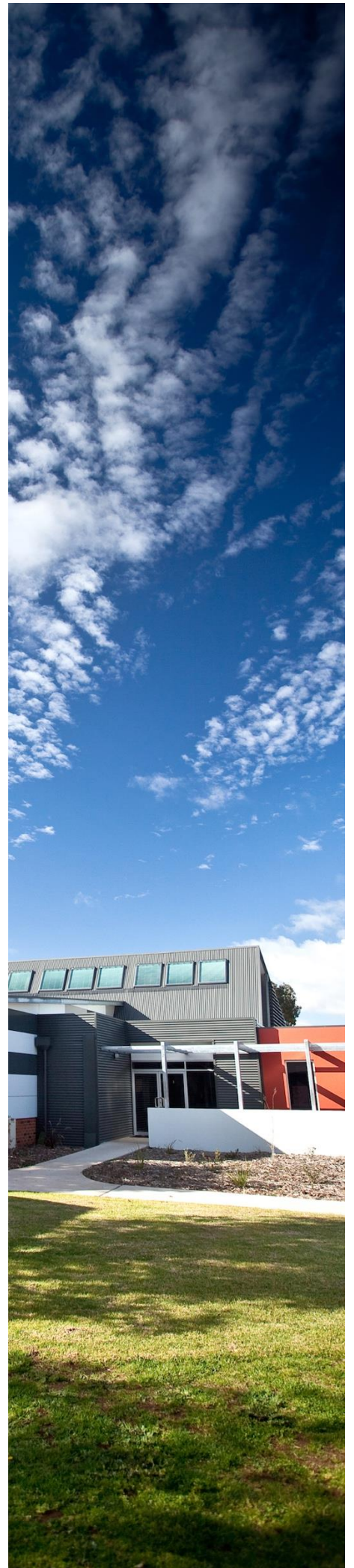




Information to Support a Section 4.55(1A) Modification Application

Intensive Agriculture
80 Kemps Valley Road
Kains Flat NSW 2850


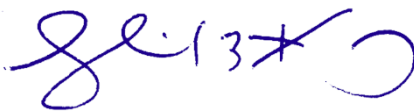
(Our Reference:32743-PR01_A)
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Disclaimer

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Report Title:	Information to Support a Section 4.55(1A) Modification Application
Project Name:	Intensive Agriculture Facility – 80 Kemps Road, Kains Flat
Client:	Medical Cannabis Australia
Project No.	32743
Report Reference	32743-PR01_A
Date:	10/11/2021
Revision:	Final

Prepared by:	Reviewed by:
	
Jack Massey B. Urb & Reg. Planning Senior Town Planner	Jim Sarantzouklis B. Arts, Grad. Dip. Urb. Reg. Plan, Dip. EH&B, MAIBS MEHA RPIA Director

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1 INTRODUCTION

1.1 Background

Barnson Pty Ltd has been engaged by Medical Cannabis Australia to prepare information in support of an application to modify a Development Application (DA). Specifically it is proposed to modify DA0011-2020 which was for 'Intensive Agriculture – Horticulture, erection of 4 greenhouses, head house and associated infrastructure' at Lot 57 DP 255534, 80 Kemps Valley Road, Kains Flat NSW 2850.

The proposed modification includes amending Conditions 21 and 22 of the consent.

The proposed development as modified would be substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified.

This application consists of:

- A completed development application form; and
- Once (1) PDF copy of this written statement, including plans and supporting documentation.

1.2 Proponent

The proponent for the DA is Medical Cannabis Australia.

1.3 Consultant

Barnson Pty Ltd

Jack Massey

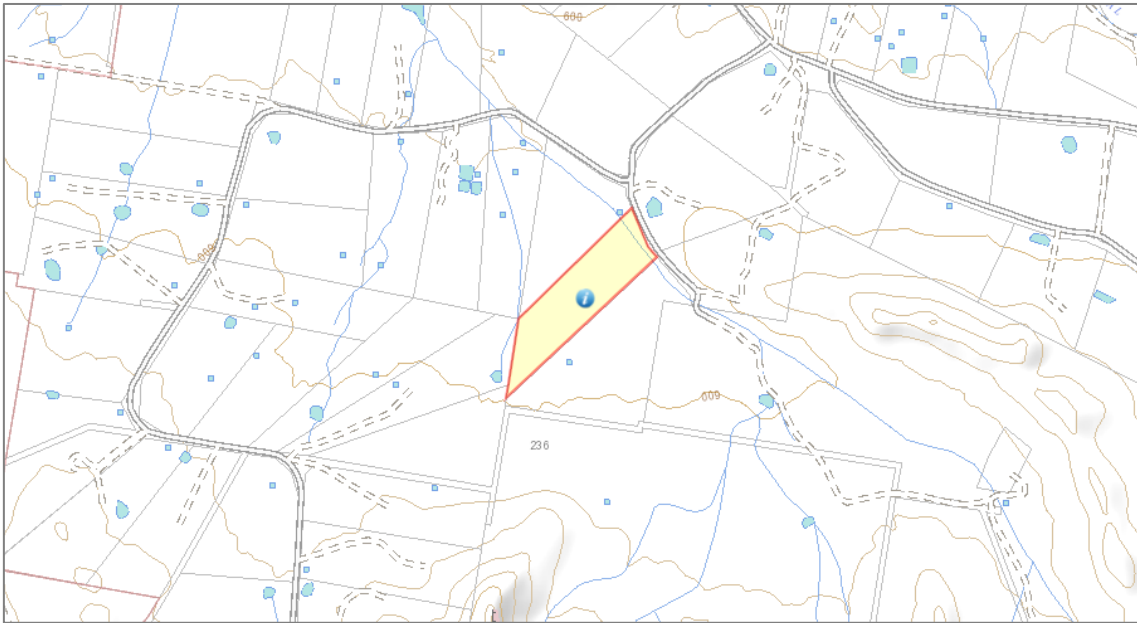
Unit 4 / 108-110 Market Street

Mudgee NSW 2850

2 EXISTING ENVIRONMENT

2.1 Location and Title

The subject site of this application is comprised of Lot 57 DP 255534, known as 80 Kemps Valley Road, Kains Flat NSW 2850. The site is located on the south-eastern side of Kemps Valley Road in a rural locality, as shown in **Figure 1** below.



Source: (NSW Spatial Information Exchange, 2021)

Figure 1 – Site Location

The site is located in an area characterised by rural activities within proximity to the township of Mudgee. The site is surrounded by rural land holdings with scattered residential dwellings and rural structures throughout.

The site has a property area of approximately 9.6 hectares and is improved with a residential dwelling, outbuildings and rural associated activities. Refer to **Figure 2** for an aerial image of the subject site.



Source: (Nearmaps Limited, 2021)

Figure 2 – Site Aerial Photograph

2.2 Land Use

The subject site is located in an area characterised by rural activities within proximity to the township of Mudgee. The site is surrounded by rural land holdings with scattered vegetation and residential dwellings throughout. The site has previously been used for agricultural allied purposes.

2.3 Flora and Fauna

The site contains scattered tracts of vegetation but is generally heavily disturbed due to rural and agricultural activities.

2.4 Flooding

The site is not within a Flood Planning Area (FPL) under the *Mid-Western Regional Local Environmental Plan 2012*.

2.5 Bushfire

The subject site is mapped as bushfire prone in accordance with RFS Mapping. The site and surrounding land is well maintained with minimal amounts of combustible ground fuels. There are large cleared/managed areas surrounding the subject site and within proximity.

2.6 Services

The site is afforded with existing utility services associated with the residential and agricultural use of the land.

2.7 Access and Traffic

Access to the site is gained off the south-eastern side of Kemps Valley Road. As part of the conditions of consent, Kemps Valley Road is to be upgraded and a new access crossover established.

3 PROPOSED MODIFICATION

3.1 Existing Approvals

Development consent for DA0011/2020 was granted on 24 October 2019 for 'Intensive Agriculture – Horticulture, Erection of 4x Greenhouses, Head house and Associated Infrastructure' at Lot 57 DP 255534, 80 Kemps Valley Road, Kains Flat.

The scope of works included in DA0011/2020 involved the following:

- Construction of four (4) greenhouses, each being 2,900m² in size;
- Construction of a 3,270m² head house facility;
- Construction of a new security guard house for security monitoring purposes;
- Establishment of carparking areas and hardstand accessibility areas for appropriate on-site parking and access throughout the site;
- Construction of ancillary sheds to support the use;
- Erection of various rainwater tanks for water storage and reuse; and
- Upgrading/sealing of Kemps Valley road and associated access crossover and internal road networks/car parking areas.

Refer to Approval Documentation provided in **Appendix A** of this report.

3.2 Proposed Modification

The scope of works detailed above shall remain unchanged as part of the modification.

It is noted that the original consent required the upgrading of Kemps Valley Road as part of the development. The relevant conditions pertaining to this upgrade include conditions 21 and 22 (refer to Approval Documentation in **Appendix A** of this report).

These conditions are read as follows:

21. Prior to the commencement of works onsite, the Applicant must upgrade Kemps Valley Road in accordance with AuSpec #1. This is to include the upgrade of existing gravel pavement and bitumen sealing provide for no less than a 6m wide bitumen sealed pavement, formed with 1 metre wide gravel shoulders and be completed to the satisfaction of Council.

22. A new access crossover for the site must be constructed from Kemps Valley Road to provide access to the proposed development. Consent from council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Construction must be in accordance with the requirements of Council's "Access to Properties". Access to the development (crossovers and internal driveways), should require double lane access, and are to be maintained and upgrades as necessary, to the satisfaction of Council.

This modification seeks consent to alter these conditions to prior to the issue of an occupation certificate in order for the proponent to explore potential avenues for establishing this upgrade. Our client would be willing to enter into a Private Works Agreement to the satisfaction of Council to ensure these conditions are satisfied.

It is requested that Council amend conditions 21 and 22 to reflect this change to the consent conditions as the proponent, in consultation with Council, shall continue to work through potential avenues for the road upgrade. The recommended amendments are provided below for Council's consideration.

21. Prior to the issue of an Occupation Certificate, the Applicant must upgrade Kemps Valley Road in accordance with AuSpec #1. This is to include the upgrade of existing gravel pavement and bitumen sealing provide for no less than a 6m wide bitumen sealed pavement, formed with 1 metre wide gravel shoulders and be completed to the satisfaction of Council.

22. A new access crossover for the site must be constructed from Kemps Valley Road to provide access to the proposed development. Consent from council must be obtained for all works within the road reserve pursuant to Section 138 of the Roads Act 1993. Construction must be in accordance with the requirements of Council's "Access to Properties". Access to the development (crossovers and internal driveways), should require double lane access, and are to be maintained and upgrades as necessary, to the satisfaction of Council. The access shall be constructed prior to the issue of an Occupation Certificate.

4 PERMISSIBILITY

The subject site is zoned R5 Large Lot Residential pursuant to the provisions under the *Mid-Western Regional Local Environmental Plan 2012* (LEP). The development is defined as an 'intensive plant agriculture facility', which is a permissible use in the R5 zone. The proposed modifications do not intend to change the proposed use.

Pursuant to Section 4.55 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), the proposed development, to which the consent as modified relates, is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified.

5 PLANNING CONSIDERATIONS

5.1 Introduction

Section 4.55(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) requires:

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.

This section of the report addresses the relevant requirements of Section 4.15.

5.2 Environmental Planning & Assessment Act 1979

5.2.1 Evaluation

Section 4.15 of the EP&A Act (as amended) requires the Council to consider various matters in regard to the determination of the Development Application.

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 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

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

(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), 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.

The proposed development has been designed with consideration to the following matters, as outlined below.

5.3 Environmental Planning Instruments

5.3.1 State Environmental Planning Policies

While a number of SEPPs apply to the subject land and development thereon, there will be no implications in terms of the requirements of the SEPPs that will apply to the proposed modification. It is considered that the applicable SEPPs were addressed as part of the original application, and the proposed modifications will not trigger any additional requirements.

5.3.2 Mid-Western Local Environmental Plan 2012

5.3.2.1 Permissibility

The proposed modification would not change the permissibility of the development and remains permissible under the R5 zone land use table of the LEP.

5.3.2.2 LEP Clauses

While a number of Clauses under the LEP apply to the proposed modification, considering the extent of development works and associated changes, there would be no implications in terms of the requirements under those LEP Clauses that would apply to this application.

5.4 Draft Environmental Planning Instruments

No draft Environmental Planning Instruments are applicable to the subject site or development.

5.5 Development Control Plans

The *Mid-Western Regional Development Control Plan 2013* (the DCP) applies to the proposed development and associated modification. The requirements under Council's DCP were addressed as part of the original development application and the proposed modification does not require any additional consideration of those requirements.

5.6 Any Planning Agreement entered into

No Planning Agreements entered into are known to exist in relation to the development or site.

5.7 Any Matters Prescribed by the Regulations

For the purposes of Section 79C(1)(a)(iv) of the EP&A Act, Clause 92 of the *Environmental Planning and Assessment Regulations 2000* (EP&A Regulations) specifies the additional matters a consent authority must take into consideration when determining a DA. None of the provisions relate to the proposed development as modified.

5.8 Any Likely Impacts of the Development

5.8.1 Context & Setting

The proposed development has been carried out in a rural locality which is characterised by primary production and scattered residential activities. The proposed development as modified is considered to be consistent with the existing rural area and originally approved consent. The development modifications would therefore not impact on the context or setting in the locality, but would rather contribute to the agricultural use of the locality.

5.8.2 Access, Transport & Traffic

The access arrangement for the facility shall remain unchanged as part of the proposed modifications to the originally approved development.

The proposed modifications will not generate any additional throughput or potential increase in capacity requirements for the road network, and there is no need for any additional carparking on the site. Therefore, the existing access/onsite manoeuvrability approach as designed, with the inclusion of the additional scope subject to this modification application, is considered suitable.

5.8.3 Noise & Vibration

No additional noise is proposed as part of the modification. Noise reduction mechanisms that were originally proposed as part of the DA shall be employed once the facility is operational.

5.8.4 Social Impacts in the Locality

The social and economic impacts of the proposed development continue to relate to the introduction of a new intensive plant agriculture facility in the area. The proposal, as modified, will contribute to the local economy and is considered to create a positive economic impact.

5.8.5 Construction

A site establishment area will be set up on the subject site to ensure site safety and to reduce any environmental impacts. Erosion and sediment control measures shall be carried out on the site during development works.

5.8.6 Other

There are no other impacts that would hinder the development proposal. Considering the minor modifications to the development, it is considered that the majority of impacts were adequately addressed as part of the original approval.

5.9 Suitability of the Site for the Proposed Development

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent development and utilities and services shall be established on the site. There are no hazardous land uses or activities nearby and ambient noise levels will not affect the development.

There does not appear to be any zoning, planning or environmental matters that should hinder the proposed development of the site.

5.10 The Public Interest

The proposal is unlikely to create any negative impacts on the amenity of the area and is therefore deemed to be positive in terms of the public interest.

6 CONCLUSION

It is recommended that the proposed modification to DA0011/2020 on Lot 57 DP 255534, 80 Kemps Valley Road, Kains Flat be supported on the following grounds:

- The modification is of minimal environmental impact;
- The development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified;
- The proposal as modified is considered acceptable in terms of the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979;
- The proposal remains permissible with consent and consistent with the relevant development standards and provisions of the *Mid-Western Regional Local Environmental Plan 2012*;
- The proposal as modified complies with the relevant provisions of the *Mid-Western Regional Development Control Plan 2013*;
- The development as modified is not anticipated to generate any adverse impacts in the locality; and
- The development as modified is considered suitable for the site and its surrounds.

7 REFERENCES

- Nearmaps Limited. (2020). *Neamaps*. Retrieved from <https://www.nearmap.com/au/en>
- NSW Government Spatial Services. (2017, January 18). *Six Maps*. Retrieved from <http://maps.six.nsw.gov.au/>
- NSW Rural Fire Service. (nd). *Guidelines for Single Dwelling Development Applications*. Lidcombe: NSW RFS.
- NSW Spatial Information Exchange. (2018). *SIX Maps*. Retrieved from <https://maps.six.nsw.gov.au/>
- NSW Spatial Information Exchange. (2021). *SIX Maps*. Retrieved from <https://maps.six.nsw.gov.au/>

Appendix A - Approval Documentation



MID-WESTERN REGIONAL COUNCIL

PO Box 156, MUDGEES NSW 2850

86 Market Street, Mudgee | 109 Herbert Street, Gulgong | 77 Louee Street, Rylstone

T 1300 765 002 or 02 6378 2850 | F 02 6378 2815

E council@midwestern.nsw.gov.au

CAmos:cc:DA0011/2020

24 October 2019

Daniel Elhindi
55 Bowman Street
PYRMONT NSW 2009

Dear Sir/Madam

**DEVELOPMENT APPLICATION DA0011/2020 - INTENSIVE AGRICULTURE –
HORTICULTURE, ERECTION OF 4 X GREENHOUSES, HEAD HOUSE AND ASSOCIATED
INFRASTRUCTURE - LOT 57 DP 255534 - 80 KEMPS VALLEY ROAD KAINS FLAT NSW
2850**

I am pleased to advise that your application has been approved by Council.

Attached is Council's formal Development Consent No. DA0011/2020.

It is important that you read the consent and understand the requirements of any conditions imposed. Certain requirements may need to be satisfied prior to proceeding with the development.

The consent is a legal document and should be kept for your future reference as the development proceeds. It should be noted that commencement of the development implies your acceptance of the conditions of consent.

Please Note: No work can commence until a Construction Certificate has been issued, a Principal Certifying Authority (PCA) appointed and Council notified of commencement of work at least 2 days in advance.

Should you have any query regarding the consent or associated conditions, do not hesitate to contact myself or the appropriate Council officer.

Yours faithfully

A handwritten signature in blue ink, appearing to read "Lindsay Dunstan", with a long horizontal flourish extending to the right.

**LINDSAY DUNSTAN
MANAGER STATUTORY PLANNING
DEVELOPMENT**

Notice of Determination of a Development Application

Issued under the *Environmental Planning and Assessment Act 1979* Section 4.16(1)(a)

Our Ref: CAmos:cc:DA0011/2020	DA No: DA0011/2020
Applicant: Daniel Elhindi 55 Bowman Street PYRMONT NSW 2009	Land to be Developed: Lot 57 DP 255534 80 Kemps Valley Road KAINS FLAT NSW 2850
Proposed Development: Intensive Agriculture – Horticulture, Erection of 4x Greenhouses, Head House and Associated Infrastructure	Building Code of Australia Classification: -
Date of Determination: 24 October 2019	
Determination:	CONSENT GRANTED subject to conditions set out below
Consent to operate from: 24 October 2019	Consent to lapse on: 24 October 2024

CONDITIONS

APPROVED PLANS

- Development is to be carried out in accordance with the following plans endorsed with Council's Stamp as well as the documentation listed below except as varied by the conditions herein.

Title/Name	Plan No.	Rev	Dated	Prepared by
Existing – Site Plan	190259_A_101	011	9 July 2019	PharmOut
Proposed - Site Plan	190259_A_102	015	9 July 2019	PharmOut
Proposed – Ground Floor Layout	190259_A_202	08	9 July 2019	PharmOut
Proposed – Site Security Layout	190259_A_302	07	9 July 2019	PharmOut
Proposed Elevations	190259_A_401	08	9 July 2019	PharmOut

- This development consent provides approval for intensive agriculture – horticulture, erection of 4 x greenhouses, head house and associated infrastructure, only.
- The harvested plant shall not be treated, processed or packaged onsite. This shall occur entirely offsite from an external facility.

4. This development consent does not include approval for any signage for the approved development. A separate Development Consent or Complying Development Certificate may be required for signage, if the signage is not exempt development.
5. This approval does not provide any indemnity to the owner or applicant under the Disability Discrimination Act 1992 with respect to the provision of access and facilities for people with disabilities.

PRIOR TO ISSUE OF THE CONSTRUCTION CERTIFICATE

6. Prior to release of the Construction Certificate, approval pursuant to Section 68 of the Local Government Act, 1993 for the installation of an On Site Sewer Management System is to be obtained from Mid-Western Regional Council.
7. In accordance with the provisions of Section 7.12 of the *Environmental Planning and Assessment Act 1979* and the *Mid-Western Regional Contributions Plan 2019* (the Section 94A Plan), a levy based on the value of works shall be paid to Council in accordance with this condition for the purpose of public facilities, prior to issue of a Construction Certificate. The value of works is to be calculated in accordance with Table 6 and the procedure outlined in Figure 1 of the Contributions Plan. A report regarding value of works and any necessary certification is to be submitted to Council. Council will calculate and advise of the levy amount following submission of the documents.
Note – based on the proposed cost of works being \$1,800,000.00, it is estimated the contribution amount will be \$18,000.00. The contribution amount will be adjusted by the Consumer Price Index, if not paid in the same financial year the development consent was issued.
Note – *Mid-Western Regional Contributions Plan 2019* is available for perusal at Council's Administration Centre at 86 Market Street, Mudgee or on Council's website www.midwestern.nsw.gov.au under Council Documents/Strategies and Plans.

PRIOR TO THE COMMENCEMENT OF WORKS

8. No work shall commence until a Construction Certificate has been issued and the applicant has notified Council of:
 - a) the appointment of a Principal Certifying Authority and
 - b) the date on which work will commence.

Such notice shall include details of the Principal Certifying Authority and must be submitted to Council at least two (2) days before work commences.

9. The site shall be provided with a waste enclosure (minimum 1800mm X 1800mm X 1200mm) that has a lid or secure covering for the duration of the construction works to ensure that all wastes are contained on the site. The receptacle is to be emptied periodically to reduce the potential for rubbish to leave the site. Council encourages the separation and recycling of suitable materials.

NOTE: ALL WASTE GENERATED FROM THE CONSTRUCTION PROCESS IS TO BE CONTAINED ON-SITE

10. A sign must be erected in a prominent position on any work site on which involved in the erection or demolition of a building is carried out:
 - a) stating that unauthorised entry to the work site is prohibited;
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours;
 - c) the name, address and telephone number of the principal certifying authority for the work; and

- d) the sign shall be removed when the erection or demolition of the building has been completed.
11. If the work involved in the erection/demolition of the building;
- a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b) building involves the enclosure of a public place.
- A hoarding or fence must be erected between the work site and the public place. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.
12. The development site is to be managed for the entirety of work in the following manner:
- a) Erosion and sediment controls are to be implemented to prevent sediment from leaving the site. The controls are to be maintained until the development is complete and the site stabilised with permanent vegetation;
 - b) Appropriate dust control measures;
 - c) Construction equipment and materials shall be contained wholly within the site unless approval to use the road reserve has been obtained;
 - d) Toilet facilities are to be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

BUILDING CONSTRUCTION

13. All building work must be carried out in accordance with the provisions of the National Construction Code, the Environmental Planning & Assessment Act 1979 and Regulations and all relevant Australian Standards.
14. All plumbing and drainage work must be carried out by a licensed plumber and drainer and must comply with the Plumbing Code of Australia.
15. Construction work noise that is audible at other premises is to be restricted to the following times:
- Monday to Saturday - 7.00am to 5.00pm
- No construction work noise is permitted on Sundays or Public Holidays.
16. All mandatory inspections required by the Environmental Planning & Assessment Act and any other inspections deemed necessary by the Principal Certifying Authority being carried out during the relevant stage of construction.
17. All stormwater is to discharge a minimum 3m from the building and disposed of in such a way as to not adversely affect the adjoining properties.
18. All building work is to comply with the requirements of the Access to Premises Standard.
19. The list of measures contained in the schedule attached to the Construction Certificate are required to be installed in the building or on the land to ensure the safety of persons in the event of fire in accordance with Clause 168 of the Environmental Planning and Assessment Regulation 2000.
20. In the event of any Aboriginal archaeological material being discovered during earthmoving/construction works, all work in that area shall cease immediately and the Office of Environment and Heritage (OEH) notified of the discovery as soon as practicable. Work shall only recommence upon the authorisation of the OEH.

ENGINEERING CONDITIONS

21. Prior to the commencement of works onsite, the Applicant must upgrade Kemps Valley Road in accordance with AusSpec #1. This is to include the upgrade of existing gravel pavement and bitumen sealing provide for no less than a 6 metre wide bitumen sealed pavement, formed with 1 metre wide gravel shoulders and be completed to the satisfaction of Council.
22. A new access crossover for the site must be constructed from Kemps Valley Road to provide access to the proposed development. Consent from Council must be obtained for all works within the road reserve pursuant to Section 138 of the *Roads Act 1993*. Construction must be in accordance with the requirements of Council's "Access to Properties". Access to the development (crossovers and internal driveways), should require double lane access, and are to be maintained and upgraded as necessary, to the satisfaction of Council.
23. A total of 38 car parking spaces are to be provided within the site of the development and comply with AS 2890.1: 2004 and the following requirements:
 - a) Each parking space is to have minimum dimensions of 5.5m x 2.4m;
 - b) Each disabled car parking space is to be in accordance with the provisions of AS 2890.6: 2009 – *Parking facilities – Part 6: Off-street parking for people with disabilities*;
 - c) All car parking spaces are to be line-marked and provided with a hard standing, all weather compacted gravel surface and must be maintained in a satisfactory condition at all times.
24. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including stormwater drainage if necessary) to ensure that at no time any ponding of stormwater occurs on the subject site or adjoining land as a result of this development. Design must also ensure that no diversion of runoff onto other adjacent properties occurs.
25. All stormwater runoff from roof and developed surfaces, including overflow from rainwater tanks, is to be controlled in such a manner so as not to flow or discharge over adjacent properties. Methods of disposal of excess stormwater must also include adequate provision for prevention of erosion and scouring.
26. Costs associated with all development works including any necessary alteration, relocation of services, public utility mains or installations must be met by the developer. The developer is responsible to accurately locate all existing services before any development works commence to satisfy this condition.
27. Any damage which is caused to Council's infrastructure as a result of the proposed development must be repaired immediately to Council's satisfaction and at no cost to Council.
28. Prior to the commencement of any onsite work, Council must be provided with no less than five (5) working days notification to enable inspection of existing road conditions. At the completion of works, the road is to be re-inspected by Council and any defects caused by construction traffic or activities associated with the development must be repaired to the satisfaction of Council.
29. No earthworks (cut or fill) is permitted to extend beyond property boundaries. No cut or fill is to occur within 300 mm of any property boundary and details for stabilisation of earthworks to prevent erosion or scouring are to be provided prior to commencement of that part of the works.

PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

30. Prior to the occupation of a new building, or occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the erection of the building.
31. Prior to occupation or the issue of the Occupation Certificate the owner of the building must cause the Principal Certifying Authority to be given a fire safety certificate in accordance with Clause 153 of the Environmental Planning and Assessment Regulation 2000 for each measure listed in the schedule. The certificate must only be in the form specified by Clause 174 of the Regulation. A copy of the certificate is to be given to the Commissioner of the New South Wales Fire Brigade and a copy is to be prominently displayed in the building.

ONGOING / OPERATIONAL CONDITIONS

32. For every 12 month period after the issue of the Final Fire Safety Certificate the owner/agent of the building must provide the Council and the Commissioner of NSW Fire Brigades with a copy of an Annual Fire Safety Statement Certifying that each specified fire safety measure is capable of performing to its specification.
33. Where any essential services are installed in the building a copy of the final Fire Safety Certificate (together with a copy of the current fire safety schedule) is to be given to the Commissioner of NSW Fire Brigades and Council. A further copy of the Certificate (together with a copy of the current fire safety schedule) is to be prominently displayed in the building.
34. The approved hours of operation for the facility are:
 - 24 hours per day / 7 days per week.
35. Medium and large vehicle movements including water trucks or the LPG Tanker and Small Lorry shown in the Preliminary Site Management Plan Project 190259 Doc REP007 Rev 02, may only access the site between the following hours:
 - 7am – 7pm / 7 days per week.
36. No less than two (2) rows of the existing olive grove along the north, north-west, and south western sides of the proposed buildings must be maintained at all times to provide screening for the facility.
37. The ventilation systems and exhaust fans must be operated in accordance with the *Protection of the Environment Operations (Noise Control) Regulation 2017*.
38. All vehicles must be able to enter and exit the site in a forward moving direction.
39. All loading and unloading in connection with the premises shall be carried out wholly within the site.
40. There being no interference with the amenity of the neighbourhood by reason of the emission of any “offensive noise”, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the proposed development.
41. All exterior lighting associated with the development shall be designed and installed so that no obtrusive light will be cast onto any adjoining property or roadways, in accordance with Australian Standard 4282 “Control of the Obtrusive Effects of Outdoor Lighting”. This may include pointing security lighting downwards and/or the fitting of louvres, baffles or shields to limit spill light.

42. The roof and wall cladding shall be finished in a non-reflective; non-glaring material and shall not direct undue glare onto neighbouring properties.

43. The applicant is to prepare a plan of management (POM) to be kept at the site at all times, outlining the management and storage of fertilisers, to prevent any contamination of the site, soil or waterways. The occupiers of the site shall manage the facility in accordance with the POM at all times.

STATEMENT OF REASONS

The determination decision was reached for the following reasons:

1. The proposed development complies with the requirements of the applicable environmental planning instruments and Mid-Western Regional Development Control Plan 2013.
2. The proposed development is considered to be satisfactory in terms of the matters identified in Section 4.15 of the Environmental Planning & Assessment Act 1979.

OTHER APPROVALS

N/A

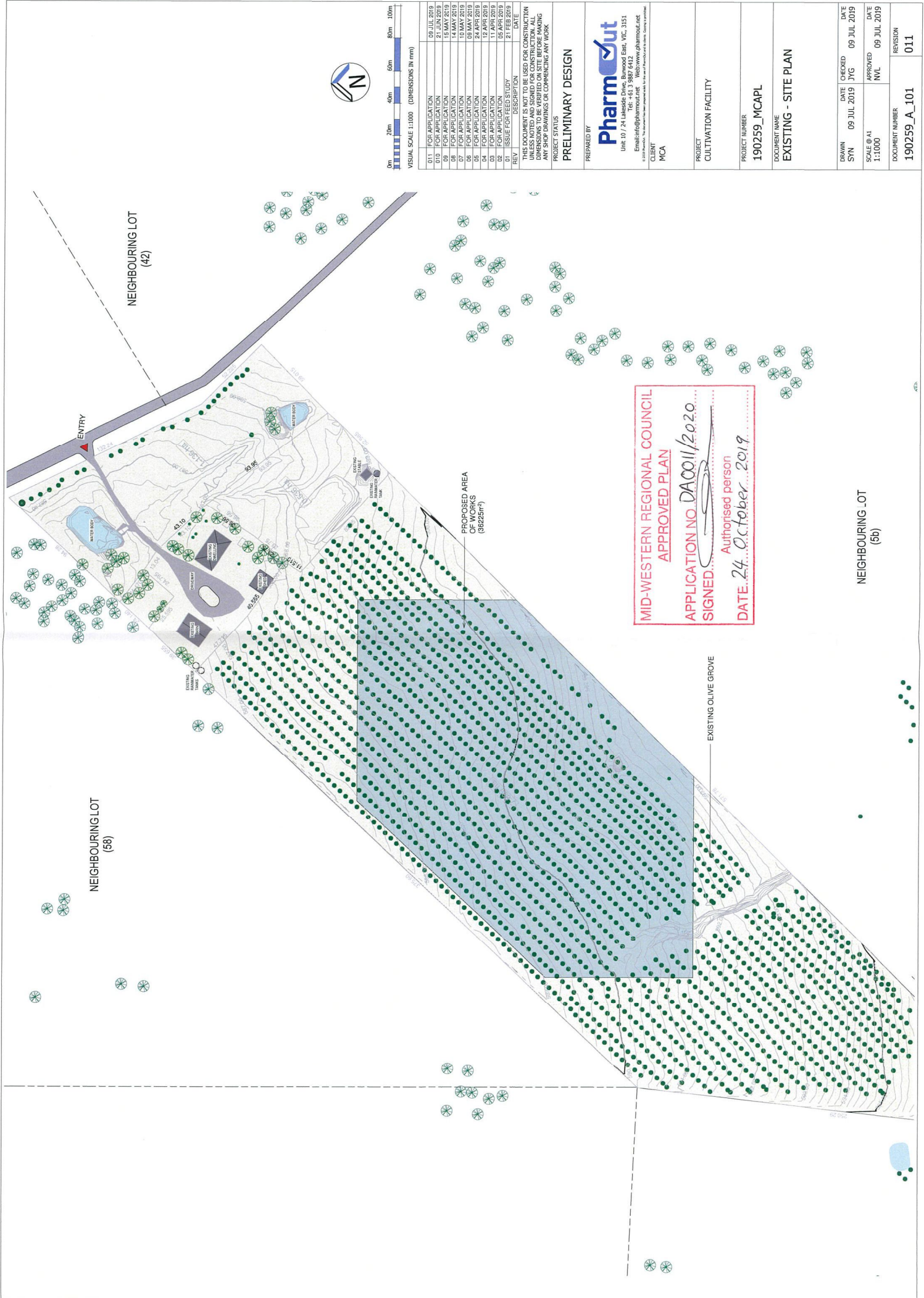
ADVISORY NOTES

1. The development is to operate so as to not emit offensive noise, as defined in the *Protection of the Environment Operations Act 1997*.
2. Odour generated from the operation of the site must be in accordance with the NSW Environment Protection Authority's Technical Framework and Technical Notes: *Assessment and management of odour from stationary sources in NSW*.
3. The removal of trees within any road reserve requires the separate approval of Council in accordance with the policy "Tree Removal and Pruning – Public Places".
4. The land upon which the subject building is to be constructed may be affected by restrictive covenants. This approval is issued without enquiry by Council as to whether any restrictive covenant affecting the land would be breached by the construction of the building, the subject of this approval. Persons to whom this approval is issued must rely on their own enquiries as to whether or not the building breaches any such covenant.
5. Division 8.2 of the Environmental Planning and Assessment Act (EP&A Act) gives you the ability to seek a review of the determination. This request is made to Council and must be made within 6 months after the date on which you receive this notice. The request must be made in writing and lodged with the required fee; please contact Council's Development Department for more information or advice.
6. If you are dissatisfied with this decision section 8.7 of the EP&A Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.
7. To ascertain the extent to which the consent is liable to lapse, refer to Section 4.53 of the EP&A Act.

Signed on behalf of Mid-Western Regional Council by:

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**LINDSAY DUNSTAN
MANAGER STATUTORY PLANNING
DEVELOPMENT
24 OCTOBER 2019**



0m 20m 40m 60m 80m 100m
 VISUAL SCALE 1:1000 (DIMENSIONS IN MM)

REV	DESCRIPTION	DATE
01	FOR APPLICATION	09 JUL 2019
02	FOR APPLICATION	21 JUN 2019
03	FOR APPLICATION	15 MAY 2019
04	FOR APPLICATION	10 MAY 2019
05	FOR APPLICATION	09 MAY 2019
06	FOR APPLICATION	24 APR 2019
07	FOR APPLICATION	17 APR 2019
08	FOR APPLICATION	05 APR 2019
09	ISSUE FOR FEED STUDY	21 FEB 2019

THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION UNLESS THE DIMENSIONS TO BE VERIFIED ON SITE BEFORE MAKING ANY SHOP DRAWINGS OR COMMENCING ANY WORK

PRELIMINARY DESIGN

PREPARED BY

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CLIENT
 MCA

PROJECT
 CULTIVATION FACILITY

PROJECT NUMBER
 190259_MCAPL

DOCUMENT NAME
 EXISTING - SITE PLAN

DRAWN	DATE	CHECKED	DATE
SYN	09 JUL 2019	JYG	09 JUL 2019

SCALE @ A1	APPROVED	DATE
1:1000	NVL	09 JUL 2019

DOCUMENT NUMBER	REVISION
190259_A_101	011

MID-WESTERN REGIONAL COUNCIL
 APPROVED PLAN
 APPLICATION NO. DA0011/2020
 SIGNED: [Signature]
 Authorised person
 DATE: 24 October 2019

NEIGHBOURING LOT
 (42)

NEIGHBOURING LOT
 (58)

NEIGHBOURING LOT
 (5b)

ENTRY

PROPOSED AREA
 OF WORKS
 (39225m²)

EXISTING OLIVE GROVE

EXISTING WATER TANK

EXISTING STABLE

EXISTING WATER TANK