

Your Ref: MP 08_0255 MOD 3 and CP 08_0255 MOD 3

7 June 2018

Joanna Bakopanos
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Madam,

Development: **Modification Requests for Elf Mushroom Farm and Substrate Plant**

Property Details: **Lot 13 & 14 in DP 1138749
No. 108 & 112 Mulgrave Road MULGRAVE NSW 2756**

I refer to the abovementioned Part 3A modification, which was on exhibition and open for comment.

Following a review of the proposal, Council Officers have identified a number of matters that require further clarification, information and/or assessment prior to a determination of the application being made by the NSW Department of Planning and Environment.

Filling in the Floodplain

Council does not generally support the importation of fill material into the floodplain. Whilst it is acknowledged that the flood assessment provided confirms that the loss of flood storage volume would be minimal it is considered that filling in the floodplain should not be viewed in isolation.

Any proposal to import material within a floodplain should take into account incremental encroachment into the flood liable land, gradual loss of flood storage volume in the basin, and potential increased risk to the community, property and public infrastructure.

This approach to filling is believed to be consistent with Planning Priority W20 of the *Western City District Plan* which specifies that strategic and development decisions within the Hawkesbury – Nepean Valley must apply the following planning principal;

- *avoiding alterations to flood storage capacity of the floodplain and flood behaviour through filling and excavation ('cut and fill') or other earthworks*

It is recommended that any earthworks associated with the bale storage area and tree corridor be modified so that it does not rely on the need to import any material into the floodplain.

Flood Compatible Construction

All buildings must have flood compatible structural components up to and including the 100 year Average Recurrence Interval (ARI) flood level of 17.3 metres above the Australian Height Datum. The materials used in the construction must be consistent with any structural engineering certificate regarding the ability of the building/structure to withstand the forces of floodwater.



Noise and Odour

The application is required to demonstrate that there will not be increased impact in terms of noise and odour on the surrounding locality than what is currently approved. Council continue to receive complaints about emissions from the facility and this should be adequately addressed and considered as part of any assessment.

At minimum it is considered that an odour emission and management report be provided that specifies how odour would be controlled and managed as part of the proposed modifications. Should the proposal be supported it would be expected that any proposed odour controls or equipment be functional and in operation when the plant is in use as part of a condition of consent.

Stormwater Details

Stormwater works proposed as part of the modification should clearly address the water quality control measures to be installed which would ensure that water draining to South Creek will not have an adverse impact on downstream water quality.

Landscaping

New landscaping associated with the proposed modification should be carried out using native vegetation endemic to the locality and be made up of a combination of grasses, shrubs and trees. Advanced tree specimens should be used as part of any planting schedule.

Sewer

Council is the local sewer authority of the subject site. It is requested that further clarification be provided as to whether or not the proposed works will have an impact on the existing sewer arrangements on the land.

Should the modification be supported it would be required that the following condition be imposed on the development:

- *Prior to the release of a Construction Certificate, an application for a compliance certificate under Section 305 of the Water Management Act 2000 and Section 64 of the Local Government Act 1993 shall be obtained from Council for any water supply and sewerage associated with the development.*

Hawkesbury Section 94A Contributions Plan 2015

Councils Section 94A Contribution Plan requires contribution fees to be levied against development that is greater than \$100,000.00. Any works associated with the proposed modification must be accompanied by a detailed cost estimate prepared by a suitably qualified person in order to determine any contribution fees that may be applicable. The link below will direct you to Council's contributions plan:

http://www.hawkesbury.nsw.gov.au/_data/assets/pdf_file/0007/73177/20151208-Adopted-S94A-Plan.pdf

Riparian Zone

Council requests that the recommendations of the NSW Department of Primary Industries (Appendix A, attachment 1 - Dated 22 March 2017) be resolved to ensure that the riparian buffer is appropriate.

As identified by the NSW Department of Primary Industries, South Creek is a sixth order stream at the site in which case a 60 metre wide riparian corridor is required.

Visual Impact

The application must address the visual impact the proposal would have on the overall appearance of the locality and on adjoining land uses. Currently it is unclear as to the colours or material treatment proposed to be used on the retaining walls and concrete panels proposed along property boundaries.



It is considered appropriate that landscaping be provided between the new walls and property boundaries consistent with existing landscaping provided around the site. Existing landscaping should be incorporated into any new landscape plan.

Heritage Impact

A heritage impact assessment should be submitted that considers the impacts the development would have on the following Heritage items identified under Hawkesbury Local Environmental Plan 2012:

- Railway stationmaster's residence, No 117 Mulgrave Road, item number I403
- Railway station, Lot 101, DP 1165487 No 117 Mulgrave Road, item number I404
- "Tall Trees", Lot 13, DP 736138 No. 124 Mulgrave Road, item number I405

The report must recommend how and works along property boundaries could be designed in a manner that would enhance the overall appearance of the development when viewed from adjoining items.

Setbacks

Details need to be provided demonstrating that the retaining wall and concrete panels along property boundaries can be accessed for maintenance. It is unclear as to whether or not the proposed setback would be able to accommodate sufficient room to access the walls in order to address matters such as graffiti removal or repainting.

Zone Objectives

The land is zoned part IN2 Light Industrial and part RU4 Primary Production Small Lots under Hawkesbury Local Environmental Plan 2012 and the objectives of the zones are as follows:

IN2 Light Industrial

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To ensure that industrial development creates areas that are pleasant to work in and safe and efficient in terms of transportation, land utilisation and services distribution.*

RU4 Primary Production Small Lots

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

It is recommended that any assessment of the proposal have regard to the objectives of the zones when determining a development application.

Performance, Damage and Defects Bond

A performance, damage and defects bond must be lodged with Council prior to the issue of a Construction Certificate. The bond is to cover any restoration required to Council's roads resulting from deterioration caused by construction traffic.



Referral Agencies

It is recommended that the application be referred to the following agencies for comment:

- Sydney Trains as the proposed works are within 100 metres of a rail corridor;
- The Department of Defence as the works have been identified under the flight path of the Royal Australian Air Force Base Richmond.

Thank you for the opportunity to provide comment. Please note that the matters raised above may change as a consequence of supply of additional information and Council may wish to comment upon receipt of any additional information.

Should you have any questions, please contact me on (02) 4560 4424.

Yours faithfully,

William Pillon | Senior Town Planner | Hawkesbury City Council

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