

## Patrick Copas

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**From:** Andrew Johnston <Andrew.JOHNSTON@hawkesbury.nsw.gov.au>  
**Sent:** Tuesday, 23 October 2018 3:06 PM  
**To:** Emma Barnet  
**Cc:** William Pillon  
**Subject:** RE: HPE CM: Response to Submissions Elf Mushroom Farm and Substrate Plan 08\_0255 MOD 3

Dear Emma,

Reference is made to Application No. MP 08\_0255 MOD 3 for the Elf Mushroom Substrate Facility at 108-112 Mulgrave Road, Mulgrave. It is understood that the modification request relates to amendments to the bale storage area, the continued use of the mounded tree corridor and changes to noise and water management on site.

The supplied documentation does not refer to or address a number of the issues identified by Council in its letter dated 7 June 2018:

### Filling in the Floodplain

The supplied documentation provides no justification for additional filling except that the amount proposed for the bale storage area is less than that which has already been imported to the site. Council maintains its position that the proposal should be modified so that the importation of further fill is not required.

### Flood Compatible Construction

The supplied documentation does not address structural stability or flood impacts associated with the new works. A flood impact assessment report prepared by a suitably qualified person would be expected to be provided to consider impacts the proposed structures would have on the floodplain, particularly in respect to redirection of floodwaters on adjoining properties.

The following condition may address material construction requirements however:

#### ***Flood Prone Land – Engineer's Certification***

*The 100 year Average Recurrence Interval (ARI) flood level for this site is RL 17.3m AHD (Australian Height Datum).*

*An Engineer's Certificate must be provided deeming compliance with the following requirements during a 100 year ARI flood event:*

- a) Debris: Damage to the structures sustained in a flood will not generate debris capable of causing damage to downstream buildings or property. This includes securing of utilities and equipment including tanks, A/C units and similar;*
- b) Structural Soundness: Any part of the structure will be able to withstand the force of floodwaters (including lateral forces, buoyancy forces, unbalanced hydrostatic forces) and the impact of debris; and*
- c) Foundations: The footing system must be structurally stable during flooding and must consider the soil properties when wet, possible erosion and scouring or liquefaction, subsidence or collapse due to saturation.*

*The Engineer's Certificate must be submitted to the Certifying Authority prior to issue of the Construction Certificate.*

### Quality of Documentation

The plans prepared in support of the application are conceptual only. Detailed architectural plans, surveys or earthwork cross sections for the proposal have not been provided.

### Sewer

The supplied documentation does not address the disposal of sewerage. It appears that the development is currently connected Council's sewer although it is unclear if the sewer arrangements will be altered. Locations of sewer lines

and associated on site infrastructure should be shown on the plans. The following conditions may be imposed on the development should it be supported:

### **Compliance Certificate – Sewer**

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

### **Council Sewer – Tradewaste Agreement**

*A Tradewaste Agreement must be entered into with Council for the discharge of tradewaste to Council's sewer. Evidence of the written agreement shall be provided to the Principal Certifying Authority prior to the issue of any Occupation Certificate.*

### **Contributions**

It is unclear what, if any, contributions have been levied or paid for the development up to this point. Council's Section 94A Development Contributions Plan requires the payment of contributions based on the value of works. Works having a value of between \$100,000 and \$200,000 attract a contribution 0.5% of the value of works, whilst works having a value in excess of \$200,000 attract a contribution of 1% of the value of works. Detailed cost summary prepared by a registered quantity surveyor should be provided for the works.

The following condition may be imposed with respect to this matter, although it is unclear if any contributions have been paid on previous stages of the development:

#### **Section 7.12 (Monetary) Contributions**

*A contribution under Section 7.12 (formerly known as Section 94a) of the Environmental Planning and Assessment Act 1979 must be paid in accordance with the following:*

##### *a) Contribution Required*

*In accordance with Council's Section 94A Contributions Plan 2015, a monetary contribution (indexed at the time of payment) must be paid to Council for the amount specified below.*

##### *b) Amount of Contribution*

*The amount of the contribution is [INSERT contribution amount].*

*This fee is based on the supplied value-of-works of [INSERT value of works].*

*The contribution amount detailed in (b) will be indexed at the time of actual payment in accordance with movement in the Consumer Price Index (CPI) as published by the Australian Bureau of Statistics (Table 6401.0).*

*Contributions must be receipted by Council and evidence of payment submitted to the Certifying Authority prior to the issue of any Construction Certificate.*

*Please present a copy of this condition when paying the contribution at Council's Customer Service Centre so that it can be recalculated.*

*Note: In the event that the estimated value of works increases in association with the Construction Certificate the Section 7.12 contribution payable is to be based on the revised value of works.*

### **Performance, Damage and Defects Bond**

The anticipated traffic route for heavy vehicles would need to be provided to calculate the performance, damage and defects bond that would be payable for the proposed development. Once the route is worked out the following conditions may be imposed to cover potential damage to Council's road associated with construction traffic:

#### **Performance, Damage and Defects Bond**

*Prior to issue of a Construction Certificate a performance, damage and defects bond of [\$INSERT VALUE] is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity*

of the site. The Bond is recoverable upon written application to Council on completion of the works, subject to satisfactory restoration as required. Fees for the lodgement of the bond apply.

### **Dilapidation Survey – Public Infrastructure**

A Dilapidation Survey Report (including photographic record) detailing the pre-developed condition of Mulgrave Road and the traffic route from Windsor Road shall be submitted to and approved by Council prior to the lodgement of a Construction Certificate. This report must be prepared by a suitably qualified consultant and particular attention must be paid to accurately recording any pre-developed damaged areas within these road reserves so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer shall bear the cost of carrying out works to restore all public infrastructure damaged as a result of the carrying out of the development.

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

Should you require further information in relation to this matter please feel free to give me a call on (02) 4560 4549.

Regards,

**Andrew Johnston** | Senior Town Planner | Hawkesbury City Council

☎ (02) 4560 4549 | 📠 0418 733 671 | 📠 (02) 4587 7740

✉ [Andrew.JOHNSTON@hawkesbury.nsw.gov.au](mailto:Andrew.JOHNSTON@hawkesbury.nsw.gov.au) | 🌐 [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au)





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**From:** Emma Barnet [mailto:[Emma.Barnet@planning.nsw.gov.au](mailto:Emma.Barnet@planning.nsw.gov.au)]

**Sent:** Monday, 22 October 2018 2:16 PM

**To:** Richard Nej

**Subject:** RE: HPE CM: Response to Submissions Elf Mushroom Farm and Substrate Plan 08\_0255 MOD 3

Hi Richard,

Will Council be able to provide comments this week?

Regards

**Emma Barnet**

Senior Planning Officer

Industry Assessments

Department of Planning & Environment

Level 29, 320 Pitt Street | GPO Box 39 SYDNEY NSW 2001

T 02 9274 6412 E [emma.barnet@planning.nsw.gov.au](mailto:emma.barnet@planning.nsw.gov.au)

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**Planning &  
Environment**

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**From:** Richard Nej <Richard.Nej@hawkesbury.nsw.gov.au>  
**Sent:** Thursday, 11 October 2018 11:11 AM  
**To:** Emma Barnet <Emma.Barnet@planning.nsw.gov.au>  
**Subject:** RE: HPE CM: Response to Submissions Elf Mushroom Farm and Substrate Plan 08\_0255 MOD 3

Hi Emma,

I wish to apologise for the delay in responding to your request for additional comments/suggested conditions in relation to this project.

Unfortunately we have not finalised our comments at this time however anticipate that we will have these to you by Wednesday 17 October.

Kind Regards

**Richard Nej** | Town Planning Co-Ordinator | Hawkesbury City Council  
☎ (02) 4560 4574 | 📠 0466 137 209 | 📠 (02) 4587 7740  
✉ [Richard.Nej@hawkesbury.nsw.gov.au](mailto:Richard.Nej@hawkesbury.nsw.gov.au) | 🌐 [www.hawkesbury.nsw.gov.au](http://www.hawkesbury.nsw.gov.au)



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**From:** Emma Barnet [<mailto:Emma.Barnet@planning.nsw.gov.au>]  
**Sent:** Tuesday, 9 October 2018 10:24 AM  
**To:** Richard Nej  
**Subject:** RE: HPE CM: Response to Submissions Elf Mushroom Farm and Substrate Plan 08\_0255 MOD 3

Hi Richard,

I'm just following up on the below email. Does Council have any comments and/or recommended conditions on the Elf Mushroom Farm and Substrate Plan 08\_0255 MOD 3?

Regards

**Emma Barnet**  
Senior Planning Officer  
Industry Assessments  
Department of Planning & Environment  
Level 29, 320 Pitt Street | GPO Box 39 SYDNEY NSW 2001  
T 02 9274 6412 E [emma.barnet@planning.nsw.gov.au](mailto:emma.barnet@planning.nsw.gov.au)

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**From:** Emma Barnet  
**Sent:** Tuesday, 25 September 2018 4:02 PM  
**To:** [richard.nej@hawkesbury.nsw.gov.au](mailto:richard.nej@hawkesbury.nsw.gov.au)  
**Subject:** FW: HPE CM: Response to Submissions Elf Mushroom Farm and Substrate Plan 08\_0255 MOD 3

Hi Richard,

I have been advised to forward this email to you.

It would be appreciated if you could provide Council's comments by **Wednesday 3 October 2018**.

Regards

**Emma Barnet**

Senior Planning Officer  
Industry Assessments  
Department of Planning & Environment  
Level 29, 320 Pitt Street | GPO Box 39 SYDNEY NSW 2001  
T 02 9274 6412 E [emma.barnet@planning.nsw.gov.au](mailto:emma.barnet@planning.nsw.gov.au)

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**From:** Emma Barnet

**Sent:** Wednesday, 15 August 2018 5:24 PM

**To:** [William.Pillon@hawkesbury.nsw.gov.au](mailto:William.Pillon@hawkesbury.nsw.gov.au); Damien Rose <[Damien.Rose@epa.nsw.gov.au](mailto:Damien.Rose@epa.nsw.gov.au)>

**Subject:** HPE CM: Response to Submissions Elf Mushroom Farm and Substrate Plan 08\_0255 MOD 3

Hi,

Elf Farm Supplies has submitted a response to submissions to the modification request for the continued use of the mounded tree corridor, amendments to the bale storage area and consequential changes to noise and water management on site.

Could you please review the document and provide an updated submission, including advice on recommended conditions of consent, by **Wednesday 29 August 2018**?

Regards

**Emma Barnet**

Senior Planning Officer  
Industry Assessments  
Department of Planning & Environment  
Level 29, 320 Pitt Street | GPO Box 39 SYDNEY NSW 2001  
T 02 9274 6412 E [emma.barnet@planning.nsw.gov.au](mailto:emma.barnet@planning.nsw.gov.au)

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