

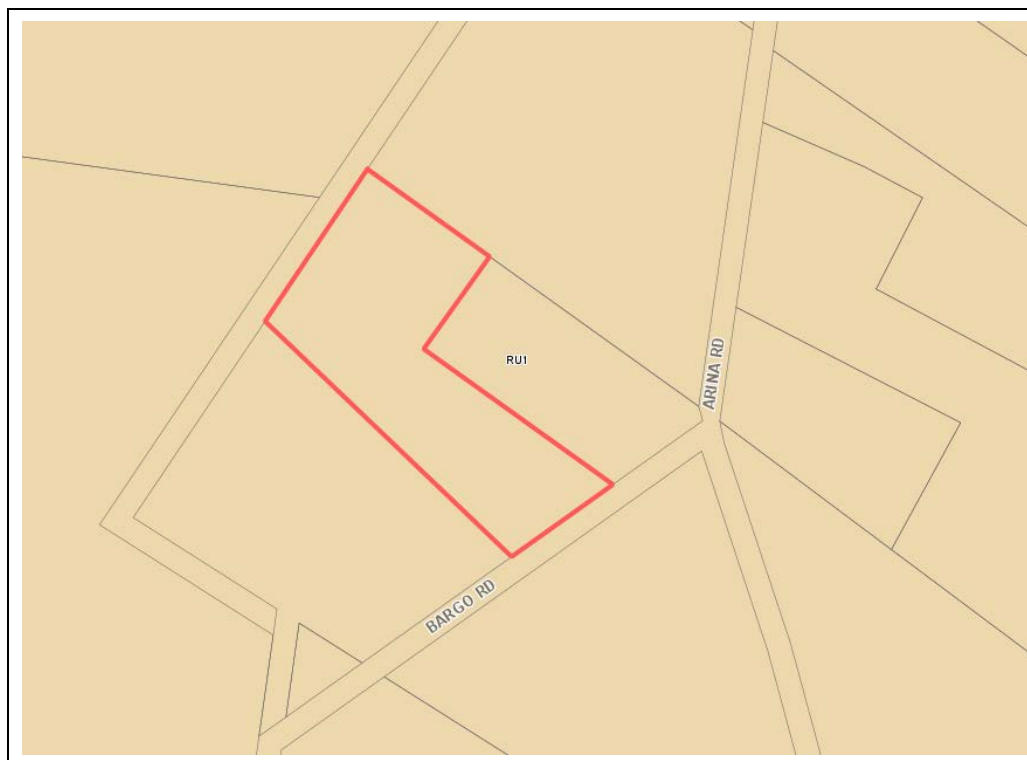
Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

PE8

**Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo - Intensive Plant Horticulture, Erection of a Hail Net and Farm Building, Demolition of an Outbuilding and Enlargement of existing Dam**  
265155 DD010.2016.00000010.001

Planning & Economy



LOCATION MAP  N

**DEVELOPMENT INFORMATION**

**Development Application No:** 010.2016.00000010.001  
**Property Details:** 275 Bargo Road BARGO Lot 1012 DP1067313  
**Applicant:** Mr Hai Min Cai & Mrs Shi Wen Su  
**Owner:** Mr Hai Min Cai & Mrs Shi Wen Su  
**Proposal Details:** Intensive Plant Horticulture, Erection of a Hail Net and Farm Building, Demolition of an Outbuilding and Enlargement of existing Dam.  
**Zone:** RU1 Primary Production

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

**PE8 – Development Application No.010.2016.0000010.001 – 275 Bargo Road Bargo**

**EXECUTIVE SUMMARY**

- The purpose of this report is to assess the proposed intensive plant horticulture, erection of a hail net and farm building, demolition of an outbuilding and enlargement of existing dam at 275 Bargo Road, Bargo.
- The application has been 'called up' by Council for determination.
- On 18 July 2016, the Development Application was reported to the Ordinary Meeting. Council resolved to defer the matter and seek amended plans.
- The applicant has submitted amended plans for relocation of the farm building and modified landscape plantings using mature planting stock.
- The amended plans have been notified in accordance with Council's adopted notification requirements. Only one (1) submission has been received as a consequence of the re-notification.
- Under legislation, a person who makes a relevant planning application or public submission is required to disclose any reportable political donations. The disclosure requirements extend to any person with a financial interest in the application or any associate of the person making a public submission. No disclosure of political donation has been made in association with this application.
- It is recommended that the application be approved subject to conditions.

**REPORT**

**BACKGROUND**

On 6 January 2016, Council received Development Application No. 010.2016.0000010.001 for development described on the Development Application form as *"use of site for Intensive Plant Agriculture (Horticulture), including erection of a hail net, packing shed and demolition of existing sheds"* on the land legally identified as Lot: 1012 in DP: 1067313 and described as 275 Bargo Road, Bargo.

On 17 February 2016, the Development Application was placed on notification in accordance with Council's adopted notification requirements for a period of 30 days. A total of three (3) submissions objecting to the development application were received by Council.

On 29 April 2016, the Applicant lodged amended plans and additional information seeking to address Council's request for additional information and matters raised in the submissions.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

On 17 May 2016, the amended information was placed on notification for a period of fifteen (15) days in accordance with Council's adopted notification requirements. A total of three (3) submissions objecting to the development application were received by Council.

On 18 July 2016, the Development Application was reported to the Ordinary Meeting of Council recommending approval subject to conditions. Council resolved as follows:

*"A. That determination of Development Application No. 010.2016.00000010.001 for Intensive Plant Horticulture, Erection of a Packing Shed, Demolition of an Outbuilding and Enlargement of existing dam at Lot 1012 in DP 1067313 (No. 275) Bargo Road, Bargo be deferred.*

*B. That the Proponent be asked to amend the proposal in terms of the siting of the packing shed to address the concerns of an adjoining resident. Details of advanced native tree planting with irrigation and measures to reduce chemical spray drift also be provided by the Proponent.*

*C. That a report be provided to a future Council Meeting following neighbour notification of any amended plans."*

On 16 September 2016, The applicant lodged amended plans to address resolution 'B'. The amended plans were notified to adjoining neighbours and previous submitters. One (1) submission was received during the notification period from a previous submitter. The planning response to the submissions received is discussed elsewhere in this report.

**CONSULTATION**

Authority	Comments
MSB	Approval obtained.
DPI Water	<p>The application and amended application was referred to DPI Water for their consideration.</p> <p>DPI Water have responded to Council in relation to development within 40m of a mapped watercourse and confirmed that the watercourse is not waterfront land requiring a Controlled Activity Approval.</p> <p>The proposal includes works subject to the DPI Water's Farm Dams Policy. The proposed enlarged dam will have a capacity of 1.069 megalitres. The proposed dam with a capacity of 1.069 megalitres will require licensing as it</p>

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Authority	Comments
	<p>is above the 0.34 megalitre harvestable right.</p> <p>A Water Supply Works Approval and Water Access Licence (WAL) will be required to authorise storage capacity in excess of the Harvestable Right.</p> <p>The applicant will be required to purchase a WAL to enable them to extract water out of the proposed dam.</p> <p>General Terms of Approval have been granted for works requiring a Water Supply Works Approval under the Water Management Act 2000.</p>

Planning & Economy

**1.1 DESCRIPTION OF SITE AND SURROUNDING AREA**

The subject site is located on the northern side of Bargo Road approximately 2.5km to the north-east of the established Bargo Village.

The subject site is irregular in shape with a frontage of 104 metres to Bargo Road and western boundary of 284 metres. The site has a total land area of 3.546 hectares.

The site is accessed via a single entry/exit driveway off Bargo Road. The site generally slopes from the south-east to the north-west portion of the site, where an existing dam is located on the north-western boundary.

The site is largely cleared of vegetation and is dominated by grassland. There is a small stand of remnant Eucalyptus towards the northern boundary of the site.

Existing on the subject site is a single storey clad cottage, earth dam, and metal sheds and animal shelters associated with the previous use of the site as an animal boarding and training establishment (Development Consent No. 010.2013.00000035.001).

The existing land use pattern in the area may be characterised by rural residential properties, with small-scale rural activities. The built form and character of the locality consist of mainly single storey residential dwellings with their associated uses.

The subject site is located within the Bargo Mine Subsidence District.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo  
Road Bargo**

**1.2 DESCRIPTION OF DEVELOPMENT**

The development is described in the Statement of Environmental Effects lodged with the development application as follows:

**Intensive Plant Agriculture (Horticulture)**

General

Plants will sit on elevated tables and will utilise a flow of hydroponic growing water located below the root system. The tables will be arranged in clusters ranging from 20 to 60 tables each.

Net structure

A hail net suspended on steel poles will be erected to cover the plants. The net will reach a height of approximately 5 metres from ground level and be supported by 165mm galvanised steel poles around the perimeter (with anchor stays), and 140mm galvanised steel poles in a 15m x 12m grid pattern. The poles will be connected by 12mm galvanised cable.

The applicant has also indicated that the side netting from the top of the net to the ground is proposed to reduce the potential for spray drift. Details of the proposed side netting is provided in an attachment to this report.

Soil and water management

The subject site is benefitted by an existing bore which the applicant will seek to pump from to fill the 150,000 litre tank. The water from this storage tank is then pumped up to the 4,500 litre tanks, where nutrients are added. The nutrient-rich water is pumped to the top of the cycle, which then trickles through the plants and back to the 4,500 litre tanks. The nutrient rich water is recycled over and over, and is continuously topped up by the water from the 150,000 litre tank.

Where any nutrient-rich water needs to be discharged, it follows the drainage pathway to the dam, which is effectively a bio-retention filter.

**Erection of packing shed**

The details of the farm building/packing shed are shown on the plans. The farm building will be used for storage, packing and the like. It is proposed to be constructed with a concrete floor and metal cladding.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**Demolition of sheds**

The existing kennels and sheds at the rear of the property will be demolished.

**Ancillary works**

Driveway and vehicle manoeuvring areas are proposed to be constructed of all-weather material with a separate access off Bargo Road to provide truck and vehicular access to the farm building.

**Dam Enlargement**

The proposal includes works subject to the DPI Water's Farm Dams Policy. The proposed enlargement of the existing dam will have a capacity of 1.069 megalitres. The proposed dam with a capacity of 1.069 megalitres will require licensing as it is above the 0.34 mega litre harvestable right.

**Operations**

Hours of operation

The applicant has proposed operations 7 days per week 6am to 6pm. Packing of the truck may occur at night (between 6.30pm and 10.30pm) and will leave the site to transport produce to the market around 2am.

Employees

The proponent and his wife are the only employees.

Loading/unloading

Loading of the truck will be carried partially out by a forklift, tractor or by hand.

Chemical use

Chemicals will be used to control pests. The chemicals will be locked in the farm building. Chemicals likely to be used are:

- Confidor
- Success neo
- Hasten
- Lannate
- Dimethoate
- Movento
- Maldison 500

Pest control

The farm will rely on the abovementioned chemicals and the net to control pests. No bird scarers will be used.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**1.3 SECTION 79C ASSESSMENT**

**1.3.1 PROVISIONS OF RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS**

**Mines Subsidence Act 1961**

Approval from the Mines Subsidence Board has been obtained.

**Water Management Act 2000**

A controlled activity approval is required under Section 91 of the *Water Management Act 2000* (WM Act) for works in, on or under waterfront land. Following a review of the development application the DPI - Water have concluded that the proposed works were not proposed on waterfront land and a controlled activity approval is not required.

The proposal includes works subject to the DPI Water's Farm Dams Policy. The proposed enlarged dam will have a capacity of 1.069 megalitres. The proposed dam with a capacity of 1.069 megalitres will require licensing as it is above the 0.34 megalitre harvestable right.

A Water Supply Works Approval and Water Access Licence (WAL) will be required to authorise storage capacity in excess of the Harvestable Right.

The applicant will be required to purchase a WAL to enable them to extract water out of the proposed dam.

General Terms of Approval have been granted for works requiring a Water Supply Works Approval under the WM Act.

**State Environmental Planning Policy No. 55 - Remediation of Land**

Question	YES	NO
1. Is the proposal for residential subdivision or a listed purpose (the list provided in Table 1 of the contaminated land assessment guidelines)?	Proceed to Question 3	x Proceed to Question 2
2. Does the proposal result in a change of use (that is the establishment of a new use)?	x Proceed to Question 3	Assessment under SEPP 55 and DCP not required.
3. Does the application proposed a new: Child care facility Educational use	Proceed to Question 5	x Proceed to Question 4

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Question	YES	NO
Recreational use Health care use Place of public worship Residential use in a commercial or industrial zone		
4. Review the property file and conduct a site inspection of the site and surrounding lands. Is there any evidence that the land has been used for a listed purpose?	Proceed to Question 5	X Proposal satisfactory under SEPP 55 and DCP.
5. Is the proposed land use likely to have any exposure path to contaminants that might be present in soil or groundwater?	Request contaminated site assessment	Proposal satisfactory under SEPP 55 and DCP.

Planning & Economy

Comment:

A site inspection (on 18 August 2016) did not identify any potential historical uses or sources of contamination which warrant further investigation or the requirement for the submission of a Stage 1 - Preliminary Investigation of contamination.

**Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River**

Relevant Provisions	Comment
3. Aims of the Plan	The proposal is considered to be consistent with the aims of the plan as the development is able to be carried out with minimal impact on the quality of the river.
The strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, and	Subject to appropriate conditions on the development consent, water quality impacts are likely to be acceptable in terms of the Action Plan strategy.
Whether there are any feasible alternatives to the development or other proposal concerned, and	The applicant has identified that the alternatives include a different site, different use or not proceeding. The subject site is no less suitable for the proposed development than an alternate site. Not proceeding with the development would create economic difficulties for the proponent.
The relationship between the different impacts of the	The potential impacts associated with the development include; dust generation, nutrient and pesticide run off, flora and fauna and waste



Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
development or other proposal and the environment, and how those impacts will be addressed and monitored.	management. Conditions are recommended to reduce the potential impacts associated with the development.
<b>6. Planning Policies and Recommended Strategies</b>	
(3) Water quality	Minimal impact on water quality is anticipated subject to conditions of consent. The plans lodged with the application and reviewed by Council's engineers are considered to be satisfactory as they relate to retaining water runoff on the site.
(4) Water quantity	The impact of the development on drainage and flow characteristics has been assessed by Council's Development Engineer and is considered satisfactory.
(5) Cultural Heritage	There are no items of heritage significance noted on the subject site or in the vicinity. An Aboriginal Archaeological Due Diligence report is not considered to be necessary due to the previous uses of the site which would render the site highly unlikely to contain items of Aboriginal heritage.
(6) Flora and Fauna	Minimal vegetation removal will be required to locate the raised beds and the hail netting. The applicant's Flora and Fauna report has been considered by Council's Environment Officer and is satisfactory.
(7) Riverine scenic quality	The development will not impact on the riverine scenic quality of the river system. The site is not located within an area of mapped scenic significance under this plan.
(8) Agriculture/ aquaculture and fishing	The assessing officer has considered the proposed development and has considered the strategy to give priority to agricultural production in rural zones. Appropriate conditions are recommended to ensure effective separation between intensive agriculture and adjoining uses to mitigate noise, odour and visual impacts. Furthermore it is considered that the site is capable of sustaining its operations over the long term.
(12) Metropolitan strategy	Those heads of consideration required to be considered by the consent authority under this subclauses have been considered. The proposal is capable of delivering a satisfactory outcome with minimal environmental impacts.

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
11. Development controls	
(10) Intensive horticultural establishments	Development consent is requested for the Intensive horticultural establishment.

**New South Wales Farm Dams Policy**

Under the NSW Farm Dams policy, the Maximum Harvestable Right Dam Capacity (MHRDC) for a property is determined by:

Property Area (hectares) x MHRDC Factor = MHRDC (mega litres)

The property has a total area of 3.546 hectares.

The property location at Bargo corresponds to a MHRDC Factor of 0.095 ML/ha.

The MHRDC therefore calculates to 3.546 (ha) x 0.095 (ML/ha) = 0.34 megalitres.

The Farm Dams Policy states that a Water Act License from the Department of Water and Energy is required for a dam whose capacity exceeds its MHRDC. The proposed enlarged dam will have a capacity of 1.069 megalitres. The proposed dam with a capacity of 1.069 megalitres will require licensing as it is above the 0.34 megalitre harvestable right.

A Water Supply Works Approval, and Water Access Licence will be required to authorise storage capacity in excess of the Harvestable Right.

**Wollondilly Local Environmental Plan, 2011**

Clause 1.2 Aims of Plan

Objective	Comment
(a) to provide for the management of natural resources and the protection of the natural landscape character	Subject to conditions of consent, it is anticipated that the effects of the development upon natural resources and landscape character is satisfactory.
(b) to protect, conserve and enhance the built, landscape and Aboriginal cultural heritage	The subject land does not contain a heritage item; nor is it located adjacent to a heritage item. It is anticipated that the development will not impact adversely upon the heritage value of the area.

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Objective	Comment
(c) to protect water quality in land that is situated within water supply catchments,	Not applicable.
(d) to encourage development that provides for an integrated transport and infrastructure system and adequate facilities and service provision for future growth,	The proposal will not impede future growth, the provision of integrated transport and infrastructure system or adequate facilities and services for future growth. The land is not identified in Wollondilly Council's Growth Management Strategy 2011 as having future development potential, Therefore the existing uses are likely to remain for the foreseeable future.
(e) to recognise, manage and protect rural resource lands for sustainable agriculture and extractive industry practices,	The development will be utilised for a sustainable agricultural use.
(f) to maintain the separation between towns and villages to retain their unique character and rural and natural settings.	Not applicable. The proposal will continue the existing pattern of rural residential uses on Bargo Road.

Planning & Economy

Characterisation:

"**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."

"**horticulture** means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture."

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Zone of land: RU1 Primary Production  
Permissibility: Permitted with consent  
Zone objectives:

Objective	Comment
RU1 Primary Production	
<ul style="list-style-type: none"> <li>To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> </ul>	The proposed development satisfies this objective.
<ul style="list-style-type: none"> <li>To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> </ul>	The proposed development satisfies this objective.
<ul style="list-style-type: none"> <li>To minimise the fragmentation and alienation of resource lands.</li> </ul>	Not applicable.
<ul style="list-style-type: none"> <li>To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul>	Subject to relevant conditions being placed on the development consent it is considered that the proposed development is capable of operating without resulting in land use conflicts with the existing land uses adjoining the subject site. It is not considered that the proposed development will result in land use conflicts in adjoining zones.
<ul style="list-style-type: none"> <li>To provide for a range of land uses (including tourism-related uses) that support the agriculture industry.</li> </ul>	Not applicable.
<ul style="list-style-type: none"> <li>To provide areas within which the density of development is limited in order to maintain a separation between urban areas.</li> </ul>	The proposed development satisfies this objective.

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

LEP Clauses:

Relevant Provisions	Comment
<b>Part 4 Principal development standards</b>	
4.3 Height of buildings	Not applicable.
<b>Part 5 Miscellaneous provisions</b>	
5.9 Preservation of trees or vegetation	Minimal vegetation removal will be required to locate the raised beds and the hail netting. The applicant's Flora and Fauna report has been considered by Council's Environment Officer and is satisfactory.
<b>Part 6 Urban release areas</b>	
6.3 Development control plan	Volume 1 and 8 of Wollondilly Development Control Plan 2016 are the applicable volumes of Council's Development Control Plan.
6.4 Relationship between Part and remainder of Plan	Noted.
<b>Part 7 Additional local provisions</b>	
7.1 Essential services	Water — town water is available Electricity — the land is serviced by the existing overhead electricity supply. Sewerage — the existing sewage arrangements for the dwelling will not be altered and are not part of this application. The growing beds will not impact upon the existing effluent disposal area
7.2 Biodiversity protection	Not applicable. The site is not in the mapped biodiversity layer under WLEP 2011.
7.3 Water protection	Not applicable. No works are proposed within an area identified as water protection.
7.4 Flood planning	Not applicable. The subject site is not identified as flood prone.
7.5 Earthworks	Minimal site preparation works required to prepare the building platform for the farm building and driveway.

Planning & Economy

**1.3.2 PROVISIONS OF RELEVANT DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS**

No draft Environmental Planning Instruments are relevant to the development proposal.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**1.3.3 PROVISIONS OF RELEVANT DEVELOPMENT CONTROL PLANS**

**Volume 1 - General**

<b>Relevant Provisions</b>	<b>Comment</b>
1.2 Aims of Plan	The proposal is consistent with the aims of the plan.
Part 3 - Variations to the Plan	Variations are proposed as identified in this Report.
Part 4 - Community Engagement	The proposal was notified in accordance with the requirements of the control.
Part 5 - Colonial Heritage (General)	Not applicable. The subject land does not contain a heritage item; nor is it located adjacent to a heritage item. It is anticipated that the development will not impact adversely upon the heritage value of the area.
Part 6 - Heritage (Specific Locations)	Not applicable.
Part 7 - Aboriginal Heritage	Not Applicable. No items of Aboriginal Heritage are associated with the subject site.
Part 8 - Flooding	Not applicable. The site is not identified as being flood affected.
Part 9 - Environmental Protection	Clause 7.2 and 7.3 under WLEP 2011 do not apply. The application is supported by a flora and fauna report from an appropriately qualified ecologist.
Part 10 - Tree Removal	Minimal vegetation removal will be required to locate the raised beds and the hail netting. The applicant's Flora and Fauna report has been considered by Council's Environment Officer and is satisfactory
Part 11- Landscaping	The submitted landscape plans are considered satisfactory. Council Environmental officer has considered the proposed plantings and considers the proposed plantings to be satisfactory. An additional row of plantings to the north-eastern boundary will reduce the potential for views into the subject site from the adjoining property to the north.
Part 12 - Signage	Not applicable.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**Volume 8**

Relevant Provisions		Comment	
<b>3.4 Intensive Plant Agriculture</b>			
3.4.1 Siting and Design			
Controls			
1. All proposed structures are required to comply with the minimum separation distances outlined below unless the impacts can be mitigated through a Council approved design:		The assessing officer considers that the proposal is neither field based nor a controlled environment structure (igloo). Therefore a merit assessment of the proposal based upon the Horticulture and Controlled Environmental Structures has been adopted. The development is presently setback as follows:	
<b>Horticulture</b>			
Front building Setback	Nil	Front building Setback	115m
Side or rear building setback	Nil	Side or rear building setback	6m (additional setback on the north eastern boundary on account of additional landscaping)
All residential zones	50m	All residential zone	>1km
Dwelling on same property	20m	Dwelling on same property	36m
Any other dwelling	50m	Any other dwelling: No. 295 Bargo Road No. 265 Bargo Road	70m 105m
<b>Controlled Environmental Structures (igloos)</b>			
Front building Setback	20m	Not applicable.	
Side or rear building setback	20m	Not applicable.	

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions		Comment
All residential zones	50m	Not applicable.
Dwelling on same property	20m	Not applicable.
Any other dwelling	50m	Not applicable.
2. Development for the purposes of intensive plant agriculture must accommodate future expansion of the farm while maintaining recommended buffer distances.		The proposal has additional land area to the front and rear of the site to expand should the operation require. Such expansion would be restricted. Complies.
3. Must not be located in visually prominent areas such as ridgelines and highly exposed areas.		Complies.
4. Must, where possible, be sited in locations that maximise opportunities for cooperative packing and labour pooling.		Not applicable. Due to the site location it is not possible to maximise opportunities for cooperative packing and labour pooling.
5. Must, where practical, be sited in locations that minimise impact to the amenity of surrounding land uses.		The proposal has been redesigned and reorientated the farm building to include an additional landscaped buffer to the side boundaries. Conditions of consent are recommended to reduce potential dust, noise, runoff, and water quality impacts.
6. Sites with a slope greater than 10% must not be used for intensive plant agriculture, other than for the purposes of viticulture, which may be located on slopes up to 20%.		The site does not exceed a 10% slope across the whole site.
3.4.2 Design and construction of controlled environment structures		An assessment of this part is provided, however it is not considered that the structures are to be assessed as controlled environment structures.

Planning & Economy



**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
<p>Controls</p> <ol style="list-style-type: none"> <li>1. All controlled environment structures, including covering materials, are to be kept well maintained and in good condition.</li> <li>2. The orientation of controlled environment structures must be in a north-south orientation and must consider the direction of prevailing winds to take advantage of cooling summer breezes.</li> <li>3. Where possible, controlled environment structures are to be a minimum of 6 metres in height to encourage adequate ventilation, provide optimal growing environment and increase the overall efficiency.</li> <li>4. Development must include the planting and maintenance of vegetative screens and windbreaks.</li> <li>5. Controlled environment horticulture structures are to be raised to facilitate the drainage of stormwater away from structures.</li> </ol>	<p>Appropriate conditions are recommended.</p> <p>The proposed raised beds are orientated in a north-west to south-east arrangement. Complies.</p> <p>Ventilation is not considered to be a consideration. All raised growing beds will be fully ventilated with only a hail net erected to 5m in height provided. Fold down sides to the shade structures are proposed and shall be pulled down to the ground during spraying of crops.</p> <p>Landscaping has been provided in accordance with the lodged landscape plan. A condition is recommended to require three (3) rows of planting to the north-eastern boundary.</p> <p>Complies.</p>
<p>3.4.3 Noise and odour</p> <p>Controls</p> <ol style="list-style-type: none"> <li>1. Where possible, buildings and facilities are to be located out of the line of sight of adjoining neighbours.</li> <li>2. Prevent entry of drainage/seepage water into site sheds and storage</li> </ol>	<p>Satisfactory. The development is not within a visually prominent area and landscaping will be used to screen the development.</p> <p>The site plan documents the provision of grass swales and</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
<p>facilities through the construction of earth contour banks and drainage.</p> <p>3. Appropriately silenced forklifts should be utilised to reduce night noise generation.</p> <p>4. Noise levels generated must not exceed the requirements of the NSW Industrial Noise Policy (NSW EPA, 2000).</p> <p>5. Where practical, major truck deliveries and produce transport should be scheduled for reasonable hours of the day. Council acknowledges that farmers need to access markets early in the morning therefore requiring night time vehicle movements.</p> <p>6. Locate all stationary noise generating machinery within sheds and where practical away from property boundaries.</p>	<p>downpipes from igloos to a water tank. These devices will adequately manage stormwater from the development.</p> <p>To be conditioned accordingly to restrict hours and days of operation and the use of silenced forklifts.</p> <p>To be conditioned accordingly.</p> <p>To be conditioned accordingly. One (1) truck movement outside of the approved hours of operation is proposed. No additional truck movements shall be permitted outside of the core operating hours. No use of machinery shall be permitted outside of the approved hours of operation. Due to the nature of the operations the frequent movement of trucks to and from the site is not necessary.</p> <p>There is no proposal to utilise stationary noise generating machinery. Conditions recommended.</p>
<p>Controls</p> <p>1. Intensive plant or horticultural operations are to incorporate grassed inter-row areas or cover crops between production areas crop rows in order to:</p> <ul style="list-style-type: none"> <li>- reduce erosion potential,</li> <li>- improve soil organic matter,</li> <li>- provide trafficable areas in wet weather,</li> <li>- act as biological filters for water run-off, and</li> <li>- reduce pest and disease levels.</li> </ul>	<p>It is considered that the proposed design which surrounds the hydroponic beds with grass swales adequately contains erosion, filters runoff, contains pests and diseases and provides a sufficient trafficable area in wet weather.</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
<p>2. The existing soil moisture content must be assessed prior to undertaking any cultivation practices to avoid damage to the soil structure from cultivating when too dry or moist.</p>	<p>Not applicable. The horticultural use of the land is to be conducted above ground in a hydroponic set up</p>
<p>3. Cultivation between crop rows must be minimised and only undertaken for moisture retention and ground preparation.</p>	<p>Not applicable for the hydroponic set up. Conditions proposed to prevent cropping in between the raised beds.</p>
<p>4. Viticulture farms are to incorporate cover crops in their overall farm management practices to reduce erosion potential, improve soil organic matter and reduce pest and disease levels.</p>	<p>Not applicable.</p>
<p>5. Any cultivation of the site must follow the natural contour lines to increase soil water retention and to minimise erosion potential.</p>	<p>It is considered that the proposal is satisfactory in this regard.</p>
<p>6. Applications are to demonstrate that an adequate water supply is available to support the proposed development. The use must not solely rely on reticulated water supply to service the needs of the development and must demonstrate an integrated approach to water management using alternate water sources in conjunction with reticulated water.</p>	<p>The site is not connected to reticulated water but contains an existing static supply with a rainwater tank and dam which is to be enlarged as part of the development. An application for a bore shall be subject to separate approval from the DPI-Water. The development is considered to be compliant.</p>
<p>7. Water quality tests must be performed to demonstrate that levels of salts, minerals, and pH are suited for horticultural use where irrigation is proposed through the use of water extracted from an adjoining/nearby river.</p>	<p>There is no onsite evidence of saline soils and the persons having the benefit of the consent have the ability to undertake management options to ensure that the site remains fertile for their agricultural pursuits.</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
<p>8. Stormwater drains are to be wide, gently sloping open drains that are well vegetated to minimise erosion potential and facilitate filtering of solid particles contained in the runoff.</p>	<p>The proposed development incorporates wide shallow grass swales to filter runoff, minimise erosion and prevent runoff to the neighbouring properties. To be conditioned accordingly.</p>
<p>9. Local drainage patterns are to be maintained and stormwater flows effectively managed.</p>	<p>Satisfactory.</p>
<p>10. Development must incorporate the construction of stormwater diversion banks, sedimentation ponds and the installation of a wastewater treatment system to divert and treat wastewater and run-off.</p>	<p>The proposal includes grass swales to divert stormwater and an existing dam which will perform the function of a sedimentation pond. To be conditioned to ensure that drainage is constructed according to submitted plans and a Soil and Water Management Plan.</p>
<p>11. Runoff from site buildings (sealed or compacted) is to be collected in sedimentation ponds prior to any irrigation on-site. Contaminated waters must be suitably treated before reuse on the farm.</p>	<p>All runoff from the proposed farm building shall be conveyed to an on-site rainwater tank. Details of such are to be provided prior to the release of a construction certificate. Stormwater associated with the development will be conveyed to grass swales and/or the water tank. Any overflow will be conveyed to an existing farm dam. To be conditioned.</p>
<p>12. Diversion banks may need to be constructed to intercept and divert runoff away from any composting areas.</p>	<p>To be conditioned accordingly.</p>
<p>13. Viticulture farms must consider soil types and their suitability for the production of grapes over the proposed development site.</p>	<p>Not applicable.</p>
<p>3.4.5 Pest Management Controls</p>	

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
<p>1. Pesticide use must meet the requirements of any relevant pesticide legislation (currently being the NSW Pesticides Act 1999 and associated regulations such as the Pesticides Regulation 2009, Pesticides Amendment (Records) Regulation 2001 and the Pesticides Amendment (User Training) Regulation, administered through the NSW Office of Environment and Heritage).</p> <p>2. The storage, transport, and keeping of records for all pesticides used in intensive plant agriculture farms are to be in accordance with any relevant legislation (currently being the NSW Pesticides Regulation 195).</p>	<p>The applicant has proposed a number of pesticides for use during the operation. An appropriate condition be imposed to ensure that proposed pesticide use complies with the Pesticides Regulation 2009.</p> <p>To be conditioned accordingly.</p>
<p>3.4.5 Transport and access</p> <p>Controls</p> <p>1. Internal access roads must be of all-weather design construction and have turning areas to accommodate large articulated vehicles where required.</p> <p>2. The location of roads, parking and turning areas must recognise potentially sensitive areas such as neighbouring houses.</p> <p>3. The timing and manner of transport activities associated with the development including the frequency, times, routes and number of deliveries and pick-ups must take into</p>	<p>The provision of the access road to be conditioned.</p> <p>The proposed access way has been located toward the eastern boundary with No. 295 Bargo Road. The new access is required as a result of the revised location of the farm building to the rear north-eastern corner of the site. The timing and manner of transport activities will be undertaken to minimise impacts on adjoining neighbours. Complies.</p> <p>Subject to conditions, it is considered that the development will not have any significant adverse impacts. Conditions are recommended to general limit</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions		Comment														
consideration the impact on adjoining neighbours.		operations between the hours of 6am and 10pm Mondays to Sundays.														
<p>3.4.6 Landscaping</p> <p>Controls</p> <p>1. Where native vegetation is limited in its capacity to provide visual screening then the following vegetation design controls apply:</p> <table border="1"> <thead> <tr> <th>On-site Application</th> <th>Design Control</th> </tr> </thead> <tbody> <tr> <td>Site boundaries – vegetative windbreak</td> <td>3 rows to vegetation to be established and maintained</td> </tr> <tr> <td>Site boundaries – vegetative screen</td> <td>Rows of vegetation to be established and maintained</td> </tr> <tr> <td>Around Site Structures</td> <td>Grassed areas are to be kept maintained</td> </tr> <tr> <td>Around Controlled Environment Structures</td> <td>Grassed areas are to be kept maintained</td> </tr> <tr> <td>Earth Dam Banks</td> <td>Grassed areas are to be kept maintained</td> </tr> <tr> <td>Open Stormwater Drains</td> <td>Grassed areas are to be kept maintained</td> </tr> </tbody> </table>		On-site Application	Design Control	Site boundaries – vegetative windbreak	3 rows to vegetation to be established and maintained	Site boundaries – vegetative screen	Rows of vegetation to be established and maintained	Around Site Structures	Grassed areas are to be kept maintained	Around Controlled Environment Structures	Grassed areas are to be kept maintained	Earth Dam Banks	Grassed areas are to be kept maintained	Open Stormwater Drains	Grassed areas are to be kept maintained	<p>The proposed landscaping provides two rows of landscape plantings to the western and eastern boundaries. Non-compliance.</p> <p>The applicant has agreed to provide three (3) rows of landscaping to the north-eastern boundary and two (2) rows to the south-western boundary. It is considered that the applicant's request to only provide two (2) rows to the south-western boundary is acceptable. The amended landscape plan provides new species which are faster growing, and will have a mature height that will effectively screen the agricultural use and farm building.</p> <p>A condition is recommended to provide three (3) rows of landscaping on the north-east boundary and two (2) rows on the south-west boundary to the full extent of the North East and South West boundary. It is considered that the additional row of landscaping to the north-east boundary will reduce the visual impact of the development as viewed by the occupiers of No. 295 Bargo Road</p> <p>The variation to only have 2 rows on the South West boundary is considered acceptable because:</p>
On-site Application	Design Control															
Site boundaries – vegetative windbreak	3 rows to vegetation to be established and maintained															
Site boundaries – vegetative screen	Rows of vegetation to be established and maintained															
Around Site Structures	Grassed areas are to be kept maintained															
Around Controlled Environment Structures	Grassed areas are to be kept maintained															
Earth Dam Banks	Grassed areas are to be kept maintained															
Open Stormwater Drains	Grassed areas are to be kept maintained															

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
<p>2. All plantings are to be in groups, consist of advanced stock and are to be a minimum of 12m from structures to allow adequate air movements. In bushfire prone areas, fire retardant species must be utilised and separation from buildings must be consistent with the requirements of Planning for Bushfire Protection.</p> <p>3. The mature height of tall species should be sufficient to intercept a direct line of sight from a neighbouring dwelling or roadway (measured 2m above the natural ground level).</p> <p>4. Landscaping must not impede on the available area for on-site effluent disposal.</p> <p>5. The mature height of tall species must not impede or shade the available growing area for horticultural crops.</p> <p>6. Landscaping must incorporate a mixture of shrubs and groundcovers, and where practical utilise species that are endemic to the Shire of Wollondilly.</p>	<p>(a) there will be sufficient visual screening</p> <p>(b) there are no concerns raised to the amended application by the adjoining owner which has a dwelling located approximately 85 metres from the South West boundary.</p> <p>Conditions are recommended to ensure that grassed areas are kept maintained around site structures, elevated beds and earth dams</p> <p>The proposed development consists of elevated plant beds and therefore, sufficient air movement. The proposed plant species are considered to be fire retardant species. Sufficient separation from the buildings is consistent with PBP 2006. To be conditioned accordingly.</p> <p>Satisfactory.</p> <p>Satisfactory.</p> <p>The proposed plantings and the location of growing beds are to be adjusted to allow for the proposed landscaping and location of growing beds. To be conditioned accordingly.</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
<p>7. Refer to Council's Recommended Planting Species List in Volume 1.</p>	<p>Variation in the landscaping has been provided across the boundary of the site and is considered to be satisfactory. Complies.</p> <p>To be conditioned.</p>
<b>3.5 Farm buildings</b>	
<b>3.5.1 Siting and Design</b>	
<p>Controls</p> <p>1. Must not be located in visually prominent areas such as on ridgelines or vantage points.</p> <p>2. Must not be erected on slopes in excess of 10%.</p> <p>3. Maximum 2 metres cut and 1 metre fill.</p> <p>4. Must comply with the minimum setbacks for a single dwelling house in Volume 4 of this DCP, from all property boundaries, unless otherwise provided by this Volume.</p>	<p>Complies.</p> <p>Complies.</p> <p>Complies. Cut and fill shall not exceed 1m.</p> <p>Complies.</p>
<b>3.5.2 Bulk and scale</b>	
<p>Control</p> <p>3. The maximum size of a farm building in zones RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots must not exceed 500m<sup>2</sup>, unless the applicant can justify additional size is required to undertake the principle land use. The applicant must also specify the additional measures to be taken to minimise the impact of the farm building on the amenity of neighbouring land uses.</p>	<p>Total floor area of the farm building is 499.50m<sup>2</sup>. Complies.</p>

Planning & Economy



**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
<p>3.5.3 Building height</p> <p>Controls</p> <p>2. Maximum building height of a farm building in zones RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lots is 7 metres.</p>	<p>The proposed farm building is proposed to be constructed to a height of 7.00m. Complies.</p>
<p>3.5.4 Colour</p> <p>Controls</p> <p>1. The colour of a farm building must match or blend with the colour of existing structures and buildings on the property and be in keeping with the natural features of the surrounding environment.</p> <p>2. For vacant land, the colour of the farm building must be taken from the key features of the surrounding environment (dominant vegetation, soils, rock features).</p> <p>3. Materials must be non-reflective.</p> <p>4. Farm buildings constructed with galvanised corrugated iron or zincalume are encouraged, to assist in integrating new farm sheds into the existing rural landscape.</p>	<p>Relevant conditions for earthy colours proposed.</p> <p>N/A.</p> <p>The proposed farm building is to be constructed on Colorbond. Complies.</p> <p>Colorbond walls and roof are proposed to be finished in earth and/or natural colours. A condition is proposed to be imposed accordingly.</p>
<p>3.5.5 Landscaping</p> <p>Controls</p> <p>1. Landscaping must be provided in all rural zones where a farm building will be visible from neighbouring allotments and existing native vegetation cover does not provide adequate screening of the structure.</p>	<p>Landscaping proposed to ameliorate the visual impact of the proposed farm building. Complies.</p>

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Relevant Provisions	Comment
2. Landscaping must incorporate a mix of trees, shrubs and groundcovers, and where practical, incorporate plants that are endemic to the Shire of Wollondilly.	To be conditioned accordingly.
3. All plantings are to be in groups and consist of advanced stock.	To be conditioned accordingly.
4. In bushfire prone areas, fire retardant species must be used.	To be conditioned accordingly.
5. Tree species used to screen farm buildings must have a height at maturity that is above the highest roof ridgeline of the building.	To be conditioned accordingly.
6. Landscaping must be setback 2 to 2.5 times the height of mature species chosen or a minimum of 12 metres (whichever is the greater) from the farm structure.	To be conditioned accordingly.
7. Refer to Council’s Recommended Planting Species List in Volume 1 of this DCP (Section 11.2, Tables 1 - 7).	Noted.

Planning & Economy

**1.3.4 DRAFT AND/OR PLANNING AGREEMENTS ENTERED OR OFFERED TO ENTER INTO**

None relevant.

**1.3.5 THE REGULATIONS**

Clause 92 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation) requires that the consent authority take into consideration certain prescribed matters when determining a development application. In the case of a development application for the demolition of a building, the provisions of AS 2601 are required to be considered by Council pursuant to clause 92(1)(b) of the Regulation.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**1.4 IMPACT OF THE DEVELOPMENT**

Head of Consideration	Comment
Natural Environment	While there has been public interest regarding the potential impacts of the development, subject to conditions of consent as detailed throughout this report, it is considered that there will be no significant adverse impacts upon the natural environment.
Built Environment	Subject to conditions of consent, it is considered that there will be no adverse impacts upon the built environment. The applicant has proposed a 499m <sup>2</sup> farm building. Appropriate landscaping will reduce the visual impact of the building and ameliorate the views of the building from the adjoining properties.
Social Impacts	Subject to conditions of consent, it is considered that there will be no social impacts.
Economic Impacts	Subject to conditions of consent, there will be no adverse economic impacts.

**1.5 SUITABILITY OF THE SITE**

Subject to conditions of consent, it is considered that the land will be suitable for the development. Issues that have been brought to the applicant's attention from Council have been considered and amendments have been made.

**1.6 SECTION 94 AND 94A ASSESSMENT**

Date of Lodgement	6/01/2016
Relevant Contributions Plan	2011 Plan

**Section 94A Contributions**

Cost of Development	\$559,500
---------------------	-----------

Description	Levy	Applicable	Condition
Development: a) for the purpose of disabled access, b) for the sole purpose of affordable housing, c) for the purpose of reducing the	NONE	N/A	No

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Description	Levy	Applicable	Condition
consumption of mains-supplied potable water, or reducing the energy consumption of a building, d) for the sole purpose of the adaptive reuse of an item of environmental heritage, or e) other than the subdivision of land, where a condition under section 94 of the Act has been imposed under a previous development consent relating to the subdivision of the land on which the development is proposed to be carried out.”			
Non-residential development with proposed cost between \$100,001 and \$200,000.	0.5%	N/A	No
Non-residential development with proposed cost exceeding \$200,000.	1.0%	Yes	Yes

Planning & Economy

A Section 94A Development Contribution of \$5,595.00 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2011 based on a 1% levy for non-residential development with a value exceeding \$200,000 and an estimated construction cost of \$559,500.00.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011. The contribution is to be paid prior to the release of the Construction Certificate.

**1.7 SUBMISSIONS**

During the notification periods a total of six (6) submissions were made by three separate submitters. All submissions were objecting to the proposed development. An outline of the points of objections and the assessing officers comments are provided below.

Concern	Comment
<b>Design layout of the proposed development</b>  The site is too small to allow such a large development .The proposal	The site has a total land area of 3.546 hectares. The operations have

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Concern	Comment
<p>makes no mention of any future expansion as requested in the DCP and if the farm building size is an indication of production it would indicate a scale three times bigger than proposed.</p> <p>The narrow L shaped block does not readily allow the necessary setbacks required and give adequate financial return for the remaining land area without breaching the DCP.</p> <p>The 2016 DCP is ambiguous in relation to setbacks as the definition clause included in the 2011 edition includes Hydroponics Controlled Environment Structures at 20 metres not 6m as detailed in the application.</p> <p>I object to the location of the shade net structure and tables, as they are located in a visually prominent area and is highly exposed, being open flat pastures. I object to the visual interruption of the landscape, as it is taking away from existing natural view of the existing vista.</p>	<p>capacity to expand to the rear of the site and maintain appropriate setbacks to the rear boundary. The proposed farm building is consistent with the maximum height and floor area limitations of the DCP. The scale of the farm building and the proposed operations are not considered to be an overdevelopment of the subject site.</p> <p>The applicant has provided 6m setbacks to the hydroponic beds. This provides adequate space for 3 rows of plantings on the north-east boundary and 2 rows on the south-west. Sufficient space shall be provided for manoeuvring and maintenance of the landscaping and structures. There is no specified setback for the proposed hydroponic beds. Horticulture (field based) is a nil setback while controlled environment structures (igloos) require a 20m setback. A setback of 6m is considered to be satisfactory for the required landscaping.</p> <p>Part 3.4.1(3) of WDCP 2016 states that the siting and design of intensive plant agriculture <i>"must not be located in visually prominent areas such as ridgelines and highly exposed areas"</i>. It is considered that the proposed location is not located on a ridgeline or a highly exposed location. The site is isolated at a low point in the local geography with the land sloping down toward Dogtrap Creek. While views to the rear of the site from the street and adjoining properties are currently available, the proposal will not significantly or unreasonably reduce the amenity enjoyed by the occupants of adjoining residential land by way of the loss of views. The adjoining</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Concern	Comment
	properties will retain their views to the rear of the site and over the proposed hail structures.
<p><b>Design, Layout and siting of the Packing Shed</b></p> <p>The Packing Shed does not meet the requirements of the DCP (Bulk &amp; Scale) 540 Sqr metres (should be 500sqr metres) and is over height 7.8 metres The Shed is poorly placed on the landscape and too close to the adjoining properties . By repositioning the shed will minimize the noise face the roller doors away from the prevailing winds and placed thoughtfully any yard lighting deflected will cause minimum impact to surrounding properties.</p> <p>I would like the packing shed repositioned, well away from our residences, and placed on the other side of the site (behind the applicant's existing residence), or better still placed as far as possible down the back.</p>	<p>Following amendment of the proposed design and layout of the farm building by the applicant the height of the building has been reduced to 7m and 499m<sup>2</sup>. The proposed height and floor area are consistent with the siting and design and building height controls in Volume 8 of WDCP 2016.</p> <p>The building has been repositioned to the rear north-eastern corner of the property as far as possible from adjoining dwellings. This new location is in direct response to the resolution of Council.</p>
<p><b>Chemical Use and Health Concerns</b></p> <p>Both Lannate &amp; Dimethoate are not to be used on hydroponic lettuce.</p> <p>There is also a problem with the pesticides that will be stored in the shed. When the applicants are mixing these pesticides in the shed, we will have the situation where adjoining residents may be inhaling these dangerous chemicals.</p> <p>Another problem is the possibility of damaged or leaking containers.</p> <p>Pesticides and chemicals will have a gradual impact on the health of</p>	<p>Department of Primary Industries regulate post approval usage of farm chemicals. A condition is recommended that the use of any pesticide(s) must meet the requirements of any relevant pesticide legislation (currently being the NSW Pesticides Act 1999 and associated regulations such as the Pesticides Regulation 2009, administered through the NSW Department of Environment, Climate Change and Water).</p> <p>Any chemicals used on the subject site are required to be appropriately</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Concern	Comment
<p>humans and livestock, from spray drift and pesticide residue build-up:-</p> <ul style="list-style-type: none"> <li>• Clothes on the clothesline contaminated by spray drift, and we will be wearing them not knowing, and the pesticides being absorbed into our skin, slowly building up.</li> <li>• bed linen contaminated by spray drift from pesticides contaminating clothes and linen.</li> </ul> <p>We are also greatly concerned about the impact of the smells and run off created from the pesticides and chemicals, commonly used by the industry, and the effect on health, quality of life and the environment. Namely, Dog Trap Creek, which runs behind our/their property and is a tributary of the Bargo River Catchment.</p>	<p>located within the building and stored to ensure that damage to the containers does not occur. The applicant is required to comply with the relevant regulations relating to usage and storage of chemicals and fertilisers.</p> <p>Under the Pesticides Regulation 2009 operators must make a record of all pesticide applications to commercial horticultural crops. The record needs to contain information about:</p> <ul style="list-style-type: none"> <li>- who applied the pesticide</li> <li>- what was applied</li> <li>- when, how and where it was applied</li> <li>- what it was applied to</li> <li>- the quantity that was applied</li> <li>- if the pesticide was applied outdoors by spray equipment: an estimate of wind speed and direction.</li> </ul> <p>The record must be made within 24 hours of use and kept for three years. Authorised officers of the Environment Protection Authority (EPA) may check these records at any reasonable time and penalties may apply if the records have not been kept in accordance with the Regulation.</p> <p>The applicant shall apply all chemicals by hand sprayer. The storage, transport and record-keeping for all chemicals used shall comply with NSW Pesticides Regulations 2009. A condition will be imposed accordingly.</p> <p>The applicant has provided updated designs for the hail structure to include side netting from the top to the ground to be folded down during spraying of the crops. Such netting will reduce the potential for spray drift</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Concern	Comment
<p><b>Bore Water Issues</b></p> <p>Bore Water in this area is shallow and any aquifer with continuous demand will dry up. Water from these supplies is highly mineralized and may need filtration (is this provided for in this application).</p>	<p>to adjoining properties.</p> <p>The applicant has indicated that there is an existing bore on the subject site which is to be utilised as part of the proposed development. Documentary evidence for the Water Access Licence is to be provided to Council prior to the release of an Occupation Certificate for the development. The applicant has requested a Water Access Licence for expansion of the existing dam.</p>
<p><b>Topography of the Site</b></p> <p>The site has no natural drainage or creek lines within the proposals boundary.</p>	<p>The topography of the site has been considered. The site does not exceed a 1 in 10 gradient. The site naturally grades from Bargo Road in the south-east toward the existing dam located in the north-west of the site. The proposed drainage and swale construction has been assessed by Council's Development Engineer's and is considered to be satisfactory subject to the preparation of a Soil and Water Management Plan and submission of Engineering Plans prior to the release of a Construction Certificate by Council of a nominated Accredited Certifier.</p>
<p><b>Waste Water Issues</b></p> <p>Waste water will be created from production of this product over time by the overloading of chemical residue and flushing will be required from the tank system as detailed How will this water be treated and where will the waste water be distributed considering the chemical deposits which may remain in the spent water.</p> <p>This area will need to meet health regulations and will have to be</p>	<p>The system will operate through the recycling of water through the system and the ongoing monitoring of the nutrient content of the water. Where any nutrient-rich water needs to be discharged, it will follow the drainage pathway to the dam, which is effectively a bio-retention filter.</p> <p>Cleaning out of the building will be carried out on a regular basis. A</p>

Planning & Economy



**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Concern	Comment
<p>cleaned regularly be hosing down of the area .There is no mention of procedures for this activity within the application. Is this wash-down material collected in a grated system and delivered to a collection tank for removal and if so where will it be distributed considering it may contain contaminates.</p>	<p>condition is proposed to ensure that the building and surrounding area is kept clean and tidy. Any materials washed out of the building would be predominately dirt, plant matter and residues from the hydroponic water containing dissolved nutrients and fertilisers. These materials would not require specific treatment or management. Furthermore, the operation which will employ a total of two (2) employees (both residents) would not be of a scale or intensity that will be producing large amounts or waste and run off from the packing and storage of vegetables. Specific conditions are recommended to limit the operations to four (4) employees. In the applicant's Statement of Environmental Effect the applicant states that the operation will only require two (2) employees due to the extent of the operations. The provision of two (2) extra employees will cover future events.</p> <p>Further expansion of the operations will require a development application and further assessment of the natural, built, social and economic impacts of the proposal.</p>
<p><b>Landscaping</b></p> <p>The landscaping detailed in the proposal is inadequate for the site, naming species that will not survive the climatic conditions of the area. Council's DCP part 2 is a good guide and should be abided by The screening nominated does not provide good cover nor long enough to provide adequate protection to the neighbouring properties and should be extended to cover the two boundaries adjacent to the proposal. Much thicker planting should be</p>	<p>A condition is recommended to provide 3 rows of landscaping to the north-eastern boundaries in accordance with the Landscaping controls for Intensive Plant Agriculture. The applicant has amended the landscape plantings to provide faster growing native species that will provide greater screening of the activities and development on the subject site . The additional row of planting will reduce the potential for views from the adjoining properties</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Concern	Comment
<p>considered given the toxicity of the chemicals being nominated within the proposal.</p> <p>An additional landscape setback is required along the north-eastern boundary to accommodate the proposed three rows of plantings and to ensure that the plants don't overshadow the growing areas. A minimum 16m from the boundary to the growing beds is required.</p>	<p>into the subject site and may reduce windblown chemical drift to adjoining properties.</p> <p>The assessing officer has considered the applicant's amended plans and considers that sufficient space has been provided between the landscaped area and the growing beds. Furthermore, a condition is recommended that the access driveway and growing beds be adjusted accordingly to accommodate the three (3) rows of landscape plantings on the north-eastern boundary.</p>
<p><b>Hours of Operation - Noise Issues</b></p> <p>The noise issues emanating from the production given the working hours submitted will cause undue stress on adjoining residents .Normal noise abatement should be around 9pm the noise from trucks leaving the property at 2AM could be minimised to a one hour window as pre-loaded trucks should need a small window of time to leave the farm. If this can't be achieved then an alternative forklift system should be considered. There are a number of options available, one of which would be an electric or battery operated forklift with little or no noise generated from the shed area given the times of operation.</p> <p>I object to the late night hours and early morning hours when noise will be coming from the packing shed.</p> <p>The hours of operation, as stated due to the nature of farming operation. The farm will operate 7 days per week:</p> <ul style="list-style-type: none"> <li>• The applicant states - activities relating to the plants, 6am to 6pm.</li> </ul>	<p>It is proposed that all activities relating to the intensive plant agriculture shall be conducted between the hours of 6am and 10pm Mondays to Sundays. Excluding the movement of one (1) truck from the site outside of the approved hours of operation. Such a truck movement will allow for deliveries to the Sydney markets.</p> <p>Furthermore, a silenced forklift must be used and only operable between the hours of 6am and 10pm Mondays to Sundays, so as to limit any impacts on the amenity of the adjoining landowners/occupiers.</p> <p>A conditions will be imposed accordingly.</p>

Planning & Economy

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Concern	Comment
<ul style="list-style-type: none"> <li>• The applicant states - packing of the trucks may occur at night 6:30pm to 10:30pm</li> <li>• The applicant states - trucks will leave the site to go to market at 2am.</li> </ul> <p>Noise at packing shed will be an average of 8 hours a night, between 6pm and 2am. 7 days a week.</p> <p>Trucks will be coming and going at all hours of the night and early morning to take the produce to market. My sister and her children will be continually subjected to noise:-</p> <ul style="list-style-type: none"> <li>• Noise from petrol tractor with forklift attachment, revving its engine, picking up pallets to load trucks.</li> <li>• Trucks all hours of the night 7 days a week, reversing beepers sounding during the night, truck headlights shining in windows.</li> <li>• People talking early hours in the morning.</li> </ul>	
<p><b>Odour</b></p> <p>There will also be odours coming from the packing shed, drifting into our windows.</p>	<p>The building has been located to the rear of the site with the doors facing to the west. It is unlikely that the farm building will produce odours which will be detectable at the boundary or from a dwelling or private open space area.</p>
<p><b>Future Expansion</b></p> <p>Given the size of the proposed venture and the massive task that it would be, how likely this is to continue and what measures they will need to take to achieve all that work with just two employees.</p>	<p>A condition is recommended to limit the operation to four (4) employees. This would include the residents of the subject site. This will allow the owners to work the property and employ two (2) additional workers should the need arise or circumstances dictate. Furthermore, the size of the operations requires limited employees to efficiently run the site.</p>

Planning & Economy

Report of Planning and Economy to the Ordinary Meeting of Council held on Monday 17 October 2016

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Concern	Comment
<p><b>Unsatisfactory Plans</b></p> <p>The proposed relocation of the shed to the rear of the site appears to be on the adjoining land identified as Crown Land. While Council has nominated it will include the need for a survey at the commencement stage of the project, this should be carried out prior to the determination of the application.</p>	<p>The assessing officer has reviewed the aerials and the current registered plan and considers that the information and plans provided by the applicant are consistent with the site conditions. A condition requiring a survey of the location of the shed relative to the boundary is recommended and is considered sufficient.</p>

Planning & Economy

**1.8 THE PUBLIC INTEREST**

There has been opposition to some aspects (e.g. wastewater, visual impact, odour impact and operational concerns) of the proposed development. However, with mitigation by operational conditions and the redesigned building it complies with the provisions of WLEP 2011 and is broadly consistent with WDCP 2016.

Subject to conditions of consent, the development is not expected to have any negative impacts on the environment or the amenity of the locality as detailed throughout this report.

**FINANCIAL IMPLICATIONS**

This matter has no financial impact on Council's adopted budget or forward estimates.

**ATTACHMENTS INCLUDED IN SEPARATE BOOKLET**

1. Plans of Proposed Development.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**RECOMMENDATION**

A. That Council determine Development Application No. 010.2016.00000010.001 for Intensive Plant Horticulture, Erection of a Farm Building, Demolition of an Outbuilding and Enlargement of existing Dam at Lot: 1012 DP: 1067313, No. 275 Bargo Road, Bargo by the granting of development consent subject to the following conditions:

**1. COMPLIANCE**

**These conditions are imposed to ensure that the development is carried out in accordance with statutory requirements, the conditions of consent and the approved plans to Council’s satisfaction.**

- (1) Development Consent is granted for Intensive Plant Horticulture, Erection of Hail Net and Farm Building, Demolition of an Outbuilding and Enlargement of existing Dam at Lot: 1012 DP: 1067313, No. 275 Bargo Road, Bargo.
- (2) Development shall take place in accordance with the following endorsed plans, submitted in respect of Development Application No. 010.2016.00000010.001 except where varied by the following conditions or marked in red on the approved plans:

Plan Title	Author	Date
Site Plan	Technibuild Consulting	As Stamped Approved
Part Site Plan	Technibuild Consulting	As Stamped Approved
Property Access Detail Plan	Technibuild Consulting	As Stamped Approved
Floor Plan, Elevations, Section & Details	Technibuild Consulting	As Stamped Approved
Landscape Plan	HLS Pty Limited	03/01/2015

- (3) Development shall take place in accordance with the recommendations of the following reports:
  - *Statement of Environmental Effects prepared by Precise Planning dated December 2015;*
  - *Environmental Assessment (Flora and Fauna) prepared by Woodlands Environmental Management dated 17 December 2015.*

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo  
Road Bargo**

- (4) In the event of an inconsistency of detail between the relevant plans and elevations the details shown in the elevations shall take precedent.
- (5) The farm building shall not be occupied or used until an Occupation Certificate is issued by the Principal Certifying Authority.
- (6) All building work must be carried out in accordance with the provisions of the Building Code of Australia. This condition does not apply to the extent to which an exemption is in force under Clause 187 or 188 of the Environmental Planning & Assessment Regulations, 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- (7) The proposal shall be redesigned to achieve the following outcomes:
  - A personal access door(s) shall be provided to the proposed farm building in accordance with the Building Code of Australia.

Amended plans demonstrating compliance with this Condition shall be submitted to Council or the nominated Accredited Certifier prior to the issue of a Construction Certificate.

- (8) Unless permitted by another condition of this consent, there shall be no tree clearing unless the vegetation is:
  - (a) Within the footprint of an approved building, access driveway or other structure; or
  - (b) Within three (3) metres of the footprint of an approved building; or
  - (c) preventing the achievement of the minimum asset protection zone requirements under the relevant planning for bushfire protection guidelines.

In this condition *Tree Clearing* has meaning as described in Clause 5.9(3) of Wollondilly Local Environmental Plan, 2011.

- (9) Where any work associated with this consent has the potential to disturb neighbours through the generation of noise, dust, odour, vibration or through deliveries to the site the person with control over the works shall advise the occupants of all adjoining and potentially affected properties of the timing and duration of such works. The land owner has the ultimate responsibility for ensuring that anybody undertaking works under this development consent on their behalf is aware of this requirement and completes the task required by this condition.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**2. INTEGRATED DEVELOPMENT**

**These conditions have been imposed to ensure that the development is carried out in accordance with the requirements of other Approval Authorities:**

- (1) The attached General Terms of Approval issued by the Department of Primary Industries - Water are included as conditions of this Consent.
- (2) A copy of the Water Access Licence and/or Water Supply Works Approval issued by the Department of Primary Industries - Water is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Occupation Certificate.

**3. DEMOLITION**

**These conditions have been imposed to ensure that the demolition of buildings is carried out with regard to public and environmental safety.**

- (1) All demolition works that proposed to demolish (or partially demolish) any building, structure or installation that:
  - Is over 15 metres in height
  - Is a chemical installation
  - Involves a tower crane on site
  - Involves a mobile crane with a rated capacity of more than 100 tonnes
  - Has structural components that are pre-tensioned or post-tensioned
  - Involved floor popping
  - Involves explosives
  - Is between four metres and 15 metres in height involving mechanical demolition such as using excavators, bulldozers or cranes
  - Is between 10 metres and 15 metres in height and affects its structural integrity involves the use of load shifting machinery on suspended floors shall be undertaken by a licensed demolisher who is registered with SafeWork NSW (formerly WorkCover Authority of NSW). Details shall be submitted to Council or the nominated Accredited Certifier prior to the commencement of demolition works.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (2) Any demolition works involving asbestos removal must comply with all legislative requirements including the publication How to Safely Remove Asbestos – Code of Practice (December 2011- WorkCover NSW & Safe Work Australia), SafeWork NSW and NSW Environment Protection Agency (EPA) requirements.
- (3) Any work involving lead paint removal must not cause lead contamination of the air or ground.
- (4) All demolition material shall be disposed of in accordance with a waste management plan approved by Wollondilly Shire Council.
- (5) Demolition works shall not create general nuisance by reason of inadequate dust, noise or environmental controls.
- (6) All demolition works should be carried out in a way that ensures that waste is managed in a manner consistent with the “NSW Waste Avoidance and Resource Recovery Strategy 2014-21” (copies can be obtained from the EPA website at <http://www.epa.nsw.gov.au/warr/index.htm>).
- (7) Demolition shall be carried out to Australian Standard AS2601-2001 – The Demolition of Structures and the WorkCover Authority of NSW publication “Demolition work code of practice July 2014” including provision for:
  - Appropriate security fence or builders hoarding shall be installed to prevent public access to the demolition works
  - Induction training for onsite personnel
  - Management of asbestos, contamination and other hazardous materials
  - Dust control
  - Disconnection of gas and electrical supply
  - The demolition shall not hinder pedestrian or vehicle mobility in the locality
  - Control of water pollution and leachate, including the cleaning of vehicle tyres in accordance with the Protection of the Environment Operations Act, 1997.
- (8) The demolition by induced collapse, the use of explosives or onsite burning is not permitted.
- (9) During demolition works all materials and equipment shall be kept entirely within the site and not on adjoining property, footpaths and roads.



**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (10) All demolition work shall be restricted to between the hours of 7.00am and 6.00pm Mondays to Fridays (inclusive), 8.00am to 1.00pm Saturdays, and prohibited on Sundays and Public Holidays.
- (11) Certification is to be provided by the Demolition Contractor that the demolition work has been carried out in accordance with the above conditions. Such certification is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Construction Certificate.

#### **4. BUILDING DESIGN**

**These conditions have been imposed to ensure that the appearance/construction of building works complies with the aims and objectives of Council's relevant Development Control Plans, Policies and relevant Statutory Regulations.**

- (1) Any external and security lighting installed on the farm building shall be positioned to avoid light spillage to nearby non-agricultural development.

A lux diagram is to be submitted to the Principle Certifying Authority prior to the issue of the Occupation Certificate confirming compliance.

- (2) The farm building shall be constructed of earthy tone colours. Pale or patterned external finishes or multi-coloured or bright reflective roofs shall not be used.
- (3) Highly contrasting coloured external finishes shall only be used on sills, window heads, string courses etc.
- (4) Any above ground water storage tanks shall be coloured or painted in earthy colours to blend with the natural environment or building immediately adjoining the water tank to reduce their visual impact.
- (5) The person or company benefiting from this consent shall install spray drift netting to the sides of the proposed hail net structure. Such netting shall be installed prior to the release of an Occupation Certificate by the Principal Certifying Authority for the development.

The netting may be rolled up when not in use and rolled down prior to the application of any chemicals by use of spray application.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (6) The farm building shall be located wholly within the development lot and shall maintain rear and side setbacks in accordance with the approved site plan. A survey report completed by a registered surveyor shall be submitted to the Principal Certifying Authority at the commencement of work / at slab formwork stage prior to the pouring of concrete to demonstrate compliance with this condition.

**5. CONSTRUCTION GENERAL**

**These conditions have been imposed to ensure that all construction work is undertaken to an approved standard and related approvals.**

- (1) Construction shall not commence on the site, including the placement of temporary buildings, site sheds, earthworks, site excavation, filling or other site preparation works (with the exception of demolition or site survey work), prior to the issue of a Construction Certificate by Council or a nominated Accredited Certifier.
- (2) All construction and building work shall be restricted to between 7:00am and 5:00pm Mondays to Saturdays (inclusive) and prohibited on Sundays and Public Holidays unless written approval to vary the hours of work is granted by Council.
- (3) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. These facilities are to be provided prior to the commencement of any works and:
- (a) Must be a standard flushing toilet; and
  - (b) Must be connected:
    - (i) to a public sewer, or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council, or if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.

In this condition:

Accredited sewage management facility means a sewage management facility to which Division 4 of Part 2 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in clause 41 of the Regulation.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo  
Road Bargo**

Approved by the Council means the subject of an approval in force under Division 4 of Part 2 of the Local Government (General) Regulation 2005.

Sewage Management Facility has the same meaning as it has in the Local Government (General) Regulation 2005.

- (4) Any damage to the Council footway, road or other land shall be restored in accordance with Council's specifications prior to the issue of any Subdivision Certificate for the development.
- (5) An appropriate fence preventing public access to the site shall be erected for the duration of construction works.
- (6) There shall be no burning of builder's rubble, felled trees or other material on site.
- (7) All excavation and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

- (8) If the soil conditions require it:
  - (a) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided; and
  - (b) Adequate provision must be made for drainage.
- (9) The hydroponic beds shall not interfere with the existing sewerage disposal system.
- (10) The hydroponic beds shall not be erected within 1.5m from the existing sewerage management system.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**6. ENGINEERING & CONSTRUCTION SPECIFICATIONS**

**These conditions have been imposed to ensure that developments within the Shire are of a standard which is both safe and acceptable to Council and members of the public.**

- (1) All works are to be designed and carried out in accordance with Wollondilly Shire Council's adopted Design and Construction Specification.
- (2) Engineering design plans for the access, truck turning area and stormwater management and dams, shall be submitted to Council and approved by Council's Infrastructure Planning Section, under Section 138 of the Roads Act 1993. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans and Permit for Roadworks under Section 138 of the Roads Act. All levels are to be reduced to Australian Height Datum. Design parameters shall comply with the requirements of Council's Design Specifications.
- (3) A "Soil and Water Management Plan" (SWMP) that outlines the measures that will be taken to limit and contain sediment laden runoff during construction shall be submitted to Council or the nominated Accredited Certifier.

The measures shall be in accordance with Council's Construction Specification and the Department of Housing's "Blue Book". The plan is to be approved by Council or the nominated Accredited Certifier with the engineering plans.

- (4) Upon completion of construction, the works shall be certified by a suitably qualified Civil or Geotechnical Engineer.

A Registered Surveyor shall prepare work as executed plans of all stormwater management and the dam.

Dam capacity volumes are to be provided on the plans. A copy of all documents shall be submitted to Council prior to the issue of an Occupation Certificate for the development.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**7. DRAINAGE/STORMWATER**

**These conditions have been imposed to ensure drainage/stormwater is appropriately managed.**

- (1) The person who has the benefit of this consent shall incorporate adequate dissolved pollutant, silt, grass and oil pollutant controls into the stormwater management system.

The pollution control devices shall be located within the property and shall be regularly maintained at the applicant's cost.

Details of the stormwater pollution control system shall be shown on the engineering plans and approved by Council.

- (2) Engineering plans for the required stormwater drainage work must be prepared by a suitably qualified professional in accordance with Council's Design and Construction Specifications. Engineering plan checking and inspection fees will be advised for payment prior to the issue of the approved plans. These plans must be approved by Council before the commencement of construction work.
- (3) Stockpiles and storage bins for any materials shall be located clear of drainage lines and in such a position that they are within the erosion containment boundary. Stormwater diversion drains are to be constructed to intercept and divert runoff away from any stockpiles, bins and composting areas.
- (4) All drainage works shall be carried out in accordance with the Plumbing and Drainage Act 2011 and Australian Standard AS/NZS 3500 except where otherwise provided in the Local Government Act 1993, or the Local Government (General) Regulation, 2005.
- (5) A drainage system shall be provided that ensures appropriate management of stormwater. In this regard the system shall collect and convey runoff from storms up to the 10% AEP to a point suitable for integration with a suitable natural or constructed stormwater drainage system. Defined overland flow paths shall be provided to safely convey runoff from storm events up to the 1% AEP.
- (6) The disposal of any overflow water from any dams, structures and/or the market garden areas is not permitted to be directed to Dogtrap Creek or into any of the riparian/Shale/Sandstone Transitional Forest vegetation.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo  
Road Bargo**

- (7) The development shall incorporate an integrated approach to water management using alternative water sources (e.g. water tanks, recycled irrigation water etc) wherever possible.
- (8) All drainage swales shall be wide, gently sloping, suitably grassed and maintained at all times to reduce erosion, increase infiltration and act as biological filters.
- (9) Stormwater runoff from the roof of the proposed farm building shall be discharged to an on-site water tank. Such a water tank shall be in accordance with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* and where applicable shall be in accordance with Australian Standard AS/NZS 3500.3.2 – Stormwater Drainage.

Details of the stormwater tank shall be provided on the Building Plans for approval by Council or a nominated Accredited Certifier prior to the release of a Construction Certificate.

**8. CARPARKING/LOADING/ACCESS**

**These conditions have been imposed to:**

- (a) Ensure that adequate provision is made for off street parking, appropriate to the volume and turnover of traffic generated by the development.**
  - (b) Ensure that adequate manoeuvring space is provided for parking areas, loading bays and entry facilities.**
- (1) The applicant shall provide and maintain an all-weather standard gravel access from Bargo Road to the proposed truck turning area and farm building, as generally shown on the concept plan by Technibuild Consulting. Details shall be included on the Engineering Plans for approval.
  - (2) All vehicles shall enter and leave the site in a forward direction.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**9. PUBLIC ROADS**

**These conditions have been imposed to ensure all public works required by the development are provided to an adequate standard.**

- (1) Prior to the issue of an Occupation Certificate, the applicant shall construct a vehicular driveway and pipe crossing on Bargo Road, sufficient for heavy vehicle access, and increased cover over the pipe culvert to a minimum of 200mm. Details of the proposed driveway upgrade shall be shown on the engineering plans.

The driveway is to be inspected to the satisfaction of Council's Development Engineer. An inspection fee, in accordance with Council's Fees and Charges, will be payable and approved by Council's Infrastructure Planning Section, prior to the issue of a Permit for Roadworks under Section 138 of the Roads Act.

- (2) In accordance with Section 138 of the Roads Act a 138 Consent Certificate must be obtained from Council's Infrastructure Planning Section a minimum 7 days prior to commencement of work. A fee is payable for issue of this Consent Certificate.
- (3) Access gates to the site must be set back no less than 15 metres from the edge of bitumen.

**10. EROSION AND SEDIMENT CONTROL**

**These conditions have been imposed to minimise the impact of the development on the environment and on adjoining properties.**

- (1) Erosion and sediment control devices are to be installed prior to any construction activity on the site. These devices are to be maintained for the full period of construction and beyond this period where necessary.
- (2) All disturbed areas are to be stabilised by turfing, mulching, paving or otherwise suitably stabilised within 30 days of completion.
- (3) Topsoil stripped from the construction site is to be stockpiled and protected from erosion until re-used during landscaping.
- (4) Vehicle access is to be controlled so as to prevent tracking of sediment onto adjoining roadways, particularly during wet weather or when the site has been affected by wet weather.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (5) Stockpiles of construction and landscaping materials, and site debris are to be located clear of drainage lines and in such position that they are within the erosion containment boundary or are equivalently protected from erosion and do not encroach upon any footpath, natural strip or roadway.
- (6) The installation of the erosion and sediment control devices identified on the Soil and Water Management Plan shall be completed prior to any construction taking place on the site. These devices are to be maintained so as to prevent the discharge of silt into adjoining water course or table drains.

**11. EARTH FILL**

**These conditions have been imposed to ensure the safe disposal of fill.**

- (1) Apart from areas used for growing, all filling on the site shall be compacted to not less than 95% Standard Compaction. A report on the site filling is to be submitted in accordance with Wollondilly Shire Council's Design & Construction Specifications by an appropriately qualified Geotechnical Engineer or Soil Scientist.

Such a report shall be supported by a survey plan of the site indicating the areas filled and depth of fill in relation to the lot boundaries.

- (2) There shall be no loss of support or encroachment of fill onto adjoining lands as a result of excavation or filling within the site.
- (3) No landfilling or works shall be carried out within 40 metres of a watercourse, as defined by the Water Management Act, 2000 unless a controlled activity permit has been issued by the Department of Primary Industries – Office of Water.
- (4) Surface stormwater shall be controlled in such a manner that no significant alterations to existing flows onto adjoining properties occur.
- (5) Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.
- (6) Where Council cannot be satisfied that the fill is suitable for its proposed use with regard to potential contamination the filled area shall not be used and works in that area shall cease until the fill is validated to the satisfaction of a NSW EPA accredited Site Auditor.



**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

**12. INSPECTIONS**

**These conditions have been imposed to ensure that construction works are undertaken to an approved standard.**

(1) The engineering works shall be inspected by the Principal Certifying Authority at the following stages of construction to ensure they comply with Council's Construction Specification and associated approvals:

- Prior to commencement of any construction work on the site, after erosion and sediment control and traffic control measures are implemented
- When drainage lines have been laid, jointed and bedded, prior to backfilling
- When roadworks have been excavated to subgrade, prior to placing of pavement
- During the roller test, which is to be carried out using a three point roller or approved equivalent
- At practical completion of works.

Note: It is the responsibility of the applicant or contractor to notify the Principal Certifying Authority when inspections are required. Failure to notify may lead to additional work being required prior to issue of inspection certificates. A minimum of 24 hours notice is required for inspections where Council is the Principal Certifying Authority.

(2) Building works shall be inspected by the Principal Certifying Authority at critical stages of construction to ensure they comply with the Building Code of Australia and associated approvals. Where Wollondilly Shire Council is nominated as the Principal Certifying Authority these inspections shall include:

**Farm Building**

- Footings
- Pier holes before pouring of concrete
- Steel reinforcing before pouring of concrete
- Wet area damp proofing and flashing before lining
- Structural steel work before covering
- Stormwater drainage before backfilling
- Bearers and joist inspection before flooring is fixed
- Frame work before internal cladding or lining is fixed
- Completion of the building work before occupation or use.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

Hail Netting and Hydroponic beds

- Pier holes before pouring of concrete
- Stormwater drainage before backfilling
- Completion of the building work before occupation or use.

- (3) If the Principal Certifying Authority notifies the site manager or other contractor that a work or works are unsatisfactory for any reason all works on the site shall cease until the matter is resolved to the satisfaction of the Principal Certifying Authority.

**13. SERVICES**

**These conditions have been imposed to ensure that an adequate level of services are provided for the development.**

- (1) A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Water Servicing Co-ordinator. 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 Co-ordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate for the development.

- (2) All power and services provided to the development within the site shall be underground.

**14. WASTE MANAGEMENT**

**These conditions have been imposed to enquire that wastes are correctly stored, disposed of and controlled at all times to prevent accidents and to maintain clean and tidy premises.**

- (1) Disposal of construction and building waste material shall be undertaken in accordance with the Waste Management Plan submitted with the Development Application.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (2) Prior to the issue of any Occupation Certificate the applicant shall submit to Council or the nominated Accredited Certifier details for the collection and disposal of internal waste generated by the intensive plant agriculture and associated farm building to be arranged through a licensed authorised contractor.
- (3) Arrangements shall be in place for the regular maintenance and cleaning of the farm building.
- (4) A designated general waste/recycling storage area shall be included within the farm building in accordance with the requirements of the Building Code of Australia. Details are to be submitted to the Principal Certifying Authority for approval prior to the issue of the Occupation Certificate.

**15. OCCUPATION & USE**

**These conditions have been imposed to ensure the development and associated activities/operation are acceptable in terms of the amenity of the neighbourhood and the public interest whilst maintaining its functional operation.**

- (1) The farm building shall not be used for habitable purposes.
- (2) The farm building shall be used in association with the intensive plant agriculture activities on the site and shall not be separately let or occupied.
- (3) A copy of the Water Access Licence and/or Water Supply Works Approval for the dam and the bore issued by the Department of Primary Industries - Water is to be provided to Council or the nominated Accredited Certifier prior to the issue of any Occupation Certificate.
- (4) The disturbed areas surrounding the approved work shall be reinstated to Council's satisfaction upon completion of the work.
- (5) The premises shall be maintained in a clean and tidy state at all times.
- (6) The footpaths shall be kept clear of signs, fixtures and goods at all times.
- (7) The premises shall be constructed and operated in such a manner so as not to interfere with the amenity of the neighbourhood by reason of the emission of discharge of noise, fumes, vapour, steam, soot, ash, dust, waste water, waste water products, grit, oil or other harmful product.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (8) Dust shall be controlled so that it will not leave the site.
- (9) All activities relating to the intensive plant agriculture shall be conducted between the hours of 6am and 10pm Mondays to Sundays - except those truck movements associated with Condition 15(21).
- (10) The operation shall employ no more than four (4) persons including any current residents of the subject site who may be employed by the intensive plant agriculture business.
- (11) No external flood lighting or the light shall be permitted to be employed to allow field based work outside of daylight hours.
- (12) The development shall be operated so that it does not give rise to an “offensive odour” as defined in the Protection of the Environment Operations Act, 1997.

Offensive odour means an odour:

- (a) that, by reason of its strength, nature, duration, character or quality, or the time at which it is emitted, or any other circumstances:
    - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or
    - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
  - (b) that is of a strength, nature, duration, character or quality prescribed by the regulations or that is emitted at a time, or in other circumstances, prescribed by the regulations.
- (13) The applicant is advised that Council reserves the right to restrict the days and hours of operation if considered necessary to prevent the emission of “offensive noise” as defined in the Protection of the Environment Operations Act, 1997.

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
  - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted; or

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted; or
  - (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.
- (14) Truck engines are to be turned off during pick up operations unless entering or leaving the premises.
- (15) Employees and the like must be educated on noise mitigation measures and limiting the use of compression breaking etc.
- (16) Mechanical equipment, fans and refrigeration equipment must be maintained to minimise the generation of mechanical noise and the likelihood of off-site vibration.
- (17) Silenced forklifts must be used and only operable between 6am and 10pm, Mondays to Sundays, so as to limit any impacts on the amenity of the adjoining landowners/occupiers.
- (18) The farm building or hydroponic beds shall not be occupied or used until an Occupation Certificate is issued by the nominated Principal Certifying Authority.
- (19) Should any organic fertilisers be used in the operation and use of the Intensive Plant Agriculture (Horticulture) facility, such material shall be spread and watered immediately upon delivery to the site and not stockpiled so as to avoid any opportunity for offensive odours to generate.
- (20) No unprocessed or raw manure shall be utilised in the Intensive Plant Agriculture (Horticulture) facility.
- (21) Trucks servicing the development shall enter and leave the site only between the operating hours, being from 6am until 10pm, Mondays to Sundays. One additional (1) truck movement shall be permitted between 10pm and 3am each day to permit the delivery of vegetables to the markets.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (22) The use of any pesticide(s) must meet the requirements of any relevant pesticide legislation (currently being the *Pesticides Act 1999* (NSW) and associated regulations such as the *Pesticides Regulation 2009*, *Pesticides Amendment (Records) Regulation 2001* and the *Pesticides Amendment (User Training) Regulation*, administered through the NSW Department of Environment, Climate Change and Water).
- (23) The storage, transport, and keeping of records for all pesticides used in crop production are to be in accordance with any relevant legislation (currently being the *Pesticides Regulation 2009*).
- (24) The storage and application of fertilisers shall be in accordance with the *Fertilisers Act 1985*.
- (25) Prior to the application of any fertilisers, pesticides or substance to the crops by spray application the person or company benefiting from the consent shall ensure that the spray drift netting installed to the sides of the hail net structures is secured to the ground in accordance with the manufactures specifications.
- (26) The operation of the development shall be such that it complies with the requirements of the *Protection of the Environment Operations Act, 1997* at all times.
- (27) All machinery and stationary noise generating equipment shall be located, where practical, away from property boundaries to ensure the protection of the amenity of the adjoining landowners/occupiers.
- (28) Cultivation between hydroponic beds should be minimised and only undertaken for moisture and ground cover retention.
- (29) This consent does not approve the retailing of any products grown and/or produced on-site.
- (30) The hydroponic beds and hail structures are to be maintained to ensure that the structures do not fall into disrepair. If the netting becomes detached from the main structure, the person or company benefiting from the consent is to repair the netting as soon as practicable.
- (31) Wastewater generated by the hydroponic beds and any associated watering system shall be assimilated within the property boundaries.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (32) If Council receives three (3) independent validated complaints in one (1) month in relation to the emission of noise and/or odour from the subject property and such complaints are verified by Council, then the owners will comply with all such reasonable directions as may be given by Council (after consultation by Council with the owners) with the objective of ameliorating the said impacts.
- (33) All refuse (organic matter) shall be disposed of either into an onsite waste receptacle or ploughed into the site as soon as practical to minimise odour generation from decaying burden.
- (34) Wherever practical, ploughing and the application of fertiliser and pesticides shall be avoided on windy days to minimise dust impacts on adjoining properties.
- (35) Bird scaring devices which emit audible sound are not to be used in relation to the development.

**16. SIGNS**

**These conditions have been imposed to ensure that signs are properly designed, located and maintained so as not to impact upon the existing streetscape.**

- (1) An application under the provisions of the Environmental Planning & Assessment Act, shall be submitted to and approved by Council prior to the erection and/or display of any advertising signs unless the sign is exempt development as defined by that Act and in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or Schedule 2 of Wollondilly Local Environmental Plan 2011.
- (2) No advertising flags or banners or the like are to be erected on or attached to Council's footpaths, street lights or telegraph poles.

**17. HERITAGE**

**These conditions have been imposed to ensure that development is carried out in a manner sensitive to the heritage values in the locality.**

- (1) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with Section 146 of the Heritage Act 1977.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (2) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the National Parks and Wildlife Service (NPWS) should be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

**18. LANDSCAPING**

**These conditions have been imposed to reduce the impact of any development activity on the landscape/scenic quality through vegetation works and maintenance.**

- (1) The development shall be undertaken in accordance with the provisions of Clause 5.9 of Wollondilly Local Environmental Plan 2011 (WLEP 2011) and Section 2.3 of Volume 1 of Wollondilly Development Control Plan 2011 (DCP 2011). Under these provisions a person shall not, except with the consent of Council, ringbark, cut down, top, lop or wilfully destroy any tree or vegetation without a permit unless it is exempted under WLEP 2011 or DCP 2011.
- (2) Landscaping is to be installed in accordance with the approved Plan prior to the release of the Occupation Certificate, except for the following amendments, prior to the release of the Occupation Certificate:
- (a) three (3) rows of Brush Cherry Lillypilly (*Syzygium australe*) shall be planted to the north-eastern boundary to the extent as marked on the approved Landscape Plan prepared by HLS Pty Limited. The access driveway and hydroponic tables shall be adjusted to permit the plantings and sufficient room for manoeuvring and maintenance of the landscaping, hydroponic tables and hail netting, and
  - (b) all plantings are to be in groups and consist of advanced stock, and
  - (c) landscaping shall not impede solar access to growing crops, and
  - (d) fire retardant species must be used, and
  - (e) landscaping must be maintained in accordance with the details provided on that Plan at all times, and
  - (f) when mature, such landscaping shall be sufficient to intercept a direct line of sight from the public road.

The landscaping must be maintained in accordance with the details provided on that Plan at all times.



**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (3) Prior to the issue of any Occupation Certificate, all exposed earth areas throughout the site, all existing and any drainage swales constructed in association with this consent and all areas between the farm building shall be seeded and grassed. Such areas shall be maintained for the life of the development.

**19. VEGETATION MANAGEMENT**

**These conditions have been imposed to protect significant vegetation that has been identified on the subject land.**

- (1) No works are to be undertaken within 5m radius of the drip zone of the tree(s) or vegetation nominated for retention.
- (2) Earthworks are not permitted within a 5 metre radius of the drip zone of nominated or significant trees.

**20. WEED MANAGEMENT**

**These conditions have been imposed to ensure that noxious and environmental weeds on the subject land are appropriately managed.**

- (1) A Weed Eradication and Management Plan shall be prepared by a suitable qualified and experienced person(s) and shall be submitted to the Council or a nominated accredited certifier for approval prior to the release of any Construction Certificate and shall include:
- (a) An inventory of all Noxious and Environmental weeds on the development site and a site plan indicating the weed infestations with reference to the species and degree of infestation (ie., low, medium, high);
- (b) A treatment schedule in tabulated form, specifying for each species:
- (i) The method of treatment (mechanical, herbicide use or cultural such as pasture improvement or grazing);
- (ii) The rates of application methods of all herbicide treatments;
- (iii) The primary control treatment to achieve a minimum 70% kill and a secondary control treatment to achieve a minimum 90% kill; and
- (iv) The timing of treatments.
- (c) An annual weed maintenance program indicating the methods to be implemented to maintain a weed-free site;

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (d) Details of any methods of disposal of weed material;

NOTE: If the suitably qualified and experienced person provides evidence to the satisfaction of Principal Certifying Authority that the site is free of noxious or environmental weeds that evidence will be taken to satisfy this condition.

- (2) All preliminary weed treatment measures identified in the weed eradication and management plan shall be carried out prior to the release of the Occupation Certificate.

**21. EARTH DAMS**

**These conditions have been imposed to ensure all works are carried out in accordance with Wollondilly Development Control Plan 2016 – Volume 8 Section 3.6 Earth Dams.**

- (1) The proposed earth dam works shall be constructed generally as shown in the approved plans by Technibuild Consulting.
- (2) The earth dam is to have a cut off trench constructed along the entire length of the embankment. The trench shall be taken down at least 0.3 metre into impervious soil and backfilled with impervious material.
- (3) The slope of the embankment batter is to conform with the ratio of 3H:1V for both the upstream and downstream slopes.
- (4) Any excess water from the dam is not to have an adverse effect on neighbouring properties. All excess water is to be contained on the property which contains the dam, before meeting with a downstream watercourse.
- (5) A minimum of 1.0 metre is to be established for freeboard (the height from the water level to the top of the dam wall). This must increase by 10% for every metre over a 3 metre high wall.
- (6) The bywash is to be excavated 200mm below the top water level and backfilled with compacted topsoil and planted with a suitable holding grass such as kikuyu or couch. No trees or shrubs are to be planted in the bywash area.
- (7) The bywash cut batter is to have a minimum steepness of 1.5:1.
- (8) The earth dam is to have a cut off trench which is to be taken down a minimum of 300mm into impervious soil and backfilled with suitable impervious material.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo  
Road Bargo**

- (9) The dam bywash is not to direct flows onto the downstream toe.
- (10) Certification from a Registered Surveyor is to be submitted to Council verifying that capacity of the dam does not exceed 1069 cubic metres.
- (11) The width of a dam crest must be a minimum of 3 metres for a 3 metre high dam wall. The crest must increase in width 500mm from every metre above a 3 metre high dam.
- (12) Soils predominantly consisting of gravels; organic soils or peat must not be used for dam construction or batters. The material used to construct an embankment should be sufficiently impervious to keep seepage low and to be stable. A soil with 25% clay content is ideal to form an impervious barrier.
- (13) Notice shall be provided to Council one or two business days prior to the commencement of land filling works and within two business days of the completion of such works.
- (14) To avoid erosion cracking of soil around spillway pipes and movement of water along the pipe line, gypsum should be applied below, above and around the pipe for a minimum distance of 2 metres. The trench for the pipe is to be cut into the natural ground under the earth bank or through a compacted section of bank. The base width of the pipe trench is generally about 300mm wider than the diameter of the pipe. The trench should be cut and the pipe installed as early as possible in the construction process to allow the excavation time to settle and compact as cutting through the completed embankment creates a point of weakness which may result in failure.
- (15) Upon completion of construction, the works shall be certified by an appropriately qualified professional Engineer or a Registered Surveyor shall prepare work as executed plans, with a copy of all documents submitted to Council for its records.

**22. TREE REMOVAL**

**These conditions are imposed to ensure that the removal of trees is undertaken in a safe and environmentally sensitive manner.**

- (1) All trees greater than 3 metres in height or with a branch spread greater than 3 metres are to be clearly marked on the Engineering Plans.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo  
Road Bargo**

- (2) Prior to the commencement of any work all mature trees shall be inspected by a qualified arborist/bush regenerator. Those trees that are considered are to be clearly marked and are to be inspected by a Council Officer prior to work commencing.

**23. SECTION 94 CONTRIBUTIONS**

**These conditions have been imposed to ensure the adequate provision of public facilities required as a result of the development.**

- (1) A Section 94A Development Contribution of \$5,595.00 shall be paid to Council. This contribution is calculated from Wollondilly Section 94 Contributions Plan, 2011 based on a 1% levy for non-residential development with a value exceeding \$200,000 and an estimated construction cost of \$559,500.00.

The amount to be paid is to be adjusted at the time of actual payment, in accordance with the provisions of the Wollondilly Development Contributions Plan 2011. The contribution is to be paid prior to the release of the Construction Certificate.

**24. PRESCRIBED CONDITIONS UNDER THE ENVIRONMENTAL  
PLANNING & ASSESSMENT ACT, 1979.**

**These conditions are imposed as they are mandatory under the Act.**

- (1) COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER THE HOME BUILDING ACT 1989
- (a) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
- (i) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
  - (ii) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo  
Road Bargo**

- (b) For the purposes of section 80A (11) of the Act, it is prescribed as a condition of a development consent for a temporary structure that is used as an entertainment venue, that the temporary structure must comply with Part B1 and NSW Part H102 of Volume One of the Building Code of Australia .
- (c) This clause does not apply:
  - (i) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
  - (ii) to the erection of a temporary building, other than a temporary structure to which subclause (b) applies.
- (d) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application is made for the relevant:
  - (i) development consent, in the case of a temporary structure that is an entertainment venue, or
  - (ii) construction certificate, in every other case.

Note: There are no relevant provisions in the Building Code of Australia in respect of temporary structures that are not entertainment venues.

(2) ERECTION OF SIGNS

- (a) For the purposes of section 80A (11) of the Act, the requirements of subclauses (b) and (c) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (b) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (i) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (c) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

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

Note. Principal Certifying Authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A of the Environmental Planning and Assessment Regulation 2000 which currently imposes a maximum penalty of \$1,100).

**25. ADVICES**

- (1) At all times work is being undertaken within the public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site with a minimum of disruption.
- (2) During the course of construction, care must be taken to prevent damage to any public utility or other service and the applicant will be held responsible for any damage caused by him or his agents, either directly or indirectly. Any mains, services, poles, surface fittings etc., that require alterations shall be altered at the applicants expense and to the satisfaction of Council and the authority concerned.
- (3) The developer and any contractor or sub-contractor used to carry out any work authorised by or out of this approval on Council owned or controlled land, is to carry the following insurance, copies of which are to be produced to Council upon request:
  - Motor Vehicle Insurance (comprehensive or property damage) for all self propelled plant, as well as valid registration or RMS permit (Including CTP insurance). Primary producer's registration is not registration for use on Public Road construction work.
  - Workers Compensation Insurance.
  - Twenty Million Dollar Public Liability Insurance.

**PE8 – Development Application No.010.2016.00000010.001 – 275 Bargo Road Bargo**

- (4) The following service providers should be contacted before commencement of construction to establish their requirements:
- Dial before you dig (various services) 1100
  - Telstra (telephone) 1 800 810 443
  - Endeavour Energy (electricity) 131 081
  - AGL (gas) 131 245
  - Sydney Water (water & sewer) 132 092.
- (5) This Consent does not permit the commencement of construction unless a Construction Certificate has been issued. For details about obtaining a Construction Certificate contact Council's Building Services Section for building works or Council's Infrastructure Planning Section for subdivision works.
- (6) A defects liability period of twelve (12) months will apply from the date of the issue of the certificate of practical completion by Council or, in the case of a public road, twelve (12) month from the registration of the road as a public road. A 10% maintenance bond or a minimum of \$1,000, whichever is greater, is to be lodged in accordance with Council's construction specification for work that is to become the property of Council.