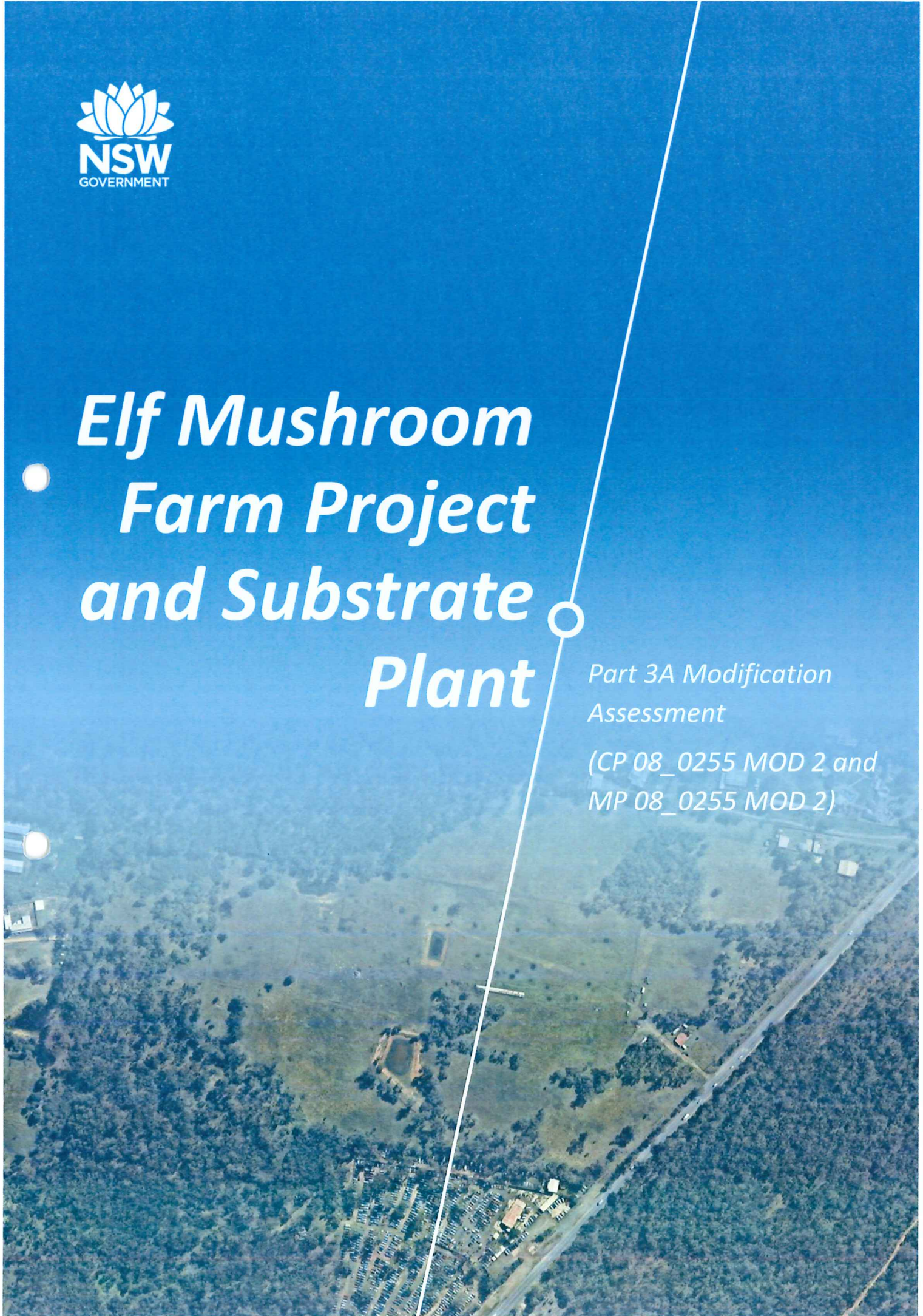




Elf Mushroom Farm Project and Substrate Plant

*Part 3A Modification
Assessment*

*(CP 08_0255 MOD 2 and
MP 08_0255 MOD 2)*



August 2019

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Cover photo

Aerial view of subject site and surrounding area (Source: Nearmap)

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Glossary

Abbreviation	Definition
APZ	Asset Protection Zone
Consent	Development Consent
Council	Penrith City Council
DCP	Development Control Plan
Department	Department of Planning, Industry & Environment
RIAR	Regions, Industry, Agriculture & Resources Group of Department of Planning, Industry & Environment (former Department of Industry)
EA	Environmental Assessment
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EP&A (ST&OP Regulation)	<i>Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017</i>
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
Minister	Minister for Planning
ESSG	Environment, Energy & Science Group of the Department of Planning, Industry & Environment (former NSW Office of Environment & Heritage)
Proponent	Elf Farm Supplies Pty Ltd and Elf Mushrooms
TfNSW(RMS)	Transport for NSW (Roads and Maritime Services)(former Roads & Maritime Services)
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SMP	Stormwater Management Plan
SMR	Stormwater Management Report



Executive Summary

This report is an assessment of a modification request seeking to amend the Concept Plan (CP 08_0255) and Major Project (MP 08_0255) for the Mushroom Farm at 521 The Northern Road, Londonderry and expansion of the Mushroom Substrate Plant at 108 Mulgrave Road, Mulgrave. The modification request seeks approval to make changes to the design of the Mushroom Farm component of the approval only.

The proposed modification seeks approval for the reconfiguration and expansion of the Mushroom Farm buildings to allow for the installation of new mushroom picking and packing machinery, to improve the efficiency of production. It also involves associated changes to the dam design, stormwater management, car parking and landscaping. No increase in production is proposed.

The modification has been lodged by Urban City Consulting on behalf of Elf Farm Supplies Pty Ltd and Elf Mushrooms (the Proponent) pursuant to the former section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Engagement

The Department of Planning and Environment (the Department) exhibited the request and received a total of 15 submissions, comprising six public authority submissions and nine public objections.

Penrith City Council and the Government agencies did not object to the proposal but provided comments on: the bulk and scale of the buildings, setbacks, water quality, effluent management, acoustic management, odour, biodiversity and traffic management.

The key issues raised in public submissions included the significant increase in the size of the main buildings, view loss, visual impacts, odour, noise and property devaluation.

Assessment

The Department has carefully assessed the merits of the proposal as well as the issues raised in submissions. The Department is satisfied the revised proposal is acceptable as:

The proposal is consistent with the planning framework established for the site

The Department is satisfied the proposal is consistent with the objectives of the Penrith Local Environmental Plan 2014 (LEP 2014) and Penrith Development Control Plan 2014 (DCP 2014) as it would support a sustainable primary industry within a RU4 – Primary Production Small Lots Zone. Further, the proposal is permissible with consent, compatible with other rural land uses within the locality and it would support the employment of 113 people at full capacity. The Department is also satisfied potential land use conflicts have been addressed or can be appropriately mitigated and managed by conditions of approval. The Department is therefore satisfied that the proposal is consistent with the planning framework established for the site.

The proposal would not result in a significant increase in visual impacts

While the overall size of the proposed buildings would increase, the proposal would not result in an unreasonable increase in visual impacts given the overall height of the structure has been reduced and the majority of new floorspace is located towards the south where there are limited viewing opportunities. Further, the potential visual impacts would be mitigated by the proposed landscaping mounds surrounding the perimeter of the site. This would appropriately screen and soften the appearance of the building when viewed from neighbouring properties and The Northern Road. The Department is therefore satisfied the proposal would not result in any unreasonable visual impacts.

The proposal would not result in a significant increase in amenity impacts on surrounding residents

Despite the increased size of the proposed buildings, the proposal would not result in a commensurate increase in impacts. For residents living towards the north and west of the site, the proposal would not result in any significant increase in impacts as the building height has been reduced and the potential noise and odour and impacts would comfortably comply with the relevant criteria. For the car wrecking yard and associated dwelling located to the south, the proposal would result in some additional visual and noise impacts, however these impacts can be appropriately mitigated and managed subject to conditions. The Department is therefore satisfied the proposal would not result in any significant impacts on surrounding residents compared to the original approval.

The proposal would not result in any other significant impacts beyond those already assessed and approved

The Department has undertaken a detailed assessment of all other issues relating to water management, biodiversity, bushfire protection, traffic and car parking, aboriginal heritage and contamination. The Department is satisfied the potential impacts have been adequately addressed, are not significant and can be effectively managed through the existing and proposed conditions of approval.

The proposal constitutes a modification to the original approval

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act as it would remain a Mushroom Farm, the height of the buildings has reduced, production limits remain the same and traffic and employee numbers would not increase. Importantly, the Department is satisfied that the proposal would not result in any significant increase in impacts compared to the original approval. The Department is therefore satisfied that the proposal fits the scope of a modification request.

Conclusion

The Department has undertaken a detailed assessment of the proposal and concludes the proposal is acceptable. While the size of the proposed buildings would increase, the proposal would not result in any significant increase in visual, environmental or amenity impacts compared to the original approval. The Department is, therefore satisfied that the modification is approvable, subject to the recommended conditions (see **Appendix C**). The modification request is referred to the Independent Planning Commission for determination as reportable political donations were made by the Proponent.



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1. Introduction

1.1 Background

This report provides an assessment of a request to modify the Concept Plan (CP 08_0255) and Major Project approval (MP 08_0255) for a mushroom farm at 521 The Northern Road, Londonderry (Mushroom Farm) and expansion of an existing mushroom substrate plant at 108 Mulgrave Road, Mulgrave (Substrate Plant).

The modification request seeks approval for changes to the design of the Mushroom Farm component of the approval only. No changes are proposed to the approved Substrate Plant. The request seeks approval for the reconfiguration and expansion of the Mushroom Farm buildings to allow for the installation of new mushroom picking and packing machinery. It also involves associated changes to the dam design, stormwater management, access roads, car parking and landscaping.

The request has been lodged by Urban City Consulting on behalf of Elf Farm Supplies Pty Ltd and Elf Mushrooms (the Proponent) pursuant to the former section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Elf Mushrooms and Elf Farm Supplies are separate companies operating on separate sites, both are owned by members of the Tolson family that has been producing mushrooms in the Western Sydney area for over 40 years. Family members currently operate three independent mushroom farms at Vineyard, Londonderry and Glossodia, a packing and Distribution Company (at its Vineyard mushroom farm) and the Substrate Plant at Mulgrave.

1.2 Subject site

The proposed Mushroom Farm is located at 521 The Northern Road, Londonderry in the Penrith local government area (LGA). Its location in relation to the existing Substrate Plant is identified in **Figure 1**.

The site is rectangular, 22.66 hectares (ha) in size, relatively flat, and primarily cleared (refer to **Figure 2**). There is remnant native vegetation at the western end of the property, which is largely excluded from the project's building footprint. The site is zoned RU4 Primary Production Small Lots under the Penrith Local Environmental Plan (LEP) 2010 and the approved use is permissible with consent. The site is currently used for grazing and was previously used as a piggery.

The site is surrounded by a range of land uses including: the Castlereagh Nature Reserve to the east and rural-residential development to the north-east; bushland and rural-residential uses are to the west; and a car wrecking yard and associated dwelling (referred to as R3) to the south. The closest residential dwellings are located approximately 150 and 170 m from the northern boundary of the site.

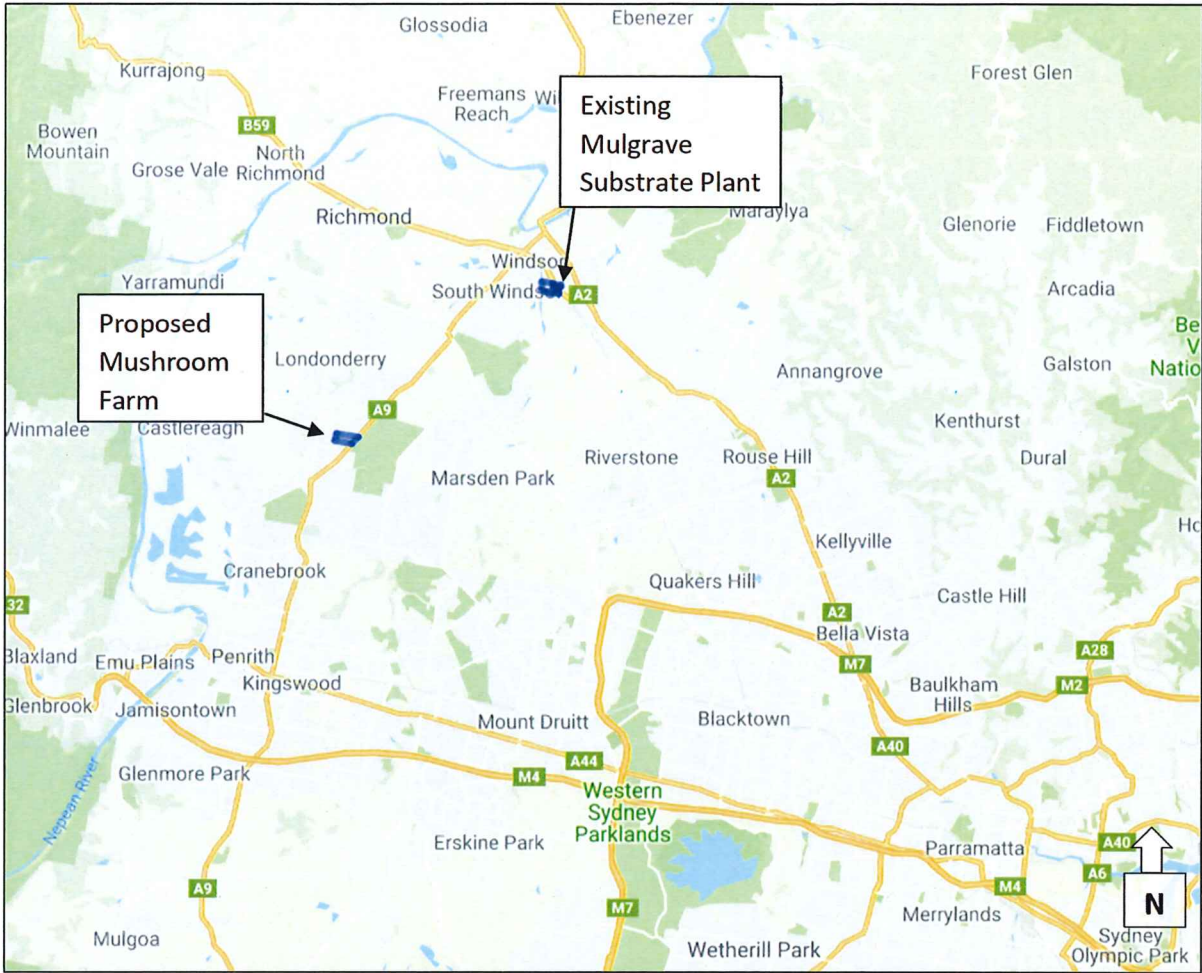


Figure 1 | Regional Context (Base source: Google Maps)



Figure 2 | Aerial view of the subject site and surrounds (Base source: Nearmap)

1.3 Approval History

To help meet increased demand for mushrooms in Sydney, the Proponent originally wanted to increase production at both the Mulgrave Substrate Plant and their Vineyard Mushroom Farm. However, it was determined that the Vineyard Mushroom Farm did not have enough land to enable expansion.

Following a site selection process to identify a suitable site to establish a new Mushroom Farm, the Proponent identified the Londonderry site given:

- its proximity to the existing Substrate Plant.
- its proximity to the Sydney market.
- its proximity to existing facilities that would easily enable the current workforce to progressively transfer to the new site.

The Proponent lodged a Concept Plan and Project Application under Part 3A of the EPA Act to increase substrate production and supply at its Mulgrave Plant, and to establish the new Mushroom Farm at Londonderry. On 11 January 2012, the Concept Plan (CP 08_0255) and Project Application (MP 08_0255) were approved for the expansion of the Substrate Plant at Mulgrave and the establishment of the Mushroom Farm at Londonderry. The Concept Plan and Major Project approvals apply to both sites.

Concept Plan approval

The Concept Plan approval was required to facilitate the continued use of the Mulgrave site and its expansion given an anomaly in the then local environmental plan (Hawkesbury Local Environment Plan 1989 (LEP 1989)) which did not permit the Substrate Plant in the Rural Living zone. The land use zonings applicable to the site have now been regularised and that portion of the Mulgrave site containing the Substrate Plant is zoned Light Industrial IN2 in the Hawkesbury Local Environmental Plan 2011 (LEP 2011) and is permissible with consent.

Major Project approval

The Major Project approval was granted for the staged expansion of the Substrate Plant and the development of and staging of the Mushroom Farm at Londonderry.

Substrate Plant

The expansion of the Substrate Plant included the extension of the pre-wet building; additional Phase 1 tunnels; additional storage sheds for baled straw; an additional bale wetting area; a second Phase 2/3 tunnel building and a storage tunnel; a second bio-scrubber with chimney dedicated to treating exhaust air, and other miscellaneous alterations. The upgrade consisted of 3 stages: Stage 1 being an increase in the production from 1,000 to 1,600 tonnes (t) per week, and Stages 2 and 3 increases in production per week of 2,400 and then 3,200 t respectively.

Mushroom Farm

The approval for the Mushroom Farm comprised:

- The construction and operation of the Mushroom Farm with the capacity to produce up to 220 t of mushrooms per week and the processing of spent mushroom substrate into a fine-grained organic material suitable for turf topdressing.
- A main building (400m by 79m by 9.8m) containing 50 growing rooms arranged to the north and south of a central corridor extending the full length of the building and ancillary services.
- A peat store, workshop, covered loading dock, spent substrate store, office/reception buildings.
- A water storage dam; wash down water recycling system; sewage treatment plant.
- Internal roadways and parking for 55 cars.
- A vegetated noise attenuation mound 2.5m high extending the length of the eastern and northern boundaries.
- Bushfire protection in the form of 10m wide defendable spaces to the west, north and south of each building and a 24m APZ to the north, east and western aspects of the buildings.
- Ember protection to the spent substrate store in the form of drencher sprays.
- Vehicular access via a new Channelised Type Intersection.
- 24 hour operation, 7 days a week.
- 165 operational workforce at full capacity.
- The importation of 100,000m³ of fill.
- Development of the project in 5 stages.

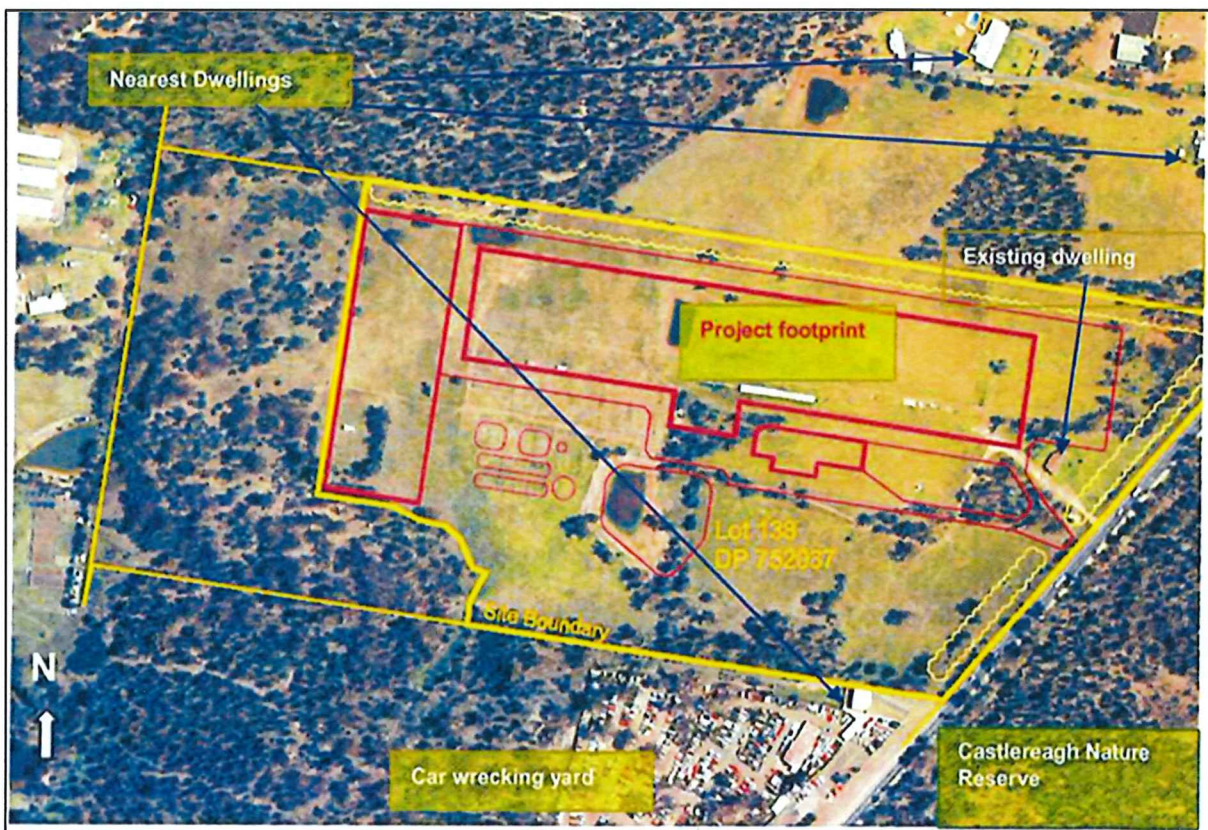


Figure 3 | Site showing developable area and approved project layout (Source: Proponent's EA MP 08_0255)

Staging of Development

Stage 1 was expected to produce some 85 tonnes of mushrooms per week, take approximately 78 weeks to construct, and would consist of:

- earthworks and erosion and sediment controls.
- clearing and demolition.
- construction of the main building including 18 growing rooms and common ancillary areas including packing, loading and storage areas, plant room, workshop and staff amenities.
- landscaped noise mound and additional landscaping.
- sewage treatment plant.
- access construction.

Stages 2, 3, 4 and 5 would involve construction of additional growing rooms and an expansion of the spent substrate store. Each stage was expected to take four months to construct and would increase production capacity to 110, 140, 165 and 220 t per week respectively.

The development consent has been modified on one occasion (MP 08_0255 MOD 1 and CP 08_0255 MOD 1). Modification 3 (MP 08_0255 MOD 3 and CP 08_0255 MOD 3) is currently under assessment (refer to **Table 1**). These modifications both apply to the Substrate Plant and apart from the subject request, there have been no previous requests to amend the approval of the Mushroom Farm.

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Date
MOD 1	Amendments to the odour management system at the substrate plant.	14.03.2016
MOD 3	Proposed modifications at the substrate plant to enable the completion of a straw bale storage area as an open air storage, to modify the stormwater management system and retain an existing corridor of trees planted to assist with visual screening of the plant.	Under assessment



2. Proposed Modification

2.1 Original Modification Request

The Proponent lodged a section 75W modification request to amend both the Concept and Project approvals as applicable to the Mushroom Farm (Mod 2). The Proponent seeks to amend the layout of the building to allow for the installation of new state-of-the-art picking and packing machinery to increase the efficiency of harvesting mushrooms.

To implement the new technology, the building and layout of the approved Mushroom Farm needs to be reconfigured and expanded to accommodate the lateral production of mushrooms as opposed to vertical production. The Proponent has indicated there would be no increase in the approved production. The key changes to the project are outlined in **Table 2** below.

Table 2 | Original proposed modifications

Aspect	Description
Building Footprint	<p>Increase the main building footprint from 400m by 79m to 460m by 200m with dimensions as follows:</p> <ul style="list-style-type: none">• an increase in the main building area from 47,709m² to 88,178m²;• a decrease in wall height from 9.8m to 4.62m;• a decrease in ridge height from 11.9m to 9.94m.
Growing Rooms	Increase in growing rooms from 55 to 66.
Integration of buildings	<p>Integrate the proposed workshop, loading dock, spent substrate store and office and reception building into the reconfigured main building.</p> <p>Integrate the proposed spent compost drying area located at the rear of the main building into the newly reconfigured main building.</p>
Parking	Increase parking spots from 55 to 123 car spaces.
Fill	Increase amount of fill required for the site from 100,000m ³ to 113,000m ³ .
Water Storage	Increase in water storage capacity (by enlarging the dam) from 14.7 ML to 16 ML.
Workforce	Decrease the operational workforce from 165 to 113 workers at full capacity.
Stages	Increase in stages from 5 to 6 stages as identified.

2.2 Revised Modification Request

The Proponent revised the scope of the modification request in its Response to Submissions (RtS) and subsequent addendums. The RtS revised the original modification request as follows:

- further reduced the maximum roof height by 0.455m from 9.94m to 9.485m
- made internal design amendments to accommodate all growing rooms within the building and to limit activities on the northern boundary to further minimise potential noise and visual impacts
- confirmed it no longer seeks to increase the dam size from 14.7ML to 16ML
- amended the approximate vehicle movements for constructions up to 12 truck movements an hour or 70 per day to up to 10 truck movements an hour or 100 per day
- returned to 5 stages.

The RtS also confirmed that the childcare facility originally proposed for the north eastern corner of the site has been deleted from the project.

2.3 Justification for the Modification

The Proponent argues the modification is required to allow for the installation of new state-of-the-art picking and packing machines. Traditionally mushrooms are grown on shelves which are stacked vertically and the mushrooms picked by hand from each box once they reach the required size. However, the new machinery automatically identifies the mushrooms ready for picking and allows for mushroom picking over a single level. For this reason, the modification involves the lateral extension of the building footprint predominately to the south to allow for the new growing configuration (**Figure 4**). The new process is significantly more sustainable and efficient in the long term.

The number of growing rooms is proposed to increase from 55 to 66. The Proponent has confirmed that while the number of growing rooms will increase, there will be no increase in production. The Proponent has indicated that the new machinery and growing processes do not increase capacity because the efficiency gains are achieved in energy consumption per kilogram of production. Harvesting and post harvesting labour efficiencies are also gained because the new process allows a single harvester to harvest more mushrooms per hour through mechanisation/robotics. According to the proponent these efficiencies reduce the cost per kilogram to harvest mushrooms rather than increase mushroom yield. The proponent has also indicated that the morphology of the mushroom strain determines the length of the growing cycle, and for this reason mushroom production does not vary greatly between different mushroom growing systems.

The larger building footprint and associated expansive roof, will also lead to gains in energy efficiency as Solar Panels will be installed, and the rain water collected and reused for cooling towers, toilets, boilers and external hosing.

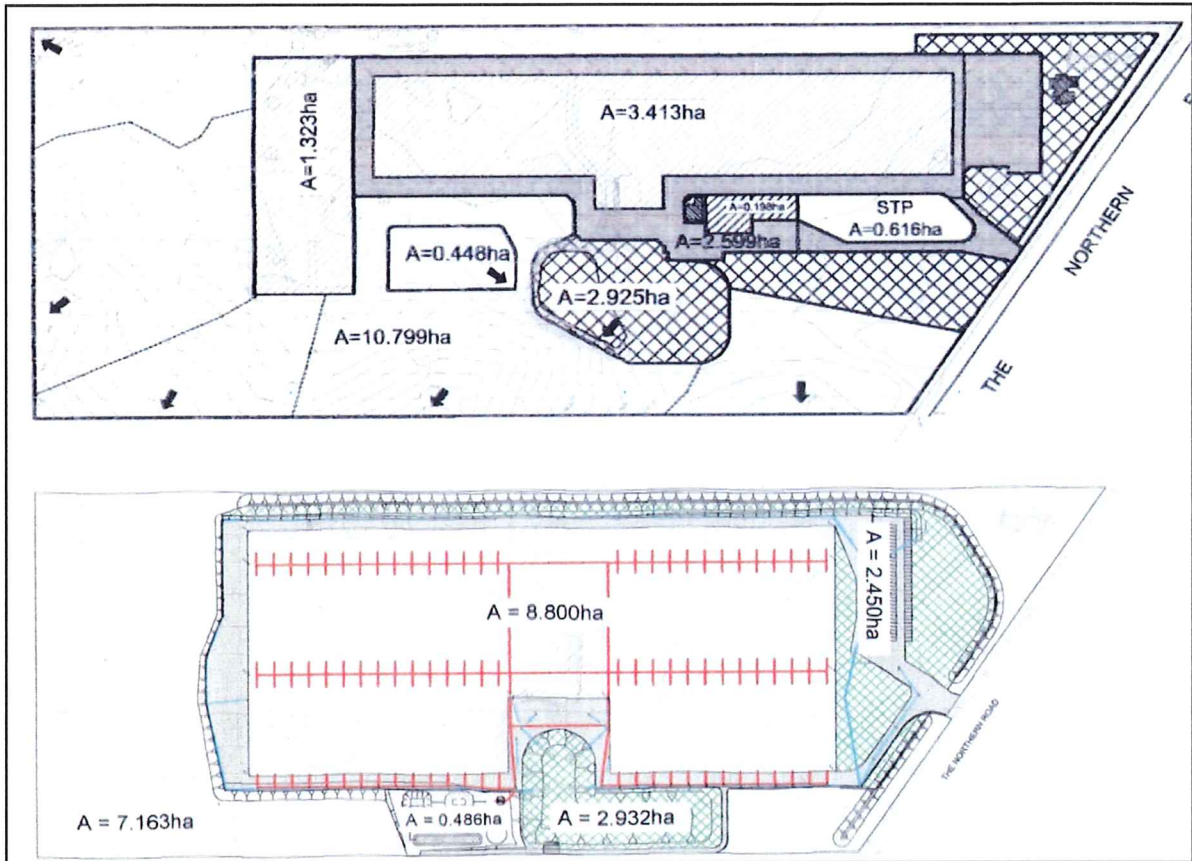


Figure 4 | Approved site layout (top) and proposed site layout (bottom).



3. Statutory Context

3.1 Scope of Modifications

The project was originally approved under Part 3A of the EP&A Act. The project is a transitional Part 3A project under Schedule 2 to the EP&A (Savings, Transitional and Other Provisions) Regulation 2017. The power to modify transitional Part 3A projects under section 75W of the Act as in force immediately before its repeal on 1 October 2011, is being wound up – but as the request for this modification was made before the ‘cut-off date’ of 1 March 2018, the provisions of Schedule 2 (clause 3) continue to apply. Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application as:

- it would remain a Mushroom Farm
- production limits would not increase
- the overall height of the buildings has reduced
- there would be no increase in traffic or employee numbers
- the proposal would not result in any significant increase in visual, environmental or amenity impacts.

3.2 Consent Authority

The Minister for Planning is the approval authority for the request. However, as reportable political donations were made by the Proponent, the request is referred to the Independent Planning Commission for determination.

3.3 Environmental Planning Instruments

The EP&A Act requires that reference be made to the provisions of any environmental planning instrument that would (but for Part 3A of the Act) substantially govern the carrying out of the project. The following instruments have been considered:

- State Environmental Planning Policy (Infrastructure) 2007.
- SEPP No.33 - Hazardous and Offensive Development.
- State Environmental Planning Policy No. 30 - Intensive Agriculture.
- State Environmental Planning Policy No. 55 - Remediation of Land.
- Sydney Regional Environmental Plan No 20 - Hawkesbury- Nepean River (No 2- 1997).
- Penrith Local Environmental Plan 2010.

The Department undertook a comprehensive assessment of the development against the above EPIs in its original assessment of the proposal. The Department has considered the EPIs as part of this modification request and is satisfied that the modification is generally consistent with the EPIs as applicable.

Further consideration of the proposal against the land use provisions of the Penrith LEP is provided in **Section 5.2** of this report.

3.4 Secretary's Environmental Assessment Requirements

Section 75W(3) of the EP&A Act provides that the Secretary may notify the Proponent of the Secretary's Environmental Assessment Requirements (SEARs) with respect to a proposed modification. In early 2016 the Department issued SEARs that were to be addressed in the Environmental Assessment accompanying the modification request. The Department is satisfied that the modification request has addressed the SEARs issued for the proposal.



4. Engagement

4.1 Department's Engagement

Modification Request

The Department exhibited the request from 6 May 2016 to 20 May 2016. The request was made publicly available:

- on the Department's website;
- at the offices of the Department; and
- at Penrith City Council's offices.

The modification request was advertised in the Penrith Western Weekender. 35 notices were sent to adjoining landowners advising of the exhibition period and the opportunity to make a submission.

The modification request was also referred to Council and the following public authorities:

- Environmental Protection Authority (EPA)
- Environment, Energy and Science Group of the Department of Planning, Industry and Environment (former NSW Office of Environment and Heritage) (EESG)
- Transport for NSW (Roads and Maritime Services) (former Roads and Maritime Services) TfNSW(RMS)
- NSW Rural Fire Service (RFS)
- Regions, Industry, Agriculture and Resources Group of the Department of Planning, Industry and Environment (former Department of Industry) (RIAR)

The Department received a total of 15 submissions, comprising six submissions from public authorities providing comments and nine objections from the public. A full copy of the submissions is provided in

Appendix A.

Response to Submissions

In August 2018, the Proponent provided a Response to Submissions (RtS) on the issues raised during the notification of the proposed modification.

Given the time taken between the exhibition of the modification proposal and the submission of the response to submissions, the Department placed the RtS on its website and notified all persons and organisations that had previously made submissions.

The Department received a total of seven submissions on the RtS, comprising five from public authorities with three of these (Council, EESG and TfNSW(RMS)) raising issues to be addressed and two additional objections from the public.

4.2 Public Authority Submissions

The issues raised by the public authorities are summarised in **Table 3** below.

Table 3 | Summary of Public Authority Submissions

Public Authority	Issues Raised
Council	<p>Council did not object to the proposal but raised the following concerns:</p> <ul style="list-style-type: none"> • lack of information relating to effluent management • lack of information about acoustic management • recommended odour limits be set in the approval • the overall increase in the bulk and scale of the modified building layout • the proposed setbacks not being in keeping with the rural character of the area • the lack of justification relating to dam setbacks • increased truck numbers associated with increased fill and intersection types
	<p>RtS</p> <ul style="list-style-type: none"> • recommended water quality conditions like the need for an Operation and Maintenance manual for stormwater treatment • raised concern about DCP compliance and built form • raised concern about noise exceedances and proposed 3.5m acoustic wall • supports Integrated Bushfire and Vegetated Management Plan and adoption of recommendations in updated Flora and Fauna report • recommended conditions relating to flora and fauna • recommended conditions relating to catchment management, water quality and traffic.
EPA	<ul style="list-style-type: none"> • advised the proposal is not a scheduled premise • raised concern about noise impacts on residence (R3)
RIAR	<ul style="list-style-type: none"> • recommended the Proponent clarify the storage capacity of the dam that is proposed to store stormwater runoff • recommended that clean surface water is directed away from the dam • queried whether a water licence was required. <p>RtS</p> <ul style="list-style-type: none"> • confirmed that a water license is not required. • raised no further issues with the proposed Stormwater strategy.
RFS	<ul style="list-style-type: none"> • recommended conditions relating to maintaining APZ, adequate water supply, access and emergency response and evacuation. <p>RtS</p> <ul style="list-style-type: none"> • no additional comments.

- | Public Authority | Issues Raised |
|------------------|---|
| TfNSW(RMS) | <ul style="list-style-type: none">recommended Proponent consider providing a separate ingress/egress for small and heavy vehiclesrecommended that all car parking areas be developed in accordance with relevant standards for heavy vehicles. |
| RtS | <ul style="list-style-type: none">continued to recommend consideration of a separate ingress/egress for heavy and light vehicles. |

4.3 Public Submissions

The Department received nine public submissions objecting to the modification proposal. Key concerns raised in the public submissions to the modification request included:

- the significant increase in size of the main building in what is a rural residential zone (75% site coverage) is unacceptable
- significant view loss particularly from the properties to the north looking south
- significant visual impacts of the building on properties to the north
- an operation of this size should be in a commercial or industrial zone
- concern over 24-hour operation and impacts on residents
- concern over noise impacts particularly plant operation and movement of vehicles at night and ability of mound to mitigate noise
- vehicle movements in and out of the site will generate significant noise
- concern over odour from plant
- concern over impact on property prices.

Key concerns raised in the public submissions to the RtS included:

- reiterated concerns over size of the proposal, noise including identification of sensitive receivers
- inappropriate location for intensive farming
- lack of notification
- odour and noise concerns
- property devaluation.

Amendments to the Modification Proposal

The RtS includes revisions to the proposed modification and clarification of several matters. Design changes include:

- confirmation that the childcare facility originally proposed for the north eastern corner of the site has been deleted from the project.
- a return to five stages noting that six stages were proposed in the original modification request.

- internal design amendments to accommodate all growing rooms within the building and to limit activities on the northern boundary to further minimise potential noise and visual impacts.
- a further reduction in the maximum roof height by 0.455m from 9.94m to 9.485m.

The reconfigured staging is identified in **Figure 6** below. Stage 1 comprises part of the front building containing six growing rooms including the staff amenities and packing area. The filling for the total building platform will also be completed in Stage 1. Stage 2 comprises the remainder of the front building containing seven growing rooms. Stage 3 comprises the front portion of the rear section of the growing building containing six growing rooms and the spent compost shed at the rear of the main building. Stage 4 comprises an addition to the Stage 3 building containing an additional six growing rooms. Stage 5 involves an addition to the Stage 4 building containing an additional three growing rooms.

Stage- 1 would include the earthworks (building platform) for Stages 1 and 2 and is likely to take between 6-12 months depending on the availability of suitable material that will be used for the building platform. Most of the fill that is needed for the Stage 1 building will be obtained from the construction of the proposed dam associated with the mushroom farm development. It is estimated that the Stage 1 construction following earthworks will be approximately 12 months. The Stage 2-5 buildings and growing rooms will be constructed 2-3 years after each respective stage is completed depending on market demand.

The key internal design changes include a small multi-level pre-harvesting growing room along the northern wall of the building. The pre-harvesting growing rooms now transition southwards to large single level harvesting rooms where the 1st/2nd flush would be harvested and the crop winched to the southern side single level for the third flush harvest. The other key change involves the inclusion of another access corridor between the small and larger growing rooms which will ensure the filling of the growing rooms will be undertaken entirely indoors. According to the Proponent, the new design will not only reduce the potential for noise and visual impacts to the north, but will also assist in pathogen control and energy consumption leading to improved sustainability.

In February 2019, the Proponent submitted a supplementary RTS responding to residual issues raised by the Department regarding, biodiversity impacts, traffic, stormwater and wastewater management, acoustics and further details regarding the nature of operations. These issues along with the issues raised in submissions are addressed in detail in **Section 5** of this report.

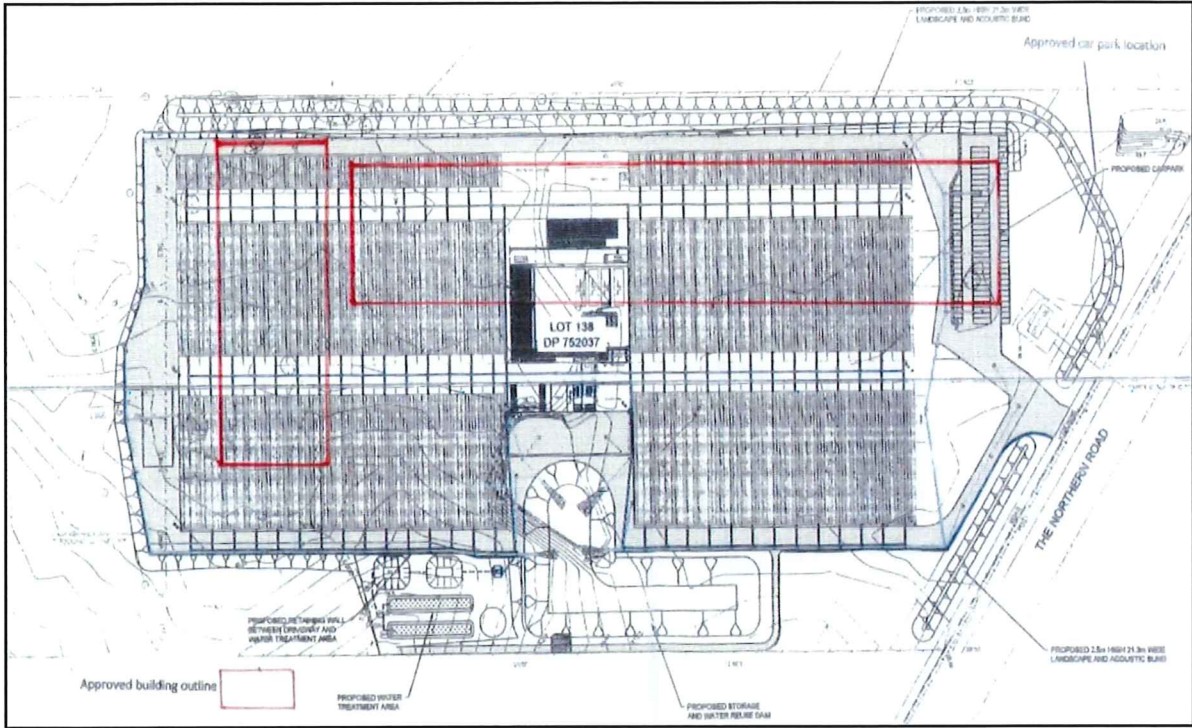


Figure 5 | Plan showing the approved building (in red) and amended building and final internal design.

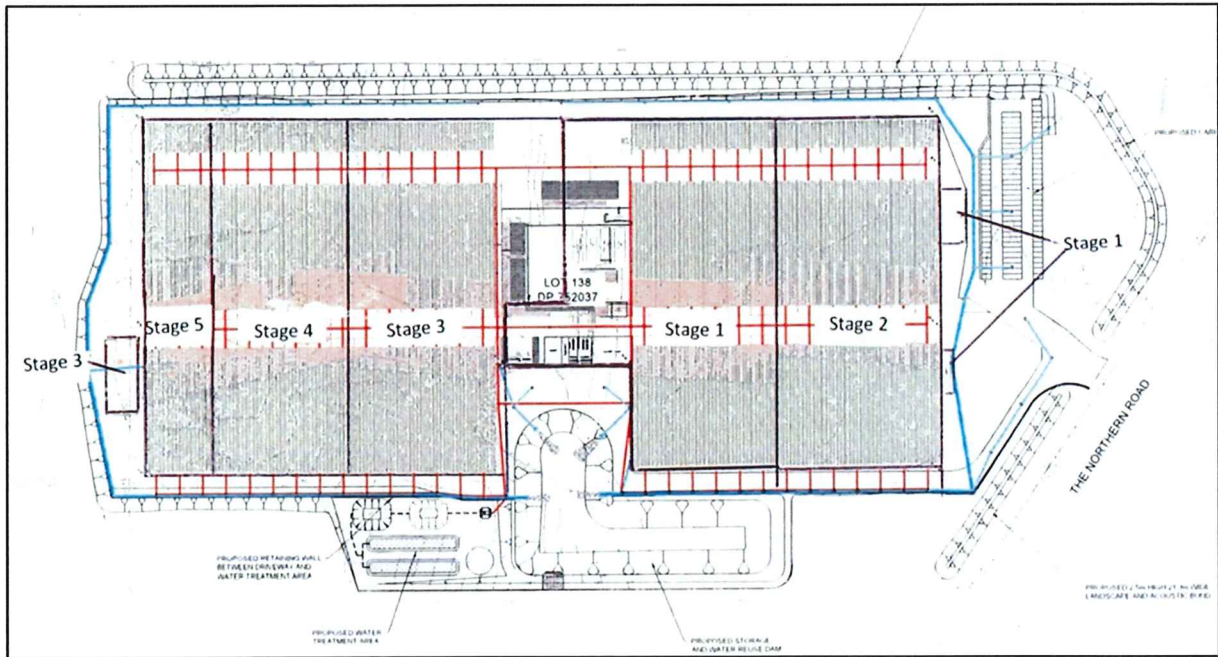


Figure 6 | Plan showing the reconfigured staging.



5. Assessment

In assessing the merits of the modification request, the Department has considered:

- the modification request and associated documents
- the Environmental Assessment and conditions of approval for the original approvals
- all submissions received on the proposal
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The key issues associated with the proposed modification are visual amenity, noise, water management, biodiversity and bushfire protection. These issues are addressed in detail below. Other issues including traffic and parking, odour, aboriginal heritage and contamination are addressed in **Section 5.6**.

5.1 Visual Impacts

The proposal has the potential to impact on the visual amenity of the area and cause view loss particularly for rural residential dwellings to the north of the site, and to a lesser degree impacts on views from The Northern Road.

The Department's assessment of the approved development found that the visual impacts would be acceptable given that the site and surrounds were generally level and views of the Project from the majority of dwellings were screened by existing vegetation.

It concluded these factors combined with the recommended conditions would ensure acceptable visual outcomes. Recommended management measures included:

- a 2.5m high landscaped mound along the site's northern and eastern boundaries
- external building finishes and colours to reduce glare and minimise visual obtrusiveness
- implementation of landscaping treatment at potentially affected properties to minimise the visibility of the operations from residences
- a visual assessment to be undertaken during each stage of the development
- the need to prepare a Landscape Management Plan.

To accommodate the lateral increase in growing rooms, it is proposed to significantly expand the size of the main structure. The footprint of the amended building would cover approximately 75% of the site increasing from 47,709m² to 88,178m². Most of the lateral expansion of the building occurs to the south towards the car wrecking yard and associated dwelling while the length of the building from east to west would decrease by approximately 35m.

As identified in **Table 4**, the approved setbacks would be maintained to the northern boundary, generally increased at the eastern boundary, significantly decreased to the southern boundary, and marginally decreased to the western boundary.

Table 4 | Proposed modified setbacks

Project Boundary	Approved setbacks	Proposed setbacks
Eastern Boundary (The Northern Road)	80m – 130m	60m – 180m
Northern Boundary	32m (Growing Building) 22m (Peat Storage Building)	32m (Growing Building)
Southern Boundary	178m (Growing Building) 154m (Loading Dock)	68m (Growing Building)
Western Boundary	205m	168.4m

In terms of height, there would be an overall decrease in side elevations (as presented to the boundaries) from 9.8m to 4.62m and a decrease in the highest point of the main structure from 11.9m to 9.485m.

As approved, there is to be a 2.5m high earth mound with associated landscape plantings along the eastern and northern setbacks. The mound would reduce both potential visual and acoustic impacts of the proposal from The Northern Road and properties to the north, and to assist the site to blend in with the surrounding landscape. Given the relatively flat nature of the site and surrounds, the primary structure when viewed from the north and north-east would stand above the mound by 2.1m measured to the wall height, and 6.985m measured to the ridge height. Along the eastern setback the mound is proposed to be 2m high, and the primary structure would stand 2.5m above the mound measured to the wall height, and 7.485m measured to the ridge height. It is proposed that extensive landscaping along the mound would further reduce the visual impact of the structure.

The proposed external finishes would remain the same as originally proposed comprising insulated panels, colourbond sheeting, and concrete panels or blockwork. The pitched roof would be steel (zincalume) with a series of hooded box ducts erected along the ridge. Given the internalisation of the spent substrate store, the building would present as a continuous structure.

Significant concerns and objections have been raised relating to the increased size of the building, particularly from owners and occupiers of dwellings to the north and west. To the north, the nearest residence is approximately 150m away. These residences have views south across open paddocks to the proposed structure.

Whilst acknowledging the increase in size of the structure, the Department considers that there has not been a commensurate increase in impacts, particularly from the north and west. As can be ascertained from **Figure 6**, the visual impacts associated with the increased size of the structure would generally be limited to views from the south and east. The viewing opportunities from the south are limited to the car wrecking yard and the associated dwelling known as R3. Views from the west are limited given the distance and vegetation between viewing opportunities and the western end of the structure (refer to **Figure 6**).

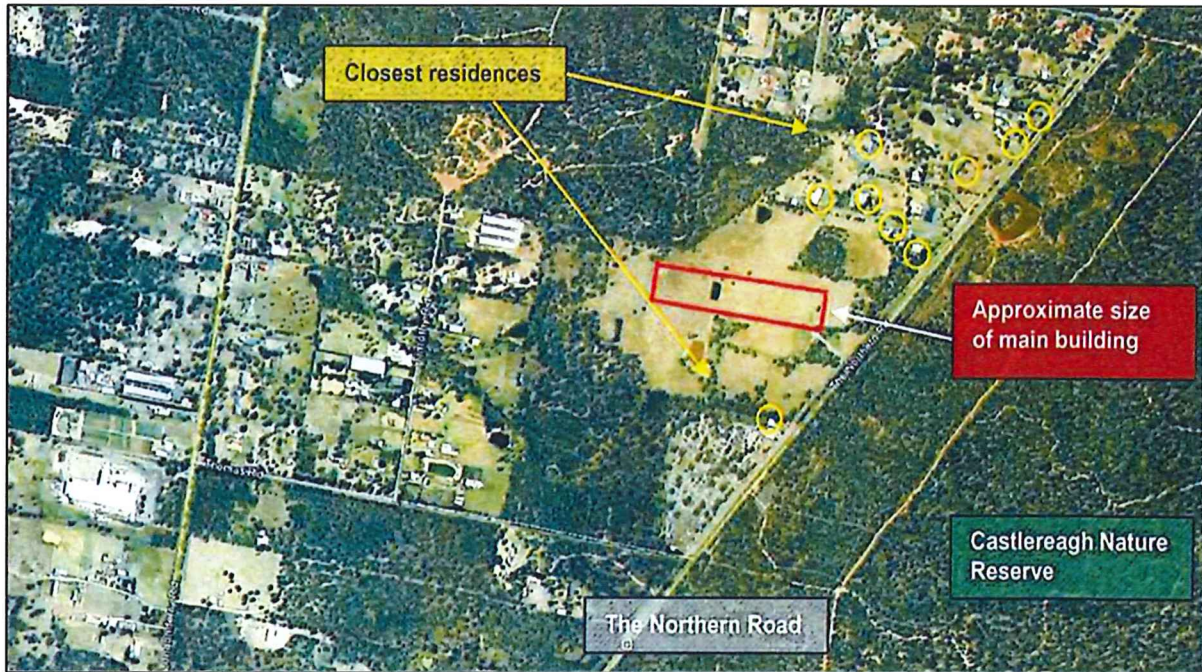


Figure 6 | Approved building showing residential viewing points.

Views across the site from The Northern Road would be mitigated in part by the earth mound, landscaping and the proposed setback, particularly in the north eastern corner of the site. The current views experienced by residents from the north are depicted in **Figure 7**. An illustrated view of the structure from the north as approved is depicted in **Figure 8**.

Importantly, the views of the approved structure would largely remain the same noting that the height of the building has been reduced and the building itself has been moved marginally westward and reduced in overall bulk (when compared to the combined length of the approved structure and substrate building against the amended design which internalises the substrate building).

The significant expansion of the building to the south has minimal additional impacts from northern viewpoints. Overall, the building will present itself from the north as a similar, but shorter structure in both height and length. The Department notes existing conditions of approval, including the requirement to provide landscaping to minimise the visual impacts of the project would appropriately mitigate and manage visual impacts.



Figure 7 | Current views as viewed from the north.



Figure 8 | Photomontage of structure as viewed from the north (as originally approved).

Conclusion

The Department accepts that the amended design of the building as proposed in the modification represents a significant increase in site coverage. However, the increase in size does not result in any unreasonable visual impacts given that:

- the overall height of the structure as approved has been reduced from 11.9m to 9.485m with the building presenting itself from the north and east as a low-lying structure behind a 2.5m to 2m high mound with significant landscaping.
- the majority of new floorspace is located towards the southern part of the site, and to a lesser extent the east where viewing opportunities are either limited or would be suitably mitigated by the proposed earth mound and landscaping.
- viewing opportunities to the west are limited due to the distance of separation and intervening vegetation.
- the visual impacts associated with passing traffic on The Northern Road would be brief and mitigated by the earth mound, landscaping and the proposed setback ranging from 60m to 180m.
- the visual impacts associated with dwellings in the north will essentially remain the same as those identified during the original assessment.
- the overall visual impacts are not unreasonable having regard to the environmental planning provisions governing the site (see **Section 5.2** below).

The Department considers additional conditions are not required to mitigate the visual impacts of the proposal, but to add strength to the existing conditions, it is recommended that the required Landscape Plan must specifically provide for the early planting of advanced plants and trees along the northern and eastern boundaries to help screen and soften the expanse of the main structure.

5.2 The objectives of the LEP and associated DCP

Penrith LEP 2010

A key concern raised by Council and residents is that the modified structure would be inconsistent with the surrounding rural character and in particular, that the extension of the building and landscaped mounds are inconsistent with the objectives of the LEP.

The proposal is located on land zoned partly RU4 - Primary Production Small Lots and partly on SP2 - (Infrastructure). The objectives of the RU4 zone are to:

- enable sustainable primary industry and other compatible land uses
- encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature
- minimise conflict between land uses within this zone and land uses within adjoining zones
- ensure land uses are of a scale and nature that is compatible with the environmental capabilities of the land

- preserve and improve natural resources through appropriate land management practices
- to maintain the rural landscape character of the land
- ensure that development does not unreasonably increase the demand for public services or facilities.

The Proponent argues the modified proposal is consistent with the objectives of the RU4 zone as mushroom farming is an intensive agricultural use which is permissible and compatible with other rural land uses in the locality. At the same time the proposal would support 113 full time positions at full capacity.

The Proponent further argues that despite the expansion of the main structure to the south, operations would generally remain the same, particularly to the north, east and west. While acoustic and visual impacts to the south would increase due to the reduced southern setback (particularly in relation to car wrecking yard and associated residence R3) the Proponent argues that appropriate mitigation measures are available to minimise impacts on adjoining land uses accordingly.

The Proponent concludes that the noise, traffic, stormwater, odour and flora and fauna assessments have also found that the modified development would have minimal impacts on the locality or current capabilities of the site, and that the building has been designed to avoid the native vegetation located at the rear of site.

The Department is satisfied that the development is consistent with the objectives of the LEP given:

- it would enable a sustainable primary industry in the form of mushroom production
- it would provide employment for 113 persons at full capacity
- land use conflicts would be minimised through design, operational requirements and ongoing mitigation measures including a landscaped mound which is considered to be an acceptable response to visual and acoustic impacts in a rural landscape. The additional impacts associated with the modification are focused towards the less sensitive land use being the car wrecking yard and associated residence
- specialist studies have demonstrated that the development can be accommodated within the environmental capabilities of the land (refer to **Sections 5.3 - 5.6**)
- the development footprint has been designed to avoid native vegetation at the rear of the site
- the increase in size does not result in unreasonable visual impacts as identified above
- the proposal would not have an unreasonable impact on the demand for public services.

The site is surrounded by a range of land uses including a car wrecking yard and associated residence, a nature reserve and rural residential development. Within the context of these uses, the Department is satisfied that the proposal provides an appropriate transition of land uses from the car wrecking yard to the south to the rural residential uses to the north.

Penrith Development Control Plan (DCP) 2014

Penrith DCP 2014 supplements the LEP by providing additional objectives and development controls to enhance the function, appearance and amenity of development in the Penrith LGA. Both Council and residents raised issue with the bulk and scale of the modified development and its consistency with the provisions of the DCP.

While under the Government's Major Development legislation the provisions of a DCP are not applicable and do not govern the merit assessment of an application, the Department has considered the relevant provisions in its assessment, in particular the provisions of D1 Rural Land Uses – 1.4.6 Horticulture which include the following objectives:

- to support the establishment of horticulture where potential impacts on adjoining land uses can be contained.
- to promote sustainable horticulture which minimises impacts on watercourses and native vegetation, and which protects soil quality.
- to ensure that properties are large enough to support the required activities and allow for sufficient setbacks from boundaries, adjacent land uses and public areas to minimise impacts.
- to minimise visual impacts of structures associated with horticulture on the scenic quality of rural areas.
- to provide controls for the prevention of excessive air, noise, water and visual pollution.
- to ensure the satisfactory disposal of waste.

Council and residents raised a number of concerns primarily relating to built form and streetscape and DCP compliance. These included:

- concern regarding the increase in building footprint and ability of the site to support ancillary structures.
- reduced front setback not being in keeping with the rural character of the area.
- the building not having any architectural merit with long walls.
- the impact of acoustic management measures on the landscape and rural character of surrounding locality.

The Proponent argues that the proposed development meets the Council's requirements in that the setbacks are large at 68m to the south and 32m to the north. The front building setback is also significant ranging between 60m and 180m. The agricultural activity is also deemed to be compatible with the rural zone. It further argues that the sensitive land uses to the north, east and west are appropriately protected from adverse impacts through design, operational management measures and additional mitigation. The key amenity impacts associated with the modification proposal being noise and visual impacts are almost entirely directed south towards the car wrecking yard that is not considered to be a sensitive land user.

Initially the Department raised similar concerns to those raised by Council requesting additional justification on the basis that setbacks appeared insufficient relative to the size of the building and site boundaries. However, on closer investigation the Department considers that the setbacks are adequate (refer to **Table 4**). The narrowest of these setbacks which is the setback along the northern boundary remains unchanged and is relatively wide being 31.5790m from the edge of the building to the boundary (refer to **Figure 9**).

Council also considered that the front setback was not in keeping with the rural character of the area. As identified in **Table 4**, the eastern setback is slightly narrower at the southern boundary increasing to 180m wide in the northern half of the site.

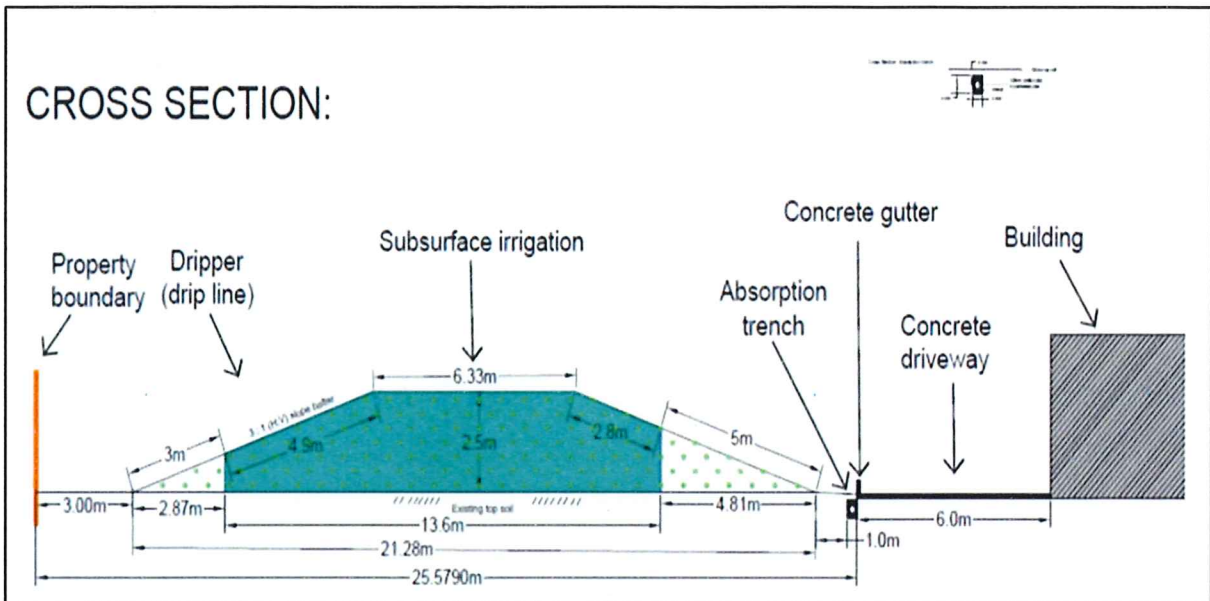


Figure 9 | Cross section showing 31.5790m setback to the northern boundary

The Department considers that the issue is less about setbacks and more about the increase in width of the building across the eastern boundary and how the building is viewed from The Northern Road noting that viewing opportunities from the nature reserve on the other side of The Northern Road would be limited.

The Department accepts that the building as viewed from The Northern Road will increase significantly in width. However, it is satisfied that there is sufficient setback to accommodate the proposed bund, extensive landscaping and appropriate architectural treatment that would mitigate this view. As previously indicated in **Section 5.1** of this report, early planting of advanced plants along the northern and eastern boundaries is conditioned to screen and soften the expanse of the main structure.

A key concern is whether the southern setback (68m) is sufficient to support the required activities noting that the larger building has forced a significant redesign of supporting infrastructure in this part of the site including the truck access route, water storage management (dam design and water treatment system), effluent treatment and disposal and associated landscaping. These matters are addressed in the following sections of this report including the impact of operations on the residence associated with the car wrecking yard at 1 Thomas Road.

Conclusion

The Department is satisfied that the modified proposal is generally consistent with the objectives of both the LEP and DCP given:

- the proposal is permissible with consent
- it would enable sustainable primary industry
- it would encourage and promote diversity and employment opportunities in relation to primary industry enterprises

- the potential impacts have been reasonably contained or mitigated. Controls to prevent air, noise, water and visual pollution have been incorporated into the design and operations or have been recommended as conditions of approval.

For these reasons, the Department is satisfied the proposal is consistent with the planning framework established for the site.

5.3 Noise

Construction Noise

In support of the current request, additional acoustic modelling was conducted noting that the proposed methods of construction are not expected to change, but the duration of construction activities is expected to be longer, and distances between works and receivers, primarily to the south, shorter.

In the absence of any additional noise controls, the modelling results for the main stages of construction and continuous operation of the referenced plant and equipment, show that construction noise goals are predicted to be exceeded at a number of receivers under different construction scenarios, particularly to the south and to a lesser degree the north. The receiver locations are identified in **Figure 10**.



Figure 10 | Receiver locations with the subject site outlined in blue
(Base source: Acoustic Consulting Engineers Report February 2019)

The assessment concluded that the development of the northern acoustic mound early in the construction program would reduce construction noise levels at R1 and R2 by 5-8 dB. The report also recommended that a range of other management measures should be adopted to assist in ensuring that construction works meet the construction noise criteria adopted in the approval, particularly at R3.

The Department notes the modelling identified a number of exceedances of the construction noise goals and confirmed the need to build the northern bund before substantial construction commences. It is recommended that the construction noise criteria in the approval be maintained (noting that they do not apply to the construction of the northern bund) to ensure construction noise impacts are appropriately mitigated.

The Department also notes additional measures will be required to supplement the northern bund to mitigate and manage the construction noise impacts. These measures include utilising the dock area for concrete trucks, the adoption of Best Management Practice (BMP) site inductions, careful selection of plant and equipment based on acoustic performance, minimising the operation of mechanical equipment, ensuring compliance with standard construction hours, ensuring the forward movement of vehicles, and ensuring the appropriate maintenance of mobile mechanical plant. The Department recommends that these measures be incorporated into the required Construction Noise and Vibration Plan to ensure acceptable acoustic outcomes during construction.

Overall, the Department considers that the construction noise criteria in the approval should be retained and the required Construction Noise and Vibration Plan include the additional measures required to ensure compliance with the noise goals to appropriately mitigate and manage construction noise impacts associated with the proposal.

Operational Noise

An updated acoustic report was submitted to assess the acoustic impacts associated with the revised proposal. The modelling predicted that project noise trigger levels (PNTLs) would be comfortably met at R1, R2, and R4 under both calm and adverse meteorological conditions. However, it also found that, without additional mitigation, noise at R3 located near the southern boundary would exceed the PNTLs by up to 5dB primarily because of cumulative operational noise, in particular noise from winching/tip out activities and truck movements for the growing rooms in the south-east portion of the building.

The modelling also considered the impact of intermittent noise which would primarily occur at night because of activities associated with truck movements along the northern and southern sides of the building and air brake release at the loading area. While the predicted noise levels comply with the project noise target levels at R1, R2, and R4, they exceed the project noise target levels at R3 by up to 11dB for truck pass-by and airbrake release.

To address both the predicted operational and transient project noise exceedances, particularly at R3, a range of noise controls, specifications and site operational management measures have been recommended. These include restricted operations on the southern side of the building, construction of an additional acoustic wall (3.5m), enclosure of the southern apron, the re-routing of site vehicles during night-time hours, additional noise controls to site vehicles, and secondary noise controls to the dwelling at R3. The modelling further predicted that with the implementation of the additional mitigation and management measures that the PNTLs at R3 would be met for both operational and intermittent noise.

Despite predicted compliance with both the operational and intermittent project noise trigger levels at R3, the Department retained concerns with the breadth of operational measures required to maintain compliance, and their sustainability in the long term noting the potential for ongoing regulatory compliance issues. The Department sought assurances from the Proponent that it had negotiated with the owner of R3 the acquisition of the property on the basis that it would provide a long term and practical solution to potential noise impacts.

In response, the Proponent submitted correspondence from the owner of R3 (Northern Auto Wreckers) which confirmed that:

- the residence at No 1 Thomas Road is associated with the functioning of the car wrecking yard and currently houses an employee and plays an important security function.
- the Northern Auto Wreckers do not envisage any land use conflicts between the Mushroom Farm and the car wrecking business.
- the Northern Auto Wreckers considered an offer from the Tolson Group to purchase the property and lease it back but the Northern Auto Wreckers declined wishing to maintain control of the site.
- the Northern Auto Wreckers sought the implementation of the mitigation measures outlined in the acoustic report except the acoustic barrier which they claim should be retained as a contingency in the event of noise disturbances at the Northern Auto Wreckers. The owners of R3 are not convinced that truck movements will cause a disturbance.

The Proponent also submitted an updated acoustic assessment, in accordance with the EPA's Noise Policy for Industry (NPfI). The modelling confirmed that compliance with the PNTLs would be achieved comfortably at receivers R1, R2 and R4. Compliance with the PNTLs could also be achieved at R3 subject to the identified additional mitigation measures noting that the owner of R3 does not want the property acquired and is happy to work with the Proponent in terms of staging mitigation works. Under the NPfI a caretaker's quarters is not considered a residence and amenity criteria used is less restrictive because the residence relates directly to the operation of the car wrecking yard. Therefore, a residence in this situation is not afforded the same acoustic amenity as a rural residential receiver.

The noise levels in the original consent were based on predicted levels rather than criteria. To ensure consistency with the existing approval, and to reflect the noise assessment undertaken for the modified proposal, it is recommended that minor amendments to the noise limits be made in relation to R1, R2 and R4. The levels are marginally higher than the existing consent limits but lower than the PNTLs. In relation to R3, the recommended criteria are based on a higher amenity criterion - 50 (rural amenity day) +5 (care taker allowance) -5 (ANL-5) +3 (conversion to LAeq 15min). The updated levels are identified in **Table 5** below.

In relation to sleep disturbance, the original noise level adopted in the consent was a screening level. Where predicted exceedances of this goal are identified, the NPfI requires additional assessment. Given the caretaker status of R3 and the EPA's Road Noise Policy (page 35) which suggests that levels less than (50-55dBA inside) and 60-65dBA outside are unlikely to awaken people from sleep, the assessment concludes that a LAmax of 60 dBA at night is appropriate.

The EPA's guidance in this respect is also confirmed through research on sleep disturbance which concludes that:

- maximum internal noise levels below 50-55 dB(A) are unlikely to awaken people from sleep; and
- one or two noise events per night, with maximum internal noise levels of 65-70 dB(A), are not likely to affect health and well-being significantly.

Table 5 | Project Noise Trigger Levels (NSW Noise Policy for Industry).

Receiver/Location	Shoulder Period (5-7am) <small>L_{Aeq} (15 minute)</small>	Day <small>L_{Aeq} (15 minute)</small>	Evening <small>L_{Aeq} (15 minute)</small>	Night <small>L_{Aeq} (15 minute)</small>	Sleep Disturbance <small>L_{A1} (1 minute)</small>	
					Night	Shoulder period (5am – 7am)
R1 503 The Northern Rd*	44	44	44	38	52	54
R2 509 The Northern Rd	47	48	45	38	52	57
R3 1 Thomas Rd	47	48	45	38	52	57
R4 6-16 Timothy Rd	40	40	40	38	52	52

*Note: this address was misidentified as 493 The Northern Road in previous reports

(Source: Acoustic Consulting Engineers report dated 5 February 2019)

Overall, the Department considers that the modified proposal would not result in any significant noise impacts to properties located to the north of the site as the modelling confirms the PNTLs would be comfortably met at R1, R2, and R4. While operational noise levels at the closest receiver (R3) would increase, the PTNLs could be met subject to a range of additional operational and mitigation measures including the construction of an acoustic wall, which have been developed in consultation with the owner.

The Department recommends that the operational noise criteria be amended to reflect the changed acoustic outcomes relevant to R1, R2, R3 and R4 (Refer **Table 5**). The more lenient criteria recommended for R3 would enable some flexibility in the implementation of mitigation measures, in particular, the need for the 3.5m acoustic wall. The Noise Management Plan required under the approval will need to confirm all relevant mitigation and compliance with the identified criteria and be prepared in consultation with both the EPA and the owner/s of 1 Thomas Road (R3).

5.4 Biodiversity

In support of the modification request, the Proponent submitted an addendum to the flora and fauna report which confirmed that most of the site comprises cleared land with remnant Castlereagh Scribbly Gum Woodland and Castlereagh Swamp Woodland trees. These tree species are listed as Endangered Ecological Community under the NSW *Threatened Species Conservation Act 1995*.

The assessment also found areas of native vegetation proposed for removal are in poor condition. Intact and better-quality Castlereagh Woodland will be retained and conserved within the property. Five individual threatened plants – *Persoonia nutans* (Nodding Geebung) listed as Endangered under the NSW *Threatened Species Conservation Act 1995* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* were recorded within the property. However, they are outside the proposed development area and will not be impacted by the proposal. Therefore, the proposed works are unlikely to result in a significant impact on any listed species or communities and as such, a Species Impact Statement is not required.

The request was referred to EESG for advice. EESG raised concerns about:

- the assessment predating the modification request and does not specifically consider impacts relating to increased site layout, APZs and the acoustic bund.
- the spent compost store, acoustic wall and APZ encroaching upon the vegetation to the west.
- the Flora and Fauna Report does not consider the impact of the acoustic wall or the Bushfire Hazard Assessment Report. The impacts of the proposed APZ must be considered when confirming the biodiversity impacts of the proposal.

The RtS includes an addendum to the Flora and Fauna Report (Addendum Report) which confirms:

- targeted flora and fauna surveys were undertaken to ensure a more informed assessment of the potential impacts of the 25m APZ, acoustic wall and general construction impacts. Threatened plant species recorded in this area included *Dillwynia tenuifolia* and *Persoonia nutans* which are both listed under the NSW Biodiversity Conservation Act 2016.
- recommendations for APZ establishment have been made that will ensure the APZ would be established without requiring the removal of any of these plants and the retention of a hollow-bearing tree.
- the low-lying threatened plants occur within the drip zone of smooth-barked 'Hard-leaved Scribbly Gum' (*Eucalyptus scolorophylla*) trees that are considered ideal to retain within an APZ compared to rough-barked species when retained with a discontinuous canopy.
- a recommendation that an 'Integrated Bushfire and Vegetation Management Plan' be prepared to ensure that the threatened plants and their potential habitat are protected in perpetuity whilst ensuring the APZ complies with Inner Protection Area requirements of Planning for Bushfire Protection 2006.

In its submission on the RtS, EESG and Council supported the recommendations of the Addendum Report and their inclusion as a condition of consent. EESG noted that the Addendum Report concludes that the proposal will not involve the removal of *Persoonia nutans* from the site for the construction of the APZ and is satisfied with this as it supports the retention of these plants. The Proponent also confirmed no trees are to be removed for the acoustic mound/wall and corrected the conclusions in an updated Addendum Report dated 19 March 2019.

The Department also notes that Council recommended measures should be provided to improve wildlife connectivity between the Castlereagh Nature Reserve in the east with the conservation lands in the west. The Proponent provided a response from its bushfire consultant stating that additional landscaping along the southern boundary is not recommended as it will increase the potential bushfire risk. The Department considers that there are limited opportunities to provide additional wildlife connectivity through the site. However, the landscaped corridor running along the northern boundary of the site would provide for some wildlife movement and there are existing wildlife connections further to the north and south of the site.

Overall, the Department is satisfied that the proposal would not result in any significant biodiversity impacts. The development will mainly occur on cleared lands and minimal clearing would be required to establish the development. Importantly, good quality native flora on the site like Castlereagh Woodland and five individual

threatened plants – *Persoonia nutans* (Nodding Geebung) will be retained. The wildlife corridor along the northern boundary will also assist in connecting the site to other existing areas containing native vegetation.

The Department has also recommended conditions requiring

- the Integrated Bushfire and Vegetation Management Plan to appropriately protect the *Dillwynia tenuifolia* within the APZ consistent with the recommendations of the Addendum Flora and Fauna Assessment.
- the recommendations of the Addendum Report to be implemented.
- the relocation of trees under the guidance of an appropriately qualified ecologist.
- a resident fauna inspection prior to the removal of any trees associated with the approval.

Subject to the recommended conditions the Department is satisfied the proposal would not result in any significant biodiversity impacts compared to the original approval.

5.5 Other Issues

Table 7 | Summary and assessment of other issues raised.

Issue	Assessment	Recommendation
Traffic and Access	<ul style="list-style-type: none"> • No additional traffic generation is expected from the modified proposal as the approved production limit will remain the same and there will be a reduction in staff numbers. However, there would be a marginal increase in construction traffic to accommodate the additional fill being delivered to the site. • Council questioned the number of trucks required to import fill to the site and requested that the CTMP to be prepared for the site include haulage routes and numbers of trucks prior to importing fill. The Department supports the recommendation and the current requirement for the Plan will be amended accordingly. • TfNSW(RMS) requested that the Proponent reconsider separate ingress/egress off The Northern Road for heavy and light vehicles. The Proponent has provided additional information from a traffic consultant which considers that such an arrangement is unjustified given: <ul style="list-style-type: none"> ○ the driveway is not intended to service any additional traffic from what has been previously assessed and approved ○ the different times of entry for staff and deliveries ○ a second driveway conflicts with the State Road, section 6.2.1 of RMS's 'Guide to Traffic Generating Developments' which states 'access across the boundary with a major road is to be avoided wherever possible' ○ the approved driveway will provide an exclusive right turn bay and a left turn deceleration lane in accordance with Part 4A of Austroads' 'Guide to Road Design' to assist with access to and from the site, and minimise the impact on the trailing through traffic flow. • The Department considers there to be insufficient justification to require a separate access given the current access arrangement has already been approved and the modification would not generate 	<ul style="list-style-type: none"> • Amend CTMP requirement to ensure it incorporates haulage routes and truck numbers accessing the site during construction. • Include requirement to prepare an Operational Traffic Management Plan including measures to minimise conflict between heavy and light vehicles accessing the site.

Issue	Assessment	Recommendation
Parking	<p>additional traffic movements. However, the Department considers that an Operational Traffic Management Plan should be prepared for the site and include access management measures to minimise conflict between heavy and light vehicles.</p> <ul style="list-style-type: none"> • Subject to the recommended conditions, the Department is satisfied that the proposal would not result in any significant traffic impacts compared to the original approval. <p>• The proposal seeks to increase parking from 55 spaces to 123 spaces. The Proponent advises that the additional parking is sought as the deletion of the child care centre provides additional space in the north-eastern corner to enable it to provide 1 space per employee (based on 113 employees) plus 13 visitor spaces.</p> <p>• As neither Council's DCP nor the RTA's <i>Guide to Traffic Generating Developments</i> had specific requirements for on-site parking for intensive agriculture, the Proponent used the DCP parking requirement for a factory (1 space per 2 employees) in the initial request to determine that based on 110 employees per shift, 55 parking spaces were required. The Proponent also based parking on the rates of its mushroom farm at Vineyard where a carpool was operating and on average 2 staff were arriving per 1 vehicle.</p> <p>• The Department's original assessment noted the uncertainty in relation to car parking requirements and as a result, imposed a condition (Condition 28) for the Proponent to re-evaluate parking requirements prior to construction works for stage 2. The parking analysis is to include recommendations on whether the car parking is sufficient.</p> <p>• In support of the modification request, the Proponent advised it does not anticipate requiring all 123 spaces and will construct parking in stages on a needs basis starting with 64 spaces. The Department notes Condition 28 supports this approach as it requires parking to be re-evaluated prior to stage 2.</p> <p>• Overall, the Department is satisfied that the proposal and existing conditions will ensure sufficient parking is provided on site.</p>	<ul style="list-style-type: none"> • No additional conditions or amendments necessary.
Odour	<ul style="list-style-type: none"> • A level 3 odour assessment was undertaken in support of the modification proposal consistent with international best practice. The assessment found that odour concentrations were all less than 1 odour unit at both sensitive receivers and the site boundary. The proposal would therefore comply with the NSW EPA criteria of 2 odour units at sensitive receivers. • It is also noted that an odour criteria of 3 odour units at sensitive receivers could have been adopted based on the number of people potentially affected by odour in the surrounds of the site. Consequently, the assessment is extremely conservative and odour related impacts are predicted to be negligible. • Based on the findings of the odour assessment, the Department is satisfied that the modification would not result in any significant odour impacts. 	<ul style="list-style-type: none"> • No additional conditions or amendments necessary.
Bushfire	<ul style="list-style-type: none"> • The RtS is supported by an updated Bush Fire Report which considered the objectives and performance requirements for the 	<ul style="list-style-type: none"> • Additional conditions have

Issue	Assessment	Recommendation
	<p>proposed development as required by the National Construction Code of Australia and the document, 'Planning for Bush Fire Protection 2006' (PBP 2006).</p> <ul style="list-style-type: none"> • The report made 13 recommendations which will need to be adopted in developing the site to ensure these objectives are achieved. A condition to this effect has been recommended. • The RFS did not object to the proposal, but suggested a number of additional conditions which have been included in the recommended conditions. These relate to the need: <ul style="list-style-type: none"> ○ to maintain a 25m setback in perpetuity around the perimeter of the building. ○ to comply with Sections 3 and 8 (BAL 40) AS3959-2009 for the construction of buildings in bush fire-prone areas. ○ for water, electricity and gas to comply with PBP 2006. ○ for property access roads to comply with section 4.2.7 of PBP 2006. ○ to ensure arrangements for emergency and evacuation comply with section 4.2.7 of PBP 2006. • The Department is satisfied that assessment and recommended conditions provide an appropriate response to bushfire protection. 	<p>been recommended in accordance with RFS advice.</p>
<p>Stormwater Management</p>	<ul style="list-style-type: none"> • The Proponent submitted an amended Stormwater Management Plan (SMP) to address the stormwater management requirements of the proposal. • The proposed stormwater management system would manage water from rainfall and runoff from washdown, cleaning and growing preparation. Clean stormwater would be directed to a detention dam, while water from the wash down areas would be directed to and treated by a wetland system. • The Department has assessed the proposal in consultation with DoI and Council and is satisfied that the revised proposal would appropriately manage stormwater as: <ul style="list-style-type: none"> ○ the proposal would have sufficient stormwater detention capacity to cater for a 1:100 year storm event ○ the system will restrict peak post-development discharges to peak pre-development rates ○ the updated MUSIC modelling shows that water quality would be appropriately managed by the proposed treatment system ○ the water collected from rainfall events and wash-down areas will be stored and reused within the facility, reducing the demand on the town water supply ○ the proposed operations maintenance schedule/manual would ensure the stormwater management system is maintained and operates effectively. • Further, the Department notes that DoI and Council have confirmed that their previous issues with the proposal have been addressed and DoI confirmed a water license is not required for the proposal. • The Department has also recommended conditions requiring compliance with the SMP and implementation of the operational maintenance schedule/manual. 	<ul style="list-style-type: none"> • Condition are recommended requiring compliance with SMP (and revision dated February 2019) and the Operational maintenance schedule/manual.

Issue	Assessment	Recommendation
Effluent Management	<ul style="list-style-type: none"> • Subject to the recommended conditions the Department is satisfied the proposed stormwater management strategy will appropriately managed stormwater volume and quality. • The site is not serviced by a reticulated sewerage system and therefore requires an on-site sewage treatment facility. Effluent from the facility is proposed to be managed by a commercial wastewater treatment system and subsurface irrigation within the landscaped/noise mounds on the northern boundary of the site. • Council raised concerns that the revised proposal does not provide sufficient area for effluent disposal and recommended that the Proponent apply for an approval to operate an on-site sewage management system under Section 68 of the <i>Local Government Act 1993</i> and provide a detailed monitoring and maintenance plan. • In response the Proponent advised that it is providing a sub-surface irrigation area of 3120sq.m with a 100% reserve, resulting in 6240sq.m being available for sub-surface irrigation. • The Department is satisfied that the proposed sewage treatment facility and subsurface irrigation area is acceptable as the proposed irrigation area has sufficient area to appropriately dispose treated effluent. The Department also notes that the proposal would generate less waste water compared to the approved development given the overall number of staff would reduce from 165 to 113 employees. • Notwithstanding, the Department agrees with Council's recommendations and has included a new condition requiring the Proponent to gain approval to operate an on-site sewage management system under Section 68 of the <i>Local Government Act 1993</i> and provide a detailed monitoring and maintenance plan. Subject to the recommended conditions the Department is satisfied effluent can be appropriately managed on site. 	<ul style="list-style-type: none"> • New conditions are recommended requiring the Proponent to gain separate approval to operate the on-site sewage management system and to prepare and submit a monitoring and maintenance plan.
Aboriginal heritage	<ul style="list-style-type: none"> • A heritage assessment was undertaken by Biosis Research in support of the original request. No items of non-indigenous heritage were listed and Aboriginal cultural heritage values were considered unlikely to occur in the study area. • Existing conditions require the Proponent to prepare a Heritage Management Plan that includes procedures for managing any previously unidentified Aboriginal objects or places. • The Department is therefore satisfied the proposal would not result in any additional aboriginal heritage impacts and the existing conditions of approval would appropriately manage any unexpected finds. 	<ul style="list-style-type: none"> • No additional conditions or amendments are necessary.
Contamination	<ul style="list-style-type: none"> • The assessments supporting the original request found contamination levels across the site to be below the Health Based Investigation Level for rural industries and Standard Residential Development and as such, would pose no risk to human health or the surrounding environment. 	<ul style="list-style-type: none"> • No additional conditions or amendments necessary.
Property devaluation	<ul style="list-style-type: none"> • Concern was raised in public submissions about the proposal resulting in a reduction in property prices. 	<ul style="list-style-type: none"> • No additional conditions or

Issue	Assessment	Recommendation
	<ul style="list-style-type: none"> <li data-bbox="414 208 1197 331">• The Department notes impacts on property prices is not a planning consideration under the EP&A Act. Notwithstanding, the Department has undertaken a detailed merit assessment of the proposal and is satisfied it would not result in any unreasonable amenity impacts. <li data-bbox="414 353 1197 414">• On this basis, the Department is satisfied that the proposal would not negatively impact on property prices. 	<p data-bbox="1276 208 1428 264">amendments necessary.</p>



6. Evaluation

The Department has carefully assessed the modification request, the issues raised in both government agency and public submissions and the Proponent's response to these submissions in accordance with the requirements of the EP&A Act. Based on this assessment, the Department considers that the key issues associated with the project are visual amenity, noise, water management and biodiversity impacts.

The Department's assessment concludes that the increase in size is not accompanied by a commensurate or unreasonable increase in visual impacts particularly given that the overall height of the structure has been reduced and the majority of new floorspace is located towards the south where there are limited viewing opportunities. Viewing opportunities to the west would be mitigated by distance and vegetation whilst viewing opportunities from The Northern Road would be limited in duration and mitigated by the proposed mound, landscaping and setback. The visual impacts to the north generally remain the same as those approved.

The modified proposal is generally consistent with the objectives of both the LEP and DCP given that it would support sustainable primary industry and encourage and promote diversity and employment opportunities. Controls to minimise potential land use conflicts in relation to air, noise, water and visual impacts have been incorporated into the design and operations or have been recommended as conditions of approval. The Department is satisfied that the proposal provides an appropriate transition of land uses from the car wrecking yard in the south to the rural residential uses to the north.

Construction noise is predicted to meet applicable noise goals at sensitive receivers R1, R2, R3 and R4 subject to additional mitigation measures. Operational noise is predicted to comfortably meet operational noise goals at sensitive receivers R1, R2 and R4. The proposal would result in some additional noise impacts at sensitive receiver R3, however these impacts can be appropriately mitigated and managed subject to conditions.

The Department is satisfied that other issues relating to water management, biodiversity, bushfire protection, traffic and parking, odour, aboriginal heritage and contamination have been adequately addressed and that impacts are unlikely to be significant and can be effectively managed through the existing and proposed conditions of approval.

The Department considers that the proposed modification represents a reasonable amendment to the approved project. While the Department acknowledges the concern of residents regarding the size of the building, the modification does not result in a commensurate level of impacts. Those additional impacts that would occur around the interface with the car wrecking yard and associated dwelling, are able to be mitigated. Additional mitigation, particularly to minimise visual and acoustic impacts on R3 have been developed in consultation with the owner.

The modification would also enable the socio-economic benefits of the proposal to be realised, including the direct and indirect economic benefits for Western Sydney including full-time employment for 113 workers, and a more efficient facility to supply mushrooms to Sydney and the wider market.

Given the findings, the Department considers that the proposed modification is approvable, subject to the recommended amendments to the conditions of approval outlined in **Appendix C**. This assessment report is hereby presented to the IPC for determination.

Recommended by:



Anthony Witherdin
Director
Regional Assessments

Recommended by:



Anthea Sargeant 2/8/19
Executive Director
Compliance, Industry and Key Sites



Appendices

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website at:

1. Modification Request

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7612; and
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7625

2. Submissions

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7612; and
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7625

3. Response to Submissions

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7612; and
http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7625

Appendix B – Consolidated Consent

A consolidated consent, which incorporates the modification with the recommended notice of modification (Appendix C), can be found on the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7612; and

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7625

Appendix C – Modification approval

The recommended modification of approval can be found on the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7612; and

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=7625