

## JOINT REGIONAL PLANNING PANEL (Sydney West) – Report

JRPP No	2016SYW015
DA Number	DA0820/15
Local Government Area	Hawkesbury City Council
Proposed Development	Extension to Mushroom Farm
Street Address	182 and 172 Boundary Road Glossodia NSW 2756 (Lot 1 and 2 in DP 603811)
Applicant/Owner	Robert Tolson C/o Urban City Planning  Mr Robert J Tolson (182 Boundary Road) and Premier Mushrooms Pty Ltd (172 Boundary Road)
Number of Submissions	Twelve
Regional Development Criteria (Schedule 4A of the Act)	Capital Investment Value (CIV) in excess of \$20 Million (\$25,256,123 excluding GST)
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</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 Protection</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• Hawkesbury Local Environmental Plan 2012</li> <li>• State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>• Hawkesbury Development Control Plan 2002</li> </ul>
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	No. The subject land is not located within the North West Growth Centre and the development is not subject to a Special Infrastructure Contribution (SIC).
List all documents submitted with this report for the panel's consideration	Attachment 1 – Assessment Report and Conditions Attachment 2 – Statement of Environmental Effects Attachment 3 – Acoustic Impact Assessment Attachment 4 – Bushfire Safety and Evacuation Plan Attachment 5 – Flora and Fauna Assessment Attachment 6 – On-site Wastewater Management Report Attachment 7 – Parking and Traffic Impact Study Attachment 8 – Stormwater Management Report Attachment 9 – BCA Compliance Report Attachment 10 – Submissions
Recommendation	Approval subject to conditions
Report by	William Pillon, Senior Town Planner
Report date	26 August 2016

## EXECUTIVE SUMMARY

Council is in receipt of a Development Application for the expansion and upgrade of an existing mushroom farm located at 182 Boundary Road, Glossodia. The extension to the mushroom farm would be carried out in three stages and extend onto 172 Boundary Road.

Upon completion of Stage 3 the mushroom farm would increase production threefold and support a total of 99 staff.

The application has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, relevant Environmental Planning Instruments, Hawkesbury Development Control Plan 2002 and associated policies.

The application was advertised and notified in accordance with Hawkesbury Development Control Plan 2002. A total of 12 submissions (including one that was received after the notification period had expired) have been received raising objection to the proposal based on a number of matters including noise, traffic, land use, building height, hours of operation, flora and fauna, water quality and overshadowing. These submissions have been reviewed and it is considered that the issues raised do not warrant refusal of the proposal based on the information submitted.

The applicant proposes a variation to the building height development standard of Clause 4.3 of Hawkesbury Local Environmental Plan 2012 which limits the height of buildings on the land to 10m. The proposed mushroom growing rooms would be 15.72m above the existing ground level at the highest point of the building when measured from the pitch of the roof to below the proposed filled building pad. The variation has been assessed against Clause 4.6 and it is recommended that the variation be supported as the height is required for the overall span of the building and the need to have the building on a level surface.

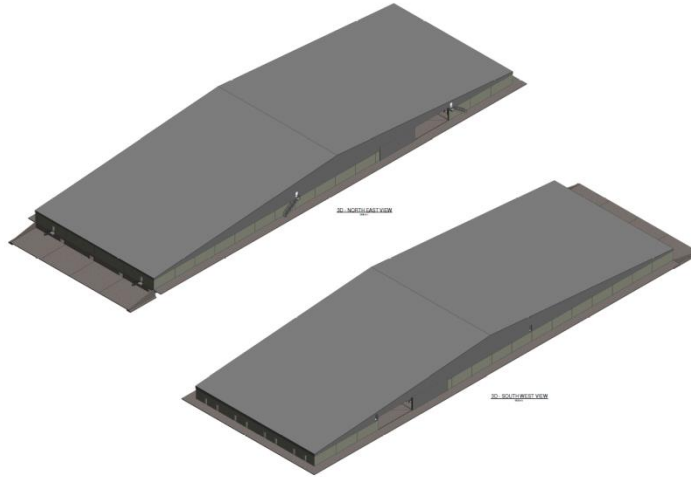
Based on the assessment of the proposal it is recommended that the application be approved subject to the conditions contained in this report.

## DESCRIPTION OF PROPOSAL

Pursuant to Section 78A (1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) Development Application No. DA0820/15 seeks approval for extensions to the Premier Mushroom Farm over 172 and 182 Boundary Road Glossodia.

The proposed development would be carried out in three stages with staff facilities, site services, staff amenities, parking, stormwater, peat storage rooms and effluent disposal infrastructure being upgraded and installed to support both the existing farm and proposed extensions.

The major components of each stage would relate the construction of four new mushroom growing rooms measuring 46.8m x 142.5m (6,669m<sup>2</sup>) each. Ancillary earthworks, water storage facilities, car parking, storage areas and tree removal would be undertaken during the course of each stage.



*Figure 1 - 3D perspective view of the growing rooms proposed with each stage.*

The proposed mushroom growing rooms require a greater floor area than the existing rooms to allow the operator to install modern equipment which would support the mechanisation of the mushroom growing and picking process.

The specifics of existing operations and the proposal are as follows:

#### Growing room buildings.

Existing: 12 mushroom growing rooms totaling approximately 2,708m<sup>2</sup> in area

Stage 1: Construction of an additional four mushroom growing rooms totaling 6,669m<sup>2</sup> in area

Stage 2: Construction of an additional four mushroom growing rooms totaling 6,669m<sup>2</sup> in area

Stage 3: Construction of an additional four mushroom growing rooms totaling 6,669m<sup>2</sup> in area

#### Staff numbers

Existing: 45 staff

Stage 1: Additional 26 staff

Stage 2: Additional 14 staff

Stage 3: Additional 14 staff

Total of 99 staff

#### Hours of operation

Currently seven days a week between 6am and 10pm

Proposed seven days a week between 6am and 12midnight

#### Mushroom production

Existing: 30 tonnes of mushrooms per week

Stage 1: Additional 30 tonnes of mushrooms per week

Stage 2: Additional 30 tonnes of mushrooms per week

Stage 3: Additional 30 tonnes of mushrooms per week

Total of 120 tonnes of mushrooms per week

#### Staff parking

Existing: 38 car parking spaces

Stages 1-3: Increase to 103 spaces based on staffing demand during stages

#### Water storage

Construction of a 3ML dam that will act as an onsite stormwater detention basin and water storage facility for the reuse of clean roof water.

Construction of a 7ML dam and associated settling pond to collect, treat and recycle water used during operations of the mushroom farm.

### Dwellings

One dwelling house on 182 Boundary Road occupied by owner

One dwelling house on 172 Boundary Road to be demolished prior to the commencement of the Stage 3 works

The capital investment value of the works is \$25,256,123 million excluding GST.

The Joint Regional Planning Panel (JRPP) reference number for the application is 2016SYW015 whilst Council's reference number is DA0820/15.

### **KEY ISSUES**

- Clause 4.6 Variation
- Bulk and Scale
- Traffic and Parking Impacts
- Amenity Impacts

### **SITE PLAN**



*Figure 2 – Site Plan*

### **SITE AND LOCALITY DESCRIPTION**

The application relates to Lot 1 and 2 in DP 603811, No. 182 and 172 Boundary Road Glossodia “the land”. The land totals 20.34Ha in area, is intersected by a road reserve and borders Howes Creek to the north.

The land varies in height from approximately 12m above Australian Height Datum (AHD) to 37m AHD. The lowest part of the land is located along the Howes Creek boundary and the highest part of the land is generally in the middle of the site where the existing mushroom farm buildings are located.

The predicted 1-in-100 year flood level for the locality is 13m AHD and applies to part of the land north of the road reserve intersecting the land.

The highest part of the land is reasonably flat with a slope less than 6% in the centre and gradually falling towards property boundaries between 6% and 30%.



Figure 3 – Aerial Photograph

The land is surrounded by a variety of rural residential uses and agricultural activities, including:

- Crown land reserves the northwest, managed by Hawkesbury Council and currently leased to the Hawkesbury Valley Pony Club.
- Animal establishments for the keeping of horses to the east and west.
- Market garden to the south.

## DEVELOPMENT HISTORY

The existing mushroom farm was approved by Council under Development Consent No. D0118/89 on 14 July 1989. This consent approved the construction of the mushroom farm in five stages. Existing buildings situated on the site comprise of Stages 1, 2, 3 and 5.

The most recent approval relating to the mushroom farm relates to Development Consent No. D0118/89 which was amended on 20 August 2012 in accordance with Section 96(2) of the EP&A Act.

The modification application approved changes to the size and configuration of the mushroom growing rooms approved under Stage 4 of the original consent. This stage has not been constructed and would not be carried out should the current proposal be supported given the location of servicers associated with the current proposal.



## HISTORY OF THE APPLICATION

Application lodged on 21 December 2015 proposing an extension to mushroom farm including new growing rooms, internal access roads, drainage, dam, tree removal and a boundary adjustment between the two existing properties.

On 14 January 2016 the applicant was advised that the proposal to have the development straddle two lots was not supported on the basis that each lot would depend on services being located over two separate lots. On 21 January 2016 the applicant removed the subdivision component of the application from the proposal.

On 8 April 2016 the applicant submitted a response to the issues raised in the respondent submissions and included additional information in respect to overshadowing.

## ASSESSMENT

### ***Environmental Planning and Assessment Act 1979 – Section 79(C)***

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act:

#### ***(a)(i) The Provisions of any Environmental Planning Instrument***

##### State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Clauses 20 and 21 of this Policy, the proposed development is included in Schedule 4A of the EP&A Act 1979 and has a CIV of \$25,256,123 million excluding GST. This exceeds the CIV threshold of \$20 million for development to be determined by Council and therefore it is referred to the Panel for determination.

##### State Environmental Planning Policy (Infrastructure) 2007

The land has direct access to Boundary Road which is a local road owned and controlled by Council. The traffic and parking assessment projects a total of 130 vehicles visiting the site per day following the completion of Stage 3. This is made up of 99 passenger vehicles (staff) and 31 heavy vehicles.

The proposal is not within 90m of a classified road and not identified under Schedule 3 of the SEPP as 'traffic generating development' to be referred to the NSW Roads and Maritime Services.

##### State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The current mushroom farm stores LPG, diesel and chemicals onsite for the operation of machinery and equipment associated with the running of the farm. The application states that the storage of fuels onsite would not be required to be significantly increased to support the proposed extensions. The application does not propose to change the location, quantity or storage of goods as part of this application. Consequently the proposal would not result in the development being identified as either 'potentially hazardous industry' or 'potentially offensive industry' as the proposal would not alter the storage thresholds of materials onsite that would necessitate the need for the submission of a multi-level risk assessment.

Furthermore, proposed activities onsite would be limited to the growing of mushrooms and does not involve the production or processing of products, waste materials or treatment of recycled wastewater or stormwater received from other uses that would necessitate the need for a licence to be issued under Schedule 3 of the EPA Regulation 2000 (the regulations).

##### State Environmental Planning Policy No. 44 – Koala Habitat Protection

This SEPP applies to land within the Hawkesbury Local Government Area to which a development application has been made and has an area of more than 1Ha.

The proposed development would require the removal of native vegetation and therefore has the potential to disturb potential habitat areas within the site.

The submitted Flora and Fauna Assessment has determined that although at least 15% of the site supports one koala feed species being the *Eucalyptus Punctata* (Grey Gum) the site does not form core koala habitat as no koalas were observed during the fauna survey and no evidence of koala habitation was located on the site. Accordingly, the site did not present as core koala habitat as defined under the provisions SEPP No. 44.

#### State Environmental Planning Policy No 55 – Remediation of Land

The land supports an existing mushroom farm which would be extended to parts of the land that are covered in scattered native vegetation or have been used for rural residential purposes. The historical use of the site does not raise any issues in respect to potential land contamination that would prevent the continued use of the land for mushroom farming.

The application does not propose any sensitive land uses that would necessitate the requirement of a preliminary site investigation report and the proposed land use is considered satisfactory having regard to potential site contamination.

#### Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)

The subject site falls within the Middle Hawkesbury Nepean River Catchment area defined by SREP No. 20. Relevant specific planning policies and recommended strategies include those relating to total catchment management, water quality, water quantity, agriculture/aquaculture and fishing, and flora and fauna. Relevant development controls with the Plan relate to filling and sewerage systems.

The development is outside any areas identified as scenic corridors and the application is supported by an Onsite Wastewater Management Report and Stormwater Management Report which conclude that the proposed operations can be designed in a manner that would not have any adverse impacts on the total water cycle.

#### Hawkesbury Local Environmental Plan 2012

The land is zoned RU1 Primary Production and the proposed use is permissible in the zone with consent being identified as Intensive plant agriculture under Hawkesbury Local Environmental Plan (LEP) 2012. 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.*

The cultivation of mushrooms for commercial purposes fits within the above definition. The proposed car park, earthworks and dams are ancillary to the use of the land for the purposes of intensive plant agriculture.

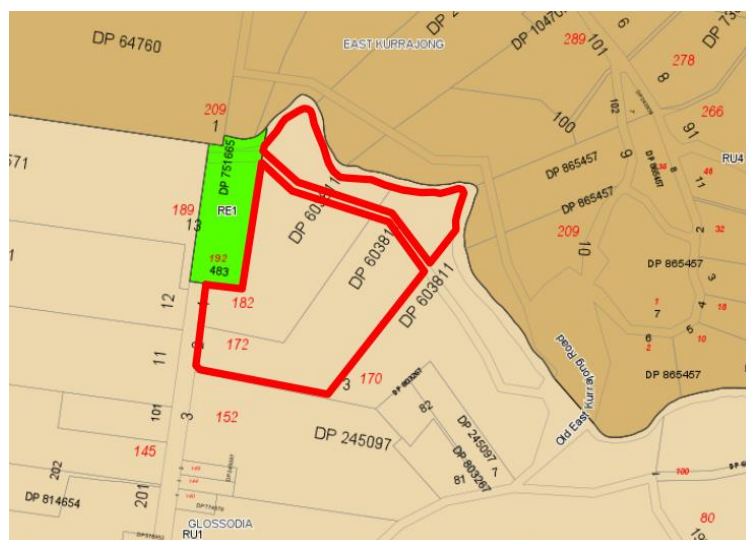


Figure 4 – Zoning Map

The objectives of the RU1 Primary Production zone are as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage agricultural activities that do not rely on highly fertile land.
- To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.
- To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.
- To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.

The proposal is generally consistent having regard to the objectives of the zone in that the proposal would:

- encourage agricultural activities that do not rely on highly fertile land,
- increase current agricultural production of the land,
- improve mushroom growing processes on the land in a sustainable manner,
- install new sediment basins, effluent disposal systems and water recycling measures to improve operations onsite for the existing facility,
- not result in any significant impact on native vegetation or local ecosystems.
- be setback sufficiently from boundaries to allow the development to be suitably screened from adjoining properties,
- have a distinctive agricultural character consistent with the existing mushroom farm, and,
- be constructed in a manner that seeks to minimise any potential conflicts with adjoining land uses within the zone and adjoining zones.

The following table provides an assessment of the proposal against the relevant clauses of the Hawkesbury LEP 2012:



LEP Clause	Requirement	Comments
4.3 Height of buildings	Maximum 10m building height for development on the land.	Does not comply  Refer to exception to development standard assessment in report below.
4.6 Exceptions to Development Standards	Submission of written justification for all proposed development standard variations.	Complies  The applicant has submitted written justification regarding the noncompliance with the building height requirement of Clause 4.6.
6.1 Acid sulfate soils	Ensure that development does not disturb, expose or drain acid sulfate soils.	Complies  An acid sulfate soils management plan is not considered necessary as the works are not likely to lower the watertable.
6.2 Earthworks	Consider a number of matters relating to earthworks including drainage patterns, fill quality and amenity of adjoining properties.	Complies  The matters concerning the earthworks proposed with the application have been considered and discussed in the report below.
6.3 Flood planning	Consider flood risk and minimise any potential impacts in terms of flood behaviour.	Complies  Proposed works are located above the predicted 1 in 100 year flood level and the proposal does not raise any concerns regarding impacts on floodwaters or evacuation from the property. The proposal is further considered consistent with Councils Development of Flood Liable Land Policy.
6.4 Terrestrial biodiversity	Consider potential flora and fauna impacts and identify whether it would have any adverse impact on the importance of the vegetation on the land and survival of native flora and fauna.  Where possible consider rehabilitation or alternative feasible alternatives to reduce flora or fauna impacts.	Complies  The proposed development area is mapped as Significant Vegetation on the Terrestrial Biodiversity Map. A Flora and Fauna Assessment Report has been submitted with the application. The report considers the impacts with the proposal and concludes that the proposed works are unlikely to result in a significant impact on any listed species or communities. A further discussion in respect to flora and fauna impacts has been undertaken in the report below.
6.7 Essential services	The consent authority must be satisfied that any of the development has access to appropriate services such as electricity, sewage disposal, stormwater drainage and road access.	Complies.  The application is supported by sufficient information demonstrating that suitable access to water would be available and that existing services such as effluent disposal, stormwater and electrically would be able to be constructed/modified to support the proposal. Road access is available to the site and suitable conditions regarding essential services have been included as part of the recommended conditions of consent.

#### Variation to building height standard of Clause 4.3 of LEP 2012

A 10m maximum building height standard applies to the land as shown on the *Height of Buildings Map* of the Hawkesbury LEP 2012 and the application proposes parts of the mushroom growing rooms to be a maximum of 15.72m above existing ground levels. Ancillary peat storage rooms, crate storage areas and amenities are below the 10m maximum building height.

Pursuant to Clause 4.6 (Exceptions to Development Standards) of the Hawkesbury LEP 2012, the applicant has submitted a written request seeking a variation to the building height development standard (Clause 4.3) on the basis that:

- The variation arises from the requirement to construct a large building that requires a large floor area on a level area.
- The variation is in response to the topography of the site which contains the existing mushroom farm.
- Separation distances of the building and retention of vegetation will ensure the proposal does not impact existing surrounding rural development.
- The proposal does not impact views or privacy.
- The building has been designed with a pitch roof to minimise visual impacts.
- The proposal would allow for the continued use of the land for mushroom farming.
- The buildings would be coloured using muted greys and greens to fit in with the landscape.
- The proposal would not create overshadowing issues on adjoining properties.
- Strict compliance with the standard is unreasonable and unnecessary as the proposal satisfies the objectives of Council's Height of Buildings standard and would support the overall zone objectives.

#### Council Staff Assessment

The deviation to the building height standard varies depending on the height of the fill and the height of the proposed roof pitch to the existing ground level immediately below.

Filling to achieve a level building area is between 3m on the south east corner and 7.5m at the north eastern corner of the proposed mushroom growing rooms.

The proposed mushroom growing rooms are 10.2m at the ridge of eastern and western elevations and 4.3m along walls of the northern and southern elevations.

The proposed mushroom growing rooms would be a maximum of 15.72m above the existing ground level and result in a 57% deviation from the building height development standard. The highest part of the works above existing ground level occurs at the ridgeline height of stage 3 adjacent to the eastern property boundary.

Pursuant to Clause 4.6 of the Hawkesbury LEP 2012, it is considered that the applicant's justification that compliance with the building height development standard is unreasonable should be supported based on the historical use of the land and the need for a large area to support the expansion of the farm.

The proposed building requires the land to be levelled to support the proposal and that the deviation from the standard is varied depending on the height of fill and building height.

The mushroom farm has been established on the land for several years and a variation to the building height development standard would support the erection of a modern and highly specialised building

that would provide employment opportunities for the local economy and support the use of the land for agriculture.

Support of a variation to this standard is unlikely set an undesirable precedent based on the overall scale and nature of the development and the fact that the land has been historically been used for mushroom farming.

Accordingly the proposal is considered consistent having regard to the overall objectives of Clause 4.6 of the Hawkesbury LEP 2012 which are to provide flexibility in applying certain development standards to particular development.

The consent authority can assume the concurrence of the Director General for the proposed variation as outlined under the Planning Circulars PS 08-003 and B1 issued by the Department of Planning on 9 May 2008 and March 1989.

In support of the Hawkesbury LEP 2012 variation it is noted that:

- The proposed mushroom growing rooms have been designed to improve the efficiency of the mushroom growing process and would encourage more sustainable agricultural production.
- Requiring strict compliance with the building height requirement would prohibit upgrading the existing mushroom farm to a new modern facility designed to improve activities onsite.
- The southern and northern walls would comply with the maximum building height standard of 10m and deviation from the standard would vary until the building height reaches ridge of the building at its highest point.
- The northern and southern walls would be less than the 10m building height development standard from existing ground levels.
- The application states that expansion would be dependent on market demand. Given that the largest building height variation would occur at Stage 3 it would be considered that it would be reasonable to require landscaping along property boundaries to occur at Stage 1 to allow sufficient time for screening to be established.
- The building design, shape and materials fit in with the overall design of the existing facility.
- The additional height does not result in adverse amenity impacts being generated with respect to overshadowing, visual impact, and loss of privacy that what would be generated by a building of this size without a ridge.
- There is a public interest and public benefit to the community by supporting and increasing existing employment opportunities and agricultural activities within the Hawkesbury.

Accordingly, it is recommended that the Panel support this proposed variation to the building height development standard of the Hawkesbury LEP 2012.

**(a)(ii) *The Provisions of any Draft Environmental Planning Instrument (that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)).***

There are no Draft Environmental Planning Instruments applicable to the subject site.

**(a)(iii) The Provisions of any Development Control Plan**

Hawkesbury Development Control Plan 2002

The proposal is supported by sufficient information to demonstrate that the development generally complies with the requirements of the Hawkesbury Development Control Plan (DCP) 2002. The following table is an assessment of the proposed development against the relevant sections of the Plan:

DCP section	Requirement	Comments
Part A Chapter 2 Notification of development applications	Notify applications in accordance with the DCP	The proposal has been notified in accordance with the DCP.
Part C Chapter 1 Landscaping	Submission of a landscape concept plan taking into account the site characteristics and proposed works.	The landscaping plan submitted has been reviewed and considered generally acceptable. More specific details would be expected to be provided during the planting stage with native vegetation to be chosen to screen the development from adjoining properties. Appropriate conditions have been recommended as part of the construction works associated with Stage 1. This would ensure that landscaping can be established along property boundaries prior to the commencement of Stage 3.
Part C Chapter 2 Car parking and access	To ensure adequate parking facilities are provided for the development.	There are no specific parking requirements for agricultural uses/mushroom growing facilities. The application is supported by a Parking and Traffic Impact Study which considers the parking demand of the farm and impacts on the local street network. The report has been reviewed and considered to adequately justify that sufficient parking would be provided for the development and that the existing road network would support the proposal. Conditions in respect to parking dimensions, access, aisle widths and mobility access are included as part of the recommended conditions of consent.
Part C Chapter 4 Sediment erosion and Sediment control	To maintain and improve the scenic landscape by protecting downstream water quality.	Sediment and erosion control conditions are included as part of the recommended conditions of consent. Furthermore the application is supported by a Stormwater Report which confirms that the proposed dams would be designed to improve water quality currently leaving the site and entering downstream watercourses.
Part C Chapter 7 Effluent disposal	To ensure that onsite sewage management facilities can be designed to support the development without impacting the health or environment surrounding the locality.	The application is supported by an Onsite Wastewater Management Report. The report identifies that the land has the capacity to service either a modification to the existing system or the installation of a new wastewater treatment system to service the anticipated loads associated with increase of staff. Following a site inspection it was discovered that it would most likely be expected that a new septic system would need to be installed due to the age of the existing system.
Part C Chapter 8 Management of construction and	To consider waste minimisation during construction and	A Waste Management Plan has been submitted which aims to recycle all waste involved with the proposal where possible and reuse topsoil onsite over fill and

DCP section	Requirement	Comments
demolition waste	demolition with the submission of a waste management plan.	dam batters. Ongoing waste from the site would be managed by a contractor who would remove spent mushroom compost on a weekly basis and deliver it to landscaping supply businesses.
Part D Chapter 6 Dam construction	To ensure that dams are constructed and designed to the dam specifications for construction and have regard to potential impacts on downstream properties.	<p>The proposal is consistent with the specifications for dams and considered acceptable to support the proposal.</p> <p>The proposed dams would be used for a combination of purposes including onsite stormwater detention, water collection, water treatment and recycling. The Stormwater Management Report submitted with the application shows that an appropriate stormwater management system would be installed to direct both recycled water and stormwater to the proposed dams in order to ensure predevelopment flows are not increased as a result of the proposal.</p>
Part D Chapter 7 Landfill	To ensure any fill/earthworks would not have significant impacts in respect to water quality, character of the locality, site contamination and construction works.	The application is supported by sufficient information with documentation demonstrating that the earthworks associated with the proposed dams and fill of the building pad can be carried out without adversely impacting downstream properties or appearance of the surrounding locality. Suitable conditions in respect to construction and importation of certified material have been included as part of the recommendation of this report.
Appendix E Civil works specifications	Includes design specifications and construction specifications for civil works.	The application has been assessed by Council's Development Engineers who have reviewed the proposal and raise no objection to the civil work components of the application subject to the conditions recommended in their referral. These conditions have been included as part of the recommendation of this report.

***(a)(iia) The Provision of any Planning Agreement that has been entered into under Section 94F, or any draft Planning Agreement that a developer has offered to enter into under Section 93F***

The proposed development is not subject to a planning agreement pursuant to Section 93F of the EP&A Act.

***(a)(iv) The Regulations***

The proposed development is not inconsistent with the relevant provisions of the regulations. The following relevant sections of the regulations have been considered.

**Building Code of Australia (BCA)**

Clause 94 of the regulations specify that a development application relating to alterations or extensions of an existing building must consider whether existing fire safety matters are appropriate and if an existing building to be upgraded as part of that any approved consent.

The application is supported by a BCA Compliance Assessment Report which considers the proposed alterations and additions to the existing building. The report identifies that there are a number of fire safety upgrades that could be undertaken to ensure the site is acceptable having regard to the BCA. Council's Building Surveyors have reviewed the report and recommend that any new works ensure the proposal is consistent with the BCA. Suitable conditions have been recommended in this regard.

#### Section 94A contributions

The development is subject to Hawkesbury Section 94A Contributions Plan 2015 and the development subject to a 1% levy based on the estimated cost of development.

Clause 101 of the regulations specify that a notice concerning a development consent subject of a Section 94A condition must include the contribution plans under which the condition is imposed and the address of the places where a copy of the contributions plan may be inspected.

The capital investment value report confirms that the proposal would total \$25,256,123.00 excluding GST. Clause 25J (3) (i) of the regulations specifies that taxes other than GST are to be included in any estimate therefore contributions would be expected to be calculated based on a total estimated cost of \$27,781,735.00 including GST.

The capital investment value report considers the entire cost of development and is not broken down into the three stages of development. The applicant has requested that Council consider the staging of the payment of contribution levies in accordance with the costs of the each stage of construction. Appropriate conditions have been recommended in this regard.

#### Integrated development

The proposal has not been nominated by the applicant as 'integrated development' under Section 91 of the EP&A Act and is not subject to the procedures relating to integrated development applications under Part 6 Division 3 of the regulations.

The proposed 3ML dam acts as an onsite stormwater detention basin and may not require a water supply works licence from the NSW Office of Water, however the 7ML dam would require a water supply works licence. It would be up to the developer to obtain appropriate licences for the increase in mains water usage and water storage from the NSW Office of Water.

Should the proposal be supported the developer can apply for any relevant water sharing licenses as required under the Water Management Act 2000. Appropriate conditions have been recommended in this regard prior to the issue of any design compliance certificate.

#### Designated development

The proposal is not considered to be designated development for the purposes of Part 1 of Schedule 3 of the regulations.

The application seeks consent for the growing of mushrooms on the land not for the processing or manufacturing of products or for the receiving or treatment of waste on the land that would necessitate the need for the concurrence from any other agencies or licences under the POEO Act.

The application does not propose to produce compost on the premises or undertake any processing of mushroom products on the premises. The mushroom compost used in the growing process would be produced offsite and transported to the land. Furthermore, stormwater/wastewater being treated on the land is ancillary to the proposed growing process and would be suitably treated prior to its reuse onsite or leaving the proposed dams.

#### **(a)(v) Any Coastal Zone Management Plan**

The development site is not within the coastal zone, and there is no relevant coastal management plan.

#### **(b) *The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality***

An assessment of the likely impacts of the proposed development have been considered in the assessment of this application with likely impacts of the proposal being discussed below.



### Context and setting

The development is considered to be appropriate for the site and is not expected to impact adversely on the amenity of the locality or the surrounding environment. The land is surrounded by numerous agricultural pursuits and the application proposes suitable separation between the proposed activities and adjoining property boundaries. Landscaping is proposed as part of the development and would screen the proposal from adjoining properties.

The current land has been operating as a mushroom farm for many years and the extensions would continue to support the land for this purpose. The proposed mushroom growing rooms are larger than what would be expected for a typical agricultural land use however the proposal is a specialised building and not identified as a 'farm building' for the purposes of the Hawkesbury DCP 2002 in that the buildings are not ancillary to the farming activity.

When considering the overall bulk and scale in the locality it is clear that the existing operations require a significant amount of space and area to support the use of the land for mushroom growing. The proposal to extend operations is generally consistent with the overall size and bulk that would be expected to support intensive plant agriculture on this nature (mushroom growing). The building is to be suitably setback and landscaped from adjoining rural properties so as to allow for the support of the development.

### Access, Transport and Traffic

The proposed extensions would increase traffic on the local road and the application is supported by a Parking and Traffic Impact Study in support of the proposal.

The traffic assessment estimates a total of 130 vehicles traveling to the site per day based on the maximum expected number of cars, vans and heavy vehicles. These figures assume a worst case scenario where all employees drive to the site following the completion of Stage 3.

The 130 vehicles traveling to the site are divided into 99 passenger vehicles for staff and 31 heavy vehicles for truck deliveries per day. This is in comparison to the current operations which provide up to 45 staff vehicles, 12 vans and 18 heavy vehicles per day.

While the mushroom growing production would increase threefold the traffic movements to and from the site would not be greater than double that of the existing number of vehicles accessing the site. The report identifies that the proposed onsite arrangements would adequately support the development and that the surrounding road network is capable of accommodating the proposed development in a safe and efficient manner.

Council's Development Engineers have reviewed access to the site and confirmed that Boundary Road is in good condition while the intersection with Spinks Road is in a poorer condition. However, the road is removed from the development (approximately 1.8km) and it is difficult to justify repairs to the local road network given the volume of traffic on Spinks Road that is not directly associated with the development. Therefore no infrastructure upgrades on public infrastructure were recommended.

### Utilities

Electricity, water and telephone services are available to the subject site. This application proposes to extend existing operations and install new water recycling and treatment system to improve the efficiency of the existing mushroom farm. The information submitted indicates that overall farming operations would be improved as part of the installation of new services and suitable access to services would be able to be extended.

### Heritage

The subject site and surrounding properties do not contain any heritage items and are not within any heritage conservation areas.

### Water

Adequate water would be provided via the proposed dams and mains water. Stormwater and effluent disposal reports have been prepared confirming that there is suitable area on the land to support wastewater associated with the proposal.

The Stormwater Management Report submitted with the application proposes to collect both wash-down water and roof stormwater into two separate dams so that water collected onsite can be reused or treated appropriately prior to leaving the site. Figures provided suggest that the proposed dams could support up to 40% of the sites water usage. This would reduce the amount of water being supplied by mains water usage which the current farm relies on.

Sufficient information has been submitted to determine that the proposal would not have any adverse impacts on any receiving waters. The operator would be required to ensure that the activity would not have any adverse impacts on water courses as part of the recommended condition of consent.

#### Earthworks

The proposed dams and filling are suitably setback from adjoining properties and would not have any detrimental impact on the environmental functions of surrounding land. Fill for the mushroom growing rooms is between 3m on the south east corner of the building and 7.5m at the north eastern corner of the proposed building.

All earthworks associated with the proposal are ancillary to the agricultural use of the land and the development has been designed in a manner that would not adversely impact drainage patterns of the locality or the amenity of adjoining properties. The application proposes to retain existing vegetation along property boundaries and filled batters close to neighbouring property boundaries would be vegetated.

Suitable conditions in respect to importation of fill, sediment and erosion, dust management and landscaping are included as under the recommendation section of this report.

#### Air and Microclimate

The proposed activities onsite are contained inside the proposed building and does not raise any concerns in respect to impacts on air quality of the locality. Appropriate conditions in respect to dust control are recommended during the construction stages.

#### Flora and Fauna

The proposed additions and new dams have been positioned on the land in a manner that would result in the least disruption to native vegetation onsite. The application states that the development would involve the removal of up to 134 trees to accommodate the proposal.

The Flora and Fauna Assessment submitted with the application identifies that the subject site comprises of cleared or modified rural land with remnant trees consistent with the *Shale Sandstone Transition Forest* vegetation community (which is listed as a Critically Endangered Ecological Community) and the *River Flat Eucalypt Forest* (an Endangered Ecological Community).

The assessment provided confirms that the proposed building pad and new dams would be located in areas where vegetation has been cleared over time and that the proposal to extend the existing dam and settlement area would assist in current erosion problems on the land.

The report identifies that it is unlikely that the proposal would constitute significant impact on threatened flora and fauna species as the proposed vegetation removal would:

- Only involve removing poor quality habitat for flora and fauna species,
- Other areas of the site would be retained as adjacent to the development areas and within the surrounding landscape,
- The proposal is not likely to fragment habitat that may occur in the area as vegetation to be disturbed is limited to supporting poor quality/marginal habitat.

The Flora and Fauna Assessment Report recommends environmental protection measures to be undertaken during and after works such as sediment erosion and weed management.

In reviewing the information submitted it is considered appropriate that a suitably qualified ecologist be engaged during the vegetation removal works and that a vegetation management plan be established that would seek to replace vegetation proposed to be removed and protect native vegetated areas on the land which would be retained. Suitable conditions have been recommended in this regard.

### Waste

Wash down waste from the growing rooms is to be treated which would then be discharged to a solids removal tank and through a sediment pond prior to entering the 7ML dam. This would improve existing practices on the land.

Waste from used compost would be transported off site weekly and appropriately stockpiled away from any watercourses.

At present there are 45 people on site at any one time, seven days a week. By the end of Stage 3 there would be an additional 54 staff. Effluent disposal would be treated via a new sewerage management facility designed to support the increase in staff numbers.

### Noise and Vibration

An assessment has been made in regard to the Acoustic Report submitted with the application. The report proposes that the operation is planned to be conducted between 6am to 12midnight (seven days a week). Current activities onsite are approved between 6am to 10pm.

The Acoustic Report recommends the installation of an acoustic wall to the south of the truck manoeuvring area, spray wash area and peat storage shed in addition to limiting high level noise activities to night time hours and training of employees to keep noise to a minimum when using trucks.

The proposed acoustic wall would screen noise generating activities from residential receivers to the southern boundary and there is sufficient space to install this structure. In respect to neighbouring properties to the east, noise would be contained and shielded within the proposed buildings with doors being closed to ensure the development does not impact background noise levels during the day, evening or night.

The major impact that is likely to occur to residential properties would be during the night time period (between 10pm to 7am). Noise generating activities that are likely to have greatest impact have been specified in the report and include:

- use of the outdoor spray wash area,
- truck movements including delivery and removal of compost, pick up trucks for collection of mushroom and waste trucks, and
- peat mixing.

A review of all the information submitted has identified that it is essential that noise activities that have the greatest potential to impact adjoining properties be limited to day time operation and that noise generating activities that would have some impact be limited to day and evening operation.

Councils Environmental Health officers have no objection to the proposal based on noise provided that:

- the activity can be managed in accordance with the recommendations of the acoustic report,
- noise generating activities be limited to varying hours depending on the type of activities being carried out, and
- the development not exceed 5dB(A) (LAeq) above background noise level or generate offensive noise as defined under the POEO Act.

Suitable conditions have been recommended in this regard.

### Natural Hazards

Appropriate setbacks would be kept from water courses and the locations of the proposed works do not raise any issues in terms of riverine flooding.

The application is supported by a Bushfire Safety and Evacuation Plan as the subject property is located within a bushfire prone area. The plan considers matters associated with the protection of persons or property that may arise from a bushfire and provides recommendations in respect to the evacuation procedures that would be expected to be implemented in the event of a bushfire.

The report is prepared in conjunction with the NSW Rural Fire Services document 'Planning for Bushfire Protection – 2006' by a Fire Protection Association Australia Certified Practitioner. The bushfire risk associated with the proposed land use is not prohibitive to the development and can be adequately managed following the implementation of the recommendations provided in the report.

#### Technological Hazards

No evidence of technological hazards.

#### Safety, Security and Crime

Negligible impact expected.

#### Social Impact in the Locality

See comments regarding submissions by respondents.

#### Economic Impact On The Locality

Positive impact expected on employment and agricultural activities in the local area.

#### Site Design And Internal Design

Adequate space available to support the proposal.

#### Construction

Suitable conditions to be imposed regarding the construction phases in accordance with the BCA and civil work requirements associated with the development.

#### Cumulative Impact

Supporting the proposal would unlikely set an undesirable precedent in respect to impacts associated with the development as the application relates to the extension of an existing mushroom farm which is a specialised building and the building height is dictated by the span of the building and topography of the site. The cumulative impact of the proposed development is considered to be minor.

Consequently the proposed development would have no significant adverse impacts upon the natural or built environments or negative social or economic impacts upon the locality.

### **(c) *The suitability of the site***

As demonstrated by the above assessment, the site is considered to be suitable to accommodate the proposed development.

The application proposes to continue to use the land for agricultural purposes and the extensions would fit in with the existing farming operations on the land. The upgrade works associated with the existing farming operations would be carried out as part of the proposed extensions and improve current operations running on the site. Particularly in respect to noise, wastewater, staff amenities, parking and access.

The requirement to consolidate existing lots would result in the land containing two separate dwellings until the dwelling on Lot 2 is demolished as part of Stage 3. Two detached dwellings on one property would constitute a dual occupancy (detached) which is a prohibited form of development under the Hawkesbury LEP 2012. On 10 August 2016 Council received Development Application No. DA0565/15, proposing the consolidation of both lots and the conversion of an existing dwelling to a rural workers dwelling. Whilst this application has not yet been determined it aims to resolve the issue of more than one separate dwelling on the land. Conditions requiring the dwelling on Lot 2 to be limited to being used as a rural workers dwelling are recommended.

The application has been referred to Council's internal Environmental Health officers, Building Surveyors, Development Engineers and On-site Sewerage Management officers for review. No objections were raised in respect to the documentation submitted subject to the development complying with the recommendations included in the Council officers referrals. These recommendations have been included as part of the recommended conditions of consent.

**(d) Any submissions made in accordance with this Act or the Regulations**

**Public Consultation**

The application does not constitute 'advertised development' for the purposes of the Regulations. The application was notified to adjoining property owners between 7 January 2016 until 21 February 2016 in accordance with the Hawkesbury DCP 2002.

A total of 12 submissions were received raising objection to the proposal. Of these 11 submissions were received during the exhibition of the application whilst one submission was received after the exhibition period.

The applicant has provided a response to the issues raised by the respondents and submitted additional information in support of the proposal, including a photo montage and shadow diagrams.

The submissions received are primarily from adjoining property owners and residents located along Boundary Road. Matters raised in these submissions are detailed below in italics, followed by comments by the assessing officer:

- *Increase in traffic would impact locality in respect to noise, dust, fumes from motor vehicles, traffic flows and safety of pedestrians.*

Comment: Traffic has been considered in the report above. Upon completion of Stage 3 traffic would be less than double the number of vehicles using the site as it currently exists. The proposed extension is not considered to be a major contributing factor with regard to road safety along Boundary Road which is a local road in good condition. The proposal to have up to an additional 54 vehicles visit the site per day should not result in any adverse impacts on the local street network. Boundary Road is a rural road with an 80km speed limit with no defined footpath for pedestrian access. It is considered that the frequency of increase in traffic does not necessitate the need to provide a footpath. Issues in respect to road safety should be referred to Council's Local Traffic Committee to consider the safety of Boundary Road in general.

- *Existing road conditions are unable to support the increase in traffic flows, particularly in respect to, road width, street lighting, speed limit and condition of the road.*

Comment: The conditions of roads to the site have been reviewed by Council's Development Engineers who have raised no issues in respect to the condition of Boundary Road. Should any damage occur to the local road it is considered appropriate to require the applicant to be responsible for covering costs of damage. Furthermore the proposed increase in traffic is not considered to be of a scale that would require the need to have the developer improve/upgrade the Boundary Road and Spinks Road intersection as previously discussed.

- *Impacts on flora and fauna habitat.*

Comment: A Flora and Fauna Report has been prepared in support of the application and adequately addressed the impact the proposal would have on native vegetation. The proposal is considered satisfactory having regard to flora and fauna impacts and conditions in respect to replacement planting and landscaping have been recommended.

- *Potential waste management issues.*

Comment: The waste management plan submitted with the application has detailed that waste would be continued to be transported off site at regular intervals and that waste would be stored in appropriate dedicated areas so as to not impact adjoining properties or nearby watercourses. It is considered that there is sufficient space available on the land to appropriately manage waste and does not warrant refusal of the proposal.

- *Impacts in terms of noise and smell on adjoining properties.*

Comment: Mushroom farms do not typically result in complaints in respect to odour emission. Compost being delivered to the site does not have any smell that would cause concern as the main smell from compost occurs during the composting stage. Compost being delivered to site is held within the proposed peat storage rooms or transported directly into the growing rooms. Used compost is stockpiled away from nearby residents and regularly removed from the site as it cannot stay on the land for long periods.

A condition has been included in the recommendation requiring that any activity carried out in accordance with this approval shall not give rise to air pollution (including odour) as defined by the POEO Act.

- *Impact on downstream water flows, flooding and water quality.*

Comment: These matters have been addressed previously in the report and based on the information submitted with the application it is considered that the proposal would not have any adverse impacts in terms of water flows, flooding or water quality.

- *Construction impacts on neighbouring properties.*

Comment: The construction process would be split into three separate stages and involve both earthworks and building works over a large area. Impacts associated with construction would be gradual and for a limited time until works have finished. Conditions in respect to the control and management of noise, dust waste and hours are recommend ensuring as little disturbance to neighbouring properties.

- *Suitability of a large development being supported on an onsite sewerage system.*

Comment: Effluent disposal has been discussed previously in the report and it is clear that there is sufficient room on the site to support the proposed extensions. It would also involve an upgrade to the existing sewerage facility onsite.

- *Impact on surrounding residential properties and animal establishments.*

Comment: Impacts in terms of noise, odour and overall appearance of the development has been considered as part of the application. The proposed activity is consistent with the current use of the land for intensive agriculture which would continue to be used for this purpose. The proposed land use is currently in operation and is one of many permitted land uses within the zone. Surrounding properties are made up of large rural residential properties that have associated animal establishments of agricultural pursuits that occupy large areas to support these activities.

The proposal has been designed to limit any impacts on vegetation onsite, interfere with adjoining land uses and allow for appropriate vegetation buffers and building setbacks to be provided between the proposed activity and adjoining properties.

The current mushroom farm has been operating in the locality for some time and forms part of the overall appearance and context of the locality. It is unlikely that the expansion and continued use of the land for mushroom growing would adversely impact or prevent other permitted land uses in the locality from occurring.

- *Inconsistent with rural character.*

Comment: This has been previously discussed in the report. The current mushroom farm fits in with the context of the locality having a large building setback from adjoining rural land uses.

- *Increase in hours of operation.*

Comment: Hours of operation have been considered as part of the proposal and it is recommend that conditions be imposed on the development to limit the more noise generating activities on the site to daytime hours, the recommendations of the acoustic report be adopted



and the development be carried out in a manner that does not generate offensive noise or impact background noise levels.

- *Height of works.*

Comment: This matter has been discussed previously in the report and the height of the proposal considered acceptable. The proposal is consistent with the objectives of the building height clause of LEP 2012 which are to protect the privacy and use of adjoining land, ensure the bulk is not excessive and relates to the local context and that transition is provided between the built form and adjoining land uses/heritage items. There are suitable setbacks between the building and adjoining property boundaries and the building uses does not raise any issues in terms of privacy and the proposed building would have a pitched roof that provides for a gradual transition between the side of the building to the maximum height.

- *Overshadowing of adjoining properties.*

Comment: The applicant has submitted shadow diagrams in response to the issues raised in respect to overshadowing. The longest shadow expected from the proposed buildings towards property boundaries occurs at 3pm and the building would not have any impact on adjoining properties. This is shown in the following figure:

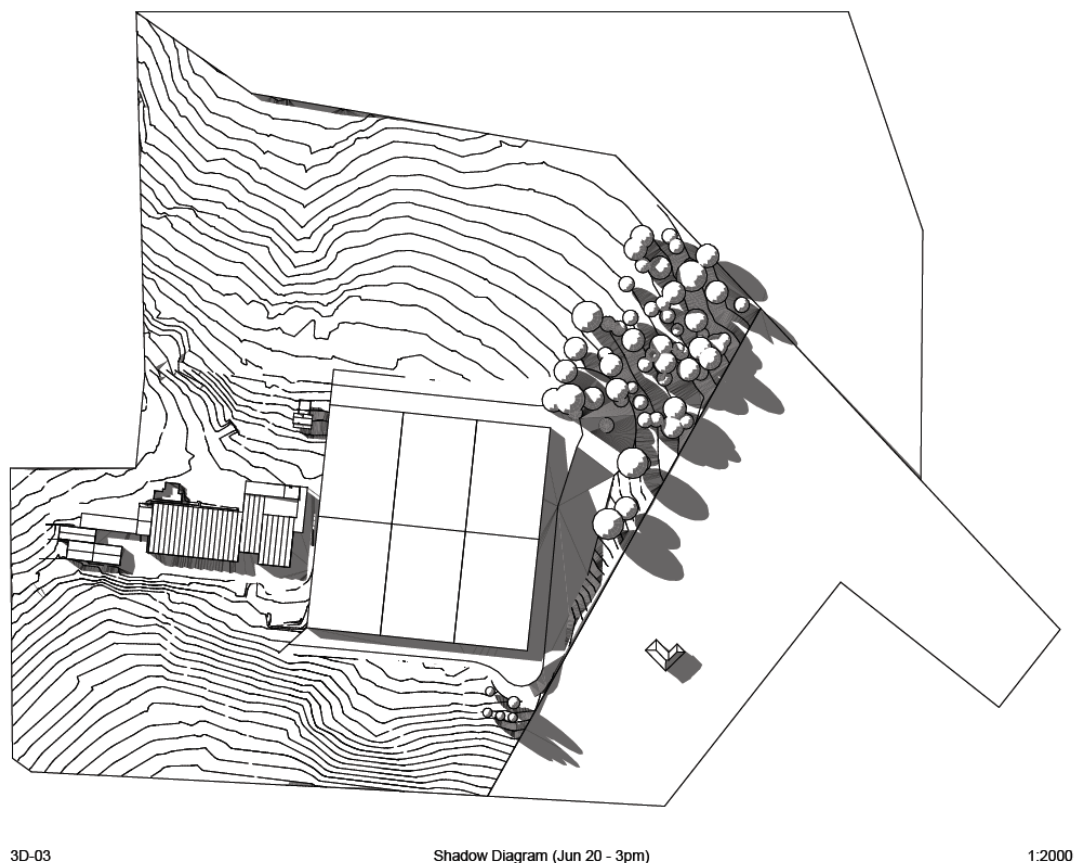


Figure 5 – Shadow Diagram

- *Permissibility.*

Comment: The proposal is permitted being defined as intensive agriculture under Hawkesbury LEP 2012. Whilst the building may have the appearance of an industrial building the use of the building is solely for the purposes of growing mushrooms which is an agricultural activity permitted with consent in the zone.

- *Land use has previously impacted neighbours and operated outside of development conditions.*

Comment: Any breaches to operating hours would be subject to separate investigations and does not form part of the assessment of this application. Suitable conditions in respect to operating hours are recommended as part of this application and would be expected to be complied with.

- *Possibility that the buildings or land would be used to produce mushroom compost.*

Comment: The applicant has confirmed that there is no intention to use the proposed building to manufacture compost for the growing of mushrooms. The building has been specifically designed for the growing of mushrooms not the manufacture of compost.

#### **(e) The public interest**

The matter of public interest has been taken into consideration in the assessment of the application.

The proposed development is consistent with the relevant Environmental Planning instruments including the Hawkesbury LEP 2012 and Council's planning policies and development controls such as the Hawkesbury DCP 2002.

Issues raised by respondents have been considered as part of the proposal and are not considered to be matters that would warrant refusal of the development subject to the recommended conditions contained in this report. The development would facilitate the continued use of the land for a permitted land use and would support agriculture and employment opportunities within the Hawkesbury.

As a result it is considered that the approval of this application would be in the public interest.

### **CONCLUSION**

The development has been assessed in accordance with Section 79C(1) of the EP&A Act 1979 and all relevant instruments, plans and policies. Accordingly, Development Application DA0820/15 is recommended for approval subject to the conditions contained in this report.

### **RECOMMENDATION:**

It is recommended that:

- A) The written request lodged pursuant to Clause 4.6 of *Hawkesbury Local Environmental Plan 2012* to the maximum building height control be supported; and
- B) That the Sydney West Joint Regional Planning Panel as the consent authority pursuant to Clause 80 of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No DA0820/15 for Intensive Plant Agriculture - Construction of growing rooms associated internal access roads, drainage, dam and tree removal at Lot 2 DP 603811 and Lot 1 DP 603811 No. 172 an 182 Boundary Road Glossodia NSW 2756 subject to the following conditions:

#### **General Conditions**

1. The development shall take place generally in accordance with the stamped plans, specifications and accompanying documentation listed below submitted with the application except as modified by these further conditions.
  - Drawing No. DA-1002 – Overall Site Plan Stage 1, revision I, 17 December 2015
  - Drawing No. DA-1003 – Overall Site Plan Stage 2, revision I, 17 December 2015
  - Drawing No. DA-1004 – Overall Site Plan Stage 3, revision I, 17 December 2015
  - Drawing No. DA-1500 – Proposed Overall Floor Plan, revision I, 17 December 2015

- Drawing No. DA- 2001 – Proposed Carton Store Floor Plan, revision H, 15 October 2015
  - Drawing No. DA-2002 – Proposed Carton Store Elevations, revision H, 15 October 2015
  - Drawing No. DA-2003 – Proposed Amenities Lunch Room, revision H, 15 October 2015
  - Drawing No. DA-2004 – Peat Store Floor Plan, revision H, 15 October 2015
  - Drawing No. DA-2005 – Peat Store Elevations, revision H, 15 October 2015
  - Drawing No. DA-3000 – Landscaping Plan Concept, revision I, 17 December 2015
  - Drawing No. 01 – Foundation Plan, revision 2, 11 March 2015
  - Drawing No. 02 – Ground Floor Plan, revision 2, 11 March 2015
  - Drawing No. 03 – Ceiling/first Floor Plan, revision 2, 11 March 2015
  - Drawing No. 04 – Roof Plan, revision 2, 11 March 2015
  - Drawing No. 10 – Elevations, revision 2, 11 March 2015
  - Drawing No. 20 – Full Height Sections Sheet 1, revision 2, 11 March 2015
  - Drawing No. 21 – Full Height Sections Sheet 2, revision 2, 11 March 2015
  - Acoustic Impact Assessment, Project No. 215 035, prepared by PKA Acoustic Consulting, dated October 2015.
  - Bushfire Safety and Evacuation Plan, B2015-013, prepared by Dialla Design Drafting Services, dated September 2015.
  - Flora and Fauna Assessment report, prepared by Fraser Ecological Consulting, dated 6<sup>th</sup> December 2015.
  - Onsite Wastewater Management Report, ref -183715-A, prepared by Envirotech Environmental and Engineering Consultancy Services, dated 26 October 2015.
  - Parking and Traffic Impact Study, 15-070, prepared by Thompson Stanbury Associates, dated August 2015.
  - Stormwater Management Report, SY150051, prepared by Barker Ryan and Stuart, dated December 2015.
  - BCA Compliance Report, prepared by Urban City Consulting, dated December 2015.
  - Concept Drainage Design Plans , Plan Set Number PSY15051 – Revision C, Sheets 1 to 8 Dated 03 December 15, prepared by Barker Ryan and Stuart.
2. The subdivision proposal described as part of the application does not form part of this consent and all land titles, being Lot 1 DP 603811 and Lot 2 DP 603811 must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands.
  3. Following the consolidation of Lot 1 DP 603811 and Lot 2 DP 603811 the dwelling located Lot 2 DP 603811 shall be restricted to being used for the purposes of a rural workers dwelling.  
  
The rural workers dwelling shall be used as a place of residence by persons employed on the mushroom farm, whether on a long-term or short-term basis.
  4. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
  5. The building shall not be used or occupied prior to the issue of an Occupation Certificate.
  6. The development shall comply with the provisions of the National Code of Construction - Building Code of Australia.
  7. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven days of issuing the certificate. A registration fee applies.
  8. All vegetative debris (including felled trees) resulting from the approved clearing of the site for construction, is to be chipped or mulched. Tree trunks are to be recovered for posts, firewood or other appropriate use. No vegetative material is to be disposed of by burning.
  9. This development falls within the Sewerage Scheme controlled by Hawkesbury City Council. Therefore Hawkesbury City Council is the approving authority for all sewer works.

***Prior to Issue of Design Compliance Certificate Stage 1, 2 and 3***

10. The applicant shall obtain appropriate water supply licences under the Water Management Act 2000 for the development prior to the issue of any design compliance certificate relating to the proposed water storage facilities.
11. The applicant shall pay a Design Compliance Certificate fee and a Construction Compliance Certificate fee in accordance with Councils fees and charges when submitting Civil Engineering Plans to Council for approval.
12. All earthworks on site must comply with the following:
  - (a) Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.
  - (b) All disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.
  - (c) Once the topsoil has been removed the natural batter should be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place.
  - (d) Where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing shall be constructed.
  - (e) All fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 95% when tested in accordance with Australian Standard AS 1289: Methods of testing soils for engineering purposes unless otherwise specified.
  - (f) Filling shall comprise only uncontaminated virgin excavated natural material. Contamination certificates for all source material shall be provided to the Principal Certifying Authority prior to placing any fill on site.

Details satisfying the above requirements are to be submitted to the Principal Certifying Authority prior to the issue of the Design Compliance Certificate.

13. Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.
14. The design must be submitted to the Principal Certifying Authority prior to issue of the Design Compliance Certificate.
15. Prior to the issue of the Design Compliance Certificate, the applicant must submit to and obtain the Certifying Authority approval of a Soil and Water Management Plan. The SWMP must take into account the requirements of Landcom's publication Managing Urban Stormwater - Soils and Construction (2004) and shall contain but not be limited to:
  - (a) Clear identification of site features, constraints and soil types
  - (b) Management of the cumulative impacts of the development on the quality and quantity of surface water, including stormwater in storage, sedimentation basins and flooding impacts.
  - (c) Details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum.
  - (d) Erosion and sediment control plans for each phase of construction that provide site-specific management measures, including details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters

including the locations and capacities of sediment fencing/straw bales, temporary storage ponds, sediment filters, filter barriers and other controls.

- (e) A strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks.
- (f) The potential for heavy prolonged rainfall during construction to cause environmental impacts including water quality impacts.
- (g) Identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site.
- (h) Procedures for the re-use, treatment and disposal of water from sedimentation basins.

16. Construction of the dam is to be undertaken in accordance with the Dam Construction Chapter in the Hawkesbury Development Control Plan 2002.

Details satisfying the construction requirements are to be submitted and approved by the Principal Certifying Authority prior to the issue of the Design Compliance Certificate.

17. All reasonable measures to minimise dust generated during construction are to be implemented. This includes but is not limited to:

- (a) Clearly defined stop work thresholds whereby earthworks on site will be ceased. Thresholds must be provided that relate to velocity and direction of wind and relative humidity.
- (b) Stabilisation of stockpiles.
- (c) Definition of the maximum allowable height of stockpiles.

Dust Management Measures are to be provided to the Principal Certifying Authority prior to the issue of the Design Compliance Certificate.

18. The development shall not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- (a) Water flowing from the property must not be redirected or concentrated to adjoining properties.
- (b) Water flowing into the property from adjoining lots shall not be impeded or diverted.
- (c) Water flow shall follow the natural flow directions without increasing velocity.

19. Pipes under buildings shall be structurally designed to withstand all applied forces. Details to this effect shall be incorporated on the detailed drainage design that is submitted to the certifying authority for the Design Compliance Certificate.

20. All pits deeper than 0.9 metres must be designed by a certified structural engineer and be in accordance with AS3600-2009. Pits deeper than 1.2 metres must have step irons and pits deeper than 1.8 metres are to be reinforced concrete. Details to this effect shall be incorporated on the detailed drainage design that is submitted to the certifying authority for the Design Compliance Certificate.

21. All pits must have flush fitting grates. All pits larger than 600mm x 600mm are to be grated galvanised steel grid hinged and be heavy duty type where traffic loading is expected.

22. A detailed drainage design of the site must be submitted and approved prior to the release of the Design Compliance Certificate. The detailed plan must:

- (a) be generally in accordance with Drainage Design with Plan Set Number PSY15051 sheets 1 to 8, revision C1, Dated 03/12/15, prepared by Barker Ryan and Stuart,
- (b) drain to the dams and/or dispersed on site,
- (c) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels, estimated flow rates, invert levels and sizes of all pipelines,
- (d) be to the satisfaction of the Certifying Authority,
- (e) be designed to cater for a 1 in 20 year Average Recurrence Interval storm event,
- (f) show details of any overflow drainage paths and that they be designed to cater for 1 in 100 year Average Recurrence Interval storm event,
- (g) comply with Council's Hawkesbury Development Control Plan (Part I & Chapter 8) and Australian Standard AS3500 – Plumbing and Drainage unless variation is specifically noted and approved on DA concept drainage plan.

23. The vehicular usage of the site must be constructed to comply with the following requirements:

- (a) All vehicles must be loaded and unloaded entirely within the property in a safe and practical manner.
- (b) All vehicles shall be driven in a forward direction at all times when entering and leaving the premises.
- (c) Vehicles entering and exiting the site must not create queuing which adversely affects vehicles travelling on the public road network.

Details showing Compliance with the above requirements are to be clearly demonstrated on plans prior to issue of a Design Compliance Certificate. In this respect loading and unloading areas are to be clearly designated and the swept paths of the longest vehicle entering and exiting the subject site in accordance with Australian Standard AS 2890.1 and AS 2890.2 shall be provided.

24. All car parking areas, maneuvering areas and the access aisles must be paved, drained and marked. The pavement must be designed by a qualified civil engineer and certified to be satisfactory for the expected traffic loadings. AUSTROADS Guide to Pavement Technology can be used as the design guideline for the pavement design.

The laybacks and crossings must be designed to accommodate expected traffic loadings. In this regard they must be constructed to a commercial/industrial standard with the work carried out at the Developer's expense, including all alteration to public infrastructure where necessary.

The above details must be incorporated on appropriate submitted plans prior to the issue of the Design Compliance Certificate.

#### ***Prior to Issue of Design Compliance Certificate Stage 1***

25. A standard industrial vehicular sealed driveway and crossing must be constructed that complies with the following requirements:
- (a) have a minimum width of 6m within the road reserve and within the property be wide enough to facilitate practical entry and exit in a safe manner,
  - (b) not interfere with the existing public utility infrastructure,
  - (c) be in accordance with Hawkesbury Council's Development Control Plan Appendix E.



Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider. Details are to be provided on plans submitted to the certifying authority prior to issue of a Design Compliance Certificate.

26. Car parking spaces shall be provided in accordance with Hawkesbury City Councils Development Control Plan and maintained on the land in accordance with the Approved Plans. Disabled car parking spaces shall be clearly marked and signposted for use by disabled persons. The disabled parking spaces are to conform with AS2890.6 Parking facilities: Off-street parking for people with disabilities.

The minimum number of spaces provided shall be as follows:

Stage 1

83 - Staff/Visitor

1 - Accessible Car Space

The car parking spaces are to be identified on-site by line-marking. Details in accordance with the above must be submitted to the Principal Certifying Authority prior to issue of the Design Compliance Certificate.

27. A standard sealed driveway and crossing must be constructed that complies with the following requirements:
- (a) have a minimum width of 6m within the road reserve and 6m within the property from the boundary to the start of the first car parking area,
  - (b) not interfere with the existing public utility infrastructure,
  - (c) be in accordance with Hawkesbury Council's Development Control Plan Appendix E.

Where there is conflict between the location of the proposed driveway and the assets of a service utility, such as Telstra pits/manholes, the relevant service provider must be contacted prior to any driveway works commencing. It is an offence to modify or tamper with the assets of a service provider. Details are to be provided on plans submitted to the certifying authority prior to issue of a Design Compliance Certificate.

### ***Prior to Issue of Design Compliance Certificate Stage 2***

28. Car parking spaces shall be provided in accordance with *Hawkesbury City Councils Development Control Plan* and maintained on the land in accordance with the Approved Plans. Disabled car parking spaces shall be clearly marked and signposted for use by disabled persons. The disabled parking spaces are to conform with *AS2890.6 Parking facilities: Off-street parking for people with disabilities*.

The minimum number of spaces provided shall be as follows:

102 - Staff/Visitor

1 - Accessible Car Space

The car parking spaces are to be identified on-site by line-marking. Details in accordance with the above must be submitted to the Principal Certifying Authority prior to issue of the Design Compliance Certificate.

### ***Prior to Issue of Construction Certificate Stage 1, 2 and 3***

29. Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979 development contribution fees for each stage of the development shall be paid to Hawkesbury

City Council in accordance with Hawkesbury City Council's Section 94A Development Contributions Plan 2015 (as amended from time to time).

A 1% levy applies to the development and will be calculated using the total estimated cost of works associated with each stage of the development. A cost summary report covering all the works associated with stage 1, 2 and 3 shall be prepared by a quantity surveyor who is a registered member of the Australian Institute of Quantity Surveyors and submitted to Council prior to the issue of any construction certificate.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of Hawkesbury City Council's Section 94A Development Contributions Plan 2015 (as amended from time to time).

The contribution is to be paid prior to the issue of the construction certificate and copies of receipt(s) confirming that the contribution has been fully paid are to be provided to the certifying authority.

30. A Section 73 "Notice of Requirements" under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation for each stage of the development.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

31. A Sewer Management Facility System application shall be submitted to Hawkesbury City Council for each stage of the development. Evidence of the approval of the application must be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.
32. Please contact Council's Customer Service Staff to make an appointment so that Council officers may conduct an inspection of your on-site sewage management system so that it can be assessed for its suitability for the proposed development and so that a current approval to operate may be issued. The installed system will be the subject of an approval to operate a system of sewage management in accordance with the provisions of Subdivision 6 & 7 of Division 4 of Part 2 of the Local Government (General) Regulation 2005 and for this purpose will be subject to inspection at annual frequency by Council's Environmental Health Officer or at such other frequency as may be determined according to the future operation or risk of the system
33. As this development involves connection to an on-site sewerage treatment system, payment of the prescribed inspection fee for both internal and external sewer drainage work is required to be made to Hawkesbury City Council prior to the issue of a construction certificate for each stage of the development.
34. Where retaining walls are proposed to be constructed over 600mm in height, the design must be certified by a suitably qualified person and must be supplied to the Principal Certifying Authority.
35. A qualified Structural Engineer's design for all reinforced concrete and structural steel shall be provided to the Principal Certifying Authority prior to any works commencing on site.
36. Access to the development for people with disabilities shall be provided in accordance with the Disability (Access to Premises – Buildings) Standards 2010. Details shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate for building work.

37. Specifications of the acoustic barrier referred to in the acoustic report, PKA Acoustic Consulting 215 035 RO1 v1-1 shall be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
38. External colours/materials used in the building are to be selected so that glare impact upon adjoining properties is minimised. Details satisfying this requirement are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.

***Prior to Commencement of Works Stage 1, 2 and 3***

39. The applicant shall advise Council of the name, address and contact number of the Principal certifier in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
40. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning and Assessment Regulation 2000.
41. Toilet facilities (to the satisfaction of Council) shall be provided for workmen throughout the course of building operations. Such facility shall be located wholly within the property boundary.
42. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road. The sign is to be maintained for the duration of works:
  - (a) Unauthorised access to the site is prohibited.
  - (b) The owner of the site.
  - (c) The person/company carrying out the site works and telephone number (including 24 hour seven days emergency numbers).
  - (d) The name and contact number of the Principal Certifying Authority.
43. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier.
44. The approved plans must be submitted to and endorsed by Sydney Water via the Sydney Water Tap in website to determine whether the development will affect Sydney Water's water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site <http://www.sydneywater.com.au/tapin/index.htm> or telephone 1300 082 746 Monday to Friday 8.30am to 5.30pm.

Evidence of the building plan approval must be forwarded to the Principal Certifying Authority prior to the commencement of works.

45. A Traffic Control Plan prepared in accordance with the Roads and Maritime Services' publication Traffic Control at Worksites is to be prepared by an appropriately qualified person and submitted to Council for approval, prior to commencement of any works within the road reserve.
46. Prior to works commencing, documentary evidence shall be provided to the Principal Certifying Authority demonstrating that the proposed fill material is either:
  - (a) Uncontaminated virgin excavated natural material (VENM) as defined under the provisions of the NSW Protection of the Environment Operations Act 1997; or
  - (b) Excavated Natural Material (ENM) as defined by the Excavated Natural Material Exemption 2012 - NSW Environment Protection Authority. The material is from a known

origin and composition, free of contamination from manufactured chemicals, process residues, building debris, sulfidic ores, or other foreign matter; or

- (c) Fill which has been characterised and validated by a suitably qualified and experienced site contamination consultant, in accordance with the NSW Office of Environment and Heritage publication Contaminated Sites - Sampling Design Guidelines 1995.

Written details are to be kept of address of the origin of the fill; quantities, dates, and times of delivery from each location; registration numbers and driver's identification details; and laboratory test results/consultants reports and available for inspection by the Principal Certifying Authority or Council upon receipt of a written request.

All fill shall be placed in accordance with the standards specified in Table 5.1 of Australian Standard AS 3798 - Guidelines on Earthworks for Commercial and Residential Developments.

- 47. A detailed landscape plan shall be prepared and approved by the Principal Certifying Authority prior to the commencement of works. Native vegetation of local provenance shall be used for the landscaping works.
- 48. Vegetation waste resulting from the approved clearing of the site shall be salvaged for re-use, either in log form, or as woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species shall be disposed of to an appropriate waste facility.

No vegetative material is to be disposed of by burning on-site other than in an approved heating or cooking device.
- 49. The property entry and exit points shall be secured at all times to prevent the unauthorised entry of vehicles, and to ensure that the site manager can control and prevent dumping of waste and potentially contaminated material whilst fill material is being imported or managed on site.

#### ***During Construction Stage 1, 2 and 3***

- 50. Dust control measures, e.g. vegetative cover, mulches, irrigation, barriers and stone, shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
- 51. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.
- 52. The site shall be secured to prevent unauthorised access and the depositing of unauthorised material.
- 53. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project. The following restrictions apply during construction:
  - (a) Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
  - (b) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (c) Builders waste must not be burnt or buried on site.
  - (d) All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- 54. During the demolition and construction period, the person responsible for the site is to retain records of waste disposal (waste receipts or dockets, recycling processor receipts etc.) in a

Waste Data File. The Waste Data File must be provided to Council officers on request to demonstrate that the approved Waste Management Plan is being implemented.

55. At all times during demolition, a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- (a) Adjoining owners are given 24 hours notice, in writing, prior to commencing demolition.
  - (b) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed before any demolition commences.
  - (c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
  - (d) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
  - (e) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained, particularly in the event of sudden and severe weather changes.
  - (f) The structure and all components shall be maintained in a stable and safe condition at all stages of the demolition work.
  - (g) Demolition activity shall not cause damage to or adversely affect the structural integrity of adjoining buildings.
  - (h) Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
  - (i) All work shall be carried out in accordance with AS2601.
  - (j) Unless otherwise permitted by Council, the structure is to be demolished in reverse order of construction, being progressive and having regard to the type of construction, to enable the maximum separation and recycling of demolished materials to take place.
  - (k) No material is to be burnt on site.
56. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, including a public road or place, the person causing the excavation to be made:
- (a) must preserve and protect the building from damage; and
  - (b) if necessary, must underpin and support the building in an approved manner; and
  - (c) must, at least seven days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The person acting in accordance with this Consent is liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

57. All works removing asbestos containing materials must be carried out by a suitably licensed asbestos removalist duly licensed with WorkCover NSW, holding either a Friable (Class A) or a Non- Friable (Class B) Asbestos Removal Licence which ever applies.

58. All fuel storage tanks and LPG tanks are to comply with all NSW EPA and NSW SafeWork requirements. This is to include all setback and bunding requirements.
59. Compliance certificates (known as Part 4A Certificates) as are to be issued for Critical stage inspections as detailed in the Environmental Planning and Assessment Regulation 2000 as required by section 109E (3) (d) of the Environmental Planning and Assessment Act 1979 by the nominated Principal Certifying Authority .
60. Inspections and Compliance Certificates for sanitary drainage works can be conducted and issued by Hawkesbury City Council. Inspections must be conducted on the exposed pipes prior to covering.  
  
In the case of internal and external (house service connection) drainage, the inspection must be conducted by Hawkesbury City Council's Building and Development Branch. Please phone (02) 4560-4565 to arrange inspections.
61. No work can be undertaken within adjoining public lands (i.e. Parks, Reserves, Roads etc.) without the prior written consent of Council. The developer must bear the cost of all works associated with the development that occurs on Council's property, including the restoration of damaged areas.
62. Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials shall be carried out between the following hours:
  - (a) between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
  - (b) between 8:00 am and 4:00 pm, Saturdays;
  - (c) no work on Sundays and public holidays;
  - (d) works may be undertaken outside these hours where:
    - i. the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
    - ii. it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
    - iii. a variation is approved in advance in writing by Council.
63. The measures required in the Soil and Water Management Plan approved by the Certifying Authority must be implemented as a priority over general construction works. The controls must be maintained at all times during each stage of the development and checked for adequacy daily. The controls must not be removed until the development is completed and the disturbed areas have been stabilised.

Maintenance must include but is not limited to ensuring:

- (a) all sediment fences, sediment traps and socks are properly placed and are working effectively and,
- (b) drains, gutters and roads are maintained clear of sediment at all times.

Note: It is an offence under the Protection of the Environment Operations Act 1997 to allow soil or other pollutants to fall or be washed into any waters or be placed where it is likely to fall or be washed into any waters. Substantial penalties may be issued for any offence.

64. All plant and equipment to be used or installed on the premises must comply with the vibration limits specified in Assessing Vibration: a technical guideline prepared by the NSW Environment Protection Authority, at the boundary of any affected receiver.



If requested by Council or the Principal Certifying Authority during Construction the applicant is to provide a vibration compliance letter from an appropriately qualified acoustic consultant eligible for membership of the Association of Australian Acoustic Consultants, certifying that all plant and equipment on the site, together with the proposed plant and equipment, operating simultaneously will comply with the requirements of this condition.

65. Topsoil shall only be stripped from approved areas and shall be stockpiled for re-use during site rehabilitation and landscaping.

Stockpiles of topsoil, sand, aggregate, spoil or other material stored on the site that is capable of being moved by running water shall be stored clear of any drainage line or easement, natural watercourse, footpath, kerb, and/or road surface.

Suitable sediment and erosion control devices shall be installed prior to the stockpile being created. The stockpile shall be treated so its surface is erosion resistant to wind and water action.

66. Vegetation removal shall be undertaken under the supervision and direction of a consulting ecologist. Where possible, escaped fauna is to be caught by the consulting ecologist and transported to a suitable release area.
67. Planting shall be undertaken in accordance with the approved landscaping plan.
68. A Vegetation Management Plan shall be prepared for the site and designed to protect vegetation onsite that is proposed to be retained and or planted out as part of the landscaping of the property. This plan shall be implemented at the beginning of stage 1 works.

***Prior to Issue of Construction Compliance Certificate Stage 1, 2 and 3***

69. Prior to the issue of a Construction Compliance Certificate all works must be completed in accordance with approved Design Compliance Certificate, Approved Plans, associated correspondence and to the satisfaction of the certifying authority.
70. Works As Executed plans must be submitted to the Certifying Authority by a registered surveyor certifying compliance with the approved design plans. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Design Compliance Certificate plans. The plans must verify:
- (a) surface level of constructed paved areas,
  - (b) surface and invert levels on all pits,
  - (c) invert levels and sizes of all pipelines,
  - (d) floor levels of all buildings and
  - (e) top of kerb levels at the front of the lot.

All levels must relate to Australian Height Datum.

***Prior to issue of Occupation Certificate Stage 1, 2 and 3***

71. A Construction Compliance Certificate for all civil works shall be obtained and submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.
72. An approval to operate the on-site septic system is required to be obtained from the Regulatory Services Department of Hawkesbury City Council. The approval to operate is required to be submitted to the Principal Certifying Authority prior to the issue of an Interim Occupation Certificate.

73. Submission of evidence to the Principal Certifying Authority confirming that all land titles, being Lot 1 DP 603811 and Lot 2 DP 603811 have been consolidated into one lot prior to the issue of an interim Occupation Certificate for stage 1 of the development.
74. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
75. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
76. A written clearance from Hawkesbury City Council (as the local sewer authority) that the development is suitably connected to the on-site sewerage management system, is required to be submitted to the Principal Certifying Authority prior to the issue of an interim occupation certificate.
77. Landscaping shall be completed as shown on the approved landscaping plan prior to the issue of a final occupation certificate.

***Use Conditions***

78. All fire safety equipment and fixtures shall be regularly serviced and maintained. The owner or their agent shall certify annually that each of the fire safety measures specified in this statement has:
  - (a) been assessed by a properly qualified person, and
  - (b) found, when it was assessed, to be capable of performing to at least the standard required by the current Fire Safety Schedule for the building for which the certificate is issued.
79. No internal or external alterations shall be carried out without prior approval of Council.
80. The operation is to be conducted in accordance with the recommendations specified in the Acoustic Impact Assessment, Project No. 215 035 prepared by PKA Acoustic Consulting, dated October 2015
81. The hours of operation of the mushroom farm shall be limited to 6am to 12 midnight seven days a week.
82. The following activities are to be conducted during daytime hours (7am to 6pm);
  - (a) Trucks movements including delivery and removal of compost, pick up trucks for collection of mushroom and waste trucks.
  - (b) Peat mixing.
83. The Operation of the outdoor spray wash area must be limited to being conducted during daytime and evening hours (7am to 10pm);
84. During the hours of 7am to 10pm, the development shall be managed so that the LAeq noise levels, measured at any point in accordance with the NSW DEC's Industrial Noise Source Policy, do not exceed 5dB(A) (LAeq) above background levels (LA90) with respect to noise amenity of residential properties and associated outdoor areas.
85. Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise as defined by the Protection of the Environment Operations Act 1997.
86. All doors and windows (including the large doors facing south and east) are required to be kept closed when the trucks are loading / unloading compost into the growing rooms.

87. All runoff water and wash down water is to be captured and disposed of as specified in the Stormwater Management Plan.
88. Quarterly water testing of the water from the washdown activities is to be conducted. A report is to be prepared and submitted along with the water testing results showing the treated wash down water (samples taken along the treatment system after solid removal process, after the wetland system and then at the outlet of all dams) meets the appropriate standards / guidelines and is suitable for discharge.
89. All discharge water from the cooling towers and boilers is to be collected and discharged into an approved treatment system. Details of the collection and disposal methods of wastewater must be provided to the satisfaction of the Principal Certifying Authority.
90. Lights are to be located and directed in such a manner that adjoining and nearby properties are not impacted by light spillage.
91. The development shall be conducted in such a manner so as not to interfere with the amenity of the neighborhood in respect to noise, vibration, odour, dust, wastewater, waste products or otherwise.
92. The development is not to contribute to water pollution or pollution of waters as defined in the dictionary to the Protection of the Environment Operations Act 1997.
93. Any chemical containers are to be disposed of through an authorised waste disposal facility. Chemical containers are to be prepared for disposal in accordance with the Agsafe Standard for 'Effective Rinsing of Farm Chemical Containers'. Excess chemicals, herbicides or insecticides are to be disposed of through the "ChemClear" programme conducted by Agsafe ([www.chemclear.com.au](http://www.chemclear.com.au)) or through other appropriate programs.
94. The application, management and record keeping of pesticides at the premises must comply with the following legislation or guidelines:
  - (a) WorkCover NSW 1998 -"Code of Practice for the Safe use of and Storage of Chemicals (including pesticides and herbicides) in Agriculture";
  - (b) WorkCover "Code of Practice for the Labelling of Workplace substances
  - (c) NSW Department of Primary Industries "Spray Drift Management - Principles, strategies and supporting information";
  - (d) NSW Department of Primary Industries "Reducing herbicide spray drift".
95. No burning of materials shall occur at the site.
96. Used mushroom compost must be removed from the site as soon as possible once removed from the growing rooms. Stockpiles are stored in an appropriate location that does not interfere with neighboring properties and away from watercourses.

**Advisory Notes:**

- \*\*\* Private Accredited Certifiers do not have any authority to issue Engineering Approvals or carry out inspections for works on Public Roads under the Roads Act 1993.
- \*\*\* The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by this proposed development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.
- \*\*\* Should any aboriginal site or relic be disturbed or uncovered during the construction of this development, all work should cease and the National Parks and Wildlife Service consulted. Any

person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

\*\*\* The applicant is advised to consult with the relevant:

- (a) water and sewer provider
- (b) electricity provider
- (c) natural gas provider
- (d) telecommunications carrier
- (e) road authority

regarding their requirements for the provision of services to the development and the location of existing services that may be affected by proposed works, either on site or on the adjacent public roads.

\*\*\* The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.