

<b>DATE OF DETERMINATION</b>	28 September 2016
<b>PANEL MEMBERS</b>	Mary-Lynne Taylor (Chair), Bruce McDonald, Louise Camenzuli and Matt Owens
<b>APOLOGIES</b>	Kim Ford
<b>DECLARATIONS OF INTEREST</b>	None

Public meeting held at Hawkesbury Council on Wednesday, 28 September 2016, opened at 4:20 pm and closed at 6:00 pm

#### **MATTER DETERMINED**

2016SYW015 - Hawkesbury City Council - DA0820/15 at 172 Boundary Road, Glossodia (AS DESCRIBED IN SCHEDULE 1)

#### **PANEL CONSIDERATION AND DECISION**

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

The Panel determined to approve the development application as described in Schedule 1 pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*. The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution. The decision was unanimous

#### **REASONS FOR THE DECISION**

The reasons for the decision of the Panel were:

- The proposed development will add to the production of agricultural foodstuffs within the Sydney Basin and the Hawkesbury Local Government Area on a site zoned to permit intensive plant agriculture. The proposal will also generate additional rural employment.
- The Panel has considered the applicant's request to vary the development standard contained in Clause 4.3 (Height of Buildings) Hawkesbury LEP 2012 and considers that compliance with the standard is unreasonable and unnecessary in the circumstances of this case as the proposed variation will not generate unacceptable impacts on adjoining or nearby allotments, remains consistent with the objectives of the standard and will facilitate a building responding to the sloping nature of the subject site with internal dimensions required to conduct the proposed use.
- The proposed development adequately satisfies the relevant State Environmental Planning Policies including SEPP 55 – Remediation of Land, SEPP 44 – Koala Habitat Protection and State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No 2 1997)
- The proposal adequately satisfies the provisions and objectives of Hawkesbury LEP 2012 and Hawkesbury DCP 2002.
- The proposed development, subject to the conditions imposed, will have no unacceptable adverse impacts on the natural or built environments including the natural drainage system, the local ecology, the amenity of dwellings arising from odour, noise emissions and vehicle movements or on the operation of the local road system.

#### **CONDITIONS**

The development application was approved subject to the conditions in the Council Assessment Report with the following amendments.

- Amendments as requested by Council and attached to this Determination and Statement of Reasons as Schedule 2 as well as amendments made to Condition 33, 73 and 75.

*Reason: In reviewing the exhibited material it has been revealed that further clarification in respect to some of the recommended conditions be made, including changes to conditions which may appear unclear, conditions that have been doubled up or satisfied by virtue of other conditions or conditions that would be more appropriate as advisory notes as opposed to conditions of consent.*

- A new condition to be added:

A landscape plan prepared by a suitably qualified person shall be submitted to and approved by the Manager, Development Services at Hawkesbury City Council.

This plan must be approved prior to the issue of a design compliance certificate. The proposed landscaping must screen building and operational areas at the southern and eastern property boundaries, and trees removed as a result of this development shall be replaced by the same number or more.

Landscaping shall comprise a combination of trees and shrubs endemic to the locality. This must be prepared in conjunction with the Vegetation Management Plan.

All screening landscaping on land that is not to be filled shall take place in stage 1 of this consent.

PANEL MEMBERS	
 Mary-Lynne Taylor (Chair)	 Bruce McDonald
 Louise Camenzuli	 Matt Owens

**SCHEDULE 1**

<b>1</b>	<b>PANEL REF – LGA – DA NO.</b>	2016SYW015 - Hawkesbury City Council - DA0820/15
<b>2</b>	<b>PROPOSED DEVELOPMENT</b>	Extension to mushroom farm
<b>3</b>	<b>STREET ADDRESS</b>	172 Boundary Road, Glossodia
<b>4</b>	<b>APPLICANT/OWNER</b>	Robert Tolson C/O Urban City Planning Mr Robert J Tolson (182 Boundary Road) and Premier Mushrooms Pty Ltd (172 Boundary Road)
<b>5</b>	<b>TYPE OF REGIONAL DEVELOPMENT</b>	General development over \$20 million
<b>6</b>	<b>RELEVANT MANDATORY CONSIDERATIONS</b>	<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 Environmental Planning Policy</li> <li>• State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>• Hawkesbury Development Control Plan 2002</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality.</li> <li>• The suitability of the site for the development.</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> and <i>Environmental Planning and Assessment Regulation 2000</i>.</li> <li>• The public interest, including the principles of ecologically sustainable development.</li> </ul>
<b>7</b>	<b>MATERIAL CONSIDERED BY THE PANEL</b>	<p>Council Assessment Report dated 26 August 2016</p> <p>Written submissions during public exhibition: 12</p> <p>Verbal submissions at the panel meeting:</p> <ul style="list-style-type: none"> <li>• Object – Debbie Stewart, Diane Lanham, Rodney Cook, Stephen Cook, Christine Cook</li> <li>• On behalf of the applicant – Robert Tolson and Greg Hall</li> </ul>
<b>8</b>	<b>MEETINGS AND SITE INSPECTIONS BY THE PANEL</b>	<p>Any previous briefing meetings</p> <p>Site visit and briefing meeting on 28 September 2016</p>
<b>9</b>	<b>COUNCIL RECOMMENDATION</b>	Approve
<b>10</b>	<b>DRAFT CONDITIONS</b>	Attached to the council assessment report

## SCHEDULE 2

### **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 prior to the issue of an interim Occupation Certificate for stage 1 of the development.
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 only 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. 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***

8. 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.
9. 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.
10. 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.

11. Any retaining walls having a height exceeding 600mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

The design must be submitted to the Principal Certifying Authority prior to issue of the Design Compliance Certificate.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.
18. 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.
19. 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.
20. 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.

21. All car parking areas, manoeuvring 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***

22. A standard industrial vehicular sealed driveway and crossing for the truck driveway 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.

23. Car parking spaces shall be provided in accordance with Hawkesbury City Council's 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.

24. A standard sealed driveway and crossing for the employee driveway 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***

25. 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***

26. 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.

27. 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.

28. 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.

29. 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.
30. 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.
31. 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.
32. 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.
33. 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.

The barrier is to be constructed to prevent light spillage on adjoining properties from vehicles using the loading dock

34. 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***

35. 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.
36. 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.
37. 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.
38. 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.
39. 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.

40. 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.

41. 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.
42. 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.

43. 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.
44. 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.

45. 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***

46. 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.
47. Measures shall be implemented to prevent vehicles tracking sediment, debris, soil and other pollutants onto any road.

48. 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) Building operations such as brick cutting, washing tools, concreting and bricklaying shall be undertaken only within the site.
  - (b) Builders waste must not be burnt or buried on site.
  - (c) All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
49. 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.
50. 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 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.
  - (j) All work shall be carried out in accordance with AS2601.
  - (k) 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.
  - (l) No material is to be burnt on site.
51. 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.

52. Compliance certificates (known as Part 4A Certificates) 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 .
53. 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.

54. 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, and comply with the following requirements:
- (a) Prior to issue of a Construction Certificate or approval under the Roads Act 1993 or Local Government Act 1993, a security bond of \$10,000 is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site.
  - (b) The Bond is recoverable upon written application to Council on completion of the filling and construction works associated with each stage, subject to satisfactory restoration as required. Fees for the lodgement of the bond apply.
  - (c) A dilapidation survey and report (including photographic record) must be prepared by a suitably experienced person detailing the pre-developed condition of;
    - (i) The entire length of Boundary Road
    - (ii) Spinks Road in the vicinity of the intersection with Boundary Road.

Particular attention must be paid to accurately recording any pre-developed damaged areas so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable for all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated as pre-existing under the requirements of this condition.

A copy of the dilapidation survey and report must be lodged with Council by the Principal Certifying Authority prior to the issue of any Construction Certificate.

55. 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.

56. 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.

57. 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.

58. 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.

59. 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.
60. Planting shall be undertaken in accordance with the approved landscaping plan.
61. 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***

62. 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.
63. 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***

64. 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.
65. An approval to operate the on-site septic system is required to be obtained from 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.
66. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.
67. Written clearance from Integral Energy shall be submitted to the Principal Certifying Authority.
68. 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.
69. Landscaping shall be completed as shown on the approved landscaping plan prior to the issue of a final occupation certificate.

***Use Conditions***

70. 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.

- 71. No internal or external alterations shall be carried out without prior approval of Council.
- 72. 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
- 73. The hours of operation of the mushroom farm shall be limited to 6am to 10 pm seven days a week with the exception of the use of the property between the hours of 10 to 12 midnight for four truck movements only.
- 74. The following activities are to be conducted during daytime hours (7am to 6pm only);
  - (a) Trucks movements including delivery and removal of compost, pick up trucks for collection of mushroom and waste trucks.
  - (b) Peat mixing.
- 75. The operation of the outdoor spray wash area must be limited to 7am to 10pm;

76. 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 DECs' 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.
77. Between the hours of 10pm to 7am, the development shall be managed so that the noise level does not create offensive noise when assessed against the NSW Government Office of Environment, Climate Change and Water, Noise Guide for Local Government document 2010.
78. 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.
79. All runoff water and wash down water is to be captured and disposed of as specified in the Stormwater Management Plan.
80. Quarterly water testing of the water from the washdown activities is to be conducted. A report is to be prepared and submitted to Hawkesbury City Council 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.
81. 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 prior to commencement of use.
82. Lights are to be located and directed in such a manner that adjoining and nearby properties are not impacted by light spillage.
83. 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.
84. 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".
85. No burning of materials shall occur at the site.
86. 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 neighbouring 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.

\*\*\* 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.

\*\*\* 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.