

JRPP No:	2010WES005
DA No:	DA 186/2010
PROPOSED DEVELOPMENT:	The proposed development relates to the construction of an almond processing facility with capacity to process between 30,000 and 100,000 tonnes of almonds per year on Lot 6 DP 1131122 Crawford Road Hanwood. The proposed development also includes a car park, driveways, weighbridge and hardstand areas for shell and hull stockpiles
APPLICANT:	Almondco Aust Ltd PO Box 1744 RENMARK SA 5341
REPORT BY:	Kelly McNicol, Senior Town Planner, Griffith City Council

Assessment Report and Recommendation

Owner:	Almondco Aust Ltd
Lodgement Date:	19 July 2010
Capital Investment Value:	\$20, 845, 000
Land Zoning:	1(b) Agricultural Protection and 1(e) Rural Industry and Employment
Current Use	Vacant

EXECUTIVE SUMMARY

Proposal

Development Application 186/2010 seeks consent for the construction of an almond processing facility, car park, driveways, weighbridge, hardstand areas for shell and hull stockpiles and associated works on Lot 6 DP 1131122 Crawford Road, Hanwood. The almond processing facility is 7180 sq. metres and includes a warehouse, workshop, fumigation chambers, inshell packing area, brown skin packing area, hulling and shelling room and a pre-cleaner room. The applicant proposes to process in excess of 30,000 tonnes of almonds per annum.

Type of Development

- The proposed development falls into the category of **Designated Development** under the provisions of Category 1(a) – Agricultural produce industries under Schedule 3 of the *Environmental Planning & Assessment Regulations 2000* as the applicant proposes to process more than 30,000 tonnes of agricultural produce per year.
- The proposed development is **Integrated Development** under Section 91 of the *Environmental Planning and Assessment Act, 1979* and the provisions of Category 2 – Agricultural Processing under Schedule 1 – Scheduled Activities of the *Protection of the Environment Operations Act*

1997 as the applicant proposes to process more than 30,000 tonnes of almonds per year and an Environmental Protection Licence is required from the EPA.

Consultation

Neighbour notification and advertising has been carried out in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Council's Notification Policy (Development Control Plan No. 25). During the notification period zero (0) submissions were received from the public. Consultation with the NSW DECCW, the NSW Department of Planning, and internal divisions of Council also occurred as part of the assessment of the development application.

Main Issues

- The applicant has asked for a variation in the parking requirements of Griffith City Council Development Control Plan No. 20 – Off Street Parking Policy.
- DECCW has indicated to Council that the noise impacts of off-site traffic noise (trucks entering and exiting the site) should be considered prior to providing a recommendation to the JRPP.

Recommendation

It is recommended that Development Application 186/2010 be approved pursuant to Section 80 of the *Environmental Planning & Assessment Act, 1979*, subject to the conditions of consent contained within Attachment 'D' of this report.

ASSESSMENT

Site History

Current land use	During a site visit on 28 July 2010 it was noted by the assessment officer that the proposed site is currently vacant.
Previous approvals	DA 337/2007 – Three (3) lot Torrens title subdivision.

Timeline of Events Pertaining to the Development Application

Lodgement Date	19 July 2010
Date JRPP Notified	20 July 2010
Notification Period	30 July 2010 to 30 August 2010
Internal Referrals	Sent on 20 July 2010
External Referrals	Sent to DECCW on 27 July 2010
Assessment Report, Draft Conditions and Attachments Sent to JRPP	5 October 2010
JRPP Determination Meeting	19 October 2010

Site Description

The proposed site is located on Lot 6 DP 1131122, Crawford Road Hanwood. The allotment has an irregular shape and an area of 23.8 ha with approximately 560 metres of frontage on the northern side of Crawford Road. The site is flat with scattered native and invasive vegetation including a small number of mature trees. A food processing and storage facility (Nugan Food Services) is located to the north of the subject site with its access to the east. The adjacent facility has the capacity to store 60,000 drums of temperature controlled juice. To the south of the

proposed development exists agricultural lands. The nearest residential receptor in the locality is a dwelling ancillary to an agricultural operation approximately 500 metres to the south east of the western boundary of the subject site. Other residential receptors are located at the corner of Kidman Way and Crawford Road, one of which is heavily sheltered from the road by mature trees and shrubs. Figure 1 below identifies the location of the subject site which is approximately 1.3 km from the Kidman Way.

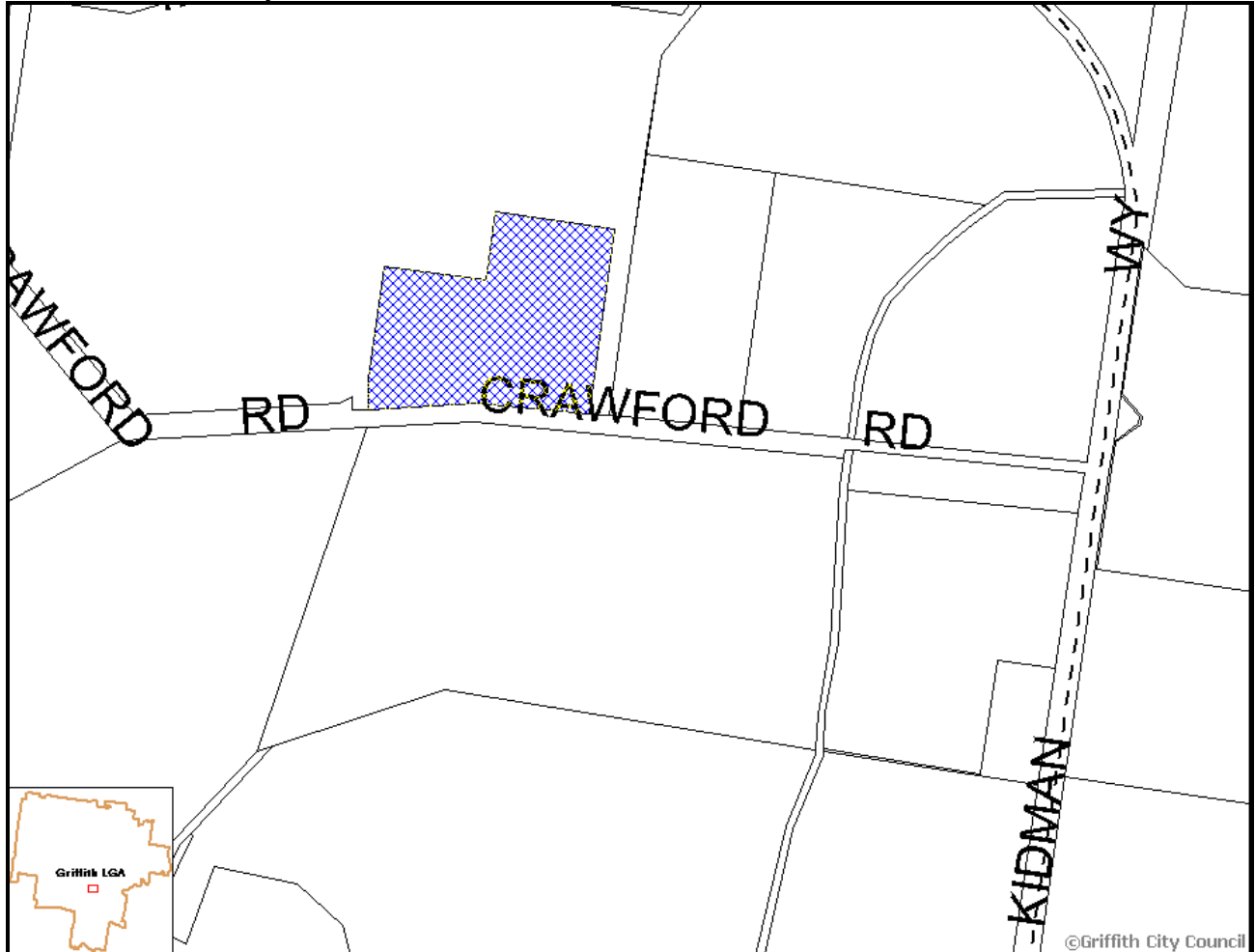


Figure 1 – Locality Plan

Proposal in Detail

Almondco Australia proposes to construct an almond processing facility at the subject site with a Capital Investment Value (CIV) of \$20.845 million which can process in excess of 30,000 tonnes but not more than 100,000 tonnes of almonds per annum. The proposal includes the construction of:

- Processing and packing building: 7200 m²
 - Warehouse: 2886 m²
 - Workshop: 315 m²
 - Fumigation Chambers: 637 m²
 - Inshell Packing Area: 475 m²
 - Brown Skin Packing Area: 475 m²
 - Hulling and Shelling Area: 1768 m²
 - Precleaner: 624 m²
- Carpark
 - 25 spaces (proposed)
- Accessways and internal roads
- Weighbridges

- Hardstand shell and stockpile area
- Office and Staff amenities

The applicant has proposed that the facility would operate for approximately 100 days per year on a 20-24 hour a day and seven days a week work schedule and the remainder of the year on a regular business day schedule. Delivery of raw almonds to the site and shipment of processed goods would need to match processing times (20 - 24 hours per day). Based on the use of tipper semi-trailers, truck movements would be equivalent to one semi-trailer every 15 minutes during daylight hours.

Background – Almond Processing

The design capacity of the facility is 7000 – 10000 kg of almond kernel per hour. This equates to 140 – 200 tonnes per day (at 20 hours of operation) resulting in an annual production of 30,000 + tonnes. The primary processes associated with the operations are:

- Transportation of field almonds to the facility;
- Pre-cleaning – almonds are cleaned to remove sticks, stones, dirt etc.;
- Hulling and Shelling – hull, shell and foreign material are removed from the almond meat;
- Stockpiling of almond waste – bi-product is conveyed and stockpiled by an automated auger system;
- Final kernel cleanup – gravity separation used to clean up kernel, including fumigation using sulphuryl fluoride;
- Kernel grading – kernels are graded by size and quality; and
- Dispatch – finished product is sent to a facility in Renmark for value adding.

The hull and shell stockpiles will be collected by front end loaders and dispatched to animal feed lots in the region. Covered tipper trucks and semi-trailers will be used to dispatch the bi-product from the site.

Environmental Planning and Assessment Act 1979

In determining a development application, the consent authority must take into consideration matters referred to in Section 79C(1) of the EP&A Act 1979 which are relevant to the development.

SECTION 79C(1)(a)(i) any environmental planning instrument.

Griffith Local Environmental Plan 2002

(i) Permissibility

The subject site is zoned 1(b) Agricultural Protection and 1(e) Rural Industry and Employment under the provisions of the Griffith Local Environmental Plan 2002. The proposed development is defined as “**rural industry**” and is permissible development under the provisions of the Griffith Local Environmental Plan 2002 (refer to Attachment ‘A’).

(ii) Aims and Objectives

The aims of this plan are:

- (a) to provide for urban and rural land development by implementing the Griffith Growth Strategy 2030—Urban and Rural Land Release Strategy, and*
- (b) to provide a legal basis for development control plans that provide more detailed local planning policies, and*
- (c) to protect areas on which agriculture depends, and*

- (d) to protect areas that are environmentally sensitive, and*
- (e) to manage the urban areas of the local government area by strengthening retail hierarchies, promoting appropriate tourism development, guiding affordable urban form, providing for the protection of heritage items and precincts and controlling the development of flood liable land, and*
- (f) to promote ecologically sustainable urban and rural development, and*
- (g) to promote development of rural land in accordance with the aims and objectives of the MIA & Districts Community Land and Water Management Plan.*

The proposed development is consistent with the aims of the Griffith Local Environmental Plan 2002.

Clause 10 – Zone Objectives

Zone 1 (b) Rural Agricultural Protection

- (a) To preserve areas of higher quality agricultural land, and*
- (b) To permit a range of activities that support the agricultural industries being conducted on the land and limit development that may, in the opinion of the Council, reduce the agricultural production potential of the land, and*
- (c) To control development that may restrict the function of or create traffic hazards along classified roads, and*
- (d) To enable tourist facilities to be provided that promote an appreciation of the rural environment and associated agricultural and horticultural activities, while ensuring the continued economic viability of the land, and*
- (e) To establish appropriate buffer zones between high quality agricultural land and land not used for agriculture, particularly near the perimeter of such lands.*

Zone 1 (e) Rural Industry and Employment

- (a) To provide areas for a range of rural industries and employment-generating uses, and permit commercial development where it is ancillary to and associated with a rural industrial or employment-generating use of land within the zone, or it serves the convenience needs of the workforce in the area, if any such commercial development does not have an adverse impact on the continued viability of land within business zones in Griffith, and*
- (b) To provide land primarily for rural industries so as to protect existing and potential rural industries, and*
- (c) To allow accommodation that is ancillary to rural industries.*

The proposed development is considered to be consistent with the zone objectives of both the 1(b) Rural Agricultural Protection Zone and the 1(e) Rural Industry and Employment Zone.

(iii) Special Provisions

Clause 26 – Flood Liable Land

- (3) Consent must not be granted to development of any flood liable land unless the consent authority has considered:*
 - (a) a survey identifying the level of the land relative to the 1 in 100 year flood level,*
 - Aerial Laser Survey (ALS) of the Griffith CBD area was conducted as part of the Griffith Flood Study 2006. The subject lot was not included in this survey.

(b) *the likelihood of loss of life or property from flooding,*

- Griffith Flood Study 2006 (Patterson Britton) does not cover the subject site. The subject site has onsite swale drains surrounding the site from the previous farming operations. As part of this development proposal stormwater runoff shall be detained onsite and reused for the operations of the development. Therefore the likelihood of loss of life or property from flooding is mitigated.

(c) *the likelihood of increase demand for flood mitigation measures and emergency services,*

- As mentioned previously as part of this development proposal stormwater runoff shall be detained onsite and reused for the operations of the development. Therefore the likelihood of loss of life or property from flooding is mitigated.

(d) *any impediments to the operation of floodway systems in times of flood,*

- The subject site is not an impediment to any floodway. The site is not located in a floodway where significant volumes of water flows occur during floods.

(e) *the effect of proposed development on adjoining land in times of flood,*

- As part of this development proposal stormwater runoff shall be detained onsite and reused for the operations of the development. Therefore the likelihood of loss of life or property from flooding is mitigated. This will ensure that the proposed development will not affect adjoining land in times of flood.

(f) *limits on the intensity of development of urban flood liable land,*

- The development is not considered to be an over intensification of the site. The stormwater discharge for this type of development is to be detained onsite therefore improving the stormwater mitigation for the subject site.

(g) *the provision of services and facilities appropriate to the flood liability of the land,*

- It shall be conditioned, if the application is approved, that the proposed structures be constructed so that the floor levels are at a minimum 410mm above the surrounding finished surface level. Therefore services to the structures will be appropriately protected from flood waters.

(h) *the effect of the proposed development on the watertable of that land or of land in its immediate vicinity.*

- There is no effect on the watertable as the development will not add to infiltration of ground waters.

Clause 29 – Development in Zones 1(e) and 4(a) adjacent to existing and proposed residential zones and rural small holding zone.

Consent may be granted for development on land within Zone 1 (e) and 4 (a) that is adjacent to land within Zone 1 (c), 1 (h), 2 (a) or 2 (v) only if, in the opinion of the consent authority, it would be compatible with the character and amenity of the adjacent land in terms of:

(a) its design, siting and landscaping, and

(b) its methods and hours of operation, traffic generation and car parking, and

- (c) *any noise, light, dust or odour nuisance that may arise from carrying out the proposed development, and*
(d) *privacy and overshadowing.*

Although the proposed development is located partially within a 1(e) zone, it is not located adjacent to any residential or rural small holdings zones.

Clause 57 – Availability of Essential Services

(2) *Consent must not be granted to the carrying out of development on any land unless;*

- (a) *a potable water supply and facilities for the removal or disposal of sewage and drainage water are available to that land, or*
- Council's reticulated potable water system does not service the proposed development.
 - Council's reticulated sewerage system is not available for the subject site to discharge to.
 - Council's drainage network is not available for the subject allotment to drain stormwater to.
- (b) *arrangements satisfactory to the Council have been made for the provision of that supply and those facilities, if the proposed use of the land will, in the opinion of the consent authority, generate a need for such a supply or for those facilities.*
- The applicant has stated in the EIS that water supply to the development will be via rain-water collection systems and raw water supply via Murrumbidgee Irrigation's raw water system.
 - The applicant has stated in the EIS that sewer disposal shall be through on-site wastewater treatment and disposal systems.
 - The stormwater discharge for this development is to be via onsite storage and retention to be utilised for the process of the development. The design method proposed in the EIS is acceptable to Council. Any discharge of stormwater drainage from the development into Murrumbidgee Irrigation's drainage system will require written approval from Murrumbidgee Irrigation.

If the application is approved, the design of the onsite detention system is to comply with the requirements outlined in *Council's Engineering Guidelines - Subdivisions and Development Standards December 2008*. The stormwater drainage requirements on the development will be reflected in the consent conditions.

State Environmental Planning Policies

The following SEPPs apply to this development:

SEPP No. 33: Hazardous and Offensive Development

Clause 8 of the SEPP requires that the consent authority consider Departmental guidelines in determining whether a development is:

- (a) *a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or*

(b) an offensive storage establishment, offensive industry or other potentially offensive industry,

The pertinent Department of Planning guideline related to the SEPP is “Applying SEPP 33 – Hazardous and Offensive Development Application Guidelines”. Figure 3 of the Guidelines suggests procedural requirements for Designated Development. Within this figure it suggests that the Director General’s requirements will refer to the need to do a PHA (Preliminary Hazard Analysis), or assess the extent of the offence. The Director General’s Requirements states that the EIS must assess hazards and risks in accordance with *State Environmental Planning Policy 33 – Hazardous and Offensive Development*. Accordingly, the applicant has carried out a Hazard and Risk Assessment based on the aforementioned Guidelines. The applicant has suggested that a qualitative PHA is sufficient enough for the proposed development as:

- screening and risk classification and prioritisation indicate there are no major off-site consequence, and societal risk is negligible;
- The necessary technical and management safeguards are well understood and readily implemented; and
- There are no sensitive surrounding land uses.

Council considers the Hazard and Risk Assessment in the EIS to be sufficient under the requirements of SEPP 33 Guidelines as it has:

- Identified the types and quantities of all dangerous goods (Chapter 6 of the EIS) including for instance 5kL of diesel, 10 90kg bottles of LPG Gas and 12 cylinders of empty sulphuryl fluoride containers.
- Described the storage/processing activities that will involve dangerous goods including for instance:
 - Diesel stored in a 5kl tank in a bunded area;
 - LPG stored in a secured location; and
 - Empty sulphuryl fluoride containers are stored in cages at a temperature not to exceed 52 degrees and in a well ventilated area.
- Identified accident scenarios and hazardous incidents that could occur, including for instance:
 - Chemical, fuel and oil impacts to the environment
- Identified safeguards that can be adopted including:
 - A construction emergency / incident management plan / procedure to address environmental incidents and spills is to be prepared
 - Servicing of plant and equipment is to be undertaken off-site where practical; and
 - A suitable spill response kit should be provided on site.
- Considered surrounding land uses
 - The applicant has identified that there are no sensitive land uses in the immediate area.

The applicant has suggested that after implementation of the recommendations of the Hazard and Risk Assessment, residual impacts to human health and the environment are negligible. It appears that the applicant has provided sufficient information to form a judgment about the level of risk involved in the proposed development. The development is not considered hazardous or offensive. However, conditions of consent relating to the safeguards proposed by the applicant will be placed on the development if approved.

SEPP (Infrastructure) 2007

Under the provisions of Schedule 3 of the SEPP, the proposed development is not considered to be a traffic generating development requiring a referral to the NSW Roads and Traffic Authority as the subject site is not within 90 metres of a classified road. The nearest classified road is the Kidman Way, which is approximately 1.3 km from the proposed development.

SEPP (Major Development) 2005

The proposed development would be considered an 'agricultural produce industry' under the SEPP. Development for the purpose of agricultural produce industries are considered a major development under Schedule 1 of the SEPP if the business is expected to employ 100 or more people or the facility has a CIV (Capital Investment Value) of more than \$30 million. The applicant has suggested that 18 people will be employed at the processing facility at any given time and the CIV for the facility is \$20.8 million and therefore the proposed development cannot be considered a Major Development under Part 3a of the *Environmental Planning and Assessment Act, 1979*. However, Division 3 "Consent authority functions that may be exercised by regional panels" of the SEPP under Part 3 applies to the proposed development and as such the application is required to be determined by the Joint Regional Planning Panel.

SECTION 79C(1)(a)(ii) any draft environmental planning instrument.

There are no draft environmental planning instruments that apply to the Griffith Local Government Area.

SECTION 79C(1)(a)(iii) any development control plan.

Development Control Plan No. 1: Non urban development

The proposed development is located within a 1(b) Rural Agricultural Protection zone and a 1(e) Rural Industry and Employment zone and therefore Development Control Plan (DCP) No. 1: Non-Urban Development applies. The applicant has prepared a "Planning Response Summary" of DCP No. 1. An analysis of DCP No. 1 based on applicable policies relating to the development and the applicant's response has been provided below:

Bulk, Scale, Setbacks and General Amenity

- (i) *Structures are to be setback a minimum of 10m from the front boundary where not fronting on an arterial road.*

The proposed development is setback in excess of ten (10) metres and the applicant suggests a setback of seventy five (75) metres has been provided.

- (ii) *not applicable*
- (iii) *for allotments exceeding 0.3 hectares a 10 metre setback is required from all boundaries.*

The processing facility and associated structures appear to be setback in excess of ten (10) metres from all boundaries.

Landscaping

- (i) *The required setback area in subclause (a) to all boundaries is to be soft landscaped to a minimum of 90% of that part of the lot.*
- (ii) *No more than 10% of the front yard is to be paved or sealed*

The applicant has proposed landscaping to suit the local environment within the required setbacks. If the application is recommended for approval a condition of consent requiring the preparation of a Landscape Plan by a suitably qualified professional shall be imposed which must include the planting of native vegetation within the required setback areas. Also, it does not appear that greater than 10% of the front yard has been paved or sealed.

Site Access

- (i) *Where the access way connects to a sealed road, the access way and suitable tapers are to be bitumen sealed or equivalent hard surface between the property boundary and the road carriageway.*
- (ii) *Where the access connects to a gravel road, the access way and suitable tapers are to be constructed to gravel road standard, between the property boundary and the road carriageway.*
- (iii) *Concrete pipe culvert with standard headwalls is to be constructed at a suitable location relative to the table drain and clear of the edge of the road carriageway. Design and construction is to be to Council's standard.*
- (iv) *Existing channel crossings are to be used to service all existing and proposed structures on the allotment. Only one channel crossing per road frontage shall be permitted to be used to access allotments. Where additional channel crossings are proposed consent shall be obtained from Murrumbidgee Irrigation and Council prior to construction.*
- (v) *In 1(a) Rural and 1(b) Rural Agricultural Protection zones, where the access connects to a sealed Council road (except arterial roads) and there is no change to the agricultural utilisation and/or no additional access points to existing dwellings and the access ways are well constructed and maintained, bitumen sealing will not necessarily be imposed. (Note: Should the development change, then the situation should be reviewed.)*
- (vi) *Driveways shall be a minimum of six (6) metres wide between the edge of the road carriageway and the property boundary. Internal driveways shall be a minimum of three (3) metres wide.*

The applicant has stated that access to the site will be via an existing access point from Crawford Road and would be shared by agreement with the Nugan's Factory to the north. The applicant also suggests that the proposed access will be constructed to meet relevant standards. Council will require a right of carriageway to be placed on the private road in accordance with Section 88E of the Conveyancing Act. The applicant also proposes to construct two new driveways approximately eight (8) metres in width off the private road to service the development. Council will require the driveways to be constructed with considerable tapers to service the largest vehicle likely to access the site. If the application is approved, the applicant will be required to construct the driveways to the requirements specified in *Council's Engineering Guidelines – Subdivisions and Development Standards* as a condition of consent.

Non Residential Amenity/character

Non-Residential Development in Zones 1(e) and 1(g)

- (i) *Amenity/character: The non-residential use does not result in a detrimental impact on surrounding amenity and character.*
- (ii) *Statement of Environmental Effects for any development shall demonstrate that*
 - *The scale and character of buildings are compatible with the nature of the locality.*
 - *The level of noise and volume of traffic and machinery does not exceed those normally relating to the urban area.*
 - *The hours of operation are restricted to normal business hours or as otherwise approved by the consent authority*
 - *The proposed development will be located and positioned in such a manner that overlooking of nearby adjoining uses are avoided.*
 - *Buildings will be positioned well away from sensitive nearby adjoining uses to allow for ample buffers from possible sources of noise, odour,*

*light and air emissions, dust generating uses and potential pollutants.
(Refer to DCP No. 28 Land use Buffer Controls)*

- *Generous landscaping will be established between the buildings and any adjoining sensitive land use.*
- *Adequate off-street parking is provided in accordance with Council's policy – DCP No. 20 – Off-Street Parking.*

The applicant suggests that the proposed building is of an industrial nature, consistent with the industrial processing of agricultural produce. The building is set back from the site boundaries by more than 100m, and the nearest sensitive receptor (residential building) is approximately 500m from the proposed development.

The proposed development appears to be of a scale and character which is compatible with the locality and other similar structures located nearby. The applicant will be required to adhere to DECCW's General Terms of Approval (refer to Attachment 'C') and ensure that mitigation measures are adequate to control the noise levels (dBa) of the processing facility. The applicant has also indicated that the processing facility is expected to operate for part of the year twenty-four (24) hours a day. These hours of operation are not uncommon in Griffith during harvesting season and are considered to be appropriate for the proposed development. If recommended for approval, a condition of consent will be placed on the development which permits the facility to operate all day during harvesting season and during normal business hours for the remainder of the year. Landscaping will be required at the boundary of the proposed development along Crawford Road across from the residential receptor. The parking requirements inherent in DCP N0.20 will be assessed later in the report.

In summary, it would appear that the proposed development is able to meet the requirements of DCP No. 1.

Development Control Plan No. 3: Industrial Development

As the proposed use is considered a 'rural industry', the provisions of DCP No. 3 apply to the proposed development. The relevant standard requirements outlined in Attachment 'A' of DCP No. 3 have been reviewed based on the applicant's proposal.

- (i) *Buildings are to be setback a minimum of 10 metres from the front boundary and 25% of the area is to be landscaped.*

The proposed facilities are setback well in excess of 10 metres and adequate landscaping will be required as a condition of consent.

- (ii) *Access, carparking, loading and unloading facilities, drainage and external construction works are to comply with Council's Development Manual*

If approved, the applicant will be required to construct the driveways to the requirements specified in Council's Engineering Guidelines – Subdivisions and Development Standards as a condition of consent.

- (iii) *Vehicular Access with a minimum of 3.5 metres for one way movement and 6.5 metres for two way movement is to be provided.*

A private road on the adjacent lot is proposed to be utilised by the development which complies with this requirement.

- (iv) *On-site parking is to be provided in the ratio of 1 space for each 100 square metres of the building and 1 space per employee.*

Parking requirements are required to be calculated as per Development Control Plan No. 20.

- (v) *The design of the building is to be functional for its intended purpose.*

It appears that the applicant has taken into consideration all of the required processes associated with almond processing in the design of the proposed building.

- (vi) *Side or rear walls where not brick are to be pre-coloured metal cladding and should provide satisfactory appearance when viewed from the street.*

The applicant has proposed that the building will be clad in neutral colour-bond colours and will incorporate a concrete base wall around the perimeter of the building which appears to meet the intent of this requirement.

- (vii) *Details in relation to pollution control, which meet the following criteria are to be submitted with the building application [...]*

The applicant has provided sufficient information within the EIS relating to pollution control in accordance with the Director General's and DECCW's requirements which will be reviewed later in the report.

- (viii) *A concept landscaping plan shall be submitted with the development application*

A landscape plan will be required by Council as a condition of consent if the application is recommended for approval.

Development Control Plan No. 20: Off Street Parking Policy

DCP No. 20 provides for car parking standards relating to different forms of development within the City of Griffith. The applicable standards of DCP No. 20 for the proposed development are:

Industrial Development (processing):	1 Space / 100 sq. m.
Office	1 Space / 37 sq. m.
Warehouse	1 Space / 300 sq. m.

Proposed development

Portion of Facility	Area (sq. m)	Ratio	Required # of Spaces
Office	100	1 / 37	2.7
Warehouse	3000	1/300	10
Processing	4100	1/100	41
TOTAL	7200		53.7 or 54

The proposed development requires a total of fifty four (54) spaces, however, the applicant has only provided twenty five (25) spaces on the submitted drawings. DCP No. 20 allows for variations in parking requirements to be considered as long as the applicant has justified the variation. The applicant calculated that 72 spaces were required based on an analysis of DCP No. 20. The applicant suggests that the creation of this number of formalised spaces is considered excessive given the known employment numbers and low office deliveries / visitors that would require spaces. The applicant proposes that 25 spaces would be sufficient, including 18 spaces to cater for the maximum staffing levels and an additional seven spaces for deliveries, visitors and during shift changes. The applicant has also suggested that in the case of unexpected circumstances, overflow parking can be catered for on site to avoid any need for parking off-site.

Although it appears that requiring fifty-four (54) spaces could be considered excessive for the proposed development, twenty five (25) spaces is considered insufficient. The proposed

development will employ eighteen (18) people at a given period of the day, however, during harvesting season the facility will operate twenty-four (24) hours a day and at shift changes it is possible that 36 employees will be on site each possibly having a vehicle. Therefore, there would not be enough spaces to handle the shift changes if only twenty five (25) spaces were provided. Although, there is sufficient space on site to cater for overflow parking, Council prefers to require industrial developments to formalise all required parking areas. Accordingly, a total of thirty six (36) spaces will be required to be provided if the application is recommended for approval. The parking area will be required to be constructed to Australian Standards including providing disabled spaces and line marking. There appears to be a sufficient amount of land around the proposed (25 space) car park to facilitate eleven (11) additional spaces.

Development Control Plan No. 25: Public Notification of DA's

The proposed development is considered 'Designated Development' and therefore must be notified based on the requirements of Part 6 Division 5 of the *Environmental Planning and Assessment Regulation 1979*. The proposed development was notified to adjoining and adjacent landowners and other land owners in the locality indicating the information required by the Regulations on 30 July 2010. A sign indicating the required information was posted on the site the same day and the NSW Director-General of Planning was provided with the application package (including the EIS and other supporting documentation) to be placed on exhibition at the departments Information Centre. The notification period was between 30 July 2010 and 30 August 2010. During this period no submissions were received from the public.

SECTION 79C(1)(a)(iiia) any planning agreement.

There are no planning agreements which apply to this development.

SECTION 79C(1)(a) (iv) the regulations.

The regulations (Sections 92, 93 and 94 of the EP&A Reg) have been considered as part of this development.

SECTION 79C(1)(b) the likely impacts of the development.

Context and setting

The subject site is in a locality typified by rural agricultural uses, rural industries and associated residential dwellings. The scenic qualities of the landscape are not expected to be negatively affected by the proposed development as there are similar structures and uses existing in the area. The use of the subject site for an almond processing facility is considered to be compatible with adjacent land uses which include: agriculture and associated uses and a food processing facility.

Access, traffic and transport

The development is located on Crawford Road which is a Council owned road and is classified as a residential access road as per Council's Road Hierarchy Plan.

Crawford Road is a bitumen sealed road with formed earthen table drains on either side. Crawford Road is sealed for approximately eleven (11) metres in width. Crawford Road is connected to the Kidman Way.

Kidman Way is an arterial road under the control of the NSW Roads and Traffic Authority (RTA). Kidman Way operates and is approved as a Road Train route by the RTA. Kidman Way caters for a significantly high volume of traffic.

The private road constructed off Crawford Road is located approximately 1.3kms from the Kidman Way. Considering the use and geometry of the surrounding road network, the existing road network is sufficient to service the proposed development.

The proposed development is expected to generate an excessive amount of traffic to the area. The applicant has submitted a Traffic Impact Assessment to Council which provides an estimation of the traffic generation likely to be associated with the proposed development. The figures submitted by the applicant are considered to be an accurate estimate of traffic generation likely to be associated with the proposed development due to similar processing operations of almonds in other locations in Australia.

The EIS estimates that approximately forty (40) truckload deliveries of almonds each day shall be visiting the site. It is estimated that five (5) trucks per day would take kernels and up to twenty (20) trucks taking bi-product from the site. An overall estimate of forty-five (45) heavy vehicles trips has been estimated as the “worst case scenario per day for the site during peak season”.

Estimated traffic generation for light vehicles for employees equates to approximately thirty-six (36) trips per day for two (2) shifts of up to eighteen (18) employees.

In total, 162 additional vehicles (72 light and 90 heavy) would be generated per day as a result of the development during the peak season of the development. Based on the figures provided by the applicant, the estimated traffic generation associated with the proposed development is not considered to impact on the surrounding road network where the efficiency and/or function of the road network are compromised.

As previously stated, the subject site can adequately provide parking for the proposed use.

Utilities

Water

Council's reticulated water system does not service the subject site. The applicant has stated in the EIS that the water supply to the development will be via rain-water collection systems and raw water supply via Murrumbidgee Irrigation's raw water system.

Sewerage

Council's reticulated sewerage system does not service the subject site. The applicant has stated in the EIS that sewer disposal shall be through on-site wastewater treatment and disposal systems.

Drainage

The stormwater discharge for this development is to be via onsite storage and retention. The design method proposed in the submitted EIS is acceptable to Council. If the application is approved, any discharge of stormwater drainage from the development into Murrumbidgee Irrigation's drainage system will require approval from Murrumbidgee Irrigation.

If the application is recommended for approval, the design of the onsite detention system is to comply with the requirements outlined in *Council's Engineering Guidelines - Subdivisions and Development Standards December 2008*. Details of the developments drainage system will be required to be submitted to Council along with hydraulic calculations prior to the lodgement of a Construction Certificate application.

Heritage

No heritage items will be impacted by the proposal. There are no heritage items or conservation areas within the locality of the subject site.

Other land and Resources

The proposed development is not envisaged to impact upon any valuable land resources subject to appropriate management being employed during construction and operation of the facility ie. ensuring that the General Terms of Approval from DECCW are adhered to.

Water

The EIS prepared by the applicant outlines the potential water impacts associated with the proposal. The EIS suggests that during construction, surface water and groundwater impacts are unlikely to be significant. Construction will require the movement of approximately 35,000 sq. m of earth, however, excavation is not likely to exceed a depth of 1.3m and a number of mitigation measures have been proposed to minimise the impact on water quality within nearby irrigation channels. Including the use of sediment fences and the retention of wastewater generated from construction onsite. As such the construction of the development is not expected to impact the water resources or water cycle in the locality.

During the operation of the facility, the EIS also states that the quality of surface water and groundwater is not likely to be impacted by the proposed development due to the proposed waste water treatment system. The proposed system is proposed to be designed to retain captured water, and no water would be discharged directly or indirectly into external drainage infrastructure. The system has been proposed to be designed to partially treat potentially contaminated stormwater and all stormwater captured would be used on site for operational purposes. It is envisaged that the proposed operation of the facility is unlikely to have an impact on the water resources or water cycle in the locality if the proposed mitigation measures are implemented.

Soils

The applicant has indicated in the EIS that soils are likely to be minimally impacted by the proposed construction of the facility and use of the facility. However, mitigation measures have been proposed to ensure impacts are minimized including: stockpiling events shall not take place during rain events, the bunding of stockpiles and the monitoring of soil erosion around stormwater facilities. The applicant has carried out a Land Capability Study which concluded that the subject site is clean with respect to organochlorine (OC) pesticides, organophosphate (OP) pesticides, polychlorinated biphenyl (PCB) pesticides, total petroleum hydrocarbon (TPH) and metals and is thus appropriate for the proposed development. The proposed development is not envisaged to have an impact on soil conservation in the locality.

Air and Microclimate

An Air Quality Impact Assessment, prepared by SEMF (Scientists, Engineers, Managers & Facilitators) has been provided by the applicant as an Appendix to the EIS report. The *Protection of the Environment Operations Act 1997* requires the prediction for maximum concentrations for individual source, or group of sources, to be undertaken using a currently approved version of AUSPLUME. The AUSPLUME model predicts the 24 hour average concentration of total suspended particles (TSP) at each receptor specified, for each 24 hour period of the year's meteorological data. Some of the potential sources of pollutants include: building downwash, waste discharge, bag-houses, site movements, stockpiling activities and odours and organic vapour emissions. The model results indicate that the processing facility would comply with the current guidelines as proposed by the NSW-EPA for both TSP and PM₁₀. The results (0.123 mg/m³) obtained for TSP is minimal in comparison with the maximum GLC's as indicated for a facility in the category "Group 6 Scheduled Premises". The results (24.3 mg/m³) obtained for PM₁₀ indicates that for yearly averaging as required by the guidelines, the maximum GLC's modelled were well below the required criterion of (30 mg/m³).

DECCW, as part of their General Terms of Approval, has stated that air quality monitoring will be required for the pollutant sulfuryl fluoride restricting its concentration to 3.0 parts per million. Sulfuryl fluoride is used for fumigating the kernel to alleviate any foreign organic matter prior to dispatch. It is considered one of the most potent heat trapping greenhouse gases in use (4800

times more potent than carbon dioxide). As a fumigant, sulfuryl fluoride has been approved for use by the Australian Pesticides and Veterinary Medicines Authority (APVMA) who believe its application is extremely important to ensure some foods are not contaminated with foreign organic matter. As the APVMA has used the precautionary principle in its regulation of sulphuryl fluoride and DECCW will monitor the use of the fumigant, Council is satisfied that there is adequate safeguards in place to control the emissions of the fumigant.

Potentially offensive odours are not expected to emanate from the proposed development. As such, DECCW has not included potentially offensive odour for the purposes of section 129 of the *Protection of the Environment Operations Act 1997*.

There is potential for quantities of dust to be created during construction and operation of the facility. DECCW has included the condition, in the General Terms of Approval, that “activities occurring at the premises must be carried out in a manner that will minimise emissions of dust from the premises” and that “trucks entering and leaving the premises that are carrying loads must be covered at all times, except during loading and unloading.” The General Terms of Approval issued by DECCW will be included as conditions of consent if the application is recommended for approval (refer to Attachment ‘D’). The applicant has also included dust management during construction and operation mitigation measures, including dust suppression, limiting the size of stockpiles and shade cloth fencing in the EIS. The applicant will be required to implement these measures if the application is recommended for approval. It appears that the conditions inherent in the General Terms of Approval, the measures proposed in the EIS and the Air Quality Assessment carried out by the applicant will ensure that air quality in the area is not negatively affected by the proposed development.

Flora and Fauna

The applicant has provided a Flora and Fauna Assessment, as part of the EIS. The assessment concluded that the potential impacts of the proposed development on flora and fauna are limited and are not considered likely to constitute a significant impact on any threatened species, population or ecological community. Two (2) threatened species of birds are considered likely to occur in the study area, the pink Cockatoo and the Superb Parrot, however, they are only suspected to utilise the study area on an opportunistic basis.

The subject site was previously used for intensive agricultural purposes including flood irrigation and livestock grazing which has resulted in the clearance of native vegetation at the site. Additional impacts on native habitats at the site are thus considered to be unlikely. The surrounding lands are also predominantly cleared of native vegetation and used for agricultural and rural industrial uses. Consequently, the potential for impacts on the native flora in the locality caused by the proposed development is low.

Waste

The office and packaging operations at the proposed facility are expected to generate wastes such as paper, cardboard and plastics which will be placed in a designated area and collected by an external waste and recycling service. Hull and shell bi-product is proposed to be stockpiled next to the western side of the facility, and would be collected by front end loader and dispatched to feedlots in the region. Other dangerous goods including empty LPG bottles and empty sulphuryl fluoride bottles have been proposed to be stored in secure and safe locations and disposed of via the gas supplier. As such it appears that the applicant has adequately accounted for the wastes associated with the facilities

Energy

The energy needs of the proposed development during operation are expected to be substantial. To obtain the required load of 1600 kVa, the applicant has suggested that the electrical infrastructure in the area will have to be upgraded to a 33 kV system along Crawford Road and the installation of two 1,000 kVa transformers at the proposed site will be required. The proposed

development is expected to use 1,423 MW/h per annum. The applicant has suggested that during the design of the plant, it may be possible to integrate additional energy efficiency measures to reduce consumption of electricity, including:

- Wide panel skylights could be considered for installation on the roof of the building to maximise use of natural lighting;
- A variety of efficient lighting alternatives, including fluorescent lamp options.
- Passive cooling arrangements could be used for the building in order to reduce overall heat load rather than the installation of an air conditioning systems

The applicant has also looked into the purchasing of GreenPower electricity which costs an additional 7.5 cents per kWh. The applicant has indicated that this is presently not included for the budget of the site and if the application is approved Council will not require such measures to be taken as it is not common practice to do so for rural industrial developments.

Noise and Vibration

The applicant has provided a Noise Assessment as an attachment to their EIS. The nearest residential receptor potentially affected by noise from the site is a farm residence located approximately 500m to the Southwest from the proposed development, 150 metres from the south-west corner of the site boundary and 750 metres from the proposed access point off of Crawford Road.

DECCW has carried out a review of the Noise Assessment provided by the applicant for the construction and on-site operation of the processing plant. The General Terms of Approval provided by DECCW indicate that noise from the premises must not exceed an $L_{AEQ(15\text{ minute})}$ noise emission criterion of 37 dB(A) during the day (7:00am to 6:00pm) and an $L_{AEQ(15\text{ minute})}$ noise emission criterion of 35 dB(A) during the evening (6:00pm to 10:00 pm) and at night (10:00pm to 7:00am) (refer to Attachment 'C'). The GTA, also indicates that noise from the premises is to be measured at the nearest residential premise to determine compliance with this condition. DECCW has required a restriction on the hours of construction to protect nearby residential receptors if the application is recommended for approval. Furthermore, DECCW will require the applicant to produce a Traffic Noise Management Plan as a condition of the GTA.

DECCW has indicated to Council that the noise impacts of off-site traffic noise (trucks entering and exiting the site) should be considered prior to providing a recommendation to the JRPP. Furthermore, DECCW suggests that Council should require the applicant to revise the Traffic Noise Impact Assessment to include a comparison of the $L_{Aeq(9\text{ hour})}$ noise levels and the maximum noise level impacts on 'residence 1' caused by off-site road traffic.

The applicant has suggested that the residence on Crawford Road to the west of the site ('residence 1') is not on the site traffic route and therefore should not be impacted by road traffic noise. The residence is located approximately 750 metres from the proposed intersection of Crawford road and the sites access point (site traffic route). The applicant has considered the impact of traffic noise on residences at the intersection of Kidman Way Road and Crawford Road (located approximately 80m from the traffic route) and it was determined that the increase in traffic noise would only account to 0.7dB(A). As it was determined that the residence in close proximity to (80 metres) the site traffic route will not be adversely impacted by traffic noise it is logical to conclude that the residence located 750 metres from the traffic route will not be adversely effected either. Also, the noise created on site by idling heavy vehicles and on-site truck turning movements, which have been captured by DECCW in their GTA will pose a more obtrusive nuisance to 'residence 1' than the traffic noise which is located further from the site. 'Residence 1' is also ancillary to the main agricultural use of the property. As such, the residence of the dwelling should be accustomed to noises associated with rural uses. Furthermore, as a 'Traffic Noise Mitigation Measure' the applicant has suggested that drivers will be encouraged to take practical and reasonable measures to minimise the impact during the course of activities. Also an existing

row of mature trees is located between the proposed traffic route and 'residence 1' which may aid in noise attenuation.

Social Impacts in the Locality

The proposed development is not expected to create and negative social impacts.

Economic Impact

The proposed development is expected to employ up to 100 people during construction and a maximum of eighteen (18) employees at one time during the operation of the facility. The facility will also cause indirect employment generation for transport companies, agricultural sector employees and heavy machinery maintenance employees. The facility when operational will support the almond production industry in Griffith by enabling increased capacity to cater for new plantings. Also, a facility in the Riverina would decrease the transportation costs presently faced by almond producers who presently have to ship product to Renmark for processing. The facility will also encourage other farmers to plant almond tree seedlings in the region. Subsequently, the proposed development is expected to have a positive impact on the local economy.

Site Design and Internal Design

The proportion of the site to be covered by the facility, car park, accessways and stockpiles is not excessive and provides for substantial areas for stormwater detention. The form and appearance of the buildings is not expected to have a substantial visual impact on the locality and proposed landscaping features will ensure that the development is aesthetically pleasing and is sensitive to local environmental conditions (ie. planting native vegetation). If the application is recommended for approval, a condition of consent will be placed on the development requiring construction to comply with the Building Code of Australia including the provision of access and facilities for the disabled.

Cumulative Impacts

The location of the proposed development adjacent to another food processing facility has the potential for adverse cumulative effects relating to increased traffic, noise and dust. The applicant will be required to mitigate such effects through conditions placed on the development by DECCW as part of their General Terms of Approval and other conditions imposed by Council if the application is recommended for approval. By mitigating these effects, it is not anticipated that the proposed development will result in adverse cumulative impacts.

SECTION 79C(1)(c) the suitability of the site for the development

The subject site is considered suitable for the proposed development as there are no constraints posed by adjacent developments, the proposed development is compatible with the land uses in the area, utilities and services are available and can be accommodated for the development and site attributes are conducive to the development. Also, the zoning of the land and the permissibility of the development is a broad indication that the site is suitable for the proposed development.

SECTION 79C (1) (d) any submissions made in accordance with this Act or the regulations.

Public Submissions

There were no public submissions made in regards to development application 186/2010.

Submissions from public authorities

Department of Environment Climate Change and Water

DECCW has responsibilities for pollution control and environmental management under the *Protection of the Environment Operation Act 1997*. The proposed development is considered Integrated Development under the provisions of Category 2 – Agricultural Processing under

Schedule 1 – Scheduled Activities of the Act. After reviewing the information provided in the EIS, DECCW have determined that they are able to issue General Terms of Approval for the proposed development.

Comments and General Terms of Approval from DECCW for the proposed development were received by Council on 20 September 2010. The Following is a summary of the comments provided by DECCW followed by a response from Council:

Pollution Control and Environmental Management:

- In the event that the development is modified, DECCW requests to be consulted with prior to consent being issued.
- Should consent be granted, the applicant will be required to apply for and be issued with an Environment Protection Licence (EPL) prior to the commencement of construction works.
- Noise emissions from heavy vehicles transporting raw material in and processed material out of the facility is an issue that Council should consider in its overall assessment of the proposal.
 - DECCW is concerned that heavy vehicle noise, particularly at night, has the potential to impact the premises identified as 'residence 1' in the EIS. The Traffic Noise Impact Assessment prepared as part of the EIS indicated this premises was not considered as it was not on the proposed traffic route.
 - DECCW's guideline for traffic noise 'Environmental criteria for road noise traffic noise' indicated an assessment should "identify every potentially affected receiver along the affected section of the roads and assign an environmental noise level criterion to each one" and that "maximum noise levels during each hour of the night-time period should be assessed and reported to give an indication of the likelihood of awakening reactions"
 - Without a full assessment of traffic noise impacts we are unable to determine if the relevant criteria for road traffic noise will be exceeded at this residence.
 - We would expect that 'residence 1' (approximately 500 metres west of the entrance in a rural setting) is likely to be impacted by the potential 54 intermittent truck movements in the night time period over the harvest season with the potential for sleep disturbance due to rapid noise increases through braking and acceleration along Crawford Road.
 - This noise impact will result from activities occurring outside the premises regulated by the Environment Protection Licence. Consequently, as Council will be responsible for managing this activity, Council should consider requiring the applicant to revise the traffic noise impact assessment to include a comparison of the $L_{Aeq(9\text{hour})}$ noise levels and the maximum noise level impacts on the residents in Crawford Road before considering the matter.

Flora and Fauna Issues:

- DECCW does not have any objections to the proposal in relation to flora, fauna or threatened species at this stage as the site is highly disturbed and has been previously used for intensive agriculture.

Aboriginal Cultural Heritage:

- The assessment provided by the applicant is adequate and we note no potential Aboriginal sites or objects have been found in the development area. However the proponent should be made aware that if any aboriginal artifacts are encountered during works, activities in the area should cease and DECCW be contacted by telephoning 121 555 for further service.

Council Response:

DECCW has indicated that all on-site noise generation shall be captured under the General Terms of Approval for the development which states noise from the premises must not exceed an L_{AEQ} (15 minute) noise emission criterion of 37 dB(A) during the day (7:00am to 6:00pm) and an L_{AEQ} (15 minute) noise emission criterion of 35 dB(A) during the evening (6:00pm to 10:00 pm) and at night (10:00pm to 7:00am). As a courtesy, DECCW has also suggested that Council should assess the noise impacts of the heavy vehicles accessing the site on 'residence 1'. Council has provided such an assessment under Section 79C (1)(b) likely impacts of the development – Noise of this report.

The General Terms of Approval (GTA) have been added to the proposed Conditions of Consent. As such, the conditions inherent in the GTA will form part of the conditions of consent if the application is recommended for approval (refer to Attachment 'C' and Attachment 'D').

SECTION 79C (1) (e) the public interest

There have not been any issues raised by the public in regards to this application and it is not anticipated that the health and safety of the public will be affected by the proposed development. Also, the proposed development is not expected to adversely impact on the environment or the character and amenity of the area.

It is considered that the public interest is best served by the consistent application of the requirements of the relevant Commonwealth and State government legislation, environmental planning instruments (EPI), Development Control Plans (DCP), Council policy and ensuring that any adverse effects on the surrounding area and environment are avoided. On the basis that the proposal is considered consistent with the aims and objectives of GLEP 2002 and other EPI's, DCP's and council policies it is therefore unlikely for the application to raise issues that are contrary to the public interest.

CONTRIBUTIONS**Section 64**

The proposed development does not require a connection to Council's water and sewer systems and therefore, section 64 contributions are not warranted.

Section 94A

Council adopted a Section 94A Contributions Plan on 1 July 2010. Under Part 4, Division 1B "Development Consent Contributions" of the Environmental Planning and Assessment Regulation 2000, Council is able to impose a levy under section 94A of the Act of 1% if the proposed cost of carrying out the development is more than \$200,000. As such, council will require the payment of a \$208,450 contribution prior to the lodgement of a Construction Certificate application.

RECOMMENDATION

The application has been assessed in accordance with the requirements of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*. The evaluation demonstrates that the proposal is satisfactory in terms of the matters for consideration identified in the legislation and it is recommended that consent may be granted subject to conditions detailed in Attachment 'D'.

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Responsible Officer
Kelly McNicol – Senior Town Planner

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Date