



20 February 2019

Regional Assessments  
Planning Services  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Att Ms E Butcher

Dear Emma

**Elf Mushroom Farm MP08\_225 MOD 2, 521 The Northern Road Londonderry**

I refer to the above application and the request for additional information from the various Departments as well as the submissions received during the public notification period and the matters raised in an email from Joel Herbert dated 26 October 2018 and a recent email from Anthony Witherdin.

Attached to the letter is

- Revised Environmental Assessment Report that has addressed the matters raised during the notification period in section 5 by the public authorities and the surrounding residents.

The Revised report has further justified the modified development and the issues raised has been addressed by the technical reports.

Section 4 of the report has provided a detailed assessment against a range of environmental issues and potential impacts.

The bulk, scale setbacks and streetscape character has been addressed in section 4.1 as well as in section 5 of the revised report.

The staging of the development has been outlined in section 3.1

The objectives of the RU4 zones have been assessed in section 4.12.

- Revised Acoustic Assessment Review dated 5<sup>th</sup> February 2019.
- Revised Stormwater Management Plan dated February 2019 (Ref 200070166)

*Importation of fill*

The approved development involved the importation of 100,000m<sup>3</sup> of fill.

The amended development has increased the importation of fill on the site by 13,000 m<sup>3</sup> to 113,000 m<sup>3</sup>.

Below is a response made to the submission received by respondents and Public Agencies.

**Office of Environment and Heritage**

*Biodiversity*

*Agree with recommendations and include in any approval*

*Acoustic Wall/Mound*

*Further report if trees to be removed with the wall/mound.*

*Persoonia*

*Conclusion to be adjusted to correct conclusion I & ii*

**Comment:**

No trees to be removed with the acoustic mound and wall and the report has been corrected as requested.

The amended report is attached.

**Roads and Maritime Services**

*Consider separating passenger vehicles and trucks accessing the site to remove possibility of conflict and maintain safety*

**Comment:**

The approved layout plan showed one access point from The Northern Road which was shared by both passenger and trucks associated with the operation.

The amended plans and operation do not increase the approved capacity and with the proposed new technology the number of employees will be reduced from the initial approved development.

The RMS previously accepted the one access point and the amended layout has maintain the approved one access point.

The RMS generally prefer just one access point for each property rather than several separate access points where it adjoins a main arterial road.

The approved access point also proposed intersection works that are still proposed for the new access.

This will allow safe entry and exit from the site for staff and delivery vehicles.

A separate access point for staff with no intersection works would have potential safety impact on the staff vehicles entering and leaving the site.

## **Penrith Council**

### *DCP Compliance and Built form and Scale*

*The concerns raised by Council relates to the size and scale of the buildings and development is not suitable for the site and impacts of the streetscape character and not address the DCP in terms of provisions and objectives within the DCP.*

*Calls for a reduction in the built form and intensity of the operation.*

*Proposed 3.5m high acoustic mound would have an impact on the landform and rural character of the locality.*

#### **Comment:**

The amended development does not increase the capacity of the mushroom growing operation that was previously approved.

There is no increase in the capacity of the farm when compared to the approved development.

The amendment and larger building area and foot print on the site has been a result of new growing technology that has changed the current way that mushrooms are grown from vertical stacked growing boxes to a horizontal configuration that will permit greater opportunity for new technology to be incorporated now and in the future and the process becomes more automated and efficient.

The nature and use of the building for the growing of mushrooms incorporating new cutting-edge technology now and, in the future, dictates the form of the building which need to be constructed straight with no articulations possible in the design

The approved building located in the north eastern corner of the site has a setback distance from The Northern Road that has been increased from (80m and 130m) and (110m and 180m) this has increased the opportunity for additional plantings and further reduce the potential impact of the proposed amended development from The Northern Road streetscape.

The additional building area located to the south of the approved building aligns with the setback of the building along the northern boundary and because of the angle of the front property boundary the proposed building setback from The Northern Road is between 60 to 180m.

The plan attached shows the comparison of the approved and amended building and the setback distances from The Northern Road.

The approved 2.5m high noise barrier mound has now been reduced to 2m and the amended Acoustic Report has now supported the reduced height.

A 2m high screen mound is commonly used in rural landscape areas where a development needs to be screened.

The proposed setback and 2m high noise barrier mound along The Northern Road will be suitably landscaped and provides a visual landscape screen to the proposed development and ensure the impact on The Northern Road streetscape will be minimal once the landscaping has become established.

The existing mature established vegetation in this setback area that will be retained will also assist in reducing any potential visual impact on The Northern Road streetscape and assist in retaining the current character of the locality.

The character of the immediate locality is a mixture of rural and industrial (Car Wreckers) located immediately to the south of the site as well as the large government site used by Workcover and other agencies location in the locality to the south of the site which contains several large industrial/commercial buildings. Refer to aerial photos below



The proposed buildings will be well screened along the southern property boundary and north eastern corner of the site by the proposed 2m and 2.5m high noise and effluent mound together with the supplementary boundary plantings of suitable trees and other native vegetation.

The layout has been amended to use part of this noise mound for a waste water disposal area with a 100% reserve area as a backup if needed.

The proposed development has been located on the cleared area of the site to reduce the need significant tree removal.

The site layout provides adequate setback distances and areas for additional landscape plantings to assist in reducing any potential visual impact on the streetscape while maintaining the current character of the immediate locality.

The visual impact assessment has been undertaken in section n 4.1 of the Environmental Assessment.

The Penrith DCP Rural Land Uses Chapter outlines a number of objectives and the objectives that are relevant to this amended development are discussed below:

*a) To reinforce Penrith's urban growth limits and promote a compact City by identifying and promoting the intrinsic rural values, character and functions of the City's rural lands;*

**Comment:**

The proposed development involving the growing of mushrooms is a rural activity that is found on rural lands.

The development promotes the rural character and function of the rural lands in the locality.

*b) To sustain healthy and diverse rural lands in Penrith by conserving their biodiversity, maintaining the integrity of their ecosystems, maintaining their natural capital, and promoting the social well being of rural communities;*

**Comment:**

The proposed amended development and layout has been limited to the area that is generally cleared on site and will result in some removal of scattered vegetation along the southern portion of the site.

Most of the bushland and biodiversity area at the rear of the site remains unaltered.

The flora and fauna report have addressed the impact the amended development will have on the vegetation on the site and has concluded the removal of some scattered trees will not have any significant impact on any threatened flora and fauna.

This has been discussed in more detail in section 4.6 of the Environmental Assessment.

The Office of Environment and Heritage has agreed with the recommendations contained in the report.

*c) To promote agriculture and other rural land uses that are sustainable in the longer term, through the use of appropriate resource and environmental management policies, plans, guidelines and practices;*

**Comment:**

The amended layout and new methods of growing mushrooms that are using cutting-edge machinery and technology will ensure the activity will be sustainable in the longer term and able to easily adapt, respond and implements new technological changes to improve the growing efficiency of mushroom.

*d) To promote a sustainable economic environment that fosters economically viable rural development, employment, transport and future investment opportunities;*

**Comment:**

The amended layout as discussed above will assist in providing a sustainable long-term agricultural rural development that will be economically viable and foster employment opportunities as well as future investments.

*e) To increase the awareness of ecologically sustainable rural land use practices amongst landholders, land users and the community generally, and promote responsible stewardship of Penrith's rural lands;*

**Comment:**

The amended layout has been located and designed to use most of the cleared area on site to reduce the amount of tree and vegetation that are required to be removed.

The operation of the mushroom farm and management measures outlined in the various technical report will ensure the farms operations will be ecologically sustainable and protect the local environment and surrounding landowners and occupants.

*f) To consider the impacts of development on sustainable agriculture and ensure development will not unreasonably increase agricultural land values or incrementally reduce the size of agricultural holdings;*

**Comment:**

The amended development does not alter the approved use as a Mushroom Growing Facility and is unlikely to cause an unreasonable increase in agricultural land values and reduce the size of agricultural holdings.

*g) To consider the potential for conflicts between various land uses, including rural living allotments, small holding subdivision, tourism, extensive and intensive agriculture and mining;*

**Comment:**

The amended development has considered the potential conflict with the adjoining development to the north of the site which are residential development on larger lots of land. The main conflict arises from the potential noise generated by the activity especially in the later evening and early morning.

The Acoustic Report has assessed the potential noise impact and has made recommendations that if they are implemented the noise generated by the activity will be within the EPA requirements and guidelines.

This is discussed further in section 4.2 of the Environmental Assessment.

*h) To consider land capability, including soils, erosion potential, slope, and hazards (contamination, salinity, bushfire and flooding);*

**Comment:**

The site has no major constraints that limits the amended development.

The site is not flood liable and is generally flat.

The property is bushfire prone and the Bushfire Assessment report has concluded the proposed development will meet the RFS requirements with the implementation of the recommendations.

This has been discussed in more detail in section 4.10 of the Environmental Assessment.

*i) To consider water resources, including impacts on water catchments, adequacy of water supply, access to water entitlements, and location of effluent disposal;*



**Comment:**

The amended layout has considered and was designed and has addressed the impacts on the water catchment, water supply and effluent disposal.

The submission was accompanied by technical reports that have assessed the water catchment and effluent disposal associated with the mushroom growing facility as amended. This matter is discussed in more detail in sections 4.4 (Water Management), 4.5 Waste Water (Effluent Disposal) of the Environmental Assessment.

*j) To maintain and improve the water quality of watercourses within the City;*

**Comment:**

The proposed Water Management facility for the mushroom growing activity and buildings has been addressed in the technical reports and proposes an on-site detention dam and treatment facility.

The water captured will be reused in the mushroom growing operation and there is no runoff from the buildings or the paved area that will leave the site as it is captured and treated in the proposed dam that act as an OSD.

This will improve the water quality of the watercourse as no contaminated water from the operation will reach any watercourse as it is captured, treated and reused on the site.

Section 4.4 of the Environmental Assessment provides more detailed assessment.

*k) To minimise the impacts of development on biodiversity, including threatened species, habitat, natural ecosystems and wildlife corridors;*

**Comment:**

The amended layout has been limited to the cleared area of the site.

This area contains some scattered pockets of vegetation that will involve some removal.

The existing vegetation along the front setback of the site will be retained where possible and the acoustic mound can be adjusted to retain the larger and significant vegetation.

The vegetation within the front road widening along The Northern Road will remain undisturbed.

The significant biodiversity area to the rear of the site that adjoins other significant areas on the adjoining lots will remain undisturbed.

The Flora and Fauna report has assessed the impact on the proposed tree removal and concluded the impact is not significant and the more important vegetation on site has been retained.

This has been discussed in more detail in section 4.6 of the Environmental Assessment.

*l) To consider existing infrastructure, including the capacity of the existing road network and utility services to meet the expected needs of proposed development;*

**Comment:**

The amended proposal does not increase the approved capacity of the mushroom growing facility.

The current infrastructure in the locality is adequate for the amended layout and the waste water report has demonstrated that the site has the capacity to accommodate the required waste disposal on the site.

*m) To promote rural residential development where it is consistent with the conservation of the rural, agricultural, heritage and natural landscape qualities of the area; and*

**Comment:**

Not applicable to the development

*n) To ensure that traffic generating developments are suitably located so that the safety and efficiency of roads is not adversely affected by development on adjacent land.*

**Comment:**

The amended layout does not alter the approved capacity of the mushroom growing facility and the approved traffic movements are likely to be reduced based on a reduction in employees from 165 to 113 at full capacity.

The traffic generation and safety were considered acceptable for the approved development and the amended development is likely to have a reduced traffic volume.

*Environmental Management (Acoustic)*

*The proposed acoustic mitigation measures for 1 Thomas Road is not suitable for the existing landscape setting and reinforces the concern about the scale and nature of the proposed development and the site is not suitable for the proposed amended development.*

**Comment:**

The proposed acoustic mitigation measures proposed for the southern side of the building that faces 1 Thomas Road involves the following:

1. Partial enclosure along the southern edge of the access road around the building.  
The enclosure involves a wall and small roof enclosure.  
This mitigation measure would read part of the building and enclose the concrete vehicle access driveway.  
This is not considered to alter the scale of the proposed amended development.
2. 3.5m high acoustic wall in the vicinity of the loading docks on the southern side of the building.  
This mitigation measure would read part of the building and enclose the concrete vehicle access driveway.  
This is not considered to alter the scale of the proposed amended development.
3. 3.5m high acoustic mound/wall along the western edge of the access driveway.  
This mitigation measure is at the rear of the building and will be screened by the existing significant vegetation at the rear of the site that will be retained.  
This measures will not be seen from any surrounding properties due to the setbacks from the property boundaries and the existing vegetation on site that will be retained.

*Biodiversity Impacts*

*Report Recommends an integrated bushfire and VMP.*

*Request the integrated plan be prepared.*

*Calls for the recommendations in the report to be implemented during the development.*

**Comment:**

This requirement can be included as a condition in the amended development consent and can be provided before the issue of a Construction Certificate and during the construction phase.

*Site provides opportunity for revegetation and improve connectivity between the nature reserve opposite the site and the vegetation land to the west of the site.*

**Comment:**

This matter has been considered and the Flora and Fauna consultant has indicated that to be works successfully a width of at least 10m is required to be provided.



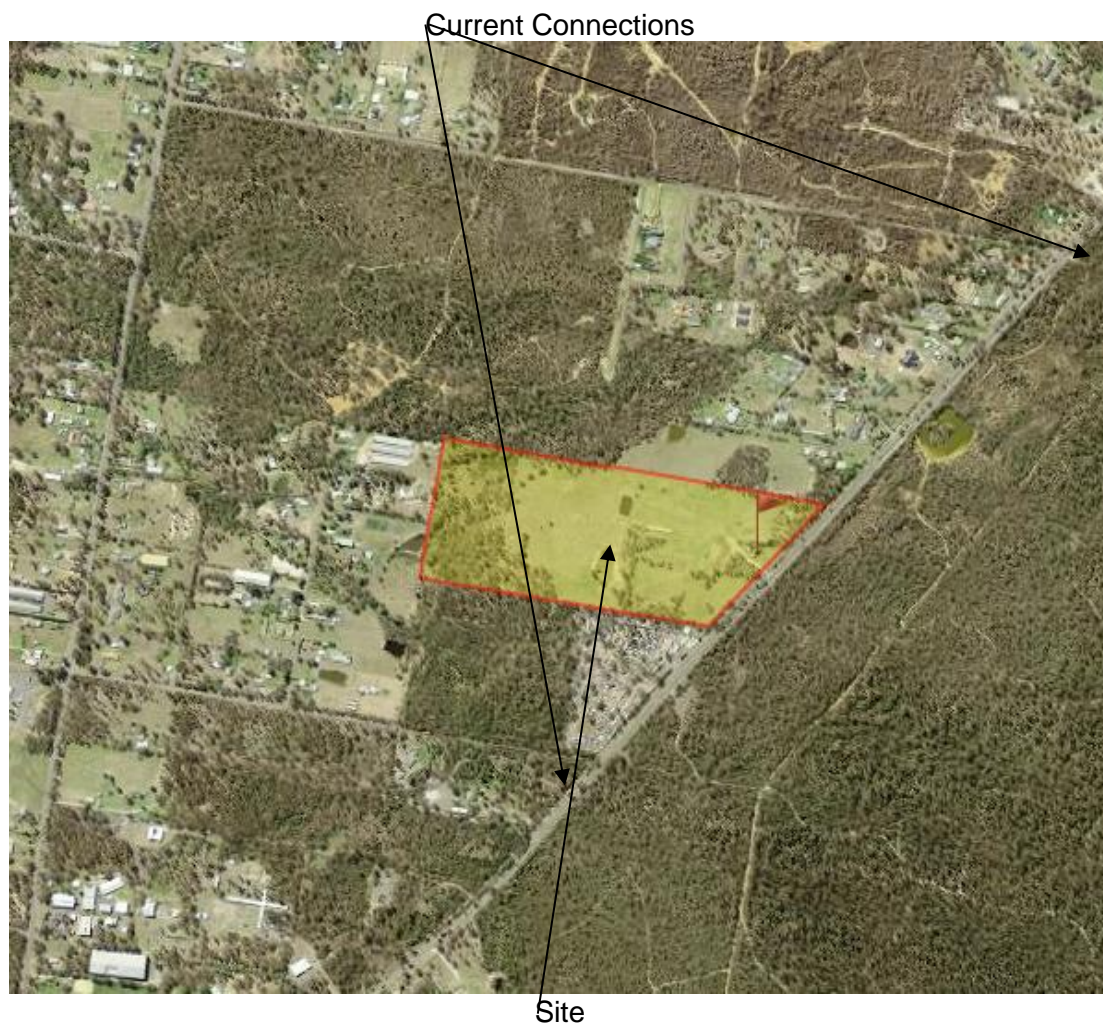
The matter of the 10m wide connectivity and proposed plantings has been discussed with the Bushfire Consultant and the impact on the bushfire threat to the proposed mushroom growing buildings.

The consultant has indicated that any additional landscaping along the southern boundary will impact and increase the potential bushfire risk to the buildings.  
(The response from the Consultant is attached)

The Council seeks this planting to improve the connectivity between the Castlereagh Nature Reserve to the east and the remnant vegetation to the west to allow a safer passage for mobile fauna moving through the area.

The Castlereagh Nature Reserve is current separated from the site by a main arterial road (The Northern Road) which carries a large volume of traffic and does not allow safe passage for some fauna.

The immediate area adjacent to the site provides suitable connections between the Castlereagh Nature Reserve and the remnant vegetation to the west.  
(Refer to aerial photo below showing the existing connections)



*Prior to tree removal inspection of the trees by a fauna ecologist to identify any threatened species in the trees*

**Comment:**

Can be a condition on the amended consent.

*Effluent Management*

*Revised report has inconsistencies and discrepancies from the report previously submitted.*

*Hydraulic load detailed in the amended report is under estimating the waste water load without any justification or explanation for the revised figures.*

*Any waste water system that is proposed is compliant with Council requirements as a system and will require an operational approval from Council*

**Comment:**

The report from Harris Environmental is a new report and supersedes the previous waste water report that was submitted with the amended application.

The Waste Water Consultant has provided a response directly back to the Council Officer in response to their comments.

This response is attached to the letter.

No further correspondence has been received from Council, so I have assumed that the response has addressed their concerns in respect to effluent disposal.

*Catchment Management and Water Quality*

*The original Stormwater Report by BRS be part of the modification.*

*Section 6.4 requirements and water conservation requirements section 4.*

*Supplementary stormwater management report March 2018 does not cover water quality treatment and considered as an addendum to the original stormwater management report*

*The original storm water management report proposed a 10ML storage dam amended to ensure consistency across all the reports.*

*Reduced size of dam music modelling to be updated to ensure required pollution targets are still achieved.*

*No music model was submitted.*

*Operational and Maintenance manual must be provided for all the stormwater treatments detailing the cleaning and maintenance requirements*

**Comment:**

Attached to the letter is the revised Stormwater Management Plan.

The revised plan has now updated the original report to incorporate the OSD and Water Quality and water balance for the revised 14.7ML dam.

A MUSIC model has been prepared and is attached to the letter.

An operational maintenance schedule/manual is attached to the revised Stormwater Management Plan as Appendix B.

## ***Public Submissions***

Most of the submission have raised issues that were also raised during the previous exhibition period for the amended application.

They have been addressed in the previous submission that was prepared in August 2018

*Dave Heferen 503 The Northern Road*

*Magnitude of the size of the proposed development.*

*Similar size to a large industrial building and not suitable for a rural area and setting.*

### **Comment:**

The property is 1 allotment removed from the northern property boundary (approx. 140m from the northern boundary of the subject site).

The elevation and size of the approved buildings compared to the proposed building along this northern boundary has not altered but has reduced in size and height.

The additions that are part of the amended application have occurred from the southern side of the building away from the residents to the north of the site.

*Tamika Heferen 503 The Northern Road.*

Same issue raised in the above submission.

Noise report did not include their property as a receiver and wanted to know why.

### **Comment:**

The report has looked at the immediate properties as receivers and the results have indicated that except for 1 Thomas Road on the southern side of the building all other receivers the predicated noise levels are within the acceptable levels.

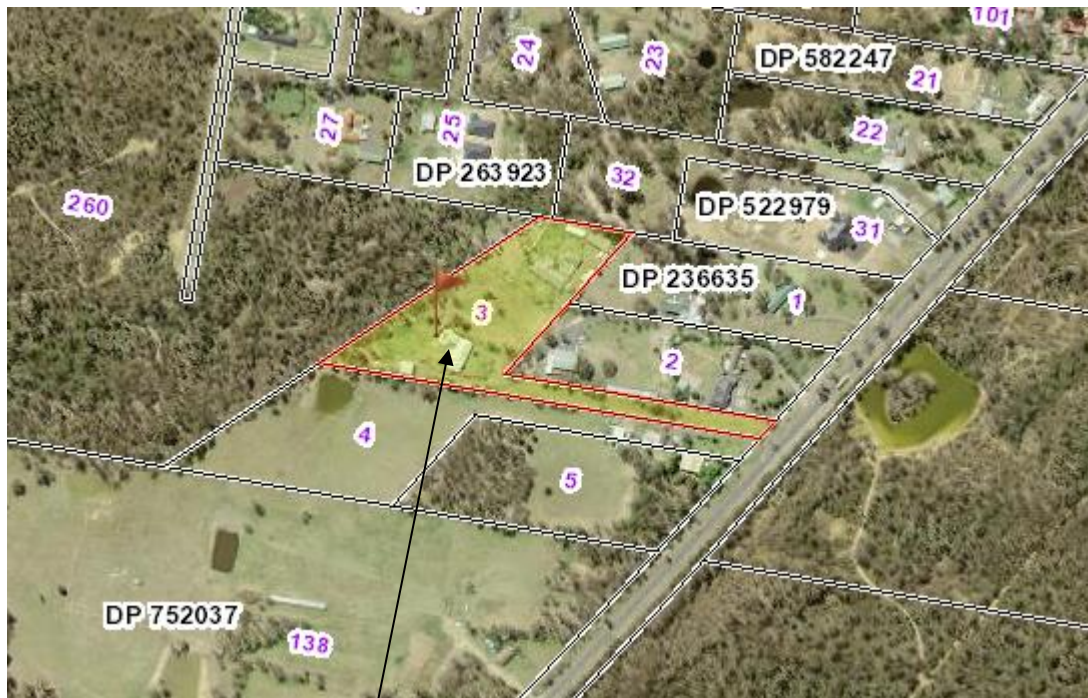
The subject property is further away from the adjoining property and it would assume that the predicated noise level would be further reduced and would still meet the acceptable noise level.

The R1 receiver is 503 The Northern road and not 493 The Northern Road.

The aerial photo below shows the location of 503 and the extract from the noise report showing the assessment locations shows the dwelling at 503 as R1.

The acoustic report has been adjusted to show the correct address for R1.





Location of 503 The Northern Road



Extract from the Acoustic report showing the Assessment locations

*Philip and Doris Mizzi 18 Timothy Road Londonderry*

*Farming in the area low scale not massive intensive farming.  
Spent substrate store at the rear of their property and concern with the potential odour.  
Noise generation no mounds to the rear of the property.  
Impact on property value in the locality.*

**Comment:**

The proposed amendment does not alter the current approved capacity of the farm in terms of mushroom growing and traffic generation volumes.

The substrate is stored in an enclosed area at the rear of the building and not in the open.

The odour assessment report was provided for the approved development which included a substrate storage area and concluded the potential odour source from the farm was within

the limits accepted by the EPA.

The rear of the proposed building containing the spent substrate is over 150m from the common property boundary and is screened by existing vegetation which is to be retained.

The acoustic report has predicted that the noise level at the residence at the rear are within the acceptable levels.

No evidence was provided to demonstrate the property value will be impacted.

As discussed with Anthony Witherdin it was suggested that once the additional information has been lodged a meeting be arranged to discuss the reports and additional information submitted to address the matters raised by the public authorities and the residents.

Can you let me know a suitable date and time we can meet with the you and Anthony.

If you require any further information, please contact me.

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Yours Faithfully

Greg Hall  
Town Planning Manager  
Urban City Planning