



Hawkesbury Local Planning Panel

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

BUSINESS PAPER

HAWKESBURY LOCAL PLANNING PANEL

Table of Contents

Meeting Date: 19 October 2023

Table of Contents

1. PROCEDURAL MATTERS 5

 Welcome 5

 Attendance 5

 Declaration of Interest 5

2. REPORTS FOR DETERMINATION 7

 2.1.1 CP - Disclosure of Interest and Other Matters Return - (95496) 7

 2.1.2 CP- DA0011/23 - Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road TENNYSON NSW
 2754 (160392, 145055, 145056, 20355, 20356, 95498) 9

HAWKESBURY LOCAL PLANNING PANEL

Table of Contents

Meeting Date: 19 October 2023

HAWKESBURY LOCAL PLANNING PANEL

1. PROCEDURAL MATTERS

Meeting Date: 19 October 2023

1. PROCEDURAL MATTERS

Welcome

The Chairperson will acknowledge the Indigenous Heritage and address the Hawkesbury Local Planning Panel meeting, mentioning:

- Recording of the Hawkesbury Local Planning Panel Meeting
- Statement regarding people addressing the Meeting

Attendance

Attending Panel members and Council staff members will be noted for the purposes of the Minutes.

Declaration of Interest

The Chairperson will ask for any Declaration of Interests from the attending Panel Members. These will then be addressed at the relevant item.

HAWKESBURY LOCAL PLANNING PANEL

1. PROCEDURAL MATTERS

Meeting Date: 19 October 2023

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

2. REPORTS FOR DETERMINATION

2.1.1 CP - Disclosure of Interest and Other Matters Return - (95496)

PURPOSE OF THE REPORT

The purpose of this report is to table Pecuniary Interest Returns lodged by Hawkesbury Local Planning Panel Members.

EXECUTIVE SUMMARY

The Local Planning Panels Code of Conduct (the Code) contains the requirements in respect of the lodgement of Disclosure of Pecuniary Interests and Other Matters Returns by Panel Members. This report provides information regarding Returns recently lodged with the Chair by Panel Members.

RECOMMENDATION

That the Panel note that the Disclosures of Pecuniary Interests and Other Matters Returns, lodged with the Chair, have been tabled.

BACKGROUND

Part 4 of the Code requires Panel Members to make and lodge with the Panel Chair, a return in the form set out in Schedule 2 to the Code disclosing interests as specified in Schedule 1 to the Code within one month or prior to a Panel Member's first consideration of a Panel Matter, which ever occurs earlier after:

- a) becoming a panel member,
- b) 30 June of each year

The Panel Chair must provide returns to the General Manager, who must keep a register of returns, and returns lodged are required to be tabled at the first meeting of the Panel after the last day the return is required to be lodged.

DISCUSSION:

The following Returns have been lodged under Clause 4.17 of the Code, and provided to Council:

Panel Member	Return Period	Date Lodged
David Ryan	30 June 2022 – 30 June 2023	3 October 2023
Stephen Leathley	30 June 2022 – 30 June 2023	28 September 2023
Wayne Carter	30 June 2022 – 30 June 2023	20 September 2023

There was an inadvertent delay in the issuing by Council of return forms to Panel Members as they were issued so the last lodgement date coincided with that for Councillors and Designated Persons under Council's Code of Conduct, which provides for a three month period for lodgement following 30 June each year.

Attachments

There are no supporting attachments for this report.

oooO END OF REPORT Oooo

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

2.1.2 CP- DA0011/23 - Lot 3 DP 548570 Vol 11597 Fol 80, 54 Derrig Road
TENNYSON NSW 2754 (160392, 145055, 145056, 20355, 20356, 95498)

Directorate: City Planning

DEVELOPMENT INFORMATION

Application Number:	DA0011/23
Date Received:	18/01/2023
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
Estimated Cost:	\$292,633.00
Legal Description:	Lot 3 DP 548570 Vol 11597 Fol 80
Property Address:	54 Derrig Road TENNYSON NSW 2754
Area:	13.0300 Hectares
Zoning:	RU1 Primary Production under <i>Hawkesbury Local Environmental Plan 2012</i> .
Applicant:	Optima Planning & Development Pty Ltd
Owner:	Mrs CM Muscat, Mr CJ Muscat, Mr BC Muscat, Mrs M Muscat
Exhibition Dates:	8 March 2023 - 6 April 2023
Submissions:	Total 28 received, (25 unique) submissions
Recommendation:	Approval

EXECUTIVE SUMMARY

Reason for Consideration by Local Planning Panel

- Contentious Development – The application has received 22 unique submissions by way of objection.
- Sensitive Development – The application falls into the category of 'sensitive development' as it is a Designated Development –involving a Turf Farm.

Proposal

The application seeks approval for the 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.

Permissibility

The site is zoned RU1 Primary Production under the Hawkesbury Local Environmental Plan 2012 (LEP2012). The proposed development involves Intensive plant agriculture and ancillary works including earthworks and water storage facility which are defined follows:

"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

"Earthworks mean excavation or filling."

"Water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment. "

Accordingly, the extension to the turf farm with the ancillary works are permissible with consent.

The proposed development is defined as 'Designated Development' for the purposes of the Environmental Planning and Assessment Act 1979 (The Act) and Environmental Planning and Assessment Regulation 2021 (The Regulations). Pursuant to Schedule 3 Part 2 the Regulations, the proposal is for a turf farm which is within 100m of a watercourse and within 250 metres of a turf farm and is likely to significantly affect the environment because of its location.

Pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, the proposed development is identified as 'Nominated Integrated Development as a 'controlled activity approval' is required under Section 89 of the Water Management Act 2000. The Department of Planning and Environment - Water have issued their General Terms of Approval which form part of the recommended conditions of consent.

Community Consultation

The application was placed on public advertising and neighbour notification as per Schedule 1 of the Environmental Planning and Assessment Act 1979 from 8 March 2023 to 6 April 2023 as prescribed in the Hawkesbury Community Participation Plan. In response to the public advertising and neighbour notification period, 28 submissions were received, three of which were in support of the application and 22 being identified as unique submissions. The issues raised in the submissions raised included the following:

- Amenity impacts from dust, chemical spray drift, noise, odour and visual impacts;
- Environmental impacts including water contamination from dust and chemical spray, water pollution to Currency Creek, earthworks and change to topography, stormwater impacts resulting from retaining walls, interference of overland flow and spillage of nutrient pond into No.74 Derrig Road, construction noise impacts and flora and fauna impacts;
- Disturbance with power and other utilities;
- Separation buffers not in accordance with DPI guidelines;

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

- Safety impacts;
- Traffic impacts from truck movements to and from the site;
- Inadequate EIS assessment;
- Inadequate risk and land use conflict assessment;
- Suitability of the site; and
- Commercial economic viability.

The issues raised in the submissions have been considered in the assessment of the proposal and do not warrant refusal of the proposed development.

The subject application has been assessed having regard to the applicable planning instruments and notwithstanding the issues raised in the submissions, the proposed development is considered satisfactory and is recommended for approval, subject to conditions.

RECOMMENDATION

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act, 1979:

1. That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, **approve** development consent to DA0011/23 for the 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 on land at 54 Derrig Road, Tennyson for the following reasons:
 - a) The development is permissible in the RU1 zone pursuant to the Hawkesbury Local Environmental 2012 and satisfies the requirements of all applicable planning controls.
 - b) The development has demonstrated that is consistent with the Secretary Environmental Assessment Requirements with an accompanying Environmental Impact Statement.
 - c) The development has received its General Terms of Approval from the Department of Planning and Environment - Water.
 - d) The development will retain and enhance the existing landscape values including a distinctive agricultural component.
 - e) The development contains measures that would mitigate its impact to the site and the surrounding area.
 - f) For the reasons given above, approval of the application is in the public interest.
2. That Council advise those who made a submission of the determination.

BACKGROUND

Detailed Description of Proposal

The application seeks to extend the existing operational turf farm on the subject site and includes the following works:

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

- Extension of existing turf farm by 3.52 hectares. The overall total growing area for the combined turf farms will be 10.39ha;
- Regrading and earthworks to facilitate the additional turf farm cultivation areas;
- Construction of retaining walls and battering. The regrading to facilitate the turf farm expansion to the eastern portion of the site requires a retaining wall along the eastern boundary. This retaining wall will be set back 5 metres from the boundary and be 91 metres in length with a maximum height of 2.1 metres. An additional retaining wall of 33 metres in length will be constructed where the existing smaller dam is located;
- Construction of contour drains and supporting infrastructure;
- Removal of trees and vegetation to facilitate growing areas;
- Protection of riparian zone, and;
- Construction of one new nutrient pond.

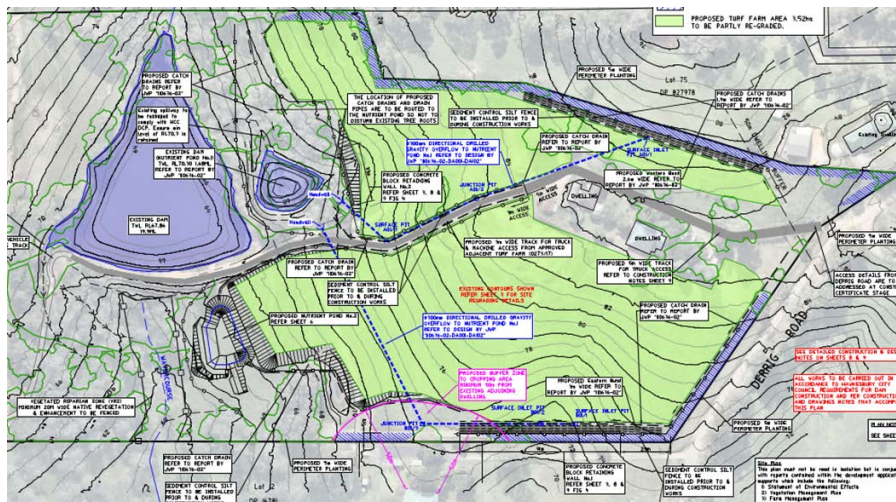


Figure 1: Site Plan

The proposed development is defined as 'Designated Development' for the purposes of the Environmental Planning and Assessment Act 1979 (The Act) and Environmental Planning and Assessment Regulation 2021 (The Regulations). Pursuant to Schedule 3 Part 2 the Regulations, the proposal is for a turf farm which is within 100 metres of a watercourse and within 250 metres of a turf farm and is likely to significantly affect the environment because of its location.

Pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979, the proposed development is identified as 'Nominated Integrated Development as a 'controlled activity approval' is required under Section 89 of the Water Management Act 2000. The Department of Planning and Environment - Water have issued their General Terms of Approval which form part of the recommended conditions of consent.

Site and Locality Description

The site is legally described as Lot 3 in DP 548570 and formally known as 54 Derrig Road Tennyson. Current development on the site comprises of two existing dwellings, outbuildings, several dams, water course and turf farm at the rear southern portion of the site. The turf farm is in conjunction with the neighbouring property 982 Kurmond Road North Richmond.

The site is predominantly open grass paddocks with the existing vegetation located around the large existing dam and riparian zone. Buffer plantings are located along the boundaries where the turf production will be occurring.



Figure 2: Site Aerial extract from Metro Maps dated 11/04/23 (accessed 15/8/2023)

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Background and History

The turf farm located at the rear of the subject site was approved with a Deferred Commencement Consent in DA0273/17 on 7 August 2018. This application included the neighbouring property at No.982 Kurmond Road North Richmond as the two properties share an east/west boundary. This consent became operational on 13 December 2018 and gave consent for the construction of a sediment control dam, removal of vegetation and the operation of a turf farm.

A subsequent modification application pursuant to Section 4.55 of the Act was lodged to amend the design of the sediment basin to reduce its size with additional filter elements comprising of fabric and sand to ensure that the sediment was removed efficiently. The modification application was approved on 18 November 2020.

Referrals

Internal Consultation	Comment
Development Engineer	The Development Engineer has raised no objection to the proposal subject to the imposition of conditions.
Ecology	The Ecologist has raised no objection to the proposal subject to the imposition of conditions.
Arborist	Council's Consulting Arborist has raised no objection to the proposal subject to the imposition of conditions.
Environmental Health Officer	The Environmental Health Officer has raised no objection to the proposal subject to the imposition of conditions.

External Consultation	Comment
Department of Planning and Environment - Water	In accordance with the Water Management Act 2000, the proposed development requires a controlled activity approval as it proposes to construct a nutrient pond within waterfront land. The General Terms of Approval have been issued and are to be included in the event of a Development Consent being issued.

Legislation, Council Policies, Procedures and Codes to which the Matter Relates

The following is a list of legislation, environmental planning policies and development controls applicable to the application:

1. Environmental Planning and Assessment Act 1979;
2. Environmental Planning and Assessment Regulation 2021;
3. Biodiversity Conservation (BC) Act 2016;
4. State Environmental Planning Policy (Resilience and Hazards) 2021 (SEPP RH2021): Chapter 4 - Remediation of Land;

5. State Environmental Planning Policy (Biodiversity and Conservation) 2021 (SEPP BC2021): Chapter 4 Koala Habitat Protection 2021 and Chapter 6 Water Catchments;
6. Hawkesbury Local Environmental Plan 2012 (LEP 2012); and
7. Hawkesbury Development Control Plan 2002 (HDCP 2002)

Matters for Consideration under the Biodiversity Conservation Act 2016

All development applications are required to be assessed against *Biodiversity Conservation Act 2016* and *Biodiversity Conservation Regulation 2017*. The subject property contains areas mapped on the Biodiversity Values map. Where there is a clearing or modification of native vegetation in accordance with the below table, it will trigger the requirement of Biodiversity Offset Scheme (BOS).



Figure 3: Biodiversity Map (sourced NSW Planning portal)

The minimum lot size for the site, as prescribed in the Hawkesbury LEP 2012, is 10 hectares. Where there is a clearing or modification of native vegetation of 0.5 hectare or more, it will trigger the requirement of Biodiversity Offset Scheme (BOS). The proposed development will result in the removal of 21 trees or 1,021m², on the north-western portion of the site and not within the land mapped purple on the Biodiversity Map and Threshold Tool. As the removal of vegetation is less than the 0.5 hectares, the threshold to trigger the BOS has not been reached. The application has been accompanied by a biodiversity assessment which has concluded that a Biodiversity Development Assessment Report was not required for the removal of the native trees on the site.

The Biodiversity Offset Scheme (BOS) is therefore not activated by the proposed development as none of the thresholds have been met.

Matters for Consideration under Environmental Planning and Assessment Act 1979 and its Regulation 2021

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Schedule 3 Part 2 of the Environmental Planning and Assessment Regulation 2021 (Regulation 2021) lists the type of development that would be defined as 'Designated Development.' Turf farms are identified as 'Designated Development' if they meet the criteria listed under Clause 44, which states:

"44. Development for the purposes of a turf farm is designated development if the turf farm-

(a) is located—

(i) within 100 metres of a natural waterbody or wetland, or

(ii) in an area of high watertable or acid sulphate, sodic or saline soils, or

(iii) within a drinking water catchment, or

(iv) within 250 metres of another turf farm, and

(b) is likely to significantly affect the environment because of its location."

The proposed development is located 100m from a water course and due to the proposed works, is likely to affect the environment.

Given that the proposed development has been lodged as Designated Development, an Environmental Impact Statement (EIS) is required to be submitted in accordance with Section 4.12(8) of the Environmental Planning and Assessment Act 1979 (EP&A Act). Part 8 Division 5 Section 190, 192 and 193 of the Regulation 2021 sets out the form and content requirements for the preparation of the EIS and the applicant has submitted an EIS in accordance with these provisions and the Secretary Environmental Assessment Requirements and has provided the relevant documentation required to support the assessment of the potential impacts of the site to surrounding properties. These documents include:

- Land Use Conflict and Risk Assessment by Edge Land Planning
- Soil and Irrigation Report by AgEnviro Solutions
- Stormwater and Engineering Assessment by J Wyndham Prince
- Consideration of Biodiversity by Travers Environmental
- Koala Habitat Assessment by Travers Environmental
- Vegetation Management Plan by Travers Environmental
- Bushfire Assessment Report by Travers Environmental
- Arboricultural Impact Assessment by Urban Arbor Pty Ltd
- Land Use Conflict and Risk Assessment by Edge Land Planning
- Turf Farm Construction and Operational Noise and Vibration Assessment by RCA Australia
- Transport and Parking Assessment by ML Traffic

These reports have adequately addressed the potential impacts, including environmental impacts, to the site and surrounding locality and measures these impacts.

Matters for Consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979

Section 4.15 Evaluation of the Environmental Planning and Assessment Act, S4.15(1) requires the following matters to be considered:

4.15 Evaluation

*(1) **Matters for consideration—general** In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*

(a) the provisions of—

(i) any environmental planning instrument, and

(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),

(v) (Repealed)

that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

Accordingly, the following is an assessment of the application with regard to the heads of consideration under the provisions of Section 4.15(1) of the EP&A Act 1979:

1. The provisions of (a)(i) any environmental planning instrument:

1.1. State Environmental Planning Policy (Resilience and Hazard) 2021

Chapter 4 – Remediation of Land is applicable for the subject site and the objective of this chapter is to provide a state-wide planning approach to the remediation of contaminated land and to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Under Clause 4.6(1) of SEPP RH, a consent authority must not grant consent for the carrying out of any development unless:

(a) it has considered whether the land is contaminated, and

(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The subject site has a history of residential, agricultural, and grazing purposes. The Soil and Irrigation Report by AgEnviro Solutions dated 15 August 2022 carried out soil sampling which did not reveal any contamination on the subject site. Given there is no evidence to suggest that the land is contaminated to a state that would prevent the land from being continued to be used for agricultural uses, further investigation is not warranted in this case and the site is considered to be suitable for the proposed use.

1.2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

This policy is applicable for the subject site and the following relevant chapters of this policy are as follows:

- Koala Habitat Protection 2021 – Chapter 4;
- Water Catchment – Chapter 6

1.3 Chapter 4 Koala Habitat Protection 2021

Chapter 4 applies to local government areas listed in Schedule 2, for which the Hawkesbury Local Government Area is listed, and for land that has an area of more than 1 hectare.

The aim of this chapter is *to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline.*

Under Part 4.2 Development control of koala habitats, where there is no approved koala plan of management for land, Clause 4.9 applies.

Clause 4.9 requires council to:

- assess whether the development is likely to have any impact on koalas or koala habitat; and
- take into consideration a koala assessment report if there is likely to be a high level of impact.

Clause 4.9(3) allows Development Consent to be granted if the Council is satisfied that the development is likely to have low or no impact on koalas or koala habitat. The application has included a Biodiversity Assessment by Travers Environmental dated 4 October 2022 which has concluded that:-

"the turf farm will have no impact upon koala activity and to that end the residual landscape will continue to support the aim of the koala habitat protection legislation which seeks to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas to support a permanent free-living population over their present range and reverse the current trend of koala population decline. This is achieved through the replanting of Koala feed trees as recommended within the vegetation management plan (Travers Environmental 2022) in the broader watercourse zone. This will add connectivity to the existing disparate vegetation mass."

Most of the native vegetation on the subject site is primarily located within the southern portion of the site where the existing large dam and watercourse is located, as identified in Figure 2. The proposed tree removal to accommodate the turf propagation area is located on the north-western side of the site where 21 trees are proposed for removal. Of these 21 trees, two are Koala feeder trees, being *Eucalyptus crebra* (Narrow-leaved Ironbark), however the Koala assessment has concluded that no Koalas, their markings or scats were observed where these two trees are located and that there was not evidence of the location of the proposed development area being core Koala habitat.

Accordingly, Council has considered the relevant chapter of the SEPP and is satisfied that no further investigation is required and there are no issues that would prevent Council from granting Development Consent in this instance.

1.4 Chapter 6 Water catchments

Chapter 6 Water Catchment of this policy applies to the Hawkesbury Local Government Area as it is within the Hawkesbury-Nepean Catchment and sub-catchments. The chapter provides development controls, both generally and in specific areas, in relation to specific development, water quality and quantity, riverine scenic quality, agriculture, rural residential development, aquaculture, recreation and tourism.

An assessment of the relevant clauses under Chapter 6 are provided in the following table below:

Clause	Comment	Compliance
<p>6.6 Water quality and quantity</p> <p>(1) In deciding whether to grant development consent to development on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,</p> <p>(b) whether the development will have an adverse impact on water flow in a natural waterbody,</p> <p>(c) whether the development will increase the amount of stormwater run-off from a site,</p> <p>(d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,</p> <p>(e) the impact of the development on the level and quality of the water table,</p>	<p>The application has provided a Stormwater and Engineering Assessment J Wyndham Prince which has carried out an assessment of the proposed development works. This assessment has concluded that:</p> <ul style="list-style-type: none"> <i>The nutrient ponds have been strategically located at the downstream end of catchments 3 and 4. The nutrient ponds have been sized to ensure the capacity of the 20% AEP storm event and for the expected sediment loads during the establishment phase.</i> <i>Five (5) catch drains have been sized to collect and drain the 20% AEP flows from catchments 2A, 3, 3A, 4 and 4A to the respective downstream nutrient ponds.</i> <i>Two (2) bunds have been sized to collect and drain the 1% AEP flows from catchments 1 and 2</i> 	Yes

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Clause	Comment	Compliance
<p>(f) the cumulative environmental impact of the development on the regulated catchment,</p> <p>(g) whether the development makes adequate provision to protect the quality and quantity of ground water.</p> <p>(2) Development consent must not be granted to development on land in a regulated catchment unless the consent authority is satisfied the development ensures—</p> <p>(a) the effect on the quality of water entering a natural waterbody will be as close as possible to neutral or beneficial, and</p> <p>(b) the impact on water flow in a natural waterbody will be minimised.</p>	<p><i>through the proposed pit and pipe networks draining to nutrient pond 1.</i></p> <ul style="list-style-type: none"> <i>A hydraulic assessment was undertaken to size the proposed bunds to ensure full capture of the 1% AEP flow and subsequent delivery to nutrient pond 1.</i> <p>Council's Senior Subdivision and Development Engineer has carried out an assessment of the proposal and found it acceptable.</p> <p>Accordingly, the application has demonstrated that the proposed development will have minimal impact on the natural waterbody that traverses the site in terms of water quality and quantity.</p>	
<p>6.11 Land within 100m of natural waterbody</p> <p>In deciding whether to grant development consent to development on land within 100m of a natural waterbody in a regulated catchment, the consent authority must consider whether—</p> <p>(a) the land uses proposed for land abutting the natural waterbody are water-dependent uses, and</p> <p>(b) conflicts between land uses are minimised.</p>	<p>The application has provided a Land Use Conflict and Risk Assessment by Edge Land Planning dated October 2022 and a Farm Management Plan by Greenway Turf Farms dated December 2022.</p> <p>The Land Use Conflict and Risk Assessment has assessed the proposed turf farm extension and identified that the primary perceived land use conflicts associated between residential use and turf farms are noise, odour, spray drift, dust, surface water and sediment runoff, traffic and access.</p> <p>These issues have been discussed thoroughly in this report and the Farm Management Plan has provided the following:</p> <ul style="list-style-type: none"> Noise – noise associated with tractors, irrigation pumps, mowing, truck 	Yes

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Clause	Comment	Compliance
	<p>movements and other machinery. The use of the tractors and mowing is primarily during harvesting and growing months and not all year round. These activities are restricted to daylight hours to reduce amenity impacts. During harvesting periods, 8-week period in any one year, the maximum amount of time exposure to noise would be 3 hours per day for 7.5 days. During mowing periods, the maximum amount of time exposure to noise would be 25 minutes twice a week.</p> <ul style="list-style-type: none">• Odour – odour is from the use of fertilisers and herbicides. To minimise the impact of odour poultry manure is to be used once per year with no stockpiling to occur onsite. Slow-release fertilisers will be used twice a year with no odour impacts resulting in the use of the product nominated to be used.• Spray Drift – Fertilisers (including manure), insecticides, fungicides and herbicides will be applied in a variety of ways including through granular application, chain floor spreader and low volume boom sprays. Application will be carried out dependant on climate and weather conditions to ensure no impacts to neighbouring sites.• Dust – harvested areas to be sprayed to reduce dust and internal roads to comprise of rock to minimise dust from traffic movements throughout the site. Buffer plantings are	

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Clause	Comment	Compliance
	<p>also proposed to prevent dust and spray drift.</p> <ul style="list-style-type: none"> • Surface water and sediment runoff – the application has including stormwater management in the form of bunding, catchment drains, pits, pipes and an additional nutrient pond designed to ensure that all runoff is adequately treated and recycled. • Traffic and access - Truck movements are generally during the harvesting period and estimated to be 2 trips per day with no idling to occur from vehicles being loaded or unloaded. <p>The Land Use Conflict and Risk Assessment has concluded that:</p> <p><i>‘The risks associated with the proposed turf farm have been identified and assessed as acceptable when the specific controls and site conditions have been taken into consideration. The site is considered suitable for the proposed turf farm.’</i></p>	
<p>6.13 Hawkesbury-Nepean conservation area sub-catchments</p> <p>(1) Development in a Hawkesbury-Nepean conservation area sub-catchment may be carried out only with development consent.</p> <p>(2) In deciding whether to grant development consent to development in a Hawkesbury-Nepean conservation area sub-catchment, the consent</p>	<p>Consent is being sought.</p> <p>The location of the expanded turf production and proposed stormwater management will:</p> <ul style="list-style-type: none"> • have minimal impacts on the sub-catchment; • maintain and enhance the structure and floristics of native vegetation given the existing riparian corridor onsite will be maintained; • maintain and enhance the scenic quality of the locality 	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Clause	Comment	Compliance
<p>authority must consider the following—</p> <p>(a) whether the development will minimise human interference with the condition of the sub-catchment,</p> <p>(b) whether the development will maintain and enhance the structure and floristics of native vegetation in the sub-catchment,</p> <p>(c) whether the development will maintain or enhance the scenic quality of the locality,</p> <p>(d) whether development has previously been carried out on the development site.</p>	<p>by maintaining the integrity of the water quality and quantity that will enter the sub-catchment; and</p> <ul style="list-style-type: none"> • the site currently supports a turf farm at the southern portion of the site with minimal impact. 	Yes
<p>6.16 Artificial waterbodies</p> <p>(1) In deciding whether to grant development consent to development for the purposes of artificial waterbodies on land in a regulated catchment, the consent authority must consider the following—</p> <p>(a) the likely impact of the development on other downstream land uses in the regulated catchment,</p> <p>(b) whether the development will enhance the recreational and environmental amenity of the regulated catchment,</p> <p>(c) whether the development will contribute to a propagation zone for noxious aquatic weeds in the regulated catchment,</p> <p>(d) whether the development includes measures to minimise the risk of an increase in algal blooms in the regulated catchment.</p> <p>(2) Development consent must not be granted to development</p>	<p>Council's Senior Subdivision and Development Engineer has assessed the stormwater management, including the addition of the nutrient pond, and has raised no objection or issues in terms of detrimental impacts to the catchment.</p>	Yes

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Clause	Comment	Compliance
<p>for the purposes of artificial waterbodies on land in a regulated catchment if—</p> <p>(a) a rehabilitation plan is required to be prepared for the development under State Environmental Planning Policy (Resources and Energy) 2021, section 2.23, and</p> <p>(b) the consent authority is not satisfied the development is consistent with the rehabilitation plan.</p>		
<p>6.21 Stormwater management</p> <p>(1) This section applies to development for the purposes of works, including water recycling facilities, water reticulation systems and water storage facilities, that are designed to collect, channel, store, treat or disperse stormwater runoff.</p> <p>(2) Development to which this section applies may be carried out on land in a regulated catchment—</p> <p>(a),or</p> <p>(b) otherwise—with development consent.</p>	<p>The application includes the construction of an additional nutrient pond on the site to support the additional turf production area that is proposed. A stormwater management system is proposed which incorporates catch drains, bunds, pits and pipes, existing nutrient pond and dam, as well as the additional nutrient pond, where the stormwater runoff will be conveyed to the onsite nutrient ponds, recycled and used for irrigation. All stormwater generated on site will be treated.</p>	<p>Yes</p>

1.5 Hawkesbury LEP 2012

Under Hawkesbury LEP 2012, the property is zoned RU1 Primary Production. The following is a summary of the clauses under HLEP 2012 applicable to the development:

1.5.1 Clause 2.2 Zoning of Land to which Plan applies

The subject site is zoned RU1 Primary Production, and the proposed intensive plant agriculture, earthworks and water storage facility are all permissible with consent. The proposal is defined as follows:

The site is zoned RU1 Primary Production under the Hawkesbury Local Environmental Plan 2012 (LEP2012). The proposed development involves Intensive plant agriculture and ancillary works including earthworks and water storage facility which are defined follows:

"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”*

"Earthworks mean *excavation or filling.*"

"Water storage facility means *a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment. "*

The proposed development is permitted with consent in this zone being defined as 'intensive plant agriculture' which includes 'turf farming' which means *the commercial cultivation of turf for sale and the removal of turf for that purpose*'.

The construction of the nutrient pond falls under the definition of 'water storage facility' which is also permissible with consent within the zone. The proposed earthworks are ancillary to the construction of water storage facility and regrading works to facilitate the growing areas.

1.5.2 Clause 2.3 – Zone objectives and Land Use Table

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the RU1 Primary Production zone are as follows:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage agricultural activities that do not rely on highly fertile land.*
- *To ensure that development occurs in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.*
- *To promote the conservation and enhancement of local native vegetation including the habitat of threatened species, populations and ecological communities by encouraging development to occur in areas already cleared of vegetation.*
- *To ensure that development retains or enhances existing landscape values including a distinctive agricultural component.*
- *To ensure that development does not detract from the existing rural character or create unreasonable demands for the provision or extension of public amenities and services.*

The proposal is consistent with the objectives of the RU1 Primary Production zone in that the proposal will:

- encourage agricultural activities and will not fragment or alienate resource land.
- occur in a way that does not have a significant adverse effect on water catchments, including surface and groundwater quality and flows, land surface conditions and important ecosystems such as waterways.
- enhance the existing landscape values by maintaining the existing riparian corridor onsite whilst maintaining a distinctive agricultural component.
- not create unreasonable demands for the provision or extension of public amenities and services.

1.5.3 Clause 6.2 Earthworks

The application proposes earthworks to facilitate the construction of the nutrient pond and the growing areas. The location of the turf farm expansion has a significant slope of approximately 11.7% over less than 150m. In accordance with the Department of Primary Industries Fact Sheet, gradients of over 10% should be avoided due to the risk of significant soil erosion which, in turn, creates significant environmental impacts. The application seeks to address the slope and potential soil erosion losses associated with turf production with regrading and earthworks. This regrading work will include a proposed cut of 1.47m and fill level of 2.26m to 2.59m resulting in an approximate total cut of 8,330m² and fill of 9,275m². This includes the nutrient pond earthworks which will be utilised as fill.

This earthwork is considered acceptable in this instance as it will ensure adequate erosion control will occur on the site.

1.5.4 Clause 6.3 Acid Sulfate soils

All growing areas are situated within land identified as Class 5. The application has provided a Soil and Irrigation Report by AgEnviro Solutions dated August 2022 which as identified that a acid sulfate soils management plan is not required and it is considered that the proposed land use is capable of being managed in a manner that would not have an adverse impact upon acid sulfate soils. Furthermore, works associated with the proposal are not likely to lower the water-table.

1.5.5 Clause 6.4 Terrestrial biodiversity

The objectives under Clause 6.4(1) are to maintain terrestrial biodiversity by:

- (a) protecting native fauna and flora, and*
- (b) protecting the ecological processes necessary for their continued existence, and*
- (c) encouraging the conservation and recovery of native fauna and flora and their habitats.*

The subject site is mapped under Council's Terrestrial Biodiversity Map and is therefore subject to the biodiversity controls listed under Clause 6.4(3) and (4) in accordance with Clause 6.4(2).

Clause 6.4(3) and (4) states:

(3) Before determining a development application for development on land to which this clause applies, the consent authority must consider—

(a) whether the development—

(i) is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land, and

(ii) is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and

(iii) has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and

(iv) is likely to have any adverse impact on the habitat elements providing connectivity on the land.

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

(4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

(a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or

(b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or

(c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

The proposed turf farm application seeks to clear 1,021m² or 21 trees to facilitate the use of the site as a turf farm. These trees are primarily to the westerns side of the site with only two significant trees, being *Eucalyptus crebra* (Narrow-leaved Ironbark) to be removed. Compensatory plantings of 20 trees will be required to be planted via conditions of consent.

The application has submitted a Vegetation Management Plan (VMP) by Travers Environmental which has identified that the site has an unnamed watercourse that traverses the site located to the south of the turf growing area which begins at the eastern edge of the existing large dam together. This watercourse joins Currency Creek and the VMP has identified that *'The watercourse landscape within the property does not have possess fluvial characteristics such as a defined bed and or bank and moreover the landscape exhibits the physical form of a gentle overland flow landscape'*, and it is proposed to enhance and create a more defined riparian corridor by planting a 22m wide riparian zone at a density of 1 plant per 64m² for a distance of 98m resulting in a revegetated area of 2,156n² and 71 trees being planted together with the compensatory planting that will be required due to the proposed tree removal. Buffer plantings along the boundaries has also been proposed which will also contribute to vegetation plantings for the site.

The application has been assessed by Council's Land Management Team who has raised no objections to the proposed vegetation removal subject to the implementation of the VMP which has been conditioned accordingly.

1.5.5 Clause 6.7 Essential services

The site has suitable access to the road, water, and electricity. The proposal would not require any significant extension or modifications to existing services other that upgrade works to the road at the entrance to the site.

2. The provision of (a)(ii) any proposed instrument that is or has been placed on exhibition and details of which have been notified to Council:

No draft Environmental Planning Instrument applies to this development proposal.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

3. The provision of (a)(iii) any Development Control Plan applying to the land:

3.1 Hawkesbury Development Control Plan 2002

A full assessment of the proposal under DCP 2002 is illustrated in the following compliance table. The Non-compliances identified in the table are assessed below.

DCP 2002	Proposed	Complies
Part A: Introduction		
3.2 Notification		
3.2.1 Residential accommodation		
<i>Intensive Plant Agriculture</i>		
Letters to adjoining occupiers/owners: Required	The proposal was notified from 8 March to 6 April 2023.	Yes
Site Sign: Required	A site sign was placed on the site.	Yes
Notice in Local Newspaper: Required	Advertising required. A total of 28 submissions were received, three in support of the application and 25 opposed. The matters raised in the opposing submissions are discussed in the Community Consultation Section of this report.	Yes
Part C: General Guidelines		
1.2 Landscaping Requirements		
A landscape concept plan is required for most developments in the Hawkesbury.	The submitted plans incorporate the proposed tree removal and identify the perimeter plantings associated with the turf farm. A Vegetation Management Plan has been submitted which includes details of the perimeter plantings being a dense hedge of Viburnum (<i>Viburnum Odoratissimum</i>). This perimeter planting is to be consistent with the existing perimeter planting that is currently onsite and shall be conditioned accordingly.	Yes
2.0 Car Parking and Access	The site has existing parking arrangements for the existing dwellings which will remain onsite. An additional 3 parking spaces for staff have been provided together with truck	

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

DCP 2002		
	parking and turning area to enable delivery trucks to enter and exit the site in a forward direction.	
4.0 Soil Erosion and Sediment Control	A plan for soil erosion and sediment control was submitted with the application. Appropriate conditions have been applied to manage sediment and erosion for the site.	
5.0 Bushfire Prone Land	The site is bushfire prone land, however no construction of any buildings or any works that are considered to be for a 'special fire protection purpose' are proposed. A report by a certified bushfire consultant was provided demonstrating the application satisfies the requirements of <i>Planning for Bushfire Protection 2019</i> and that the turf farm and perimeter plantings would not pose a grassland or bushfire risk. The dwellings onsite are to maintain a 25m APZ which is currently achieved.	
8.0 Management of Construction and Demolition Waste		
Waste management plan in accordance with 8.7 shall be submitted with any application.	A waste management plan has been provided with the application and is considered satisfactory.	Yes
9.0 Preservation of Trees and Vegetation		
Consent is required for tree removal in accordance with 9.3.1.	The application proposes the removal of 21 trees with replanting of 20 compensatory plantings to be carried out together with an additional 71 trees within the riparian corridor located to the east of the existing dam onsite.	Yes
Part D Specific Development		
6.0 Dam Construction		
The proposal includes the construction of one nutrient pond. This is located to the eastern side of the site. Council's Senior Subdivision and Development Engineer has reviewed the concept designs		Yes

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

DCP 2002		
of the nutrient pond, together with the proposed stormwater management system and has raised no issues or objection to the construction of the nutrient pond subject to the imposition of conditions of consent.		

4. The provision of any (a)(iia) planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4:

No planning agreement or draft planning agreement is applicable to the proposed development.

5. The provision of any (a)(iv) matters prescribed by the Regulations:

Division 2 of Part 4 of the EP&A Regulation 2021 requires the consent authority to consider “Prescribed conditions” of development consent.

The relevant prescribed conditions are included in the recommended draft conditions of consent.

6. The (b) likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality:

All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report. The application has included detailed reports and assessments demonstrating that the proposed development will be satisfactory in terms of environmental impacts.

7. The c) Suitability of the site for the development:

The site is considered to be suitable for the proposed development.

8. Any d) submissions made in accordance with the Act or the Regulations:

In accordance with Section 3.2 of Part A of HDCP 2002 and the Hawkesbury Community Participation Plan, owners of surrounding properties were given notice of the application. In response, 28 submissions were received (25 identified as unique submissions), 3 of which were in support of the application. The submissions opposing the application raised the following issues:

- Amenity impacts from dust, chemical spray drift, noise, odour and visual impacts.
- Environmental impacts including water contamination from dust and chemical spray, water pollution to Currency Creek, earthworks and change to topography, stormwater impacts resulting from retaining walls, interference of overland flow and spillage of nutrient pond to 74 Derrig Road, construction noise impacts and flora and fauna impacts.
- Disturbance with power and other utilities.
- Separation buffers not in accordance with DPI guidelines.
- Safety impacts.
- Traffic impacts from truck movements to and from the site.

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

- Inadequate EIS assessment.
- Inadequate risk and land use conflict assessment.
- Suitability of the site.
- Commercial economic viability.

The above concerns are discussed as follows:

Concern	Comment
1. Amenity Impacts. Concerns are raised that the turf farm will impact the amenity of the locality by:	The subject application has provided a Farm Management Plan (FMP) which addresses the following details:
2. Odours from fertilisers.	<ul style="list-style-type: none">• How the turf farm will operate and be managed.
3. Noise impacts from tractors, mowing, machinery and pumps.	<ul style="list-style-type: none">• Hours of operation between 7am and 6pm Monday to Friday.
4. Dust from harvesting and vehicular access from Derrig Road, which is not sealed, will impact upon neighbouring dwellings.	<ul style="list-style-type: none">• Likely times for the use of machinery for mowing, harvesting and the like will occur.
5. Spray drift.	<ul style="list-style-type: none">• Types of fertiliser to be used including organic/poultry and granulated fertilizer, pesticides, fungicides, and herbicides and how they will be distributed on the site and when to ensure odour is management appropriately.
6. Visual impacts.	<ul style="list-style-type: none">• How spray drift will be avoided. The use of spreaders and low boom sprayers will be utilised to reduce any potential spray drift that may occur. Weather conditions will also be taken into consideration.• When irrigation will occur and how the irrigation pumps will be stored.• Chemical storage and use. The storage of chemicals will occur on the neighbouring turf farm and not on the subject site.• Times of the year harvesting will occur.• Water management including use of water from dams and nutrient ponds for irrigation.• Dust control measures including watering in of fertilisers and during harvesting to reduce dust. Peek vehicle movements to and from the site are during harvesting times once a year and are predicted to be 2-3 movements

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Concern	Comment
	<p>a day which is not excessive in terms of increased traffic movement.</p> <ul style="list-style-type: none"> • Noise management and noise generating activities will only be carried out during operational hours of 7am to 6pm. • The amount of truck movements to and from the site which will occur primarily during the harvest season with two to three daily truck movements for an 8-week period. <p>The FMP will be required to be adhered to including the hours of operation and the provisions within the FMP are considered to be adequate for the management of the turf farm. This FMP will be required to be updated every 12 months and submitted to Council for review. The Land Use Conflict Risk Assessment shall be attached to the FMP via conditions of consent.</p> <p>The application has provided detailed plans and reports on the proposed stormwater management and nutrient ponds. Council's Senior Subdivision and Development Engineer has found this aspect of the application achieves Council's stormwater management requirements in terms of water quality and quantity.</p> <p>Planting of buffer zones have been proposed to address both the visual amenity the earthworks will potentially have and any potential spray drift that may occur.</p>
<ol style="list-style-type: none"> 1. Environmental impacts . Concerns are raised that the turf farm will: 2. Contaminate water supply and pollute Currency Creek and other dams on neighbouring properties from the transfer of chemicals, pesticides, manures, fertilisers and dust. 3. Stormwater impacts resulting from: retaining walls, interference of overland flow and spillage of nutrient pond to 74 Derrig Road. 4. Impact by the removal of trees and vegetation. 5. Noise from construction works. 	<ul style="list-style-type: none"> • The application has provided detailed stormwater management plans and reports that have been assessed by Council's Senior Subdivision and Development Engineer which have been found to be in accordance with Appendix E Civil Works Specifications of Council's DCP 2002 which also addresses the issue of runoff to neighbouring properties. The Farm Management Plan also includes details on water management for the turf farm which is satisfactory given that an additional nutrient pond will be constructed and runoff from the growing areas will be redirected into the nutrient ponds for treatment which has been assessed as being capable of achieving adequate filtration to prevent contaminated water leaching into the natural watercourse and onto neighbouring properties. Whilst it is acknowledged that the overland flow will be redirected, this is to ensure no untreated

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Concern	Comment
	<p>water will flow onto the neighbouring property causing a nuisance. This was identified as an issue in a previous application and the applicant has now addressed this issue by ensuring all runoff is treated appropriately and will not overflow directly into the neighbouring property's dam. Any overflow will drain into the natural watercourse from the existing large dam.</p> <ul style="list-style-type: none"> • The application seeks to remove 21 trees to facilitate the additional growing areas on the site. These trees will be replaced elsewhere on the site and only two significant trees are being removed. This has been assessed as acceptable. • It is acknowledged that construction noise will occur during the construction phase of the development, however this noise will be for a short period of time and will be managed by conditions of consent. This noise will only occur during specified hours during the day.
<p>3. Disturbance with power and other utilities. Concerns are raised that the operation of the turf farm will impact utilities and services.</p>	<p>The is no evidence to suggest that the operation of the turf farm will impact power supply to the locality or detrimentally impact other services or utilities.</p>
<p>4. Planting buffer. Concerns are raised that the separation buffers are not in accordance with DPI guidelines.</p>	<p>The buffer zones, as recommended in the guideline, do not carry any statutory weight and were these zones to be implemented, this would sterilise most of the site. Each proposal for a turf farm is assessed on individual merit and widths of buffer zones are determined on each individual circumstance. Buffer zones may be increased or decreased depending on the nature of the neighbouring site or location of dwellings and other structures. The proposed 5m buffer plantings are consistent with the current turf farm in operation and given the growing areas have been provided a 50m separation distance from the neighbouring dwellings, the buffer plantings are acceptable in this instance. These buffer plantings will also provide visual screening.</p>
<p>5. Safety impacts. Concerns are raised that the increase in traffic will cause safety impacts including pedestrian impacts.</p>	<p>The amount of additional truck movements along Derrig Road would not cause any additional safety impacts to other vehicles. There are no pedestrian paths along Derrig Road and any foot traffic would need to be mindful of vehicular movements regardless of the volume of traffic along this road.</p>
<p>6. Traffic impacts from truck movements to and from the site. Concerns are raised that</p>	<p>Turf farms usually have a maximum of 1 harvest per 6 months however the FMP lodged with</p>

HAWKESBURY LOCAL PLANNING PANEL

2. REPORTS FOR DETERMINATION

Meeting Date: 19 October 2023

Concern	Comment
Derrig Road is not wide enough to accommodate trucks and not sealed.	application has stated that the harvesting of the turf will occur once per year over an 8-week period. During this time truck movements of approximately 2 to 3 movements per day will occur therefore the peak level of traffic and/or truck movements on and off the site would be concentrated to this period and would have minimal impact to the road infrastructure. In terms of dust caused by these movements, given that the movements would be between 2 to 3 per day over an 8-week period this would not constitute as significant vehicle movements that would have any detrimental impacts to the road or other users of the road, particularly given the majority of Derrig Road is sealed and only approximately 100m from the sealed section of road to the driveway of the subject site is unsealed. Council's Senior Subdivision and Development Engineer has assessed the condition of Derrig Road and given that the portion of the Derrig Road that is unsealed is approximately 100m to the driveway of the subject site, the additional movements do not warrant the requirement of upgrading this section of unsealed road to a sealed road.
7. Inadequate EIS assessment.	The EIS has provided all required documents to enable an adequate assessment of the application.
8. Inadequate risk and land use conflict assessment.	The submitted land use conflict and assessment is considered to adequately address the land use conflicts.
9. Suitability of the site. Concerns are raised that the site is not consistent with the Department of Primary Industries Guideline: <i>Planning for Turf Farms</i> and the proposed earthworks will transform the site.	The RU1 Primary production zoning includes intensive plant agriculture which specifically lists turf farming as permissible with consent. The site currently operates a turf farm at the southern portion and the improvements to the property are a direct result of ensuring that any environmental impacts in terms of soil erosion and run off are adequately addressed and managed.
10. Commercial economic viability.	The issue of whether the turf farm is economically viable has been raised. However, justification of the commercial viability of the proposal is not a consideration under the Environmental & Planning Assessment Act, 1979 and the application has a right to the orderly and economic use and development of their land.

9. The e) Public Interest:

Having regard to the assessment contained in this report, it is considered that approval of the development is in the public interest.

Development Contributions

In accordance with Section 7.12 Fixed development consent levies (Hawkesbury Section 94A Contributions Plan 2015) the following development contributions apply to this development: \$2,926.33. Accordingly, the relevant prescribed conditions are included in the recommended draft conditions of consent.

Conclusion

The application has been assessed in accordance with the provisions of the Environmental Planning and Assessment Act 1979, with all matters specified under Section 4.15(1) having been taken into consideration. The proposed development is permissible with consent and is for primary production purposes which is consistent with the zone objectives of the Hawkesbury LEP 2012.

Statement of reasons for approval

Pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979, the application be approved on 19 October 2023 on the following ground:

- A. That the Hawkesbury Local Planning Panel, exercising the function of the consent authority, approve development consent to DA0011/23 for the 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. on land at 54 Derrig Road, Tennyson for the following reasons:
- a) The development is permissible in the RU1 zone pursuant to the Hawkesbury Local Environmental 2012 and satisfies the requirements of all applicable planning controls.
 - b) The development has demonstrated that is consistent with the Secretary Environmental Assessment Requirements with an accompanying Environmental Impact Statement
 - c) The development has received its General Terms of Approval from the Department of Planning and Environment - Water.
 - d) The development will retain and enhance the existing landscape values including a distinctive agricultural component.
 - e) The development contain measures that would mitigate its impact to the site and the surrounding area.
 - f) For the reasons given above, approval of the application is in the public interest.
- B. That Council advise those who made a submission of the determination.

Attachments

AT - 1 Conditions of Consent – *(Distributed under separate cover).*

AT - 2 Environmental Impact Assessment – *(Distributed under separate cover).*

AT - 3 Architectural Plans – *(Distributed under separate cover).*



Hawkesbury Local Planning Panel Meeting

End of Business Paper

This business paper has been produced electronically to reduce costs, improve efficiency and reduce the use of paper. Internal control systems ensure it is an accurate reproduction of Council's official copy of the business paper.