

PLANNING ASSESSMENT REPORT

JRPP Ref. No	2013NTH004
Application Number	DA-429/2013
Proposed Development	Bulk Commodity Handling and Rail Terminal Facility
Property Address	'Oakleigh', Mayfield Road, Baan Baa (16293 Kamilaroi Highway, Baan Baa – Council's records)
Property Description	Lot 13 DP 757104
Applicant	OLAM, c/- Mitchel Hanlon Consulting Pty Ltd
Date Received	2 November 2012
Assessing Officer	Warwick Stimson
Recommendation	Approval

1 EXECUTIVE SUMMARY

Council is in receipt of a development application which seeks consent for the construction of a bulk commodity handling and rail terminal facility on the above mentioned property.

The application was lodged on 2 November 2012, under *Narrabri Local Environmental Plan 1992* and before the gazettal of *Narrabri Local Environmental Plan 2012* on 21 December 2012. Accordingly the matter is to be considered under LEP 1992 in accordance with the savings provisions cited in Clause 1.8A of the new LEP.

At the time of lodgement, the site was zoned *1(a)(General Rural)* under LEP 1992. In terms of land use definition the proposal was considered innominate and as such is permissible with consent. Under the recently gazetted LEP 2012, the site is zoned *RU1 Primary Production* and the use is most appropriately defined as a *Rural Industry*, and specifically an *Agricultural Produce Industry* (type of *Rural Industry*). Such a use is permissible with consent in the RU1 zone. The rail facilities associated with the site are considered ancillary to this primary use.

The proposal is *Integrated Development* requiring concurrence from the NSW Roads and Maritime Services (RMS) as works will be required to the Kamilaroi Highway in order for the development to be facilitated. Comment has also been sought from the Department of Primary Industries (Crown Lands Division) in relation to rail access to the site being proposed across a Crown Lands Road. The proposal is not *Designated Development*.

The application has been widely notified and publicly exhibited. Six written submissions and one verbal have been received within the exhibition period in response from nearby and adjoining property owners. The applicant has subsequently provided a response to those submissions.

The Capital Investment Value (CIV) is \$28.8million and as such the development falls under Schedule 4A(3) of the *Environmental Planning and Assessment Act 1979* as being *General Development with a capital investment value of over \$20million*. Accordingly, the matter is referred to the Joint Regional Planning Panel for determination in accordance with Part 4 of *State Environmental Planning Policy (State and Regional Development) 2011*.

An assessment under 79C of the *Environmental Planning and Assessment Act 1979* (as amended) has been undertaken. Having regard to the matters discussed in this report, the application is recommended for approval.

2 HISTORY OF APPLICATION

The history of the application has been detailed in the following table.

Date	Action
2 November 2012	DA lodged.
9 November 2012	Preliminary assessment undertaken and applicant requested to provide amended details to be exhibited.
23 November 2012	Additional information provided.
29 November – 12 December 2012	Application publicly exhibited and notified.
20 December 2012	Applicant requested to respond to issues raised.
16 January 2013	Applicant's response to submissions received.
30 January 2013	Concurrence received from RMS
11 February 2013	Final submission from applicant of additional information relating to noise attenuation.
6 March 2013	Final details received from applicant.

3 SITE AND SURROUNDS

The site is located approximately 27 km southeast of Narrabri, and 7 km northwest of Baan Baa on Lot 13 in DP 757104.

The site has eastern frontage to the Kamilaroi Highway and the Northwest Railway Line. The property is surrounded by private agricultural land. The Narrabri Coal Pty Ltd underground coal mining operations is approximately 1.5 km north of the site.

The property has an area of approximately 245 ha and is currently a grazing and dry-land cropping property with a residential dwelling. The site is accessed via Mayfield Road from the Kamilaroi Highway.

Appendix A of this report contains locality plans and an aerial photo.

4 THE PROPONENT

The proponent for the development is OLAM.

In 2007, OLAM International Limited acquired Queensland Cotton following which Queensland Cotton Holdings Limited was de-listed from the Australian Stock Exchange.

OLAM is a leading global supply chain manager and processor of agricultural products and food ingredients. OLAM operates an integrated supply chain for 20 products in 64 countries, delivering these products to over 10,000 customers worldwide.

The Australian business continues to trade under the name of Queensland Cotton, a name which has been recognised over the years as a preferred supplier of premium quality cotton to the global textile markets.

Queensland Cotton employs approximately 200 permanent staff plus seasonal employees during the season. The head office is located in Brisbane with regional offices located around Queensland, NSW and Victoria (Queensland Cotton, 2012).

5 PROPOSED DEVELOPMENT

OLAM's core business has diversified from predominantly a cotton trading and ginning business, to a multi-commodity agribusiness. OLAM now processes and trades bulk cotton, cottonseed, grains, pulses, wool and almonds and distribute from the NSW east coast to international customers.

OLAM can see a strategic advantage to have an efficient facility for farmers to directly deliver their products and that quality control is maintained over the product throughout the processing period. There is also a requirement for OLAM to have a regional logistics hub to complement the Newcastle Agri Terminal facility at Newcastle Port. The commodities handling facility will improve the loading efficiency at both Newcastle and Sydney Ports and improve the timing of shipments to overseas customers.

This application seeks consent for a commodities storage and handling facility and ancillary rail freight facility to be owned and operated by OLAM. In general the proposal will include:

- A series of large silos and bunker areas with a total onsite holding capacity of approximately 249,000 metric tonnes of grain, predominantly winter cereals.
- Rail freight loop connecting the site to the north west rail line.
- Receival point for bulk road vehicles including grain sampling station, weighbridge and fast intake area for deliveries.
- Bulk weigh bin feeder for loading grain (predominantly wheat).
- Upright silo storage for wheat and other winter cereals.
- Administration and staff amenities building.
- 2km rail loop consisting of a main line for bulk grain loading and two outer lines for future container train loading and a hospital siding.

The site plans and architectural plans are found in Appendix B of this report.

The following table provides further details about the proposal:

Component	Description
Road Receivals System	<p><i>The proposed development will enable modified road train heavy vehicle grain trucks to enter the site via the Kamilaroi Highway and Mayfield Road. The trucks will travel on the proposed internal road network between the proposed site entrance and the site office and weighbridge.</i></p> <p><i>The internal road network has been designed to allow for single direction traffic flow for delivery vehicles. The trucks will be weighed, then continue on to the unloading area where they will discharge their loads. The trucks will then travel on the internal road system through the loop road back to the weighbridge to be reweighed to determine the quantity of load delivered. The vehicles will then travel via the internal road network back to the site exit.</i></p>
Bulk Commodities Storage Facility	<p><i>The proposed bulk commodity storage facility will comprise a series of large silos and bunkers for bulk grain storage. The bulk grain silos will be constructed onsite from prefabricated sections. The commodity storage complex will incorporate a range of ancillary infrastructure identified as the following:</i></p> <ul style="list-style-type: none"><i>• Intake pit for grain delivery via road based transport;</i><i>• A series of grain elevators and distribution systems allowing for grain handling;</i><i>• Weighbridge for the recording of vehicle weights and delivery calculations;</i><i>• Demountable style staff amenities building;</i><i>• Demountable style site office; and</i><i>• Sampling stand alongside weighbridge entry.</i> <p><i>The facility is proposed to be constructed in two phases.</i></p> <p><i>Phase 1 proposed bulk storage facilities include:</i></p> <ul style="list-style-type: none"><i>• 2 x 40,000 tonne bunker grain storage,</i><i>• 2 x 20,000 tonne grain flat bottom silos,</i><i>• 6 x 1,500 tonne grain cone bottom silos,</i><i>• Discharge pit for fast delivery of grains,</i><i>• A bulk weigher train loader capable of loading 2000 metric tonnes/hr,</i><i>• Administration and staff amenities building.</i> <p><i>Phase 2 proposed bulk storage facilities include:</i></p> <ul style="list-style-type: none"><i>• 2 x 40,000 tonne bunker grain storage, and</i><i>• 2 x 20,000 tonne grain flat bottom silos.</i>
Rail Freight Loading Terminal	<p><i>The proposed rail freight loading terminal will constructed during Phase 1 of the project and be located within the eastern side of the lot. The rail layout, construction materials and design details will all comply with the relevant ARTC and National Standards for railway construction. The rail line will be constructed at a standard gauge to ensure compatibility with the existing Northwest Railway Line.</i></p> <p><i>The proposed loop is approximately 2 km, allowing for one train in the complex at a time to be loaded. It is estimated one train every 3 days will be entering the site for loading. The trains will comprise of bulk grain wagons for grain freight.</i></p>

Component	Description
Access to the site	<p><i>An existing intersection on the Kamilaroi Highway crossing the north west railway line and entering Kurrajong Creek Road will be utilised for the project. This intersection will require an upgrade to accommodate modified road train heavy vehicles. The application was accompanied by a detailed traffic statement that proposes a suitable configuration.</i></p> <p><i>The Kamilaroi Highway – Kurrajong Creek Road intersection is currently a sealed intersection with turning bays from the north and south. These turning bays will be lengthened and an additional turning circle for access to Kurrajong Creek Road constructed. The additional turning circle will require the purchase of 2.5 ha from the neighbouring property prior to construction.</i></p> <p><i>The rail crossing is a two lane sealed crossing with automatic boom gates and flashing signals and this crossing is expected to remain. From the rail crossing, Kurrajong Creek Road is currently an unsealed gravel road and continues for approximately 3 km to the Mayfield Road-Kurrajong Creek Road intersection. Mayfield Road is currently an unsealed gravel road and continues for approximately 2 km to the proposed site entrance point.</i></p> <p><i>Minor road widening works of the Kurrajong Creek – Mayfield Road intersection will be required to facilitate road train heavy vehicles.</i></p> <p><i>The site will be accessed via the existing access point on the western boundary of the lot. The intersection will be upgraded and will be constructed to meet the appropriate requirements as identified by the Roads and Maritime Services.</i></p> <p><i>A series of suitable internal access roads will be constructed from the site access point to the proposed commodity handling facility. The proposed internal road will be a six (6) metre wide formed carriageway in the two way portions. The single direction loop from the proposed site office and weighbridge area to the delivery point will have a constructed width of approximately three (3) metres with suitable turning areas to accommodate the swept path of a road train heavy vehicle.</i></p>

It is important to note the separation distances to surrounding dwellings. The applicant submits that the site layout has been designed to ensure the proposed development provides for a suitable separation distance from residential dwellings to the south and the east. The proposed development provides a minimum separation distance of 500m between the development and the residential dwelling located to the south ("Pineview" property). While the access rail for the proposed facility is within 450m of a residential dwelling to the east ("Wilga"), the commodity handling development or associated rail loop is not within 500m.

The proponent seeks approval for the following hours of operation:

- 7am to 7pm in periods of low demand;
- 24 hours in periods of high demand;
- 7 days a week.

The impacts of these hours of operation are considered later in this assessment.

It is anticipated that some 25 full time jobs would be created through this development proceeding.

6 PLANNING ASSESSMENT

6.1 Environmental Planning and Assessment Regulation 2000

The proposed development is considered to be an integrated development as the development will require concurrence from the NSW Roads and Maritime Services (RMS).

The proposed development also includes an ancillary component of a rail freight terminal and as such may have potentially triggered the requirements of a designated development based on Schedule 3, Part 1, Clause 28 of the Environmental Planning and Assessment Regulation 2000.

However, Clause 28 indicates that a rail freight terminal that identifies with any of the following development characteristics triggers the requirements of a designated development.

The trigger characteristics are:

a) *Involve more than 250 truck movements per day.*

Comment: The proposed development involves only approximately 45 trucks entering the site each day (on average). This equates to a total of approximately 90 movements per day.

b) *That involve the clearing of more than 20 hectares of native vegetation.*

Comment: The proposed development involves the clearing of approximately 5 hectares of native vegetation.

c) *That are located:*

i) *Within 40 metres of a natural water body, wetland or environmentally sensitive area.*

Comment: An identified natural watercourse is located north of the subject site on Lot 9 on DP757104. The proposed development is located approximately 150 m from this watercourse.

The proposed development is located 200 m from Kurrajong Creek which flows through the northwest corner of the site.

ii) *Within 500 metres of a residential zone or dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour dust, lights, traffic or waste.*

Comment: The proposed development provides a minimum separation distance of 500m between the development and the residential dwelling located to the south ("Pineview"). While the access rail for the proposed facility is within 450m of a residential dwelling to

the east ("Wilga"), the commodity handling development and associated rail loop is not within 500m. The existing North-west Railway Line is located approximately 200m west of "Wilga", and the proposal will not involve the construction of any railway lines closer to the property than the existing rail. This separation distance combined with the best practice design and management of the proposed development should not adversely impact the residential dwellings.

The proposed development does not therefore trigger the requirements of designated development under the Environmental Planning and Assessment Regulation 2000.

The development has been assessed in accordance with the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, provisions are summarised in the table below:

6.2 Section 79C(1)(a)(i) – Any Environmental Planning Instrument

6.2.1 State Environmental Planning Policy 33 – Hazardous and Offensive Development

SEPP No. 33 applies to any proposal which falls under the policy's definition of "hazardous industry".

A 'hazardous industry' under SEPP 33 is one which, when all location, technical, operational and organisational safeguards are employed continues to pose a significant risk.

Grain handling is identified as a potentially hazardous industry under this policy's guidelines. It can, under certain circumstances, spontaneously combust and it can also contribute to occupational asthma in employees.

The applicant has undertaken to prepare a Grain Dust Management Plan to address the ongoing management of grain dust on the site. This will be required by a condition of approval.

With the implementation of a Grain Dust Management Plan, as well as other operational management plans, the proposed development should not pose a significant risk.

6.2.2 State Environmental Planning Policy 44 – Koala Habitat

Schedule 1 of SEPP 44 identifies Narrabri LGA as containing potential koala habitat.

Potential koala habitat is defined as native vegetation where the trees outlined in Schedule 2 of the SEPP constitute at least 15% of the total number of trees in the upper or lower strata. SEPP No 44 only applies to land where a development application has been made and the land area is greater than 1 hectare.

A flora and fauna assessment has been undertaken on the property. One eucalypt species listed in Schedule 2 of SEPP44 was identified during the flora survey (Bimble

Box – *Eucalyptus populena*). It is noted however that in no habitat type was this species present as greater than 15% of the community.

Therefore issues relating to koala habitat are not considered to be applicable.

6.2.3 Strategic Regional Land Use Policy 2012

The Strategic Regional Land Use Policy sets out a range of initiatives to better balance growth in the mining and coal seam gas (CSG) industries with the need to protect important agricultural land and water resources.

The policy maps the State's most valuable agricultural land and provides safeguards from mining and CSG projects.

The proposed development site is identified as a coal and coal seam gas production area, however is not identified as Strategic Agricultural Land. Due to the nature of the proposed development being agricultural based, the Strategic Regional Land Use Policy is deemed not applicable. This proposed development aims to enhance the agricultural economy within the region and complement the agricultural grain growing areas of the Narrabri Shire.

6.2.4 Narrabri Shire Council Local Environmental Plan 1992

At the time of lodgement, LEP 1992 applied to the subject site. The LEP zoned the site 1(a)(*General Rural*). The objectives of the zone include:

- (a) *protecting, enhancing and conserving:*
 - (i) *agricultural land in a manner which sustains its efficient and effective agricultural production potential,*
 - (ii) *soil stability by controlling and locating development in accordance with soil capability,*
 - (iii) *forests of existing and potential commercial value for timber production,*
 - (iv) *valuable deposits of minerals, coal, petroleum and extractive materials by controlling the location of development for other purposes in order to ensure the efficient extraction of those deposits,*
 - (v) *trees and other vegetation in environmentally sensitive areas where the conservation of the vegetation is significant to scenic amenity or natural wildlife habitat or is likely to control land degradation,*
 - (vi) *water resources for use in the public interest,*
 - (vii) *areas of significance for nature conservation, including areas with rare plants, wetlands and significant habitats, and*
 - (viii) *places and buildings of archaeological or heritage significance, including the protection of Aboriginal relics and places,*

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- (b) *preventing the unjustified development of agricultural land for purposes other than agriculture,*
 - (c) *preventing residential development of prime crop and pasture land, except where it is ancillary to agriculture or another use permissible in the zone,*
 - (d) *facilitating farm adjustments,*
 - (e) *ensuring that any allotment created for an intensive agricultural pursuit is potentially capable of sustaining a range of such purposes or other agricultural purposes,*
 - (f) *minimising the cost to the community of:*
 - (i) *fragmented and isolated development of rural land, and*
 - (ii) *providing, extending and maintaining public amenities and services.*

The proposed development is consistent with the objectives of the zone in that:

- It is directly related to enhancing the local agricultural industry.
- It is located relative to existing infrastructure and having site characteristics that are suitable for a development of this type. Moreover separation distances have been maximised in the design of the facility.
- It will not create any negative impacts on the potential of timber production in the area.
- It will not impact on any potential exploration activities that may occur in the future.
- It will not result in any significant negative impact on vegetation on the site.
- It will not create any impact on any water supply or resource.
- There are no significant impacts likely to arise in respect of any type of known heritage.
- No intensive agricultural pursuit is part of the proposal.

The development is described as being a *bulk commodity handling and rail terminal facility*. Such a use is not defined in the LEP under any particular land use definition. In this regard it is considered innominate and can therefore be considered as being permissible with consent. As described above, the rail facilities aspect of the development are considered ancillary to the primary use.

Clause 10 of the LEP requires Council to not consent to an application unless it has undertaken an assessment of the proposal against the following general considerations.

Consideration	Comment
1(a) <i>the present use of the land, the potential use of the land for the purposes of agriculture and the potential of that land for sustained agricultural production,</i>	The proposed use is complementary to the agricultural use of the land. Essentially, the site has been identified as one being most appropriate to create the required rail linkages to transport agricultural product. Its presence will not dilute the ability for surrounding lands to continue to be able to support agricultural production. The proposal is acceptable in this regard.
1(b) <i>vegetation, timber production, land capability (including soil resources and soil stability) and water resources (including the quality and stability of water courses and ground water storage and riparian rights),</i>	The proposed development will not negatively impact on the potential agricultural production of nearby properties, nor will it have any unacceptable impacts on water resources. The proposal is considered acceptable in this regard.
1(c) <i>the future recovery of known or prospective areas of valuable deposits of minerals, coal, petroleum, sand, gravel or other extractive materials,</i>	In the wider locality, the proposed development will not create any impediment to the future discovery or recovery of any significant extractive materials.
1(d) <i>the protection of areas of significance for nature conservation or of high scenic or recreational value, and places and buildings of archaeological or heritage significance, including Aboriginal relics and places,</i>	Areas of ecological value have been identified in the submission and appropriate mitigation measures have been proposed. Indeed the design of the proposal and its configuration has been guided by these aspects of the locality.
1(e) <i>the cost of providing, extending and maintaining public amenities and services to the land, and</i>	The proponent will be required to upgrade the required infrastructure associated with the development.
1(f) <i>future expansion of settlements in the locality.</i>	No future expansion of the Baan Baa village has been identified in the vicinity of the subject site.

There are no other clauses in the LEP that are specific to the proposed development.

6.3 Section 79C(1)(A)(li) – Any Draft Environmental Planning Instruments

At the time of lodgement, the Narrabri LEP 2012 was awaiting gazettal with the gazettal being made on 21 December 2012. Under LEP 2012, the site is zoned *RU1 Primary Production* and the use is most appropriately defined as a *Rural Industry*, and specifically an *Agricultural Produce Industry* (type of *Rural Industry*). Such a use is permissible with consent in the RU1 zone. The rail facilities associated with the site are considered ancillary to this primary use.

6.4 Section 79C(1)(a)(iii) – Any Development Control Plan

6.4.1 Development Control Plan – Building Line

The proposed development is located a minimum 12m from any boundary fence (with the exception of the rail and road access ways) and therefore complies with the minimum setback of 6m as required by the DCP.

6.4.2 Development Control Plan – Drainage

Stormwater drainage control and disposal will be managed onsite in a number of ways.

Roof water: Buildings as part of the proposed development will be fitted with roof guttering, downpipes, and drainage system connected to a suitably sized rainwater tank or directed at least three (3) metres from the building in a downhill direction and splayed for even distribution (buildings on rural land only). As water will be a requirement onsite for dust management, tanks connected to buildings will be able to supply a large proportion of the water requirement.

Sanitary Drainage: The proposed site amenities will have all waste fixtures connected to an approved onsite sewage management system as no suitable reticulated sewer connections are available. Conditions of consent have been recommended in relation to this issue.

Effluent Disposal: The proposed development will utilise an onsite sewage management system that conforms to AS1547:2000. A basic site suitability assessment has been carried out by the proponent and appropriate conditions of consent has been recommended..

There is no trade waste to be generated as part of this proposed development.

6.4.3 Development Control Plan – Parking Code

The DCP does not include controls for land uses such as the one proposed. Notwithstanding, when considered on its merit, the proposal includes 23 parking spaces for staff and visitors and this is considered to be adequate for the proposed development.

6.5 Section 79C(1)(a)(iv) – The Regulations

Matters relating to the Regulations have been considered in part 6.1 above.

6.6 Section 79C(1)(b) – The Likely Impacts of the Development

The applicant's documentation accompanying the application was detailed in its consideration of the potential environmental impacts arising from the proposed development.

A summary of the conclusions as well as any additional comment arising out of the assessment of the application is provided as follows.

6.6.1 Flora and Fauna

A flora and fauna assessment accompanied the application identifying a range of flora and fauna communities on the site. Whilst there were no threatened species or communities sighted on site during the fieldwork, potential habitat for three listed flora species, four listed avian species, one listed mammalian species and three listed migratory species were present.

Whilst clearing of some 5ha of native vegetation is proposed, the documentation states:

As a result of this, consent is required under the TSC and EPBC Acts. Furthermore, the proposal will impact on neighbouring Crown Land, and as a result will require Ministerial approval. Native vegetation required to be cleared (Native vegetation which falls within the proposal footprint) is presented in Figure 10.

The proposed Transport Terminal development as outlined in this document can proceed with reference to the recommendations stated within the full flora and fauna report (Appendix E). The recommendations take into account relevant legislation, species ecology, risks, impacts and best management practises. Information reviewed during document preparation has enabled an accurate assessment to be undertaken.

Accuracy was paramount in determining the potential impacts of the project on potentially occurring declared threatened species and species in general which potentially utilise vegetative habitats adjacent to the "Study Site".

The overall existing proposal area conditions provide very limited or poor potential for native animal habitat primarily due to the distinct lack of species diversity or the presence of trees. The area that will be impacted by the proposal is limited mainly to areas containing non-native grassland. The proposed development covers a relatively minor portion of the subject site and is therefore unlikely to have any notable effect on the sites biodiversity. The proposed tree plantings to be carried out onsite is considered to have a potentially positive impact on the local biodiversity as it may provide additional habitat for endemic avian species that are currently excluded from the site due to the lack of tree habitat.

Figure 10 is reproduced below:

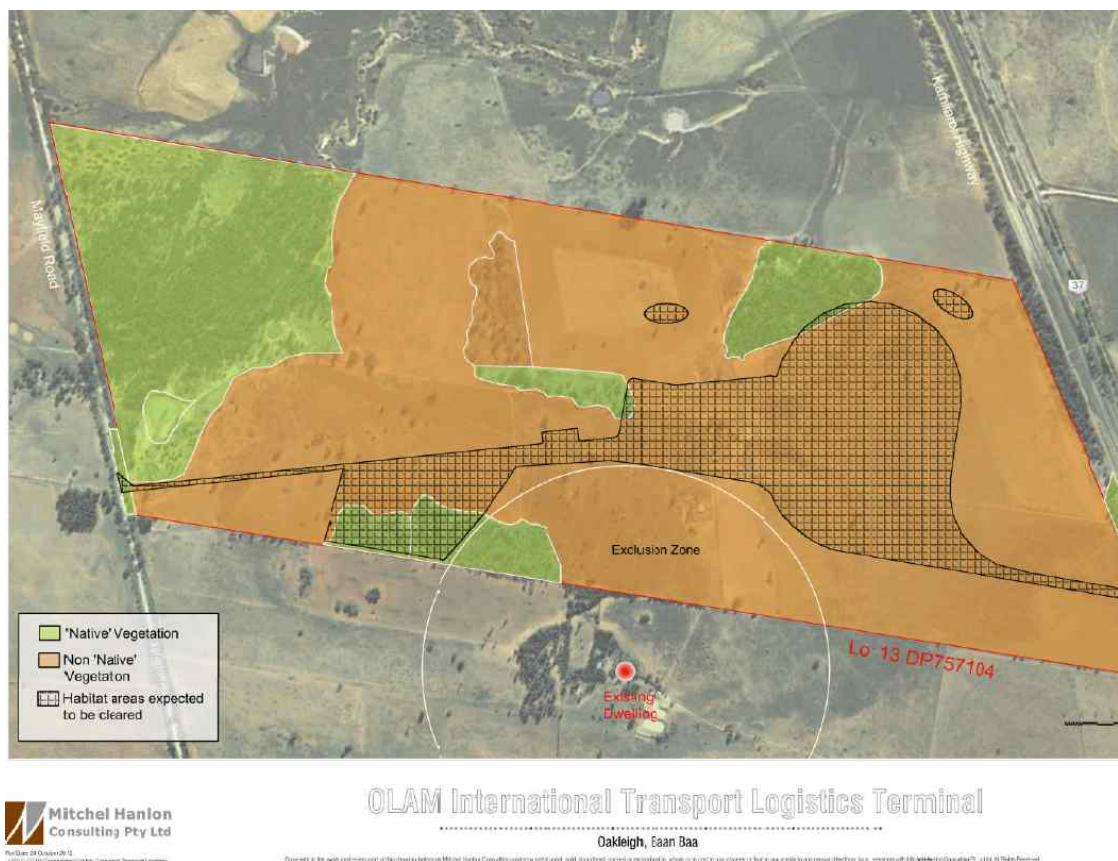


Figure 1 Reproduction of Figure 10

The accompanying Flora and Fauna Assessment details a range of recommendations relevant to this issue and these are recommended as conditions of consent.

6.6.2 Contamination

A Preliminary Site Investigation was undertaken on the subject site to consider the likelihood of site contamination. The application details the following conclusion:

Based upon this investigation, no areas within the study area have been identified as potentially containing soil and/or water based contamination, which are likely to pose a health risk as a result of the identified historical practices. While the storage and use of chemicals, fuels, oils and coolants have occurred onsite, it has been determined that through appropriate storage and handling (as detailed by past and present landowners) no events which are likely to pose a health risk are believed to have occurred.

As a result of this, it is deemed that a Phase 2 Site Assessment is not required prior to the commencement of the proposed development. It is recommended however, that all general refuse within the proposal area be removed and disposed of at a suitably licensed landfill.

Appropriate conditions of consent have been recommended.

6.6.3 Utilities

Existing utilities will likely be required to be upgraded. Such requirements are usually addressed at Construction Certificate stage and so appropriate conditions of consent are recommended.

6.6.4 Water Requirements and Usage

The application documentation states in respect of water usage and requirements:

Water will be required for the proposed development for the following activities:

- *Staff amenities and office building;*
- *Dust suppression; and*
- *Bushfire management requirements.*

The proposed development will not be connected to the Narrabri Shire Council reticulated water supply. The main water sources for the proposed development will be rainwater and surface runoff captured from the site.

Rainwater tanks will be installed on all sheds and buildings to maximise rainwater capture. This water will be used for staff potable water and for use in the administration building for showers and toilets.

The surface runoff from the proposed site will be captured in a sedimentation dam to the north of the site. This will ensure that any runoff from the site does not exit the site into surrounding waterways. An additional sedimentation dam will be constructed in the northeast of the site to capture runoff from the rail line activities. The surface runoff captured will be utilised for dust suppression and bushfire management activities.

The groundwater bores currently onsite are not licenced for industrial or commercial use. Groundwater may be utilised as part of the proposed development if the groundwater yield is economically viable and if the current licenses can be converted for commercial usage.

Surface water availability on the property is unreliable due to the low annual rainfall. Surface water will not be relied upon for the proposed development, but will be accessed from the existing dams when available for dust suppression and bushfire management activities.

Conditions of consent have been recommended to require a minimum level of water on the site for dust suppression through the operation of the facility.

6.6.5 Site Drainage

The application documentation states:

The total proposed development site area is approximately 48ha. The site will have an approximate 1.5% fall to allow for natural site runoff in a north and northeast direction. All site drainage will be via natural surface overland flow. The grain bunker and silo storage area will be sloped to the northwest to allow for natural runoff. This area will be hard stand area to allow for grain handling and machinery use on the bunkers and around the silos. Formed drainage lines may be constructed to facilitate site drainage.

The area within the rail loop will drain via culverts installed under the rail line. The culverts will be located on the northeast side of the rail loop and facilitate drainage. Culverts will be installed and sized in accordance with ARTC standards to allow for drainage to a suitably sized sedimentation dam in the Northeast of the site. The dams will be sized appropriately during the engineering design phase of the project.

Detailed design of the drainage requirements of the development will be made prior to the Construction Certificate being issued.

6.6.6 Wastewater Disposal

The applicant proposes an appropriately sized and located on site sewer management system. The system proposed is based on acceptable assumptions relative to the theoretical maximum daily demand.

The proponent will be required to lodge a separate s68 application with Council for the proposed system.

6.6.8 Vehicle Movements

The application proposes the following vehicle movement numbers as part of this application.

The proponent identifies a 'type 1 road train' as being the preferable heavy vehicle being considered to utilise the site. These vehicles should not exceed 36.5m in length and not exceed 2.5m in width.

A number of road infrastructure upgrades will be required including:

- Upgrades to the intersection of the Kamilaroi Highway and Kurrajong Creek Road;
- Possible widening of sharp bends along Kurrajong Creek Road and Mayfield Road to appropriately accommodate the Road Train vehicles; and
- Forming suitable heavy vehicle internal access roads.

The conclusions of the accompanying Traffic Impact Statement included:

- Existing flows are considered 'low' at around 2,000 vehicles per day along the Kamilaroi Highway with traffic along Kurrajong Creek Road and Mayfield Road being significantly lower again. Little intersection delay is experienced.
- Additional traffic generated by the development could be in the order of 2-5 vehicle movements per hour with higher flows occurring over a 10 week timeframe around harvest periods.

The applicant was subsequently requested to provide more commentary in relation to:

- Safety concerns of trucks queuing at the intersection of the Kamilaroi Highway;
- Potential impacts of a significant increase of trucks per day on a 'local rural road'; and
- Road safety associated with school bus runs

The response of the traffic consultant is found at Appendix C and, despite incorrect reference to the 'Newell Highway', provides a technical response.

The application was referred to the RMS for concurrence and that was provided on 30 January 2013. The RMS response is provided at Appendix D and conditions of consent have been recommended as per this advice.

Table 4: Operational Vehicle Visits (monthly)

Type	Heavy Vehicle	Light Vehicle
OLAM Employees	-	1500
Grain delivery	2414	
Maintenance	2	4
Waste disposal	2	
General deliveries		4
Sub totals	2418	1508
Total	3926	

6.6.9 Waste Management

A detailed Waste Management Plan shall be required to be provided to Council prior to the issue of a Construction Certificate although it is acknowledged in the accompanying reports that the collection of waste would be undertaken via a commercial waste collection contractor.

6.6.10 Dust Management

The generation of dust from the proposal will need to be monitored closely, particularly in periods of peak operation. Whilst dust generated from the construction of the facility can be addressed through the use of water carts and the like, ongoing dust generation will require more detailed consideration; particularly given its impacts are greatest on those that work within the facility.

It is expected that operational dust will be minimised through the use of acceptable mitigation measures, such as dust retaining baffles.

Notwithstanding, a condition of consent is recommended requiring a detailed Dust Management Plan to be submitted for approval prior to the issue of any Construction Certificate. This Plan will need to address the management of both construction and operational dust.

6.6.11 Lighting and Light Spill

Lighting will be installed around the proposed staff amenities, office and work areas to ensure a safe and secure work environment during periods of low natural light and night time operation. To ensure the surrounding area including the neighbouring dwellings are unaffected by the proposed lighting, all lighting will incorporate suitable shielding to prevent or minimise light spill into the local environment or any offsite areas.

Given the proposed development is located 500 m from the nearest residential dwelling, offsite lighting impacts are unlikely to affect any surrounding residents provided all site lighting incorporates the recommended light shielding.

6.6.12 Chemical Handling and Storage

It is proposed to store chemicals on the site for the following purposes:

- Pest control and grain treatment,
- Weed and vegetation control,
- Petroleum products in small quantities for use in forklifts, machinery and maintenance of hydraulic equipment.

Chemicals and petroleum products will be stored in a bunded and lockable shed. The shed will be located away from the grain storage areas to prevent potential contamination. A wash bay will also be installed to facilitate keeping the chemical handling area clean and allowing for easy access to water for chemical dilution.

Conditions of consent have been recommended.

6.6.13 Acoustics

Additional information relating to acoustic impacts was requested from the applicant through the assessment of the application. This was primarily in response to issues raised through the public submissions received.

A Noise Impact Assessment was submitted that considered operational noise generation. Citing the NSW Industrial Noise Policy, the assessment identified 9 potential receptors.

Receptor 3 is the adjoining property (known as 'Pine View') to the south. The predicted operational and road noise level at this receptor was determined to be 45.6 dB(A). Applying a presumed building attenuation value of 10 dB(A), the predicted interior noise level is 35.6 dB(A). The 55 dB(A) daytime threshold and the 50 dB(A) evening threshold is not exceeded at this receptor.

Receptor 6 is located on the property "Claremont" to the north of the site (Lot 9 in DP.757104). The receptor is located near Mayfield Road and thus presently exposed to traffic noise. The predicted road noise level at this receptor from a single truck source is 68.2 dB(A) whilst the impact from a 3-truck convey is determined as 73 dB(A). Applying a presumed building attenuation value of 10 dB(A) results in a predicted interior noise level of 58.2 dB(A) and 63 dB(A) respectively. The Industrial Noise Policy's daytime threshold of 55 dB(A) is exceeded by 3.2 dB(A) and 8.0 dB(A) respectively. The evening threshold of 50 dB(A) is exceeded by 8.2 dB(A) and 13.0 dB(A) respectively.

Given that the required acoustic levels could not be achieved at Receptor 6, the applicant was requested to consider a solution to this issue.

The response from the applicant is provided at Appendix E.

It is accepted that Option 1 to purchase the property, Option 2 to provide external treatments to the building and Option 3 to relocate/reconstruct the dwellings are economically unreasonable. Option 4, whilst still being expensive, allows for the issue to be addressed with the least potential impact. The construction of an appropriately sized attenuation barrier is considered preferable for the following reasons:

- The wall can be constructed on Council land with the appropriate agreements to be put into place to facilitate that outcome.
- Visually, the wall will not be significantly obtrusive given the existing landscaping and with the design (colour and texture) yet to be finalised.
- Most importantly, the acoustic issues can be appropriately resolved.

Conditions of consent have been recommended that will facilitate this outcome.

6.6.14 Visual Amenity and Landscaping

Whilst the proposed structures are high, the nature of them and their central location on the subject site will ensure they are not overbearing elements in the visual catchment of the locality. When on site, other large structures can be observed to the north associated with the nearby coal operation. The proposed development and associated structures are similar in scale to many similar agricultural storage and handling facilities in the Shire and beyond.

On a micro scale, the submitted plans indicate strategic landscaping that will assist in, it's claimed, visual, noise and dust attenuation. Whilst it is agreed that this can be

achieved, a detailed landscaping and landscape management plan are recommended as conditions of consent.

6.6.15 Social and Economic Impacts

The application was considered by Council's Economic Development Manager and the comments provided are detailed in Section 6.8.2 of this report. In summary, the proposal will create significant benefits for the Shire. Included in these are:

- Direct employment opportunities;
- Economic multipliers across the wider agricultural sector in the region;
- The creation of additional healthy competition amongst buyers for local farmers to access for the sale of their product;
- Complementary relationships with existing research centres in the region;
- A broadening and deepening of the economic base of the Shire.

In terms of potential negative impacts, it is submitted that any issues arising out of the operation of the facility can be adequately addressed through appropriate management plans and conditions of consent.

It is considered that there are significant positive impacts arising for the wider region that would arise as a result of this development proposal.

6.6.16 Alternative Site Assessment

The proponent has indicated that a number of alternative sites were evaluated. It was however necessary to achieve the following in final selection:

- Close proximity to Narrabri to allow the supply of materials and equipment needed in the construction and maintenance of the infrastructure;
- Safe vehicle access to the Kamilaroi Highway and other local roads for the transportation of grain via road based trucks to the commodity handling facility;
- Appropriate area of land to accommodate the required infrastructure;
- Direct access to the Northwest railway line and the ability to construct a private rail loop to allow for the loading of the freight trains;
- Available access to services and utilities, such as telephone and power; and
- Suitable separation distances to adjoining residents with respect to noise, odour, and dust.

Given rail access is a significant constraint on the identification of a suitable location, it is considered that the subject site is appropriate to provide for these requirements.

6.7 Section 79C(1)(c) – The Suitability of the Site for the Development

The proposed development has been considered against the relevant planning instruments and environmental requirements. Environmental aspects of the proposal have been considered and appropriate mitigation measures are proposed to be

established. The requirements for this type of operation have also been considered in the context of the subject site and it is acknowledged that the site satisfies these. Accordingly it is submitted that the site is suitable for a development of this nature.

6.8 Section 79C(1)(d) – Any Submissions made in relation to the Development

6.8.1 External Referrals

The application was referred to the RMS for concurrence. Concurrence has been granted and their formal response is provided in Appendix D.

The application was also referred to Crown Lands for comment. The author of this report communicated with the relevant officer in respect of the use of Crown Land for rail access and the requirements for the proponent have been incorporated into recommended conditions of consent.

6.8.2 Internal Comments

The following comments were received in response to the proposed development:

Department	Comment
<i>Development Engineer</i>	<i>No objection subject to conditions.</i>
<i>Economic Development</i>	<ul style="list-style-type: none"><i>Broadly the investment is significant</i><i>Substantial development for the Shire</i><i>Direct employment that creates 20-30 jobs</i><i>Increased economic multipliers across the agricultural and complementary support sectors</i><i>Creating a hub/precinct in the region (Cargill, Glencore, Australian Milling and Louis Dreyfuss) brings a level of grouping of organisations that can potentially motivate other firms to locate here</i><i>Logistically has easy access to Brisbane and Sydney. Central to where the primary production is being drawn from</i><i>Infrastructure improvements benefit the wider community and ancillary businesses</i><i>Presence of research centres (IA Watson Research, cotton Research Station) – contributes to the knowledge building and expertise in the region</i><i>Ability to enter the global supply chain and worldwide export markets</i><i>Adds diversity to, broadens and deepens the economic base of the Shire</i><i>Part of the value chain of the regional economy</i><i>Having this sort of organisation gives the growers the ability to sell their product to another player and lifts the competition within the primary agricultural sector of the area</i>

6.8.3 Community Consultation

The application was publicly exhibited between 29 November 2012 through to Wednesday 12th December 2012 and notified to adjoining and nearby property owners and residents.

As a result of the consultation process, Council received six (6) written submissions and one verbal submission.

An additional submission was received from the NSW Environmental Defenders Office after the notification period however this was provided on behalf of a resident who had already made a submission and echoed the concerns already raised.

The issues raised have been accurately summarised by the proponent and the responses to those issues have been provided and are found in Appendix F.

Significant planning related issues raised in the submissions include:

- Dust;
- Traffic;
- Noise;
- General impacts on amenity.

The above issues have been adequately addressed in the assessment of the application as follows:

Dust

The proponent will be required to submit and have approved a Dust Management Plan for both the construction and operational phases of the development. This will include a range of measures that will be utilised to mitigate the potential impacts on nearby and adjoining properties. Addressed properly, the issues of dust can be appropriately managed.

Traffic

The proposed development will generate increases in traffic movements. The road network, as a result of the required upgrades, will be able to satisfactorily accommodate the proposed development.

The RMS have considered the application and have granted their concurrence.

Details of the required upgrades can be addressed through the imposition of conditions of consent. Moreover, conditions of consent are recommended to limit the operation of the development.

Noise

Acoustically, the biggest impact identified is generated by vehicular traffic. The most affected receptors have been identified and an acceptable mitigation measure is proposed. The detailed design of the attenuation barrier can be provided prior to the issue of a Construction Certificate and can therefore form the basis of a condition of consent.

Additionally, conditions of consent are recommended to limit the operation of the development.

General Impacts on amenity

The submissions raise concerns over impacts on the general amenity of the area. It is considered that potential impacts will be minimised through the application of the management plans and restrictions and conditions imposed on the proposed development.

6.9 Section 79C(1)(e) – The Public Interest

Whilst not the primary driver of this assessment, the economic and broader community benefits of this development proposal are clear, with significant economic multipliers expected throughout a region extending beyond the Narrabri Shire boundaries. Narrabri has emerged as a 'precinct' of significant agricultural investment with some of the largest agricultural companies in the world establishing a presence. This development builds on that and provides further diversity in the economic baseline of the region. This extends not only to employment opportunities, but also research and innovation. It will create additional opportunities and competition for existing farmers wishing to gain access to major export markets.

The potential impacts of the development have been identified and appropriate mitigation measures have been proposed, or are included recommended conditions of consent.

It is therefore concluded that the approval of the application will not diminish the public interest.

7 CONCLUSION

The proposed development has been assessed against the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979*.

The proposed development is permissible with Consent under the relevant planning instrument and is considered to have substantial merit and is unlikely to result in a significant adverse impact upon adjoining lands.

The proposal demonstrates an appropriate development that is site responsive, and one that utilises the unique location and related infrastructure required for its operation.

The assessment has demonstrated both that the site is suitable to accommodate this development and that its approval is in the public interest.

The application is therefore satisfactory and the proposal is recommended for approval, subject to the imposition of the recommended conditions.

8 RECOMMENDATION

That:

1. The information contained in this report on Development Application 429/13 for the construction of a bulk commodity handling and rail facility at Lot 13 DP 757104, Mayfield Road, Baan Baa, to be approved, subject to the conditions within Appendix G.
2. That those making a submission be advised of this decision

APPENDIX A

Locality Plans and Aerial

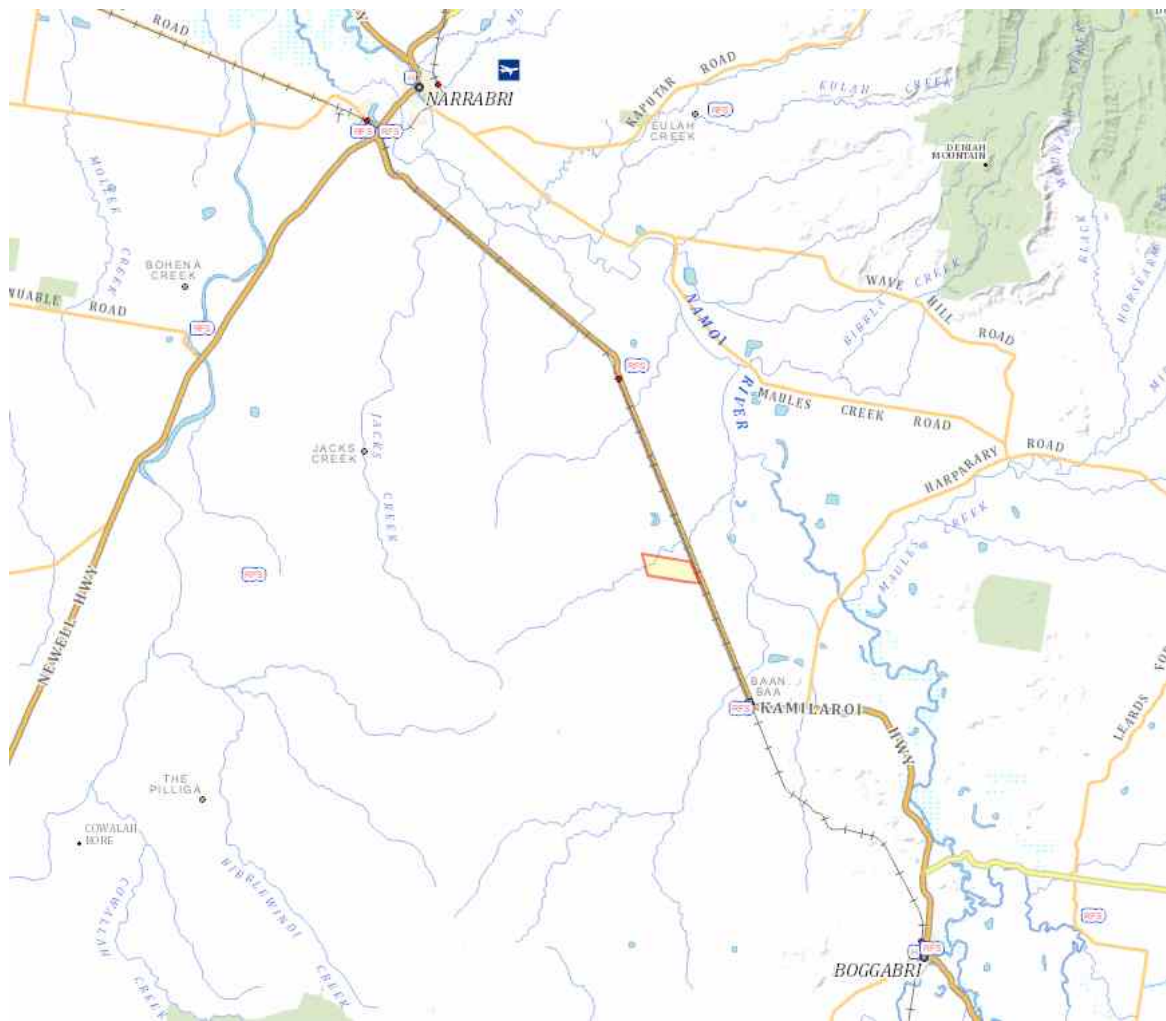


Figure 1 Regional Context

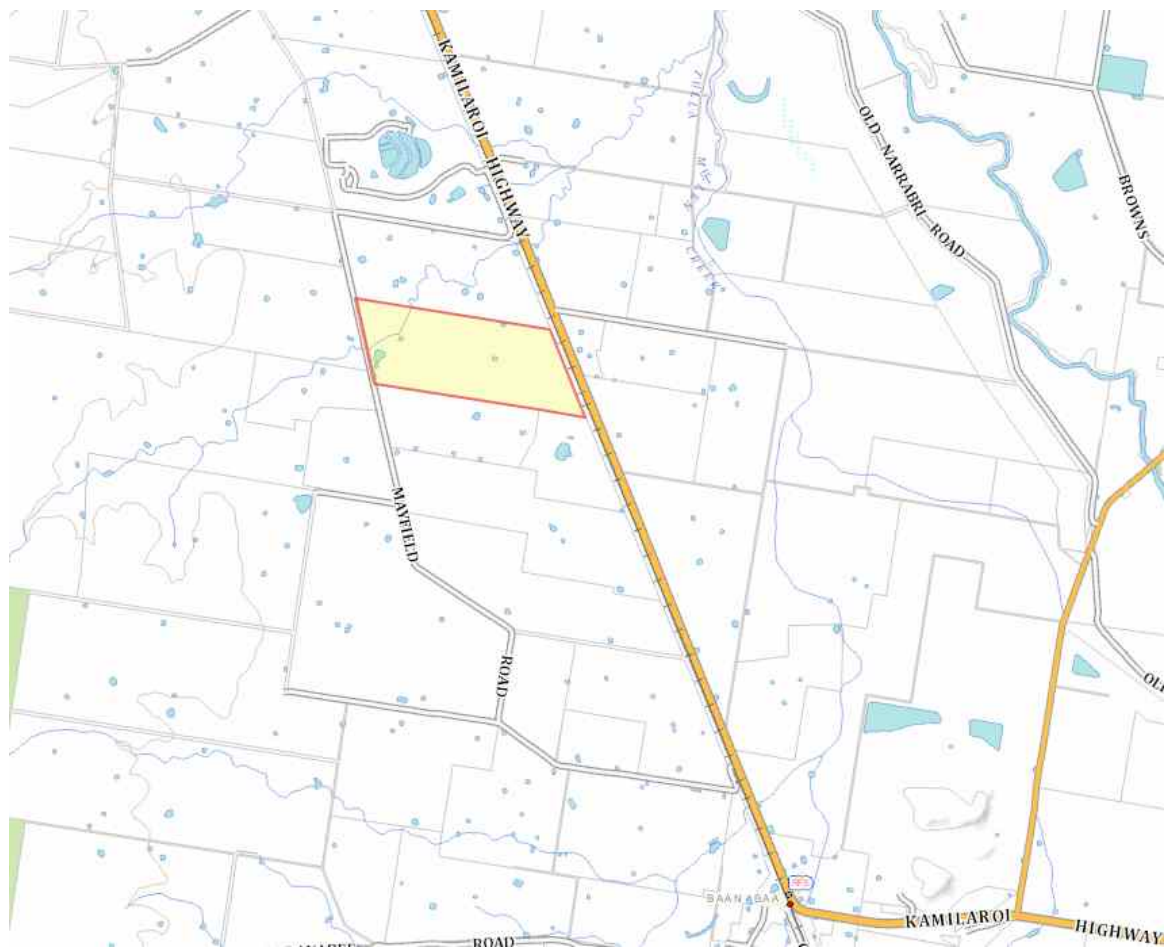


Figure 2 Subject site in relation to Baan Baa township



Figure 3 Subject site showing access to Kamilaroi Highway

APPENDIX B

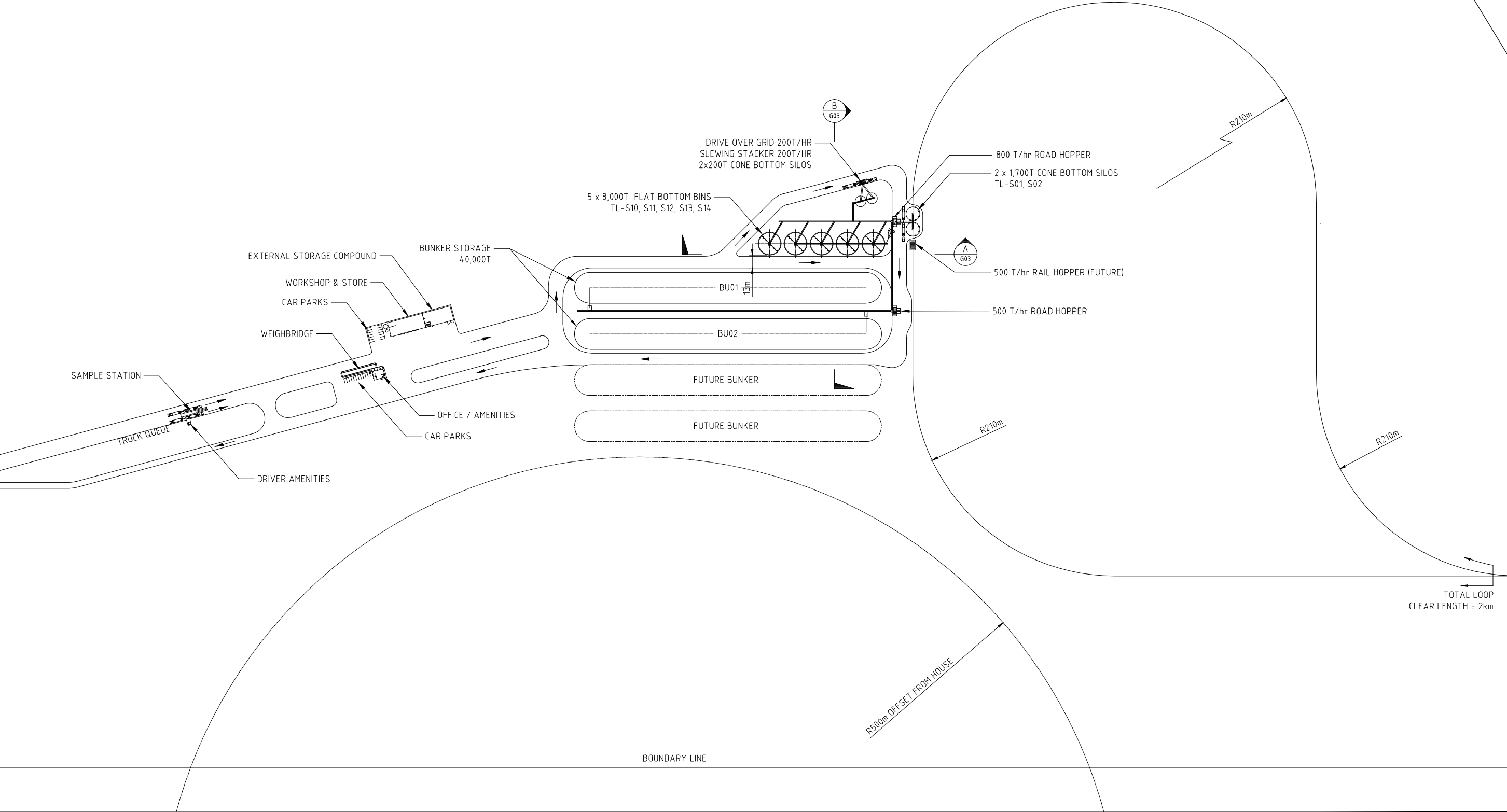
Site Plan and Architectural Plans



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BOUNDARY LINE

BOUNDARY LINE



REV.	DESCRIPTION	DRN	CHK	APP.	DATE	DRAWING CHECK		CO-ORDINATION CHECK		CLIENT	PROJECT	TITLE	SCALE @ A1	DRAWING NO.	REV.
F	GENERAL REVISED LAYOUT	ASB			08.12.12	SIGNATURE		SIGNATURE		QUEENSLAND COTTON CORPORATION PTY. LTD.	SEMIF Pty Ltd	NARRABRI	40000 0 40000 80000 120000	4143.001-G02	F
E	GENERAL REVISED LAYOUT	ASB			14.11.12	DATE		DATE			22-28 Compark Circuit	"OAKLEIGH" SITE LAYOUT			
D	GENERAL REVISED LAYOUT	DR			24.09.12	DRAWN		STRUCT.			Mulgrove Victoria 3170				
C	GENERAL REVISED LAYOUT	ASB			21.08.12	DESIGNED		MECH.			Tel: (+61 3) 8545 0400				
B	GENERAL REVISED LAYOUT	ASB			14.08.12	CHECKED		ELECT.			Fax: (+61 3) 8545 0499				
A	FIRST ISSUE	DR			07.08.12	CLIENT		HYDRAUL.			Offices Located:				
								FIRE/ENV.			Brisbane, Canberra,				
											Gladstone, Hobart,				
											Launceston, Melbourne				
											and Sydney				

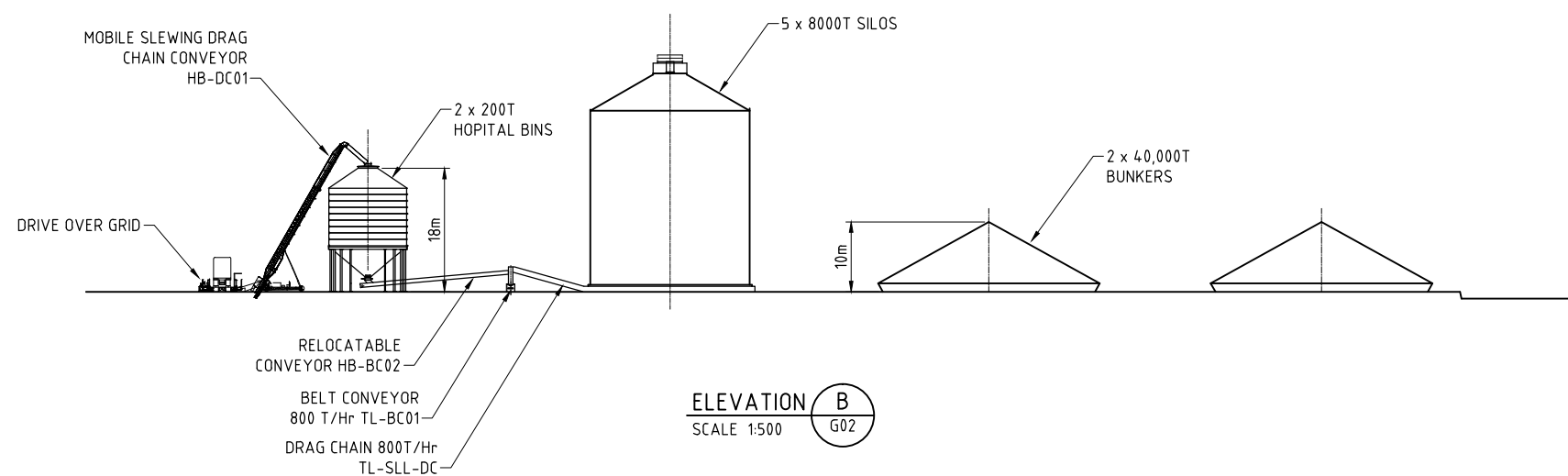
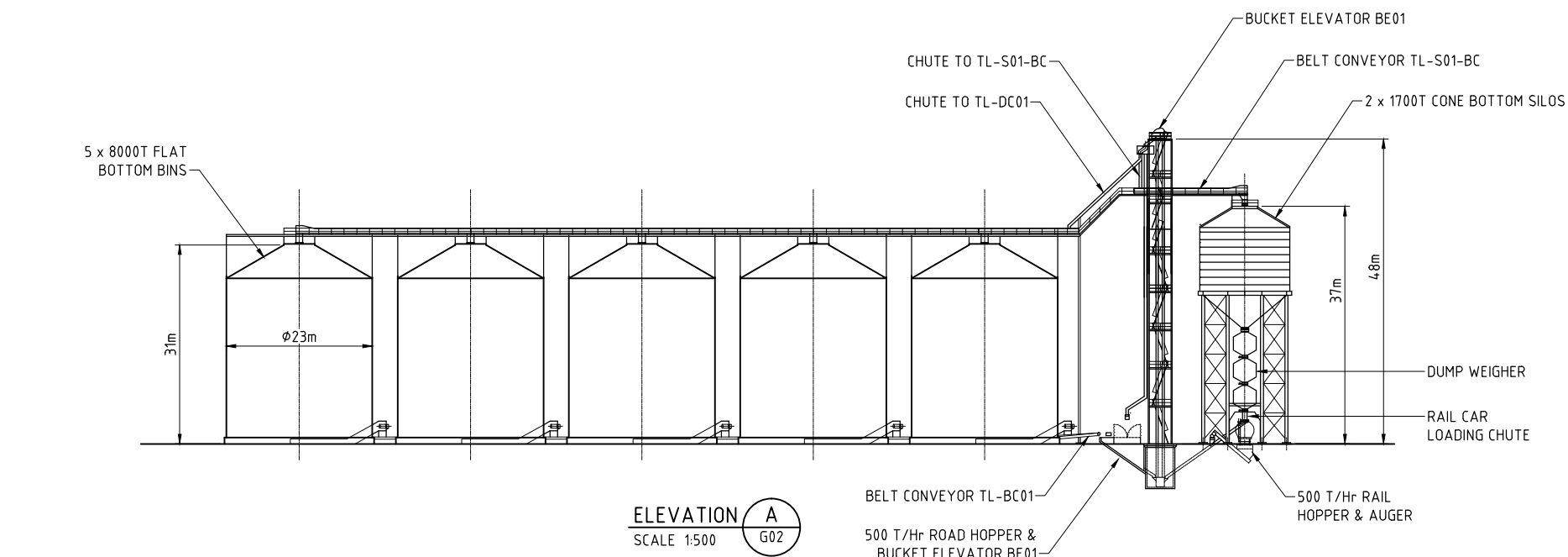


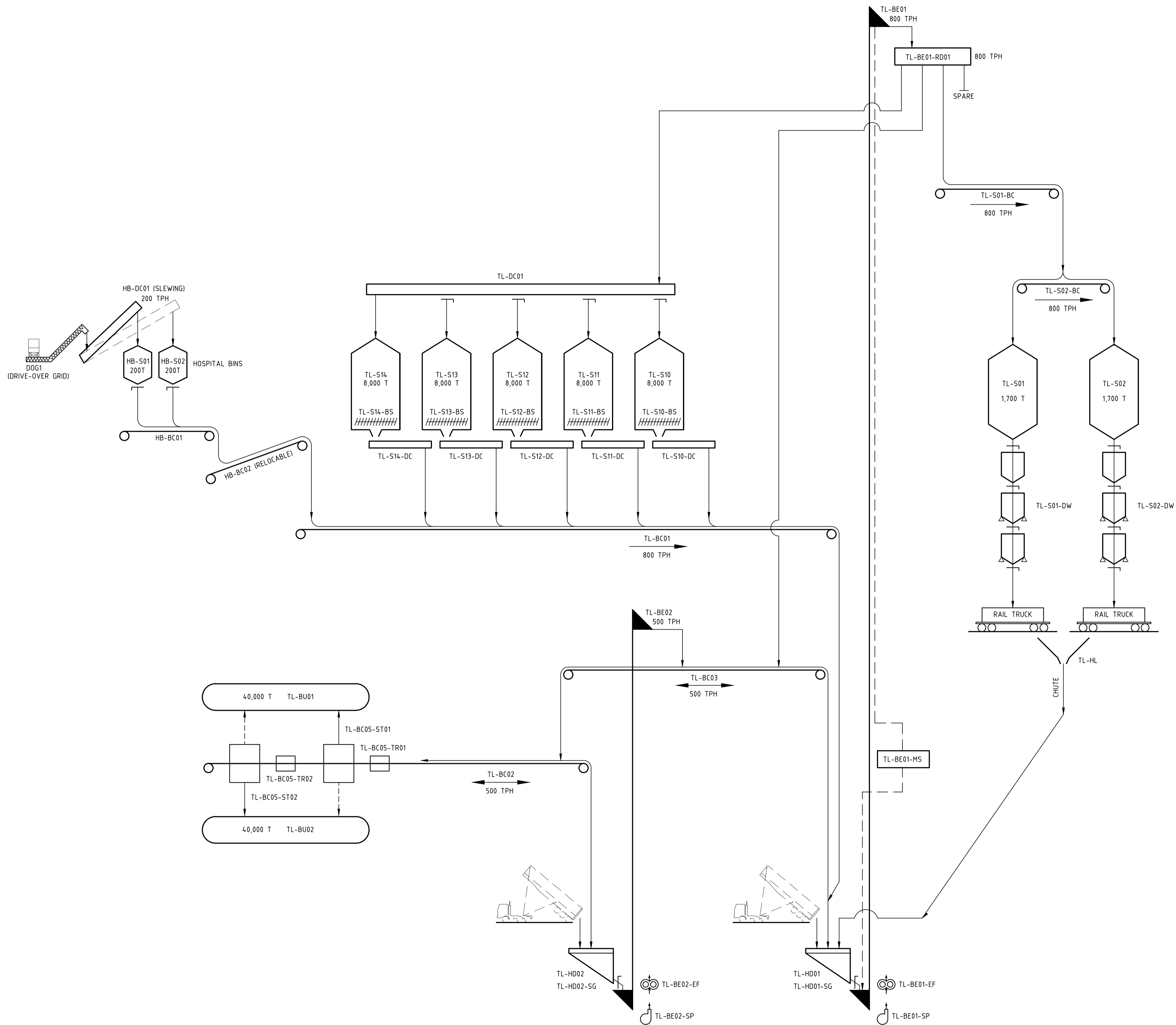
SEMIF Pty Ltd
22-28 Compark Circuit
Mulgrove Victoria 3170
Tel: (+61 3) 8545 0400
Fax: (+61 3) 8545 0499
Offices Located:
Brisbane, Canberra,
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Launceston, Melbourne
and Sydney

NARRABRI
"OAKLEIGH" SITE LAYOUT

STATUS	PRELIMINARY ONLY NOT TO BE USED FOR CONSTRUCTION	REV.	F
SCALE @ A1	1:2000	DIMENSIONS IN	METRES
DRAWING NO.	4143.001-G02		

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				DRAWING CHECK		CO-ORDINATION CHECK		CLIENT QUEENSLAND COTTON CORPORATION PTY. LTD.	 SCIENTISTS ENGINEERS MANAGERS & FACILITATORS Website: www.semf.com.au ACN 117 492 814 ABN 24 117 492 814	PROJECT NARRABRI – OAKLEIGH SITE	TITLE FLOW DIAGRAM	 A			
				SIGNATURE		SIGNATURE						STATUS PRELIMINARY ONLY NOT TO BE USED FOR CONSTRUCTION			
D GENERAL REVISED LAYOUT				ASB	20.08.12	STRUCT.						SCALE @ A1 1:5000 DIMENSIONS IN METRES			
C GENERAL REVISED LAYOUT & TITLE CHANGE				ASB	14.11.12	MECH.						DRAWING No. 4143.001-J01			
B GENERAL REVISED LAYOUT				ASB	27.08.12	ELECT.						REV. D			
A FIRST ISSUE				DR	07.08.12	HYDR./CIVIL									
REV.	DESCRIPTION			DRN	CHK	APP.	DATE	FIRE/ENV.							



OLAM International Transport Logistics Terminal

Oakeleigh, Baan Baa

FIGURE 4
Site Layout Plan

APPENDIX C

Traffic Consultant Response 21 December 2012



21 December 2012

P0898 MH Narrabri Freight Terminal Proposal

Mitchel Hanlon Consulting

PO Box 1568

Tamworth, NSW 2340

Attention: Tim McLean

Dear Tim,

Proposed Freight Transport Terminal, Hannaford Site Narrabri, NSW
Additional Traffic Advice

Further to your e-mail of 20th December 2012, we have reviewed the comments within the public submissions for the above project and provide the following advice:

Safety concerns associated with trucks queuing at the intersection and along the Newell Highway

The traffic impact assessment has reviewed the current traffic volumes in the locality and the number of trucks that will be accessing the subject site. The traffic assessment has shown that the intersection on the Newell Highway will operate well with minimal delays for road users.

As part of the design process, the issue of trucks queuing due to the rail boom gates being down has been assessed to ensure the trucks will not block back onto the highway. As part of the project, the intersection on the Newell Highway will be upgraded to increase the separation between the highway and the railway line, so that a B-double can wait adjacent to the railway line at the boom gates without blocking back onto the highway. The design of the intersection upgrade includes an elongated sheltered right turn lane to allow for B-doubles to prop in the middle of the highway without impact on other traffic movements along the highway.

The intersection upgrade has been prepared in accordance with Austroads Guidelines with concept approval from the Roads and Maritime Services (RMS) and as such it is considered that the intersection provides a safe and acceptable layout. The issue associated with trucks waiting on the highway and its approaches has been discussed with the RMS and taken into account in the design process.

Potential impact of 210 trucks per day on "local rural road"

The existing traffic volumes on the local rural road adjacent to the subject are very low, at less than 100 vehicles per day. During peak operations on site, there could be some 210 truck movements along this road together with light traffic movements associated with staff movements (25). Whilst this is a substantial increase over the existing situation, this volume is well within acceptable limits for a rural road.

The RTA Guide to Traffic Generating developments indicates that for a level rural road, with some 15% heavy goods vehicles peak hour flows in the order of 530 vehicles will operate at a level of service of B. Whilst the heavy vehicle percentage will be higher, this value from Table 4.5 of the guide shows that the road will still operate well. Level of service B is defined by the RMS as *"this level is in the zone of stable flow and drivers still have reasonable freedom to select their desired speed and to manoeuvre within the traffic stream, although the general level of comfort and convenience is less than that of the level of Service A"*.

With some 210 trucks per day, allowing for a conservative 10 hour day this would give 21 truck movements per hour which is well within the level of service criteria of B provided by the RMS.

Road safety associated with school bus run

All vehicles operating in and out of the site will be licenced drivers and vehicles and as such will operate in accordance with normal road rules. School buses have flashing orange lights to indicate when children are getting on or off buses and vehicles can only pass these buses at 40 km/h. As part of the site induction for the facility, all drivers will be reminded of their obligations with regard to the school bus operation and the associated safety requirements.

The movement of trucks along this road is similar to the current situation along the Newell Highway, with numerous school pick up / drop off points along its length. Normal driver practice ensures these school bus runs can operate in a safe manner with no specific risks associated with heavy vehicle movements along these routes.

Please feel free to contact me directly on 4940 0025 should you have any queries.

Yours sincerely



Sean Morgan

Manager – Traffic

APPENDIX D

RMS Concurrency



WST12/00157

General Manager
Narrabri Shire Council
PO Box 261
NARRABRI NSW 2390

Attention: Mr Warwick Stimson

Dear Mr Stimson

**DA429/2013; Lot 13 DP 757104; 'Oakleigh' 16293 Kamilaroi Highway, Baan Baa; Bulk
Commodity Handling and Rail Terminal Facility**

Thank you for letter of 29 November 2012 referring DA429/2013 to Roads and Maritime Services (RMS) for comment. Reference is made to emails from Mr Mitchell Hanlon on 24 December 2012 and 7 January 2013.

It is noted that the documentation submitted contains some inconsistencies relating to access from Kamilaroi Highway to Kurrajong Creek Road. The proponent has advised RMS that the proposal for a turning loop off Kamilaroi Highway has been removed and that realignment and extension of turning lanes on Kamilaroi Highway at the intersection of Kurrajong Creek Road is now proposed to accommodate larger vehicles. It is also noted that any reference to Newell Highway made in the submission should actually be Kamilaroi Highway.

RMS in conjunction with Transport for NSW (TfNSW) has reviewed the documentation and the following matters are raised for your attention:

- Road train access in the section of Kamilaroi Highway between Gunnedah and Narrabri is limited to A-double road trains with tri-axle dollies fitted with certified road-friendly suspension operating under the National Heavy Vehicle Accreditation Scheme (NHVAS) maintenance module. B-triple and AB-triple trucks operating under NSW Road Train Modernisation Program also have access to this section of Kamilaroi Highway;
- Given the increase in traffic, particularly heavy vehicle traffic on Kurrajong Creek and Mayfield Roads, it is suggested that Council require school bus stops on local roads from the intersection of Kurrajong Creek Road and Kamilaroi Highway to the proposed access off Mayfield Road to be upgraded to provide safe pick up and drop off areas;
- The proponent has stated that all transportation of grain from the site will be via rail and not by road;
- The proposal includes the site being accessed by road trains. No detail is provided of turning paths for these types of vehicles and the ability of the existing local roads and their intersection with Kamilaroi Highway to accommodate such movements. Further, the Traffic

Roads and Maritime Services

Impact Assessment (TIA) provided states that bends in local roads will need to be upgraded to accommodate the simultaneous passing of B-double trucks but no reference is provided for the simultaneous passing of road trains;

- The traffic generation quoted in the documentation appears to be light, has not been properly substantiated and is not consistent with similar developments located in NSW.

RMS requests that the above matters be taken into consideration by Council in their assessment of the development.

With regard to providing concurrence to the proposed development under Section 138 of the Roads Act 1993, RMS will not object to the proposed development and will provide concurrence subject to the following conditions:

- Prior to the commencement of any works, the proponent shall submit to Council and RMS for approval a traffic impact study prepared in accordance with the methodology set out in Section 2 of the RTA's Guide to Traffic Generating Developments and including:
 - hours and days of construction and operation for each stage of the development;
 - road and rail traffic and transport volumes and types broken down into origin and destination, travel routes and peak hours for the construction and operation of the development. Volumes should also include input related traffic generation (e.g. deliveries, maintenance, services; etc) and impact of related traffic generation on public roads and the rail network;
 - any oversize and over-mass vehicles and loads expected for the construction and operation of the development. The shortest and least trafficked route having been given priority for the movement of construction materials and machinery to minimise the risk and impact to other motorists so far as is reasonably practicable;
 - temporary and permanent staff numbers (including employees and contractors) and staff parking arrangements during construction and operation of the development;
 - the impact of generated traffic and measures employed to ensure efficiency and safety on the public road and rail networks, in particular, the intersection of Kamilaroi Highway and Kurrajong Creek Road during construction and operation of the development. In this regard, the study shall address cumulative traffic impacts of the nearby Narrabri Coal Mine, delays at the level crossing in Kurrajong Creek Road and the development. Accurate peak traffic vehicle movements for the development and Narrabri Coal Mine will need to be provided as well as projections of vehicles stored during peak times at the level crossing when the level crossing is in use;
 - any mitigating measures required to address expected traffic generation;
local climate conditions that may affect road safety for vehicles used during construction and operation of the project (e.g. dust, fog, wet weather, etc).

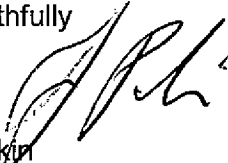
Construction works shall not commence until Council provides the proponent with written confirmation that the traffic study and proposed mitigation measures submitted are adequate. Intersection upgrades and road improvements (widening, etc) shall be completed prior to operation of the facility;

- Geometric design plans of the intersection of Kurrajong Creek Road and Kamilaroi Highway and the proposed works in Kamilaroi Highway shall be submitted to Council and RMS for approval. The plans shall clearly demonstrate that the largest type of vehicle required to access the proposed development is able to access the intersection without causing a danger or nuisance to on coming traffic (of same maximum size) and traffic in Kamilaroi Highway;
- All grain transported from the facility will be via rail. In the event that a rail connection is not achieved, removed or if rail access for any reason is unavailable, a modification application shall be submitted for separate approval prior to the commencement of any road haulage operations.

Please forward a copy of the Joint Regional Planning Panel's determination in relation to this matter at the same time it is sent to the applicant.

Should you require further information please contact Andrew McIntyre on (02) 6861 1453.

Yours faithfully



30 JAN 2013

Josh Parkin
Acting Road Safety & Traffic Manager
Western

APPENDIX E

Additional Acoustic Information



6th February 2013

Our Ref: 11149
Your Ref: WS:MR:DA 429-2013

The General Manager
NARRABRI SHIRE COUNCIL
PO Box 261
NARRABRI NSW 2390

Attention: Mr Warwick Stimson

Dear Sir,

**RE: PROPOSED BULK COMMODITY HANDLING & RAIL FACILITY –
RESPONSE TO VERBAL SUBMISSION RECEIVED**

Client: OLAM
Location: 16293 Kamillaroi Highway, Baan Baa
Land: Lot 13 in DP.757104

In response to your notification that Council received a verbal submission regarding the additional noise generated along Kurrajong Creek Road and the impact that noise may have upon the property of 'Claremont' ('Naroo'), we offer the following.

Initial noise modelling undertaken by Mitchel Hanlon Consulting (included in the previous submission response) modelled the subject receptor at a distance of 20 metres from the southern edge of Kurrajong Creek Road. The initial modelling indicated the predicted noise level at 'Claremont' does exceed the daytime and evening thresholds stated by the NSW Industrial Noise Policy.

At the building facade, for a 3-truck convoy, the thresholds are exceeded by 18 dB(A) and 23 dB(A) for the daytime and evening thresholds respectively. Applying a presumed building attenuation value of 10 dB(A) results in a predicted interior noise level exceedance of 8.0 dB(A) and 13 dB(A) respectively.

For a single truck, the thresholds are exceeded by 13.2 dB(A) and 18 dB(A) for the daytime and evening thresholds respectively. Inside the building, they are exceeded by 3.2 dB(A) and 8.2 dB(A) respectively.

As such, Mr Tim McLean and Ms Catherine Lockyer of Mitchel Hanlon Consulting travelled to Baan Baa to meet with the owner of the subject site Mr Mark Forster with the aim of determining suitable and acceptable mitigation measures.

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

OLAM

It was noted during the meeting that the subject site contained two (2) residential dwellings, the original dwelling known as 'Claremont' and a more recent 'hardy-plank' dwelling identified as 'Naroo'. The two (2) dwellings were found to be in various states of repair (refer to attached photos) and occupation status. The cladded dwelling is occupied by the current landowner Mr Mark Forster. The status of the older dwelling is unknown.

A more detailed investigation of the location of the receptors was undertaken. This investigation indicated that the older dwelling is identified as being situated approximately 28 metres south of the edge of bitumen of Kurrajong Creek Road (not 20 metres as originally modelled). While the newer 'hardy-plank' dwelling is located 38 metres from the southern of the edge of bitumen.

It was also observed during the site meeting that the frontage of the property is considerably screened via a significant amount of established vegetation (Refer to Appendix A). The vegetative screening is believed to have been provided by Narrabri Coal Operations Pty Ltd.

This vegetative screening was observed to significantly reduce 'line of sight' between Kurrajong Creek Road and both dwellings. As such, the current visual footprint of Kurrajong Creek Road is deemed to be minimal (Refer to Appendix A).

As a result of the discussions undertaken it was determined that the following mitigation measures were proposed for consideration by the proponent:

1. Purchase of the impacted property;
2. External treatments (re-cladding etc) to the façade of both the impacted dwellings within the subject site;
3. The relocation of the dwellings onsite to another location within the subject site; and
4. The construction of a noise attenuation wall along the front boundary of 'Claremont' within the Council owned road reserve.

A subsequent investigation of the most economical and practical option in terms of mitigation measures was undertaken by Mitchel Hanlon Consulting. The findings of this investigation are as follows:

1. Purchase of the Impacted Property

Initial discussions with the proponent indicated that, the forced purchase of the impacted property would be at significant cost and would, combined with the construction costs associated with the development of the facility, ultimately make the project economically unviable. As such, no further investigation of this option was undertaken.

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

OLAM

2. External Treatments to Façade of both Dwellings

Discussions with Mr Warwick Stimson (Consulting Planner, Narrabri Shire Council) indicated that Council's preferred mitigation measure would be to re-clad the façade with an appropriate noise attenuating material and provide suitable window and ceiling cavity treatments to both existing dwellings.

Advice was sought from a licensed builder located in Tamworth as to the difficulties and cost associated with augmenting the facades of the existing dwellings to the required standard.

The building contractor advised Mitchel Hanlon Consulting that, given the age of both dwellings, he does not believe he could actually clad the buildings, install glazed windows and install roof dampening without irreparably damaging both houses.

The building contractor also stated he believes it would be more cost effective to install two (2) new manufactured homes and site them further inside the property rather than proceed with cladding.

As such, no further investigation of this option was undertaken.

3. Relocation of Impacted Dwellings

Initial discussions were held with a local 'kit home' supplier (Austam Homes, Tamworth) to source an indicative price to supply and install two (2) new dwellings at the site. At the time of writing this submission Mitchel Hanlon Consulting have received verbal costs as follows:-

- Approximately \$130,000 to \$150,000 to supply and install a three (3) bedroom dwelling (120sq.m); and
- Approximately \$200,000 to \$230,000 to supply and install a four (4) bedroom dwelling (200sq.m).

Therefore the estimated cost to replace both dwellings with a manufactured home is approximately \$300,000 (i.e. 2 x 3 bedroom dwellings at approximately \$150,000 each) to \$460,000 (i.e. 2 x 4 bedroom dwellings at approximately \$230,000 ea). There would be additional costs associated with Development Application fees and obtaining the relevant Construction Certificate and Occupation Certificates.

These findings were forwarded to the proponent. The proponent indicated these costs would be uneconomical and subsequently prohibitive to the development. As such, no further investigation of this option was undertaken.

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

OLAM

4. Construction of a Noise Attenuation Wall

A detailed investigation of the location of the receptors indicated that, the older dwelling is identified as being situated approximately 28 metres south of the edge of bitumen of Kurrajong Creek Road (not 20 metres as originally modelled).

As such, the predicted noise level at 'Claremont' was remodelled to reflect the greater separation distance between the nearest receptor (the older dwelling) and the noise source (Kurrajong Creek Road).

This additional modelling indicated that:

- At the building facade, for a 3-truck convoy, the thresholds are exceeded by 4 dB(A) and 9 dB(A) for the daytime and evening thresholds respectively; and
- For a single truck, the threshold is exceeded by 4.2 dB(A) for the evening period only.

However, as the derived distance is approximate, Mitchel Hanlon Consulting have adopted a conservative approach and have assumed the original noise threshold exceedences. It is proposed to construct the attenuation wall along the northern boundary of the impacted site.

Subsequently, discussions were held with a suitable 'Acoustic Wall' provider, with the aim of obtaining indicative prices to supply and install the acoustic wall as well as providing relevant specifications, typical sections and other supporting information.

The discussions held with the acoustic wall provider indicated that a wall constructed utilising a '75mm Composite Panel' would provide a noise attenuation of approximately 20 dB(A). The 'Composite Panel' is composed of polyurethane foam core and a compressed fibre cement outer skins. The polyurethane foam core has a measured density of approximately 15 ½ kg/cu m (Refer to Appendix C).

The supplier has also indicated that the panels are expected to have a 20 – 30 year (approximate) life span.

Preliminary calculations undertaken by Mitchel Hanlon Consulting indicate that to achieve the optimum noise attenuation;

- The wall will be required to be located approximately nine (9) metres from the southern edge of bitumen of Kurrajong Creek Road; and
- The wall will need to be approximately three (3) metres in height.

It is noted that, these calculations are preliminary and further calculations are required to determine final design and location specifications.

The supplier has indicated that, the costs associated with the supply and installation of the Composite Panel wall is estimated at approximately \$160,000 (Refer to Appendix C).

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

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The existing vegetative screening located along the frontage of the subject site was observed to significantly reduce 'line of sight' between Kurrajong Creek Road and both dwellings. As such, the visual footprint of proposed acoustic wall is deemed to be minimal.

It is proposed that all maintenance requirements will be undertaken by the proponent.

As the acoustic wall will be located within the Council owned road reserve, there is deemed to be minimal access restrictions. It is proposed to enter into an agreement with Narrabri Shire Council to maintain the acoustic wall.

Given the estimated costs, ease of construction and maintenance, low visual impact and ability to achieve the desired attenuation levels, this option is deemed to be the most economical and practical mitigation measure.

Please feel free to contact this office if you require any additional information.

Yours faithfully,



MITCHEL HANLON CONSULTING PTY LTD

Tim McLean

Undergraduate B.Eng.Tech (Environmental), UNE. *StudIEAust, Stud*
Technical Officer (*Environmental Engineering*)

**Proposed Bulk Commodity Handling & Rail Facility – Response to Public
Submissions**

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Appendix A Site Photographs

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

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Plate 1: View South West from Kurrajong Creek Road towards 'Hardy-plank' Dwelling



Plate 2: View South West from Kurrajong Creek Road towards 'Hardy-plank' Dwelling



Plate 3: View South West from Kurrajong Creek Road towards 'Older' Dwelling



Plate 4: View North East from 'Hardy-plank' Dwelling towards Kurrajong Creek Road

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

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Plate 5: View of Existing 'Hardy-plank' Dwelling



Plate 6: View of Existing 'Hardy-plank' Dwelling



Plate 7: View of Existing 'Older' Dwelling

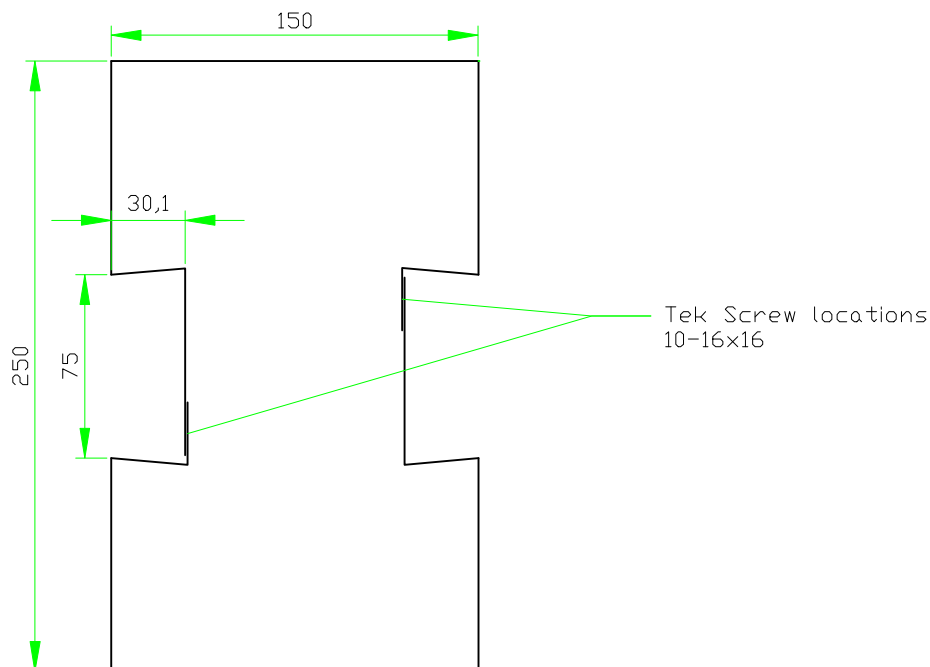


Plate 8: View of Existing 'Older' Dwelling

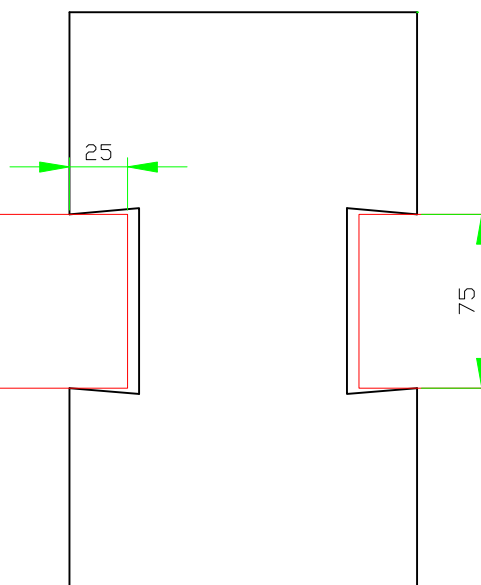
**Proposed Bulk Commodity Handling & Rail Facility – Response to Public
Submissions**

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Appendix B **Typical Layout
Drawings**



Barrier Post
Folded Sections
Material: 0.95mm BMT G550 Z275 to AS 1397



Post & Panel Configuration

Drawing Title: BARRIER POST PROFILE

Revision: 001

Drawing #

Date: 22/06/09

MWSBPP-1



Modular Wall
systems

1 Adventure PI
CARINGBAH NSW 2220

www.modularwalls.com.au

email: info@modularwalls.com.au

Ph: 02 9540 0000

Fax: 02 9540 0007

ABN: 55 011 334 363

Manufacturers of Barrier Wall Systems

This drawing is the property of Modular Wall Systems (MWS) and is supplied on the understanding that it is not to be used for any purpose, copied or communicated to any other person without the written permission of the proprietor. MWS products will be supplied to the applicable description and manufactured from material as specified. This drawing is provided in good faith for consultation purposes only and all specifications including, but not limited to, local regulations, engineering standards, recommendations and practices as well as dimensional conformity to the intended application remain the responsibility of the purchaser. All rights are reserved for product design concept.

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

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Appendix C **Supporting Information**

Quotation

Modular Wall Systems

1 Adventure Place
Caringbah NSW 2229
Australia

T: 02 9540 6666

F: 02 9540 6667

E: info@modularwalls.com.au

www.modularwalls.com.au

A.B.N. 55 011 334 353



Quote Ref: #8876

Date: 7th February 2013

Client: Mr Tim McLean
Mitchel Hanlon Consulting
121 Bridge Street
Tamworth NSW 2340

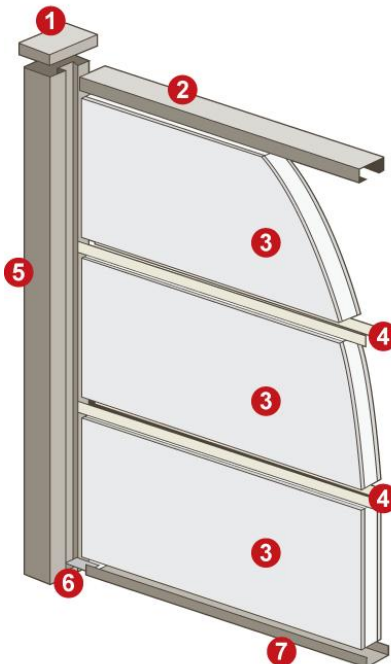
Project/Site: To be Confirmed
Narrabri, NSW

Proprietary 'BarrierWall' Modular Wall System – Using our AcoustiMax75 panel 15.49kg/m2 density

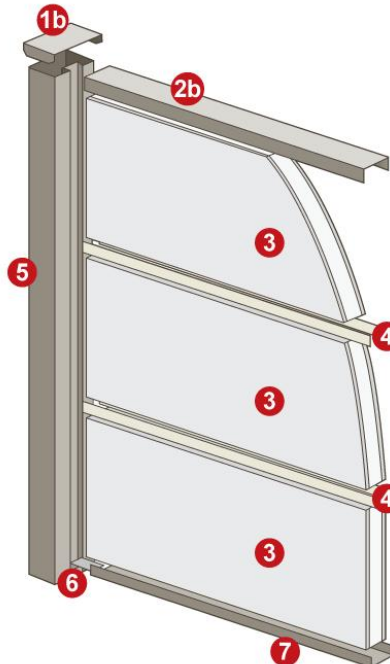
Wall System

Component Breakdown

Standard Post & Wall Capping

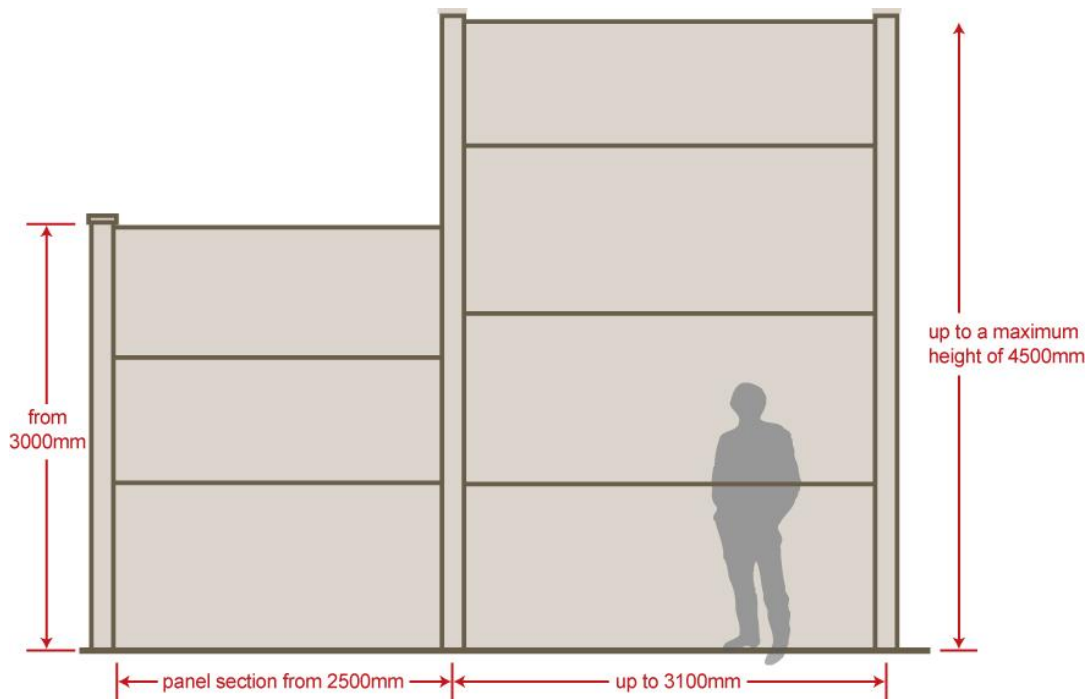


Flush Post and Wall Capping



- 1. Standard Post Cap
- 1b. Flush Post Cap
- 2. External Wall Capping
- 2b. Flush wall capping
- 3. Fibre Cement outer skin
- 4. Joining Strips
- 5. Post/Support Column
- 6. Support Bracket
- 7. Capping Channel

TYPICAL WALL CONSTRUCTION



AcoustiMax75 Panel



Project Notes:

Please bear in mind we are not Acoustic Engineers but I would like to offer this advice below in good faith based on previous experience and installations for similar situations.

Based on description from Tim for a target 13+DbA reduction our standard Panel will exceed this comfortably. Please view National Acoustic Laboratory Report attached.

As a general rule this wall should break the line of sight between the noise source and the receiver, preferably located close to the noise source (< 10 metres away).

Example Wall Height = 3300 mm out of ground



Conditions: Assumed

IMPOSED WIND LOADING

- 1) Importance Level of structure = 1;
- 2) Wind Region A (N3);
- 3) Terrain category = TC2.0
- 4) Shielding = NS (No Shielding)
- 5) Topographic = T2
- 6) Soil – Minimum 100KPa Safe Soil Bearing Capacity (Lateral)
- 7) Design Life = Minimum 20 Years

BarrierWall

Wall Type:	Barrier Wall Post: 150x250mm 0.95BMT G550 Z275 with paint primer finish.
Panel:	Proprietary 75mm Modular Wall Panel 15.49kg/m2. 4.5mm F/C sheet both sides with EPS Core
Wall Layout:	Length: 210 linear meters – 1 x Continuous Length.
Height:	3.3m (as estimated)
Design:	Typical post Centres = 3.1m
Footings:	Dia: 450mm Dia.
Depth:	1100mm pier embedment for 1200mm deep pile Based on Safe Lateral Soil Bearing Capacity of 100KPa minimum.

Some examples of similar works



Notes:

Lead-time: A minimum period of 16 working days is required from order confirmation to dispatch.

Conditions:

- Terms: 50% deposit on order balance on completion. Unless credit terms agreed – as per contract.
- Validity: Until end May 2013.
- Payment of Deposit or instruction to proceed will constitute acceptance of the Quotation Terms.
- Site Specific Structural Certification by an Engineer is not included however is available and can be included for an additional cost of \$1680 ex GST.
A manufacturers conformance / due diligence certificate will be issued upon completion.

2 Australian and Engineering Standards adopted

1. Building Code of Australia (BCA)

[1.1] National Construction Code Series, Volume One, Building Code of Australia (BCA), Class 2 to Class 9 Buildings, Australian Building Codes Board, ACT 2601

[1.2] National Construction Code Series, Volume Two, Building Code of Australia (BCA), Class 1 and Class 10 Buildings, Australian Building Codes Board, ACT

NOTE: Importance levels (Level 1 and Level 2) of buildings and structures are included in the BCA.

2. Australian/New Zealand Standards applicable to MWS proprietary panels

[2.1] Australian/New Zealand AS/NZS 2908.2:2000, Cellulose-cement products, Part 2: Flat sheets.

[2.2] Australian Standard AS 1366.3 – 1992 Rigid cellular plastics sheets for thermal insulation, Part 3: Rigid cellular polystyrene – Moulded (RC/PS-M)

3. Australian/New Zealand Standards applicable for imposed loads on MWS.

[3.1] Australian/New Zealand Standard AS/NZS 1170.0:2002, Structural design actions – General principles.

[3.2] Australian/New Zealand Standard AS/NZS 1170.1:2002, Structural design actions – Permanent, imposed and other actions.

[3.3] Australian/New Zealand Standard AS/NZS 1170.2:2011, Structural design actions – Wind actions.

[3.4] Australian Standard AS 4055-2006, Wind loads for housing

4. Australian/New Zealand Standards applicable for MWS posts fabricated from hot-rolled steel sections (e.g., UB, UC etc)

[4.1] Australian Standard AS 4100-1998, Steel structures.

[4.2] Australian/New Zealand Standard AS/NZS 2312:2002, Guide to the protection of structural steel against atmospheric corrosion by the use of protective coatings.

Kind Regards,

Jason Harvey



Ph: 02 9540 6666

Fax: 02 9540 6667

Mobile: 0433 628 951



APPENDIX F

Response to public submissions



Mitchel Hanlon Consulting Pty Ltd

10th January 2013

Our Ref: 11149
Your Ref: WS:MR:DA 429-2013

The General Manager
NARRABRI SHIRE COUNCIL
PO Box 261
NARRABRI NSW 2390

Attention: Mr Warwick Stimson

Dear Sir,

**RE: PROPOSED BULK COMMODITY HANDLING & RAIL FACILITY –
RESPONSE TO PUBLIC SUBMISSIONS**

Client: OLAM
Location: 16293 Kamillaroi Highway, Baan Baa
Land: Lot 13 in DP.757104

Thank you for your letter of 20 December 2012. We have reviewed the submissions provided therein and now provide the following responses in tabulated form.

Please feel free to contact this office if you require any additional information.

Yours faithfully,

MITCHEL HANLON CONSULTING PTY LTD

Mitchel Hanlon
B.Surv. *UNSW*, M.Nat.Res. *UNE*,
MIS, MRICS, JP
Registered Surveyor
Managing Director

Encl.

- Tabulated Response to Public Submissions
- Desktop Noise Assessment

J:\2011\11149 Queensland Cotton Corporation Transport Logistics Terminal\Planning\Submission response\v04\11149 001 OLAM_Public submission response v04_2013-01-11_Final.doc

121 Bridge Street, PO Box 1568 Tamworth NSW 2340

P 02 6762 4411 F 02 6762 4412 E office@mitchelhanlon.com.au

www.mitchelhanlon.com.au

ABN 51 104 693 736

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

OLAM

SUBMISSION STATEMENT / ISSUE	RESPONSE
Submission 1 (Received 10 Dec 2012)	
<i>Air quality</i>	
<ul style="list-style-type: none"> <i>‘... if it is approved it will stop us from building and housing due to noise and dust problems.’</i> 	<ul style="list-style-type: none"> Refer to <i>Section 6.1 Noise</i> (Page 75) of the Statement of Environmental Effects. Refer also to: <ul style="list-style-type: none"> Section 6.1.1 Construction Noise; and Section 6.1.2 Operational Noise. Refer to <i>Section 6.12 Dust Management</i> (Page 95) of the Statement of Environmental Effects. Refer also to: <ul style="list-style-type: none"> Section 6.12.1 Construction Dust Management; and Section 6.12.2 Operational Dust Management.
<i>Loss of land value due to development</i>	
<ul style="list-style-type: none"> <i>‘Also there will be no sale value or if there is any, it will be greatly reduced.’</i> <i>‘For such a large (\$29,000,000) development value, it would be peanuts for them to include our block in their scheme.’</i> 	<ul style="list-style-type: none"> Typically land value is not considered a planning issue. Potential agronomic impacts, as well as impacts associated with air quality, noise and visual amenity, have been shown to be negligible. We are unaware of the location of the land parcel in question and therefore cannot make any comment on acquisition. It is noted that, the proponent does not intend to acquire any additional land at this stage.
Submission 2 (Not dated)	
<ul style="list-style-type: none"> <i>‘I have studied the Impact Assessment literature, copies enclosed, concerning the Development Proposal, and it make things look acceptable, but we all know this does not happen in reality’</i> 	<ul style="list-style-type: none"> Typically, this issue is not considered to be a ‘planning matter’. However the development if approved will be required to adhere to strict ‘<i>Conditions of Consent</i>’ imposed by Narrabri Shire Council and other

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

OLAM

SUBMISSION STATEMENT / ISSUE	RESPONSE
	<p>State Regulatory bodies. Any 'non compliance' or 'breaches' of these conditions may result in fines or charges being imposed on the proponent.</p> <p>An application must be made to make variations to the development or to the '<i>Conditions of Consent</i>' must be approved by Council or the relevant State body.</p>
<p><i>Insufficient notice for submission</i></p> <ul style="list-style-type: none"> 'No Notice...' 	<ul style="list-style-type: none"> Mitchel Hanlon Consulting Pty Ltd is of the understanding that the development was advertised in accordance with the requirements of the relevant NSW State Legislation including '<i>Part 6, Division 7, Clause 86 – 91 of the Environmental Planning and Assessment Regulation 2000</i>'. <p>In particular Clause 89 of this regulation states:</p> <div style="background-color: #f0f0f0; padding: 10px;"> <p>89 What information must be contained in a written notice and a published notice?</p> <p>(cf clause 65 of EP&A Regulation 1994)</p> <p>(1) A written notice and a published notice of the development application must contain the following information:</p> <ul style="list-style-type: none"> (a) a description of the land (including the address) on which the development is proposed to be carried out, (b) the name of the applicant and the name of the consent authority, (c) a description of the proposed development, (d) a statement that the application and the documents accompanying that application may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's ordinary office hours, (e) a statement that any person during the period specified under paragraph (d) may </div>

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

OLAM

SUBMISSION STATEMENT / ISSUE	RESPONSE
	<p>make a written submission in relation to the development application to the consent authority,</p> <p>(f) the dates of the period specified under paragraph (d).</p> <p>(2) The written notice and the published notice:</p> <p>(a) in the case of development that is integrated development:</p> <p>(i) must contain a statement that the development is integrated development, and</p> <p>(ii) must state the approvals that are required and the relevant approval bodies for those approvals, and</p> <p>(b) in the case of development that is threatened species development, must contain a statement that the development is threatened species development.</p> <p>(3) The period referred to in subclause (1) (d) must include:</p> <p>(a) in the case of nominated integrated development or threatened species development, the period of 30 days, and</p> <p>(b) in any other case, the period of 14 days, commencing on the day after the day on which the published notice is first published in a newspaper.</p>
<p>Dust</p> <ul style="list-style-type: none"> • <i>Personal 'Respiratory problems'</i> • <i>'Dust on crops and pastures.'</i> 	<ul style="list-style-type: none"> • Refer to <i>Section 6.12 Dust Management</i> (Page 95) of the Statement of Environmental Effects. Refer also to: <ul style="list-style-type: none"> ○ Section 6.12.1 Construction Dust Management; and ○ Section 6.12.2 Operational Dust Management.
<p>Noise</p> <ul style="list-style-type: none"> • <i>'Truck, train, grain elevators etc.'</i> 	<ul style="list-style-type: none"> • Construction noise will be maintained at the levels detailed in the development consent. In addition, construction activity will be restricted

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

OLAM

SUBMISSION STATEMENT / ISSUE	RESPONSE								
	<p>The predicted noise level at Receptor 3 “Pineview” does not exceed the Industrial Noise Policy daytime or evening thresholds of 55 dB(A) and 50 dB(A) respectively.</p> <p>The predicted noise level at Receptor 6 “Claremont” does exceed the daytime and evening thresholds.</p> <p>At the building facade, for a 3-truck convoy, the thresholds are exceeded by 18 dB(A) and 23 dB(A) for the daytime and evening thresholds respectively. Inside the building, they are exceeded by 8.0 dB(A) and 13 dB(A) respectively.</p> <p>For a single truck, the thresholds are exceeded by 13.2 dB(A) and 18 dB(A) for the daytime and evening thresholds respectively. Inside the building, they are exceeded by 3.2 dB(A) and 8.2 dB(A) respectively.</p> <p>The Industrial Noise Policy (Section 2.2) refers to instances where it may not be feasible to or reasonable to apply noise mitigation measures. In such cases where the proposed development exceeds the recommended maximum noise levels, substantial benefits in other areas, including a high degree of social worth, needs to be demonstrated.</p> <p>It is noted that the proponent intends to restrict road deliveries between the hours of 10pm and 6am. The impact of the truck movements on the receptor would therefore be confined to daytime and evenings</p> <p>For perspective, the following table provides relative noise levels:</p> <table data-bbox="1256 1214 1883 1390"> <tr> <th>Type of Receiver</th><th>Noise Level dB(A)</th></tr> <tr> <td>Room in a quiet house at night</td><td>30</td></tr> <tr> <td>Average residence</td><td>40</td></tr> <tr> <td>Conversational Speech (0.9m)</td><td>60</td></tr> </table>	Type of Receiver	Noise Level dB(A)	Room in a quiet house at night	30	Average residence	40	Conversational Speech (0.9m)	60
Type of Receiver	Noise Level dB(A)								
Room in a quiet house at night	30								
Average residence	40								
Conversational Speech (0.9m)	60								

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

OLAM

SUBMISSION STATEMENT / ISSUE	RESPONSE
	<p>Average traffic 70</p> <p>Heavy city traffic 90</p> <p>Both the construction and operational phases of the development will be required to comply with the trigger values (Air-borne and Ground-borne) stated in <i>Section 6.1 Noise</i> (Page 75 – 78) of the submitted Statement of Environmental Effects.</p> <p>As such, the development is not deemed to significantly impact the acoustic amenity of the surrounding area.</p>
<p><i>Loss of land value due to development</i></p> <ul style="list-style-type: none"> • <i>‘Devaluing the Property Market Value.’</i> 	<ul style="list-style-type: none"> • Typically, land value is not considered to be a planning issue. However the claim that grain handling developments reduce surrounding land and/or property values is largely a flawed argument that, to the writer’s knowledge, has never been demonstrated. <p>We believe that surrounding land value is not an issue. Potential agronomic impacts, as well as impacts associated with air quality, noise and visual amenity, have been shown to be negligible.</p>
<p><i>‘Disturbance of lifestyle’</i></p>	<ul style="list-style-type: none"> • The implementation of the proposed mitigation measures will minimise the effect of the development on the environment.
<p><i>‘Visual pollution’</i></p>	<ul style="list-style-type: none"> • While the proposed development is identified to be visually prominent from various vantage points / receptors within the surrounding locality, the scale (bulk and height) of the proposed grain storage infrastructure is deemed to be in keeping with numerous other bulk grain storage facilities within the Narrabri and Baan Baa localities. The development is deemed to be less prominent (and intrusive) than the existing colliery infrastructure located to the north of the site. <p>Given the agricultural nature of the development and the already</p>

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

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SUBMISSION STATEMENT / ISSUE	RESPONSE
	<p>disturbed vistas present within the surrounding area, the development is considered to be satisfactory.</p> <ul style="list-style-type: none"> The principal visual control measures adopted within the rail load out area include the following. <ul style="list-style-type: none"> A 1 to 3 metre high amenity bund will be constructed along selected lengths of the perimeter to provide a barrier for views to the facility, particularly from Mayfield Road, Kurrajong Creek Road as well as the closest residences. A cover of grass will be established over the bund itself to limit its visual contrast. The bund will also be planted with a range of trees and shrubs to create a long term screen and fauna movement corridor. All areas not required for site operations, particularly following site establishment, will be revegetated to ensure the maximum area of grassed paddock is present. The bucket elevator, 1700 tonne cone bottom silos and 8000 tonne flat bottom bins (and associated structural supports) will be painted in a grey/green hue to limit their overall visibility. A high standard of housekeeping will be adopted to maintain a tidy site
<i>‘Privacy’</i>	<ul style="list-style-type: none"> No resident will have their privacy affected by the development.
<i>‘Depression, self and wife’</i>	<ul style="list-style-type: none"> The implementation of the proposed mitigation measures will minimise the effect of the development on the environment.
Submission 3 (Received 12 Dec 2012)	
<i>Insufficient notice for submission</i> <ul style="list-style-type: none"> <i>‘...to offer them a vicious Deadline for Objection to the Proposal is</i> Mitchel Hanlon Consulting Pty Ltd is of the understanding that the 	

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

OLAM

SUBMISSION STATEMENT / ISSUE	RESPONSE
<p><i>inhuman.'</i></p>	<p>development was advertised in accordance with the requirements of the relevant NSW State Legislation including <i>'Part 6, Division 7, Clause 86 – 91 of the Environmental Planning and Assessment Regulation 2000'</i>.</p> <p>In particular Clause 89 of this regulation states:</p> <p>89 What information must be contained in a written notice and a published notice?</p> <p>(cf clause 65 of EP&A Regulation 1994)</p> <p>(1) A written notice and a published notice of the development application must contain the following information:</p> <ul style="list-style-type: none"> (a) a description of the land (including the address) on which the development is proposed to be carried out, (b) the name of the applicant and the name of the consent authority, (c) a description of the proposed development, (d) a statement that the application and the documents accompanying that application may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's ordinary office hours, (e) a statement that any person during the period specified under paragraph (d) may make a written submission in relation to the development application to the consent authority, (f) the dates of the period specified under paragraph (d). <p>(2) The written notice and the published notice:</p> <ul style="list-style-type: none"> (a) in the case of development that is integrated development: <ul style="list-style-type: none"> (i) must contain a statement that the development is integrated development, and (ii) must state the approvals that are required and the relevant approval bodies for those approvals, and

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

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SUBMISSION STATEMENT / ISSUE	RESPONSE
	<p>(b) in the case of development that is threatened species development, must contain a statement that the development is threatened species development.</p> <p>(3) The period referred to in subclause (1) (d) must include:</p> <p>(a) in the case of nominated integrated development or threatened species development, the period of 30 days, and</p> <p>(b) in any other case, the period of 14 days, commencing on the day after the day on which the published notice is first published in a newspaper.</p>
<p><i>‘Loss of land value’</i></p>	<ul style="list-style-type: none"> Typically, land value is not considered to be a planning issue. However the claim that grain handling developments reduce surrounding land and/or property values is largely a flawed argument that, to the writer’s knowledge, has never been demonstrated. <p>We believe that surrounding land value is not an issue. Potential agronomic impacts, as well as impacts associated with air quality, noise and visual amenity, have been shown to be negligible.</p>
<p>Submission 4 (Dated 12/12/12)</p>	
<p>Road Safety</p> <p>‘...safety implications of trucks queuing at intersection and along the highway.’</p>	<ul style="list-style-type: none"> In terms of the <i>safety concerns associated with trucks queuing at the intersection and along the Newell Highway</i>, Better Transport Futures (traffic consultants) offers the following: <p>‘The traffic impact assessment has reviewed the current traffic volumes in the locality and the number of trucks that will be accessing the subject site. The traffic assessment has shown that the intersection on the Newell Highway will operate well with minimal delays for road users.</p> <p>As part of the design process, the issue of trucks queuing due to the rail boom gates being down has been assessed to ensure the trucks will not block back onto the highway. As part of the project, the intersection on the Newell Highway will be upgraded to increase the separation between the highway and</p>

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

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SUBMISSION STATEMENT / ISSUE	RESPONSE
	<p>the railway line, so that a modified road train can wait adjacent to the railway line at the boom gates without blocking back onto the highway. The design of the intersection upgrade includes an elongated sheltered right turn lane to allow for a modified road train to prop in the middle of the highway without impact on other traffic movements along the highway.</p> <p>The intersection upgrade has been prepared in accordance with Austroads Guidelines with concept approval from the Roads and Maritime Services (RMS) and as such it is considered that the intersection provides a safe and acceptable layout. The issue associated with trucks waiting on the highway and its approaches has been discussed with the RMS and taken into account in the design process.'</p>

Submission 5 (Not dated)

Insufficient notice for submission –

- *'...fourteen (14) days is insufficient time to obtain and study the available Statement of Environmental Effects documents thoroughly and make a written submission'*

- Mitchel Hanlon Consulting Pty Ltd is of the understanding that the development was advertised in accordance with the requirements of the relevant NSW State Legislation including *'Part 6, Division 7, Clause 86 – 91 of the Environmental Planning and Assessment Regulation 2000'*.

In particular Clause 89 of this regulation states:

89 What information must be contained in a written notice and a published notice?

(cf clause 65 of EP&A Regulation 1994)

- (1) A written notice and a published notice of the development application must contain the following information:
 - (a) a description of the land (including the address) on which the development is proposed to be carried out,
 - (b) the name of the applicant and the name of the consent authority,
 - (c) a description of the proposed development,

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

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	<p>(d) a statement that the application and the documents accompanying that application may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's ordinary office hours,</p> <p>(e) a statement that any person during the period specified under paragraph (d) may make a written submission in relation to the development application to the consent authority,</p> <p>(f) the dates of the period specified under paragraph (d).</p> <p>(2) The written notice and the published notice:</p> <p>(a) in the case of development that is integrated development:</p> <p>(i) must contain a statement that the development is integrated development, and</p> <p>(ii) must state the approvals that are required and the relevant approval bodies for those approvals, and</p> <p>(b) in the case of development that is threatened species development, must contain a statement that the development is threatened species development.</p> <p>(3) The period referred to in subclause (1) (d) must include:</p> <p>(a) in the case of nominated integrated development or threatened species development, the period of 30 days, and</p> <p>(b) in any other case, the period of 14 days, commencing on the day after the day on which the published notice is first published in a newspaper.</p>
<p>Traffic –</p> <ul style="list-style-type: none"> ‘...210 trucks per day that will be using our ‘local rural’ road, which is NOT a designated road train route.’ ‘...the suggested figure is 45 in and 45 out. Even that rate is 90 trucks per day...’ ‘...it will be a huge increase on current use, causing damage to the 	<ul style="list-style-type: none"> It is envisaged Narrabri Shire Council will seek to classify Mayfield Road and Kurrajong Creek Road as Road Train Routes. It is noted that the total (peak) number of truck movements (in and out) for the development is 210. As such, there will be 105 additional trucks using Mayfield Road and Kurrajong Creek Road; It is noted that the number of truck movements (in and out) for the

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<p><i>pavement, noise, pollution, dust and congestion’.</i></p> <ul style="list-style-type: none"> <i>‘...potential queuing at the rail crossing for a mine train could have disastrous consequences due to increases in response time in times of emergency...’</i> <i>‘...we consider the entire length of Kurrajong and Mayfield Roads need upgrading to Road Train and/or B-Double standards, not just two corners.’</i> <i>‘The proponent suggests that 10% of trucks will come from the south. That’s 21 potential truck movements per day on the gravel section of Mayfield Rd...’</i> <i>‘A sign on site will not prevent trucks, especially local semi-trailer owners, from using the shortest route, which from the south is the southern end of Mayfield Road.’</i> <i>Also we anticipate staff travelling on our road to and from Baan Baa for meal breaks, shift change etc. further increasing the traffic burden, dust and road damage. To whom do we complain about off-site dust problems, road damage etc. caused by the proposed facility? The proponent is apparently responsible only for what happens on-site.’</i> 	<p>development during standard operating times is 90, as such there will only be 45 additional trucks using Mayfield Road and Kurrajong Creek Road;</p> <p>In terms of the potential impact of 210 trucks per day on “local rural road” Better Transport Futures (Traffic consultants) offers the following:</p> <p>The existing traffic volumes on the local rural road adjacent to the subject are very low, at less than 100 vehicles per day. During peak operations on site, there could be some 210 truck movements along this road together with light traffic movements associated with staff movements (25). Whilst this is a substantial increase over the existing situation, this volume is well within acceptable limits for a rural road.</p> <p>The RTA Guide to Traffic Generating developments indicates that for a level rural road, with some 15% heavy goods vehicles peak hour flows in the order of 530 vehicles will operate at a level of service of B. Whilst the heavy vehicle percentage will be higher, this value from Table 4.5 of the guide shows that the road will still operate well. Level of service B is defined by the RMS as “this level is in the zone of stable flow and drivers still have reasonable freedom to select their desired speed and to manoeuvre within the traffic stream, although the general level of comfort and convenience is less than that of the level of Service A”.</p> <p>With some 210 trucks per day, allowing for a conservative 10 hour day this would give 21 truck movements per hour which is well within the level of service criteria of B provided by the RMS.</p> <ul style="list-style-type: none"> In terms of the <i>safety concerns associated with trucks queuing at the intersection and along the Newell Highway</i>, Better Transport Futures offers the following: <p>‘The traffic impact assessment has reviewed the current traffic volumes in the locality and the number of trucks that will be accessing the subject site. The traffic assessment has shown that the intersection on the Newell Highway will</p>

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	<p>operate well with minimal delays for road users.</p> <p>As part of the design process, the issue of trucks queuing due to the rail boom gates being down has been assessed to ensure the trucks will not block back onto the highway. As part of the project, the intersection on the Newell Highway will be upgraded to increase the separation between the highway and the railway line, so that a modified road train can wait adjacent to the railway line at the boom gates without blocking back onto the highway. The design of the intersection upgrade includes an elongated sheltered right turn lane to allow for a modified road trains to prop in the middle of the highway without impact on other traffic movements along the highway.</p> <p>The intersection upgrade has been prepared in accordance with Austroads Guidelines with concept approval from the Roads and Maritime Services (RMS) and as such it is considered that the intersection provides a safe and acceptable layout. The issue associated with trucks waiting on the highway and its approaches has been discussed with the RMS and taken into account in the design process.'</p> <ul style="list-style-type: none"> • The southern portion of Mayfield Road is expected to provide Emergency access to the land surrounding the development. <p>It is noted that the development is not deemed to create an increase in either the number of <u>mine</u> trains or the potential queuing of <u>mine</u> trains.</p> <ul style="list-style-type: none"> • It is anticipated that Narrabri Shire Council will impose monetary contribution requirements on the proponent prior to the development of the facility. These contributions will be utilised to upgrade, repair and maintain Council owned infrastructure (Roads etc) within the development area. • The suggested 10% of traffic flows generated from the south will access the site via the Kamilaroi Highway not Mayfield Road. • Preventing traffic associated with the development from utilising the

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	<p>southern portion of Mayfield Road is not possible.</p> <ul style="list-style-type: none"> It is anticipated that Narrabri Shire Council will impose monetary contribution requirements on the proponent prior to the development of the facility. These contributions will be utilised to upgrade, repair and maintain Council owned infrastructure (Roads etc) within the development area. <p>It is also expected that Council will require the proponent to compile a complaints register, this register will document the type and frequency of valid complaints (recorded by Council or the proponent) from the general public. If significant quantities of complaints are received then the proponent will be required to find suitable mitigation methods or an alternate operational method.</p>
<p>Noise</p> <ul style="list-style-type: none"> <i>'We believe that during both construction and operational phases there will be unacceptable noise levels generated from construction equipment, operational plant and equipment, heavy vehicles accessing the site, and the loading and subsequent movement of produce by rail. Our home has a direct line of sight to the railway and therefore we will be subjected to increased levels of noise and vibration from this source.'</i> 	<ul style="list-style-type: none"> Construction noise will be maintained at the levels expected in the development consent. In addition, construction activity will be restricted to 7am to 5pm Monday to Friday and 8am to 1pm Saturday. Train movements into and out of the site will be at low speeds. Numerous studies undertaken by Whitehaven Coal as part of the Narrabri North Coal Project notes that vibration levels from laden and unladen trains have been widely studied. These studies concluded that vibrations at a distance of 20m from the track are typically less than 1mm/s. As no residences in the vicinity of the proposed facility occur within 20m the proposed rail loop or the Main Northern Line, rail vibration is not deemed to impact the surrounding receptors. The proponent has agreed to limit all heavy vehicle, rail movements (in and out of the site) and limit site operations to between the hours of 6am and 10pm.

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	<p>The period in which heavy vehicle and rail movements will occur is identified as 'day' (7am to 6pm) and 'evening' (6pm to 10pm) as defined in the NSW EPA <i>Industrial Noise Policy 1999</i>. The policy states that the recommended maximum noise level should not exceed 55dB(A) (day) and 50dB(A) (Evening). This is consistent with the NSW EPA's <i>Environmental Criteria for road traffic noise</i>.</p> <p>The highest calculated noise levels occur at Receptor 3 "Pineview" and at Receptor 6 "Claremont".</p> <p>Receptor 3: Operational & Heavy Vehicle: 45.6 dB(A) at building facade 35.6 dB(A) inside building</p> <p>Receptor 6: Heavy Vehicle Movements: 68.2 dB(A) at building facade (single truck) 58.2 dB(A) inside building Heavy Vehicle Movements: 73 dB(A) at building facade (3-truck convoy) 63 dB(A) inside building</p> <p>The predicted noise level at Receptor 3 "Pineview" does not exceed the Industrial Noise Policy daytime or evening thresholds of 55 dB(A) and 50 dB(A) respectively.</p> <p>The predicted noise level at Receptor 6 "Claremont" does exceed the daytime and evening thresholds.</p> <p>At the building facade, for a 3-truck convoy, the thresholds are exceeded by 18 dB(A) and 23 dB(A) for the daytime and evening thresholds respectively. Inside the building, they are exceeded by 8.0 dB(A) and 13 dB(A) respectively.</p> <p>For a single truck, the thresholds are exceeded by 13.2 dB(A) and 18 dB(A) for the daytime and evening thresholds respectively. Inside the building, they are exceeded by 3.2 dB(A) and 8.2 dB(A) respectively.</p>

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	<p>The Industrial Noise Policy (Section 2.2) refers to instances where it may not be feasible to or reasonable to apply noise mitigation measures. In such cases where the proposed development exceeds the recommended maximum noise levels, substantial benefits in other areas, including a high degree of social worth, needs to be demonstrated.</p> <p>It is noted that the proponent intends to restrict road deliveries between the hours of 10pm and 6am. The impact of the truck movements on the receptor would therefore be confined to daytime and evenings</p> <p>For perspective, the following table provides relative noise levels:</p> <table data-bbox="1256 778 1883 1046"> <thead> <tr> <th>Type of Receiver</th><th>Noise Level dB(A)</th></tr> </thead> <tbody> <tr> <td>Room in a quiet house at night</td><td>30</td></tr> <tr> <td>Average residence</td><td>40</td></tr> <tr> <td>Conversational Speech (0.9m)</td><td>60</td></tr> <tr> <td>Average traffic</td><td>70</td></tr> <tr> <td>Heavy city traffic</td><td>90</td></tr> </tbody> </table> <p>Both the construction and operational phases of the development will be required to comply with the trigger values (Air-borne and Ground-borne) stated in <i>Section 6.1 Noise</i> (Page 75 – 78) of the submitted Statement of Environmental Effects.</p> <p>As such, the development is not deemed to significantly impact the acoustic amenity of the surrounding area.</p>	Type of Receiver	Noise Level dB(A)	Room in a quiet house at night	30	Average residence	40	Conversational Speech (0.9m)	60	Average traffic	70	Heavy city traffic	90
Type of Receiver	Noise Level dB(A)												
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- *We are concerned about the levels of dust that will be generated during construction and also during operational hours, which appear to be 24*
- Refer to *Section 6.12 Dust Management* (Page 95) of the Statement of Environmental Effects. Refer also to:

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<p><i>hours per day for extended periods (up to three months) mostly during summer when potential for dust is greatest because of climatic factors. The proponent suggests they will water site roads to minimise dust levels, yet haven't made provisions for water supply beyond two small earth dams. We imagine the amount of water needed for dust suppression is quite a lot of water and beyond the capacity of two small dams.'</i></p>	<ul style="list-style-type: none"> ○ Section 6.12.1 Construction Dust Management; and ○ Section 6.12.2 Operational Dust Management. • Water will be sought off-site if unavailable from the on-site dams.
<ul style="list-style-type: none"> • <i>'The area within the rail loop is to be chemically denuded of vegetation also, with no mention of dust mitigation in that area.'</i> 	<ul style="list-style-type: none"> • The area within the rail loop will not be '<i>chemically denuded of vegetation</i>', Paragraph 2 of <i>Section 5.15 Farm Management</i> (Page 74) of the submitted Statement of Environmental Effects states that: <p style="margin-left: 40px;"><i>'The centre of the rail loop will be maintained by chemical control of grass and weeds.'</i></p> <p>This paragraph is intended to outline weed control measures for the internal area of the rail loop.</p> <p>Disturbed areas will be re-seeded to prevent dust and erosion.</p>
<ul style="list-style-type: none"> • <i>'We are concerned that dust levels will increase on our farm and potentially impact our livestock by deposition on our pastures and reducing palpability and therefore feed intake resulting in a reduction in performance and growth of our animals.'</i> 	<ul style="list-style-type: none"> • Refer to <i>Section 6.12 Dust Management</i> (Page 95) of the Statement of Environmental Effects. Refer also to: <ul style="list-style-type: none"> ○ Section 6.12.1 Construction Dust Management; and ○ Section 6.12.2 Operational Dust Management.
<ul style="list-style-type: none"> • <i>'Also of concern is the grain dust that will be generated by up to 500,000 mt of cereal grains per year. Grain dust is a well known human health hazard, and even at considerable distances can still be dangerous when conveyed by wind and/or climatic factors. This dust will be generated from the heavy vehicles delivering the grain, even prior to entry to the site, unloading actions, the loading of the trains, and ultimately the travelling train as it makes its journey to port. We are not comfortable with the mitigations strategies to be adopted as it only reduces, not</i> 	<ul style="list-style-type: none"> • Refer to <i>Section 6.12 Dust Management</i> (Page 95) of the Statement of Environmental Effects. Refer also to: <ul style="list-style-type: none"> ○ Section 6.12.1 Construction Dust Management; and ○ Section 6.12.2 Operational Dust Management.

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<i>removes the health risks.'</i>	
Chemical Odour <ul style="list-style-type: none"> <i>'We are also very concerned about the possible chemical odour emitting from the site. Most of the listed chemicals to be used in their operations, both for grain protection and vermin control are quite hazardous to man and beast (Appendix H) and we are of the opinion that if you can smell them, they are present, however tiny the amount. After all, the sense of smell is your nose detecting particles of matter, so it has to be present to be able to be detected.'</i> 	<ul style="list-style-type: none"> While the chemicals intended to be utilised within the development are identified as being potentially hazardous, surrounding residents and stock would need to be exposed to these chemicals at relatively high concentrations, for extended periods of time (e.g. > 8 hours per day, five days a week, over an entire working life). All chemicals will be suitably stored (bundled containers) and used / applied in accordance with the recommended guidelines. <p>Therefore given the dispersion of the chemical that would occur and the separation distances between the site and the nearby residents, it is unlikely that nearby residents or stock / crops would be exposed to high enough concentrations of the chemical to cause serious harm.</p>
Contamination <ul style="list-style-type: none"> <i>'The proponent has gone to great lengths to assess the potential for pre-purchase contamination of the site. We are concerned for the risk of potential contamination of not only their site, but also neighbouring ones as well, especially in storm water run-off which can be considerable volumes during storm events. Kurrajong Creek is a tributary of the Namoi River, and the chemicals to be used are lethal to fish and aquatic life.'</i> 	<ul style="list-style-type: none"> This is addressed in the provided Statement of Environmental Effects, Refer to <i>Section 5.1 Water Requirements</i> (Page 57), Paragraph 4, <i>Section 5.2 Site Drainage</i> (Page 58) and <i>Section 6.4 Surface Water, Flooding and Erosion Control</i> (Page 80).
Visual Amenity <ul style="list-style-type: none"> <i>'There is no mention of the height of the earth mounding, or the height of intended vegetative plantings. The shielded lighting is intended to be at a height of 6 metres and at some distance from the plantings, so little screening will be given. Lighting, even shielded lighting, will still be</i> 	<ul style="list-style-type: none"> The implementation of the proposed mitigation measures will minimise the effect of the development on the environment.

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<p><i>visible at distance and passing highway traffic will have full view regardless, because of highway built-up height and the site being "upslope". Lighting and the infrastructure height of 60 metres is NOT in keeping with a rural landscape, more so in keeping with industrial areas. We think it will be an eyesore.'</i></p>	

Flora & Fauna

- '...we feel that there are many species not recorded as being present when in all likelihood they should be because they are frequently seen on the roadway in the vicinity of Kurrajong Creek and the property entrance, and occur locally elsewhere. Most notable are 3 types of wallaby and the grey crowned babbler bird. We realise the proposal may probably have small impact on wildlife, but until it is known what species are there, you can't assume the impact will be minimal.'*
- No wallaby species were observed during the site fauna assessment. However, in accordance with State and Federal legislation onsite habitat was assessed to determine the likelihood of threatened fauna species (including two wallaby species – the brush-tailed rock-wallaby and the black-striped wallaby) occurring. It was determined that no onsite habitat was deemed as being suitable for either species of wallaby.
- The Grey-crowned Babbler (Threatened Species Conservation Act; Vulnerable) was not observed during the site fauna assessment. The potential for the presence of the species was assessed; however it was determined based upon descriptions of characteristic habitat provided by state and federal government sources, that suitable habitat was not present onsite. As a result of disturbance caused by extensive onsite grazing, areas to be impacted lacked any significant shrub-layer, which is detailed as being preferred by the species.
- While it is noted that other non-threatened fauna species, such as wallabies, may utilise the vegetation onsite, removing small amounts of habitat utilised by non-threatened species is not deemed as 'significant' in regard to fauna impacts. The assessment has considered and adhered to all relevant State and Federal Environmental legislation. Based on the criteria identified by the Environment Protection and Biodiversity Conservation Act 1999, it has been determined that the impact on fauna species will not be significant.
- The proposed facility will be enclosed by fencing of the same standard

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<ul style="list-style-type: none"> <i>'With increased human activity on site, most of the wildlife will retreat into the habitats not being utilized. With decreased area to forage, graze or feed, the wildlife is at greater risk of straying onto the road verges seeking food. This greatly increases the risk of injury or death for them, especially with the proposed huge increase in heavy vehicle traffic. These vehicles can neither dodge nor stop quickly, leaving the wildlife very little chance of survival.'</i> 	<p>of that surrounding the existing rail corridor and existing highway to the east of "Oakleigh". For this reason, the completed development is not likely to cause any greater degree of risk to fauna than that already posed by existing external infrastructure.</p> <ul style="list-style-type: none"> The proposal will predominantly impact on exotic grassland communities, which are of great abundance in the local area. While some small areas of native woodland are expected to be cleared, the extensive native vegetation plantings associated with the proposal are expected to result in an overall increase of wooded vegetation onsite. Subsequently, wildlife will be able to utilise these areas for foraging, grazing and feeding, in addition to other suitable vegetation in surrounding areas not limited to road-side vegetation. It should be noted that the existing vegetation which will be removed is already in close proximity to road and rail infrastructure, and subsequently it is expected that fauna species present will be significantly desensitised to the disturbance associated with these activities. All vehicles and trains utilising the internal rail loop and internal roads will be travelling at speeds no greater than 50km/hr, creating a safer environment for fauna than existing external infrastructure.
Submission 6 (Dated 5 Dec 2012)	
<ul style="list-style-type: none"> <i>'Information absent from the proposed development'</i> 	<ul style="list-style-type: none"> The issues raised were addressed within the provided Statement of Environmental Effects (SEE). The SEE was available for public review during the advertised exhibition period.
<ul style="list-style-type: none"> <i>'Vegetation to be removed'</i> 	<ul style="list-style-type: none"> This matter was addressed in the provided Statement of Environmental Effects, Refer to <i>Section 6.11 Flora and Fauna</i> (Page 90) and <i>Appendix E Flora and Fauna Assessment</i>

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<ul style="list-style-type: none"> <i>'Maximum height of the construction'</i> 	<ul style="list-style-type: none"> This is addressed in the provided Statement of Environmental Effects, Refer to Appendix B, Drawing Number 4143.001-G02.
<ul style="list-style-type: none"> <i>'Number of vehicles that will be accessing the site and whether or not those vehicles will be permitted to access the site 24 hours a day 7 day a week'</i> 	<ul style="list-style-type: none"> This is addressed in the provided Statement of Environmental Effects, Refer to <i>Section 5.6 Road and Rail Transport</i> (Page 63).
<ul style="list-style-type: none"> <i>'How is grain to be transported'</i> 	<ul style="list-style-type: none"> This is addressed in the provided Statement of Environmental Effects, Refer to <i>Section 2.2.4 Rail Freight Loading Terminal</i> (Page 30), Paragraph 2 & <i>Section 5.6 Road and Rail Transport</i> (Page 63).
<ul style="list-style-type: none"> <i>'What type of rural produce does the facility propose to handle'</i> 	<ul style="list-style-type: none"> This is addressed in the provided Statement of Environmental Effects, Refer to Paragraph 3 (Page 5).
<ul style="list-style-type: none"> <i>'Presumably the current zoning does not permit such a development and if it doesn't does the Council propose to rezone the site'</i> 	<ul style="list-style-type: none"> This is addressed in the provided Statement of Environmental Effects, Refer to <i>Section 3.5 Narrabri Shire Council Local Environmental Plan No. 2</i> (Page 40) of the provided Statement of Environmental Effects and to <i>Section 3.1 Narrabri Shire Council Local Environmental Plan 1992</i> (Page 6) of the provided Addendum to the Statement of Environmental Effects. In accordance with the relevant Local Environmental Plan, the development is identified as being a '<i>permissible development</i>' under the site's current zoning. It is noted that, the Narrabri Local Environmental Plan 2012 has recently been gazetted by the NSW Department of Planning. Under the Narrabri LEP 2012 the site is zoned RU1 Primary Production. As such, the development as described in the submitted Statement of Environmental Effects ('bulk commodity handling and rail freight terminal facility') is not permissible within that zone. However as the proposal was submitted under the <i>Narrabri Shire Council Local Environmental Plan 1992</i>, it is required to assessed under that instrument and as such is a permissible

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	<p>development within the subject zoning.</p> <p>It is also noted that, the development could be described as a ‘Rural Industry’ under the Narrabri LEP 2012, which is a permissible activity within the RU1 zoning.</p> <p>Therefore the development site will not require rezoning.</p>
<ul style="list-style-type: none"> • <i>‘Where will access to the Kamilaroi Highway occur? The current access is on the Mayfield Road which is dirt. Does Council propose to tar the road?’</i> 	<ul style="list-style-type: none"> • This is addressed in the provided Statement of Environmental Effects, Refer to <i>Section 2.2.2 Road Receivals System</i> (Page 30). <p>The upgrade of Kurrajong Road is expected to be included in the ‘Conditions of Consent’ issued by Narrabri Shire Council should the development be approved.</p>
<ul style="list-style-type: none"> • <i>‘How many land holders have been notified of the proposed development application? I have spoken to a number of other land holders who have had no notification of the proposed development and I suggest that people within a radius of 5 kilometres will be affected and those rate payers/occupants should be also given the opportunity to make submissions.’</i> 	<ul style="list-style-type: none"> • Mitchel Hanlon Consulting Pty Ltd is of the understanding that the development was advertised in accordance with the requirements of the relevant NSW State Legislation including ‘<i>Part 6, Division 7, Clause 86 – 91 of the Environmental Planning and Assessment Regulation 2000</i>’. <p>In particular Clause 87, 88, 89 & 91 of this regulation states:</p> <div style="background-color: #f0f0f0; padding: 10px;"> <p>‘87 How must a development application be publicly notified?</p> <p>(cf clause 65 of EP&A Regulation 1994)</p> <p>As soon as practicable after a development application for other advertised development is lodged with the consent authority, the consent authority must:</p> <ul style="list-style-type: none"> (a) give written notice of the application (referred to in this Division as a written notice), and (b) cause notice of the application to be published in a local newspaper (referred to in this Division as a published notice). <p>88 Who must written notice be given to?</p> </div>

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	<p>(cf clause 65 of EP&A Regulation 1994)</p> <p>(1) Written notice of the development application must be given:</p> <p>(a) to such persons as appear to the consent authority to own or occupy the land adjoining the land to which the application relates, and</p> <p>(b) to such public authorities (other than relevant concurrence authorities or approval bodies) as, in the opinion of the consent authority, may have an interest in the determination of the application.</p> <p>(2) For the purposes of this clause:</p> <p>(a) if land is a lot within the meaning of the Strata Schemes (Freehold Development) Act 1973, a written notice to the owners corporation is taken to be a written notice to the owner or occupier of each lot within the strata scheme, and</p> <p>(b) if land is a lot within the meaning of the Strata Schemes (Leasehold Development) Act 1986, a written notice to the lessor under the leasehold strata scheme concerned and to the owners corporation is taken to be a written notice to the owner or occupier of each lot within the strata scheme, and</p> <p>(c) if land is owned or occupied by more than one person, a written notice to one owner or one occupier is taken to be a written notice to all the owners and occupiers of that land.'</p> <p>89 What information must be contained in a written notice and a published notice?</p> <p>(cf clause 65 of EP&A Regulation 1994)</p> <p>(1) A written notice and a published notice of the development application must contain the following information:</p> <p>(a) a description of the land (including the address) on which the development is proposed to be carried out,</p> <p>(b) the name of the applicant and the name of the consent authority,</p>

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	<p>(c) a description of the proposed development,</p> <p>(d) a statement that the application and the documents accompanying that application may be inspected at the consent authority's principal office for a period specified in the notice during the consent authority's ordinary office hours,</p> <p>(e) a statement that any person during the period specified under paragraph (d) may make a written submission in relation to the development application to the consent authority,</p> <p>(f) the dates of the period specified under paragraph (d).</p> <p>(2) The written notice and the published notice:</p> <p>(a) in the case of development that is integrated development:</p> <p>(i) must contain a statement that the development is integrated development, and</p> <p>(ii) must state the approvals that are required and the relevant approval bodies for those approvals, and</p> <p>(b) in the case of development that is threatened species development, must contain a statement that the development is threatened species development.</p> <p>(3) The period referred to in subclause (1) (d) must include:</p> <p>(a) in the case of nominated integrated development or threatened species development, the period of 30 days, and</p> <p>(b) in any other case, the period of 14 days, commencing on the day after the day on which the published notice is first published in a newspaper.</p> <p>91 Public notification of development application and accompanying information (cf clause 65 of EP&A Regulation 1994)</p> <p>(1) The consent authority must ensure that a development application is publicly notified in accordance with the relevant requirements and that any accompanying information is available for inspection during the relevant submission period at the</p>

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SUBMISSION STATEMENT / ISSUE	RESPONSE
	<p>place or places specified in the public notice.</p> <p>(2) During the relevant submission period:</p> <p>(a) any person may inspect the development application and any accompanying information and make extracts from or copies of them, and</p> <p>(b) any person may make written submissions to the consent authority with respect to the development application.</p> <p>(3) A submission by way of objection must set out the grounds of the objection.'</p> <p>It is noted that, adjoining land owners were notified and the development was advertised in the 'Narrabri Courier' for the required fourteen (14) day period. Therefore the development is deemed to have been advertised adequately.</p>
<ul style="list-style-type: none"> <i>'As indicated above my property adjoins the proposed development and my home is accessed from the Mayfield Road. I purchased my property many years ago so that I could enjoy a quiet peaceful country life. I believe that considerable noise will be generated by the constant flow of trucks to and from the site with trucks slowing down and speeding up as the exit and enter Mayfield Road into the site. In addition there will be noise generated by the facility itself as well as the loading and unloading of railway trucks.'</i> 	<ul style="list-style-type: none"> Refer to <i>Section 6.1 Noise</i> of the Statement of Environmental Effects (p75). Refer also to: <ul style="list-style-type: none"> Section 6.1.1 Construction Noise; and Section 6.1.2 Operational Noise.
<ul style="list-style-type: none"> <i>'My Home is located so that I can look out across the Nandewar Ranges. If the Produce Handling Facilities are erected where intended on the maps supplied by the Council then that view will be obstructed.'</i> 	<ul style="list-style-type: none"> The bulk (size and scale) of the site is consistent with the agricultural nature of the locality.
<ul style="list-style-type: none"> <i>'The school bus runs along Mayfield Road servicing a number of properties along that road and the presence of large trucks accessing and departing the proposed site will add additional danger to young school children who are waiting for or alighting from a bus.'</i> 	<ul style="list-style-type: none"> Please see below the response received from Better Transport Futures (Traffic consultants); <p>'All vehicles operating in and out of the site will be licenced drivers and vehicles and as such will operate in accordance with normal road rules.'</p>

Proposed Bulk Commodity Handling & Rail Facility – Response to Public Submissions

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SUBMISSION STATEMENT / ISSUE	RESPONSE
<ul style="list-style-type: none"> <i>'There are a colony of wallabies that live in the timbered areas shown on the map supplied by Council which are close to the proposed handling facilities site. The facility will impact upon their environment and pose a danger to the animals. We as farmers have to adhere strictly to the Native Vegetation Act and there is no reason why the Council or OLAM International Transport would need to have its application considered in light of that legislation.'</i> 	<p>School buses have flashing orange lights to indicate when children are getting on or off buses and vehicles can only pass these buses at 40 km/h. As part of the site induction for the facility, all drivers will be reminded of their obligations with regard to the school bus operation and the associated safety requirements.</p> <p>The movement of trucks along this road is similar to the current situation along the Newell Highway, with numerous school pick up / drop off points along its length. Normal driver practice ensures these school bus runs can operate in a safe manner with no specific risks associated with heavy vehicle movements along these routes.'</p> <ul style="list-style-type: none"> The mentioned wallaby colony was not observed during the site fauna assessment. However, in accordance with State and Federal legislation, onsite habitat was assessed to determine the likelihood of threatened fauna species (including two wallaby species – the brush-tailed rock-wallaby and the black-striped wallaby) occurring. It was determined that no onsite habitat was deemed as being suitable for either species of wallaby. While it is noted that other non-threatened species of wallabies may utilise the vegetation onsite, removing small amounts of habitat utilised by non-threatened species is not deemed as 'significant' in regard to fauna impacts. The assessment has considered and adhered to the Native Vegetation Act, as well as all other relevant State and Federal Environmental legislation. The proposed facility will be enclosed by fencing of the same standard of that surrounding the existing rail corridor and existing highway to the east of Oakleigh. For this reason, the completed development is not likely to cause any greater degree of risk to fauna than that already posed by existing external infrastructure. It should also be considered that all vehicles and trains utilising the internal rail loop and internal roads will be travelling at speeds no greater than 50km/hr, creating a safer environment for fauna than existing external infrastructure.

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SUBMISSION STATEMENT / ISSUE	RESPONSE
<ul style="list-style-type: none"><i>'Rural properties which are in close proximity to mines or proposed facilities such as this have diminished in value for the obvious reasons and it is a concern to me that if approval is given and the facility is established, my property which is in effect my livelihood, my lifesavings and my superannuation will greatly diminish in value.'</i>	<ul style="list-style-type: none">Typically, land value is not considered to be a planning issue. We believe that surrounding land value is not an issue. Potential agronomic impacts, as well as impacts associated with air quality, noise and visual amenity, have been shown to be negligible.The implementation of the proposed mitigation measures will minimise the effect of the development on the environment.

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Appendix A **Desktop Noise
Assessment**

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1.0 NSW Acoustic Guidelines

1.1 Protection of the Environment Operations Act 1997

The Protection of the Environment Operations Act, 1997 (POEO Act) applies the following definitions relating to noise pollution.

“Noise pollution” means the emission of offensive noise.

Where “offensive noise” means:

- (a) That, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) That is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

Further, Clause 3 – Schedule 2 of the Protection of the Environment Operations Act, 1997 (Regulating-making powers – Section 321) states that, in relation to noise, the following aspects hold relevance:

- (1) Prohibiting or regulating the emission of noise from premises (whether or not those premises are a public place).
- (2) Prohibiting or regulating the making or emission of noise in public places.
- (3) Prohibiting the sale, use or operation of an article except in

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accordance with prescribed conditions relating to the emission of noise from the article when in use or operation, and in particular prohibiting the sale, use or operation of an article unless it is fitted with prescribed control equipment or noise labels.

- (4) Prohibiting the carrying on of any activity except in accordance with prescribed conditions relating to the emission of noise arising in the course of the carrying on of the activity.
- (5) Requiring, or empowering the EPA to require, the installation, maintenance, use or operation of noise barriers and control equipment.
- (6) The manner of installing, maintaining, using and operating noise barriers and control equipment.
- (7) The inspection of articles, and requiring articles to be tested, for the purpose of determining the level, nature, character or quality of the noise emitted by them or the noise that they are capable of emitting.
- (8) Preventing or controlling noise made by animals (including birds) at any premises, and in particular the giving of notices requiring the prevention or control of any such noise.”

1.2 NSW Industrial Noise Policy

1.2.1 Introduction

The Industrial Noise Policy (INP) is specifically aimed at assessing noise from industrial sources scheduled under Protection of Environment Operations Act 1997.

An important point to note in the policy is presented in Section 1.4.1 of the INP. This section states:

The industrial noise source criteria set down in Section 2 are best regarded as planning tools. They are not mandatory, and an application for a noise-producing development is not determined purely on the basis of compliance or otherwise with the noise criteria. Numerous other factors need to be taken into account in the determination. These factors include economic consequences, other environmental effects and the social worth of the development.

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At the site boundaries and nearby residential receiver locations, noise levels should comply with the following criteria sourced from Section 2.2 of the NSW EPA's Industrial Noise Policy. The adopted NSW EPA acoustic guidelines for the site have been detailed in Table 1 below.

It must be emphasized that in dealing with noise impacts from existing premises, available means to mitigate noise may be more limited than for new premises. Specific negotiations between the NSW EPA, local community and local regulating bodies are recommended prior to establishment of detailed controls/environmental noise ameliorative measures.

Table 1 details the NSW EPA Amenity Criteria adopted for the development.

Table 1: NSW EPA Amenity Criteria

Recommended L_{Aeq} noise levels from industrial noise sources

Type of Receiver	Indicative Noise Amenity Area	Time of Day	Recommended L_{Aeq} Noise Level dB(A)	
			Acceptable	Recommended Maximum
Residence	Rural	Day	50	55
		Evening	45	50
		Night	40	45

Source: Table 2.1 NSW EPA INP

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The NSW EPA's Environmental Criteria for Road Traffic Noise (1999) provides guidelines for assessing traffic noise. Table 2 details the NSW EPA Amenity Criteria adopted for the development.

Table 2: NSW EPA Environmental Criteria for Road Traffic Noise Criteria

Type of Road	Recommended L_{Aeq} Noise Level dB(A)	
	Day (7am-10pm)	Night (10pm-7am)
Existing Collector Road	60	55
Existing Local Road	55	50

Source: Table 1 NSW EPA Environmental Criteria for Road Traffic Noise (1999), Section 3.2

For this development, it is considered that Mayfield Road and Kurrajong Creek Road are collector roads but act as local roads.

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Figure 1: Location of Identified Receptors

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1.2.2 Sleep Disturbance Criteria

The emission of peak noise levels for an instant or very short time period may cause sleep disturbance to residents. Chapter 19 of the NSW EPA Environmental Noise Control Manual states:

Noise control should be applied with the general intent to protect people from sleep arousal. To achieve this, the L1 level of any specific noise source should not exceed the background noise level (L90) by more than 15 dB(A) when measured outside the bedroom window.

2.0 Noise Impact Assessment

2.1 Introduction

This section assesses the impact of noise from truck movements on Kurrajong Creek Road, Mayfield Road and the internal site access road on identified receptors.

This section also assesses the impact of the operation of the facility on the receptors.

2.2 Receptors

The nearest receptors have been identified in Table 3 and Figure 1.

Table 3: Receptors

Receptor	Receptor Distance from Source (m)	Noise Source and Type
Receptor 1	1960	Mayfield Road (Road noise)
Receptor 2 "Mayfield"	500	Mayfield Road (Road noise)
Receptor 3 "Pineview"	500	Site Operational Noise
Receptor 6 "Claremont"	20	Kurrajong Creek Road (Road noise)
Receptor 8	840	Mayfield Road (Road noise)

Distances scaled from NSW Property Management Authority SIX Viewer.

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2.2.1 Noise Attenuation

Noise impact from individual heavy vehicle movements can be assessed from ISO Standard 9613-2 *Acoustics – Attenuation of Sound during Propagation Outdoors – Part 2 – General Method of Calculation* (ISO, 1996). The total sound attenuation (A_{tot}) at a defined distance from the source is defined by the following equation:

$$A_{\text{tot}} = A_{\text{div}} + A_{\text{atm}} + A_{\text{gr}} + A_{\text{bar}} + A_{\text{misc}}$$

Where:

A_{div} is the attenuation due to geometrical divergence;

A_{atm} is the attenuation due to atmospheric absorption;

A_{gr} is the attenuation due to the ground effect;

A_{bar} is the attenuation due to barriers; and

A_{misc} is the attenuation due to other miscellaneous effects.

In this case, attenuation due to barriers and miscellaneous effects is minor and can be omitted.

If directivity is assumed to be negligible, the resulting sound pressure level (L_p) for each source can be calculated from the source sound power level using the following simple expression:

$$L_p = L_W - A_{\text{tot}}$$

Where:

L_W is the source sound power level in decibels; and

A is the sound attenuation in decibels.

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2.2.2 Geometrical Divergence

Attenuation due to geometrical divergence (A_{div}) will generally have the most significant effect and can be easily calculated as follows:

$$A_{div} = [20 \log(d/d_o) + 11] \text{ dB}$$

Where:

d is the distance from the source to the receiver in metres; and

d_o is a reference distance (in this case 7 metres).

For example, for a truck located 500 metres from a receptor, the geometrical divergence attenuation for this distance is calculated as:

$$\begin{aligned} A_{div} &= 20 \log(500/7) + 11 \\ &= 59.9 \text{ dB} \end{aligned}$$

2.2.3 Atmospheric Absorption

The sound attenuation due to atmospheric absorption (A_{atm}) during propagation through a distance, d , in metres, is given by the following equation:

$$A_{atm} = \alpha d / 1000$$

Where: α is the atmospheric attenuation co-efficient, in decibels per kilometre, for each octave band at the midband frequency.

As only source A-weighted sound power levels are known, the attenuation terms for 500 Hz are used to estimate the resulting attenuation (ISO, 1996). Selecting 20°C and 50% relative humidity to represent typical day time conditions, and using the lowest atmospheric attenuation co-efficient for 500 Hz (from ISO, 1993) gives a value of 5.4 i.e. sound attenuation due to atmospheric absorption will be at least 5.4 dB/km.

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2.2.4 Ground Effects

When only the A-weighted sound pressure level at the receptor is of interest, and the sound propagation occurs over porous ground or mostly porous ground (as is the case with the proposed development), and the sound is not a pure tone, the ground attenuation (A_{gr}) may be calculated using the following equation:

$$A_{gr} = 4.8 - (2 \cdot h_m / d) [17 + (300/d)]$$

Where:

h_m is the mean height of the propagation path above the ground, in metres; and

d is the distance from the source to the receiver, in metres.

Applying the above equation to, for example, a truck at 7 metres and a receptor distance of 500 m gives:

$$\begin{aligned} A_{gr} &= 4.8 - [(2 \times 1.0 / 500) \times [17 + (300/500)]] \\ &= 4.8 \text{ dB} \end{aligned}$$

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2.2.5 Total Sound Attenuation

The total sound attenuation calculated for each receptor location is shown in Table 4.

Table 4: Truck and Operational Noise Assessment

Receptor	Recommended Max. Noise Threshold (Day/Evening) dB(A)	Predicted Noise Level External / Internal dB(A)	Difference (Day / Evening) dB(A)
Receptor 1 - Mayfield Road (Single Truck Unit)	55 50	19.9 / 9.9	Below threshold Below threshold
Receptor 2 - Mayfield Road (Single Truck Unit)	55 50	35.9 / 25.9	Below threshold Below threshold
Receptor 3 - Operational Noise Total (Single Truck Unit)	55 50	35.9 / 25.9	Below threshold Below threshold
Receptor 3 - Operational Noise Total (3 Point Sources)	55 50	45.6 / 35.6	Below threshold Below threshold
Receptor 6 - Kurrajong Creek Road (Single Truck Unit)	55 50	68.2 / 58.2	13.2 / 3.2 18.2 / 8.2
Receptor 6 - Kurrajong Creek Road (3 Truck Units in convoy)	55 50	73.0 / 63.0	18 / 8.0 23 / 13
Receptor 8 - Mayfield Road (Truck Movements)	55 50	30.4 / 20.4	Below threshold Below threshold

The noise attenuations calculations are contained in Appendix A.

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2.3 Determined Noise Impact

To minimise sleep disturbance, the background noise level should not be exceeded by more than 15 dB(A) when measured outside the bedroom window. For this site, this value is taken to be 50 dB(A). This value coincides with the Evening maximum threshold of 50 dB(A) in the Industrial Noise Policy (refer Table 1).

The daytime threshold is taken to be the recommended maximum level of 55 dB(A) (refer Table 1).

The highest calculated noise levels occur at Receptor 3 “Pineview” and at Receptor 6 “Claremont”.

Receptor 3: Operational & Heavy Vehicle: 45.6 dB(A) at building facade
35.6 dB(A) inside building

Receptor 6: Heavy Vehicle Movements: 68.2 dB(A) at building facade
(single truck) 58.2 dB(A) inside building

Heavy Vehicle Movements: 73 dB(A) at building facade
(3-truck convoy) 63 dB(A) inside building

The predicted noise level at Receptor 3 “Pineview” does not exceed the Industrial Noise Policy daytime or evening thresholds of 55 dB(A) and 50 dB(A) respectively.

The predicted noise level at Receptor 6 “Claremont” does exceed the daytime and evening thresholds.

At the building facade, for a 3-truck convoy, the thresholds are exceeded by 18 dB(A) and 23 dB(A) for the daytime and evening thresholds respectively. Inside the building, they are exceeded by 8.0 dB(A) and 13 dB(A) respectively.

For a single truck, the thresholds are exceeded by 13.2 dB(A) and 18 dB(A) for the daytime and evening thresholds respectively. Inside the building, they are exceeded by 3.2 dB(A) and 8.2 dB(A) respectively.

The Industrial Noise Policy (Section 2.2) refers to instances where it may not be feasible to or reasonable to apply noise mitigation measures. In such cases where the proposed development exceeds the recommended maximum noise levels, substantial benefits in other areas, including a high degree of social worth, needs to be demonstrated.

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It is noted that the proponent intends to restrict road deliveries between the hours of 10pm and 6am. The impact of the truck movements on the receptor would therefore be confined to daytime and evenings.

For perspective, Table 5 provides relative noise levels.

Table 5: Relative Noise Levels

Type of Receiver	Noise Level dB(A)
Room in a quiet house at night	30
Average residence	40
Conversational Speech (0.9m)	60
Average traffic	70
Heavy city traffic	90

Source: Vesilind et al (1990), Fig.22-4 p333

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3.0 Conclusion

The noise impact from the proposed Bulk Commodity Handling & Rail Facility has been assessed for each identified receptor.

The noise thresholds in the NSW EPA's *Industrial Noise Policy* (2000) were adopted. For day time operations, the maximum noise level is 55 dB(A) for rural areas whilst for evening levels, it is taken to be 50 dB(A).

The truck noise level of 90 dB(A) is taken from NSW EPA (1999) *Environmental Criteria for Road Traffic Noise*, Figure C1.

Individual noise levels within the site are generally expected to be in the 45 to 65 dB(A) range. For this site, analysis was undertaken for 3 point sources with individual L_{Aeq} of 95 dB(A) each. This is equivalent to a single noise level of 99.8 dB(A).

Noise impact was determined using the methodology in ISO Standard 9613-2 *Acoustics – Attenuation of Sound during Propagation Outdoors – Part 2 – General Method of Calculation*.

The distance from the receptor to the noise source was determined from measurement of ground distance on NSW Property Management Authority's SIX Viewer.

Receptor 3 is the closest receptor to the site and is located on the property "Pine View" to the immediate south (Lot 141 in DP.834252). The predicted operational and road noise level at this receptor was determined to be 45.6 dB(A). Applying a presumed building attenuation value of 10 dB(A), the predicted interior noise level is 35.6 dB(A). The 55 dB(A) daytime threshold and the 50 dB(A) evening threshold is not exceeded at this receptor.

Receptor 6 is located on the property "Claremont" to the north of the site (Lot 9 in DP.757104). The receptor is located near Mayfield Road and thus presently exposed to traffic noise. The predicted road noise level at this receptor from a single truck source is 68.2 dB(A) whilst the impact from a 3-truck convey is determined as 73 dB(A). Applying a presumed building attenuation value of 10 dB(A) results in a predicted interior noise level of 58.2 dB(A) and 63 dB(A) respectively. The Industrial Noise Policy's daytime threshold of 55 dB(A) is exceeded by 3.2 dB(A) and 8.0 dB(A) respectively. The evening threshold of 50 dB(A) is exceeded by 8.2 dB(A) and 13.0 dB(A) respectively.

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The Industrial Noise Policy refers to instances where it may not be feasible to or reasonable to apply noise mitigation measures. In such cases where the proposed development exceeds the recommended maximum noise levels, substantial benefits in other areas, including a high degree of social worth, needs to be demonstrated.

It is noted that the proponent intends to restrict road deliveries between the hours of 10pm and 6am. The impact of the truck movements on the receptor would therefore be confined to daytime and evenings.

The predicted noise levels at the other identified receptors were found to be below the Industrial Noise Policy thresholds.

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4.0 References

ISO (1996), ISO 9613-2, *Acoustics – Attenuation of Sound During Propagation Outdoors – Part 2 – General Method of Calculation*, International Organisation for Standardisation, Geneva, Switzerland.

NSW EPA 2000, *Industrial Noise Policy*, Sydney South, ISBN 0 7313 2715 2.

NSW EPA 1999, *Environmental criteria for Road Traffic Noise*, Sydney South, ISBN 0 7313 0203 6.

Standards Australia (1989), *Acoustics – Road traffic noise intrusion – Building siting and construction*, Homebush, NSW.

Vesiland, P.A., Peirce, J.J., and Weiner, R.F., 1990, *Environmental Pollution and Control*, Butterworth-Heinemann.

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Appendix A Noise Calculations

APPENDIX G

Recommended Conditions of Consent

Our Reference:

NAW; P99/
DA.

Your Reference:

Contact Name:

Mr Nick Wilton

Telephone:

(02) 6799 6855

Name

Date

Position

Company

Address 1

Address 2

TOWN STATE PCODE

Dear Sir/Madam,

Re: Development Application No.

HAVE YOU OBTAINED CONSTRUCTION CERTIFICATE APPROVAL?

Enclosed herewith is Council's notice to the applicant of determination of a development application pursuant to the *Environmental Planning and Assessment Act, 1979*.

YOU ARE ADVISED THAT THIS IS ONLY A DEVELOPMENT CONSENT AND DOES NOT CONSTITUTE A CONSENT FOR BUILDING WORK. FURTHER COUNCIL CONSENT IS REQUIRED PRIOR TO CONSTRUCTION ACTIVITIES COMMENCING.

Please read the determination notice carefully and observe/implement any conditions of consent as outlined in the notice.

Failure to comply with the determination notice will render you liable to legal proceedings under the *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*. The erection of a building without prior construction consent will render you liable to Council ordering the demolition of any building erected.

Yours sincerely

Name

HEALTH, BUILDING & PLANNING MANAGER



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act 1979

Development application: D A.

Applicant name:

Applicant address:

Land to be developed:

Description of development:

Owner/s:

Building Code of Australia

building classification:

Determination:

Your development has been determined by the **granting of consent** subject to the conditions in the attached schedule.

Date of Determination:

Date from which the Consent

Operates:

Date the Consent Lapses:

Has a Public Inquiry been held into the application? No.

Right of Appeal:

The applicant can appeal against the determination in the Land and Environment Court within 12 months of the date on which you received this notice. The applicant cannot appeal if a Commission of Inquiry was held and the development is Designated Development or State Significant Development.

Nick Wilton

**Manager Planning and Development Services
For General Manager**

Date:

SCHEDULE OF DEVELOPMENT CONSENT CONDITIONS

1. The determination shall be regarded as being in accordance with the particulars and information set out and described in Development Application No. 429/13 registered in Council's records as of 29 November 2012 except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.

SPECIAL CONDITIONS

2. A Dust Management Plan is to be submitted to and approved in writing by Narrabri Shire Council prior to the issue of any Construction Certificate. The Plan shall address both the construction and operational phases of the project. Particular detail shall be provided on how potential grain dust is to be handled and mitigated.
3. An appropriate amount of water is to be stored on site to provide for employee, landscaping and dust suppression requirements. In this regard a Water Demand and Storage Plan is to be submitted to and approved in writing by Narrabri Shire Council prior to the issue of any Occupation Certificate.
4. A separate application is to be made to Narrabri Shire Council under Section 68 of the Local Government Act 1993, in respect of the proposed on-site sewer management system.
5. The recommendations within the Flora and Fauna Assessment at Appendix E of the Statement of Environmental Effects, prepared by Mitchel Hanlon Consulting, reference 11149, Issue 2, dated 21 September, 2012 form part of this consent. Written confirmation that these recommendations have been satisfied is to be provided to and approved in writing by Narrabri Shire Council prior to the issue of any Construction Certificate.
6. All general refuse within the development area shall be removed and disposed of at a suitably licensed landfill.
7. A detailed Drainage Plan accommodating the requirements of the proposed development shall be prepared and submitted to and approved in writing by Narrabri Shire Council prior to the issue of any Construction Certificate.
8. The hours of operation of the facility shall be limited to between 6am and 10pm, Monday to Saturday. Delivery vehicles shall be restricted to these hours as well. No deliveries shall occur on a Sunday or on Public Holidays.
9. A detailed Waste Management Plan shall be prepared and submitted to Narrabri Shire Council for approval prior to the issue of any Construction Certificate. The Plan shall address waste management through both construction and operational phases of the project.
10. On site lighting shall be directed towards the ground and include shielding to limit light spill towards adjoining properties.
11. All chemicals associated with the operation of the proposed development shall be stored within a purpose built and bunded storage facility. Details of the proposed storage facility shall be submitted to and approved in writing by Narrabri Shire Council prior to the issue of any Occupation Certificate.
12. A noise attenuation barrier shall be constructed adjacent to the northern boundary of the property known as 'Claremont' and within the road reservation. The barrier shall be designed to be three metres in height and as long as is required to achieve an acceptable acoustical outcome within 'Claremont'. The barrier shall be constructed utilising a 75mm Composite Panel and shall be maintained in perpetuity by the operator of the facility on Lot 13 DP 757104. An appropriate agreement (which could include restrictions on title of the subject

site) is to be made with Narrabri Shire Council in respect of the location of the barrier. Dense landscaping shall be provided on both sides of the barrier to the satisfaction of Council. Detailed plans are to be submitted to and approved in writing by Narrabri Shire Council prior to the issue of any Construction Certificate.

13. A detailed Landscape and Landscape Management Plan shall be prepared and submitted to Narrabri Shire Council prior to the issue of any Construction Certificate. The Plan shall address issues of visual, acoustic and dust attenuation to the satisfaction of the Council.
14. An Operational Management Plan shall be prepared for the overall operation of the facility. The Plan shall include details of processes and situational responses (eg spill, emergencies etc). The Plan shall also include a complaints handling process including the maintenance of a complaints log that is available for inspection by the Council on request. The Operational Management Plan shall be submitted to and approved by Narrabri Shire Council prior to the issue of any Occupation Certificate.
15. Existing school bus stops on local roads between the intersection of Kurrajong Creek Road and Kamilaroi Highway to the proposed access off Mayfield Road to be upgraded to provide a safe pick up and drop off areas. Detailed plans are to be submitted to and approved in writing by Narrabri Shire Council prior to the issue of any Construction Certificate.
16. All transportation of grain **from** the site shall be via rail and not by road. Any changes to these arrangements are to be the subject of a separate application or modification.
17. Prior to the commencement of any works, the proponent shall submit to Council and RMS for approval a traffic impact study prepared in accordance with the methodology set out in Section 2 of the RTA's Guide to Traffic Generating Developments and including:
 - hours and days of construction and operation for each stage of the development;
 - road and rail traffic and transport volumes and types broken down into origin and destination, travel routes and peak hours for the construction and operation of the development. Volumes should also include input related traffic generation (e.g. deliveries, maintenance, services; etc) and impact of related traffic generation on public roads and the rail network;
 - any oversize and over-mass vehicles and loads expected for the construction and operation of the development. The shortest and least trafficked route having been given priority for the movement of the construction materials and machinery to minimise the risk and impact to other motorists so far as is reasonably practicable;
 - temporary and permanent staff numbers (including employees and contractors) and staff parking arrangements during construction and operation of the development;
 - the impact of generated traffic and measures employed to ensure efficiency and safety on the public road and rail network, in particular, the intersection of Kamilaroi Highway and Kurrajong Creek Road during construction and operation of the development. In this regard, the study shall address cumulative traffic impacts of the nearby Narrabri Coal Mine, delays at the level crossing in Kurrajong Creek Road and the development. Accurate peak traffic vehicle movements for the development and Narrabri Coal Mine will need to be provided as well as projections of vehicles stored during peak times at the level crossing when the level crossing is in use;
 - any mitigating measures required to address expected traffic generation; local climate conditions that may affect road safety for vehicles used during construction and operation of the project (e.g. dust, fog, wet weather, etc).Construction works shall not commence until Council provides proponent with written confirmation that the traffic study and proposed mitigation measures submitted are adequate. Intersection upgrades and road improvements (widening, etc) shall be completed prior to the operation of the facility.
18. Geometric design plans of the intersection of Kurrajong Creek Road and Kamilaroi Highway and the proposed works in Kamilaroi Highway shall be submitted to Council and RMS for approval. The plans shall clearly demonstrate that the largest type of vehicle required to access the proposed development is able to access the intersection without causing a danger or nuisance to oncoming traffic (of same maximum size) and traffic in Kamilaroi Highway.

19. Kurrajong Creek Road and Mayfield Road shall be realigned and reconstructed to cater for the proposed development. A road design certified by a Certified Professional Engineer is required to be submitted to and approved in writing by Narrabri Shire Council prior to the issue of any Construction Certificate.

STATUTORY

20. Prior to the commencement of the proposed development, the proponent shall submit a formal application for a Construction Certificate, together with all prescribed fees, plans and specifications be submitted to and approved by Council, or alternatively a privately certified Construction Certificate be lodged with council no less than forty eight (48) hours prior to the commencement of the proposed development.

REASON: To comply with Council's statutory requirements.

21. The proponent shall notify Council, not less than forty eight (48) hours prior to the commencement of the work of:

- date of commencement of the work.
- name of the principle certifying authority for the issue of compliance, occupation and/or subdivision certificates.

REASON: To comply with Council's statutory requirements.

22. As Principal Certifying Authority (PCA), Council will require to inspect the various stages of construction as follows (where relevant):

- a. Strip footing/slab etc. when steel is laid prior to pouring concrete.
- b. Internal and external drainage prior to covering (including septic tank absorption trenches).
- c. Framework prior to lining internally.
- d. Flashing of wet areas prior to tiling.
- e. Stormwater drainage before covering.
- f. Final - when building is completed and painted, in accordance with approved plans and specifications, **prior to occupation.**

It should be noted that if a stage requires a second inspection, due to work being incomplete or wrong, Council may require an additional fee to carry out the work.

REASON: To comply with Council's requirements.

23. Where Council is not the Principal Certifying Authority (PCA), Council will require copies of the Occupation Certificate and any critical stage inspection reports.

REASON: To comply with Council's requirements.

24. Prior to the commencement of construction, the proponent shall lodge with Council, and receive approval for the following listed S68 Local Approval (s):

IN TOWN

- F10 – Operate onsite sewerage waste management system

REASON: To comply with Council's statutory requirements.

25. Where Council is not the Principle Certifying Authority (PCA), the proponent or private certifier shall submit a construction certificate to Council prior to building works commencing on the subject allotment.

REASON: To comply with Council's statutory requirements.

26. Any use of the subject land not commence until all relevant conditions of consent have been met or unless other satisfactory arrangements have been made with Council.

REASON: To comply with Council's statutory requirements.

27. Where Council is not the Principle Certifying Authority an Occupation Certificate shall be submitted to Council when the building work has been completed and prior to the occupation of the building.

Notes:

- if the certificate is being issued by a private certifier, the certificate is to be lodged with Council not less than forty eight (48) hours to the occupation of the building/structure.

REASON: To comply with Council's statutory requirements.

28. Where Council is the Principle Certifying Authority, the proponent shall pay the prescribed fee to Council and satisfy all conditions of consent to obtain an occupational certificate prior to occupation of the building / structure.

REASON: To comply with Council's statutory requirements.

29. The building / structure shall be constructed in accordance with the requirements of the Building Code of Australia.

REASON: To comply with Council's statutory requirements.

30. The proponent shall erect signage in a prominent position on the site:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

REASON: To comply with Council's statutory requirements.

31. The building / structure shall comply with the requirements of the Commonwealth Disability Discrimination Act, 1992 and the NSW Anti-Discrimination Act 1977.

Note 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

Note 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission are available from the Commission or from Council's Environmental Services Department. The Applicant should ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: To comply with Council's statutory requirements.

32. Protection of public places

1. If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place
 - (c) a hoarding or fence must be erected between the work site and the public place.
2. If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
3. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
4. Any such hoarding, fence or awning is to be removed when the work has been completed.

REASON: To ensure that measures have been established to provide the protection of public places.

ACCESS

33. The proponent to make application to Council's Engineering Services for approval of the construction of a concrete kerb layback at the proposed access to the said allotment. The kerb layback shall be designed in accordance with Council's Design Specifications and shall be installed prior to occupation of the building / structure, at the proponent's expense.

REASON: To comply with Council's requirements.

34. The proponent shall make application to Council's Engineering Services for a vehicle driveway surface, crossing the road reserve or part thereof (ie. footpath) in accordance with Council's Design Specifications. Any construction of, or re-instatement of, a kerb layback crossing will also require an application. The driveway surface shall be completed prior to occupation of the building / structure.

REASON: To comply with Council's requirements.

35. An access from the road shoulder to the property boundary shall be constructed to Council's Design Specifications Standard for a Rural Vehicular Crossing as determined by the access location, in consultation with Council's Engineering Services.

REASON: To comply with Council's requirements.

36. All internal driveways, parking and manoeuvring areas be constructed with a paved surface, either concrete, seal or commercial paver with parking bays and traffic flow directions to be clearly delineated.

REASON: To comply with Council's Development Control Plan Parking Code requirements.

37. Prior to the issue of a Construction Certificate the applicant is to submit to Council a Traffic Management Plan for the development outlining the proposed plan of management during construction and further post construction permanent traffic management.

REASON: To comply with Council's requirements.

GENERAL

38. All works associated with the implementation / construction of the proposed activity (Not operation of the proposal post occupational certificate), involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:

Monday to Saturday	7am to 7pm
Sunday	8am to 7pm
Public Holidays	8am to 7pm

Advice: All noise generating activities are subject to the requirements of the protection of the Environment Operations Act 1997. This condition of consent does not relieve the proponent including developers, contractors or their agents from the requirements under the relevant noise control legislation (POEO Act 1997).

REASON: Statutory Requirement

39. Temporary toilet facilities shall be provided on the said allotment prior to the commencement of any site or building work.

REASON: To comply with Council's requirements

40. Should the development require connection of a telephone service or further alteration to the existing telecommunications network the proponent shall contact Telstra at their Commercial Operations Centre.

REASON: To comply with Council's requirements.

41. Any damage caused to Council's infrastructure including but not limited to footpaths, roads, drainage, Kerb and Gutters, laybacks or other public land shall be restored in accordance with Council's Design Specifications at the full cost to the developer. Where a dispute arises over the person(s) responsible for the damage, Council shall reserve the right to carry out work to remedy such damage(s) at the proponents cost.

REASON: To comply with Council's requirements.

42. The proponent shall install suitable protection to ensure that damage to Council infrastructure does not occur during the construction phase of the development.

REASON: To comply with Council's requirements.

43. No materials or machinery to be used in the construction of the building shall be stored or stacked on Council's footpath, nature strip, public defined land or roadway.

REASON: To comply with Council's requirements.

44. During construction of the proposed building or structure no construction vehicles are to be parked on roads / rear lane ways as to restrict traffic flow and or access to allotments.

REASON: To comply with Council's requirements.

45. The proponent shall not burn waste material, felled trees or other material on the said land. All waste materials shall be directed to a Narrabri Local Government Area waste management or other approved facility.

REASON: To comply with Council's requirements.

46. The proponent shall provide at least forty-eight (48) hours notice be given to Council when any inspection is required.

REASON: To comply with Council's requirements.

ENGINEER'S DETAIL

47. That certification of the proposed work(s) be supplied by a qualified practising Structural or Civil Engineer at the completion of works, certifying that the work(s) have been carried out under their supervision and to their requirements.

REASON: To comply with Council's requirements.

48. The proponent shall provide engineers design details for the structure (slab/footings/steel frame) to Council by a suitably qualified and professional Engineer prior to the issue of a Construction Certificate.

REASON: To comply with Council's requirements.

DRAINAGE

49. A works as executed (WAE) drainage plan indicating the location of the drainage pipelines shall be submitted by the proponent or their agent at the time of installation of such pipes.

REASON: To comply with Council's requirements.

CLASS 2/9 BUILDINGS

50. The proponent shall provide a Fire Safety Certificate to indicate compliance with the Fire Safety Schedule.

REASON: To comply with the Building Code of Australia.

51. That at least once in each period of twelve months after a certificate is required to have been submitted to Council pursuant to Section E of the Building Code of Australia. The owner of the building shall submit to Council a further certificate with respect to each fire safety measure installed in the building.

REASON: To comply with the Building Code of Australia.

52. The building shall be provided with access and facilities for disabled persons in accordance with Part D3 and Part F2.4 of the Building Code of Australia, Australian Standard AS1428.1 Part 1: General Requirements for Access Buildings.

REASON: To comply with the Building Code of Australia.

SECTION 94 CONTRIBUTIONS

53. Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979 and the Narrabri Local Government Area Section 94A development contributions plan, a contribution of **\$298,985.95** shall be paid to Council prior to the issue of any interim or final occupation certificate for the development.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Narrabri Local Government Area Section 94A plan. The contribution is to be paid prior to the issue of an occupation certificate. 55

REASON; To comply with Council requirements

LIABILITY

54. The applicant shall indemnify Council against any and all actions, suits and claims of whatsoever nature resulting in injury to person or persons or damage to property other than that owned by the applicant and providing a declaration to this effect to the satisfaction of Council and the applicant providing Council with proof of adequate public liability insurance coverage.

REASON: To comply with Council's requirement for insurance coverage against claims.

LANDSCAPING

55. The approved landscaping on the landscaping plan shall be completed prior to the occupation of the development.

REASON: To comply with Council's requirements for the provision of landscaping.

ENVIRONMENTAL

56. The applicant shall install, prior to the commencement of construction, adequate sediment and soil erosion controls in accordance with the requirements of the Department of Environment & Climate Change (DECC) requirements. All sediment is to be controlled onsite including the transport of sediment from vehicular tyres and machinery.

REASON: To comply with Council's statutory requirements.