



# **Attachment 1 to Item 2.1.2**

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## **Conditions of Consent**

Date of meeting: 19 October 2023  
Location: By audio-visual link  
Time: 10:00 a.m.



## Local Planning Panel Recommended Conditions / Reasons for Refusal

**Application Number:** DA0011/23  
**Proposal Details:** Designated Development - Intensive Plant Agriculture - Clearing of Native Vegetation, Construction of a Nutrient Pond, Regrading of the Site for Use as Turf Farm and Construction of Retaining Walls, Drains and Supporting Infrastructure

**Legal Description:** Lot 3 DP 548570 Vol 11597 Fol 80  
**Property Address:** 54 Derrig Road Tennyson

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## General Conditions

### 1. Integrated Development - General Terms of Approval

The general terms of approval from the following Authorities, as referred to in Section 4.47(2) of the *Environmental Planning and Assessment Act 1979*, and referenced below, are attached and form part of the consent conditions for this approval:

- a) NSW Department of Planning and Environment - Water. The General Terms of Approval, Reference IDAS-2023-10091 and dated 14 April 2023 are attached and form part of this consent.

### 2. Approved Plans and Supporting Documentation

The development must be carried out in accordance with the approved plans and supporting documentation listed below which have been endorsed by Council's approved stamp, except where amended in red on the plans and/or amended by other conditions of consent:

- a) Plans Reference:

Drawing Reference No.	Prepared by	Date
Site Plan - Site Layout Ref: 19026-S1 Sheet 1	Altura Spatial	5/04/22 Rev 8
Site Plan - Proposed Works Ref: 19026-S1 Sheet 2	Altura Spatial	5/04/22 Rev 8
Site Plan - Proposed Regrading within Turf Area Ref: 19026-S1 Sheet 3	Altura Spatial	5/04/22 Rev 8
Site Plan - Layout Ref: 19026-S1 Sheet 5	Altura Spatial	5/04/22 Rev 8
Site Plan - Layout Ref: 19026-S1 Sheet 6	Altura Spatial	5/04/22 Rev 8
Site Plan - Layout Ref: 19026-S1 Sheet 7	Altura Spatial	5/04/22 Rev 8
Site Plan - Layout Ref: 19026-S1 Sheet 8	Altura Spatial	5/04/22 Rev 8
Site Plan - Layout Ref: 19026-S1 Sheet 9	Altura Spatial	5/04/22 Rev 8
Site Plan - Layout Ref: 19026-S1 Sheet 10	Altura Spatial	5/04/22 Rev 8

- b) Document Reference:

Document Title	Reference	Prepared By	Date
Arboricultural Impact Assessment	220921-54 Derrig Rd-AIA Rev 2	Urban Arbor Pty Ltd	21 September 2022
Vegetation Management Plan	Ref: 180D13-C001	Travers Bushfire & Ecology	29 September 2022
Farm Management Plan	Not referenced	Greenway Turf Supplies	December 2022 Rev D

No works, other than those approved (including raising or lowering of ground levels on the site, or construction of retaining walls on any property boundary) are permitted by this consent.

Note: Details of the development shown in the approved plans and documents referenced are altered in the manner indicated by:

- (i) any amendments made by Council on the approved plans or documents;
- (ii) any notes, markings, or stamps on approved plans or documents; and
- (iii) any conditions contained in this consent.

### 3. **Appointment of a Principal Certifier**

No work shall commence until:

- a) A Principal Certifier is appointed for the building/engineering works and the following details relating to the carrying out of the works have been provided:
  - (i) name and licence number of the builder/contractor undertaking the construction works; or
  - (ii) name and permit number of the owner-builder (if relevant);
- b) The Principal Certifier has:
  - (i) provided a copy of the notice of its determination to the consent authority, and to Council (within two days after the date of the determination);
  - (ii) notified the person having benefit of the consent of any critical stage inspections and other inspections that it requires to be carried out in relation to the approved work;
  - (iii) notified Council of its appointment (not less than two days before commencement of building work);
- c) The person having benefit of the consent (if not carrying out work as an owner-builder) has:
  - (i) appointed a principal contractor who must hold a 'contractor licence' if any residential building work is involved;
  - (ii) notified the Principal Certifier of the appointment of the principal contractor;
  - (iii) notified the principal contractor of any critical stage inspections or any other inspections that are required to be carried out in relation to the approved work; and
- d) At least two days' notice are to be provided to Council of the date on which it is proposed to commence work associated with this development consent.

### 4. **Works Must Not Commence Until a Construction Certificate is Issued**

Construction or preparatory work (including earthworks or tree and/or vegetation removal) must not commence until:

- a) a Construction Certificate is obtained from either Council or an Accredited Certifier;
- b) a Principal Certifier is appointed; and
- c) a Notice of Commencement is lodged with Council.

Note: If the Construction Certificate is issued by an Accredited Certifier that is not Council it will be necessary to lodge the Construction Certificate and other approved documents with Council within two days of such approval (a registration fee is payable upon lodgement).

### 5. **Part 6.16(1) Certificates Required**

The accredited certifier must provide copies of all Section 6.16(1) Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Council

within seven days of issuing the certificate.

Note: A registration fee applies.

#### 6. **Civil Works Specification - Private Land**

Council requires the following works to be carried out as part of the development:

- a) Earthworks;
- b) Stormwater drainage work;
- c) Access and car parking.

All civil construction works required by this consent must be undertaken in accordance with *Hawkesbury Development Control Plan Appendix E Civil Works Specification*.

A Construction Certificate is required to be in force prior to work commencing. It may be necessary to obtain appropriate Compliance Certificates for certain aspects of the development prior to the issue of a Construction Certificate.

Inspections must be carried out either by Council or an Accredited Certifier. Should Council be engaged to issue compliance certificates or carry out inspections, fees can be provided on request.

#### 7. **Archaeology - Discovered During Excavation**

As required by the *Heritage Act 1977*, in the event that items, relics, historical cultural fabric and/or deposits are encountered/discovered where they are not expected, works must cease immediately and Council and the NSW Government's Heritage Council must be notified of the discovery.

In the event that archaeological resources are encountered, further archaeological work may be required before works can re-commence, including the statutory requirement under the *Heritage Act 1977* to obtain the necessary approvals/permits from the Heritage Council.

Note: The *Heritage Act 1977* imposes substantial penalty infringements and / or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site.

#### 8. **Excavation - Aboriginal Relics**

If any Aboriginal object (including evidence of habitation or remains) is discovered during the course of the work:

- a) all excavation or disturbance of the area must stop immediately in that area; and
- b) Heritage NSW must be advised of the discovery.

All necessary approvals from the Heritage NSW must be obtained and a copy provided to Council prior to works recommencing.

Note: If an Aboriginal object is discovered, an Aboriginal Heritage Impact Permit may be required under the *National Parks and Wildlife Act 1974*.

#### 9. **Vegetation Management Plan - provision of Ecologist details**

A Project Ecologist is to be appointed to supervise and monitor the works in accordance with the Vegetation Management Plan. Details of the Project Ecologist are to be submitted to the Certifier in writing, with a copy to Council, of the name, contact details and qualifications of the project ecologist appointed to the site prior to commencement of any works, including vegetation clearing.

A certificate is to be produced upon completion demonstrating the works under the VMP have been carried out and that a maintenance and monitoring schedule has been prepared.

All certificates are to be submitted to the Certifier prior to the commencement of use.

**10. Vegetation Management Plan (VMP)**

The vegetation management activities within the 22m riparian corridor are to be undertaken in accordance with the Vegetation Management Plan prepared Travers Bushfire & Ecology, dated 29 September 2022.

No works, including tree removal, are to be carried out until such time as the Project Ecologist has been appointed and the monitoring program for the site is designed and set up prior to the commencement of turf farm construction works. Weed removal or control and revegetation activities are to be implemented in accordance with the VMP.

**11. Project Arborist**

A Project Arborist with minimum AQF level 5 qualifications is to be engaged to ensure adequate tree protection measures are put in place for all trees to be retained on the subject site in accordance with AS4970-2009 Protection of trees on development sites. All trees are to be monitored to ensure adequate health throughout the works period is maintained.

Additionally, all work within the Tree Protection Zones is to be supervised by the Project Arborist.

Details of the Project Arborist are to be submitted to Council and the Certifier prior to the commencement of the proposed works.

**12. Tree Removal - Approved Works**

The following trees, as referenced within the Arboricultural Impact Assessment Report prepared by Urban Arbor dated 21.09.2023, are approved for removal:

Trees: 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24.

**13. Tree Retention**

The following trees, as referenced within the Arboricultural Impact Assessment Report prepared by Urban Arbor dated 21.09.2023, must be retained and protected:

Trees: 1, 2, 3, 4 and 25.

**14. Replacement Tree Planting**

To compensate for the removal of the twenty-one (21) canopy trees, replacement tree planting is to be provided **in addition to** the proposed tree planting under the approved vegetation management plan listed in condition 1. In this regard a minimum of twenty (20) locally endemic replacement canopy trees are to be planted on site which are of a species consistent with the Critically Endangered Ecological Community (CEEC): Cumberland Plain Woodland in the Sydney Basin Bioregion.

Trees selected for planting are to be installed at a minimum pot size of 300mm and must be of a species capable of reaching a minimum mature height of fifteen (15) metres with a spreading canopy.

Details of compliance are to be shown on the plans for Construction Certificate.

**15. Tree Planting - Selection & Establishment**

Tree specimens chosen for planting are to align with the requirements for stock selection as stipulated by AS2303-2015 - Tree stock for landscape use. Further, the trees shall be maintained until they reach a height of four (4) metres, or canopy spread of three (3) metres or have a stem circumference of 500mm at a height of 1m above ground level, at which time they shall become protected by Part 9.3.1 (Perseveration of Trees and Vegetation) of the Hawkesbury Development Control Plan 2002. If any tree dies before reaching this size, it is to be replaced with a specimen of the same species and pot size and maintained accordingly.

**16. Vegetation - Disposal of Cleared Material**

Vegetation waste resulting from the approved clearing of the site must be salvaged for re-use, either in log form, or as a woodchip mulch for erosion control and/or site rehabilitation. Non-salvageable material such as roots, stumps or declared weed species must be disposed of in an approved manner.

No vegetative material is to be disposed of by burning on-site other than in an approved heating or cooking device.

**17. Landscape Buffer**

The 5m wide landscape buffer zones identified on the approved plans shall be planted within three months of the date of this consent and maintained in perpetuity. The plantings shall be in accordance with the Vegetation Management Plan prepared Travers Bushfire & Ecology, dated 29 September 2022.

All planted areas are to be located wholly within the boundaries of the site and are to be maintained in the form of a dense hedgerow.

The species of vegetation shall be planted in a manner that would reduce potential dust nuisance to neighbouring properties.

**18. Vegetation Management Plan - provision of Ecologist details**

A Project Ecologist is to be appointed to supervise and monitor the works in accordance with the Vegetation Management Plan. Council is to be notified, in writing, of the name, contact details and qualifications of the project ecologist appointed to the site prior to commencement of any works, including vegetation clearing. A certificate is to be produced upon completion demonstrating the works under the VMP have been carried out and that a maintenance and monitoring schedule has been prepared. All certificates are to be submitted to the Certifier prior to the issue of occupation certificate.

**19. Vegetation Management Plan (VMP)**

The vegetation management activities within the 22m riparian corridor are to be undertaken in accordance with the Vegetation Management Plan prepared Travers Bushfire & Ecology, dated 29 September 2022.

No works, including tree removal, are to be carried out until such time as the Project Ecologist has been appointed and the monitoring program for the site is designed and set up prior to the commencement of turf farm construction works. Details of the Project Ecologist are to be submitted to the Certifier, with a copy to Council. Weed removal or control and revegetation activities are to be implemented in accordance with the VMP.

## Prior to the Issue of Construction Certificate

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate. In many cases, the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate.

The Accredited Certifier may require a Compliance Certificate to address particular matters below.

### 20. Long Service Levy Payment

The payment of a long service levy as required under Part 5 of the Building and Construction Industry Long Service Payments Act 1986 is required. Evidence that the levy has been paid, is to be submitted to the Principal Certifier prior to the issue of any Construction Certificate.

Note: All building and construction work costing \$250,000 and above are subject to the payment of a Long Service Levy at the rate of 0.25%. Payments can be made at Long Service Payments Corporation offices or most councils.

### 21. Section 7.12 (Monetary) Contributions

A contribution under Section 7.12 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 7.12 (previously S94A) 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 \$2,926.33.

This fee is based on the supplied value-of-works of \$292,633.00.

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

Contributions must be receipted by Council and evidence of payment submitted to the Accredited Certifier prior to the issue of any Construction Certificate.

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.

Please present a copy of this condition when paying the contribution at Council's Customer Service Centre in order to assist in recalculation of the contribution amount.

### 22. Car Parking and Allocation of Spaces

Car parking spaces must be provided in accordance with Altura Spatial's Project Truck Turning Path Report No: 19026 TTP dated 30 May 2023. The minimum number of spaces provided must be as follows:

3 - Staff/Visitor

All car parking spaces are to be identified by line-marking and appropriate signposting.

A suitably qualified and practising civil engineer is to certify the access, manoeuvrability and parking for the development comply with all requirements of this condition.

Details demonstrating compliance with the above requirements must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

**23. Driveway Construction - Commercial in Council Road Reserve**

An 'Agreement Form for Driveways' must be submitted to Council prior to the issue of a Construction Certificate. Evidence of lodgement and payment for this application must be provided to the Accredited Certifier.

The vehicular crossing must:

- a) have a minimum width of six metres within the road reserve;
- b) not interfere with existing public infrastructure; and
- c) be constructed in accordance with Hawkesbury Council's 'Driveway Specification' and the Hawkesbury Development Control Plan 2002 - Appendix E - Civil Works Specification.

Note: The 'Agreement Form for Driveways' and the 'Driveway Specification' are available from Council's website.

**24. Overland Flow**

The development must not create adverse impacts to neighbouring properties in relation to overland flow and must meet the following requirements:

- a) water flowing from the property must not be redirected or concentrated to adjoining properties;
- b) water flowing into the property from adjoining lots must not be impeded or diverted; and
- c) water flow must follow the natural flow directions without increasing velocity.

Details demonstrating compliance with the above must be provided to the Accredited Certifier prior to the issue of a Construction Certificate.

**25. Detailed Drainage Design**

A detailed drainage design of the site must be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate. The detailed plan must:

- a) be generally in accordance with Project No. 110636-02, drawing numbers DA001, DA002, DA003, DA100, DA101, DA102, revision D prepared by J. Wyndham Prince on 23/02/22 [date];
- b) indicate the method of disposal of all stormwater and must include existing ground levels, finished surface levels on all paved areas, estimated flow rates, invert levels and sizes of all pipelines;
- c) be to the satisfaction of the Certifier;
- d) be designed to cater for a 1 in 100 year Average Recurrence Interval storm event;
- e) comply with the Hawkesbury Development Control Plan 2002 - Appendix E and Australian Standard AS 3500 - 'Plumbing and Drainage' unless a variation is specifically noted and approved by the Development Application concept drainage plan.

26. **Erosion and Sediment Control Plan**

Prior to the issue of the Construction Certificate, the applicant must submit to and obtain the Accredited Certifier approval of an Erosion and Sediment Control Plan (ESCP). The ESCP must show the location of site boundaries, adjoining roads, approximate grades, vegetation, site access, impervious areas, existing and proposed site drainage and a north point.

The ESCP must take into account the requirements of Landcom's publication 'Managing Urban Stormwater - Soils and Construction' (2004). The plan must show the following:

- a) timing of works;
- b) nature and extent of earthworks, including the amount of any cut and fill;
- c) where applicable the diversion of runoff from upslope lands around the disturbed areas;
- d) location of all soil and other material stockpiles including topsoil storage;
- e) location and type of proposed erosion and sediment control measures;
- f) site rehabilitation proposals; and
- g) frequency and nature of maintenance program.

27. **Structural Engineers Design - Retaining Walls**

Any retaining walls having a height exceeding 900mm proposed in conjunction with the development are required to be designed by a practicing structural engineer.

Details demonstrating compliance with this requirement must be submitted to the Accredited Certifier prior to issue of the Construction Certificate.

28. **Farm Management Plan**

The Farm Management Plan by Greenway Turf Supplies dated December 2022, Revision D is to be updated to incorporate the contents of the Land Use Conflict Risk Assessment by Edge Land Planning dated October 2022 and submitted to the Certifier prior to the issue of a Construction Certificate.

29. **Off Street Parking Facility and internal driveway**

The off-street parking facility gradients, levels, internal dimensions are to generally comply with AS/NZS 2890 and Council's DCP Part C: Chapter 2 Car Parking and Access. The off-street parking facility and internal driveway must be designed for the largest design vehicle likely to use the facility and for any specialist vehicles for which access must be made. The turning swept paths of the largest design vehicle likely to use the facility and any specialist vehicles for which access must be made, are to be superimposed on the plans.

Vehicles are to enter and exit the public road in a forward direction.

A suitably experienced and qualified civil engineer is to certify that the proposed car parking facility complies with all requirements of this condition.

Details demonstrating compliance are to be submitted to the Certifier for approval prior to the issue of the Construction Certificate.

## Prior to Any Works Commencing on Site

30. **Principal Certifier - Details**

The applicant must advise Council of the name, address and contact number of the Principal Certifier, in accordance with Section 6.6(2) of the *Environmental Planning and Assessment Act 1979*.

**31. Toilet Facilities**

Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- a) be a standard flushing toilet connected to a public sewer;
- b) be attached to an approved on-site effluent disposal system;
- c) be a temporary chemical closet that is regularly maintained; and
- d) appropriate facilities for the disposal of sanitary items are to be provided within the toilet.

**32. Notice of Commencement**

No work shall commence until a notice of commencement has been provided to Council. This notice is to be provided not less than two days from the date on which it is proposed to commence work associated with this Development Consent. The notice must also contain:

- a) details of the appointment of a Principal Certifier (PCA) providing name, address and telephone number; and
- b) details of the name, address and licence details of the Builder.

**33. Principal Certifier Site Sign**

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:

- a) showing the name, address and telephone number of the Principal Certifier for the work;
- b) 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
- c) stating that unauthorised entry to the work site is prohibited.

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.

**34. Safety Fencing**

The site is to be secured by a fence, in accordance with Safework NSW requirements, to prevent unauthorised access during the period of all works.

**35. Tree Protection Measures**

This consent does not authorise the removal of trees unless specifically permitted.

Trees that are shown on the approved plans (or otherwise identified by Council to be preserved) must be protected against damage during construction. The following measures are to be followed during construction:

- a) Tree Protection Zones (TPZ) must be established around trees identified to be retained in accordance with Australian Standard AS 4970 - 'Protection of Trees on Development Sites;
- b) a 1.8 metre high chain mesh fence must be erected around each Tree Protection Zone

- prior to works and must remain intact until construction is completed;
- c) any excavation works within identified Tree Protection Zones are to be carried out by hand, with all care taken not to damage tree roots. If tree roots greater than 30mm are found during works that need to be severed, they are to be cut with a saw (not ripped);
- d) TPZ's must be mulched to a minimum depth of 100mm using organic mulch;
- e) fences around Tree Protection Zones must be sign posted to warn of its purpose;
- f) Harmful Materials: the storage of materials, building waste, excavated spoil, cement or similar is not permitted within a TPZ; and
- g) any minor pruning of trees must be carried out in accordance with Australian Standard AS 4373-2007 - 'Pruning of Amenity Trees, by a suitably qualified Arborist'.

The Project Arborist (AQF Level 5) must be in attendance to supervise tree works on site during critical stages of construction, particularly when excavation is occurring within the TPZ of trees nominated for retention.

## During Construction

### 36. Construction Hours

Clearing of land, running of machinery, excavation, and/or earthworks, building works and the delivery of building materials must be carried out between the following hours:

- a) between 7am and 6pm, Mondays to Fridays inclusive;
- b) between 8am and 4pm, Saturdays;
- c) no work on Sundays and public holidays; and
- d) works may be undertaken outside these hours where:
  - (i) the delivery of vehicles, plant or materials is required outside these hours by the Police or other authorities;
  - (ii) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; and
  - (iii) a variation is approved in advance in writing by Council.

### 37. Site Management During Construction

- a) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- b) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- c) Copies of receipts stating the following must be given to the principal certifying authority:
  - (i) the place to which waste materials were transported;
  - (ii) the name of the contractor transporting the materials; and
  - (iii) the quantity of materials transported off-site and recycled or disposed of.
- d) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- e) During construction:
  - (i) all vehicles entering or leaving the site must have their loads covered;
  - (ii) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads; and
  - (iii) any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to the public.
- f) At the completion of the works, the work site must be left clear of waste and debris.

Note: In the event it is not possible to keep the footpath or road reserve clear during construction works written approval from Council shall be obtained prior to any closing of the road reserve or footpath area. The closure shall take place in accordance with Council's written approval. The area shall be signposted and such signposting be maintained in a way that ensures public safety at all times.

### 38. **Loading and Unloading During Construction**

The following requirements relating to loading and unloading apply during construction:

- a) All loading and unloading associated with construction activity must be accommodated on site.
- b) If, during excavation, it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council.
- c) A Works Zone may be required if loading and unloading is not possible on site. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work on the site. An approval for a Works Zone may be given for a specific period and certain hours of the days to meet the particular need for the site for such facilities at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- d) Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval must be obtained from Council.

### 39. **Overland Stormwater Flow Management**

The works associated with the development must ensure that:

- a) all natural water flow from adjoining properties is not impeded or diverted; and
- b) surface and subsurface water flows are not redirected or concentrated onto adjoining properties.

### 40. **Earthworks - General Requirements**

All earthworks on site must comply with the following:

- a) topsoil must be stripped only from approved areas and must be stockpiled for re-use during site rehabilitation and landscaping;
- b) once the topsoil has been removed the natural batter must be suitably stepped, scarified or roughened to prevent slipping and the fill is to be keyed in to hold the toe of the fill batter in place;
- c) filling must comprise either uncontaminated Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM). Contamination certificates for all source material must be provided to the Principal Certifier prior to placing any fill on site;
- d) a ticketing system is to accompany any material being brought to the site. A register is to be kept on site to cross reference against the source records. An independent site auditor is to be engaged to undertake appropriate certification regarding the monitoring and validation of the fill material imported to the site as being sound, suitable for the proposed use and free of contamination;
- e) where batters exceed a ratio of three horizontal to one vertical, retaining walls, stoneflagging or terracing must be constructed;
- f) all fill within the site shall be placed in layers not exceeding 300mm thickness and compacted to achieve a minimum dry density ratio of 98% when tested in accordance with Australian Standard AS 1289 - 'Methods of testing soils for engineering purposes unless otherwise specified'; and
- g) all disturbed areas are to be stabilised/revegetated, using a minimum 300mm surface layer of topsoil, as soon as practicable after the completion of filling works.

Note: ENM is defined by the Excavated Natural Material Exemption - NSW Environment Protection Authority.

**41. Earthworks - Removal, Management and Transportation of Fill**

All excavated fill material that is to be removed from the site must only be sent to:

- a) a NSW Environment Protection Authority licensed waste disposal facility. A copy of the receipts from the waste disposal facility must be kept and must be provided to the Principal Certifier prior to the issue of a Final Occupation Certificate, or authorised officer of Council upon request; or
- b) a site which has a current development consent for the importation of fill material or falls under exempt development provisions.

All removed excavated material must be transported and disposed of in accordance with the NSW Environment Protection Authority guidelines applicable at the time of removal.

**42. Erosion and Sediment Control Plan - Implementation**

Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved Erosion and Sediment Control Plan.

## **Prior to Commencement of Use**

A Compliance Certificate may be required to be obtained to satisfy particular conditions below.

**43. Engineers Structural Certification - Retaining Walls**

All retaining walls over 900mm high are to be certified on completion by a suitably qualified and experienced Structural Engineer. Certification is to be provided to the Accredited Certifier.

**44. Engineers Structural Certification - Pits**

All structurally designed pits over 600mm deep are to be certified on completion by a suitably qualified and experienced Structural Engineer. Certification is to be provided to the Accredited Certifier.

**45. Works As Executed Plan - Basic Drainage**

A Works As Executed plan prepared by a registered surveyor must be submitted to the Accredited Certifier. The Works As Executed dimensions and levels must be shown in red on a copy of the approved Construction Certificate plans.

## **Operational Conditions**

**46. Hours of Operation**

The operation of the development is to be carried out in accordance with the Farm Management Plan by Greenway Turf Supplies dated December 2022, Revision D, as amended. The Farm Management Plan is to be reviewed every 2 years and is to be submitted to Hawkesbury Council's Regulatory Services Branch for consideration and shall be modified in accordance with any requirements issued by Hawkesbury City Council.

All farm activities including vehicle movements associated with the farming activities and use of machinery including power tools, tractors, pumps, and the like, shall be limited to the hours of 7am to 6pm, Monday to Friday in accordance with the Farm Management Plan.

Where any noise generating activities are required to be carried out on a Saturday, Sunday or public holiday, this shall occur between the hours of 8.00am and 6.00pm.

**47. Noise**

- a) Noise generated from the proposed development is not to give rise to the generation of offensive noise, as defined within the Protection of the Environment Operations Act 1997.
- b) Irrigation pumps and other fixed noise generating equipment are to be housed in an enclosure acoustically designed that significantly reduces the noise emissions to achieve a reading of not more than 5dBA above background noise levels at the boundary of the property.
- c) The use of any equipment such as pumps and machines shall not give rise to noise emissions greater than the background noise levels between the hours of 6pm and 7 am Monday to Saturday and 6pm and 8am on a Sunday.

**48. Pesticides - Storage and Use**

The approved use must satisfy the following legislation and guidelines relating to the application, management and record keeping of pesticides:

- a) Pesticides Act 1999 and Regulations thereunder.
- b) SafeWork NSW Code of Practice for the safe use and storage of chemicals, including pesticides and herbicides in agriculture.
- c) NSW Agriculture "Principles of Spray Drift Management", NSW DPI "Reducing herbicide spray drift", NSW DPI "Spray Drift Management - Principles, strategies and supporting information".
- d) Only chemicals that have been assessed and registered with the Australian Pesticides & Veterinary Medicines Authority (APVMA) or are covered by an APVMA permit are permitted on the property. All pesticides are to be used, stored and disposed of in accordance with the APVMA instructions on the label or the permit. No pesticide is to be used for purposes other than as specified on the product. No pesticides are to be stored in bottles or buckets or in any open container.
- e) There is to be no spray drift of chemicals onto surrounding properties. Spraying is not to be conducted on days of sustained wind and/or wind gusts or when humidity is very high.

**49. Dust Management - Trafficable and Vehicle Manoeuvring Areas**

All trafficable and vehicle manoeuvring areas on the site must be maintained in a condition that will always minimise the generation or emission of windblown or traffic generated dust.

**50. Farm Management - Plastics**

All plastics including, but not limited to, plastic sheeting used for crop production shall be disposed of through an approved method. No plastic is to be disposed of by burning or burial. All plastics made loose during harvesting is to be collected. Plastic is not to be permitted to drift beyond the property boundary.

**51. Landscaping - Works to be Completed**

All landscaping works approved under this consent are to be completed prior to commencement of use.

**52. Duty to notify**

In accordance with the requirements of Part 5.7 of the Protection of the Environment Operations Act 1997, Council is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused

or threatened.

**53. Burning of waste**

The provisions of the Protection of the Environment Operations (Control of Burning) Regulation 2000 shall be complied with at all times. No burning of waste including vegetation is permitted at the site without written permission from Council.

**54. Use of Poultry Litter**

The application of poultry litter at the site is to comply with the following:

- a) Poultry litter shall not be stockpiled on the site.
- b) Only dry poultry litter is to be applied to the growing areas in a manner that does not create dust emissions.
- c) Poultry litter is to be mixed in with the soil so as to reduce odour emissions
- d) The application of poultry litter is limited to 1 application per annum.

**55. Public Complaints Management**

During the operation of the development, the proprietor shall ensure that the following contact details are available for community complaints:

- a) a telephone number on which complaints about operations on the site may be registered,
- b) a postal address to which written complaints may be sent,
- c) an email address to which electronic complaints may be transmitted.

The proprietor shall ensure that the required details are publicly available including, but not limited to, displaying the information on a sign near the entrance to the site, in a position that is clearly visible to the public. If the proprietor has an internet site these details shall also be provided on this site.

**56. Waste Generated On-site**

All liquid and/or non-liquid waste generated on the site shall be assessed and classified in accordance with the Waste Classification Guidelines (Department of Environment, Climate Change and Water, 2009), or any superseding document, to safeguard protection of the environment and human health. Waste generated on the site can only be taken to, and accepted at, a waste facility which is lawfully authorised to receive, re-use and/or dispose of that type of waste.

**57. Lighting**

Any lighting shall be managed to minimise glare and light spill onto adjoining properties or roadways. Lighting installations shall comply with Australian Standard AS 4282 - 'Control of the obtrusive effects of outdoor lighting'.

No flashing, moving or intermittent lighting, visible from any public place may be installed on the premises or external sign associated with the development.

**58. Maintenance of Sediment Pond**

- a. The sedimentation/nutrient basins are to be regularly monitored for algal growth both terrestrial and aquatic and noxious weeds growth and where detected are to be dealt with appropriately.
- b. The sedimentation/nutrient basins and drainage swales shall be maintained at all times and are to be cleaned when necessary to maintain their capacity. Any vegetation disturbed in this process is to be reinstated/replanted.