions and are simply controlled by spaying protocols and consideration of weather conditions. Although there will obviously be impacts from this operation it would be unreasonable to impose any additional conditions given these impacts occur in most farming practises.

Flora and Fauna

As mentioned and addressed under section 6.4 above the applicant employed 'Good Environmental Systems' to undertake a Flora and Fauna Survey for the site.

The field survey focused on the vegetation on site taking into account signs of native animal presence. As the proposal includes the removal of 38 native trees, these were

inspected for condition and habitat such as hollows. An assessment was then made of the potential impacts from the removal of these trees.

The assessment of significance was based on the following criteria

1. The extent of fragmentation of any native vegetation
2. Extent of degradation of native vegetation on the site
3. Extent of destruction/removal of habitat
4. Degree of reduction in species population numbers
5. Destruction/loss of any threatened species
6. Presence of any rare or locally important species
7. Existence of an endangered ecological community
8. Existing and potential threatening processes

The report concluded that the removal of these trees would be adequately accounted for by the retention of good quality riparian and riverine woodland areas along the Murrumbidgee River.

As mentioned above under 6.4 of the LEP the majority of the area proposed to be planted with hazelnut trees has already been cleared of vegetation over the past decades of farming and the impacts associated with this application would be minimal and acceptable in terms of impact on flora and fauna.

Waste

Minimal waste is expected during both the construction and the continued operation of the hazelnut farm. Conditions of consent will ensure any waste products are stored and disposed of appropriately during construction.

Energy

Although the pump stations will be utilised more with the operation of the hazelnut farm as opposed to the current operations, the pumps will be upgraded with modern motors to be far more efficient than the current systems.

The techniques that are being utilised are specifically designed to use the exact amounts of water required to produce the best yields and therefore minimise wastage, specifically water wastage.

Noise

The closest neighbouring premise is approximately 600m away from the boundary of the farm. However this figure has been questioned in a submission, where 200m is mentioned as being the correct figure. The impacts have been assessed based on the 200m figure.

The operations will be no different to that of existing farming practises in the area and given the site is located in a rural zone with surrounding land being used for agricultural purposes no unreasonable noise impacts are expected from the everyday operations.

It has been noted that previous noise complaints have been received relating to pump station 1. The applicant has proposed to replace the existing diesel pump with an electric pump and this will dramatically reduce the noise impacts from this pump station.

The applicant has identified that gas scare guns maybe used when required but limited to daylight hours. This will raise noise concerns, given the use of gas guns is only a possibility and would only take place at certain times of year and day it would be unreasonable to limit their use by way of condition.

Increased traffic will also increase noise but given the increase is minimal and the properties are located a substantial distance from the road the impact would be considered acceptable.

Natural Hazards

As discussed above the land is subject to bush fire and flooding, however no additional habitable buildings are proposed and the works proposed will have negligible impact on bush fire or flooding on this property or adjoining properties.

Technological hazards

The application raises no issues with regards to technological hazards.

Safety, security and crime prevention

This is not considered an issue during the ongoing operation of the hazelnut farm. The farm will have its own security and crime prevention systems in place to protect the property, machinery and product on site.

During construction the work site and persons within the work site will need to comply with all relevant health and safety, work cover and building code of Australia practises to ensure all appropriate standards are complied with.

Social impacts

The proposed development will have a positive social impact by introducing new permanent residents to the area with a range of skills and education. Increasing population increases demand on schools, shops, recreation and sporting facility among other things.

Economic impacts

The proposed development will have a positive economic impact on the town of Narrandera and the wider community. The proposal is a multi-million dollar operation that will bring jobs and people to the community of Narrandera injecting money into the local shops, businesses and community facilities.

The business will have an ongoing need for services and supplies that will either directly, by the use of local services or contractors, or indirectly, through people coming to the area to deliver goods or work for short periods and having to use the local facilities have a positive impact on the local economy.

Site design

The site design raises minimal issues. The planting will be on land that is already currently used for cropping and therefore generally void of vegetation. The channel will generally follow the existing channel and therefore have minimal impact. The

machinery shed is located close to existing sheds and would not be visible from outside of the farm boundaries. The dam is large but dams are common place on large farms and raise no additional impacts. The proposed pump sheds raise some concern as they would be visible from the river; however they are approximately 24m x 12m with a sloped roof with a maximum height of 4m. The design is simple and conditioning the colour of the structures will reduce their impacts. Given pump sheds already exist in all locations the additional or replacement structures would be considered acceptable.

Construction

Minimal construction is required in comparison to the scale of the operation as the majority of the facilities (farm buildings, dwellings etc) already exist on site. The new shed and works associated with the pump stations will require construction certificates and this will be a condition on any consent granted.

Road upgrades and culverts will require Section 138 permits from Council and again this will be a condition on any consent granted.

The works will be required to be carried out in accordance with the Building Code of Australia, Work Cover, Conditions of Consent and all relevant Australian Standards. Compliance with these will ensure the construction works meet all appropriate standards and will have minimal impact on the amenity of the area during the construction phase.

Cumulative impacts

The impacts addressed above would be acceptable individually with compliance with the conditions of consent and also when cumulatively assessed. The nature of the use in this location is appropriate given the impacts assessed.

The Principles of Ecologically Sustainable Development

The following are principles of ecological sustainability:

1 The precautionary principle

Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

In the application of the precautionary principle, public and private decisions should be guided by:

- (a) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
- (b) an assessment of the risk-weighted consequences of various options.*

The principle requires decision-making to give the environment the benefit of the doubt.

2 Intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations

(that is, a partnership among all of the generations that may use or expect to benefit from the nation's resources).

3 Conservation of biological diversity and ecological integrity

Conservation of biological diversity and ecological integrity should be a fundamental consideration.

4 Improved valuation, pricing and incentive mechanisms

Environmental factors should be included in the valuation of assets and services:

- (a) polluter pays (that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement), and*
- (b) the users of goods and services should pay prices based on the full cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste, and*
- (c) environmental goals having been established should be pursued in the most cost-effective way by establishing incentive structures, including market mechanisms which enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposed development would result in an agricultural pursuit on agricultural land. The important flora and fauna located along the river is proposed to be fenced off and will remain. Additional clusters of trees will also be fenced with planting of native trees proposed. The land to be cultivated is in the most part cleared and already utilised in farming practises. A small number of paddock trees will be removed but these offer little value in comparison to the areas along the river that will be fenced off under the approval the Murrumbidgee Catchment Management Authority under the Native Vegetation Act 2003. The proposal is a good use of agricultural land that would be acceptable in terms of ecological sustainable development.

(c) – The suitability of the site for the development

Suitability of the site in terms of the likely impacts identified under (b)

The site is rural land that has been farmed in different ways. The hazelnut farm is simply a different method of agriculture that would be considered an appropriate use of the land. Although large in scale the operation will be similar in impacts to traditional crop farming that utilises irrigation. Compliance with conditions of consent will overcome concerns making the site suitable in terms of the impacts identified under section b.

(d) - any submissions made in accordance with this Act or the Regulations

Referrals

Internal departments

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External

Roads and Maritime Service

NSW Office of Water

State Water

Department of Primary Industries

Environmental Protection Authority

Essential Energy

Catchment Management Authority

Office of Environment and Heritage

Notification and advertising

In accordance with the Council's advertising and notification provisions outlined in Part H of DCP 2013 the application was notified for a period of 30 days on the following dates 16/07/13 to 16/08/13 and referred surrounding tenancies. A number of submissions were received and have been addressed below and throughout the body of this report.

Public Submissions and those from public authorities

The main issues and comments raised in the submissions received have been addressed below. For full submission details please see Council's file.

Office of Environment and Heritage

...OEH recommends that the commitment in Section 5.10 of the SEE be amended to:

- *Include consideration of the Due Diligence Code of Practice (further details below);*
- *Remove the word 'relic' and replace it with 'Aboriginal object' to conform with the terms now used in the NPW Act; and*
- *Include a commitment to 'stop work' and notify OEH if any Aboriginal objects are found during construction*

In regard to Due Diligence OEH suggests that the proponent include a cultural heritage assessment of potential impacts of the proposed development. As a minimum the following should be addressed;

- 1. An Aboriginal Heritage Information Management System search should be conducted (completed as above);*
- 2. An assessment under Due Diligence Code of Practice should be conducted, including, if necessary, a site inspection by a person with expertise in identifying Aboriginal Objects, e.g. an Aboriginal person, landholder or consultant.; and*
- 3. An assessment, based on the outcomes of 2 (above) should be made on the possible presence/absence of Aboriginal objects. This should include an assessment on the need for a more detailed study, or justification on why more detailed study is not required....*

The recommendations can be addressed by way of conditions of consent.

Transport Roads and Maritime Service

...Roads and Maritime Services has assessed the Development Application based on the documentation provided and would raise no objection to the development proposal.

Further to the above the Council may consider the following for reasons of the safety and efficiency of the local road network;

- 1. Any driveway is to be located and maintained so as to comply with the required Safe Intersection Sight Distance (SISD) in either direction in accordance with the Austroads standards for the prevailing speed limit. Compliance with this requirement is to be certified by an appropriately qualified person prior to construction of the vehicular access.*

2. Any driveway is to be constructed as a “Rural Property Access” treatment in accordance with the Austroads standards and is to be constructed perpendicular (or at an angle of not less than 70 degrees) to the carriageway. The driveway is to be constructed with a minimum width to accommodate the largest size of vehicle likely to access the subject site.

3. Any entry gate to the proposed allotments from a road shall be located at least 30m from the edge of seal of the carriageway 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.

4. Any access driveway to a sealed road shall be sealed for at least 10m from the edge of seal of the carriageway. This is required to prevent deterioration of the road shoulder and the tracking of gravel onto the roadway. To minimise maintenance of the driveway, which is the responsibility of the landowner, consideration should be given to extending the seal to the property boundary.

5. Any redundant driveway or gates to a road reserve are to be removed and the land within the road reserve is to be reinstated to match the surrounding roadside in accordance with Council requirements.

6. Any access driveway is to be designed and constructed to prevent water from proceeding onto the carriageway of a road. Any culvert within the clear zone is to be constructed with a driveable type headwall...

The recommendations can be addressed by way of conditions of consent.

Department of Primary Industry Office of Water

Integrated approval was received on 6 August 2013 the general terms of approval have been included on the consent.

The Office of Water also notes that;

...As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

“The construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council”

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval after consent has been issued by the Council and before the commencement of any work or activity on waterfront land.

The recommendations can be addressed by way of conditions of consent.

Environmental Protection Authority

The EPA have raised 'no objection' to the proposed activity.

Department of Primary Industries

The DPI have stated that:

'...there are no outstanding issues of interest to this department

Provided the proposal proceeds as per the development application there will be significant advantages in the overall land management of the holding

The proposal is supported...

State Water

State Water provided an email on 13/09/13 stating the following:

Couple of errors in the documentation:

- 1) State water have not offered any guarantee about the provision of water – impossible to do so!*
- 2) Office of Water do not sell water and any additional water will require purchase from the open market*

The applicant has been made aware of these comments. However they have no bearing on the proposed recommendation of this application.

Murrumbidgee Catchment management Authority

No official correspondence was received. However the Draft Property Vegetation Plan (PVP) was submitted via email on 4/9/13. The draft PVP raised no conflicts with the proposed DA conditions.

Public Submissions (2 submission were received)

Issues and comments can be found below:

Issue: Increase road use on already deteriorating roads

Comment: Council recognises that the increase in traffic, especially during the first 3 years may impact on the unsealed section of Dellapool Road and has therefore conditioned that this road be maintained at the full cost of the applicant/developer to Councils satisfaction. After this period traffic will be reduced to similar levels to the current operations and therefore continued maintenance by the applicant would not be required. The surrounding roads that will be utilised are sealed and whilst it is appreciated that the traffic levels will be increased the roads are considered of a standard that is capable of accommodating this impact.

Issue: Proposed dam, channels and drainage may impede the natural flow of water

Comment: The information submitted in the application, with particular reference to sections 2.5. 4.18 and appendix 19 shows that the dam and drainage channel will have negligible impact of the main floodway that runs from the south eastern side to the north western side of the property and all other minor drainage lines. As the channel reaches the dam it will cross this major floodway. At this point the applicant will syphon the channel water under the floodway to the dam so that the channel does not impede the natural route of the flood waters. Furthermore the existing bank

that has been constructed by the previous owners in the vicinity of the proposed dam and in the path of the floodway will be removed as part of this application to allow the waters to continue on their natural path.

Issue: Importing organic matter and soil to the site may bring weeds and diseases that could contaminate neighbouring farms

Comment: The Department of Primary Industries have provided the following information:

'...The Department of Primary Industries (DPI) understands that all nursery stock (plant material) to be utilised in this stage of the development is sourced from an accredited Australian Quarantine and Inspection Service (AQIS) open quarantine site located at Yanco Agricultural Institute, Yanco.

Officers of DPI, AQIS and Biosecurity Australia visited the hazelnut nursery site in Chile prior to the 100,000 hazelnut cuttings arrival in Australia (and subsequently Yanco) in August 2011.

Subsequent to that arrival, the plant stock was cleared of relevant pest contamination and no soil material was to accompany the implantation.

Following the August 2011 planting, AQIS performed monthly inspections prior to issuing a 'release' for the propagated material at the end of 2012...

This information clearly shows that the plants have been through all the regulated requirements to ensure no diseases are imported. Australia has rigorous boarder security for the importation of goods and plant matter, soil and the like fall within these guidelines. If the applicant wishes to import plants or soils they will need to follow importation controls and these controls would ensure that the goods are suitable for use in this Country and on this site.

With regards to bringing organic matter/soil from offsite (but within Australia), a condition should require that any earth/soil is clean/virgin soil to minimise any potential contamination issues. With regards to organic matter, it would be unreasonable of Council to control this as it is not controlled at any other farming practice. Furthermore the applicant/owner has invested a substantial amount in this project and is extremely unlikely to risk the health and quality of their product by bringing in contaminated or diseased material.

Issue: Incorrect information regarding neighbouring property, business plan for the property, location of nearest property and evidence of Koala's

Comment: Whilst accurate information in the application is desirable, mistakes and inaccuracies can and will occur. The information is reviewed by the assessment officer and all relevant referral bodies plus made available to the public for review. These measures, as is the case in this instance, allow for inaccuracies to be brought to the attention of the Council. These issues can then be reviewed and assessed to see if the inaccuracies cause any additional impacts and the degree of these impacts. In this instance the Koala habitat has been protected and the content of the business plan not considered relevant. The location of the dwelling is relevant given the noise impact associated with pump station 1. It is therefore recommended that

the planned replacement of the diesel pump with an electric pump in this location be implemented prior to the operation of this pump in association with this operation.

Issue: When will the motor in pump in station 1 be changed

Comment: See comment above

Issue: Flooding issues along Dellapool Road

Comment: The application has not proposed any major alterations to the existing drainage patterns of this property. Whilst it is appreciated that flooding may occur, the applicant cannot be made responsible given the proposal will have little or no impact on drainage patterns of this relatively flat site. As stated in the submission the issue arose from an 'extra ordinary rain event' this is out of the control of both the applicant/owner and Council.

(e) - the public interest

Federal, state and local government interests and general community interests

It is considered that this development is in the public interest given its positive social and economic impact on the community of Narrandera and surrounding towns.

Furthermore no issues have been raised that will impact in an adverse manner on the local population or the wider community.

Other Legislative Requirements

Section 5A ("Seven Part Test" - Threatened Species)

The following factors must be taken into account in making a determination under this section:

(a) in the case of a threatened species, whether the action proposed is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,

(b) in the case of an endangered population, whether the action proposed is likely to have an adverse effect on the life cycle of the species that constitutes the endangered population such that a viable local population of the species is likely to be placed at risk of extinction,

(c) in the case of an endangered ecological community or critically endangered ecological community, whether the action proposed:

(i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or

(ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction,

(d) in relation to the habitat of a threatened species, population or ecological community:

(i) the extent to which habitat is likely to be removed or modified as a result of the action proposed, and

(ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed action, and

(iii) the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species, population or ecological community in the locality,

(e) whether the action proposed is likely to have an adverse effect on critical habitat (either directly or indirectly),

(f) whether the action proposed is consistent with the objectives or actions of a recovery plan or threat abatement plan,

(g) whether the action proposed constitutes or is part of a key threatening process or is likely to result in the operation of, or increase the impact of, a key threatening process.

Section 5A requires the evaluation of any potential significant affect on threatened species, populations or ecological communities or habitats through the application of the 'Seven Part Test'

The flora and fauna survey prepared by Good Environmental Systems undertook the 'Seven Part Test' for the following:

- Grey Bow – Yellow Box Woodland
- Koala
- Superb Parrot
- Regent Honeyeater
- Diamond Firetail
- Brown Treecreeper
- Hooded Robin

The 'Seven Part Tests' concluded that there was no significant impact from the proposal and therefore a Species Impact Statement would not be required.

Section 79B(3)

As mentioned above there is unlikely to be significant impact and a species impact statement is not required. Therefore concurrence is not required from the Director General of National Parks and Wildlife.

Council Policies

N/A

Comments by Council's Officers and/or Development Assessment Team

Council's other relevant officers have reviewed the application in accordance with Council's processing procedures.

Development Contributions - Section 94/94A & Section 64 Local Government Act, 1993 and Section 306 Water Management Act, 2000

It will be necessary to provide a detailed cost report in accordance with Schedule 2 as required by item 11 of Part A of the Plan. The cost report shall be prepared by a registered Quantity Surveyor.

The applicable contribution will be levied based on the estimates contained in this report. The applicable contribution shall be confirmed by Council and payable prior to the issue of the Construction Certificate.

Other Approvals

The application requires approval under S89-91 of the Water Management Act 2000. General Terms of Approval were issued on 6 August 2013.

Conclusion

The development is considered to be satisfactory based on the foregoing assessment. The proposal complies with the requirements of the Environmental Planning and Assessment Act 1979, the Building Code of Australia and Councils Policies.

Recommendation

That the Western Joint Regional Planning Panel approve Development application 5/13/14 for Intensive Plant Agriculture at Dellapool Lots 1, 2, 3, 4, 5, 6, 7, DP 134973, Lots 4, 5, 6, DP 754539, Lots 9, 76, DP 754540, Lots 1, DP 176290, Lots 1, 2, DP 608219, Lots 4, 5, 6, DP 578526, Lots 1, 2, DP 256841, Lots 1, DP 256871, Lots 2, 3, DP 575669, Lots 1, 2, DP 40359 and Arrambee Lots 6, 8, 28, 38, 78 DP 754540, Lot 1 DP 1021799 subject to the following conditions of consent:

Conditions

1. The development must be carried out in accordance with the approved plans and specifications as follows.

Plan/Doc. No.	Plan/Doc. Title	Prepared by	Issue	Date
-	Statement of Environmental Effects – Part 1	PHL Surveyors	-	July 2013
-	Statement of Environmental Effects – Part 2	PHL Surveyors	-	July 2013
-	Statement of Environmental Effects – Part 3 (appendices 1-12)	PHL Surveyors	-	July 2013
-	Statement of Environmental Effects – Part 3 (appendices 13-25)	PHL Surveyors	-	July 2013

The Development Application has been determined by the granting of consent subject to and as amended by the conditions of development consent specified below.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 96 of the Environmental Planning and Assessment Act, 1979.

REASON: It is in the public interest that work is carried out in accordance with

the approved plans. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to release of Construction Certificate

- 2. Pursuant to s94A of the *Environmental Planning and Assessment Act 1979* and Narrandera Shire Council Section 94A Development Contribution Plan July 2007, the applicant shall submit a detailed cost report in accordance with Schedule 2 as required by item 11 of Part A of the Plan. The cost report shall be prepared by a registered Quantity Surveyor.**

The applicable contribution will be levied based on the estimates contained in this report. The applicable contribution shall be confirmed by Council and payable prior to the issue of the Construction Certificate.

REASON: Having considered the development in accordance with Section 94 A 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 80A(1)(h) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 3. Prior to the issue of the Construction Certificates details of all structural concrete and structural steelwork shall be submitted to Council for approval, all such details shall be certified by a practising Structural Engineer.**

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 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 4. Prior to the release of the Construction Certificates the applicant is to submit two (2) copies of the design details for the floor, frame, truss including frame bracing and tie down report.**

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 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 5. Prior to the issue of the Construction Certificates for pump stations 1,2,3 and 5 a compliance certificate must be received and approved by the certifying authority.**

The compliance certificate shall be from an accredited certifier who is a qualified structural/civil engineer stating that the building if constructed in accordance with the plans and specifications to which the construction certificate relates, will not sustain structural damage from the force of flowing floodwaters or from impact of debris associated with the floodwaters in a 1:100 year flood event.

REASON: To reduce the likelihood of damage from flood waters. Section 79C(1)(c) of the *Environmental Planning and Assessment Act 1979*, as amended.

6. Prior to the issue of a Construction Certificate the applicant/owner is to undertake the following;

- 1. An Aboriginal Heritage Information Management System search**
- 2. An assessment under Due Diligence Code of Practice, including, if necessary, a site inspection by a person with expertise in identifying Aboriginal Objects, e.g. an Aboriginal person, landholder or consultant.; and**
- 3. An assessment, based on the outcomes of 2 (above) is to be made on the possible presence/absence of Aboriginal objects. This must include an assessment on the need for a more detailed study, or justification on why more detailed study is not required**

This information must be provided to and approved by Council.

REASON: To ensure that Aboriginal sites are protected. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

7. A Construction Certificate will not be issued over any part of the site requiring a controlled activity approval under the Water Management Act 2000 until a copy of the approval has been provided to Council.

REASON: To ensure that the correct approvals are in place. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Commencement of Works

8. Prior to works commencing, 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 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 9. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, the attached 'Notice of Commencement of Building or Subdivision Works and Appointment of Principal Certifying Authority'.**

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. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 10. Prior to works commencing a container must be erected on site for the enclosure of all building rubbish and debris, including that which can be wind blown. The enclosure shall be approved by Council and be retained on site at all times prior to the disposal of rubbish at Council's Waste Management Centre.**

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 applicant must retain weighbridge certificates, receipts or dockets that clearly identify where waste has been deposited. Documentation must include quantities and nature of the waste. This documentation must be provided to Council prior to application for an Occupation Certificate for the development.

NOTE 3: 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 79C (1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 11. Prior to works commencing on site, 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 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 12.** The applicant must obtain a **CONSTRUCTION CERTIFICATE** pursuant to Section 109C 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.

NOTE 1: No building, engineering, excavation work or food premises fitout must 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.

NOTE 3: 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 Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

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 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 13.** Prior to the commencement of works erosion and sediment control measures are to be established and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's:-

- a) Erosion and Sediment Control Guidelines for Building Sites; and
 - b) Soils and Construction Volume 1, Managing Urban Stormwater
- Prior to commencement of works, a plan illustrating these measures shall be submitted to, and approved by, Council.

NOTE: All erosion and sediment control measures must be in place prior to earthworks commencing.

REASON: To ensure the impact of the work on the environment in terms of soil erosion and sedimentation is minimised. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 14. Prior to works or activities commencing within the road reserve approval under Section 138 of the Roads Act 1993 is required from Council.**

The applicant is required to submit and have approved a written application for Consent to Work on a Road Reserve. All works shall be carried out in accordance with the approved details. Please contact Council on 69595510.

REASON: It is in the public interest that proposed works being carried out within the road reserve, in association with the subject development, are assessed for compliance against relevant traffic management standards and the terms and conditions of the *Roads Act 1993*. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 15. The existing tree/s to be retained situated within the property of the proposed development shall be protected from all construction works.**

All care must be taken to protect existing trees from damage, including street trees and trees located adjacent to the proposed development. The developer shall identify all trees to be retained prior to commencement of construction works.

A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites.

REASON: Because it is in the public interest that the subject trees are protected. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended

- 16. Prior to the operation of pump station 1 the diesel pump in pump station 1 is to be replaced with an electric pump.**

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 79C(1)(b) and (e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 17. Prior to the commencement of works, an inspection of the current septic systems is to be undertaken by Council to ensure the system meets the appropriate standards and has the required approval. Any upgrades must be undertaken prior to the commencement of the operations on site.**

REASON: To comply with Division 7 of the Local Government (Approvals) Regulation 1999. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

During works

- 18. 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 80A(11) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 19. If the Council is appointed as the Principal Certifying Authority the applicant must obtain a Compliance Certificate pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, as amended, from Council or an accredited certifying authority, certifying compliance with the Building Code of Australia for the stages of construction listed in Column 1. For the purposes of obtaining the Compliance Certificate the works must be inspected by the accredited certifying authority at the times specified in Column 2.**

COLUMN 1	COLUMN 2
Footings	When the footings have been excavated and all steel reinforcement has been placed in position.
Slab	When reinforcement steel has been placed in position in any concrete slab, whether or not the slab is suspended, on the ground, or on fill.
Wall frame	When the frame has been erected and prior to sheeting and or brick veneer outer wall has been constructed and tied to the frame.
Roof frame	When external roof covering has been installed and prior to the installation of the ceiling lining and eaves soffit lining.
Drainage	When the stormwater and roof water drainage system has been completed.
Final	Required prior to occupation of the building

NOTE 1: A Final Occupation Certificate in relation to the building cannot be issued by Council or an accredited certifying authority until all Compliance Certificates required by this condition have been issued by, or registered with Council. The Applicant shall ensure that prior to or at the time of the application for Occupation Certificate that the application for —Occupation Certificate|| form attached to the Council issued Construction Certificate must be completed and submitted to Council with all required attachments – failure to submit the completed Occupation Certificate application form

will result in an inability for Council to book and subsequently undertake occupation certificate inspection.

NOTE 2: The above Compliance Certificates are required whether or not the work has been inspected by a Structural Engineer, a lending authority or any other person. If the Compliance Certificates are not issued Council may refuse to issue a Building Certificate under Section 149A of the *Environmental Planning and Assessment Act 1979*, as amended.

NOTE 3: Submission of the bracing plan and the Truss and Frame Certificate is required seven (7) working days before the frame inspection.

REASON: It is in the public interest that Compliance Certificates be issued for these components of the development, and Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

20. 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 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

21. The permitted construction hours are Monday to Friday 7.00am to 6.00pm and Saturday 7.00am to 5.00pm, excepting public holidays. The applicant must take all reasonable steps to minimise dust generation during the demolition and/or construction process. Demolition and construction noise is to be managed in accordance with the Office of Environment and Heritage Guidelines.

REASON: To ensure building works do not have adverse effects on the amenity of the area. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

22. In the event that any Aboriginal site is found in an area affected by works, work will immediately cease and the applicant will contact the Office of Environment and Heritage. Any works which may result in destruction or damage to known Aboriginal sites will require a Consent to Destroy from the Office of Environment and Heritage in accordance with Section 90 of the National Parks & Wildlife Act 1974.

REASON: To ensure that Aboriginal sites are protected. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

23. The river bank locations where works are taking place are to be revegetated and stabilised with appropriate native species.

REASON: To ensure the bank of the river is protected from erosion. Section 79C (1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

Prior to Operation

- 24. The applicant must obtain an Occupation Certificate, pursuant to Section 109C of the *Environmental Planning and Assessment Act 1979*, from either Council or an accredited certifying authority, prior to occupation of the building.**

In order to obtain this, the —Final Occupation Certificate form must be completed and submitted to Council with all required attachments – failure to submit the completed Occupation Certificate Application form will result in an inability for Council to book and subsequently undertake Occupation Certificate inspection. 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 79C (1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

General

- 25. Unless otherwise approved by Council, exterior colours and materials of the building must be of neutral tones and sympathetic with the surrounding environment.**

REASON: To ensure the exterior colour scheme is compatible with the character and amenity of the area. Section 79C(1)(a)(i) and (b) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 26. The Applicant is to ensure that should asbestos material be found, that it is handled, transported and disposed of in accordance with the legislative requirements and standards determined by NSW WorkCover.**

NOTE: All asbestos material needs to be double wrapped in 200µm thick plastic and disposed of at an EPA licensed facility.

REASON: It is in the public interest that water quality be to appropriate standards. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

- 27. The unsealed section of Dellapool Road from Buckingbong Road to the entrance of the property is to be maintained to the satisfaction of Council at full cost of the landowner for a period of three years from the date of this consent.**

REASON: It is in the public interest that the design of that aspect of the development complies with Council's Engineering Guidelines. Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, as amended.

28. Any proposed material that is to be brought onto the site is to be virgin excavated material as described by the Protection of the Environment Operations (waste) regulations 2005

REASON: To ensure that any fill is clean to protect from contamination . Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

29. All fuel, chemical and fertiliser storage must be above ground, self bunded and away from water courses

REASON: To ensure that the site is protected from contamination. Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, as amended.

General Terms of Approval

Our Reference:	40 ERM2013/0570	File No: 9057121-1
Site Address:	201 Dellapool Road, Sandigo	
DA Number:	DA 5-13/14	
LGA:	Narrandera Shire Council	

Number	Condition
Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 5-13/14 and provided by Council:</p> <p>(i) Site plan, map and/or surveys (Development Application – Statement of Environmental Effects – Proposed Hazelnut Development – “Dellapool”, Sandigo via Narrandera – Dated July 2013)</p> <p>(ii) Structural design and specifications (Drawing No.: 543426, 543427, 543428 & 543429)</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water.</p> <p>Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
5	<p>The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified</p>

Our Reference: 40 ERM2013/0570

File No: 9057121-1

Site Address: 201 Dellapool Road, Sandigo

DA Number: DA 5-13/14

LGA: Narrandera Shire Council

Number	Condition
	professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Reporting requirements	
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to the NSW Office of Water as required.
Excavation	
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	
Number	Condition
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA 5-13/14 and provided by Council:</p> <p>(i) Site plan, map and/or surveys (Development Application – Statement of Environmental Effects – Proposed Hazelnut Development – “Dellapool”, Sandigo via Narrandera – Dated July 2013)</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	Prior to the commencement of operations on the following parcels of land, Lot 1 DP 578526, Lot 6 DP 578526 and Lot 2 DP 608219, the consent holder must apply for an amendment to the appropriate water use approval.
3	The consent holder must make application to the NSW Office of Water to amend the appropriate water supply works approval prior to any intended changes to pump locations and/or pump size.
END OF CONDITIONS	

