

## NORTHERN JOINT REGIONAL PLANNING PANEL

Meeting held at Guyra Shire Council on Wednesday 19 November 2014 at 9.30am

Panel Members: Garry West (Chair), Pamela Westing, John Griffin

Apologies: Nil Declarations of Interest: Cr Hans Hietbrink, Cr Simon Murray, Cr Lee Martin

### Determination and Statement of Reasons

**2014NTH007 – Guyra Shire Council – DA47/2014 [at 4850 New England Highway, Guyra] as described in Schedule 1.**

**Date of determination:** 19 November 2014

**Decision:**

The panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

**Panel consideration:**

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

**Reasons for the panel decision:**

The principal reason for the panel decision was that following consideration by the Panel on 6 August 2014 a comprehensive Statement of Environmental Effects has been submitted and assessed by an independent assessing officer. Other reasons for the panel decision were:

- 1) The proposed development will generate positive economic and social impacts for Guyra;
- 2) The recommended conditions as amended will minimise the possible adverse impacts on nearby farming enterprises and residents;
- 3) The approval is limited to stage 1. Stage 2 will only proceed following the preparation of a Water Conservation and Management Plan which must be approved by Council and the NSW Office of Water and which demonstrates a sustainable water supply for the whole development.
- 4) Following issues relating to water sustainability raised by nearby farming operations the Panel relied on the issuance of GTAs' by the NSW Office of Water regulating the volume of groundwater extraction.

**Conditions:** The development application was approved subject to the conditions in Appendix A of the Council Assessment Report as amended at the meeting. The panel adopts the Council Assessment Report, and amended the recommended Conditions of Approval, for the following the reasons:

- 1) The recommended conditions were modified to clarify compliance with the Building Code of Australia;
- 2) Clarified the requirement for the Traffic Management Plan;
- 3) Allowing non-audible construction work to take place on Sundays or Public Holidays;
- 4) Amending the Operational Plan of Management to require a background noise assessment to establish baseline and amenity criteria.

The approved conditions are in schedule 2.

**Panel members:**



**Garry West**



**John Griffin**



**Pamela Westing**

## NORTHERN JOINT REGIONAL PLANNING PANEL

### SCHEDULE 1

1	<b>JRPP Reference – LGA – Council Reference:</b> 2014NTH007 Guyra Shire Council DA47/2014
2	<b>Proposed development:</b> Construction of a tomato farm in two stages, including construction of 4 x 5 hectare glasshouses and ancillary buildings for the growing, packaging and distribution of tomatoes.
3	<b>Street address:</b> 4850 New England Highway, Guyra
4	<b>Applicant/Owner:</b> Hill Lockart Architects/Tomato Exchange Pty Ltd, PG Bell, PG Bell Ltd, Crown
5	<b>Type of Regional development:</b> General development that has a capital investment value of more than \$20 million
6	<b>Relevant mandatory considerations:</b> <ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ Guyra Local Environmental Plan 2012</li> <li>○ State Environmental Planning Policy (Infrastructure) 2007</li> <li>○ State Environmental Planning Policy No. 33 – Hazardous and Offensive Development</li> <li>○ State Environmental Planning Policy No. 44 – Koala Habitat</li> <li>○ State Environmental Planning Policy No. 55 – Remediation of Land</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: Guyra Development Control Plan 2013</li> <li>• Planning agreements: Nil</li> <li>• Regulations: <ul style="list-style-type: none"> <li>○ Environmental Planning and Assessment Regulation 2000</li> </ul> </li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the EPA Act or EPA Regulation.</li> <li>• The public interest.</li> </ul>
7	<b>Material considered by the panel:</b> Council Assessment Report Dated 5 November 2014 Written submissions during public exhibition: 13 Verbal submissions at the panel meeting: Support- NIL; Against – 5 (Peter Wyatt, Richard Campbell, Andrew Campbell, Simon Croft & Shane Davidson); On behalf of the applicant – 2 (Kate Campbell, Town Planning Manager, Sixhills Group & Greg Hill, Hill Lockart Architects. Guyra Shire Council; Chris Pratt, Land Use Planner – Assessment on behalf of Guyra Shire Council & David Counsell, Acting Director of Engineering
8	<b>Meetings and site inspections by the panel:</b> Site visit on 6 August 2014; Public meetings on 6 August 2014 and 19 November 2014.
9	<b>Council recommendation:</b> Approval
10	<b>Draft conditions:</b> attached to Council's assessment report

**NORTHERN JOINT REGIONAL PLANNING PANEL**

**SCHEDULE 2**

## Recommended Conditions

<b>DEFINITIONS</b>	
<b>BCA</b>	Building Code of Australia
<b>CCC</b>	Community Consultative Committee
<b>Council</b>	Guyra Shire Council
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	<i>Environmental Planning and Assessment Regulation 2000</i>
<b>Land</b>	Land means the following lots; Lot 1 & 2 DP 1196363 Crown Road adjoining Lot 1 & 2 DP1196363 and Lot 6 DP755824 Lot 210 DP755824 Lot 4 DP755824 Lot 5 DP755824 Lot 6 DP755824 Lot 15 DP755824 Lot 267 DP 755824 Lots 305 to 308 DP755824 Lot 309 DP755824 Lot 12 DP800805
<b>Plans of Management</b>	Means the following plans as approved by Council: <ul style="list-style-type: none"><li>• Sediment and Erosion Control Plan</li><li>• Traffic Management Plan</li><li>• Construction Management Plan</li><li>• Operational Plan of Management</li><li>• Water Conservation and Management Plan</li></ul>
<b>Proponent</b>	The operator of the tomato farm

## PARAMETERS OF THIS CONSENT

1. The development is to be implemented in accordance with the plans and supporting documents set out in the following table except where modified by any conditions of this consent.

Plan No./ Supporting Document	Date and Version	Title	Prepared by
	17 Sept 2014	Statement of Environmental Effects and Appendices	SixHills Group
WD-00-100	09/09/2014 Rev. 2	Title Page	Hill Lockart Architects
WD-00-101	15/09/2014 Rev. 5	Locality Plan & Architects Impressions	Hill Lockart Architects
WD-00-102	15/09/2014 Rev. 7	Site Plan	Hill Lockart Architects
WD-00-103	09/09/2014 Rev. 2	Part Site Plan	Hill Lockart Architects
WD-00-104	09/09/2014 Rev. 2	Part Site Plan	Hill Lockart Architects
WD-00-105	15/09/2014 Rev. 3	Landscaping Plan	Hill Lockart Architects
WD-00-201	09/09/2014 Rev. 2	Site Elevations	Hill Lockart Architects
WD-02-101	09/09/2014 Rev. 2	Services - Locality Plan	Hill Lockart Architects
WD-02-102	15/09/2014 Rev. 3	Services - Site Plan	Hill Lockart Architects
WD-03-101	15/09/2014 Rev. 3	Administration – Site Map & Locality Key Plan	Hill Lockart Architects
WD-03-102	09/09/2014 Rev. 3	Administration – Part Site Plan	Hill Lockart Architects
WD-03-103	22/04/2014 Rev. 1	Administration – Floor Plan/Roof Plan & Door Schedule	Hill Lockart Architects
WD-03-201	22/04/2014 Rev. 1	Administration – Elevations Sections, Details	Hill Lockart Architects
WD-04-101	15/09/2014 Rev. 3	Packing Shed – Site Map and Locality Plan	Hill Lockart Architects
WD-04-102	09/09/2014 Rev. 3	Packing Shed – Part Site Plan	Hill Lockart Architects
WD-04-103	28/07/2014 Rev. 3	Packing Shed – Overall	Hill Lockart Architects

<b>Plan No./ Supporting Document</b>	<b>Date and Version</b>	<b>Title</b>	<b>Prepared by</b>
		Floor Plan	
WD-04-201	28/07/2014 Rev. 3	Packing Shed – Elevations	Hill Lockart Architects
WD-05-101	15/09/2014 Rev. 3	Staff Building – Site Map and Locality Key Plan	Hill Lockart Architects
WD-05-102	30/06/2014 Rev. 2	Staff Building – Part Site Plan	Hill Lockart Architects
WD-05-103	22/04/2014 Rev. 1	Staff Facilities Building – Floor Plan	Hill Lockart Architects
WD-05-201	22/04/2014 Rev. 1	Staff Facilities Building – Elevations/ Window Schedule	Hill Lockart Architects
WD-06-101	15/09/2014 Rev. 3	Glass House Store and Links – Site Map & Locality Key Plan	Hill Lockart Architects
WD-06-102	16/07/2014 Rev. 1	Glass House Store & Links – Part Site Plan	Hill Lockart Architects
WD-06-103	16/07/2014 Rev. 1	Glass House Store– Floor Plan	Hill Lockart Architects
WD-06-104	22/04/2014 Rev. 1	Links – Floor Plan	Hill Lockart Architects
WD-06-201	22/04/2014 Rev. 1	Glass House Store – Elevations	Hill Lockart Architects
WD-06-202	22/04/2014 Rev. 1	Links – Elevations	Hill Lockart Architects
WD-07-101	15/09/2014 Rev. 3	Workshop Building – Site Map & Locality Key Plan	Hill Lockart Architects
WD-07-102	28/07/2014 Rev. 3	Workshop Building – Part Site Plan	Hill Lockart Architects
WD-07-103	02/09/2014 Rev. 4	Workshop Building – Floor Plan	Hill Lockart Architects
WD-07-105	28/07/2014 Rev. 3	R.O Building – Floor & Roof Plans	Hill Lockart Architects
WD-07-106	04/08/2014 Rev. 5	MSB Building – Floor & Roof Plans	Hill Lockart Architects
WD-07-201	02/09/2014 Rev. 4	Workshop Building –	Hill Lockart Architects

<b>Plan No./ Supporting Document</b>	<b>Date and Version</b>	<b>Title</b>	<b>Prepared by</b>
		Elevations	
WD-07-203	28/07/2014 Rev. 3	R.O Building – Elevations & Sections	Hill Lockart Architects
WD-07-204	04/08/2014 Rev. 5	MSB Building – Elevations & Section	Hill Lockart Architects
WD-08-101	15/09/2014 Rev. 2	Boiler Sheds – Site Map & Locality Key Plan	Hill Lockart Architects
WD-08-102	09/09/2014 Rev. 3	Boiler Sheds – Part Site Plan	Hill Lockart Architects
WD-08-103	09/09/2014 Rev. B	Coal Boiler Shed – Floor & Plan	Hill Lockart Architects
WD-08-104	04/07/2014 Rev. A	Gas Boiler Shed – Floor & Roof Plan	Hill Lockart Architects
WD-08-201	09/09/2014 Rev. B	Coal Boiler Shed – Elevations & Section	Hill Lockart Architects
WD-08-202	07/07/2014 Rev. A	Gas Boiler Shed – Elevations & Section	Hill Lockart Architects
	16 October 2014	Additional information for the NSW Office of Water	Kelly Covey Group
	22 October 2014	Review of air emissions from boiler operations	GHD

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

The approved plans and supporting documents endorsed with the Council stamp and authorised signature must be kept on site at all times while work is being undertaken.

2. Development consent is granted based on the development via the following two stages:

Stage 1:

- ☐ 2 x 5 hectare glasshouses;
- ☐ Administration building;
- ☐ Staff facilities;
- ☐ Workshop;
- ☐ Storage building;
- ☐ Packing shed and cool rooms;
- ☐ Site works including road upgrades, access road and car parking.

Stage 2:

- ☐ 2 x 5 hectare glasshouses;
  - ☐ Additional staff facilities;
  - ☐ Storage building;
  - ☐ Site works including road upgrades and car parking.
3. Integrated development approval under Water Management Act 2000 is issued concurrently with this development consent. The conditions of this approval are listed at the end of this consent.
  4. The number of non-operational visitors to the site is to be limited to ten vehicles per day without obtaining further development consent.
  5. (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
    - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
    - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
 (1A) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia*.
 (2) This clause does not apply:
    - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
    - (b) to the erection of a temporary building, other than a temporary structure to which sub clause (1A) applies.
 (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application is made for the relevant:
    - (a) development consent, in the case of a temporary structure that is an entertainment venue, or
    - (b) construction certificate, in every other case.
 Note. There are no relevant provisions in the *Building Code of Australia* in respect of temporary structures that are not entertainment venues.
  6. (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
 (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
    - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
    - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
    - (c) stating that unauthorised entry to the work site is prohibited.
 (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.



- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note.** *Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

- 7. The town potable water service proposed for the development is only to be available for staff amenities, cleansing of amenities and offices and storage for emergency fire purposes. Use of potable town water service is not permitted for irrigation or treatment of tomatoes. This is a private water supply connection and no other property may be connected to this water supply connection.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR ANY BUILDING FOUNDATIONS IN STAGE 1 OF THE DEVELOPMENT**

- 8. All lot boundary adjustments and/or easements necessary to enable the establishment and ongoing operation of the tomato farm are to be created on the respective tiltes. This includes lot boundary adjustments and/or easements to:
  - a. Establish legal and practical access from Lot 2 DP 1196363 to the New England Highway;
  - b. Provide legal unimpeded access to allow maintenance of all stormwater catchment drains that are required to be located outside the boundary of Lot 2 DP 1196363;
  - c. Dedication to Council of land for any road widening along the New England Highway to establish adequate access to the property; and
  - d. Easements for both the sewer and water supplies from Council's systems to the land.

The section of Crown Road reserve required to permit the development must be legally created and consolidated with Lot 2 DP 1196363.

- 9. A Section 94A Contribution is to be paid to Council amounting to 1% of the development cost to carry out the development pursuant to Council's *Section 94A Development Contributions Plan 2006*. The contribution will be applied to the provision or augmentation of existing public facilities.

To estimate the amount of the levy it will be necessary for a Cost Estimate Report to be prepared by a registered quantity surveyor, in accordance with Schedule 3 of Council's *Section 94A Development Contributions Plan 2006*. The payments may be staged in accordance with the approved staging of works via this consent and a formal agreement for payment must be approved by Council prior to the issue of any Construction Certificate

- 10. A cash bond or bank guarantee of \$50,000 is to be provided to Council as guarantee against damage to surrounding public land and infrastructure during construction of the proposed development. Evidence is to be provided to Council indicating the pre development condition of the surrounding public land and infrastructure. Such

evidence must include photographs. The proponent will be held responsible for the repair of any damage to roads, kerb and gutters, footpaths, driveway crossovers or other assets caused as a result of construction works under this consent.

This cash bond or bank guarantee will be held until Council is satisfied that the infrastructure is maintained/repared to pre development conditions and that no further development work is to be carried out that may result in damage to Council's roads, footpaths etc.

11. The developer and/or contractor must produce evidence to the Principal Certifying Authority of public liability insurance cover for a minimum of \$10 million. Council is to be nominated as an interested party on the policy.
12. Consent from Council must be obtained for a Traffic Management Plan . The Traffic Management Plan is to include the measures to be employed to control traffic (inclusive of construction vehicles) during construction of the development. The traffic control plan is to be designed in accordance with the requirements of the Roads and Traffic Authority's Manual, *Traffic Control at Work Sites Version 2*, and Australian Standard 1742.3 - 1985, *Manual of Uniform Traffic Control Devices Part 3, 'Traffic Control Devices for Works on Roads'*.

The Traffic Management Plan must incorporate measures to ensure that motorists using the road adjacent to the development, residents and pedestrians in the vicinity of the development are subjected to minimal time delays due to construction on the site or adjacent to the site.

The Traffic Management Plan is to be prepared by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field. The Traffic Management Plan must include a traffic control plan prepared by an accredited person.

13. A Long Service Levy must be paid to the Long Service Payments Corporation. This amount payable is currently based on 0.35% of the cost of the work. This is a State Government Levy and is subject to change. These payments may be made directly to the Long Service Corporation.
14. The submission of a detailed Construction Management Plan for the approval of the Council, prior to the issue of a Construction Certificate for the development, to ensure that work is undertaken safely and to minimise nuisance to the surrounding area during all construction/work on site. This Plan must include, as a minimum, provision for:
  - a. Off-street parking for employees, contractors, sub-contractors and visitors to the site;
  - b. Site access for construction vehicles and equipment;
  - c. Storage and removal strategies for construction wastes;
  - d. Measures to ensure the L10 noise level measured over a period of not less than fifteen (15) minutes when the construction site is in operation does not exceed the background level by more than 10 dB(A);
  - e. Construction works not to unreasonably interfere with the amenity of the neighbourhood. In particular construction noise, when audible on adjoining residential premises, can only occur Monday to Saturday, from 7 am to 6 pm.  
;
  - f. Provision of sanitary amenities and ablution facilities for employees. Toilet facilities are to be provided, at or in the vicinity of the work site 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 toilet connected to an accredited sewage management system approved by the Council;

- g. Fire precautions during construction;
- h. Dust suppression;
- i. Fencing and security details safeguarding both contractors and the public while works are being carried out in any road reserve. Contractor must endeavour to minimise disturbance to pedestrian / vehicle traffic in the vicinity of the site;
- j. Details of all construction-related signs;
- k. Careful management of construction activities to prevent any contaminant discharge from the site (including oils, fuels, paints or chemicals), particularly with respect to excess concrete or concrete truck washings; and
- l. Location of all public utility facilities and methods of protecting them.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR THE REMAINDER OF STAGE 1 OF THE DEVELOPMENT WHERE RELEVANT TO THE CONSTRUCTION CERTIFICATE TO BE ISSUED. ALL CONDITIONS MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE LAST CONSTRUCTION CERTIFICATE FOR STAGE 1.**

- 15. Compliance with condition Nos 8 to 14.
- 16. The application for a Construction Certificate is to include a Sediment and Erosion Control Plan that indicates the measures to be employed to effectively control erosion and loss of sediment from the site. Control over discharge of stormwater and containment of run-off and pollutants leaving the site must be undertaken through the installation of erosion control devices such as catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins. The Sediment and Erosion Control Plan is to be designed in accordance with the requirements of the Landcom Blue Book, "Soils and Construction -Managing Urban Stormwater".

The Sediment and Erosion Control Plan is to be prepared by a suitably qualified person that has appropriate experience and competence in the related field.

The plans must be in compliance with Council's current Adopted Engineering Standard. Such plans and specifications must be approved as part of the Construction Certificate.

- 17. An approval under Section 68 of the Local Government Act 1993 to carry out water supply work and sewerage work must be obtained for the connection of the development to Council's water and sewer systems.

These are private connections to Council's systems and must be provided and maintained at the cost of the Proponent.

The sewage disposal system must be designed to ensure that sewage does not remain within that system for longer than four (4) hours to ensure that the sewage is kept in an aerobic state.

Sewerage connection to the Council reticulation system must be designed to connect to the existing gravity sewer access point "BD01A" at the corner of Falconer Road and the New England Highway, or by other connection approved by Council.

18. For all construction work required on Council road reserves (eg. vehicular footpath crossings, utilities and stormwater work, footpath paving, kerb and gutter etc.), the Applicant is to submit an Application to Council as the roads authority pursuant to Section 138 of the Roads Act 1993 and obtain approvals for all such proposed work.
19. The application for a Construction Certificate is to include plans and specifications that indicate access and facilities for persons with access disabilities to and within the development in accordance with AS 1428.1 - *Design for Access and Mobility* and Part D3 of the *Building Code of Australia*. Such plans and specifications must be approved as part of the Construction Certificate.
20. The application for a Construction Certificate is to include a schedule of building colours and materials consistent with the plans approved via this consent.
21. The application for a Construction Certificate is to include plans and specification that indicate access, parking and manoeuvring details in accordance with the plans approved by this consent. The access, parking and manoeuvring for the site is to comply with the relevant Australian Standards for car parking.

The internal access road design from the Highway intersection is to be in accordance with Austroads Rural Road Design. The access formation works must be designed within one (1) metre of clear undisturbed vegetation zone to any property boundary. The main access road is to be designed and constructed in accordance with the requirements for use by B Double trucks. Driveway connections within the site to the access road are to be appropriately divided to accommodate two-way traffic and must adequately facilitate the turning paths of the largest design vehicle requiring access to that section of the site.

The internal access road design is to include a vegetated screen to protect Highway traffic from the impact of headlight glare of any vehicles using the access road other than the actual Highway intersection. It is noted that electricity line runs parallel to the New England highway. Plantings need to be located to be provided the separation distance from that electricity line that meets the requirements of the electricity authority. As such, the proposed eastern boundary of the access handle running parallel to the highway is to be widened to accommodate separation distance, plantings and road construction. The screening is also to consider the impact of headlight glare of any vehicles using the access road upon nearby public roads including Llangothlin Road and Crystalbrook Road.

Plans are to include, but not be limited to, the following items:

- a) pavement description;
- b) site conditions affecting the access;
- c) existing and design levels;
- d) longitudinal section from the road centreline to the car space(s);
- e) cross sections at appropriate intervals, with a maximum separation of 15 metres;
- f) drainage (pipes, pits, on-site detention, etc.);
- g) Car spaces and access paths to buildings for people with access disabilities in accordance with AS1428;
- h) turning paths; and
- i) linemarking and signs.

The engineering plans and specifications are to be designed by a qualified practising Civil Engineer. The Civil Engineer is to be a corporate member of the Institution of Engineers Australia or is to be eligible to become a corporate member and have appropriate experience and competence in the related field.

Such plans and specifications must be approved as part of the Construction Certificate.

22. The application for a Construction Certificate is to include plans and specifications that indicate the landscaping of the site.

The landscaping must be designed achieve the following criteria:

- a) provide areas of landscaping at least to the extent shown on the Hill Lockhart Architects *Landscape Plan* (C1513 WD-00-105 dated 15/09/2014) however must be spaced and located to maximise screening whilst mimicking natural vegetation communities. In particular nine (9) clustered landscape plots must be provided. These clustered landscape plots must:
  - (1) have a minimum area of 1000 m<sup>2</sup>,
  - (2) have a minimum width of 25 metres,
  - (3) have a minimum mature canopy cover of seventy percent,
  - (4) consist of trees with a minimum mature height of 10 metres,
  - (5) be strategically spread out such that six (6) clustered landscape plots are located around the perimeter of the buildings and three (3) along the access road.
- b) provide for effective screening of any undue glare received by any motorist on a surrounding public road or any resident in a nearby dwelling within one growing season of the erection of the greenhouses;
- c) be predominately of a species type and distribution that replicates the vegetation communities on and within the vicinity of the land. This must include a predominance of the eucalyptus species identified by Melaleuca Enterprises Environmental Services Consultancy Services in their *Koala Habitat Assessment* of the land dated 16 October 2013;
- d) consist of approximately 50% of seed or rootstock derived from provenance within the boundaries of the development site or the locality; and
- e) be functional and safe.

The plan is to be prepared by a suitably qualified landscape architect and/or ecologist who has appropriate experience and competence in landscaping. Such plans and specifications must be approved as part of the Construction Certificate and must include.

- I. proposed location for planted shrubs and trees;
- II. botanical name of shrubs and trees to be planted;
- III. mature height of trees to be planted;
- IV. location of grassed and paved areas;
- V. location of trees identified for retention;
- VI. type and the duration of fencing required to protect planted areas; and
- VII. the maintenance regime required to ensure the planted landscape reaches maturity.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE FOR STAGE 2 OF THE DEVELOPMENT**

22. A Water Conservation and Management Plan for the entire 20 ha tomato farm is to be prepared by an independent suitably qualified person/s approved by Council. The Water Conservation and Management Plan is to demonstrate a sustainable water supply strategy that provides long term water security for the required water needs for the operation of the entire tomato farm. Though the strategy may include the staged or reduce development of Stage 2 whereby only one further 5 ha greenhouse is constructed.

The water supply strategy must consider the future impacts of climate change.

The Water Conservation and Management Plan must be approved by Council and the NSW Office of Water.

23. Compliance with condition Nos 15 to 21.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO COMMENCEMENT OF ANY WORKS AUTHORISED BY THIS CONSENT**

24. The public liability insurance cover, for a minimum of \$10 million, is to be maintained for the duration of the construction of the development.
25. A sign or signs must be erected before the commencement of the work in a prominent position at the frontage to the site:
- i) showing the name, address and telephone number of the principal certifying authority for the work, and
  - ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - iii) stating that unauthorised entry to the work site is prohibited.

The sign is to be maintained while the building work is being carried out, but must be removed when the work has been completed. No sign is to have an area in excess of one (1) m<sup>2</sup>.

**THE FOLLOWING CONDITIONS ARE TO BE COMPLIED WITH PRIOR TO COMMENCEMENT OF THE TOMATO FARM OPERATIONS**

26. The Section 94A Contributions must be paid in full in accordance the formal payment agreement approved by Council.
27. All of the works indicated on the plans and granted by this consent and development consent 4/2014 (Bulk Earthworks) and any other consents that are necessary for the completion of this development, are to be completed and approved by the relevant consent authority/s prior to the issue of an Occupation Certificate. The cash bond or bank guarantee for this application will be held until Council is satisfied that no further works are to be carried out that may result in damage to Council's road/footpath reserve.
28. The site must be landscaped in accordance with the approved landscape plan.

29. The car parking areas are to be constructed in accordance with the approved plans. Signs are to be erected clearly indicating the availability of off-street parking and the location of entry/exit points, visible from both the New England Highway and the subject site.
30. If at any time it is proposed to burn the tomato plant waste in the coal boiler that waste must not be burnt until such time as the proponent has sought and gained written approval from Council. To gain such approval the proponent must provide a report by an independent suitably qualified person/s approved by Council setting out how the burning of the tomato plant waste can be carried out in accordance with the Clean Air Regulations or other current relevant State regulations. The report must also set out the handling and storage of the tomato plant waste waiting to be burnt. Procedures approved by Council pursuant to this condition must be incorporated into the Operational Plan of Management.
31. The permanent access intersection with the New England Highway must be fully completed and operational. This permanent access is to be located generally in accordance with the concept design demonstrated in Appendix C of the supporting *Traffic Impact Assessment* and dated 16 September 2014 or at an alternative location specified by Roads and Maritime Services. Such works are to be designed and constructed in accordance with current Austroads Guidelines, Australian Standards and Roads and Maritime Services (RMS) Supplements.

This access is to;

- a. Provide Austroads channelised right turn (CHR) deceleration lane for northbound traffic, and
- b. Provide Austroads auxiliary left turn (AUL) deceleration lane for southbound traffic, and
- c. Meet Austroads design requirements right turn movements entering the north bound lane from the development site.

No works are to commence on the New England Highway until approval to commence has been obtained in writing from Roads and Maritime Services. The proponent must enter into a "Works Authorisation Deed" (WAD). To initiate the Works Authorisation Deed (WAD) the developer will be required to submit to Roads and Maritime Services concept design plans of all conditioned road works on the New England Highway.

Where the northern end of any works related to north bound traffic movements occur within 100 metres of Crystalbrook Road, the design must include the reconstruction of the intersection of Crystalbrook Road and the New England Highway to provide an Austroads sealed left turn (BAL) treatment for northbound traffic in accordance with Austroads Guide to Road Design Part 4A.

A pre-qualified contractor will be required to complete all conditioned works under the WAD to practical completion, as determined by Roads and Maritime. The developer will be responsible for all costs associated with the works and the administration of the WAD process.

32. The temporary construction access on the New England Highway is to be legally and physically closed. Alternatively, the temporary construction access may be retained where it is upgraded to an Austroads Rural Property Access and used only as a secondary access for emergency vehicles.

33. Appropriate signs are to be erected to direct visitors to internal parking areas. Any signs proposed for the New England Highway to direct visitors to the site must have the approval of the Roads and Maritime Services.
34. An Operational Plan of Management is to be prepared and approved by Council. The tomato farm Operational Plan of Management is to include:-
- a) the objectives and overall strategic framework for environmental management of the tomato farm,
  - b) arrangements for an annual audit of operations to be submitted by the Proponent to Council by 31 January in each year, after the commencement of tomato farm operations. This audit must:
    - I. include a comprehensive review of the monitoring results and complaint records of the project over the past year, which includes a comparison of these results against the relevant statutory requirements, limits or performance measures/criteria;
    - II. a comparison with the monitoring results of previous years;
    - III. the relevant predictions in the Plans of Management;
    - IV. identify any non-compliance over the last year, and describe what actions were (or are being) taken to ensure compliance;
    - V. identify any trends in the monitoring data over the life of the project;
    - VI. identify any discrepancies between the predicted and actual impacts of the project, and analyse the potential cause of any significant discrepancies; and
    - VII. describe what measures will be implemented over the next year to improve the environmental performance of the project.

This annual audit is to include an update of the tomato farm Operational Plan of Management. This audit is to be undertaken by an independent suitably qualified practitioner approved by Council.

The required ameliorative measures identified in the audit, and as agreed with by Council, are to be implemented.

- c) procedures where by the Proponent must notify, at the earliest opportunity, the Council and any other relevant agencies of any incident that has caused, or threatens to cause, material harm to the environment. For any other incident associated with the development, the Proponent must notify the Council and any other relevant agency as soon as practicable after the Proponent becomes aware of the incident. Within 7 days of the date of the incident, the Proponent must provide the Council and any relevant agencies with a detailed report on the incident, and such further reports as may be requested;
- d) the recommendations of *Hazardous Chemicals Storage and Segregation* report by Noel Arnold & Associates Pty Ltd dated July 2014 and the additional recommendations in their email to Costa at 10:32 AM on 21 October 2014;
- e) restriction of the hours of operation to between 7am and 6pm Monday to Saturday and with no work on Sundays and public holidays for activities that will generate noise that will be audible on adjoining residential premises;
- f) the effectiveness of the site landscaping and any adjustments required to achieve the criteria for the landscape plan in this consent;



- g) measures to reduce any undue glare from the glass houses received by any motorist on a surrounding public road or any resident in a nearby dwelling, particularly while the landscaping is maturing;
- h) management of stormwater from the site such that it is disposed of without causing nuisance to adjoining properties or pollution to natural waterways. Such measures must be in accordance with the *Stormwater Drainage and Water Management Strategy for the Proposed Costa Exchange Tomato Farm* by Kelley Covey Group Pty Ltd dated September 2014;
- i) a continuous review of ground water availability and depletion rates and assessment of downstream flow changes. Where it is determined that ground water and surface water flows are depleted the measures proposed to ensure continuous sustainable water resource use;
- j) measures to conserve water and in particular potable water supplied from Council's water supply system;
- k) measures to ensure lighting used on site in connection with the development complies with AS 4282 (current edition) – Control of the Obtrusive Effects of Outdoor Lighting, to protect the amenity of the locality;
- l) measures to ensure all vehicles and machines used as part of the operation comply with the *Protection of the Environment Operations Act 1997* and all regulations made under that Act and be fitted with properly maintained emission controls relevant to their date of manufacture;
- m) control of site access and parking;
- n) A Code of Conduct for Heavy Vehicle Operators and Staff;
- o) an induction process relating to the Code of Conduct for Heavy Vehicle Operators and Staff;
- p) Emergency Access Procedures;
- q) Occupational Health and Safety and NSW Workcover matters and requirements that are to be implemented;
- r) measures for waste minimisation, measures to separate recyclable materials and the methods for the storage and collection of waste and recyclable materials containers from the site; and
- s) periodic boiler stack monitoring and testing to ensure the stacks are operating efficiently and that the discharge limits are minimising air pollution in accordance with Section 128 of the *Protection of the Environment Operations Act 1997*.
- t) A noise assessment by a suitably qualified and experienced noise consultant to establish the daytime, evening and night time background noise criteria to be used as a basis for the assessment of the noise impacts of the tomato farm.

**THE FOLLOWING CONDITIONS MUST BE COMPLIED WITH BY THE PROPONENT AT ALL TIMES:**

- 35. The Proponent must implement all the Plans of Management prepared and approved as part of this consent. The Plans of Management must be so implemented to achieve the objectives of those plans and so as to prevent or minimise any harm to the environment or adverse impact on any neighbouring land and/or resident that may result from the construction and/or operation of the tomato farm.

36. Water efficient devices, with a AAA rating, must be installed for all staff facilities, including:
- a) Pressure limiting valves;
  - b) Waterless urinals;
  - c) Dual flush toilet systems, and
  - d) Water efficient shower nozzles.

The male toilets shown on the approved plans must be replaced with waterless urinals to the maximum extent allowable under the provisions of the BCA. All staff hot water systems are to have a minimum rating of 3.5 stars.

37. The town water supply connection is to be operated to limit potable water supply to the site to 25 kl on any day and to a maximum potable water usage allocation of 8 ML in any one calendar year.
38. If at any time the residents of a dwelling house within 2km of the boundary of the tomato farm believe that the tomato farm is not operating in accordance with approved noise limits they may engage an independent noise consultant to carry out a noise assessment at their dwelling house. The noise consultant must be a consultant that Council has previously agreed is a suitably qualified and experienced noise consultant. The resident may call out the noise consultant without any reference to the Council or the Proponent. The parameters of the noise assessment carried out by the independent noise consultant must be as previously agreed by Council.

The cost of engaging the noise consultant is to be met by the Proponent. The Proponent is not required to meet the cost of the independent noise consultant if the resident, or other resident of that dwelling house, has previously engaged the independent noise consultant on three occasions when it has been found the tomato farm is operating in accordance with approved noise limits. The Proponent is to maintain a deposit of funds with Council of a minimum \$10,000 to meet the cost of the engagement of an independent noise consultant. The fund is to be maintained with Council while ever residents can call out the independent noise consultant under the provisions of this condition or until such time that Council is satisfied that the tomato farm has been operating for a period of two years without any complaint from a resident pursuant to this condition.

39. The Proponent must establish a Community Consultative Committee (CCC) for the Project to the satisfaction of the Council. This CCC must be operated in general accordance with the Guidelines for Establishing and Operating Community Consultative Committees for Mining Projects (Department of Planning, 2007, or its latest version) to the satisfaction of the Council. The Committee must comprise an independent chair and at least one representative from the Proponent and Council and two adjoining landowners.
40. All approved landscaped areas are to be maintained in perpetuity by the proponent.
41. Access/facilities for people with disabilities are to be provided in accordance with the Building Code of Australia and maintained thereafter.
42. The Proponent must ensure that all State and Federal statutory requirements are met, with copies of all issued licenses, approvals and notices to be provided to Council within fourteen (14) days of their issue.

## **GENERAL TERMS OF APPROVAL**

**General Terms of Approval  
for work requiring a controlled activity approval  
under s91 of the *Water Management Act 2000***

**Our Reference:** 90 ERM2014/0922  
**Site Address:** 4774 New England Highway, Guyra NSW 2365  
**DA Number:** DA47/2014  
**LGA:** Guyra Shire Council

Number	Condition
<b>Plans, standards and guidelines</b>	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA47/2014 and provided by Council:</p> <ul style="list-style-type: none"> <li>(i) Site plan, map and/or surveys</li> <li>(ii) Erosion and Sediment Control Plan</li> <li>(iii) Rehabilitation Plan</li> </ul> <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. 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>
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none"> <li>(i) Erosion and Sediment Control Plan</li> </ul>
4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at <a href="http://www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx">www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</a></p> <ul style="list-style-type: none"> <li>(i) Vegetation Management Plans</li> <li>(ii) Laying pipes and cables in watercourses</li> <li>(iii) Riparian Corridors</li> <li>(iv) In-stream works</li> <li>(v) Outlet structures</li> <li>(vi) Watercourse crossings</li> </ul>
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 professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.</p>
<b>Rehabilitation and maintenance</b>	
6	<p>The consent holder must carry out a maintenance period of two (2) years after</p>

**Our Reference:** 90 ERM2014/0922  
**Site Address:** 4774 New England Highway, Guyra NSW 2365  
**DA Number:** DA47/2014  
**LGA:** Guyra Shire Council

Number	Condition
	practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
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.
<b>Reporting requirements</b>	
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.
<b>Security deposits</b>	
9	N/A
<b>Access-ways</b>	
10	N/A
11	N/A
<b>Bridge, causeway, culverts, and crossing</b>	
12	N/A
13	N/A
<b>Disposal</b>	
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
<b>Drainage and Stormwater</b>	
15	N/A
16	N/A
<b>Erosion control</b>	
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
<b>Excavation</b>	
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.
19	The consent holder must ensure that any excavation does not result in (i) diversion of any river (ii) bed or bank instability or (iii) damage to native vegetation

**Our Reference:** 90 ERM2014/0922  
**Site Address:** 4774 New England Highway, Guyra NSW 2365  
**DA Number:** DA47/2014  
**LGA:** Guyra Shire Council

Number	Condition
	within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
<b>Maintaining river</b>	
20	N/A
21	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.
<b>River bed and bank protection</b>	
22	N/A
23	N/A
<b>Plans, standards and guidelines</b>	
24	N/A
25	N/A
26	N/A
27	N/A
<b>END OF CONDITIONS</b>	

## General Terms of Approval

### for a licence under the *Water Act 1912*

<b>Our Reference:</b>	90 ERM2014/0922
<b>Site Address:</b>	4774 New England Highway, Guyra NSW 2365
<b>DA Number:</b>	DA47/2014
<b>LGA:</b>	Guyra Shire Council

#### **General Conditions (all approvals)**

The purposes of these conditions are to:

- Define certain terms used in other conditions;
- Specify the need to obtain a license, permit or authority before commencing any works;
- Specify that, in most cases an approval will only be issued to the occupier of the lands where the works are to be located (as required by the *Water Act*);
- Require existing approvals to be cancelled or let lapse when a license is issued (if applicable);
- Require the safe construction and operation of all works;
- Require the use of appropriate soil conservation measures;
- Limit vegetation destruction or removal to the minimum necessary;
- Require the separate authorisation of clearing under the *NVC Act*;
- Allow conditions to be imposed for management of fuel (petroleum).

In the following conditions relating to an approval under the *Water Act 1912*;

‘the department’ means the department administering the *Water Act 1912*;

‘approval’ means a license, permit, authority or approval under that Act;

‘river’ has the same meaning as in Section 5 of the *Water Act 1912*;

‘work’ means any structure, earthwork, plant or equipment authorised under the approval to be granted, as defined in Section 5 and 105 of the *Water Act 1912*;

‘controlled work’ means any earthwork, embankment or levee as defined in Section 165 of the *Water Act 1912*.

1. Before commencing any works or using any existing works for the purpose of irrigation an approval under Part V of the *Water Act 1912* must be obtained from the department. The application for the approval must contain sufficient information to show that the development is capable of meeting the objectives and outcomes specified in these conditions.
2. An approval will only be granted to the occupier of the lands where the works are located, unless otherwise allowed under the *Water Act 1912*.
3. When the department grants an approval, it may require any existing approvals held by the applicant relating to the land subject to this consent to be surrendered or let lapse.
4. All works subject to an approval shall be constructed, maintained and operated so as to ensure public safety and prevent possible damage to any public or private property.
5. All works involving soil or vegetation disturbance shall be undertaken with adequate measures to prevent soil erosion and the entry or sediments into any river, lake, waterbody, wetland or groundwater system.

6. The destruction of trees or native vegetation shall be restricted to the minimum necessary to complete the works.
7. All vegetation clearing must be authorised under the Native Vegetation Conservation Act 1997, if applicable.
8. The approval to be granted may specify any precautions considered necessary to prevent the pollution of surface water or groundwater by petroleum products or other hazardous materials used in the construction or operation of the works.
9. A license fee calculated in accordance with the Water Act 1912 must be paid before a license can be granted.

### **Conditions of Water Use (including irrigation)**

The purpose of these conditions are to:

- Allow the department to obtain an accurate measure of water use where necessary;
  - Specify the purpose(s) for which the water may be used;
  - Specify conditions to protect water quality and the environment;
  - Specify the maximum rate that water may be taken from the water source;
  - Specify the limitations of when water may be taken from the water source;
  - Ensure proper management of tailwater drainage;
  - Ensure accessions to groundwater systems are restricted.
1. If and when required by the department, suitable devices must be installed to accurately measure the quality of water extraction or diverted by the works.
  2. All water measuring equipment must be adequately maintained. It must be tested as and when required by the department to ensure its accuracy.
  3. The water extracted under the approval to be granted shall be used for the purposes of irrigation, farming & industrial use and for no other purposes. A proposed change in purpose will require a replacement license to be issued.
  4. In order to protect the environment and the interests of other water users the approval may further specify how the water may be used (such as the type of crops irrigated) and the land on which it may be used.
  5. The use of water shall be conditional on no tailwater drainage being discharged into or onto:
    - Any adjoining public or crown road;
    - Any other person's land;
    - Any crown land;
    - Any river, creek or watercourse;
    - Any groundwater aquifer;
    - Any area of native vegetation;
    - Any wetlands.

## **1 Conditions for Bores and Wells**

### **1.1 See also 'general conditions' and 'conditions for water use'**

The purpose of these conditions are to:

- Set a limited period for bore construction;
- Require the bore to be properly completed and sealed;
- Require certain information to be provided on completion of the work, including a location plan;
- Allow NSW Office of Water access for inspection and testing;
- Restrict the bore diameter;
- Specify procedures if saline or polluted water found;
- Specify procedures if the bore is abandoned;
- Require advice if water found;
- Specify volumetric allocation for each purpose of the entitlement;
- Specify distances works to be sited from boundaries, streams other bores etc;
- Identify lands that may be irrigated;
- Specify a volumetric allocation for the works purpose;
- Overdraw rights?;
- Allow NSW Office of Water to alter the allocation at any time;
- Provide for a review of allocation if any subdivision occurs;
- Require regular measuring of water levels to provide information needed to manage aquifers.

1. Works for construction of the bore must be completed within such period as specified by the department.
2. The department must be notified if a supply of useable water is obtained and the bores shall then be suitably lined and capped to the standard required by the department.
3. Within two months after the works are completed the department must be provided with an accurate plan of the location of the works and notified of the results of any pumping tests, water analysis and other details as are specified in the approval.
4. The work must be at least:
  - 100 metres from any boundary of the property (unless agreement in writing is given by the neighbour for a lesser distance);
  - 400 metres from any irrigation bore on any adjoining property;
  - 500 metres from the town water supply bore;
  - 400 metres from any department observation bore;
  - 40 metres from the nearest bank or any river or creek.
5. Officers of the department or other authorised persons must be allowed full and free access to the works for the purpose of inspection and testing.
6. All works must be constructed and maintained to properly control the water extracted to prevent wastage or any reduction in quality of the sub-surface water. The department may direct that any necessary repairs or alterations be undertaken to maintain the works in good working order (*is this adequately covered elsewhere?*)
7. The inside diameter of any casing used to line the bore must not exceed 200mm .
8. Any saline or polluted water located above a producing aquifer must be sealed by the use of cemented casing as specified by the department.
9. If the bore ceases to be productively used, the department must be notified and the aquifer must be sealed by a method acceptable to the department.



10. Any water extracted by the works must not be discharged into any watercourse or groundwater if it would pollute that water.
11. The volume of groundwater extracted as authorised must not exceed **88 megalitres** in any 12 month period commencing 1 July. The allocation will be reviewed if there is any change in the ownership of the land.
12. The department has the right to vary the volumetric allocation or the rate at which the allocation is taken in order to prevent the overuse of an aquifer.
13. The department may specify rules from time to time for the accrual of unused water allocations for use in future seasons.
14. Both the pumping and non-pumping water levels must be recorded at least twice each year and reported with the annual groundwater return.
15. The licence holder shall develop a formal groundwater management plan, approved by this department, outlining a monitoring, assessment, and reporting strategy to detect and mitigate unacceptable impacts on other users. With other users being, licence holders and groundwater dependant ecosystems (eg springs), Unacceptable impacts being >10% reduction of the available drawdown within the licensed works.

#### **END OF CONDITIONS**

#### **REASONS FOR CONDITIONS**

- A. To comply with the provisions of Guyra Local Environmental Plan 2012.
- B. To ensure access for people with access disabilities
- C. To minimise loading on water and sewer services.
- D. To provide adequate off street parking space for the anticipated traffic that will be generated by the development.
- E. To ensure that the movement of traffic along the public road is not interfered with by activities relating to the development, and/or to comply with traffic regulations.
- F. To ensure the development is completed in accordance with conditions of consent and approved plans.
- G. To preserve the environment and existing or likely future amenity of the neighbourhood.
- H. To ensure adequate access to and from the development.
- I. To ensure that appropriate landscaping is provided.
- J. To provide funds for the provision of services and facilities as required by the increased activity.
- K. To ensure adequacy of services.
- L. To prevent future dealing in separately titled lands which are the subject of one development consent.
- M. To ensure that the land or adjoining land is not damaged by the uncontrolled discharge of runoff of stormwater from any buildings and paved areas that may be constructed on the land.
- N. To ensure compliance with engineering standards.

- O. To protect the environment.
- P. To preserve the amenity of the area.
- Q. To preserve the amenity and traffic safety of the area.
- R. To ensure adequacy of services to the development.
- S. To ensure public health and safety.
- T. To ensure compliance with Section 68 of the Local Government Act 1993.
- U. To ensure compliance with the Roads Act 1993.

### **ADVISORY NOTES**

The Applicant is requested to take note of the following advice and where pertinent to convey the advice to future owners or users.

1. Further consent may be required for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent). Please check with Council before commencement.
2. This development consent is issued under the Environmental Planning and Assessment Act 1979 and does not relate to structural aspects or specifications of the building under the Building Code of Australia. All buildings and alterations require the issue of a Construction Certificate prior to works commencing.
3. The Proponent must ensure that the development accords with the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).
4. Council has assessed this application under the provisions of the Environmental Planning and Assessment Act 1979. It is the responsibility of applicants for BCA Class 3, 5, 6, 7, 8, 9 and 10a development (generally all commercial, industrial and professional offices) to make themselves aware of the provisions of the Disability Discrimination Act 1992 under which civil action may be taken if access for people with disabilities is denied or provide in a discriminatory way.
5. Failure to comply with conditions of development consent may lead to an on the spot fine (generally \$600) being issued pursuant to section 127A of the Environmental Planning & Assessment Act 1979 or prosecution pursuant to section 125 of the Environmental Planning & Assessment Act 1979.