

**3.3 Lot 1092 Brooker Avenue, Beacon Hill - Construction of an Aquaculture Facility Consisting of Four (4) Fish Ponds, Rainwater Tank, Access Driveway and Associated Structures.**

**SUPPLEMENTARY REPORT**

**Assessment Officer:** Philip Hoffman  
**Address / Property Description:** Lot 1092 in DP 752038, Brooker Avenue, Beacon Hill

**Proposal:** Construction of an aquaculture facility consisting of four (4) fish ponds, rainwater tank, access driveway and associated structures.  
**Development Application No:** 2005/586  
**Amended Plans:** DA001(B), 002(B), 003(B), 004(E), 005(B), 006(B), 007(A), 00a(A)  
**Applicant:** Vigor Master Pty. Ltd.  
**Owner:** Jian Zhong Liu  
**Application Lodged:** 22/06/2005  
**Attachments:** Previous report to ADP Meeting of 15 November 2007

The A.D.P meeting of 15 November 2007 deferred consideration of this aquaculture facility proposal, pending clarification in relation to the status of the other D.A.'s lodged for this and adjacent allotments, together with information on the current status of the access road application (2004/0684)

**1. Status of Applications Relating to the Subject Site.**

Application	Proposal	Lot & DP	Determination	Court Proceedings	Status
1999/3524	SEPP 5 – Housing for Older people or People with a disability	Lot 1091, DP 752038	Refused 14 /11/00	Proceeding No. 10668 of 2001- Discontinued	<b>REFUSED</b>
2000/4472	Detached Dwelling & Access from Oxford Falls Rd	Lot 1092, DP 752038	Consent 12/02/01	Not Applicable	<b>CONSENT</b> (Substantially commenced)
2002/1123	Detached Dwelling & New Road access from Brooker Avenue	Lot 1092, DP 752038	Refused 02/10/02	Not Applicable	<b>REFUSED</b>
2003/0853	Detached Dwelling, Driveway access & New Road from Brooker Avenue	Lot 1092, DP 752038	Deemed Refusal 25/09/03	Class 1 appeal 25/09/03 Proceeding No. 1117 of 2003 - Dismissed	<b>REFUSED</b>
2004/0684	Road extension of Brooker Avenue (to service Lot 1092)	Crown Road	Refused 11/08/04, (refer to Item 2 notes below)	Proceeding No. 11087 of 2004 – Discontinued 11/08/05	<b>REFUSED</b> <b>Refer to Item 2 notes below</b>

Application	Proposal	Lot & DP	Determination	Court Proceedings	Status
2005/0588	Detached Dwelling & Driveway access from Brooker Avenue	Lot 1092, DP 752038	TO BE DETERMINED	Not Applicable	<b>TO BE DETERMINED</b>
2005/0586	Aquaculture Facility with access from Brooker Avenue.	Lot 1092, DP 752038	TO BE DETERMINED	Not Applicable	Recommended approval, deferred commencement

## 2. Matters in Relation to the Legal Status of the Access Road (DA No. 2004/0684)

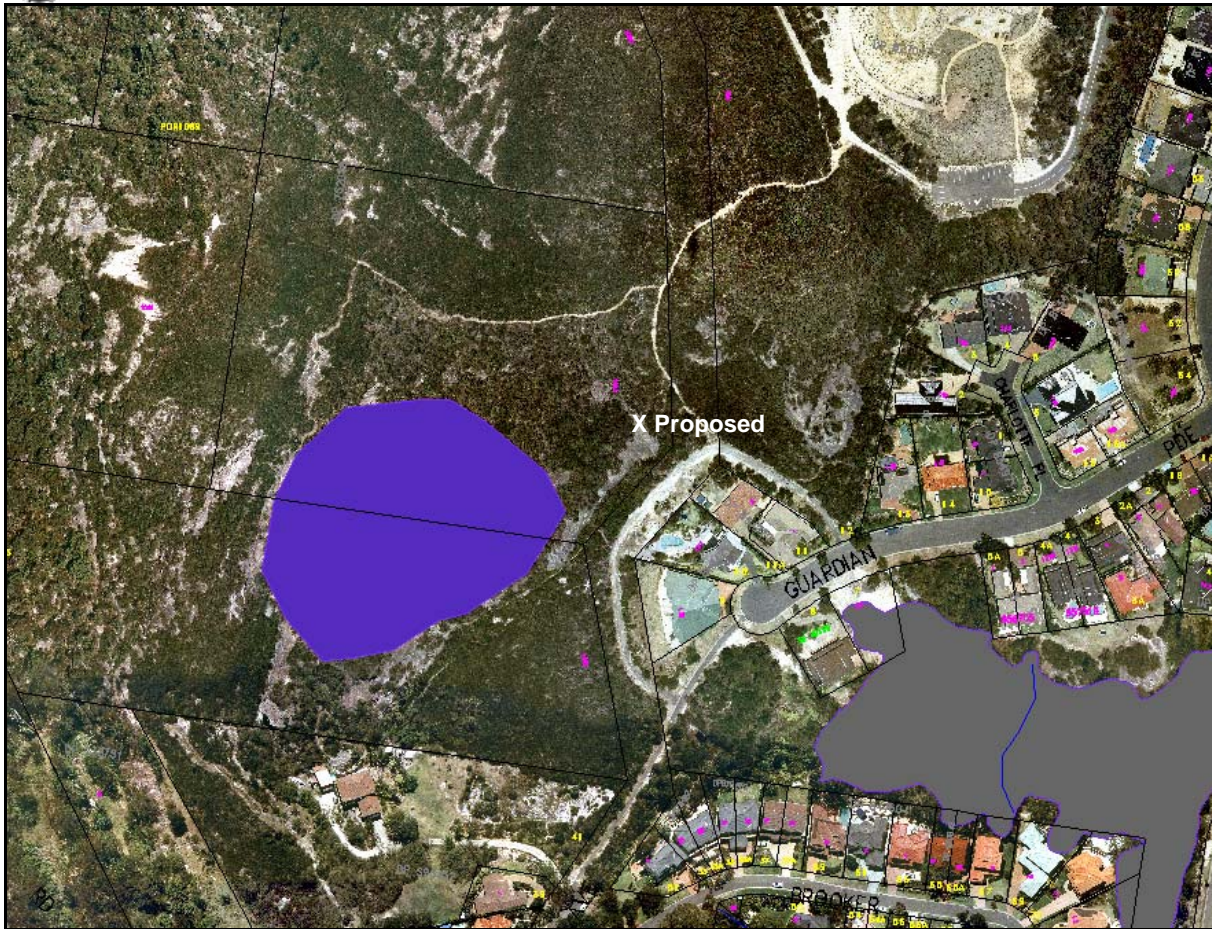
- a) Application No. 2004/0684 lodged 28 May 2004 without owners consent (Crown Road). Application refused 11 August 04 by Council.
- b) Appeal - Proceeding No. 11087 of 2004 lodged with the Land and Environment Court – Council to advise whether it will accept transfer of ownership of the road and then grant owners consent for the access application.
- c) Legal consultants for Council (Wiltshire Webb) on 24 May 2005, advised the applicant in writing that Council is willing to accept transfer of ownership of the road and then grant owners consent for the access road application, pending the fulfilling of three (3) conditions by the applicant. These matters are:
  - a. *The lodgement with the Council of a development application for a dwelling house or other use of Lot 1092 accompanied by an undertaking from the owners of Lot 1091 DP 752038 Oxford Falls Road Beacon Hill (if the development application for Lot 1092 relates to a dwelling house) that the owners of Lot 1091 will surrender development consent no. 4472DA dated 12 February 2001;*
  - b. *The Council or the Court granting a deferred commencement development consent for a dwelling house (following the surrender of the development consent for Lot 1091) or other use of Lot 1092 on the deferred commencement condition that development consent is granted to the access road; and*
  - c. *The Council or the Court reaching a finding that the proposed access road is appropriate for development consent.*
- d) The proceedings were discontinued on 11 August 2005 and the subject road remains the ownership of the Crown as at 28 November 2007.

Report to Application Determination Panel Meeting on 15 November 2007

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Assessment Officer:</b>	Philip Hoffman
<b>Address / Property Description:</b>	Lot 1092 in DP 752038, Brooker Avenue, Beacon Hill
<b>Proposal:</b>	Construction of an aquaculture facility consisting of four (4) fish ponds, rainwater tank, access driveway and associated structures.
<b>Development Application No:</b>	2005/586
<b>Plans Reference:</b>	DA001(B), 002(B), 003(B), 004(E), 005(B), 006(B), 007(A), 00a(A)
<b>Applicant:</b>	Vigor Master Pty. Ltd.
<b>Owner:</b>	Jian Zhong Liu
<b>Application Lodged:</b>	22/06/2005
<b>Amended Plans:</b>	Yes – Amended design and additional details
<b>Locality:</b>	B2 Oxford Falls Valley
<b>Category:</b>	Category 2 – Agriculture (Aquaculture)
<b>Clause 20 Variations:</b>	No
<b>Land and Environment Court Action:</b>	No
<b>Referred to IHAP:</b>	No
<b>Referred to ADP:</b>	Yes – Construction of a Class 10 building under the Building Code of Australia with more than two (2) unresolved objections
<b>SUMMARY</b>	
<b>Notification:</b>	<b>First notification:</b> 6 July 2005 to 21 July 2005 <b>Second notification:</b> 9 November 2006 12 December 2006 <b>Advertised:</b> 11 and 25 November 2006 <b>Public exhibition:</b> 13 November 2006 to 12 December 2006
<b>Submissions:</b>	3 petitions, 18 objections
<b>Submission Issues:</b>	Inappropriate land use, amenity impacts, traffic, pedestrian safety, environmental impacts, construction impacts, property values, inadequate public notification
<b>Assessment Issues:</b>	Lack of details relating to vehicular access and utility services connections, risks of translocation of exotic fish species into natural waterways, protection of indigenous vegetation and threatened species; Designated Development.
<b>Recommendation:</b>	Deferred Commencement Consent
<b>Attachments:</b>	Plans

**LOCALITY PLAN** (not to scale)



**Subject Site:**

Lot 1092 in DP 752038, Brooker Avenue, Beacon Hill

**Notified Residences:**

Under the provisions of Warringah Development Control Plan No. 1\* (adopted 27 February 2000), the subject application was notified by letter dated 6 July 2005 to 16 adjoining owners / occupiers. The notification period ended on 21 July 2005. The notification letters were sent in accordance with the notification list and map.

\*Note: Development Control Plan No. 1 was superseded by Warringah Development Control Plan, which was adopted by Council on 13 December 2005.

The subject application is identified as a Designated Development pursuant to Clause 4(1) and Part 1, Schedule 3 of the Environmental Planning and Assessment Regulation 2000. Pursuant to Clause 80 of the Regulation, the application was advertised in the Manly Daily on 11 and 25 November 2006.

Under Section 113 of the Environmental Planning and Assessment Act 1979, the development application and supporting documents were placed on public exhibition at Council's office and the Information Centre of the NSW Department of Planning for a period of 30 days from 13 November 2006 to 12 December 2006.

The application was also renotified to the same adjoining owners / occupiers as in the first notification by letter dated 9 November 2006, consistent with the provisions of Warringah Development Control Plan (adopted 13 December 2005). The notification period ended on 12 December 2006. The notification letters were sent in accordance with the notification list and map.

## SITE DESCRIPTION

The subject site is described as Lot 1092 in DP 752038, Brooker Avenue, Beacon Hill. The dimension and area of the site are summarised in the table below:

Boundary	Length	Area
North	177.034m	27,052.06m <sup>2</sup> (Applicant's figure)
South	163.340m	
North-east	100.536m	
South-east	57.834m	
West	147.138m	

A ridgeline crosses the site from the north to the south-west, where the land falls in two directions towards the south-east and the north-west. A prominent sandstone rock ledge is located along the south-eastern portion of the site, with a length of more than 60m. Individual rock outcrops appear in isolated positions on the site. The land is generally vegetated with Coastal Sandstone Health communities. Controlled burning had been undertaken within the past two years. The site is identified to be within Bushfire Prone Land and contain threatened ecological species known as *Tetratheca glandulosa*. The entire land is currently undeveloped with no service or building improvements.

The subject development zone is located in the south-eastern portion of the land, on top of a sandstone ridge with outcropping bedrock and minimal soil cover. Due to the terrain of the development area, overland flow will generally drain to the east towards the South Creek Catchment.

At present, the site is land locked and does not have formal vehicular access. An unformed Crown Road Reserve currently runs from the northern end of Brooker Avenue towards the north, in between Lots 1092 and 1093 and the rear of Nos. 9, 10 and 11A Guardian Parade. Potential access can be obtained by upgrading the above road reserve to an adequate standard. This access solution will be pursued as a separate development application.

The surrounding land uses are characterised by detached style residential dwellings. Red Hill Reserve, which is classified as Public Open Space under Warringah Local Environmental Plan 2000, is located to the east and north-east of the site.



Photo 1 - Sandstone rock ledge in the south-eastern portion of the site, as viewed from the Crown



Photo 2 – Subject development zone, where the fish ponds and parking platform will be accommodated



Photo 3 – Proposed access  
driveway location

## RELEVANT BACKGROUND & LEGAL PROCEEDINGS

Previous development applications relating to the subject and adjoining sites:

### 1999/3524DA

#### Description of Application

Construction of 19 self-care units and community centre for older people or people with disabilities. Council's assessment report provides the following information relating to the application:

*A "Staging Plan" submitted showed Stages 1 & 2. Stage 1 involved 19 units on Lot 1093. Stage 2 extended onto Lots 1090 to 1092, including a future community centre and shop, served by a rudimentary road layout. As the details for stage 2 were vague and did not constitute a basic master plan or indicative drawings, the subject application is regarded as involving only Lot 1093.*

#### Determination / Court Proceeding

The application was refused by Council on 14 November 2000, based on the proposal's non-compliance with various provisions of State Environmental Planning Policy No. 5, the AMCORD Private Open Space Guidelines and the then draft Warringah LEP 2000, and inadequate stormwater facility, road construction and threatened species and bushland management.

The applicant subsequently lodged an appeal with the NSW Land and Environment Court (Proceeding No. 10668 of 2001), and later discontinued the proceeding.

### 2000/4472DA

#### Description of Application

Construction of a dwelling house at Lot 1091 in DP 752038, with vehicular access from Oxford Falls Road.

#### Determination

Development Consent 4472DA was granted by Council on 12 February 2001, subject to conditions.

### 2002/1123DA

#### Description of Application

Construction of a dwelling house at Lot 1092, with associated driveway and road access. The assessment report provides the following information relating to the proposal:

##### *Housing Density*

##### *"Existing Parcel" provisions*

*Council's map records indicate that the subject Lot was held as Crown land, together with Lots 1086, 1088, 1089, 1090, 1091 and 1093 as an "existing parcel" on 8<sup>th</sup> March 1974. This means that only one dwelling is permitted to be built on this "existing parcel". Council's records further indicate that Development Consent has been issued for a dwelling on Lot 1091 (DA No. 2000/4472) and that no further dwellings can be proposed on any of these properties.*

*Accordingly, there is a constraint on Council issuing Development Consent for the erection of a dwelling on the subject lot on the basis of the Housing Density controls of WLEP 2000 and Clause 18(4) and (5) of LEP 1985. As Council has issued a Development Consent for a dwelling on Lot 1091, a consent for the erection of dwellings on the other parcels within the "existing parcel" are not possible. The Housing Density control under WLEP 2000 has not been complied with.*

#### **Determination**

The application was refused by Council on 2 October 2002 based on the following reasons:

- Non-compliance with the Desired Future Character for the Oxford Falls Valley Locality as stated in the B2 Locality Statement of WLEP 2000.
- Non-compliance with the Housing Density standard of the B2 Locality Statement of WLEP 2000.
- Insufficient details have been provided to demonstrate compliance with:
  - Clause 52 "Development near parks, common bushland reserves and other public open spaces"
  - Clause 54 "Provision and location of utility services"
  - Clause 56 "Retaining unique environmental features on site"
  - Clause 58 "Protection of existing flora"
  - Clause 59 "Koala habitat protection"
  - Clause 72 "Traffic access and safety"
  - Clause 76 "Management of stormwater"
- Owner's consent from the Department of Land and Water Conservation has not been provided for the proposed access road over Crown Land.

#### **2003/0853DA**

#### **Description of Application**

Construction of a dwelling house at Lot 1092, with associated driveway and road access. The assessment report provides the following information relating to the proposal:

##### *Housing Density*

##### *"Existing Parcel" provisions*

*Council's map records indicate that the subject Lot was held as Crown land, together with Lots 1086, 1088, 1089, 1090, 1091 and 1093 as an "existing parcel" on 8<sup>th</sup> March 1974. This means that only one dwelling is permitted to be built on this "existing parcel". Council's records further indicate that Development Consent has been issued for a dwelling on Lot 1091 (DA No. 2000/4472) and that no further dwellings can be proposed on any of these properties.*

*Accordingly, there is a constraint on Council issuing Development Consent for the erection of a dwelling on the subject lot on the basis of the Housing Density controls of WLEP 2000 and Clause 18(4) and (5) of LEP 1985. As Council has issued a Development Consent for a dwelling on Lot 1091, a consent for the erection of dwellings on the other parcels within the "existing parcel" are not possible. The Housing Density control under WLEP 2000 has not been complied with.*

*The Architectural Statement submission states the owners of Lot 1091 are prepared to transfer the current housing entitlement from Lot 1091 to Lot 1092 thereby allowing the Housing Density to be maintained. This could suggest a precedent for further urbanisation.*

#### **Determination / Court Proceeding**

The applicant lodged a Class 1 Appeal for deemed refusal with the NSW Land and Environment Court on 25 September 2003 (Proceeding No. 11177 of 2003), prior to a determination being made by Council. The matter was heard in the Court over 6 days from February to March 2004. On 21 June 2004, the Court ordered that the appeal be dismissed.



## Description of Application

Construction of road extension of Brooker Avenue, including drainage works, excavation, filling, retaining walls and infrastructure for services.

## Determination / Court Proceeding

The application was refused by Council on 11 August 2004 based on the following reasons:

1. Pursuant to Section 79C(1)(a)(i) of the Environmental Planning and Assessment Act (Amended), 1979, the proposed road extension of Brooker Avenue is not in accordance with the Desired Future Character of Locality B2 Oxford Falls Valley of Warringah Local Environmental Plan 2000. The development does not conform to this locality in that the natural landscape including landforms and vegetation will not be protected and, where possible, enhanced.
2. Insufficient details have been provided with regard to the proposed road access to determine compliance with the following General Principles of Warringah Local Environmental Plan 2000:
  - a) Clause 52 "Development near parks, common bushland reserves and other public open spaces"
  - b) Clause 56 "Retaining unique environmental features on the site"
  - c) Clause 58 "Protection of the existing flora"
  - d) Clause 60 "Watercourses and aquatic habitats"
  - e) Clause 72 "Traffic access and safety"
  - f) Clause 76 "Management of stormwater"
  - g) Clause 80 "Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife service"
  - h) Clause 83 "Development of known or potential archaeological sites"
3. Owner's Consent from the Crown Lands NSW has not been provided for the proposed access road over Crown Land.
4. Insufficient information has been provided to comply with the "Rural Fires and Environmental Assessment Legislation Amendment Act 2002" and "Planning for Bushfire Protection 2001" as required by the NSW Rural Fire Service.
5. Insufficient information has been provided for an application deemed integrated development, as the works are located within 40 metres of a natural watercourse.

The applicant subsequently lodged a Class 1 Appeal with the NSW Land and Environment Court (Proceeding No. 11087 of 2004). On 27 April 2005, the Court issued the following directions:

1. Warringah Council (the council) is to advise by 25 May 2005 whether it will accept transfer of the Crown road adjacent to lots 1093 and 1092 and give owner's consent to the making of the development application for the access road upon
  - (a) the council or the Court granting a deferred development consent for a dwelling house or other use of lot 1092 on the deferred commencement condition that development consent is granted to the access road; and
  - (b) the council or the Court reaching a finding that the proposed access road is appropriate for development consent.
2. The applicant is to lodge a development application for a house or other use of lot 1092 and amend the existing development application for the access road by 22 June 2005.
3. The parties are referred to a call-over on 24 June 2005 to report on the progress of the matter.

On 24 May 2005, Council, via its legal consultants, advised Vigor Master in writing that "it will accept transfer of the Crown road adjacent to Lots 1093 and 1092 from the Crown under section 151 of the Roads Act 1993 and will thereafter give owners consent to the making of the development application for the access road upon:

- (a) *The lodgement with the Council of a development application for a dwelling house or other use of Lot 1092 accompanied by an undertaking from the owners of Lot 1091 DP 752038 Oxford Falls Road Beacon Hill (if the development application for Lot 1092 relates to a dwelling house) that the owners of Lot 1091 will surrender development consent no. 4472DA dated 12 February 2001;*
- (b) *The Council or the Court granting a deferred commencement development consent for a dwelling house (following the surrender of the development consent for Lot 1091) or other use of Lot 1092 on the deferred commencement condition that development consent is granted to the access road; and*
- (c) *The Council or the Court reaching a finding that the proposed access road is appropriate for development consent.*

The proceeding was discontinued on 11 August 2005.

## **2005/0588DA**

### **Description of Application**

Construction of a detached dwelling house and access driveway at Lot 1092.

### **Status**

Awaiting determination by Council.

## **PROPOSAL IN DETAIL**

The subject application seeks approval for the construction of an aquaculture facility with access driveway and associated structures. The proposal features the following characteristics:

### **Land use**

- Culture of *Cyprinus carpio* (Koi) in land-based fish ponds, intended for commercial sales at the ornamental fish market.

### **Building work**

- Construction of four (4) fish ponds, each of 6.460m (length) x 2.230m (width) x 1.200m (height) in dimension, including wall thicknesses.
- A rainwater tank of 3.325m to 4.460m (length) x 2.460m (width) x 1.200m (height) in dimension will be provided.
- A roof of clear polycarbonate construction will be installed to divert stormwater away from the fish tanks into the rainwater tank, while allowing solar access to the ponds.
- The entire facility will have a dimension of 17.880m (length) x 10.460m to 11.476m (width), and occupy a footprint area of 198.4m<sup>2</sup>, excluding access driveway. The total development footprint area is approximately 269.0m<sup>2</sup>.
- Chainmesh fencing of 1.8m in height will be installed along the perimeter of the compound.
- A 4m wide driveway will be constructed from the site boundary to the main entry of the compound.
- The ponds and filtration system are to be constructed over a leveled area of sandstone bedrock. Excavation of up to 500mm below the existing rock surface is required.
- The internal walls and floors of the ponds will be constructed of either in-situ reinforced concrete or laid concrete blocks.
- The ponds will be covered by lockable 25mm galvanised steel mesh.

### **Water management**

- The proposal includes a linear filtration system consisting of a 9,000mm long trough, with overlapping upper and lower baffles. Water flow in a continuous loop will be maintained by 2 electric pumps positioned within the filter.
- The evaporation of pond water will be replenished by supply from the rainwater tank. Occasional addition of fresh water from mains supply is required.
- Any overflow of pond water will be drained to the sewer.
- The application document indicates that the filtration system will be cleaned approximately once every 3 months.

### **Cultivation practice**

- The cultivation of fish will start with fingerlings, approximately 50mm long, obtained from off-site locations. These fingerlings will be transported to the site in heavy duty plastic bags by car.
- Fish stock will be harvested and sold at various sizes up to 400mm. Harvesting will be undertaken with a hand dip net. Fish will be placed in water-filled heavy duty plastic bags for transport.
- No feed or pharmaceuticals will be stored on site. These items will be transported to the site during regular visits by staff.

### **Waste management**

Potential source of waste by-products:

- Detritus from the filter cleaning process. This will be discharge to the sewage system.
- Dead fish stock and other materials transported to the site. These will be transported away from the site and disposed of by the operator.

### **Vehicular traffic**

1 staff vehicle trip every 2 days

### **Estimated construction cost**

\$17,462.50, including GST

## **AMENDMENTS TO THE PLAN**

Council's requests for amended plans / additional information and response from the applicant are summarised as follows:

29 June 2005	A request was made by letter for the submission of amended plans / additional information, including: <ul style="list-style-type: none"><li>• A flora and fauna report.</li><li>• A survey plan and long sections indicating site levels and road gradients.</li><li>• A revised quotation of the estimated total construction cost.</li><li>• A bush fire report.</li></ul>
5 July 2005	Survey plans, details of associated works, revised quotation and bush fire report were submitted.
7 July 2005	A request was made by letter for the submission of an additional set of supporting documents for referral to the NSW Department of Primary Industries for the purposes of Integrated Development referral.
14 July 2005	The application was referred to the NSW Department of Primary Industries for concurrence pursuant to Section 144 of the Fisheries Management Act 1994 and Section 91(1) of the Environmental Planning and Assessment Act 1979.
23 August 2005	Flora and fauna assessment report was submitted.

- 24 August 2005 A request was made by letter for the submission of an Aquaculture Permit application with the Department of Primary Industries. The letter also requested an additional set of documentation to be submitted for referral to the NSW Rural Fire Service.
- 2 September 2005 An application for Aquaculture Permit and supporting documentation were received by Council.
- 1 September 2005 A referral to the NSW Rural Fire Service under Section 79C of the Environmental Planning and Assessment Act was made on 1 September 2005.
- 5 September 2005 An Aquaculture Permit application was forwarded to the NSW Department of Primary Industries in response to the Department's request dated 12 August 2005.
- 14 September 2005 A request was made by letter for the submission of amended plans / additional information as follows:
- Full engineering details, including long-section, cross-section and drainage information, for the proposed access road from Brooker Avenue to the site.
  - Investigations of the potential impacts on the local flora and fauna in relation to the proposed access road to be constructed linking Brooker Avenue to the site.
  - Information demonstrating how the surrounding environment will be protected from accidental liquid spillage from the proposed facility.
  - Information demonstrating how the site is to be secured from predation by local wildlife.
  - Information of any storage facilities for fish food.
  - Details of any warming / cooling device for the fish pond water and its potential environmental impacts.
- 22 September 2005 Correspondence from the applicant was received indicating that full engineering details for upgrading the unformed Crown Road Reserve will not be provided at the current stage. The applicant argued that Council should undertake a merit assessment in relation to the aquaculture facility, with a view to granting a deferred commencement consent, subject to the condition that a separate approval be granted for the construction of an access road.
- Relevant information on previous Land and Environment Court proceedings relating to the site as provided in the letter is extracted below:
- Council agrees to accept the transfer of the Crown road adjacent to Lot 1092 and give owner's consent to the making of the development application for the access road upon: (i) the Council or the Court granting consent for the utility DA on Lot 1092 on the deferred commencement condition that development consent is granted to the access road. (ii) The Council or the Court reaching a finding that the proposed access road is appropriate for development consent.*
- In our last appeal (No. 11087 of 2004) in Land and Environment Court on road construction, the Court directed us to submit the utility DA on Lot 1092 to Council first before any merit hearing on road appeal. The Court made it clear that road construction is a technical issue. Nevertheless, if the utility DA on Lot 1092 for which the proposed road construction provides the access cannot be granted by Council or Court, there is no need to propose the road construction.*
- We followed Council solicitor's advice to discontinue the appeal on road case at present because we are told that we may lodge a further appeal with respect to the road development application once the position with respect to the Lot 1092 development application becomes clearer.*
- If our DA is consented on the deferred commencement condition that development consent is granted to the access road, we will lodge a development application for the road construction along the unformed part of Brooker Avenue and we will provide all the supporting documentation.*



It should be noted that the appeal against Councils' refusal of the road proposal (Proceeding No. 11087 of 2004) was discontinued by the applicant on 11 August 2005. Therefore, the Court's direction in this matter is no longer relevant.

The letter also provides the following information addressing Council's concerns as outlined in the letter dated 14 September 2005:

- Any accidental liquid spillage will be discharged to the sewerage system.
- Fencing and locked gate will be provided around the proposed facility. Net will be placed above the fish ponds to guard against potential predation by local wildlife.
- No fish feed will be stored on site as the food will be delivered by staff during routine visits.
- No heating or cooling device for the pond water is required.

20 March 2006

A letter was sent to the applicant advising that the subject proposal is classified as a Designated Development pursuant to Section 112 of the Environmental Planning and Assessment Act 1979 and Schedule 3 of the Environmental Planning and Assessment Regulation 2000. Consequently, the proposal requires the submission of an Environmental Impact Statement (EIS) for assessment.

19 May 2006

A letter was sent to the applicant providing supplementary advice in relation to the documentation requirements of a Designated Development. The details are extracted below:

#### **Designated Development**

Pursuant to Clause 4(1) and Clause 3(1)(b)(i), Part 1, Schedule 3 of the Environmental Planning and Assessment Regulation 2000, the subject proposal is declared to be Designated Development. Section 112 of the Environmental Planning and Assessment Act 1979 provides that Council, as the consent authority, shall not grant an approval to the development unless it has considered an environmental impact statement (EIS) prepared in the prescribed form and manner.

Consequently, an EIS is to be submitted having regard to the provisions of Part 5 of the Environmental Planning and Assessment Act 1979. Pursuant to Clause 73 of the Regulation, the applicant is to consult with the Director-General of the NSW Department of Planning in relation to the form and content of the EIS. The consultation is to establish the required content and expertise necessary to complete the statement.

In addition, Council is required to investigate whether certain basic infrastructure, such as road access, drainage, sewerage and the like, can be successfully provided to the development.

#### **Road Access**

Full engineering specifications in relation to the proposed road access to the site are to be provided. The potential environmental impacts of the proposed road access are to be investigated as part of the EIS.

#### **Drainage and Sewerage**

Details of drainage and sewerage design, demonstrating that there is no potential for cross contamination between the two systems, are to be submitted. The re-use of stormwater, where appropriate, is encouraged. The applicant is to provide detailed information showing how the ponds will be filtered before discharge into the Sydney Water system. Additional information, such as pond overflows (in storm periods) is to be provided so that all impacts can be fully assessed.

#### **Environmental Management Plan**

An environmental management plan is to be prepared indicating the operational details of the facility, including:

- Water consumption demand



- Water discharge volume and frequency
- Frequency and method for filter maintenance
- Methods for harvesting fish
- Restocking frequency and volume
- Types of fish food

A chronology of events relating to the application has also been provided.

- 29 May 2006 A meeting between the applicant and the responsible Officers was held at Council's office to discuss issues relating to the required EIS.
- 12 October 2006 Copes of the Environmental Impact Statement were submitted to Council.
- 3 November 2006 Pursuant to Section 112(2) of the Environmental Planning and Assessment Act 1979, copies of the Environmental Impact Statement and design drawings were submitted to the Department of Planning for public exhibition purposes.
- 23 January 2007 Pursuant to Clause 81 of the Environmental Planning and Assessment Regulation 2000, a copy of all submissions lodged with Council was forwarded to the Department of Planning for reference purposes.
- 15 February 2007 A meeting between the applicant and Council officers was held to discuss possible options for vehicular access to the site.
- 16 February 2007 Correspondence from the applicant was received, which included description of proposed minor road upgrade to the Crown Road Reserve for vehicular access to the site. It was also suggested that all utility services will be connected via an easement from the neighbouring Lot 1093, in lieu of the original proposal of service connection along the road reserve. This design option, which was a new proposal put forward by the applicant, could eliminate the procedures of transferring ownership of the Crown Land to Council.
- 13 March 2007 Following an assessment of the submitted EIS, the applicant was requested to provide amended plans / additional information addressing the following issues:

**Translocation risk and breeding of fish stock**

Confirmation from the author of the EIS (Wildthing Environmental Consultants) is sought in relation to whether the fish stock kept on site is capable of breeding, and whether fish eggs and fingerlings of sexual maturity age will be kept in the tanks.

Additionally, Wildthing Environmental Consultants are requested to comment on the likelihood for translocation of fish into and down South Creek under abnormal weather conditions, for instance, under heavy rain storms as opposed to the "average conditions" as mentioned in Section 3.0, Appendix E "Investigation of South Creek and Narrabeen Lake as habitat for Carp" of the EIS report. The possibility of the survival of fingerlings or juvenile koi washed into the creek under high flows is to be clearly established.

**Stormwater drainage and sewage discharge**

Evidence of a preliminary agreement (and/or list of requirements) from Sydney Water Corporation that a Trade Waste Agreement would be granted is to be submitted.

The aquaculture facility must be provided with a roof so that the stormwater would be diverted away from the fish tanks into an appropriate rainwater tank. In this regard, full drawings of a low impact roof structure and any required pumping system for the recycling of rainwater are to be provided. The roof is to be of a low profile nature.

In addition, the plans are to be amended to include an appropriate containment / bunding structure surrounding the fish tanks, which is capable of holding a minimum of 110% of the volume of the fish tanks should their walls fail.



### **Utility services connection and impacts on native bushland**

It is noted that utility services are proposed to be connected to the subject site via an easement from neighbouring Lot 1093. Details of such service easements burdening Lot 1093 and benefiting Lot 1092 are to be provided.

The applicant is to provide information indicating the location, alignment and construction of proposed utility services (including water supply, gas, electricity and telecommunications connections) and sewerage line.

Lot 1093 is identified to contain threatened species according to Council's records. Where the above services require removal of native bushland in the subject and/or adjoining allotments, an assessment of the potential impacts on flora and fauna are to be provided. This may take the form of an amendment to the submitted Flora and Fauna Report.

### **Vegetation Management Plan and Works Protection Plan**

A "Vegetation Management Plan" and "Works Protection Plan" in relation to the existing bushland on site are to be prepared in accordance with Council's guidelines. The above plans are to address any building works for services connections on the subject and adjoining lot(s).

### **Minor works on Crown Road Reserve**

The applicant is to provide detailed description of the range of "minor works" on the Crown Road Reserve in order to upgrade the existing road access to a suitable standard. Additionally, the applicant is to consult with the NSW Rural Fire Service in relation to the use and minor upgrade of the Crown Road Reserve.

### **Other required information**

- Methods of disposal of detritus and sludge from the filter and tank cleaning process.
- Location on the site where the pond filters will be cleaned.
- An updated quotation of cost of works (including fish tanks, driveway, minor works on Crown Road Reserve and associated facilities).

20 March 2007	Additional information was submitted to Council. However, the information is not considered to have satisfactorily addressed issues raised by Council in the letter dated 13 March 2007.
3 April 2007	A letter from the applicant was received, which reiterates their intention to postpone the preparation of full documentation for the proposed road access to the site. The applicant maintained their position to obtain a deferred commencement consent for the subject aquaculture facility, subject to the deferred commencement condition that a road access development application be approved by Council.
20 April 2007	A letter was sent to the applicant advising that Council would be in a position to determine the subject proposal, following resolution of the outstanding issues as detailed in the previous correspondence.
10 May 2007	The required additional information, including amended design plans that incorporate a roof, Vegetation Management Plan and Works Protection Plan, was submitted to Council.



## STATUTORY CONTROLS

- a) Environmental Planning and Assessment Act 1979
- b) Environmental Planning and Assessment Regulation 2000
- c) Fisheries Management Act 1994
- d) Threatened Species Conservation Act 1995
- e) National Parks and Wildlife Act 1974
- f) Warringah Local Environment Plan 2000
- g) Warringah Development Control Plan
- h) Draft Environmental Planning Instruments

## REFERRALS

General referrals:

Date	Referral Body	Comments
29 July 2005	Development Engineers	The Engineers' assessment is made based on the assumption that adequate vehicular access from Brooker Avenue is available. No objections subject to standard conditions.
27 March 2007		The applicant has expressed the intention to undertake minor upgrading works to the existing Crown Road Reserve along the unformed portion of Brooker Avenue for access purposes. No objections are raised in relation to this arrangement, subject to the access gate being locked to prevent vehicular access by the general public.
13 July 2005	Traffic Engineers	The proposal is unlikely to generate a significant level of vehicular traffic, and consequently, any impacts on Brooker Avenue and the surrounding road system will be minor. No objections subject to a condition that requires all parking and driveway areas to be designed and constructed in accordance with relevant Australian Standards.
30 October 2006		No objections on traffic grounds.
9 September 2005	Bushland Management	The following additional information is required: <ul style="list-style-type: none"> <li>• Flora and fauna assessment in relation to potential impacts of the access road on the existing vegetation.</li> <li>• Details of liquid spill containment measures.</li> <li>• Details of security measures against predation by local wildlife.</li> <li>• Details of fish food storage facilities</li> </ul>
13 December 2006		The following additional information is required: <ul style="list-style-type: none"> <li>• A Vegetation Management Plan and Works Protection Plan, prepared in accordance with Council's guidelines.</li> <li>• Details on the location and construction of any sewage line. A supplementary flora and fauna assessment will be required should the proposed sewage connection impacts on the native bushland.</li> </ul>
4 June 2006		The submitted Vegetation Management Plan and Works Protection Plan are considered satisfactory, subject to conditions

Date	Referral Body	Comments
23 February 2006	Catchment Management	Additional information, including details on fish tank design, flushing mechanism, maintenance procedures, water filling processes and fish escape containment techniques, are required to be submitted.
11 May 2006		<p>The following additional information is required for assessment:</p> <ul style="list-style-type: none"> <li>• Details on the drainage and sewerage connection design, demonstrating how the two systems operate separately with no possibility for cross-contamination.</li> <li>• Details on any filtering device prior to the discharge of pond water into the Sydney Water system.</li> <li>• An Environmental Management Plan that includes operational details, including water demand, discharge volume and frequency, filter maintenance, methods for harvesting fish, restocking and types of feed.</li> <li>• The subject proposal constitutes Designated Development under the Environmental Planning and Assessment Act 1979, and consequently requires the submission of an Environmental Impact Statement (EIS) in accordance with the provisions of the Act and Regulation.</li> </ul>
23 January 2007		<p>The following comments were made:</p> <ul style="list-style-type: none"> <li>• There is no evidence of pre-approval from Sydney Water Corporation to permit discharge of pond water into the sewerage system.</li> <li>• No details are provided in the application demonstrating that any overflow of pond water will be contained within the site and will not contaminate the surrounding bushland.</li> <li>• There is on-going concerns in relation to risks of translocation of koi eggs and fingerlings into the surrounding natural watercourse.</li> </ul>
12 June 2007		Additional information has since been provided by the applicant. No further information is required. No objections to the proposal subject to conditions.
14 July 2005	Environmental Health	Details on any heating and cooling equipment for the pond water are required. No objections subject to conditions.
30 May 2007		Concerns are raised in relation to translocation risks of koi carp into the natural watercourse. No objections subject to conditions.
11 June 2005	Aboriginal Heritage Office	No objections.
27 October 2006		The submitted aboriginal heritage assessment report has been reviewed. The conclusion that no aboriginal sites will be affected by the proposed road construction is supported. It is considered that there are no aboriginal heritage constraints on the proposed road construction, providing the recommendations under Part 6 of the report are followed. Any amendments to the scope of the works will require re-assessment by the Aboriginal Heritage Office.

Date	Referral Body	Comments
30 September 2005	NSW Rural Fire Service	No objections or special consideration in relation to bushfire matters.
28 November 2006		Following assessment of amended drawings and documentation from the applicant, the Rural Fire Service recommended an Asset Protection Zone of 10m to be provided around the aquaculture facility. This will be imposed as a condition of consent. As the proposal involves a non-habitable structure and non-combustible materials, no specific fire resistant construction levels are required.
11 July 2006	Department Of Planning	The Department of Planning advised the applicant by letter dated 11/7/06 in relation to the matters which need to be addressed in the EIS. These matters as listed in detail in the report under the heading 'Environmental Planning and Assessment Act 1979 and Regulations 2000' – Clause 73.

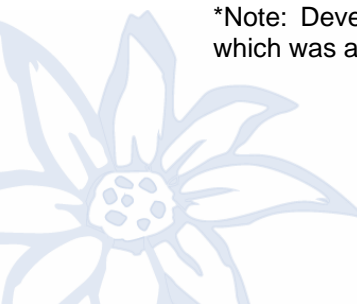
Integrated Development referral:

Date	Referral Body	Comments
12 August 2005	NSW Department of Primary Industries	The Department is unable to provide terms of approval as an Aquaculture Permit application for the proposal has not been made.
20 September 2005		Under Schedule 3 of the Environmental Planning and Assessment Regulation 2000, the culture of non-indigenous species within 500m of a waterway is classified as Designated Development. The Council will need to consider the assessment requirements of a Designated Development.
6 January 2006		The Department has assessed all information submitted by the applicant. A Class D Aquaculture Permit will be issued upon receipt of a copy of the Development Consent, subject to Conditions 1 – 24 and 45 – 47 of the enclosed Aquaculture Permit Standard Conditions.
2 February 2007		The subject application has satisfactorily addressed all policy requirements prescribed by the Department of Primary Industries.  A Class D Aquaculture Permit will be issued upon receipt of a copy of the Development Consent, and will be subject to Conditions. Refer to proposed condition No 68.

**NOTIFICATION & SUBMISSIONS RECEIVED**

Under the provisions of Warringah Development Control Plan No. 1\* (adopted 27 February 2000), the subject application was notified by letter dated 6 July 2005 to 16 adjoining owners / occupiers. The notification period ended on 21 July 2005. The notification letters were sent in accordance with the notification list and map.

\*Note: Development Control Plan No. 1 was superseded by Warringah Development Control Plan, which was adopted by Council on 13 December 2005.



The following submissions were received at the conclusion of the first public notification:

Submission	Address
L & W Barin	10 Guardian Parade, Beacon Hill
H Jakobi	11 Guardian Parade, Beacon Hill

The subject application is identified as a Designated Development pursuant to Clause 4(1) and Part 1, Schedule 3 of the Environmental Planning and Assessment Regulation 2000. Pursuant to Clause 80 of the Regulation, the application was advertised in the Manly Daily on 11 and 25 November 2006.

Under Section 113 of the Environmental Planning and Assessment Act 1979, the development application and supporting documents were placed on public exhibition at Council's office and the Information Centre of the NSW Department of Planning for a period of 30 days from 13 November 2006 to 12 December 2006.

The application was also renotified to the same adjoining owners / occupiers as in the first notification by letter dated 9 November 2006, consistent with the provisions of Warringah Development Control Plan (adopted 13 December 2005). The notification period ended on 12 December 2006. The notification letters were sent in accordance with the notification list and map.

The following submissions and petitions were received following public exhibition and notification:

Date	Submission	Address
4 December 2006	Petition (23 properties)	R & K Pearce, 2A Guardian Parade, Beacon Hill M Vines, 1B Guardian Parade, Beacon Hill K Chan, T & M Choi, 16 & 16A Guardian Parade, Beacon Hill D & C Pennock, 15 Guardian Parade, Beacon Hill T Holmstrom, 14 Guardian Parade, Beacon Hill G Mendicino, 7 Guardian Parade, Beacon Hill 13 Guardian Parade, Beacon Hill J & B Carroll, 5A Guardian Parade, Beacon Hill M & R Stauble, 5 Guardian Parade, Beacon Hill G McGuire & L White, 3A Guardian Parade, Beacon Hill G & W Nunn, 2 Charlotte Place, Beacon Hill J Deam, 3 Charlotte Place, Beacon Hill S & M Callanan, 5 Charlotte Place, Beacon Hill J Vesco, 6 Charlotte Place, Beacon Hill J & J Canham, 3 Guardian Parade, Beacon Hill J Byrne, 2 Guardian Parade, Beacon Hill B Saunders, 59 Lady Penrhyn Drive, Beacon Hill D Parsens, 57A Lady Penrhyn Drive, Beacon Hill D & J Nisbet, 57 Lady Penrhyn Drive, Beacon Hill C Vallance, 60 Lady Penrhyn Drive, Beacon Hill A Barnao, 1 Charlotte Place, Beacon Hill D & M Marince, 4A Guardian Parade, Beacon Hill P, J & H Van Eersel, 4 Guardian Parade, Beacon Hill
24 November to 7 December 2006	Petition (11 properties)	G & C Savage, 75 Brooker Avenue, Beacon Hill E Bylmakers, 8 Cooper Close, Beacon Hill S N Fox, 11 Oxford Falls Road, Beacon Hill M Coxhill, 6/9 Stuart Street, Collaroy K Castleman, 266 Warringah Road, Beacon Hill 14 Reynolds Crescent, Beacon Hill S Gosterow, 46 Towradgi Street, Narraweena R Morris 71 Brooker Avenue, Beacon Hill G & C Deegen, 61 Tristram Road, Beacon Hill R & A Howell, 43 Earl Street, Beacon Hill L Howell & W Manley, 68 Tristram Road, Beacon Hill

Date	Submission	Address
28 November to 12 December 2006	Petition (6 properties)	F L Hayward, 65 Brooker Avenue, Beacon Hill E Battiste, 9 Brooker Avenue, Beacon Hill A Sattler, 33 Brooker Avenue, Beacon Hill M & J Teisseyce, 57A Brooker Avenue, Beacon Hill G Dominish, 64A Brooker Avenue, Beacon Hill C Sharpe, 61 Brooker Avenue, Beacon Hill
16 November 2006	H Jakobi	11 Guardian Parade, Beacon Hill
21 November 2006	R Humphrey	53 Brooker Avenue, Beacon Hill
26 November 2006	L & W Barin	10 Guardian Parade, Beacon Hill
27 November 2006	V Malan	65A Brooker Avenue, Beacon Hill
30 November 2006	C Bayer & D Sgro	37 Brooker Avenue, Beacon Hill
1 December 2006	R and L Van Den Bosch	13 Guardian Parade, Beacon Hill
3 December 2006	D Townsend	50 Paxton Street, Frenchs Forest
3 December 2006	S & G Mendicino	7 Guardian Parade, Beacon Hill
4 December 2006	J & C Magill	73 Brooker Avenue, Beacon Hill
5 & 7 December 2006	B & R Carroll	58 Brooker Avenue, Beacon Hill
10 December 2006	R, E, S & C Lo	8A Guardian Parade, Beacon Hill
10 December 2006	G Charlick	53A Brooker Avenue, Beacon Hill
10 December 2006	N/A	Residents in Brooker Avenue and Guardian Parade
11 December 2006	J Tansley	11A Guardian Parade, Beacon Hill
11 December 2006	J Lord	79A Brooker Avenue, Beacon Hill
11 December 2006	T & E Holmstrom	14 Guardian Parade, Beacon Hill
11 December 2006	S & D Downie	59 Brooker Avenue, Beacon Hill
12 December 2006	A Sharp (Friends of Narrabeen Lagoon Catchment)	77 Brighton Street, Harbord

The issues raised in the submissions are addressed as follows:

### INAPPROPRIATE LAND USE

- The proposed commercial venture is not compatible with the prevailing residential use and character of the locality.*  
The proposal represents a small-scale agricultural use, which does not involve significant building work and removal of vegetation from the site. Due to the low intensity nature of the use, the on-going operation of the facility will generate a limited level of vehicular traffic. The development is not considered to result in significant impacts on the predominant residential character of the locality. Refer to the "Desired Future Character" section of this report for details.
- The proposal is not a permissible use under Council's planning control documents.*  
The subject development is defined as "agriculture" under WLEP 2000, and accordingly is classified as a Category Two use in the B2 Oxford Falls Valley locality. The proposal is permissible subject to development consent by Council.
- The proposed facility is capable of being utilised as a dwelling when it is completed.*  
The proposed facility is a non-habitable structure and cannot be used as a proper dwelling.
- The granting of access to the proposed development will encourage further large-scale developments in the adjoining allotments, and will result in significant cumulative environmental impacts.*  
The proposal is for the construction of an aquaculture facility on Lot 1092 only. The development of an access road to the land in question will be subject to a separate development application with Council. Any proposal for housing or other land use development will require the submission of a development application and merit assessment by Council. The implementation of the proposed facility is not considered to have a direct consequence for further large-scale developments in the adjoining allotments.

- *The development will negate public enjoyment of the adjacent public open space and bushland reserve.*

Red Hill Reserve is located a minimum of 44m to the east and north-east of the proposed facility. The total development footprint of the fish farm is approximately 269m<sup>2</sup> or 1% of site area. The proposed fish ponds are low-profile structures of not more than 1.6m above the finished ground level. The proposal is not considered to affect the visual or physical amenity of the adjacent public open space.

## **TRAFFIC GENERATION AND SAFETY**

- *The subject site is land locked and does not have adequate vehicular access. The application contains no details in relation to access issues.*
- *The existing fire trail does not have sufficient width to allow vehicular access. The proposal will result in significant safety issues for pedestrians who use the trail for accessing Red Hill Reserve.*
- *Any proposed upgrade to the existing unformed road reserve will create a vehicular thoroughfare that significantly alter the amenity of the surrounding residential developments.*

At present, the site is land locked and does not have formal vehicular access. An unformed Crown Road Reserve currently runs from the northern end of Brooker Avenue towards the north, in between Lots 1092 and 1093 and the rear of Nos. 9, 10 and 11A Guardian Parade. Potential road access can be obtained by upgrading the above road reserve to an adequate standard.

The subject application seeks approval for the proposed aquaculture facility only. The preliminary access solution would be to extend Brooker Avenue to the north along a portion of the aforementioned road reserve. The detailed design and alignment of a suitable access road and its potential environmental impacts will be assessed as part of a separate development application. The subject proposal is not considered to have any safety consequences on the existing fire trail.

It is considered that the proposed fish farm is a low-impact operation, which will not result in significant adverse environmental impacts on the surrounding localities. A Deferred Commencement Consent is recommended subject to the condition that requires Council's approval of a suitable access road.

- *The on-going operation of the proposed aquaculture facility will generate heavy vehicular traffic from delivery, waste collection and visitor activities. The local roads in the area are not suitable for truck traffic. The anticipated heavy traffic will result in significant safety and amenity issues for the surrounding residents.*

The proposed fish farm will generate 1 vehicle trip per 2 days by staff for fish feeding and regular inspection. The fish farm is anticipated to utilise a sedan-derivative vehicle for loading and delivery purposes. The facility does not require deliveries by trucks or rigid vehicles given the scale of the operation. Therefore, the development is not considered to result in significant traffic generation that will adversely impact on the surrounding areas.

## **IMPACTS ON THE NATURAL ENVIRONMENT**

- *The proposed development will result in detrimental impacts on the rock outcrops, indigenous flora and fauna and environmental setting of the site.*

The total development footprint of the fish farm is approximately 269m<sup>2</sup> or 1% of site area. The proposed fish ponds and associated parking platform will be situated on top of a flat sandstone rock ledge. The proposed facility has a low profile and affects only a small proportion of the outcrop at its eastern end. Additionally, the facility will be setback a minimum of 20m from the road boundary, which will effectively reduce its prominence among the landscape.



The remaining 99% of the site will remain vegetated (with native Coastal Sandstone Heath) and unaffected by the proposal. Additionally, the fish farm is located approximately 43m from the identified threatened species (known as *Tetratheca glandulosa*) on site. The level of separation is considered to have minimised potential impacts of the proposed development.

It is considered that the proposal is a low-impact development and will not significantly disturb the native bushland and threatened species and overall environmental setting of the site.

- *The proposed upgrading of the unformed road reserve will require significant cutting and filling of land and removal of native bushland.*

The construction of an access road to Lot 1092 will be subject to a separate development application with Council.

- *The proposal carries risks of irreversible damage to the natural aquatic environment through the translocation of koi carp. Additionally, there is a possibility for the spreading of koi related diseases to other natural habitats.*

The application has included an Environmental Impact Statement that includes an assessment of the risks of translocation of koi carp into the natural aquatic environment. Based on the information provided, it is considered that the likelihood of translocation of koi into the surrounding waterway is low due to:

- The ephemeral nature of South Creek immediately downstream from the site.
- The provision of bunding devices around the fish farm facility.
- The direction of any pond overflow into the sewage system.
- The provision of security fencing and lockable screen mesh over the fish ponds, which prevent vandalism and predation by fauna.

Specific conditions will also be recommended to ensure that adequate bunding devices, sewage connection and fencing will be provided. Subject to the proposed design and the recommended conditions of consent, it is considered that the translocation risks of koi carp will be effectively mitigated or eliminated.

- *The proposed operation will require significant consumption of fresh water.*

A rainwater tank will be provided on site for replenishing fresh water into the fish ponds. Based on the information provided, approximately 5% of the total pond capacity or 3.85m<sup>3</sup> of pond water will be discharged and refilled once every 3 months. The proposed operation does not require excessive water consumption.

- *The proposed facility will result in groundwater contamination.*

All excess water from the fish ponds will be discharged into the sewage system. Specific conditions are also recommended to require appropriate bunding device to be installed around the fish ponds in order to contain any accidental spillage. Subject to the above conditions, the proposal is not considered to result in groundwater contamination.

## **IMPACTS ON RESIDENTIAL AMENITY**

- *The mechanical equipment and electricity generator installed on site will generate excessive noise and exhaust fumes that impact on the surrounding residents.*

It is anticipated that the pumping system and water circulation within the ponds will emit a limited amount of noise. The site is to be connected to permanent electricity supply. Therefore, no portable electricity generator will normally be required except in case of a power failure. Standard conditions will be imposed to ensure that any noise generated from plant and equipment and operational activities will not exceed 5dB(A) above the background noise level, as a precautionary measure against potential noise nuisance.

- *The proposed facility will result in overlooking and privacy impacts on the adjacent residential properties.*

The proposed facility is separated a minimum of 44m from the nearest residential property boundary. Due to the extensive vegetation in the surrounding areas, the proposal is not considered to result in significant privacy loss from any adjacent residences.

- *The proposal will result in odour from fish feeds, dead fish stock and effluents.*

Specific conditions will be recommended to prohibit any on-site storage of waste products and fish feed. Further, the fish pond facility will be surrounded by vegetation and located a minimum of 44m from the nearest residential property boundary. It is considered that the possibility of odour impacts on the local residents is minimal, subject to the above conditions.

- *The fish ponds and fencing structures will result in adverse visual impacts.*

The fish ponds will have a low profile of not more than 1.6m in height as measured from the finished ground level. The development will include 1.8 high chainmesh fencing around the perimeter of the fish farm facility. The fencing will be setback a minimum of 20m from the street property boundary (boundary fronting the unformed road reserve). Given the presence of dense vegetation in the surrounding areas and the level of the setback, the fencing structure will not be conspicuously discernable or result in significant adverse visual impact.

- *The proposed facility will result in light spill.*

A specific condition is recommended to ensure that the illumination level of any security lighting will not adversely affect the adjoining residences.

#### **Other operational issues:**

- *The site will only be visited by staff once every two days. There is no clear mechanism of how the staff will be alerted in the case of an escape. It is also unclear as to whether regular fish stock counting will be undertaken.*

In order to minimise risks of fish stock escape, specific conditions will be recommended to install appropriate bunding devices around the fish farm facility. A special condition is also recommended to require annual inspection by an appropriately qualified professional to ensure that the fish ponds and bunding devices are in a sound condition. It is considered that by maximising security measures at the source of potential problems, the risks of translocation of exotic fish will be minimised or eliminated.

- *There is potential for escape of fish during transit to and from the site, via leakage or tearing of plastic bags.*

A specific condition will be recommended to require all fish stock transported to and from the site to be contained in heavy duty plastic bags, securely fastened or tied. Given that koi carp has a high commodity value, the operator is motivated to ensure the safe transport of the stock. It is considered that the risk of escape of fish during transit will be minimised by compliance with the above condition.

- *The site is located in an isolated area and is normally unattended. The facility is subject to vandalism with possibilities of escape of stolen fish into the natural environment.*

Whilst the isolated location of the facility is acknowledged, the development will be provided with 1.8m high chainmesh perimeter fencing. Lockable mesh cover will also be installed over the fish ponds to prevent vandalism. Therefore, the proposal is considered to have incorporated suitable security devices.

- *The application contains insufficient information as to whether hazardous liquids will be stored on the site.*

The submitted Environmental Impact Statement has indicated that all fish feed and waste materials will not be stored on site. It is noted that the proposed facility does not require the on-site storage of hazardous liquids.



- *No toilet facilities are provided on site for visiting staff.*  
The fish farm is normally unattended. Staff will visit the site once every two days for approximately half an hour. It is considered that the provision of permanent toilet facilities is not necessary in this instance.
- *The application contains insufficient information to demonstrate how pond water overflow from exceptional rainstorm is discharged from the site.*  
The submitted Environmental Impact Statement has indicated that any excessive pond water will be discharged to the sewage system. The fish ponds will be provided with a shelter, which diverts rainwater away from the ponds. Therefore, the possibility of a pond overflow from heavy rainstorm is minimal.
- *The proposed development is contradictory to the State Government policy of discouraging cultivation and sale of koi carp. The facility will indirectly increase koi possession in the local areas, with increased risks of translocation to the natural environment.*  
There are no indications that a specific State policy discourages private culture or possession of exotic fish species. Koi carp is identified as a Class 3 noxious species under the Fisheries Management Act, which aims at preventing further release of exotic fin fish into the natural waterways. Specific conditions will be recommended to ensure appropriate bunding devices are installed to contain any accidental escape of fish stock from the ponds.  
Additionally, the Department of Primary Industries has expressed no objections to the proposal and will issue an Aquaculture Permit upon receipt of a copy of the Development Consent for the proposal.

## **CONSTRUCTION IMPACTS**

- *Impacts of dust and noise from construction traffic accessing the site via the unformed road reserve and from the construction process.*  
Standard conditions will be recommended to address potential construction management issues. These conditions will address the following aspects of construction management:
  - Preparation of a construction management plan
  - Compliance with the recommendations contained in the submitted Vegetation Management and Works Environment Protection Plans
  - Silt and sediment controls
  - Works progress inspections
  - Construction hours
  - Protection of road reserve and footpaths
  - Noise and vibration controlsSubject to the above conditions, potential impacts on the surrounding residents will be minimised.

## **PROPERTY VALUE**

- *The proposal will result in reduction of property values in the surrounding areas.*  
Property value is not considered to be a valid consideration under the Environmental Planning and Assessment Act.

## **INADEQUATE NOTIFICATION**

- *No. 7 Guardian Parade was not notified of the subject proposal.*  
The subject application has been notified to the adjoining neighbours according to the provisions of the applicable Development Control Plans. The application, being identified as a Designated Development, has also been advertised and exhibited in accordance with the provisions of the Environmental Planning and Assessment Act and Regulation. It is therefore considered that the public notification and exhibition processes are satisfactory.

## FISHERIES MANAGEMENT ACT 1994

Pursuant to Section 144 of the Fisheries Management Act 1994, a person must not undertake aquaculture except under the authority of an Aquaculture Permit. Accordingly, the subject application is identified as an Integrated Development under Section 91A of the Environmental Planning and Assessment Act 1979, and will require concurrence from the Department of Primary Industries.

On 2 February 2007, the Department stated in writing that the application is satisfactory and a Class D Aquaculture Permit will be issued upon receipt of a copy of the Development Consent. The proposed operation will be subject to general conditions under the Aquaculture Permit.

The Permit conditions cover issues such as:

- Prohibition on rearing of fish species other than that specified in the permit.
- Disposal of dead or diseased fish stock.
- Notification to the Department of Primary Industries in relation to discovery of any declared or unusual disease.
- Installation of suitable screens for all outlets from the fish ponds.
- Prohibition on discharge of effluents into the waterway.

## NATIONAL PARKS AND WILDLIFE ACT 1974

Part 6 of the National Parks and Wildlife Act 1974 contains provisions that aim at protecting known and potential Aboriginal places and Aboriginal objects. In this respect, the application has included an Aboriginal Archaeological Survey and Assessment Report, which examines the potential of the subject land of accommodating Aboriginal sites and artifacts. The details are addressed in the body of this report.

## THREATENED SPECIES CONSERVATION ACT 1995

The site contains *Tetratheca glandulosa*, which is classified as a threatened species under the Threatened Species Conservation Act. Pursuant to Section 5A of the Environmental Planning and Assessment Act, any proposals that are likely to have significant effects on threatened species, population, ecological communities, or their habitat, must address the specific criteria listed under Sub-section 5A(2). The application has included a Flora and Fauna Report, which addresses the relevant provisions under Section 5A of the EP&A Act. The details are addressed in the body of this report.

## ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 & REGULATION 2000

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	Refer to discussion on “Environmental Planning Instruments” in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	Refer to discussion on “Draft Environmental Planning Instruments” in this report.
Section 79C (1) (a)(iii) – Provisions of any development control plan	The provisions of the applicable Development Control Plans have been addressed in the body of this report.
Section 79C (1) (a)(iiia) - Provisions of any Planning Agreement or Draft Planning Agreement	None applicable.

Section 79C 'Matters for Consideration'	Comments
<p><b>Section 79C (1) (a)(iv) - Provisions of the regulations</b></p>	<p>Clause 7 of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia. Accordingly, appropriate conditions of consent are recommended for imposition should this application be considered suitable for approval.</p> <p>Clause 93 of the EP&amp;A Regulation requires the consent authority to consider the fire safety and structural capacity of a building. These matters will be addressed via appropriate conditions of consent.</p> <p>The relevant provisions of the EP&amp;A Regulation relating to Designated Developments are addressed separately in the body of this report.</p>
<p><b>Section 79C (1) (b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</b></p>	<p>(i) The environmental impacts of the proposed development on the natural and built environment are addressed under the “General Principles of Development Control” section in this report.</p> <p>(ii) The proposal represents a small-scale agricultural use, which does not involve significant building work and removal of vegetation from the site. Due to the low intensity nature of the use, the on-going operation of the facility will generate a limited level of vehicular traffic. The development is not considered to result in significant impacts on the predominant residential character of the locality. Accordingly, the proposal is not considered to generate detrimental social impacts.</p> <p>(iii) The proposal represents a small-scale, low-intensity commercial venture that occupies a limited building footprint, with low traffic-generating capacity. The culture of ornamental fish is a viable local business. The construction process will create employment for approximately 5 persons for a short period. The proposal is not considered to result in detrimental economic impacts on the locality.</p>
<p><b>Section 79C (1) (c) – The suitability of the site for the development</b></p>	<p>The site is subject to development constraints of bushfire, native bushland and threatened species consideration. The proposed facility will occupy a limited development footprint and does not involve significant construction work. The proposal is considered to impose minimum disturbance to the site vegetation and natural features. The low profile of the structures will also minimise visual intrusion to the surrounding landscape and skyline.</p> <p>The culture of exotic fish species carries risks of translocation to the South Creek and Narrabeen Lake aquatic environment, via escape of fish stock along the overland flow path during rainstorm. Notwithstanding, specific conditions will be recommended to require appropriate bunding device to contain any potential escape of fish. Additionally, the submitted Environmental Impact Statement and associated documents have indicated that the risks of translocation are minimal. It is considered that the potential environmental impacts on the surrounding natural habitat will be minimised or eliminated through appropriate design solutions.</p> <p>At present, the site does not have formal vehicular access. However, an unformed Crown Road Reserve exists to the north of the formed section of Brooker Avenue, which can potentially be upgraded to provide adequate access.</p> <p>The subject application seeks approval for the proposed aquaculture facility only. The determination of a suitable vehicular access will be pursued in a separate development application with Council. The preliminary access solution would be to extend Brooker Avenue to the north along a portion of the Crown Road Reserve. The potential impacts of road construction will be assessed as part of that application. It is intended that a Deferred</p>

Section 79C 'Matters for Consideration'	Comments
	<p>Commencement Consent be granted subject to the condition that requires Council's approval of a suitable access road. Should the proposed access solution provided by the applicant be considered inappropriate, the Deferred Commencement Consent for the fish farm will be nullified and no environmental impacts will occur.</p> <p>It is considered that the subject site carries positive merits for the proposed fish ponds, driveway and associated structures, given the low potential environmental impacts of the operation.</p>
<p><b>Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regulation</b></p>	<p>The issues raised in the submissions are addressed in the body of this report.</p>
<p><b>Section 79C (1) (e) – The public interest</b></p>	<p>The proposed development is not considered to result in significant adverse environmental, social or economic impacts on the subject and surrounding localities, subject to compliance with the recommended conditions of consent.</p> <p>The proposal represents a viable local business and appropriate design measures will be incorporated to minimise or eliminate any ecological damage to the environment. The provision of suitable vehicular access to the site will be determined as a separate development application.</p> <p>Therefore, the proposal is acceptable in public interest terms.</p>

Section 77A of the Act stipulates that:

Designated development is development that is declared to be designated development by an environmental planning instrument or the regulations.

In this regard, no local environmental planning instruments nominate the subject proposal as designated development. However, Clause 4(1) of the Regulation provides the following:

Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be designated development by a provision of Part 2 or 3 of that Schedule.

Item 3 *Aquaculture* under Part 1 “What is designated development?”, Schedule 3 of the Regulation defines the following as designated development:

- (1) Aquaculture (being the commercial breeding, hatching, rearing or cultivation of marine, estuarine or fresh water organisms, including aquatic plants or animals such as fin fish, crustaceans, molluscs or other aquatic invertebrates):
  - (b) that involve farming of species not indigenous to New South Wales located: (i) in or within 500 metres of a natural waterbody or wetland.
- (2) This clause does not apply to:
  - (a) Aquaculture that constitutes development for which State Environmental Planning Policy No. 52 Farm Dams and Other Works in Land and Water Management Plan Areas requires consent, or
  - (b) Aquaculture development to which State Environmental Planning Policy No. 62 Sustainable Aquaculture applies.

The proposal involves the cultivation of *Cyprinus carpio* (koi), which is an exotic fin fish species originated from Central Asia. Carp is listed as a Class 3 noxious fish species under the Fisheries Management Act. A natural watercourse is located within 500m from the proposed aquaculture facility. State Environmental Planning Policies Nos. 52 and 62 do not apply to the Warringah Local Government Area. Therefore, the proposed development falls within the definition of designated development. Pursuant to Section 78(A)(8)(a) of the Act, a development application in respect of designated development must be accompanied by an environmental impact statement (EIS).

The Environmental Planning and Assessment Regulation 2000 stipulates various requirements relating to the form and contents of an environmental impact statement. The adequacy of the EIS documentation is addressed as follows:

Provisions	Comments
<b>Clause 71 What is the form for an environmental impact statement?</b>	
(a) The name, address and professional qualifications of the person by whom the statement is prepared.	Satisfactory.
(b) The name and address of the person by whom the development application was made.	Satisfactory.
(c) The address of the land in respect of which the development application was made.	Satisfactory.
(d) A description of the development to which the statement relates.	Satisfactory.
(e) An assessment by the person by whom the statement is prepared of the environmental impact of the development to which the statement relates, dealing with the matters referred to in Clause 72.	Satisfactory, refer to discussion below.
(f) A declaration by the person by whom the statement is prepared to the effect that: (i) The statement has been prepared in accordance with Clauses 72 and 73. (ii) The statement contains all available information that is relevant to the environmental assessment of the development to which the statement relates. (iii) That the information contained in the statement is neither false nor misleading.	The author has incorrectly made a declaration pursuant to Clauses 230 and 231 of the Regulation. However, the author has also certified that all information relevant to the assessment of the subject proposal has been included in the EIS. The above-mentioned error is considered minor in nature and does not affect the substance of the EIS.
<b>Clause 72 What must an environmental impact statement contain?</b>	
(1)(a) For development of a kind for which specific guidelines are in force under this clause, the matters referred to in those guidelines; or  (1)(b) For any other kind of development: (i) the matters referred to in the general guidelines in force under this clause, or (ii) if no such guidelines are in force, the matters referred to in Schedule 2 (Repealed)	The submitted EIS is considered to have addressed the relevant provisions of the following documents: <ul style="list-style-type: none"> <li>• "Aquaculture in land-based facilities – EIS Guideline", published by the then Department of Urban Affairs and Planning</li> <li>• "Minimum Requirements for Environmental Studies", published by the Department of Primary Industries</li> </ul> <p>It is noted that Schedule 2 to the Environmental Planning and Assessment Regulation 2000 has been repealed.</p>
(2) For the purposes of this clause, the Director General may establish guidelines for the preparation of environmental impact statements, in relation to development generally or in relation to any specific kind of development.	The submitted EIS is considered to have addressed the relevant provisions of the following documents: <ul style="list-style-type: none"> <li>• "Aquaculture in land-based facilities – EIS Guideline", published by the then Department of Urban Affairs and Planning</li> <li>• "Minimum Requirements for Environmental Studies", published by the Department of Primary Industries</li> </ul>
(3) The Director-General may vary or revoke any guidelines in force under this clause.	N/A
(4) An environmental impact statement prepared in accordance with this clause before the date on which any of the following events occur: (a) the amendment of Schedule 2.	The submitted EIS is considered to have addressed the relevant provisions of the following documents: <ul style="list-style-type: none"> <li>• "Aquaculture in land-based facilities – EIS</li> </ul>

Provisions	Comments
<p>(b) the establishment of new guidelines under this clause.</p> <p>(c) the variation or revocation of existing guidelines under this clause,</p> <p>is taken to have been prepared in accordance with this clause, for the purposes of any development application made within 3 months after that date, as if the relevant event had not occurred.</p>	<p>Guideline”, published by the then Department of Urban Affairs and Planning</p> <ul style="list-style-type: none"> <li>• “Minimum Requirements for Environmental Studies”, published by the Department of Primary Industries</li> </ul>
<p><b>Clause 73 Requirements of Director-General and approval bodies concerning preparation of environmental impact statements</b></p>	
<p>(1) The applicant responsible for preparing an environmental impact statement must consult with the Director-General and, in completing the statement, must have regard to the Director-General’s requirements:</p> <p>(a) as to the form and content of the statement, and</p> <p>(b) as to making the statement available for public comment.</p>	<p>The Department of Planning advised the applicant by letter dated 11 July 2006 in relation to the matters, which need to be addressed in the EIS, including:</p> <p><b>Key Project-Specific Issues</b></p> <ul style="list-style-type: none"> <li>• <i>Identify potentially impacted critical habitats, threatened species, populations or ecological communities, or their habitats, and apply the test of significance under section 5A of the EP&amp;A Act in relation to any clearing, including specific reference to any potential impacts to the flora and fauna.</i></li> </ul> <p>Appendix E “Investigation of South Creek and Narrabeen Lake as habitat for Carp” of the EIS has provided a detailed analysis on the risks of the development on the nearby aquatic habitat.</p> <p>Appendix H of the EIS has incorporated a Flora and Fauna Assessment Report, dated August 2005, prepared by Cumberland Ecology. The report includes an 8-part test on each flora and fauna species, which can potentially be impacted by the proposal.</p> <p>The documentation submitted is considered satisfactory.</p> <ul style="list-style-type: none"> <li>• <i>Details of mitigation measures to ensure the culture species, which is listed as a noxious species under the Fisheries Management Act 1994, does not enter nearby waterways and in particular South Creek.</i></li> </ul> <p>The main body of the EIS has included information on the construction and sewage discharge system of the facility, and measures that would minimise escape of koi into the surrounding environment.</p> <p>Appendix E “Investigation of South Creek and Narrabeen Lake as Potential Habitat for Carp” describes potential barrier measures that would contain the spread of escaped carp.</p> <p>Appendix F “Escape Management Plan” provides further suggestions on possible mitigation measures to contain the spread of escaped fish stock.</p> <p>The documentation is considered satisfactory in this regard.</p> <ul style="list-style-type: none"> <li>• <i>Include an assessment of potential archaeology and aboriginal heritage associated with the development site and the impact of the proposed development on these items.</i></li> </ul> <p>Appendix I “Aboriginal Archaeological Survey &amp;</p>

Provisions	Comments
	<p>Assessment Report” provides an analysis of possible aboriginal heritage sites on the subject land and results of site survey. The EIS is considered to have provided an adequate assessment of potential impacts on aboriginal heritage and archaeological issues.</p> <ul style="list-style-type: none"> <li> <p><i>Details of waste management, particularly with regard to wastewater and sludge from the pond system. The EIS must detail how waste will be stored at the facility, transported from the site or disposed of.</i></p> <p>Section 2.1.1.5 “Waste management” and Appendix D “Environmental Management Plan” of the EIS provide details in relation to the management of waste products generated from the facility.</p> </li> <li> <p><i>Detail the results of consultation with Warringah Council, Department of Primary Industries (Fisheries Branch), the Department of Environment and Conservation, Sydney Water, local Aboriginal groups, community groups and potentially affected residences, including how any issues by these parties have been addressed as part of the preparation of the EIS.</i></p> <p>The applicant has engaged in a series of consultation with Council throughout the development application process. The EIS and other documents previously submitted to Council have presented results of consultation with Sydney Water Corporation, the Department of Primary Industries and the Metropolitan Local Aboriginal Land Council.</p> <p>The applicant has not provided information relating to consultation with local residents. However, the amount of information provided is considered sufficient to enable Council to undertake a proper assessment of the proposal.</p> <p>Therefore, the documentation provided is considered acceptable in this regard.</p> </li> <li> <p><i>Assess the development against the relevant heads of consideration in applicable environmental planning instruments, including WLEP 2000, and any relevant DCP adopted by Warringah Council.</i></p> <p>Appendix J “Statement of Environmental Effects” provides general information addressing the relevant provisions of Council’s planning controls. Whilst it is considered that the quality and depth of information provided in this document can be significantly improved, the EIS and other supporting information are sufficient to enable Council to undertake a proper assessment of the application. Therefore, the documentation provided is considered acceptable.</p> </li> </ul>
	<p>Department of Planning – Mandatory issues for all EIS</p> <ul style="list-style-type: none"> <li> <p><i>A summary of the EIS.</i></p> <p>An executive summary has been provided in the EIS.</p> </li> <li> <p><i>A statement of the objectives of the development.</i></p> </li> </ul>

Provisions	Comments
	<p>The objectives of the development are stated in Sections 1.1 and 2.1 of the EIS.</p> <ul style="list-style-type: none"> <li>• <i>An analysis of any feasible alternatives to the carrying out of the development, having regard to its objectives, including the consequences of not carrying out the development.</i> Section 2.2 of the EIS considers the possibilities of pursuing an alternative proposal and provides justifications for the current development scheme.</li> <li>• <i>An analysis of the development, including:</i> <ul style="list-style-type: none"> <li>- <i>A full description of the development.</i> A full description of the development is provided in Section 2.1.1 of the EIS.</li> <li>- <i>A general description of the environment likely to be affected by the development, together with a detailed description of those aspects of the environment that are likely to be significantly affected.</i></li> <li>- <i>The likely impact on the environment of the development.</i> Sections 3.1 "Water Quality Issues", 3.2 "Soils and Landscape Issues", 3.3 "Air Quality Issues", 3.4 "Flora and Fauna Issues" and the Appendices of the EIS provide detailed analysis of possible impacts on the site and surrounding environment.</li> <li>- <i>A full description of the measures proposed to mitigate any adverse effects of the development on the environment.</i> Section 6.0 "Compilation of Mitigation Measures" and Appendix F "Escape Management Plan" provide a full description of measures proposed to mitigate any adverse effects of the development on the environment.</li> <li>- <i>A list of any approvals that must be obtained under any other Act or law before the development may lawfully be carried out.</i> Section 8.0 "List of Approvals and Licences" provides a list of approvals that must be obtained under relevant legislations.</li> </ul> </li> <li>• <i>The reasons justifying the carrying out of the development in the manner proposed, having regard to biophysical, economic and social considerations, including the following principles of ecologically sustainable development.</i> <ul style="list-style-type: none"> <li>- <i>The precautionary principle</i></li> <li>- <i>Inter-generational equity</i></li> <li>- <i>Conservation of biological diversity and ecological integrity</i></li> <li>- <i>Improved valuation, pricing and incentive mechanisms</i></li> </ul>           Sections 1.2 "Application of Ecologically Sustainable Development" and 7.0 "Justification for the Proposal" address the principles of ecologically sustainable development.         </li> </ul>

Based on the above, it is considered that the submitted EIS satisfies the relevant information requirements stipulated by the Department of Planning and in the Regulation.

## Environmental Planning Instruments

### State Environmental Planning Policies (SEPP's)

There are no State policies that are relevant to the subject proposal.

## STATUTORY CONTROLS

### Warringah Local Environmental Plan 2000

#### Desired Future Character

The subject site is located in the B2 Oxford Falls Valley Locality under Warringah Local Environmental Plan 2000. The Desired Future Character Statement for this locality is as follows:

#### *LOCALITY B2*

*The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances specifically addressed as follows.*

*Future development will be limited to new houses conforming with the housing density standards set out below and low intensity, low impact uses. There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.*

*The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.*

*Development in the locality will not create siltation or pollution of Narrabeen Lagoon.*

The proposed development is defined as "agriculture" pursuant to the Dictionary section of Warringah Local Environmental Plan 2000, and accordingly is classified as Category Two development in the B2 Oxford Falls Valley locality.

Clause 12(3)(b) of WLEP 2000 provides that before granting consent for development classified as Category Two, the consent authority must be satisfied that the development is consistent with the desired future character described in the relevant Locality Statement. In this respect, it is considered that the proposal is consistent with the desired future character for the B2 locality based on the following reasons:

- ***The present character of the Oxford Falls Valley locality will remain unchanged except in circumstances addressed as follows.***

The proposed aquaculture facility is not considered to alter the present character of the Oxford Falls Valley locality. A detailed discussion is provided in the paragraphs below.

- ***Future development will be limited to new detached style housing conforming with the housing density standards and low intensity, low impact uses.***

The subject application does not involve any residential dwellings development. The proposal is for an aquaculture facility that occupies a total development footprint of 269m<sup>2</sup>, which is approximately 1% of the total site area. The land use does not generate a significant level of vehicular traffic or require permanent staff stationing on the site. More than 99% of the site will remain vegetated. Due to the extent of separation of the fish farm from the adjoining residential developments, it is not considered that any significant adverse visual or amenity impacts will result. Therefore, the proposed development is considered a low intensity and low impact use.

- ***There will be no new development on ridgetops or in places that will disrupt the skyline when viewed from Narrabeen Lagoon and the Wakehurst Parkway.***

The fish farm structures have a low profile and are not situated on the ridge top. The facility will be surrounded by native bushland and will not be visible from Narrabeen Lagoon and the Wakehurst Parkway.

- ***The natural landscape including landforms and vegetation will be protected and, where possible, enhanced. Buildings will be located and grouped in areas that will minimise disturbance of vegetation and landforms whether as a result of the buildings themselves or the associated works including access roads and services. Buildings which are designed to blend with the colours and textures of the natural landscape will be strongly encouraged.***

The proposal involves the construction of four (4) covered fish ponds, each of 6.46m (length) x 2.23m (width) x 1.20m (height). A roof will be installed over the ponds and will not protrude above the finished ground level by more than 1.6m. The total development footprint, inclusive of access driveway, amounts to 269m<sup>2</sup>, which is approximately 1% of the total site area. The remaining 99% of the site will remain vegetated with native Coastal Sandstone Heath.

The site is identified as containing threatened species community known as *Tetratheca glandulosa*, which is located in the southern portion of the site. The proposed fish farm and access driveway is located approximately 44m away from the threatened species. The proposal is not considered to result in significant detrimental impacts on the habitat of the threatened flora.

The proposed structures have a low profile and are not clearly visible from the adjacent Crown Road Reserve or a public place. Therefore, the development is considered satisfactory in this regard.

- ***A dense bushland buffer will be retained or established along Forest Way and Wakehurst Parkway. Fencing is not to detract from the landscaped vista of the streetscape.***

The site is not located adjacent to Forest Way or Wakehurst Parkway.

The proposal includes 1.8m high chainmesh fencing around the perimeter of the fish farm facility. The fencing will be set back a minimum of 20m from the street property boundary (boundary fronting the unformed road reserve). Given the presence of dense vegetation in the surrounding areas and the level of the setback, the fencing structure will not be conspicuously discernable or result in adverse visual impact.

- ***Development in the locality will not create siltation or pollution of Narrabeen Lagoon and its catchment and will ensure that ecological values of natural watercourses are maintained.***

Specific conditions of consent will be recommended to require appropriate silt and sediment control devices to be installed prior to the commencement of building work.

The proposed land use involves the culture of koi carp, which identified as a Class 3 noxious pest species. The proposal is considered to carry risks of translocation of exotic fin fish into the surrounding natural aquatic habitat, that is, South Creek and Narrabeen Lagoon.

Notwithstanding, specific conditions will be recommended to require appropriate bunding devices to be installed on the site to contain any accidental escape of fish stock from the ponds. Additionally, given that the fish ponds will be covered and roof storm water will be directed to a separate rainwater tank, the possibility of an overflow of pond water is minimal. Any discharge of pond water will also be directed to the sewage system, which the fish stock cannot survive.

Therefore, due to the characteristics of the fish farm facility and the precautionary measures as required in the recommended conditions, the risks of irreversible damage to the natural aquatic habitat will be minimised or eliminated.

### Built Form Controls for Locality B2 Oxford Falls Valley

The following table outlines compliance with the Built Form Control of the above locality statement:

Built Form Standard	Required	Proposed	Compliance Comment	Compliance
Housing Density	Maximum 1 dwelling per 20 ha of site area	N/A	N/A	N/A
Building Height - Overall	Maximum 8.5m to topmost point of building	1.6m for fish ponds, 1.8m for fencing	Complies.	Yes
Building Height - Ceiling	Maximum 7.2m to underside of ceiling on uppermost floor	N/A	N/A	N/A
Front Setback	Minimum 20m	20m	Complies.	Yes
Rear and Side Setback	Minimum 10m	Northern side boundary: 84m Southern side boundary: 48m Western side boundary: 154m	Complies.	Yes
Landscaped Open Space	Minimum 30% of site area or 8,115.6m <sup>2</sup>	99.0% of site area or 26,783m <sup>2</sup>	The building footprint plus driveway areas amount to 269m <sup>2</sup> . Complies.	Yes
National Park Setback	Minimum 20m	N/A	N/A	N/A

### Clause 20 Variation

Clause 20 Variations are not applicable to the subject proposal.

### GENERAL PRINCIPLES OF DEVELOPMENT CONTROL

The relevant General Principles of Development Control are addressed as follows:

GENERAL PRINCIPLES	Applicable	Comments	Compliance
CL38 Glare & Reflection	Yes	The proposed facility is a non-habitable structure and does not incorporate any glazing or reflective materials. The proposed fish ponds will rely on natural lighting and generally do not require any artificial lighting device. The application is unclear as to whether security lighting will be installed on site. A specific condition is recommended to ensure that the illumination level of any security lighting does not adversely affect the adjoining residences.	Yes, subject to condition
CL39 Local Retail Centres	N/A	N/A	N/A
CL40 Housing for Older People and People with Disabilities	N/A	N/A	N/A
CL41 Brothels	N/A	N/A	N/A
CL42 Construction Sites	Yes	Standard conditions will be recommended to address potential construction management issues. These conditions will address the following aspects of construction management:	Yes, subject to conditions

GENERAL PRINCIPLES	Applicable	Comments	Compliance
		<ul style="list-style-type: none"> <li>• Preparation of a construction management plan</li> <li>• Compliance with the recommendations contained in the submitted Vegetation Management and Works Environment Protection Plans</li> <li>• Silt and sediment controls</li> <li>• Works progress inspections</li> <li>• Construction hours</li> <li>• Protection of road reserve and footpaths</li> <li>• Noise and vibration controls</li> </ul>	
CL43 Noise	Yes	<p>Page 13 of the submitted Environmental Impact Statement (EIS) provides the following information on noise emission: <i>The only operational noise production envisaged at the site will be the sound of water flowing over the ledges separating the ponds from each other and from the filtration unit. Noise produced by a similar unit was extremely quiet and barely discernible above the day time background noise at a distance of 5m.</i></p> <p><i>It is possible that in the event of a prolonged power failure, a petrol driven 1kVA generator will be used to power one of the pumps to ensure circulation and aeration of the pond water. Such a unit must be effectively muffled so that any noise from the generator does not exceed 10dBA above the ambient noise level at the boundary of the nearest residential property.</i></p> <p><i>Small portable commercially available units are now relatively quiet and any noise generated may be further attenuated by placing it at ground level on the northern side of the ponds where it would be 60m from the nearest residential lot boundary, with an intervening vegetation screen.</i></p> <p>It is anticipated that the pumping system and water circulation within the ponds will emit a limited amount of noise. The site is to be connected to permanent electricity supply, which will be required as a condition of consent. Therefore, no portable electricity generator will normally be required except in case of a power failure.</p> <p>Standard conditions are recommended to ensure that any noise generated from plant and equipment and operational activities will not exceed 5dBA above the background noise level, as a precautionary measure against potential noise nuisance.</p>	Yes, subject to conditions
CL44 Pollutants	Yes	<p><b>Liquid pollutants</b></p> <p>Page 11 of the submitted EIS provided the following information relating to effluent water emission: <i>The filter system is to be isolated from the ponds and backwashed into the sewer system once every 3 months, this will involve a discharge of 5% of the pond and filtration system capacity of 77m<sup>3</sup> (i.e. 3.85m<sup>3</sup>). This effluent will be filtered to remove particulate matter greater than 1mm in diameter before discharge. The nature of the discharge will be fresh water containing suspended algae and non-pathogenic bacteria washed off the filter system screens. No discharge will take place within 2 weeks of any application of treatment to the whole system for fish pathogens.</i></p> <p>Special conditions are recommended to require the provision of adequate bunding devices around the fish ponds in order to contain any accidental liquid spillage. The conditions will also stipulate all pond water discharge to be directed to the sewage system.</p>	Yes, subject to conditions

GENERAL PRINCIPLES	Applicable	Comments	Compliance
		<p>The fish ponds are provided with a trough filter system, which will be cleaned approximately once every 3 months, with discharge of a small proportion of the pond water. A special condition will also be recommended to require any filter cleaning processes to be undertaken within a bunded area on site.</p> <p>Subject to the above conditions, it is considered that the possibility of escape of liquid pollutants to the surrounding environment will be minimised or eliminated.</p> <p><b>Solid pollutants</b> Section 3.6 of the submitted Environmental Management Plan provides the following information on sludge management: <i>Sludge from tank bottom will be collected from time to time and de-watered. Such sludge shall be disposed of through:</i></p> <ul style="list-style-type: none"> <li>• <i>Disposal to landfill or rubbish removal service</i></li> <li>• <i>Sent to a commercial composter, or</i></li> <li>• <i>Used in agriculture – being incorporated in the soil using techniques similar to those used for the disposal of sludge from cattle feedlots or piggeries.</i></li> </ul> <p>A specific condition is recommended to require all solid wastes to be collected and disposed of in a licensed waste management facility.</p> <p><b>Air pollutants</b> Page 12 of the submitted EIS provides the following information relating to air emission: <i>With no gaseous or volatile compounds to be used during the operating phase of this project, and no putrescible material to be left on the site, there are no air quality issues to be addressed.</i></p> <p>Specific conditions are recommended to prohibit any on-site storage of waste products and fish feed. In addition, the fish pond facility will be surrounded by vegetation and located a minimum of 44m from the nearest residential property boundary. It is considered that the possibility of odour impacts on the local residents is minimal, subject to compliance with the recommended conditions.</p>	
CL45 Hazardous Uses	N/A	N/A	N/A
CL46 Radiation Emission Levels	N/A	N/A	N/A
CL47 Flood Affected Land	N/A	The site is not identified as being affected by 1% ARI flooding events.	N/A
CL48 Potentially Contaminated Land	N/A	N/A	N/A
CL49 Remediation of Contaminated Land	N/A	N/A	N/A
CL49a Acid Sulfate Soils	N/A	The site is not identified as being affected by acid sulphate soils.	N/A
CL50 Safety & Security	Yes	<p>The site is situated in an isolated location and is normally unattended. The facility is considered to be susceptible to vandalism.</p> <p>Notwithstanding, 1.8m high chainmesh fencing will be provided around the perimeter of the facility. Lockable mesh cover will also be installed over the fish ponds. Therefore, the proposal is considered to have incorporated suitable security devices.</p>	Yes

GENERAL PRINCIPLES	Applicable	Comments	Compliance
CL51 Front Fences and Walls	Yes	The proposal includes 1.8m high chainmesh fencing around the perimeter of the fish farm facility. The fencing will be set back a minimum of 20m from the street property boundary (boundary fronting the unformed road reserve). Given the presence of dense vegetation in the surrounding areas and the level of the setback, the fencing structure will not be conspicuously discernable or result in adverse visual impact.	Yes
CL52 Development Near Parks, Bushland Reserves & Other Public Open Spaces	Yes	Red Hill Reserve, which is classified as Public Open Space under Warringah Local Environmental Plan 2000, is located a minimum of 44m to the east and north-east of the facility. The total development footprint of the fish farm is approximately 269m <sup>2</sup> or 1% of site area. The proposed fish ponds are low-profile structures of not more than 1.6m above the finished ground level. The proposal is not considered to affect the visual or physical amenity of the adjacent public open space.	Yes
CL53 Signs	N/A	N/A	N/A
CL54 Provision and Location of Utility Services	Yes	Details of utility services connection to the site will be required as a deferred commencement condition. The condition will require details of the location and alignment of service connections to be submitted for Council's consideration, prior to any activation of the consent.	Yes, subject to condition
CL55 Site Consolidation in 'Medium Density Areas'	N/A	N/A	N/A
CL56 Retaining Unique Environmental Features on Site	Yes	<p>The total development footprint of the fish farm is approximately 269m<sup>2</sup> or 1% of site area. The proposed fish ponds and associated parking platform will be situated on top of a flat sandstone rock ledge. The pond structures will require excavation of the rock outcrop by a maximum of 500mm. It is considered that the proposed works will result in a certain level of impacts on the environmental features on site.</p> <p>The sandstone rock ledge in question is located along the south-eastern portion of the site with a length of more than 60m, and is prominently visible from the unformed road reserve. However, the proposed facility has a low profile and affects only a small proportion of the outcrop at its eastern end. Additionally, the facility will be setback a minimum of 20m from the road boundary, which will effectively reduce its prominence among the landscape. Therefore, the proposal is not considered to result in significant detrimental visual impacts on the natural setting.</p> <p>It is possible to relocate the facility to an alternate location, which will not disturb any sandstone outcrops. However, any such location will necessitate the removal of native bushland and minor cut and fill operation, which has a more significant impact on the visual amenity.</p> <p>Therefore, the proposed location for the facility is considered acceptable.</p> <p>The potential impacts on the native bushland on site will be discussed under "Clause 58" of this report.</p>	Yes
CL57 Development on Sloping Land	Yes	The subject development zone has a flat terrain and is not considered to be sloping land.	Yes

GENERAL PRINCIPLES	Applicable	Comments	Compliance
CL58 Protection of Existing Flora	Yes	<p><b>Native bushland</b></p> <p>The subject site is currently vegetated with Coastal Sandstone Heath.</p> <p>The subject application is accompanied by a Flora and Fauna Assessment Report, dated August 2005, prepared by Cumberland Ecology. Section 4.2 of the report provides the following information:</p> <p><i>A comparatively small area of Sandstone Heath, which is wide spread in Warringah and described as being of low conservation priority in the area by Smith and Smith, will be removed for the proposed development; therefore impacts on this native community will be minimal.</i></p> <p>The total development footprint of the fish farm and associated access driveway is approximately 269m<sup>2</sup> or 1% of site area. The remaining 99% of the site will remain vegetated and unaffected. Even after allowing for the 10m Asset Protection Zone requirement imposed by the NSW RFS, over 90% of the site will remain vegetated. Therefore, the proposal is not considered to result in detrimental impacts on the native bushland.</p> <p><b>Threatened species</b></p> <p>According to Council's records, threatened ecological species known as <i>Tetratheca glandulosa</i> is found in the southern portion of the site. This species is listed under the Threatened Species Conservation Act 1995. Section 4.2 of the Flora and Fauna Report provides the following information:</p> <p><i>One threatened flora species was detected on the subject land, Tetratheca glandulosa, which has been identified as occurring extensively in the adjoining Red Hill Reserve.</i></p> <p><i>The positioning [of the facility] has also been chosen to avoid / reduce impacts on threatened species, particularly the plant Tetratheca glandulosa, which occur to the west, south-west and east (within Red Hill Reserve) of the subject site. No Tetratheca glandulosa plants will be required to be removed for the proposed development and in fact the majority of the population is located at least 30m from the proposed development area.</i></p> <p>According to Council's geographic information system, the proposed fish farm is located approximately 43m from this threatened species community. This level of separation is considered to have minimised potential impacts of the proposed development.</p> <p>Section 4.2 of the report further concludes that:</p> <p><i>It is acknowledged that the development will result in minor habitat loss, however the habitat loss is not excessive and can be managed. It is unlikely to place populations of Tetratheca glandulosa within the greater area at risk of becoming extinct. As indicated in the [attached] 8-Part Test (Section 5A Assessment of threatened species or endangered ecological communities under the EP&amp;A Act), a Species Impact Statement is not required.</i></p> <p>Section 4.3 of the report provides information on possible impacts on fauna:</p> <p><i>During fieldwork conducted by Cumberland Ecology, it was noted that the subject site occurs along a dry ridge line which has relatively poor habitat conditions for many</i></p>	Yes, subject to condition

GENERAL PRINCIPLES	Applicable	Comments	Compliance
		<p><i>fauna species. The recent fires on this area exposed the simplicity of the habitat in this portion of the site, which has almost no rock shelters or other similar habitat. For this reason, although it is assumed that species such as Health Monitor and Southern Brown Bandicoot could forage on the site in general, the small portion of the site that is proposed to be developed is towards the edge of the site and would be unlikely to comprise prime habitat for these species.</i></p> <p>It is considered that the proposal is a low-impact development and will not significantly disturb the native bushland and threatened species on site. The proposal is not considered to result in a significant loss of habitat for native fauna.</p> <p>A specific condition is recommended to require any construction works to adhere to the provisions of the submitted Vegetation Management &amp; Works Environment Protection Plans. Subject to the above condition, the proposal is considered satisfactory.</p>	
CL59 Koala Habitat Protection	N/A	The subject site does not contain any eucalyptus tree species and therefore is not considered to be koala habitat.	N/A
CL60 Watercourses & Aquatic Habitats	Yes	<p>The proposed fish farm is located approximately 208m from the nearest upstream branch of South Creek. The subject development does not involve any building works that are adjacent to or within a natural watercourse or aquatic habitat.</p> <p>The potential impacts of the fish farm on the surrounding natural aquatic habitat are discussed under the "Translocation Risk of Exotic Fish Species" of this report.</p>	Yes
CL61 Views	N/A	The proposal does not affect long-distance views from any public or private domain.	N/A
CL62 Access to Sunlight	N/A	The proposal does not reduce solar access to any adjoining properties.	N/A
CL63 Landscaped Open Space	Yes	The subject site is currently vegetated with native bushland of Coastal Sandstone Heath. The total development footprint of the fish farm and associated access driveway is approximately 269m <sup>2</sup> or 1% of site area. The remaining 99% of the site will remain vegetated and unaffected. It is considered that adequate landscaped open space will be retained on the site.	Yes
CL63A Rear Building Setback	Yes	The proposed fish farm is setback approximately 84m, 48m and 154m from the northern, southern and western property boundaries respectively. The development is considered to have provided adequate side / rear setbacks and retained a sense of openness.	Yes
CL64 Private Open Space	N/A	N/A	N/A
CL65 Privacy	Yes	The fish farm will generate approximately 1 vehicle trip per 2 days. No general public visitors will normally be invited to the facility. The proposed facility is separated a minimum of 44m from the nearest residential property boundary. Based on the above characteristics, the proposal is not considered to result in significant privacy impacts on the surrounding residents.	Yes
CL66 Building Bulk	Yes	The proposal involves the construction of 4 fish ponds, each of 6.46m (L) x 2.23m (W) x 1.20m (H) in dimension. The fish pond structures have a low profile and do not protrude	Yes

GENERAL PRINCIPLES	Applicable	Comments	Compliance
		<p>above the predominant canopy line of the surrounding vegetation.</p> <p>The entire facility will have a dimension of 17.88m (L) x 10.46m to 11.48m (W). The total development footprint area, inclusive of access driveway, is approximately 269m<sup>2</sup>.</p> <p>The proposed building work is considered minor in nature and is of a limited bulk and scale.</p>	
CL67 Roofs	Yes	<p>A roof of clear polycarbonate construction will be installed to divert stormwater away from the fish tanks into the rainwater tank. The roof will be installed at close distance to the ponds at no higher than 1.6m above the finished ground level. It is considered that the roof structure will not be clearly visible from the surrounding residential properties or road reserve.</p>	Yes
CL68 Conservation of Energy and Water	Yes	<p>The proposed fish ponds will rely on natural lighting. No artificial water heating or cooling is required. The main source of energy usage will be the electric water pump.</p> <p>Approximately 5% of the total pond capacity or 3.85m<sup>3</sup> of pond water will be discharged and refilled once every 3 months. The proposed operation does not require excessive water consumption.</p> <p>The proposal is not considered to require significant energy or water consumption and is satisfactory in this regard.</p>	Yes
CL69 Accessibility – Public and Semi-Public Buildings	Yes	<p>The proposed fish farm is located on a flat platform with no steps or features that will prohibit access by people with disabilities.</p>	Yes
CL70 Site Facilities	Yes	<p>The fish farm is normally unattended. Staff will visit the site once every two days for approximately half an hour. It is considered that the provision of permanent toilet facilities is not necessary in this instance.</p> <p>No fish feed is proposed to be stored on site. Specific conditions are also recommended to require all solid waste materials to be removed from the site.</p> <p>Therefore, the proposal is considered satisfactory in this regard.</p>	Yes
CL71 Parking Facilities (visual impact)	Yes	<p>The fish farm provides for 1 paved on-site parking space, with no carport structures. The car space is not visible from any public or private domain. Therefore, the proposed parking facilities are not considered to result in adverse visual impacts.</p>	Yes
CL72 Traffic Access & Safety	Yes	<p>The proposed fish farm will generate 1 vehicle trip per 2 days by staff for fish feeding and regular inspection. The level of traffic generated by the proposal is low. Council's Traffic Engineer has raised no objections to the proposal.</p> <p>At present, the site is land locked and does not have formal vehicular access. An unformed Crown Road Reserve currently runs from the northern end of Brooker Avenue towards the north, in between Lots 1092 and 1093 and the rear of Nos. 9, 10 and 11A Guardian Parade. Potential road access can be obtained by upgrading the above road reserve to an adequate standard.</p> <p>The subject application seeks approval for the proposed aquaculture facility only. It is proposed by the applicant that suitable access solution will be pursued as a separate</p>	Yes, subject to condition

GENERAL PRINCIPLES	Applicable	Comments	Compliance
		<p>development application. The preliminary access solution would be to extend Brooker Avenue to the north along a portion of the aforementioned road reserve. The potential impacts of road construction will be assessed as part of that application.</p> <p>It is considered that the proposed fish farm is a low-impact operation, which will not result in significant adverse environmental impacts on the surrounding localities. A Deferred Commencement Consent is recommended subject to the condition that requires Council's approval of a suitable access road. Should the proposed access solution be considered inappropriate, the Deferred Commencement Consent for the fish farm will not be activated and no adverse impacts will occur.</p>	
CL73 On-site Loading and Unloading	Yes	The proposal provides 1 uncovered parking space. The dimension of the bay is capable of accommodating a sedan-derivative type vehicle. The fish farm does not require deliveries by trucks or rigid vehicles given the scale of the operation and the frequent visits by staff. The proposed loading / parking facilities are considered satisfactory.	Yes
CL74 Provision of Carparking	Yes	Schedule 17 does not provide a specific parking rate for agricultural uses. The proposed fish farm will generate 1 vehicle trip per 2 days by staff for fish feeding and regular inspection. It is considered that the provision of 1 on-site parking space is sufficient to support the proposed use.	Yes
CL75 Design of Carparking Areas	Yes	A specific condition is recommended to ensure the dimension and construction of the on-site parking space and driveway comply with relevant Australian Standards.	Yes, subject to condition
CL76 Management of Stormwater	Yes	<p>The proposed facility, including access driveway, will only occupy 1% of the total site area. Rainwater will generally be drained from the site as overland flow and seepage.</p> <p>The proposed fish ponds will be installed with a roof. An uncovered rainwater tank is provided which will replenish pond water that is lost by evaporation. All excess water from the fish ponds will be directed into the sewage system.</p> <p>Specific conditions are recommended to require appropriate bunding device to be installed around the fish ponds in order to contain any accidental spillage. Subject to the above conditions, the proposal is not considered to result in stormwater contamination.</p>	Yes, subject to conditions
CL77 Landfill	Yes	The proposed fish ponds and on-site parking space will be constructed upon a sandstone rock ledge. The development is not considered to require significant earth cutting and filling.	Yes
CL78 Erosion & Sedimentation	Yes	Specific conditions are recommended to require adequate silt and sediment control devices to be installed prior to the commencement of building work.	Yes, subject to conditions
CL79 Heritage Control	N/A	N/A	N/A
CL80 Notice to Metropolitan Aboriginal Land Council and the National Parks and Wildlife Service	N/A	N/A	N/A
CL81 Notice to Heritage Council	N/A	N/A	N/A

GENERAL PRINCIPLES	Applicable	Comments	Compliance
CL82 Development in the Vicinity of Heritage Items	N/A	N/A	N/A
CL83 Development of Known or Potential Archaeological Sites	Yes	<p>The application is accompanied by an Aboriginal Archaeological Survey and Assessment Report, dated March 2005, prepared by Dominic Steele Consulting Archaeology.</p> <p>On 4 February 2005, the consultant undertook a field survey of the site in conjunction with the Cultural Education Officer, Allen Madden, of the Metropolitan Local Aboriginal Land Council (MLALC).</p> <p>Section 4.3 <i>Results of Inspection of Lot 1092</i> of the report provides the following information:</p> <p><i>No evidence for past Aboriginal visitation or use of Lot 1092 has been located during the current site inspection.</i></p> <p><i>Specifically:</i></p> <ul style="list-style-type: none"> <li>• <i>None of the horizontal sandstone outcrops that occur in certain portions of the subject block (predominantly to the south of the property) display any evidence for axe grinding grooves or rock engravings.</i></li> <li>• <i>None of the jumbled sandstone outcrops and minor overhangs that occur in certain portions of the subject block have been observed to contain any painted art of a strong likelihood to possess obscured occupation deposit.</i></li> <li>• <i>No midden deposits or flaked / ground stone artefacts have been identified across Lot 1092, nor have any other stone materials of foreign origin that are known to have been commonly utilised by Aboriginal people to manufacture stone tools have been found during the current study. The shallow and stony natures of the soil profiles that occur within the land where visible suggest that the likelihood for substantial intact and in situ deposits to remain undetected is unlikely.</i></li> <li>• <i>None of the indigenous trees that are present on Lot 1092 display any evidence for cultural modification, and in this regard, the timber on the block is assessed to be of insufficient age to possess Aboriginal scarification.</i></li> <li>• <i>Finally, no specific areas of Aboriginal archaeological sensitivity relative to the current development proposal for Lot 1092 have been identified by the archaeologists or the Metropolitan Local Aboriginal Land Council in the course of completing the report.</i></li> </ul> <p>The report concluded that based on site observations, it is unlikely that extensive intact and in-situ aboriginal archaeological deposits are present on the subject land.</p> <p>The subject application and the aboriginal archaeological assessment report have been assessed by the Aboriginal Heritage Office, which raised no objections to the proposed development.</p> <p>A standard condition is recommended to ensure that where any aboriginal sites or objects are unearthed during construction works, all operation will cease immediately and notification be given to Council and the Department of Environment and Climate Change.</p>	Yes, subject to condition



## TRANSLOCATION RISK OF EXOTIC FISH SPECIES INTO THE NATURAL AQUATIC HABITAT

### **Identification of risk**

Koi carp is listed as a Class 3 noxious fish species under the Fisheries Management Act. This listing is intended to prevent the further spread of carp in natural waters.

Where the fish stock escapes from the aquaculture facility, there is a possibility of translocation into South Creek and Narrabeen Lake during enabling weather conditions, for instance, under heavy rainstorms. Once koi carp reaches South Creek and eventually to Narrabeen Lake, it may be able to survive and adversely interrupt the ecology of the aquatic habitat.

### **Likelihood of risk**

The submitted Environmental Impact Statement provides an assessment of the possibility for the survival of carp, in cases where fish stock manages to escape from the proposed facility. Appendix E "Investigation of South Creek and Narrabeen Lake as Habitat for Carp" provides the following information:

#### **Page E4**

Should any escaped carp manage to reach a part of the stormwater system containing water, as might happen during a moderate rainfall event, there appears to be a likelihood of them being able to reach parts of the creek containing habitat in which they would be able to survive. The survey found that conditions suitable for the long-term survival of carp exist approximately 1.6km downstream of the site. Should carp become established in that section of the creek it is possible for them to remain resident in South Creek.

The partial tolerance of carp for salt water would be likely to restrict them to South Creek unless a hydrological regime existed in Narrabeen Lake where the salinity of the lake was reduced to below one third of sea water. This may result from a scenario in which closure of the bar was followed by an extreme rainfall event.

The survey of South Creek found that, under the conditions that prevailed at the time, it was able to be partitioned into three sections based on the physical attributes of the creek in relation to carp habitat.

- From the site to Willandra Road near Cormack Road, a distance of approximately 1.5km, the creek consists of a narrow, shallow watercourse that is expected to be dry except after rain. It is considered that this part of the creek would not provide suitable permanent feeding or breeding habitat but at times when it was flowing it may provide a means of reaching such habitat downstream for any escaped carp that get into the drainage line under suitable conditions. The creek bed for all of this reach consisted of rock pools, bars or sandy bottom which are not considered to be the sort of silty habitat preferred by carp.
- From Willandra Road near Cormack Road to Toronto Avenue, a distance of approximately 2.6km, the creek is less ephemeral and may provide a more permanent feeding habitat, although the bed of the creek here was also mostly sandy. Occasional deeper pools would be likely to provide refuge even in times of severe drought.
- Downstream from Toronto Avenue to the mouth of the creek was a reach of approximately 1.3km where the creek was sufficiently wide and deep to support a carp population and also had potential as breeding habitat. Vegetation in the creek indicated that the salinity regime was generally low although it may be expected to reach the upper limits of carp tolerance during drought.

### **5.0 Conclusion**

It has been found that the middle and lower reaches of South Creek do present some habitat attributes that may sustain a permanent population of carp. Approximately 1.5km of the upper reach of this creek is unlikely to be able to be utilised by carp, but after rain when water is running in the whole creek system, this upper reach may provide a means for carp to reach suitable habitat from the site. The lower reach and Narrabeen Lake may support carp but salinities higher than those able to be withstood by carp are likely to be a limiting factor during times of drought.

The author of the EIS, Wildthing Environmental Consultants, provided further information by letter dated 1 May 2007 relating to the translocation risk of koi carp:

Generally the Koi reach maturity at 2-3 years for males (about 300mm) and at 3-4 years for females (350mm). These sizes are averages and at any age the fish may vary considerably in size. The information provided was that fish up to 400mm in length were to be farmed and as such it was considered that it was possible for mature fish to be present.

Koi normally spawn in shallow relatively warm water such as is found in flooded wetlands but it is recognised that there is the possibility of an accidental spawning in the ponds. In the case of an accidental spawning the following factors are relevant:

- Koi eggs are 0.5mm in diameter and become adhesive immediately upon being released into the water, adhering to any substrate with which they come into contact.
- Any eggs produced would therefore remain in the ponds.
- Water in the pond will circulate in a closed system so that even if any eggs are transported out of the ponds the only place that they could normally go is into the water filtration and purification system.

It was therefore considered that the release of koi eggs into the South Creek catchment was much less likely than the release of fingerlings or fish.

The EIS considered that the escape of Koi into and down South Creek was a key environmental issue. It was seen that this might occur as the result of:

- Overflow of the ponds onto the surrounding ground during extreme rainfall events,
- Breaching of the pond walls as a result of earthquake,
- Accidental spillage onto the ground during transfer of fish into and between ponds,
- Deliberate release through vandalism, and
- Regurgitation of live fingerlings by fish-eating birds such as egrets.

Overall there was seen to be little likelihood of translocation of koi into this waterway as a result of these scenarios due to:

- The ephemeral nature of South Creek immediately downstream and for approximately 750m from the site.
- The reserve capacity of the ponds.
- The provision of a bund wall surrounding the facility.
- The direction of any overflow into the sewer system.
- The provision of a security fence around the facility and locked screens over the ponds.
- Measures to prevent predation by wild fauna.

Council has required the facility to be provided with a roof and this will reduce any overflow from the ponds in the event of these extreme rainfall events. This will further minimise any likelihood of overflow containing fish from reaching South Creek to the point where this is considered extremely unlikely.

Based on the above information, it is considered that the risks of escape of fish stock from the fish farm and subsequent translocation into the natural aquatic habitat are minimal.

### ***Mitigation of risk***

Appendix F of the EIS formulates an Escape Management Plan as a mitigation measure against potential escape of fish stock. The Plan recommends the forming of an "Escape Response Management Team" (ERMT), which will consist of:

- The manager of the facility
- An officer of the Department of Primary Industries
- An officer of the Department of Environment and Climate Change
- The chief environmental officer of Warringah Council or a nominee of that person
- A representative of the local catchment management trust

The Plan provides the following information:

2.1.2 Reporting of escape

Immediately upon discovery of an escape, the members of ERMT listed above shall be informed and the team shall meet on the site.

3.1 Means of escape

The ERMT shall attempt to determine the means by which the escape has occurred.

3.3 Time since escape

Determining the time elapsed since the escape will be informative with regard to the chances of the fish surviving and reaching any nearby water bodies.

3.4 Weather conditions

Weather conditions preceding and during the escape will also be instrumental in the chance of survival of the escapees.

4.0 Repair or restore any part of the facility that has allowed the escape or allow further escape.

5.2 Within South Creek Catchment

If it is believed that fish has gained access to South Creek catchment, containment within the waterway becomes imperative. The form of containment will vary with the situation but temporary barriers of sandbags or geotextile cloth are two possibilities.

The proposed mitigation measure of forming an Emergency Response Management Team (ERMT) to recover escaped fish is considered to carry technical difficulties:

- The ERMT will consist of staff from Council and various State departments. There are no indications that Council and other government bodies possess the staff resources to involve in the operational problems of a private commercial venture.
- There are no indications that the operator of the fish farm will be motivated to initiate the fish stock recovery procedures. Whilst it is acknowledged that the fish stock is a valuable commodity, the commitment of additional staff to install escape barriers along the course of South Creek within a short timeframe and under adverse weather conditions, is considered a highly costly and unproductive operation.
- The requirement of having the fish farm staff recovering fish stock during and/or immediately after a rainstorm is considered to carry significant safety risks for the staff, and will expose Council to possible liability claims.
- There is no monitoring or enforcement mechanism in place that can ensure the fish recovery procedures are adhered to by the operator.

Due to the above problems inherent in the proposed mitigation measure, it is considered that a more appropriate response will be to focus on containing escaped fish stock on site. This will be achieved by maximising security measures at the source through the installation of suitable bunding devices to prevent any escaped fish from flowing off-site.

It is recommended that a bunding structure be erected at the perimeter of the fish farm facility by constructing a 300mm high solid wall (minimum height), in conjunction with bunding device at the vehicular entrance. This bunding structure will contain any overflow from the ponds, and prevent fish eggs and fingerlings from escaping during regular cleaning of tank sludge and filters.

Given that the fish ponds will be shielded by a roof structure, the chance of a significant overflow from the ponds during exceptional rainstorm is minimal.

Additionally, the site will be secured by 1.8m chainmesh fencing and the individual ponds will be covered by lockable mesh screen, the risks of deliberate release of the fish stock into the waterways are considered minimal.

Specific conditions will be recommended to ensure the above measures are implemented on site.

## SCHEDULES

Schedules are not applicable to this development.

## DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

**The applicable draft environmental planning instruments are as follows:**

- Dee Why Town Centre - Draft Amendment
- Dee Why Town Centre - Reclassification of Public Land Draft Amendment
- Amendment Y - Classification and Reclassification of Public Land
- Amendment Z - Correction of Anomalies

The above Draft Instruments have been considered with regard to the proposed works. No matters have arisen that justify the refusal of the application with regard to the draft controls.

## POLICY CONTROLS

### **Warringah Section 94 Development Contribution Plan 2001**

The subject application was lodged in June 2005. The Warringah Section 94 Development Contribution Plan 2001 applies to the subject proposal. The development will create 269m<sup>2</sup> of floor space, for which the following contribution levies are required:

**\$429.00**

## MEDIATION

Mediation was not requested for this development application.

## CONCLUSION

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, Warringah Local Environmental Plan 2000 and relevant codes and policies of Council.

- The proposal is designated development and has been considered as such during the assessment. The proposal being a small scale operation is considered to satisfactorily address the requirements for such development.
- The proposal represents a small-scale agricultural use, which does not involve significant building work and removal of vegetation from the site. Due to the low intensity nature of the use, the on-going operation of the facility will generate a limited level of vehicular traffic. Therefore, the development is not considered to result in significant impact on the desired residential character and natural setting of the locality.
- The site is subject to development constraints of bushfire, native bushland and threatened species consideration. The proposed facility will occupy a limited development footprint and does not involve significant construction work. The proposal is considered to impose minimum disturbance to the site vegetation and natural features. The low profile of the structures will also minimise visual intrusion to the surrounding landscape and skyline.
- The culture of exotic fish species carries risks of translocation to the South Creek and Narrabeen aquatic environment. Notwithstanding, specific conditions will be recommended to require appropriate bunding device to contain any accidental escape of fish stock. The potential environmental impacts on the surrounding natural habitat will be minimised or eliminated through appropriate design solutions.
- At present, the site does not have formal vehicular access. The subject application seeks approval for the proposed aquaculture facility only. The determination of a suitable vehicular access will be pursued in a separate development application with Council. The preliminary

access solution would be to extend Brooker Avenue to the north along a portion of an existing Crown Road Reserve. It is considered that the subject site carries positive merits for the proposed fish ponds, driveway and associated structures, given the low potential environmental impacts of the operation.

- It is recommended that a Deferred Commencement Consent be granted for the aquaculture facility subject to the condition that requires Council's approval of a suitable access road to the site.

It is considered that the proposed development satisfies the appropriate controls and that all processes have been followed and submissions raised have been satisfactorily addressed. Accordingly, the proposal is recommended for approval by deferred commencement. The following special conditions are recommended to address the issues raised in this report:

## DEFERRED COMMENCEMENT CONDITION

1. This Deferred Commencement Consent is granted under Section 80(3) of the Environmental Planning and Assessment Act, 1979 and shall not operate until evidence is produced which satisfies Council as to the following matters and such satisfaction is notified in writing by Council:
  - a) The granting of Consent by Council for a separate Development Application for the construction of an appropriate access road that connects Lot 1092 in DP 752038 with a public road.
  - b) Submission of detailed drawings indicating the location, alignment and construction of proposed utility services, including water supply, gas, electricity and telecommunications connections, and sewerage line to the site (Lot 1092 in DP 752038). Where the above services require building or excavation works or removal of native vegetation on the subject allotment and/or adjoining property or public land, owner's consent and an assessment of the potential impacts, including but not limited to, flora and fauna and aboriginal heritage, are to be submitted to the satisfaction of Council.
2. Pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979 and Clauses 95(3) and (4) of the Environmental Planning and Assessment Regulation 2000:
  - a) The applicant must produce evidence to Council's satisfaction as to those matters mentioned above in (1) within 365 days of the date of this notice of determination; and
  - b) If Council is not satisfied as to the matters mentioned above in (1) within 365 days of the date of determination, this Deferred Commencement Consent lapses.

(Note: If a development consent lapses, it is of no effect, no Construction Certificate can be issued in relation thereto and no development can lawfully occur under the consent)

## GENERAL CONDITIONS

## CONDITIONS THAT IDENTIFY APPROVED PLANS

### 4. No Road Work on Public Land

Nothing in this Consent permits or implies any road construction works on a Crown Road Reserve or public place.

**Reason:** To ensure compliance with this Development Consent and to protect public infrastructure and property.

## CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLIED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### 16. Aquaculture Permit

A copy of the Aquaculture Permit issued by the NSW Department of Primary Industries for the subject development shall be submitted to Council / Accredited Certifier prior to issue of the Construction Certificate.

*Reason: To ensure relevant statutory requirements are complied with prior to construction.*

### 17. Amended Design Drawings

Amended drawings, including plans, elevations and sections, clearly indicating the design, alignment and structural support of the proposed fish ponds, rainwater tank, roof shelter, filter and associated plant / equipment, are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Additionally, the drawings are to demonstrate the mechanism of how rainwater will be diverted from the roof into the rainwater tank, and how the fish ponds will be replenished with fresh water from the rainwater tank.

The drawings shall include all bunding devices, screened water outlets, mesh cover and fencing details required by this consent. The drawings are to be prepared by a suitably qualified person in an appropriate scale and fully dimensioned.

*Reason: To ensure compliance with the conditions of this consent and proper documentation.*

### 18. Outlets from Ponds, Water Tank and Associated Facilities

All outlets from the fish ponds, water tank and other associated facilities on site must be appropriately screened to prevent the escape of fish stock. Details shall be provided to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

*Reason: Environmental protection.*

### 19. Mesh Cover Screen for Fish Ponds

All fish ponds within the subject aquaculture facility shall be covered by an appropriate mesh screen in order to prevent vandalism, predation of fish stock by animals and trapping of fauna. The mesh cover shall be made of durable materials and capable of withstanding rusting due to exposure to moisture, and incorporate appropriate locking device. Details shall be provided to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

*Reason: To prevent the translocation of fish stock into the natural waterways through vandalism or predation by fauna.*

### 20. Perimeter Wall and Bunding for Spill Containment

A solid wall of minimum 300mm in height and of masonry or concrete construction shall be provided along the perimeter of the aquaculture facility, with the exception of the vehicular entry. A bunding device shall be provided across the vehicular entry, in order to ensure that liquids will not escape from the facility. In addition, the bund walls and floors shall be finished with impervious materials and of sufficient size to contain 110% of the volume of the largest pond, plus the volume displaced by any additional ponds within the bunded areas. The bunded areas shall be appropriately drained to the sewage system.

The bunding is to be maintained or replaced over time where vehicle damage may occur. The proposed fish ponds shall be located wholly within this contained area.

Details demonstrating compliance with this requirement shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** *To ensure spills are contained within the facility and do not escape into the natural waterways.*

## 21. Fencing

The proposed chainmesh perimeter fencing shall have a maximum overall height of 1,800mm as measured from the existing ground level and be of black plastic coated type chainmesh. Details demonstrating compliance with this requirement shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

**Reason:** *To ensure compliance with this consent and minimise visual impact.*

## CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 41. Vegetation Management and Works Environment Protection Plans

The recommendations contained in the “Vegetation Management Plan” and “Works Environment Protection Plan”, prepared by Wildthing Environmental Consultants, dated May 2007, are to be implemented during excavation and building works on the site. These include, but not limited to, the following protection / management measures:

- No top soil, other than washed sand or screened gravel, will be introduced to the site.
- No waste concrete or mortar will be dumped or buried on the site.
- No wash water from concreting or brick-laying will be released onto the subject site and/or surrounding land.
- Only mulch generated from the land clearing operation may be used on the site.
- Vegetation clearance on the site shall be restricted to the development footprint of the aquaculture facility as indicated on the approved plans, and the Asset Protection Zone as required by the NSW Rural Fire Service, plus a maximum of 2m encroachment beyond the above construction boundaries to allow for suitable work space around the proposed works.
- All remaining areas on the site shall not be accessed by any personnel during the full duration of works. A temporary warning sign to this effect is to be placed in a prominent location on site during the full duration of works. Appropriate temporary fencing bunting fence is to be provided to prevent work personnel from accessing the protected bushland areas. The temporary fence and sign must be removed from the site when the works are completed.
- A compulsory induction training is to be provided for all work personnel, including sub-contractors' staff, prior to the commencement of any building or excavation work. The training shall cover the following areas:
  - The approximate location of threatened species, namely *Tetratheca glandulosa*.
  - The rationale behind the recommended work control measures implemented on site.
  - A description of events likely to damage or pollute the vegetation on site and the surrounding environment, and appropriate emergency response measures should those events occur.



The management protocols and recommendations contained in the Vegetation Management and Works Environment Protection Plans are to be endorsed and included in all contract documentation and specifications for any sub-contracted works for the proposed development.

**Reasons:** *Protection of bushland, threatened species habitat and the surrounding environment during works on the site.*

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

### 49. Bush Fire Protection and Management

The applicant / operator shall engage a suitably qualified person to prepare a bush fire management plan for the subject land, in accordance with all relevant legislative requirements and in consultation with the NSW Rural Fire Service, in relation to on-site bushfire protection burning. The plan shall be implemented and placed upon a Section 88B Instrument under the Conveyancing Act 1919 registered with the NSW Department of Lands. The applicant / operator of the subject aquaculture facility shall obtain all applicable permits from relevant statutory authorities relating to fire burning on site.

Details demonstrating compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of any Interim / Final Occupation Certificate.

**Reason:** *Bush fire protection.*

## ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

### 55. Discharge of Pond Water

Under no circumstances is the discharge of pond water used for cultivating or keeping fish / marine vegetation into natural water bodies or wetlands permitted under this Development Consent.

**Reason:** *Prevention of translocation of exotic fish species and environmental protection.*

### 56. Lighting

Any lighting on the site shall be so designed as not to cause nuisance to other residents in the area or to users of nearby roads, and to minimise potential impacts on the amenity of the surrounding areas by light overspill. Lighting design shall be consistent with the provisions of Australian Standard 4282: *Control of the Obtrusive Effects of Outdoor Lighting*.

**Reason:** *To protect the amenity of the surrounding neighbourhood from the emission of light.*

### 57. Filter Cleaning within Bunded Areas

The cleaning of any fish pond filters shall be undertaken wholly within a bunded area of the aquaculture facility on site. All waste water from the cleaning process shall be discharged to the sewage system only.

**Reason:** *Environmental protection and prevention of translocation of fish eggs or fingerlings to the natural waterways.*

### 58. No On-Site Storage of Waste Materials

All waste materials, including sludge from the pond cleaning process, and dead or diseased fish stock, generated from the proposed facility shall be collected in heavy duty plastic bags and removed off-site upon completion of the regular visits by the staff / operator of the facility. All waste materials must be disposed of at a licensed waste management facility.

Under no circumstances is the burial of dead or diseased fish stock on site permitted or implied by this Consent.

*Reason: Environmental protection and prevention of odour generation.*

**59. No On-Site Storage of Fish Feed**

Under no circumstances is the storage of fish feed on site permitted or implied by this Consent. All fish feed shall be collected and transported away from the site upon completion of the regular visits by the staff / operator of the facility.

*Reason: Environmental protection and prevention of odour generation.*

**60. Spill Clean Up Equipment**

Adequate spill clean up equipment shall be provided on site at all times for cleaning up / recovering any liquid spillage from the fish ponds.

*Reason: To ensure that any fish pond spillage is contained on site and does not escape from the facility.*

**61. Weeds Removal**

Any weeds found on site shall be removed by a qualified bush-regenerator, horticulturalist or an appropriate professional with minimum qualifications of TAFE Certificate II or III in "Natural Area Restoration" or equivalent.

*Reason: To ensure weeds are managed and removed in an appropriate manner.*

**62. Inspections and Repairs**

A qualified and practising Structural Engineer or an appropriately qualified person shall undertake inspection of the subject aquaculture facility on an annual basis, in order to ascertain the structural integrity of the fish ponds, filter, water tank, bunding devices and associated works. Any damage or wear and tear to the above structures shall be appropriately repaired and rectified as soon as practicable. Details of inspections shall be submitted to Council for record keeping purposes. The first inspection shall be undertaken within 12 months from the date the facility commences operation.

*Reason: To ensure the structural integrity of the fish farm facility and that the possibility of an escape of fish stock is minimised.*

**63. Transportation of Fish Stock**

Any fish stock transported to and from the subject aquaculture facility shall be stored in heavy duty plastic bags securely tied / fastened or any other appropriate means that minimises accidental escape of the stock.

*Reason: To minimise risks of translocation of fish stock to the natural waterways.*

**64. Monitoring of Water Quality**

The operator of the proposed fish farm shall regularly monitor the quality and sanitary condition of the fish pond water at appropriate intervals consistent with the recommendations of the submitted Environmental Impact Statement, prepared by Wildthing Environmental Consultants, dated September 2006 and supporting appendices. Should the monitoring process indicates any abnormal characteristics, the operator shall undertake all necessary care and appropriate actions to reinstate the condition of the pond water and health of the fish stock.

*Reason: Environmental protection.*



#### **65. Decommissioning**

In the event that the proposed aquaculture facility is no longer to be used, decommissioning of the facility shall be undertaken in accordance with the recommendations of the submitted Environmental Impact Statement, prepared by Wildthing Environmental Consultants, dated September 2006, which include, but not limited to, the following measures:

- Removal of all fish stock from the site.
- Draining of all water from the fish ponds, rainwater tank and filter system.
- Removal of all electrical equipment, such as pumps, with the electricity supply disconnected.
- The ponds shall remain covered to prevent the trapping of native fauna.
- Demolition of the pond structures within twelve (12) months of decommissioning of the facility, with all debris removed from the site, subject to the granting of a separate Development Consent from Council.

*Reason: To ensure appropriate steps are taken upon decommissioning of the facility.*

#### **66. Protection of Threatened Species on Site**

Under no circumstances are the removal, trimming or cutting of Threatened Ecological Species, known as *Tetratheca glandulosa*, permitted on the site. The operator / owner of the site shall take all necessary care to ensure that the viability and health of the above threatened species are maintained.

*Reason: Protection of threatened ecological species.*

### **CONDITIONS IMPOSED BY OTHER GOVERNMENT AUTHORITIES**

#### **67. NSW Rural Fire Service Conditions**

The following General Terms of Approval have been imposed by the NSW Rural Fire Service in relation to the development pursuant to Section 91A(2) of the Environmental Planning and Assessment Act 1979:

- An Asset Protection Zone (APZ) of 10 metres around the proposed aquaculture facility shall be managed as an "Inner Protection Area" as outlined in Section 4.2.2 of Planning for Bushfire Protection 2001, published by the then Planning NSW (the current NSW Department of Planning).

#### **68. NSW Department of Primary Industries**

The following General Terms of Approval have been imposed by the NSW Department of Primary Industries in relation to the development pursuant to Section 91A(2) of the Environmental Planning and Assessment Act 1979:

##### **GENERAL**

- a) The Minister for NSW Department of Primary Industries may, if the Minister thinks fit, suspend, revoke, vary or add to any of the conditions of a permit.
- b) An aquaculture permit is not transferable.
- c) Except where specific exception is made, all provisions of the *NSW Fisheries Management Act 1994*, the Regulations made thereunder and Land-based Aquaculture Policy, are to be strictly complied with.

- d) Where applicable, the permit-holder shall obtain and keep current the approval of and any necessary licences issued by government agencies including the authorities listed below:
- Environment Protection Authority (EPA)
  - Department of Infrastructure, Planning and Natural Resources (DIPNR)
  - NSW National Parks and Wildlife Service (NPWS)
  - Waterways Authority
  - Local Shire or Municipal Council
  - NSW Food Authority

e) The Director of NSW Department of Primary Industries or any officer of the Department shall be allowed access to the premises covered by an aquaculture permit at all reasonable times and the permit-holder shall co-operate by facilitating inspection of the premises and fish therein. Information obtained from these inspections will be regarded as confidential and will not be divulged to other fish farmers unless necessary for the purposes of regulation of the industry or for disease control.

f) Upon request, the permit holder shall supply in writing any reasonable information relating to the fish farm sought by the Director of NSW Department of Primary Industries or any other officer of the Department. Changes in particulars (ie business address, trading name or change of directors) must be notified to the Department in writing within 28 days.

g) An annual production report, covering production and sales for each financial year, is to be submitted to the Department before 30 September each year.

h) Unless otherwise specified, for the purposes of a permit:

"Fish" means the eggs, milt, larvae, juveniles and adults of the species authorised by a permit.

"Waters" means all waters that are within the limits of the State of New South Wales and includes rivers, creeks, lakes, lagoons and artificial dams, tanks, reservoirs, ponds, canals, channels, waterways, estuaries and the ocean.

"Sell" includes -

- i) sell by wholesale, retail, auction or tender;
  - ii) barter or exchange;
  - iii) supply for profit;
  - iv) offer for sale, receive for sale, or expose for sale;
  - v) consign or deliver for sale;
  - vi) have in possession for sale; or
- cause, or allow any of the above to be done.

"Premises" means all or part of the lands referred to in a permit and includes all structures thereon.

"Hatchery" means a facility for the maintenance and maturation of broodstock, spawning (natural and artificial) and larval rearing to fingerling or post-larval stage.

"Extensive" means aquaculture undertaken without providing supplementary food for fish that are being cultured.

"Intensive" means aquaculture undertaken by providing supplementary food for fish that are being cultured.

"Food" includes any form of nutrient.

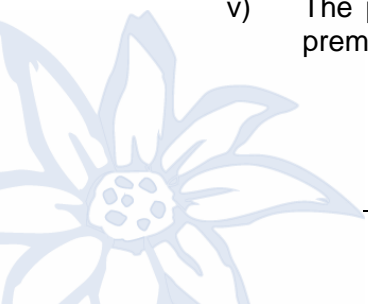


## **PREMISES AND SPECIES**

- i) The permit holder shall not propagate, hatch or rear species of fish other than those specified in the relevant permit.
- j) A permit-holder shall not cross-breed any species of fish without the written approval of the Department.
- k) The permit-holder shall not extend the propagation, hatching or rearing of fish beyond the facilities covered by the relevant permit. Any extension of operations or expansion of facilities requires written approval from the Department.
- l) The permit-holder shall maintain during the term of the permit, the right to occupation of the land or to immediate possession of the land on which the fish farm is situated for the purpose of aquaculture.
- m) The permit-holder shall prevent fish escapement into waterways from any authorised area covered by a permit.
- n) The disposal of dead or diseased fish must be made at an approved 'off-farm' waste management facility, or disposed of 'on-farm' in an appropriate waste facility, except where covered by other permit conditions.

## **PURCHASES AND SALES**

- o) The permit-holder shall not obtain any live fish from any person, whether in New South Wales, interstate or overseas, unless that person is authorised as a supplier of fish under state and/or Commonwealth legislation.
- p) A person must not bring into New South Wales, live fish of a species not taken in New South Wales' waters without the authority of a permit.
- q) A record of all purchases and sales of fish relating to the farm is to be maintained by the permit-holder. The record shall include the date, names and addresses of buyers and sellers, the species' name, life-cycle-stage and quantity.
- r) The permit holder shall not liberate live fish into any waters, by themselves or their agents, except those species authorised by the permit into the waters of the fish farm specified by the permit, or sell live fish for such purpose, without the prior approval in writing from the Director-General of NSW Department of Primary Industries.
- s) The permit holder shall not sell any live fish interstate without first obtaining authorisation from the Fisheries' authority in that state, or sell any live fish overseas without first obtaining relevant approvals from the Australian Quarantine Inspection Service (AQIS) and the Australian Nature Conservation Agency (ANCA).
- t) The permit holder shall not liberate, sell, offer or consign for sale any species other than those propagated, hatched, reared or grown on the premises to which a permit applies.
- u) Fish sold for human consumption must not be smaller than the legal minimum size for each species unless the permit holder (other than Class F permit holders) has authority under a permit to sell prohibited size fish.
- v) The permit holder shall issue to each purchaser of any fish species cultured on the premises, a record of sale showing the number of fish of each species purchased.



## DISEASE

- w) The permit holder shall notify the Department within 24 hours of the discovery of any declared disease (see appendix), unusual disease or any significant event associated with the welfare of the fish on the premises (eg unexplained or significant fish mortalities, >5% of fish stock loss in a week). See Appendix for list of Declared Diseases.
- x) Where any Declared Disease or other disease exists, or is reasonably suspected of existing on the farm premises covered by a permit, a permit holder shall carry out any directions so ordered by the Director of NSW Department of Primary Industries for the treatment or destruction of fish including quarantine of the premises. Any such order shall remain in effect until revoked by the Director of NSW Department of Primary Industries in writing.
- y) The permit holder must not sell, otherwise supply or release into waterways, any fish known, or suspected, to be infected with a Declared Disease. The Permit-holder shall take precautions specified in writing by the Director of NSW Department of Primary Industries to prevent the escape of fish or disease from the farm.
- z) All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used where eggs and fry may escape. A screen no greater than 5mm is required for fingerlings, and a screen no greater than 15mm for post-fingerling fish.
  - a) No effluent is permitted to reach any waterway except for farms licensed by the EPA to discharge effluent into waterways.
  - b) For the purposes of this permit, 'aquarium fish' includes all native Australian fish species and all fish species listed in Schedule 6 of the *Wildlife Protection (Regulation of Exports and Imports) Act 1982*.
  - c) All outlets must be screened to a size no greater than 1mm to prevent the escape of fish.
  - d) No effluent is allowed to reach any waterway.

## RECOMMENDATION (APPROVAL BY DEFERRED COMMENCEMENT)

- A. That Council, as the consent authority, grants a Deferred Commencement Consent to Development Application No. 2005/586 for construction of an aquaculture facility consisting of four (4) fish ponds, rainwater tank, access driveway and associated structures, at Lot 1092 in DP 752038, Brooker Avenue, Beacon Hill, and that an Operational Development Consent be issued subject to the attached General Conditions after all matters under the Deferred Commencement Conditions have been completed to the satisfaction of Warringah Council.
- B. That pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, the Council vary the provisions of Section 95 (1) so this consent will lapse three (3) years from the date in which it operates, and the applicant be advised accordingly.



## DEFERRED COMMENCEMENT CONDITIONS

This consent shall not operate until the following deferred commencement conditions have been satisfied.

1. This Deferred Commencement Consent is granted under Section 80(3) of the Environmental Planning and Assessment Act, 1979 and shall not operate until evidence is produced which satisfies Council as to the following matters and such satisfaction is notified in writing by Council:
  - a) The granting of Consent by Council for a separate Development Application for the construction of an appropriate access road that connects Lot 1092 in DP 752038 with a public road.
  - b) Submission of detailed drawings indicating the location, alignment and construction of proposed utility services, including water supply, gas, electricity and telecommunications connections, and sewerage line to the site (Lot 1092 in DP 752038). Where the above services require building or excavation works or removal of native vegetation on the subject allotment and/or adjoining property or public land, owner's consent and an assessment of the potential impacts, including but not limited to, flora and fauna and aboriginal heritage, are to be submitted to the satisfaction of Council.
2. Pursuant to Section 95(6) of the Environmental Planning and Assessment Act 1979 and Clauses 95(3) and (4) of the Environmental Planning and Assessment Regulation 2000:
  - a) The applicant must produce evidence to Council's satisfaction as to those matters mentioned above in (1) within 365 days of the date of this notice of determination; and
  - b) If Council is not satisfied as to the matters mentioned above in (1) within 365 days of the date of determination, this Deferred Commencement Consent lapses.

(Note: If a development consent lapses, it is of no effect, no Construction Certificate can be issued in relation thereto and no development can lawfully occur under the consent)

## GENERAL CONDITIONS

## CONDITIONS THAT IDENTIFY APPROVED PLANS

### 3. Approved Plans And Supporting Documentation

The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of consent:

Drawing Number	Dated
DA001(B) Site Analysis	6/2005
DA002(B) Site Plan	6/2005
DA003(B) Site Plan (2)	6/2005
DA004(E) Fish Pond Plan	4/2007
DA005(B) Driveway Long Section	6/2005
DA007(A) Services	5/2007
DA00a(A) Management Plan	3/2007

No construction works (including excavation) shall be undertaken prior to the release of the Construction Certificate.

**Note:** Further information on Construction Certificates can be obtained by contacting Council's Call Centre on 9942 2111, Council's website or at the Planning and Assessment Counter.

**Reason:** *To ensure the work is carried out in accordance with the determination of Council and approved plans. [A1 (1)]*

#### 4. No Road Work on Public Land

Nothing in this Consent permits or implies any road construction works on a Crown Road Reserve or public place.

**Reason:** *To ensure compliance with this Development Consent and to protect public infrastructure and property.*

### CONDITIONS THAT REQUIRE 'ANCILLARY' MATTERS TO BE COMPLETED TO THE SATISFACTION OF COUNCIL OR ANOTHER NOMINATED PERSON PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

#### 5. Construction Management Program

A Construction Management Program shall be submitted and approved by Council or Accredited Certifier PRIOR TO THE ISSUE OF ANY Construction Certificate. Any use of Council property shall require appropriate approvals. The program shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicle, including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Access across public parks and open space reserves is prohibited.
- (b) The proposed phases of construction works on the site, and the expected duration of each construction phase.
- (c) The proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken.
- (d) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (e) The proposed method of loading and unloading, excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site.
- (f) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period.
- (g) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- (h) The proposed method of support to any excavation adjacent to adjoining properties, or the road reserve, where applicable. The proposed method of support is to be designed and certified by an appropriately qualified and practising Structural Engineer and shall not involve any permanent or temporary encroachment onto Council's property.

- (i) Proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of hoardings over footpaths and laneways, where applicable.
- (j) The location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval.

**Reason:** To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community. **[B2]**

## 6. Provision of Services

Certification must be obtained from the relevant statutory authorities that adequate services are available to satisfy the demands of the proposed development. Such certification is to be provided to the Council / Accredited Certifier prior to the issue of the Construction Certificate.

**Reason:** To ensure that services have been provided as required by this Consent. **[B4]**

## CONDITIONS THAT REQUIRE SUBSIDIARY MATTERS TO BE COMPLETED PRIOR TO ISSUE OF A CONSTRUCTION CERTIFICATE

### 7. Fire Safety Measures

Submission at the Construction Certificate stage of an appropriate schedule of proposed fire safety measures to be implemented on site, and such fire safety schedule shall specify the minimum standard of performance for each fire safety measure.

**Reason:** Fire Safety **[C1]**

### 8. Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The applicant shall advise Council, in writing, of any existing damage to Council property before commencement of the development.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the applicant's interest for it to be as full and detailed as possible.

**Reason:** To ensure the protection of existing built public infrastructure. **[C6]**

### 9. Kerb Security Bond

A bond of **\$550.00** shall be deposited with Council and inspection fee of **\$200.00** paid, prior to the issue of any construction certificate, against the potential for damage to Council's footpath and road reserve infrastructure during the construction process. (See Schedule)

**Reason:** To ensure appropriate security is in place for the protection or repair of Public Infrastructure. **[C16]**

### 10. Protection of Footpaths and Roadways

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

**Reason:** Protection of footpath and roadways. **[C22]**

## 11. Line Marking

A total of one (1) off-street car parking space, together with access driveway, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted with the Construction Certificate.

**Reason:** *To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles. [C38]*

## 12. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council / Accredited Certifier accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. As a minimum, control techniques are to be in accordance with appropriate guidelines / standards. The Control Plan shall incorporate and disclose:

- (a) All details of drainage to protect and drain the site during the construction processes;
- (b) All sediment control devices, barriers and the like;
- (c) Sedimentation tanks, ponds or the like;
- (d) Covering materials and methods;
- (e) A schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved by the Council / Accredited Certifier prior to issuing of the Construction Certificate.

**Reason:** *To protect the environment from the effects of sedimentation and erosion from development sites. [C46]*

## 13. S94 Contributions

The payment of the following developer contributions prior to the approval/release of the Construction Certificate: **\$429.00**

These amounts have been calculated using the Warringah Section 94 Contributions Plan. They are current at the time of issue of this Consent. They will be adjusted at the time of payment according to the quarterly CPI (Sydney - All Groups Index). An updated schedule of Council's contribution rate is issued each quarter and is available at Council's office. Please ensure that you provide details of this Consent when paying contributions so that they can be easily recalculated.

The basis for the contributions is as follows:  
The development will create 269m<sup>2</sup> of floor space.

**Reason:** *To retain a level of service for the existing population and to provide the same level of service for the population resulting from new development. [C70]*

#### 14. Security Bond Schedule

All fees and security bonds in accordance with the schedule below must be paid or in place prior to the issue of the required Construction Certificate:

<b>SECURITY BOND &amp; FEE SCHEDULE</b>	
Lot 1092 in DP 752038, Brooker Avenue, Beacon Hill	
DEVELOPMENT APPLICATION NUMBER 2005/586	
<b>SECURITY BONDS</b>	<b>AMOUNT (\$)</b>
Builders Road/Kerb Security Bond	\$550.00
<b>TOTAL BONDS</b>	<b>\$550.00</b>
<b>FEES</b>	
Kerb Security Inspection Fee	\$200.00
Section 94 contribution	\$429.00
<b>TOTAL FEES</b>	<b>\$629.00</b>

*Reason: Compliance with the development consent. [C71]*

#### 15. Structural Design Certificate

That structural drawings and certificate from a qualified structural engineer, certifying that the design is in accordance with the relevant Australian Standards and design codes shall be submitted prior to issue of the construction certificate.

*Reason: To ensure the safety and structural adequacy of the approved development and compliance with the appropriate Australian Standards. [C83]*

#### 16. Aquaculture Permit

A copy of the Aquaculture Permit issued by the NSW Department of Primary Industries for the subject development shall be submitted to Council / Accredited Certifier prior to issue of the Construction Certificate.

*Reason: To ensure relevant statutory requirements are complied with prior to construction.*

#### 17. Amended Design Drawings

Amended drawings, including plans, elevations and sections, clearly indicating the design, alignment and structural support of the proposed fish ponds, rainwater tank, roof shelter, filter and associated plant / equipment, are to be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Additionally, the drawings are to demonstrate the mechanism of how rainwater will be diverted from the roof into the rainwater tank, and how the fish ponds will be replenished with fresh water from the rainwater tank.

The drawings shall include all bunding devices, screened water outlets, mesh cover and fencing details required by this consent. The drawings are to be prepared by a suitably qualified person in an appropriate scale and fully dimensioned.

*Reason: To ensure compliance with the conditions of this consent and proper documentation.*



## 18. Outlets from Ponds, Water Tank and Associated Facilities

All outlets from the fish ponds, water tank and other associated facilities on site must be appropriately screened to prevent the escape of fish stock. Details shall be provided to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

*Reason: Environmental protection.*

## 19. Mesh Cover Screen for Fish Ponds

All fish ponds within the subject aquaculture facility shall be covered by an appropriate mesh screen in order to prevent vandalism, predation of fish stock by animals and trapping of fauna. The mesh cover shall be made of durable materials and capable of withstanding rusting due to exposure to moisture, and incorporate appropriate locking device. Details shall be provided to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

*Reason: To prevent the translocation of fish stock into the natural waterways through vandalism or predation by fauna.*

## 20. Perimeter Wall and Bunding for Spill Containment

A solid wall of minimum 300mm in height and of masonry or concrete construction shall be provided along the perimeter of the aquaculture facility, with the exception of the vehicular entry. A bunding device shall be provided across the vehicular entry, in order to ensure that liquids will not escape from the facility. In addition, the bund walls and floors shall be finished with impervious materials and of sufficient size to contain 110% of the volume of the largest pond, plus the volume displaced by any additional ponds within the bunded areas. The bunded areas shall be appropriately drained to the sewage system.

The bunding is to be maintained or replaced over time where vehicle damage may occur. The proposed fish ponds shall be located wholly within this contained area.

Details demonstrating compliance with this requirement shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

*Reason: To ensure spills are contained within the facility and do not escape into the natural waterways.*

## 21. Fencing

The proposed chainmesh perimeter fencing shall have a maximum overall height of 1,800mm as measured from the existing ground level and be of black plastic coated type chainmesh. Details demonstrating compliance with this requirement shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

*Reason: To ensure compliance with this consent and minimise visual impact.*

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

## 22. Silt & Sediment Control

Provision shall be made throughout the period of demolition / excavation and construction to prevent transmission of soil to the public road and drainage system by vehicles leaving the site.

*Reason: To avoid siltation to adjoining properties and waterways. [D1]*

### 23. Construction Certificate

A Construction Certificate is required to be approved and issued by either Council or an Accredited Certifier, prior to the commencement of any works on the site.

**Reason:** Legislative requirements. [D3]

### 24. Notice of Commencement

At least 2 days prior to work commencing on site Council must be informed, by the submission of a Notice of Commencement in accordance with Section 81A of EP & A Act 1979 of the name and details of the Principal Certifying Authority and the date construction work is proposed to commence.

**Reason:** Legislative requirement for the naming of the PCA. [D4]

### 25. WorkCover

Your attention is directed to the need to seek advice of your obligations from the WorkCover Authority prior to the commencement of any works on the site.

**Reason:** Statutory requirement. [D5]

## CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

### 26. Progress Inspections (Class 1 and 10 Buildings)

The Principal Certifying Authority (PCA) SHALL BE given a minimum of forty-eight (48) hours notice for mandatory inspection of the following, where applicable:

- (a) At the commencement of the work, and
- (b) After excavation for, and prior to the placement of any footings, and
- (c) Prior to pouring any in-situ reinforced concrete building element, and
- (d) Prior to covering of the framework for any floor, wall, roof or other building element, and
- (e) Prior to covering over waterproofing in any wet areas, and
- (f) Prior to covering over stormwater drainage connections, absorption pits and other drainage works, and
- (g) After the building work has been completed and prior to any Occupation Certificate being issued in relation to the building.

The appointed Principal Certifying Authority MUST do the first inspection at the commencement of building work, and at completion of building work.

Notes:

- (1) The appointed Principal Certifying Authority has a discretion to determine additional inspections, or nominate other Accredited Certifiers to undertake inspections other than the first and last inspections, which are required to ensure compliance or otherwise with relevant codes and standards. In any event, the Principal Certifying Authority MUST be advised at all of the stages of construction identified above.

- (2) The PCA must advise the person with the benefit of the consent of the mandatory critical stage inspections referred to in the EP & A Regulations.
- (3) Where Warringah Council is acting as the Principal Certifying Authority for the project, notice is to be given by telephone to Council on 9942 2111 and requesting a relevant inspection. Failure to advise Council at the stages of construction identified above may result in fines being imposed.
- (4) Failure to advise the Principal Certifying Authority of the need for MANDATORY INSPECTIONS at the critical stages of construction detailed above may result in fines being imposed, works being required to be demolished, or delays experienced in obtaining final certification and occupation of the development in order to resolve issues.

**Reason:** Prescribed mandatory inspections under legislation. [E7]

## **27. Replacement of Principal Certifying Authority**

If the person exercising the benefits of a development consent changes or replaces the Principal Certifying Authority (PCA) during works on the site, the replacement PCA must notify Warringah Council within two (2) days of appointment. If the original PCA was Warringah Council, written approval from Council must be obtained for any change to the PCA role.

(Note: Special legislative provisions in the Environmental Planning and Assessment Act 1979 apply to the procedure for replacing a PCA)

**Reason:** Statutory requirement. [E11]

## **28. Replacement of Builder- (Class 1, 2, 3 and 4 buildings)**

If the builder is replaced while residential building work is being carried out, the Principal Certifying Authority (PCA) must give Warringah Council written notice of the name, licence number, and insurer of head contractor (or name and permit number of the owner-builder) within two (2) days of their appointment/replacement.

**Reason:** Statutory requirement. [E12]

## **29. Noise and Vibration**

Noise emissions and vibration must be minimised where possible and work is to be carried out in accordance with Environment Protection Authority guidelines for noise emissions from construction/demolition works and must also comply with the provisions of the Protection of the Environment Operations Act 1997. This Condition must be complied with during demolition and building work.

**Reason:** To ensure residential amenity is maintained in the immediate vicinity. [E17]

## **30. Dust Emission and Air Quality**

Materials must not be burnt on the site.

Vehicles entering and leaving the site with soil or fill material must be covered.

Dust suppression measures must be carried out to minimise wind-borne emissions in accordance with the NSW Department of Housing's 1998 guidelines - Managing Urban Stormwater: Soils and Construction. Odour suppression measures must be carried out so as to prevent nuisance occurring at adjoining properties. This Condition must be complied with during demolition and building work.

**Reason:** To ensure residential amenity is maintained in the immediate vicinity. [E18]

### **31. No Work on Public Open Space**

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

***Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land. [E19]*

### **32. No Removal of Trees on Public Property**

No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in its consent shall be removed or damaged during construction including for the erection of any fences, hoardings or other temporary works.

***Reason:** Protection of existing environmental infrastructure and community assets. [E21]*

### **33. Special Permits**

Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to S138 of the Roads Act. A minimum of forty-eight (48) hours notice is required for any permit:

#### **(1) On-street mobile plant**

Eg. cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the responsibility of the applicant, owner and builder to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

***Reason:** Proper management of public land. [E24 (1)]*

#### **(2) Storage of building materials and building waste containers (skips) on Council's property**

Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

***Reason:** Proper management of public land. [E24 (3)]*

### **34. Construction Hours**

Building construction shall be restricted to within the hours of 7.00 am to 5.00 pm Monday to Friday and on Saturday to within the hours of 8.00 am to 1.00 pm inclusive, with no work on Sundays and Public Holidays.

Demolition and excavation works shall be restricted to within the hours of 8.00 am to 5.00 pm Monday to Friday only. (Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

The builder and excavator shall display, on-site, their twenty-four (24) hour contact telephone number, which is to be clearly visible and legible from any public place adjoining the site.

***Reason:** To ensure that works do not interfere with reasonable amenity expectations of residents and the community. [E26]*

### **35. Installation and Maintenance of Sediment Control**

Sediment and erosion controls must be installed in accordance with Landcom's "Managing Urban Stormwater: Soils and Construction" (2004).

Techniques used for erosion and sediment control on site are to be adequately maintained and monitored at all times, particularly after periods of rain, and shall remain in proper operation until all development activities have been completed and the site is sufficiently stabilised.

**Reason:** *To protect the surrounding environment from the effects of sedimentation and erosion from development sites. [E28]*

### **36. Health and Safety**

The work undertaken must satisfy applicable occupational health and safety and construction safety regulations, including any WorkCover Authority requirements to prepare a health and safety plan. Site fencing must be installed sufficient to exclude the public from the site. Safety signs must be erected that warn the public to keep out of the site, and provide a contact telephone number for enquiries. This Condition shall be complied with during demolition and building work.

Further information and details regarding occupational health and safety requirements for construction sites can be obtained from the Internet at [www.WorkCover.nsw.gov.au](http://www.WorkCover.nsw.gov.au).

**Reason:** *To ensure the health and safety of the community and workers on the site. [E30]*

### **37. Aboriginal Heritage**

If in undertaking excavations or works, any Aboriginal site or relic is, or is thought to have been found, all works are to cease immediately and the applicant is to contact Aboriginal Heritage Officer for Warringah Council, and the National Parks and Wildlife Service (NPWS). Any work to a site that is discovered to be the location of an Aboriginal relic, within the meaning of the National Parks and Wildlife Act, requires a permit from the Director of the NPWS.

**Reason:** *Aboriginal Heritage Protection. [E34]*

### **38. Prohibition on Use of Pavements**

Building materials shall not be placed on Council's footpaths, roadways, parks or grass verges at all times.

**Reason:** *To ensure public safety and amenity on public land. [E35]*

### **39. Plant & Equipment Kept Within Site**

All plant and equipment used in the erection of the building, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the approved construction area on site and so placed that all concrete slurry, water, debris and the like shall be discharged onto approved building work area within the boundaries of the site, and contained within the site boundaries. This condition shall be complied with during demolition and building work.

**Reason:** *To ensure public safety and amenity on public land. [E36]*

#### 40. Maintenance of Road Reserve

The public footways and roadways adjacent to the site shall be maintained at all times during the course of the work in a safe condition.

**Reason:** *Public Safety [E39]*

#### 41. Vegetation Management and Works Environment Protection Plans

The recommendations contained in the "Vegetation Management Plan" and "Works Environment Protection Plan", prepared by Wildthing Environmental Consultants, dated May 2007, are to be implemented during excavation and building works on the site. These include, but not limited to, the following protection / management measures:

- No top soil, other than washed sand or screened gravel, will be introduced to the site.
- No waste concrete or mortar will be dumped or buried on the site.
- No wash water from concreting or brick-laying will be released onto the subject site and/or surrounding land.
- Only mulch generated from the land clearing operation may be used on the site.
- Vegetation clearance on the site shall be restricted to the development footprint of the aquaculture facility as indicated on the approved plans, and the Asset Protection Zone as required by the NSW Rural Fire Service, plus a maximum of 2m encroachment beyond the above construction boundaries to allow for suitable work space around the proposed works.
- All remaining areas on the site shall not be accessed by any personnel during the full duration of works. A temporary warning sign to this effect is to be placed in a prominent location on site during the full duration of works. Appropriate temporary fencing is to be provided to prevent work personnel from accessing the protected bushland areas. The temporary fence and sign must be removed from the site when the works are completed.
- A compulsory induction training is to be provided for all work personnel, including sub-contractors' staff, prior to the commencement of any building or excavation work. The training shall cover the following areas:
  - The approximate location of threatened species, namely *Tetratheca glandulosa*.
  - The rationale behind the recommended work control measures implemented on site.
  - A description of events likely to damage or pollute the vegetation on site and the surrounding environment, and appropriate emergency response measures should those events occur.

The management protocols and recommendations contained in the Vegetation Management and Works Environment Protection Plans are to be endorsed and included in all contract documentation and specifications for any sub-contracted works for the proposed development.

**Reasons:** *Protection of bushland, threatened species habitat and the surrounding environment during works on the site.*

### OPERATIONAL CONDITIONS IMPOSED UNDER EP&A ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

#### 42. Building Code of Australia

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**Reason:** *Prescribed - Statutory. [F1]*

#### 43. Sydney Water

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site <<http://www.sydneywater.com.au>> then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** *To ensure compliance with the statutory requirements of Sydney Water. [F3]*

#### 44. Site Sign

- (1) A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - (a) stating that unauthorised entry to the work site is prohibited;
  - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (2) Any such sign must be maintained while the building work or demolition work is being carried out, but must be removed when the work has been completed.
- (3) This condition does not apply to building works being carried out inside an existing building.

**Reason:** *Statutory requirement. [F9]*

#### 45. Toilets

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
  - (a) must be a standard flushing toilet, and
  - (b) must be connected:
    - (i) to a public sewer; or
    - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the Council; or
    - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the Council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

(4) In this clause:

**accredited sewage management facility** means a sewage management facility to which Division 4 Sub-division 5 of the Local Government (General) Regulation 2005 applies, being a sewage management facility that is installed or constructed to a design or plan the subject of a certificate of accreditation referred to in the Regulation.

**approved by the Council** means the subject of an approval in force under the Local Government (General) Regulation 2005.

**public sewer** has the same meaning as it has in the Local Government (General) Regulation 2005.

**sewage management facility** has the same meaning as it has in the Local Government (General) Regulation 2005.

*Reason: To ensure adequate facilities are provided for workers on the site. [F10]*

## CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

### 46. Occupation Certificate Required

An Interim / Final Occupation Certificate shall be obtained in relation to the approved works prior to any use and upon completion of the approved works.

*Reason: To ensure compliance with the provisions of the Environmental Planning and Assessment Act. [G1]*

### 47. Pond Water to Sewer

The fish ponds including overflow water shall be drained to the sewer. The consent of Sydney Water to dispose of wastewater shall be obtained and compliance with any conditions imposed in connection therewith.

*Reason: To ensure proper discharge of waste water. [G17]*

### 48. Utility Services

All utility services shall be adjusted, to the correct levels and/or location/s required by this consent, prior to final completion and the issue of any Occupation Certificate.

*Reason: To ensure compliance with the terms of this consent. [G23]*

### 49. Bush Fire Protection and Management

The applicant / operator shall engage a suitably qualified person to prepare a bush fire management plan for the subject land, in accordance with all relevant legislative requirements and in consultation with the NSW Rural Fire Service, in relation to on-site bushfire protection burning. The plan shall be implemented and placed upon a Section 88B Instrument under the Conveyancing Act 1919 registered with the NSW Department of Lands. The applicant / operator of the subject aquaculture facility shall obtain all applicable permits from relevant statutory authorities relating to fire burning on site.



Details demonstrating compliance with the above requirements shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of any Interim / Final Occupation Certificate.

**Reason:** *Bush fire protection.*

## ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

### 50. Trade Waste/Wastewater

Trade waste water shall be disposed of in accordance with the permit requirements of Sydney Water Corporation Ltd, Wastewater Source Control Branch.

**Reason:** *To ensure compliance with Sydney Water's requirements and protect the environment. [I6]*

### 51. Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times.

**Reason:** *To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity. [I13]*

### 52. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 7pm and 7am on any day.

**Reason:** *To ensure the acoustic amenity of surrounding properties. [I31]*

### 53. Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 7pm and 7am on any day.

**Reason:** *To ensure the acoustic amenity of surrounding properties. [I32]*

### 54. Noise Generation

Noise from the combined operation of all mechanical plant and equipment shall not generate noise levels that exceed 5dB(A) above the ambient background noise level measured at the property boundaries when measured in accordance with the Environment Protection Authority's Industrial Noise Policy.

**Reason:** *To ensure compliance with acceptable levels of noise established under best practice guidelines. [I8]*

### 55. Discharge of Pond Water

Under no circumstances is the discharge of pond water used for cultivating or keeping fish / marine vegetation into natural water bodies or wetlands permitted under this Development Consent.

**Reason:** *Prevention of translocation of exotic fish species and environmental protection.*



## **56. Lighting**

Any lighting on the site shall be so designed as not to cause nuisance to other residents in the area or to users of nearby roads, and to minimise potential impacts on the amenity of the surrounding areas by light overspill. Lighting design shall be consistent with the provisions of Australian Standard 4282: *Control of the Obtrusive Effects of Outdoor Lighting*.

**Reason:** *To protect the amenity of the surrounding neighbourhood from the emission of light.*

## **57. Filter Cleaning within Bunded Areas**

The cleaning of any fish pond filters shall be undertaken wholly within a bunded area of the aquaculture facility on site. All waste water from the cleaning process shall be discharged to the sewage system only.

**Reason:** *Environmental protection and prevention of translocation of fish eggs or fingerlings to the natural waterways.*

## **58. No On-Site Storage of Waste Materials**

All waste materials, including sludge from the pond cleaning process, and dead or diseased fish stock, generated from the proposed facility shall be collected in heavy duty plastic bags and removed off-site upon completion of the regular visits by the staff / operator of the facility. All waste materials must be disposed of at a licensed waste management facility. Under no circumstances is the burial of dead or diseased fish stock on site permitted or implied by this Consent.

**Reason:** *Environmental protection and prevention of odour generation.*

## **59. No On-Site Storage of Fish Feed**

Under no circumstances is the storage of fish feed on site permitted or implied by this Consent. All fish feed shall be collected and transported away from the site upon completion of the regular visits by the staff / operator of the facility.

**Reason:** *Environmental protection and prevention of odour generation.*

## **60. Spill Clean Up Equipment**

Adequate spill clean up equipment shall be provided on site at all times for cleaning up / recovering any liquid spillage from the fish ponds.

**Reason:** *To ensure that any fish pond spillage is contained on site and does not escape from the facility.*

## **61. Weeds Removal**

Any weeds found on site shall be removed by a qualified bush-regenerator, horticulturalist or an appropriate professional with minimum qualifications of TAFE Certificate II or III in "Natural Area Restoration" or equivalent.

**Reason:** *To ensure weeds are managed and removed in an appropriate manner.*



## 62. Inspections and Repairs

A qualified and practising Structural Engineer or an appropriately qualified person shall undertake inspection of the subject aquaculture facility on an annual basis, in order to ascertain the structural integrity of the fish ponds, filter, water tank, bunding devices and associated works. Any damage or wear and tear to the above structures shall be appropriately repaired and rectified as soon as practicable. Details of inspections shall be submitted to Council for record keeping purposes. The first inspection shall be undertaken within 12 months from the date the facility commences operation.

**Reason:** *To ensure the structural integrity of the fish farm facility and that the possibility of an escape of fish stock is minimised.*

## 63. Transportation of Fish Stock

Any fish stock transported to and from the subject aquaculture facility shall be stored in heavy duty plastic bags securely tied / fastened or any other appropriate means that minimises accidental escape of the stock.

**Reason:** *To minimise risks of translocation of fish stock to the natural waterways.*

## 64. Monitoring of Water Quality

The operator of the proposed fish farm shall regularly monitor the quality and sanitary condition of the fish pond water at appropriate intervals consistent with the recommendations of the submitted Environmental Impact Statement, prepared by Wildthing Environmental Consultants, dated September 2006 and supporting appendices. Should the monitoring process indicates any abnormal characteristics, the operator shall undertake all necessary care and appropriate actions to reinstate the condition of the pond water and health of the fish stock.

**Reason:** *Environmental protection.*

## 65. Decommissioning

In the event that the proposed aquaculture facility is no longer to be used, decommissioning of the facility shall be undertaken in accordance with the recommendations of the submitted Environmental Impact Statement, prepared by Wildthing Environmental Consultants, dated September 2006, which include, but not limited to, the following measures:

- a. Removal of all fish stock from the site.
- b. Draining of all water from the fish ponds, rainwater tank and filter system.
- c. Removal of all electrical equipment, such as pumps, with the electricity supply disconnected.
- d. The ponds shall remain covered to prevent the trapping of native fauna.
- e. Demolition of the pond structures within twelve (12) months of decommissioning of the facility, with all debris removed from the site, subject to the granting of a separate Development Consent from Council.

**Reason:** *To ensure appropriate steps are taken upon decommissioning of the facility.*



## 66. Protection of Threatened Species on Site

Under no circumstances are the removal, trimming or cutting of Threatened Ecological Species, known as *Tetratheca glandulosa*, permitted on the site. The operator / owner of the site shall take all necessary care to ensure that the viability and health of the above threatened species are maintained.

**Reason:** *Protection of threatened ecological species.*

## CONDITIONS IMPOSED BY OTHER GOVERNMENT AUTHORITIES

### 67. NSW Rural Fire Service Conditions

The following General Terms of Approval have been imposed by the NSW Rural Fire Service in relation to the development pursuant to Section 91A(2) of the Environmental Planning and Assessment Act 1979:

- An Asset Protection Zone (APZ) of 10 metres around the proposed aquaculture facility shall be managed as an "Inner Protection Area" as outlined in Section 4.2.2 of Planning for Bushfire Protection 2001, published by the then Planning NSW (the current NSW Department of Planning).

### 68. NSW Department of Primary Industries

The following General Terms of Approval have been imposed by the NSW Department of Primary Industries in relation to the development pursuant to Section 91A(2) of the Environmental Planning and Assessment Act 1979:

#### GENERAL

- a) The Minister for NSW Department of Primary Industries may, if the Minister thinks fit, suspend, revoke, vary or add to any of the conditions of a permit.
- b) An aquaculture permit is not transferable.
- c) Except where specific exception is made, all provisions of the *NSW Fisheries Management Act 1994*, the Regulations made thereunder and Land-based Aquaculture Policy, are to be strictly complied with.
- d) Where applicable, the permit-holder shall obtain and keep current the approval of and any necessary licences issued by government agencies including the authorities listed below:
  - Environment Protection Authority (EPA)
  - Department of Infrastructure, Planning and Natural Resources (DIPNR)
  - NSW National Parks and Wildlife Service (NPWS)
  - Waterways Authority
  - Local Shire or Municipal Council
  - NSW Food Authority
- e) The Director of NSW Department of Primary Industries or any officer of the Department shall be allowed access to the premises covered by an aquaculture permit at all reasonable times and the permit-holder shall co-operate by facilitating inspection of the premises and fish therein. Information obtained from these inspections will be regarded as confidential and will not be divulged to other fish farmers unless necessary for the purposes of regulation of the industry or for disease control.

- f) Upon request, the permit holder shall supply in writing any reasonable information relating to the fish farm sought by the Director of NSW Department of Primary Industries or any other officer of the Department. Changes in particulars (ie business address, trading name or change of directors) must be notified to the Department in writing within 28 days.
- g) An annual production report, covering production and sales for each financial year, is to be submitted to the Department before 30 September each year.

- h) Unless otherwise specified, for the purposes of a permit:

"Fish" means the eggs, milt, larvae, juveniles and adults of the species authorised by a permit.

"Waters" means all waters that are within the limits of the State of New South Wales and includes rivers, creeks, lakes, lagoons and artificial dams, tanks, reservoirs, ponds, canals, channels, waterways, estuaries and the ocean.

"Sell" includes -

- i) sell by wholesale, retail, auction or tender;
- ii) barter or exchange;
- iii) supply for profit;
- iv) offer for sale, receive for sale, or expose for sale;
- v) consign or deliver for sale;
- vi) have in possession for sale; or  
cause, or allow any of the above to be done.

"Premises" means all or part of the lands referred to in a permit and includes all structures thereon.

"Hatchery" means a facility for the maintenance and maturation of broodstock, spawning (natural and artificial) and larval rearing to fingerling or post-larval stage.

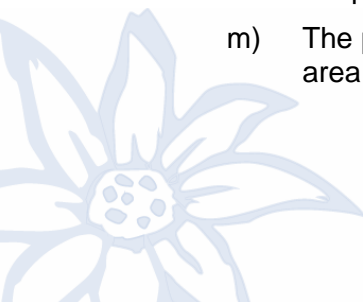
"Extensive" means aquaculture undertaken without providing supplementary food for fish that are being cultured.

"Intensive" means aquaculture undertaken by providing supplementary food for fish that are being cultured.

"Food" includes any form of nutrient.

## **PREMISES AND SPECIES**

- i) The permit holder shall not propagate, hatch or rear species of fish other than those specified in the relevant permit.
- j) A permit-holder shall not cross-breed any species of fish without the written approval of the Department.
- k) The permit-holder shall not extend the propagation, hatching or rearing of fish beyond the facilities covered by the relevant permit. Any extension of operations or expansion of facilities requires written approval from the Department.
- l) The permit-holder shall maintain during the term of the permit, the right to occupation of the land or to immediate possession of the land on which the fish farm is situated for the purpose of aquaculture.
- m) The permit-holder shall prevent fish escapement into waterways from any authorised area covered by a permit.



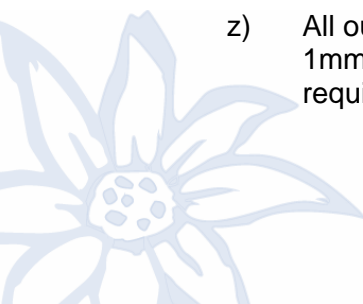
- n) The disposal of dead or diseased fish must be made at an approved 'off-farm' waste management facility, or disposed of 'on-farm' in an appropriate waste facility, except where covered by other permit conditions.

## **PURCHASES AND SALES**

- o) The permit-holder shall not obtain any live fish from any person, whether in New South Wales, interstate or overseas, unless that person is authorised as a supplier of fish under state and/or Commonwealth legislation.
- p) A person must not bring into New South Wales, live fish of a species not taken in New South Wales' waters without the authority of a permit.
- q) A record of all purchases and sales of fish relating to the farm is to be maintained by the permit-holder. The record shall include the date, names and addresses of buyers and sellers, the species' name, life-cycle-stage and quantity.
- r) The permit holder shall not liberate live fish into any waters, by themselves or their agents, except those species authorised by the permit into the waters of the fish farm specified by the permit, or sell live fish for such purpose, without the prior approval in writing from the Director-General of NSW Department of Primary Industries.
- s) The permit holder shall not sell any live fish interstate without first obtaining authorisation from the Fisheries' authority in that state, or sell any live fish overseas without first obtaining relevant approvals from the Australian Quarantine Inspection Service (AQIS) and the Australian Nature Conservation Agency (ANCA).
- t) The permit holder shall not liberate, sell, offer or consign for sale any species other than those propagated, hatched, reared or grown on the premises to which a permit applies.
- u) Fish sold for human consumption must not be smaller than the legal minimum size for each species unless the permit holder (other than Class F permit holders) has authority under a permit to sell prohibited size fish.
- v) The permit holder shall issue to each purchaser of any fish species cultured on the premises, a record of sale showing the number of fish of each species purchased.

## **DISEASE**

- w) The permit holder shall notify the Department within 24 hours of the discovery of any declared disease (see appendix), unusual disease or any significant event associated with the welfare of the fish on the premises (eg unexplained or significant fish mortalities, >5% of fish stock loss in a week). See Appendix for list of Declared Diseases.
- x) Where any Declared Disease or other disease exists, or is reasonably suspected of existing on the farm premises covered by a permit, a permit holder shall carry out any directions so ordered by the Director of NSW Department of Primary Industries for the treatment or destruction of fish including quarantine of the premises. Any such order shall remain in effect until revoked by the Director of NSW Department of Primary Industries in writing.
- y) The permit holder must not sell, otherwise supply or release into waterways, any fish known, or suspected, to be infected with a Declared Disease. The Permit-holder shall take precautions specified in writing by the Director of NSW Department of Primary Industries to prevent the escape of fish or disease from the farm.
- z) All outlets must be screened to prevent the escape of fish. A screen no greater than 1mm must be used where eggs and fry may escape. A screen no greater than 5mm is required for fingerlings, and a screen no greater than 15mm for post-fingerling fish.

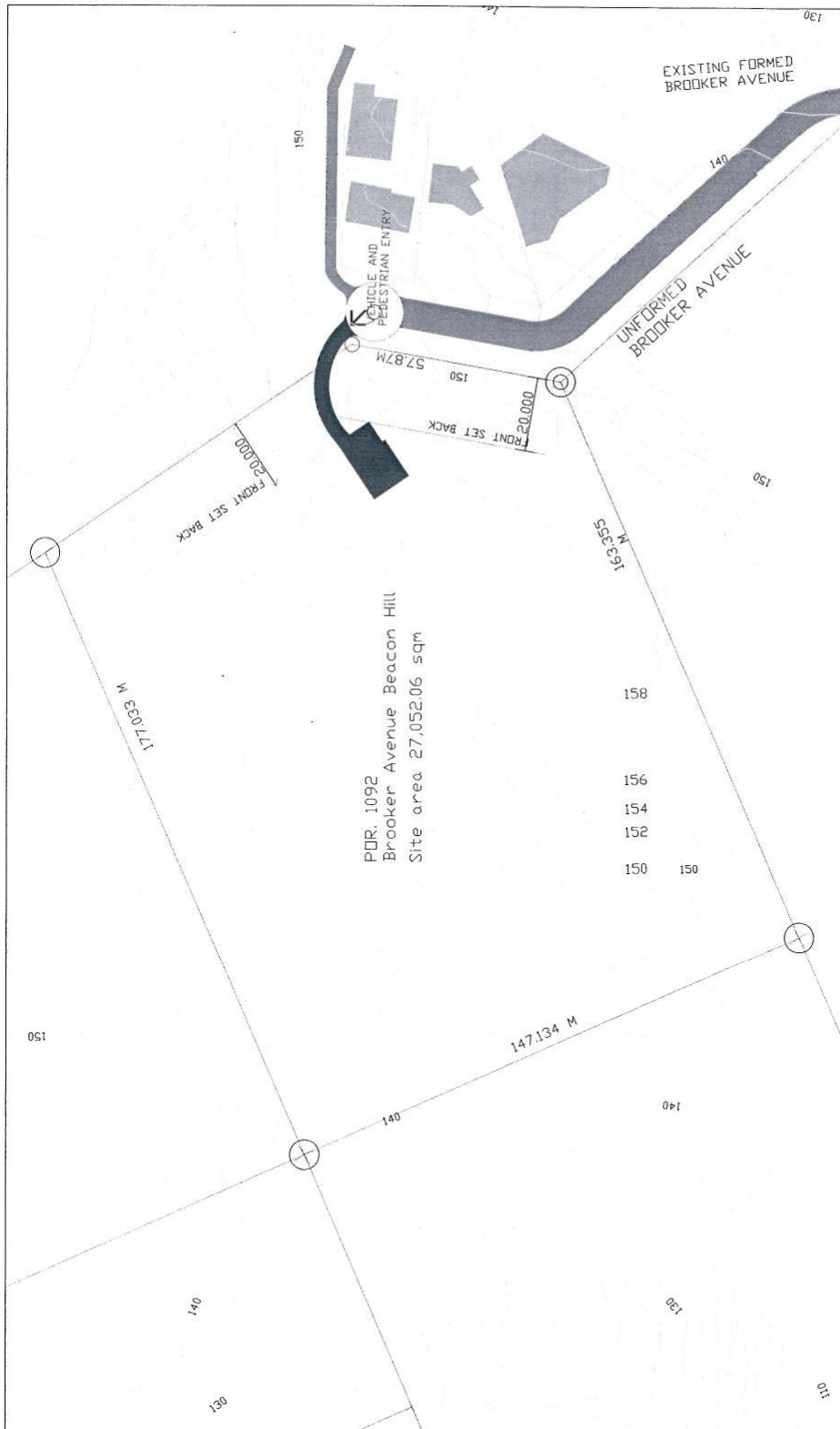


- a.) No effluent is permitted to reach any waterway except for farms licensed by the EPA to discharge effluent into waterways.
- b.) For the purposes of this permit, 'aquarium fish' includes all native Australian fish species and all fish species listed in Schedule 6 of the *Wildlife Protection (Regulation of Exports and Imports) Act 1982*.
- c.) All outlets must be screened to a size no greater than 1mm to prevent the escape of fish.
- d.) No effluent is allowed to reach any waterway.

**Reason:** *To comply with the Department of Primary Industries requirements.*



Site Plans

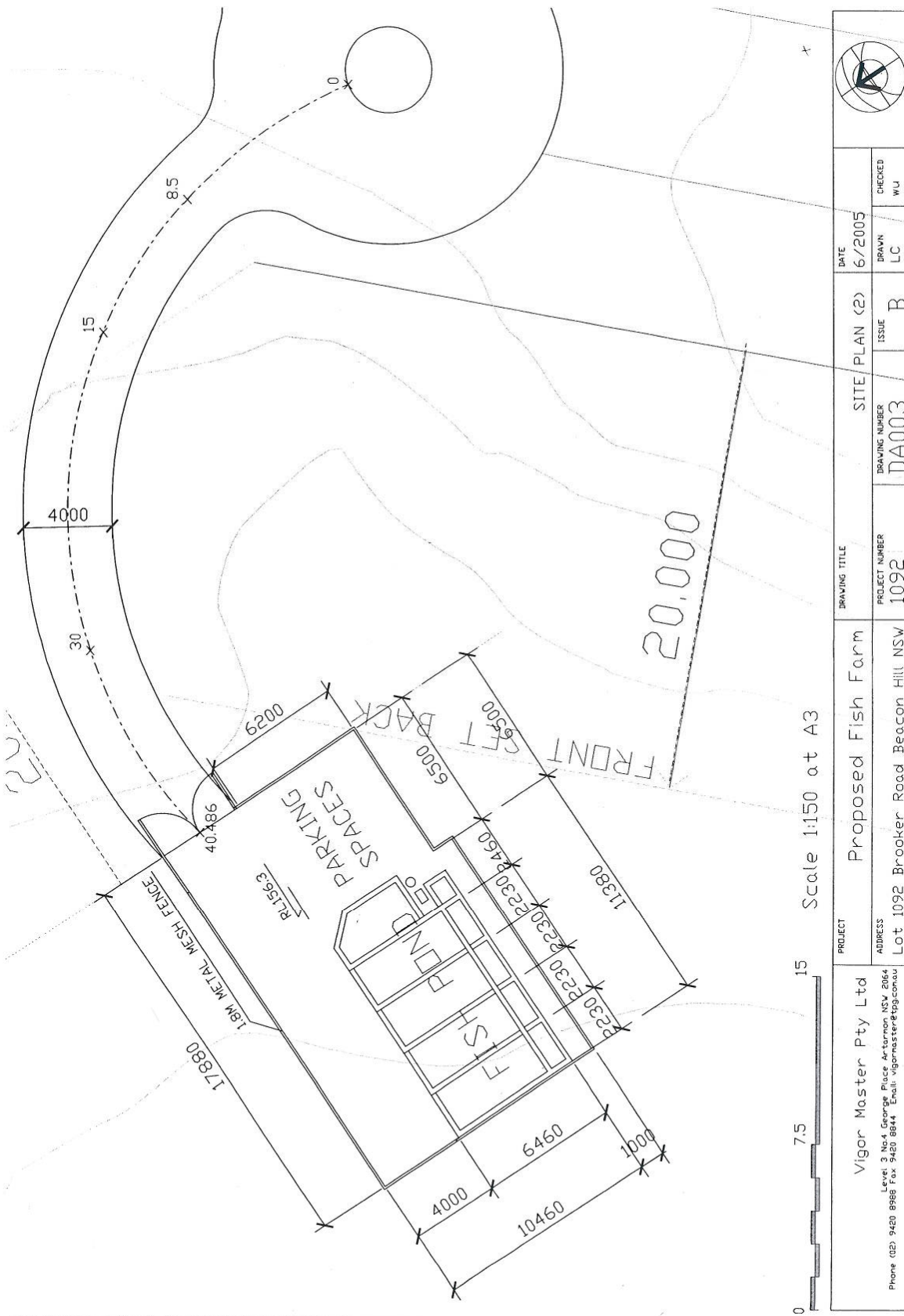


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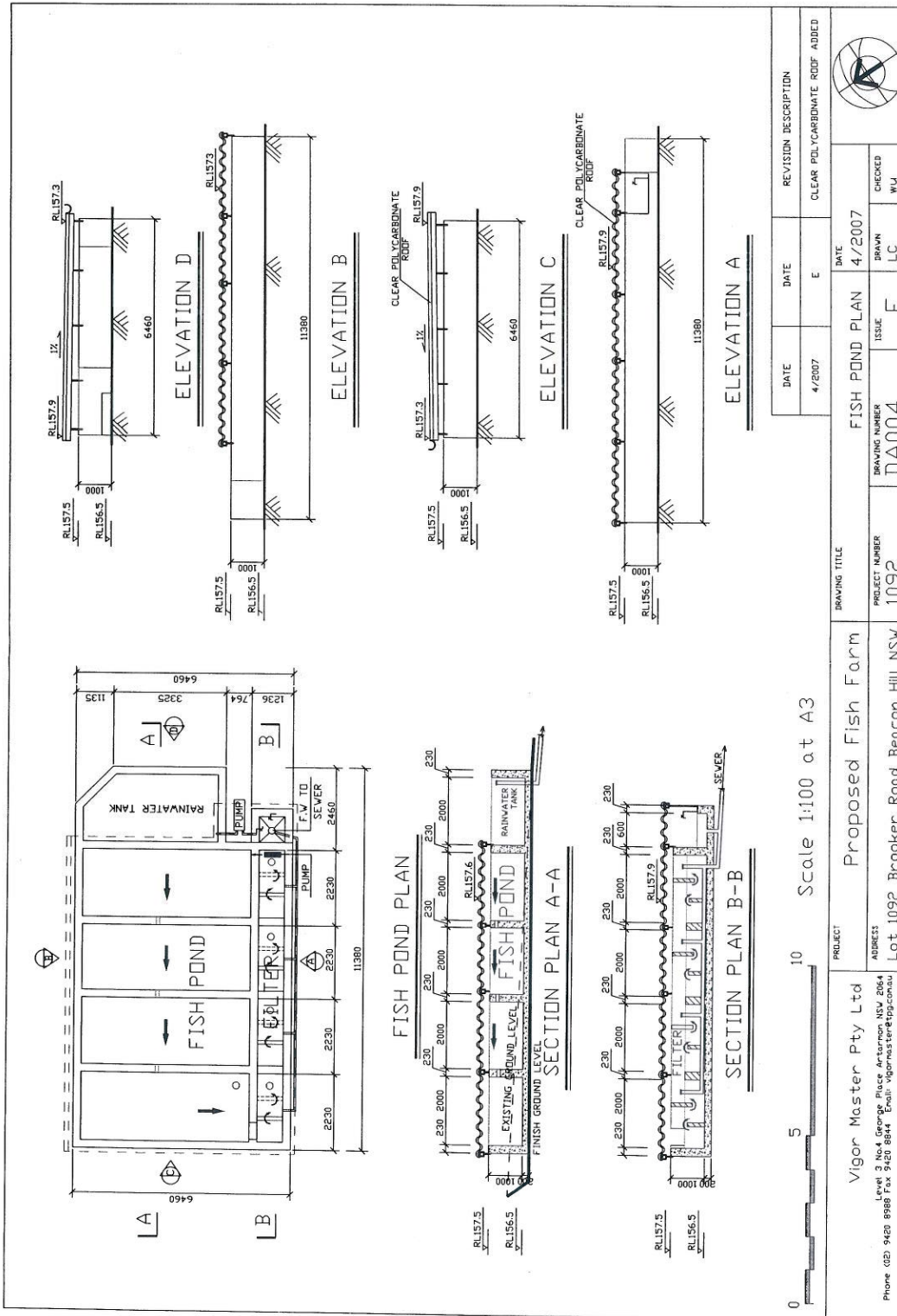
PROJECT Vigor Master Pty Ltd Level 3 No.4 George Place Adelaide, NSW 5062 Phone (08) 9420 8998 Fax 9420 8844 Email: vigormaster@vigor.com.au	DRAWING TITLE Proposed Fish Farm		PROJECT NUMBER 1092		DRAWING NUMBER DA002		ISSUE R		DATE 6/2005
	ADDRESS Lot 1092 Brooker Road Beacon Hill NSW		PROJECT NUMBER 1092		DRAWING NUMBER DA002		ISSUE R		CHECKED WU



Site Plans



Site Plans



DATE	DATE	REVISION DESCRIPTION
4/2007	E	CLEAR POLYCARBONATE ROOF ADDED

DRAWING TITLE		DATE	
FISH POND PLAN		4/2007	

PROJECT	DRAWING NUMBER	ISSUE	DRAWN	CHECKED
Proposed Fish Farm	DA004	E	LC	WJ

PROJECT	PROJECT NUMBER	ADDRESS
Vigor Master Pty Ltd	1092	Lot 1092 Brooker Road Beacon Hill NSW

Level 3 No 4 George Place Artarmon NSW 2064  
 Phone (02) 9420 8988 Fax 9420 8844 Email: vigormaster@pacnau.com.au

Site Plans

