



26 February 2020

Mr Chris Ritchie
Director, Industry Assessments
Department of Planning, Industry & Environment

via email: chris.ritche@planning.nsw.gov.au

Dear Mr Ritchie,

**Elf Mushroom Farm & Substrate Plant Project
Modification to the Project Approval MOD 3 (08_0255 MOD3) and
Modification to the Concept Plan (08_0255 MOD3)
Request for Comment**

I write in relation to the s75W modifications to the above Project in relation to the Elf Mushroom Substrate Plant that are currently before the Independent Planning Commission (Commission) for determination.

The Commission is considering an amendment to the proposed Conditions in the Instrument of Modification for the Project Approval in Schedule 3, as follows:

1. Proposed **Condition 17F** refers to the need for the noise barrier to be constructed of flood compatible materials. However, the Council's Submission dated 23 October 2018 required more detailed certification of the suitability of the noise barrier in relation to flood impacts, including structural soundness. The Commission proposes a more detailed condition reflecting Council's requirements.
2. On the Site visit, the Commission observed that the existing chain wide gate to the flood access road will be located in the middle of the eastern arm of the proposed noise barrier. However, the effectiveness of this section of the noise barrier with an unattenuated opening for the gate is questioned, and does not appear have been addressed in the Proponent's Acoustic Report. A new **Condition 21B** is therefore proposed requiring the gate in the noise barrier to be acoustically treated, unless evidence is provided to the Secretary that the unattenuated opening in the barrier will not affect the achievement of the specified Operational Noise Criteria.
3. The insertion of a new **Condition 24C** that will refer to the submitted landscape plan showing the Western Tree Corridor. This plan is to be amended to also show additional landscaping along the eastern arm of the new noise barrier, in order to improve the visual amenity of the Site when viewed from Mulgrave Road and Hawkesbury Valley Way. This landscaping is to be completed prior to the issue of the occupation certificate.
4. Proposed **Condition 27**, specifying that the dilapidation report requested by the Council be submitted prior to the issue of the construction certificate, and inserting the more specific wording requested by the Council in their submission.



In order to determine if any damage has occurred to the assets, a post- construction dilapidation report is to be required, prior to the issue of the occupation certificate in **Condition 28**. This will provide a time frame for compliance with the condition.

5. The Department's proposed Condition 1B requires that a CEMP is required for the Mod 3 works. However, this proposed condition does not completely reflect the Submission made by Sydney Trains dated 19 December 2018. Sydney Trains' recommended conditions cover both requirements related to the potential impact of the works on the Rail Corridor as well as matters to be considered during construction. Proposed condition 1B appear to only address the construction aspects. Therefore **Condition 30** is proposed (instead of draft Conditions 30 and 31) to be expanded to reflect the other requirements of Sydney Trains.

The Department proposes amendments to Conditions in Schedules 4 and 5 of the Project Approval. The amendments to the Schedule 4 conditions are explained in the Assessment Report on page 22 under 'Administrative Amendments'. No reference is made to Schedule 5. Could you please confirm that the modifications to the conditions in Schedule 5 are for the same reasons as the modifications proposed to the Conditions in Schedule 4.

Some other minor administrative amendments are also shown in the attached marked up document.

In light of the earlier email request on 24 February (now simplified in the attached document), the Commission would be grateful if the Department could provide a response to these matters by 5pm on 28 February 2020. Please consult with the Proponent and relevant stakeholders as required.

Should you have any questions, I have asked Ms Heather Warton (0411359941) or heather.warton@ipcn.nsw.gov.au, to liaise directly with you.

Yours sincerely

Stephen Barry
Planning Director

Attachments:

- A. Draft Project Approval modification conditions