

**JOINT REGIONAL PLANNING PANEL  
(Northern)**

JRPP No	2016NTH013
DA Number	DA122/2016
Local Government Area	Narrabri Shire Council
Proposed Development	<p>The proposed development is for the Redevelopment of an existing Cotton Seed Processing Plant including:</p> <ol style="list-style-type: none"> <li>Construction of- <ul style="list-style-type: none"> <li>1 x 1.289ha Warehouse/Industrial Building;</li> <li>2,816m<sup>2</sup> extension to existing Warehouse/Industrial Building;</li> <li>Recladding of existing Warehouse Building;</li> <li>1 x 916m<sup>2</sup> Administration Building;</li> <li>1 x 815m<sup>2</sup> Laboratory Building;</li> <li>Associated Outbuildings, Driveways, Parking Areas, Site Filling and Augmentation of existing Earthen Levee Bank.</li> </ul> </li> <li>Demolition of existing Administration Area.</li> </ol>
Street Address	2952 Culgoora Road, Wee Waa, NSW 2388
Applicant/Owner	Cotton Seed Distributors Ltd
Number of Submissions	Nil.
Regional Development Criteria (Schedule 4A of the Act)	Schedule 4A Section 3 "General development over \$20 million" - Development that has a capital investment value (CIV) of more than \$20 million. The proposed development has a CIV of \$41,223,460 + GST.
List of All Relevant s79C(1)(a) Matters	<p><i>(i) any environmental planning instrument;</i></p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Rural Lands) 2008</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No 33 – Hazardous and Offensive Development</li> <li>State Environmental Planning Policy No 55-Remediation of Land (SEPP 55)</li> <li>State Environmental Planning Policy No 44- Protecting Koala Habitat (SEPP 44)</li> </ul> <p><i>(iii) any development control plan;</i></p> <ul style="list-style-type: none"> <li>Narrabri Local Environmental Plan 2012</li> <li>Narrabri Shire Development Control Plan Notification Policy</li> <li>Narrabri Shire Development Control Plan Parking Code No.1</li> <li>Narrabri Shire Development Control Plan Industrial Development Code</li> <li>Narrabri Shire Section 94A Contributions Plan</li> </ul>

	<p><i>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph);</i></p> <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Regulation 2000, specifically clause 94</li> </ul>
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> <li>• Annexure 1: Development Application DA122/2016</li> <li>• Annexure 2: Amended Statement of Environmental Effects, Brown &amp; Krippner</li> <li>• Annexure 3: Amended Plans</li> <li>• Annexure 4: Traffic Impact Assessment prepared by RoadNet</li> <li>• Annexure 5: Preliminary Hazard Analysis prepared by CDM Smith</li> <li>• Annexure 6: Draft conditions of development consent</li> </ul>
Recommendation	Approval subject to attached draft conditions of development consent (Annexure 6)
Report by	Luke Flood and Cara Stoltenberg, Town Planners Narrabri Shire Council
Report date	12 August 2016

## **1. Executive Summary**

### **1.1 Reason for Consideration by Joint Regional Panel**

The Development Application (DA) has been referred to the Joint Regional Planning Panel (JRPP) for determination pursuant to Clause 3, Schedule 4A of the *Environmental Planning and Assessment Act 1979 (EP & A Act)*, “General development over \$20 million” - Development that has a capital investment value (CIV) of more than \$20 million. The proposed development has a CIV of \$41,223,460 + GST.

### **1.2 Brief Description of Proposed Development**

The proposed development is for the Redevelopment of an existing Cotton Seed Processing Plant including:

- Construction of-
  - 1 x 1.289ha Warehouse/Industrial Building;
  - 2,816m<sup>2</sup> extension to existing Warehouse/Industrial Building;
  - Recladding of existing Warehouse Building;
  - 1 x 916m<sup>2</sup> Administration Building;
  - 1 x 815m<sup>2</sup> Laboratory Building;
  - Associated Outbuildings, Driveways, Parking Areas, Site Filling and Augmentation of existing Earthen Levee Bank.
- Demolition of existing Administration Area.

### **1.3 Compliance with Planning Controls**

The proposed development is not considered State Significant Development as outlined respectively in State Environmental Planning Policy (State and Regional Development) as the proposed development is permissible on the subject site, and the proposed development is not specified in Schedule 1 or 2 of that policy.

The proposal does not fall within the Designated Development thresholds pursuant to Schedule 3 of the *Environmental Planning and Assessment Regulation 2000 (EP & A Reg)* as it is not proposed to; crush, juice, grind, mill, gin, mix or separate more than 30,000 tonnes of agricultural produce per year, or release effluent, sludge or other waste either, in or within 100 metres of a natural waterbody or wetland, or in an area of high water table, highly permeable soils or acid sulphate, sodic or saline soils.

The application was lodged as an Integrated Development Application, subject to clause 91 of the *EP & A Act 1979*, with referral to New South Wales (NSW) Roads and Maritime Services (RMS), NSW Environment Protection Authority (EPA), and NSW Office of Water - Department of Primary Industries (DPI).

A site inspection was carried out on 9<sup>th</sup> June 2016 by Narrabri Shire Council (Council) staff, Cotton Seed Distributors (CSD) staff, and representatives from Brown and Krippner and Hill Lockart Architects (the applicant). This site inspection identified that Bundock Creek is not well-defined on the subject site, with no defined banks or channels being identifiable. The following picture was taken at the approximate site of Bundock Creek as it transverses the site based on google mapping information:



**Figure 1. Approximate site of Bundock Creek on Lot 1 DP 873839, 2952 Culgoora Road, Wee Waa**

*NSW Department of Primary Industries - Water*

DPI has advised that the existing earthen levee bank on the subject site has a previous approval (90CW801246 recently converted to 90FW833648) with no height limitations. Therefore, as the proposed works are not within forty (40) metres of the high bank of a watercourse and the levee currently has approval, and no other approval from DPI is required, DPI considered the development as not being Integrated Development and therefore does not need to be referred to DPI.

*NSW Environment Protection Authority*

EPA advised on 30 June 2016, that based on the information provided in the Statement of Environmental Effects (SEE), and the 'Review of Land Application of Seed Treatment Residue' by Prensa Pty Ltd:

- The applicant states no scheduled activities are undertaken onsite currently, or are proposed to be undertaken in relation to the redevelopment;
- Impact on the environment and the community including those from wastes generated on site, dust emissions, stormwater, and noise and vibration are expected to remain minimal with no verified incidents or complaints on record.
- The contribution of the current and proposed plant to cumulative impacts in the subject area is expected to be minimal.
- In relation to the application of seed treatment residues on the land, the EPA acknowledges that according to Prensa's report, residues are applied at concentrations less than the approved standard for application rates for the same active ingredients that CSD uses in its seed treatments. The EPA is satisfied that environmental impacts are not likely to result

from this activity, and recommends that management and application of residues should continue in line with CSD's current practices.

- The EPA agrees with the recommendation that CSD continue routine soil monitoring to ensure that active ingredient concentrations are not increasing or accumulating over time.

The EPA concluded that on the basis of the information provided to date, and the proponent's commitment to implement all relevant construction and operational standards, plans and practices, the EPA has no further comments on the proposed redevelopment of the plant. However, they did request that a copy of the Preliminary Hazard Assessment (PHA) be made available to them once received. This was forwarded on 12 July 2017 to the EPA for review. The EPA reviewed the PHA and advised on 2 August 2016 that they had no further comments. As such, the 30 June 2016 letter remains the EPA's formal response to the proposed redevelopment of CSD's facility at Wee Waa.

#### NSW Roads and Maritime

A Traffic Impact Assessment was prepared by RoadNet, on behalf of the applicant, and submitted to Council on 13 July 2016. The Traffic Impact Assessment was referred to RMS on 13 July 2016. On 4 August 2016, after reviewing the additional information supplied, RMS advised the following recommended conditions for Council's consideration:

- The separation (distance) between the proposed light and heavy vehicle accesses to Culgoora Road is to be in accordance with clause 7, Part 4 of *Austroads Guide to Road Design*.
- Vehicular access treatments servicing the proposed development are to be designed and constructed in accordance with Part 4A *Austroads Guide to Road Design*.
- Safe Intersection Sight Distance (SISD) is to be provided and maintained in accordance with Part 4A *Austroads Guide to Road Design* in both directions at the light and heavy vehicle accesses to Culgoora Road.
- Light and heavy vehicle parking, loading/unloading and manoeuvring areas are to be constructed in accordance with *Australian/New Zealand Standard 2890.1 'Off Street Car Parking'*.
- Adequate turning area, storage room and vertical clearances are to be provided at the heavy vehicle access and internal manoeuvring areas for the largest type of vehicle that will visit the site during construction or operation. All vehicles are to enter and exit the site in a forward direction.
- Vehicular access routes to the site are to be in accordance with the *Traffic Impact Assessment* dated July 2016 submitted in support of the proposal. Vehicles travelling to the site are not to do so via the unformed public road, west of the subject land, that has frontage to Culgoora Road and the Kamilaroi Highway (HW29).

#### **1.4 Advertising**

The proposed development was identified as being 'Advertised Development' pursuant to the requirements of Cl. 5 of the *EP & A Reg 2000*. The proposed development was publicly advertised and notified to adjoining neighbours from 18 May 2016 until 28 June 2016. Council did not receive any submissions during this period.

#### **1.5 Recommendation**

Pursuant to Section 80 and 80A of the EP & A Act 1979 (as amended);

That the consent authority, grant consent to Development Application DA 122/2016 subject to the attached conditions of development consent - Annexure 6.

## **1.6 Annexures**

- Annexure 1: Development Application DA122/2016
- Annexure 2: Amended Statement of Environmental Effects, Brown & Krippner
- Annexure 3: Amended Plans
- Annexure 4: Traffic Impact Assessment prepared by RoadNet
- Annexure 5: Preliminary Hazard Analysis prepared by CDM Smith
- Annexure 6: Draft conditions of development consent

## **2. Assessment of Development Application**

### **2.1 Proposed Development**

The proposed development is for the redevelopment of an existing Cotton Seed Processing Plant including:

- Construction of-
  - 1 x 1.289ha Warehouse/Industrial Building;
  - 2,816m<sup>2</sup> extension to existing Warehouse/Industrial Building;
  - Recladding of existing Warehouse Building;
  - 1 x 916m<sup>2</sup> Administration Building;
  - 1 x 815m<sup>2</sup> Laboratory Building;
  - Associated Outbuildings, Driveways, Parking Areas, Site Filling and Augmentation of existing Earthen Levee Bank.
- Demolition of existing Administration Area.

### **2.2 Site Description**

The property (Lot 1 in DP873839 and Lot 2 in DP612166), is located approximately 2km's to the southeast of the town of Wee Waa and is situated on the northern side of Culgoora Road (SR30). The site is a typical north-west NSW floodplain, with little variation in terrain or opportunity for views. The site is essentially cleared of vegetation for the purposes of grazing and/or cropping, however, no such agricultural activities currently occur on the site. The locality has an extensive agricultural landscape. The site is occupied by the existing cotton seed processing facility.





Figure 2: 2952 Culgoora Road, Wee Waa

### 2.3 Background

Cotton Seed Distributors (CSD) is Australia's only provider of cotton seeds and this year is its 48th year of operation. From its Wee Waa base in North West NSW, CSD has played a key role in building the Australian cotton industry, and currently boasts an average annual plant of 320,000 ha of cotton, with possible increases up to 500,000 ha per annum. Yields of 11 to 14 bales per hectare are being achieved with CSD-CSIRO varieties, sometimes up to 15 bales per hectare.

CSD has identified the need to modernise the facility and recognises that the cotton industry is continuing to grow and expand, especially in the south of the country. CSD has also identified significant potential areas for expansion in northern Australia and in parts of Western Australia. The company is therefore planning a \$41.2 million redevelopment of its processing plant.

CSD has submitted an application to Council (to be determined by the NSW Department of Planning's Regional Panel), to build new warehouses, laboratories and ancillary structures and planned upgrades to more modern and technologically advanced seed de-linting and treatment facilities.

The processing plant takes seeds that have been removed from cotton lint and de-lints, grades and treats the seeds, which are then supplied back to the industry for planting.

The de-linting process involves the use of hydrogen chloride liquid acid, with plans to replace the existing system of mixing hydrogen and chlorine on site to be replaced with a safer system which takes the gas directly from "pool acid".

Further, CSD's strategic plan operates from 2014 to 2020 with a key goal of delivering an average increase in yield of two bales per hectare, establishing 50,000ha of new cotton areas and ensuring 50% of the total summer crop plantings are planted to cotton. This will represent an additional profit for growers of over \$1000 per ha.

Cotton Breeding Australia, the venture between CSD and CSIRO, has jointly and equally invested a total of \$58.7m in breeding and research from 2007 to now. By 2024 this investment will exceed \$141m in total.

CSD recognises that some of the current equipment and technology being used at the facility is over 30 years old and subsequently the upgrade is needed to make production more efficient, to meet the burgeoning industry in the south of NSW and to ensure the long term viability of the company and the cotton industry, as a whole, in Australia.

## 2.4 Permissibility of Proposed Development

### State Significant Development

*"State Environmental Planning Policy (State and Regional Development) 2011 Schedule 1 State significant development—general (Clause 8 (1)3) Agricultural produce industries and food and beverage processing"* was considered as the proposed development has a CIV of over \$30 million and is a type of 'agricultural produce industry'. It was concluded that the proposed development was not State Significant Development for the following reasons:

- The proposed Development is not for the purposes of a 'cotton gin'.
- 'Cotton gin' is not defined under the SEPP. However, it is ordinarily understood to be a machine that separates cotton fibre from cotton seeds.
- In the context of the SEPP, a 'cotton gin' would refer to a facility at which these machines operate and at which this process takes place.
- The Statement of Environmental Effects (SEE) makes it clear that the cotton seed processing activities which take place at the Facility and are the subject of the DA, occur after the ginning process.
- Further, the proposed Development is not for a 'cotton seed mill'.
- The SEPP contains no definition of a 'cotton seed mill'. However, it is understood that this processing involves grinding which is not done at the proposed redeveloped facility. Rather the process can be more accurately defined as 'washing' or 'refining' of cotton seeds.

### Integrated Development

The proposed development was considered pursuant to the requirements of Clause 91 Integrated Development – *EP & A Act 1979*, which states that "Integrated development is development (not being State significant development or complying development) that, in order for it to be carried out, requires development consent and one or more of the following approvals" (table below). Discussions and investigations were made by Council's staff and representatives from relevant Government Departments. It was concluded that the proposed development was not Integrated Development for the following reasons:

Act	Provision	Approval	Planning Comment
<u><i>Fisheries Management Act 1994</i></u>	s 144	aquaculture permit	Licensing requirements relating to the <i>Fisheries Management Act 1994</i> are not applicable to



			this development.
	s 201	permit to carry out dredging or reclamation work	Licensing requirements relating to the <i>Fisheries Management Act 1994</i> are not applicable to this development.
	s 205	permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease	Licensing requirements relating to the <i>Fisheries Management Act 1994</i> are not applicable to this development.
	s 219	permit to: set a net, netting or other material, or construct or alter a dam, floodgate, causeway or weir, or otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat	Licensing requirements relating to the <i>Fisheries Management Act 1994</i> are not applicable to this development.
<u>Heritage Act 1977</u>	s 58	approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1)	The proposed development does not require an approval pursuant to s 57(1) of the <i>Heritage Act 1977</i> .
<u>Mine Subsidence Compensation Act 1961</u>	s 15	approval to alter or erect improvements within a mine subsidence district or to subdivide land therein	The proposed development does require an approval pursuant to s 15 of the <i>Mine Subsidence Compensation Act 1961</i> .
<u>Mining Act 1992</u>	ss 63, 64	grant of mining lease	The proposed development does not require the granting of a mining lease pursuant to s 63 and 64 of the <i>Mining Act 1992</i>
<u>National Parks and Wildlife Act 1974</u>	s 90	grant of Aboriginal heritage impact permit	The proposed development does not require an Aboriginal heritage impact permit pursuant to s 90 of the <i>National Parks and Wildlife Act 1974</i>
<u>Petroleum (Onshore) Act 1991</u>	s 16	grant of production lease	The proposed development does not require a production lease pursuant to s 16 of the <i>Petroleum (Onshore) Act 1991</i>

<u>Protection of the Environment Operations Act 1997</u>	ss 43 (a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	The proposed development was referred to EPA for concurrence. Correspondence received from EPA confirmed that the proposed development did not require an approval pursuant to the requirements of the <i>Protection of the Environment Operations Act 1997</i> .
	ss 43 (b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described as a “waste activity” but including any activity described as a “waste facility”).	
	ss 43 (d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	
<u>Roads Act 1993</u>	s 138	consent to: (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	The proposed development was referred to RMS for concurrence. Correspondence received from RMS confirmed that the proposed development did not require an approval pursuant to the requirements of s 138 of the <i>Roads Act 1993</i> . The proposed development is however, considered ‘Traffic Generating Development’ pursuant to Schedule 3 of <i>State Environmental Planning Policy (Infrastructure) 2007</i> .
<u>Rural Fires Act 1997</u>	s 100B	authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	The proposed development does not require authorisation under section 100B of the <i>Rural Fires Act 1997</i> in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes
<u>Water Management Act 2000</u>	ss 89, 90, 91	water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Based on the information received by the applicant, the investigations of Council staff and correspondence received from DPI, because the proposed works are not within 40 metres of the high bank of the watercourse and the

			existing levee currently has approval, and no other approval from DPI is required, than DPI considers the development is not Integrated Development pursuant to the requirements of S 89, 90 and 91 of the <i>Water Management Act 2000</i> .
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### Designated Development

The proposed development was considered pursuant to the requirements of Schedule 3 - Designated Development - of the EP & A Reg 2000, specifically Clause 1 – Agricultural Produce Industries. Discussions and investigations were made by Narrabri Shire Council's (Council) staff and State Government Departments, specifically the DPI and EPA. From the information provided Council is satisfied that the proposed development is not Designated Development for the following reasons;

- The proposed development will not release effluent, sludge or other waste in or within 100 metres of a natural waterbody or wetland, as the information provided by the applicant identifies that Bundock Creek is no longer considered a natural waterbody, as defined, and
- The property, the subject of the development proposal, is not identified as being within an area of high water table, highly permeable soils or acid sulphate, sodic or saline soils.

## **2.5 External and Internal Referrals**

### Internal Referrals

The proposed development was referred internally to Council's Engineering Design Services Manager, and Acting Strategy and Land Use Officer on 6 May 2016, and to Acting Manager Planning and Development on 20 May 2016.

### *Environmental*

Council's Acting Strategy and Land Use Officer raised questions with regards to possible noise impacts, dust extraction systems, reduced area for waste management, and the consolidation of the lots. These issues were discussed at the onsite meeting on 9 June 2016 and satisfactorily addressed as follows:

- the proposed new technologies and layout would further reduce the noise currently generated from the site, from which no complaints have been generated previously;
- Dump pits 6 and 7 are not enclosed and are for fuzzy seed which is not a dusty product and therefore do not require dust extraction equipment;
- The irrigation field on Lot 2 DP 612166 is not currently used for the dispersal of wastes, therefore expansion of the proposed development onto this area will have negligible effect;
- A condition will be imposed on the consent to require both lots to be consolidated as part of this development.

### *Traffic and Infrastructure*

Council's Engineering Design Services Manager requested additional information on 18 May 2016, which was received on 13 June 2016 and forwarded on for comment. Final comments were received

on 22 July 2016 and 4 August 2016 which advised that there was still a significant reference to B-Double type vehicles in the SEE and the plans, but with one of the entry points having an AB-Triple vehicle turning path, and that the SEE states Road Trains would split their combination on the highway and then drive in as a single unit. He advised “there would not need to be a special condition regarding this, it is more of an observation”. Therefore, we have relied upon RMS’s recommended conditions regarding access provided on the 4 August 2016 that stipulate designing to the “largest vehicle” that will utilise the site during construction and ongoing use.

#### *Building Regulation*

The application was referred to Council’s Acting Manager Planning and Development on 20 May 2016, who made the following comments:

- The proposal includes a 4,400 m<sup>2</sup> addition to the existing Delinting Building. The building will exceed the floor area and volume limitations under C2.2 of the BCA. The building may comply with the large isolated building requirements of C2.3 which requires protection throughout with a sprinkler system complying with Specification E1.5 and perimeter vehicular access complying with C2.4(b) of the BCA.
- The proposal includes construction of a Finished goods warehouse, Administration building, Laboratory building and Fuzzy shed.
- The building floor area of 11,252 m<sup>2</sup> will exceed the floor area and volume limitations under C2.2 of the BCA. The building may comply with the large isolated building requirements of C2.3 which requires protection throughout with a sprinkler system complying with Specification E1.5 and perimeter vehicular access complying with C2.4(b) of the BCA.
- The buildings will be required to comply with the BCA.

#### External Referrals

The proposed development was referred externally to the RMS, EPA and DPI on 12 May 2016. All three (3) external authorities requested additional information be provided, particularly with regards to the proximity of the development to the watercourse identified on the site plan submitted with the SEE.

The site inspection conducted on 9 June 2016 identified that Bundock Creek is indistinct on the subject site and has no defined bank or channels. This is evidenced in the following photo taken onsite:



**Figure 3: Approximate site of Bundock Creek on Lot 1 DP 873839, 2952 Culgoora Road, Wee Waa**

Therefore, there is no ability to measure the distance to the proposed works, and no watercourses that could be negatively impacted by the proposed development.

The additional information requested was received by the applicant on 20 June 2016 and forwarded to the EPA and DPI the same day.

*NSW Department of Primary Industries - Water*

On the 22 June 2016 the DPI advised the following:

- The levee bank is already approved and therefore does not need any further approval from DPI as long as there is no increase of the footprint of the levee. The applicant can alter the height of the levee as there is no restrictions in this area;
- Therefore, as the works are not within forty (40) metres of the high bank of the watercourse and the levee currently has approval, and no other approval from DPI is required, than DPI considers the development is not Integrated Development and therefore does not need to be referred to DPI.

*NSW Environment Protection Authority*

On the 30 June 2016 the EPA advised the following:

- Impacts on the environment and community including those from wastes generated on site, dust emissions, stormwater, and noise and vibration are expected to remain minimal with

no verified incidents or complaints on record. The contribution of the current and proposed plant to cumulative impacts in the subject area is expected to be minimal;

- According to Prensa's report, residues are applied at concentrations less than the approved standard for application rates for the same active ingredients that CSD uses in its seed treatments. The EPA are satisfied that environmental impacts are not likely to result from this activity, and recommended that management and application of residues should continue in line with CSD's current practices;
- The EPA agreed with the recommendation that CSD continue routine soil monitoring to ensure that active ingredient concentrations are not increasing or accumulating over time, and advised Council that this should be incorporated into the development consent.

### *NSW Roads and Maritime*

The additional information requested by RMS was received by Council on 13 July 2016 and forwarded to RMS on the same day. On 4 August 2016, after reviewing the additional information supplied pursuant to clause 104 of the *State Environmental Planning Policy (infrastructure) 2007*, RMS advised the following recommended conditions for Council's consideration:

- The separation (distance) between the proposed light and heavy vehicle accesses to Culgoora Road is to be in accordance with clause 7, Part 4 of *Austrroads Guide to Road Design*.
- Vehicular access treatments servicing the proposed development are to be designed and constructed in accordance with Part 4A *Austrroads Guide to Road Design*.
- Safe Intersection Sight Distance (SISD) is to be provided and maintain in accordance with Part 4A *Austrroads Guide to Road Design* in both directions at the light and heavy vehicle accesses to Culgoora Road.
- Light and heavy vehicle parking, loading/unloading and manoeuvring areas are to be constructed in accordance with *Australian/New Zealand Standard 2890.1 'Off Street Car Parking'*.
- Adequate turning area, storage room and vertical clearances are to be provided at the heavy vehicle access and internal manoeuvring areas for the largest type of vehicle that will visit the site during construction or operation. All vehicles are to enter and exit the site in a forward direction.
- Vehicular access routes to the site are to be in accordance with the *Traffic Impact Assessment* dated July 2016 submitted in support of the proposal. Vehicles travelling to the site are not to do so via the unformed public road, west of the subject land, that has frontage to Culgoora Road and the Kamilaroi Highway (HW29).

## **2.6 Public Participation and Submissions**

The proposed development was identified as being 'Advertised Development' pursuant to the requirements of clause 5 of the *EP & A Reg 2000*, as the proposal was initially identified as 'Integrated Development' pursuant to clause 91 of the *EP & A Act 1979*. The proposed development was publicly advertised and notified to adjoining neighbours from 18 May 2016 until 28 June 2016. Council's current Notification Development Control Plan (DCP) required the proposed development to be notified and advertised for a period of fourteen (14) days. The exhibition period exceeded this requirement. Council did not receive any submissions during this period.

## **2.7 Section 79C Assessment**

### State Environmental Planning Policies



*SEPP No 33 – Hazardous and Offensive Development:*

The proposed development is considered a “potentially hazardous industry” pursuant to clause 3 SEPP 33. Therefore, the applicant was requested to satisfy the requirements of the NSW Department of Planning’s publication “SEPP 33 Hazardous and Offensive Development”. Further, a Preliminary Hazard Analysis (PHA) was requested of the applicant. The proposed development was also referred to the EPA and DPI pursuant to clause 13 of SEPP 33.

The applicant provided the PHA and this was forwarded on 12 July 2017 to the EPA for review. The EPA reviewed the PHA and advised on 2 August 2016 that they had no further comments. As such, that the 30 June 2016 letter remains the EPA’s formal response to the proposed redevelopment of CSD’s facility at Wee Waa.

The EPA concluded that on the basis of the information provided to date, and the proponent’s commitment to implement all relevant construction and operational standards, plans and practices, the EPA has no further comments on the proposed redevelopment of the plant.

*SEPP No 44 – Koala Habitat Protection:*

The site subject to this development application is cleared and has been developed to support its current and proposed use as an Agricultural Produce Industry. Investigations revealed that the site does not contain core or potential koala habitat. It is therefore considered that the development can proceed having satisfactorily complied with the requirements of SEPP 44.

*SEPP No 55 – Remediation of Land:*

The subject site was identified as being contaminated, although at insignificant levels, through the Environmental Site Assessment conducted by Prensa Pty Ltd. There will be no proposed change in the use of the land, the same rural industry will continue albeit with modernized equipment and methods. Prensa did not recommend remediation of the land as there is absence of significant contamination. However, it was recommended that a Construction Environmental Management Plan be prepared to deal with any significant contamination uncovered during construction of the proposed development. It is further recommended that a Site Management Plan be prepared to deal with any significant contamination, if any, that emerges post-development.

*SEPP Rural Lands:*

The proposed development is consistent with the aims of the Rural Lands SEPP, as well as the Rural Planning Principles. The redevelopment of CSD recognises the importance of the changing nature of agricultural trends, demands, issues, and benefits, whilst ensuring important rural land is maintained. The subject site does not comprise productive rural lands.

*Narrabri Local Environmental Plan 2012:*

Clause	Planning Comment
<b>Part 1 Preliminary</b>	
1.2 Aims of the Plan	The proposal does not contravene the aims of the Plan.
<b>Part 2 Permitted or Prohibited Development</b>	
2.2 Land Use Zone	The subject land is zoned RU1 Primary Production pursuant to the NLEP 2012.
2.3 Land Use Table	The proposal, an Agricultural Produce Industry, is permissible with consent within the RU1 zone.
2.3 Zone Objectives	The proposal does not compromise the RU1 zone objectives which are as

	<p>follows;</p> <ul style="list-style-type: none"> <li>• To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.</li> </ul> <p>The proposed use of the site is the same as the existing use; for the preparation of cotton seed for distribution to farmers.</p> <ul style="list-style-type: none"> <li>• To encourage diversity in primary industry enterprises and systems appropriate for the area.</li> </ul> <p>The applicant has advised that they did previously try to farm the land immediately around the development site, however it was unsuccessful due to the poor quality soil.</p> <ul style="list-style-type: none"> <li>• To minimise the fragmentation and alienation of resource lands.</li> </ul> <p>The applicant has advised that they did previously try to farm the land immediately around the development site, however it was unsuccessful due to the poor quality soil.</p> <ul style="list-style-type: none"> <li>• To minimise conflict between land uses within this zone and land uses within adjoining zones.</li> </ul> <p>The subject site is located within the RU1 zone which also surrounds the development site. The nearest residential zone is located within the town of Wee Waa itself. To date no negative impacts have been noted on the residential community of Wee Waa. The proposed redevelopment will allow for better technologies with regards to noise attenuation.</p> <ul style="list-style-type: none"> <li>• To allow for non-agricultural land uses that will not restrict the use of other land for agricultural purposes.</li> </ul> <p>Cotton Seed Distributors does not restrict the use of the land for other agricultural purposes as the land is not suited to farming. The site produces seed for farmers to grow cotton on suitable cotton farming land.</p>
<b>Part 6 Additional local provisions</b>	
6.1 Earthworks	<p>Clause 6.1 of NLEP2012 is relevant to the proposed development, due to the excavation of material on-site for construction purposes, the subsequent creation of a borrow pit and the proposed works to increase the height of the existing levee bank around the property. From information provided by the applicant, investigations by Council staff and correspondence received by Council from State Government Departments, Council is satisfied that the proposed earthworks relating to the development are consistent with the objectives of Clause 6.1 of NLEP 2012 and that the earthworks will not have a detrimental impact on environmental functions and processes, neighbouring land uses, cultural or heritage items or features of the surrounding land.</p> <p>Correspondence received from DPI confirms that the existing levee bank maintains the relevant approval and any proposal to increase the height of the levee bank does not require any further approval from DPI as long as at the completion of the works, there has been no increase in the levee bank 'footprint'.</p>
6.2 Flood Planning	<p>The property is identified as being flood liable by Council's flood planning map and is affected by a 1:50 and a 1:100 year flood event. Where land subject to a development application is identified as being flood liable, Council must be satisfied of the following, prior to determining the application:</p> <p><i>(a) (the development) is compatible with the flood hazard of the land,</i> The redevelopment will be protected from a 1:100 ARI flood by the augmented levee bank proposed.</p> <p><i>(b) is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other</i></p>

	<p><i>development or properties,</i></p> <p>The redevelopment will not significantly affect local flood behaviour because the augmented levee bank will not encroach beyond its existing outer perimeter.</p> <p><i>(c) incorporates appropriate measure to manage risk to life from flood,</i></p> <p>The augmented levee will protect the site occupants from flooding. External flooding and any failure of the levee are addressed in the CSD Flood Evacuation Plan</p> <p><i>(d) is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.</i></p> <p>The development involves the upgrading of an existing facility. It is reasonable to conclude that the development will have a negligible impact on flood behaviours and will not increase the flood affection of adjoining properties. The development is therefore considered to be consistent with this Clause.</p>
6.5 Essential services	The site is currently developed and all services necessary for its continued operation are present on-site. The proposal presents no issues requiring consideration in accordance with this Clause.

#### *Development Control Plans & Council Policies*

<b>Development Control Plan</b>	<b>Considered</b>	<b>Planning Comment</b>
Development Control Plan Notification Policy	Yes	Council's Notification Policy required a letter to be sent to adjoining property owners. The policy requires notification for a minimum of ten (10) days. The proposed development was also identified as being 'Advertised Development' pursuant to the requirements of Cl. 5 of the <i>EP &amp; A Reg</i> . The proposed development was publicly advertised from 18 May 2016 until 28 June 2016, and was notified to adjoining neighbours from 12 May 2016 until 28 June 2016. No submissions were received during this time.
Provision of Rainwater Storage Tank Policy	N/A	Proposed development is not for residential development.
Local Approvals Policy	N/A	Council's reticulated services do not service the development.
Development Control Plan Landfill Development	Yes	The proposed development will not result in greater than 50% site coverage by fill.
Development Control Plan Medium Density	N/A	N/A
Development Control Plan Outdoor Advertising	N/A	Advertising and signage do not form part of this application as the one 'business identification sign' proposed for the redevelopment satisfies the requirements for exempt development. A condition will be imposed in the consent to advise that any signage proposed in the future that does not meet the Exempt requirements will require a DA.
Development Control Plan Parking Code No.1	Yes	The Parking Code prescribes the rate at which off-street car parking is to be provided to certain types of development in accordance with the guidelines as provided by the NSW RMS – Guide to Traffic Generating Developments. The most appropriate land use definition from the policy that relates to the proposed development is considered a 'warehouse' for industry, which requires 1 space per 300m <sup>2</sup> GFA. The

			combined total GFA for the proposed new buildings is 14,426m <sup>2</sup> . Therefore, 48 car parks are required to be provided onsite. The proposed development indicates 82 car parks are provided on site, including (8) existing covered spaces being retained, and ample space for trucks to park wholly within the site.
Development Control Plan Subdivision Code	N/A		No subdivision applied for as part of the proposed development. A condition will be imposed on the development consent requiring the (2) lots to be consolidated so as no infrastructure is built across any boundaries.
Development Control Plan Transportable Homes	N/A		N/A
Development Control Plan Water Supply to Buildings	N/A		Council's reticulated water does not service the proposed development.
Development Control Plan Drainage to Buildings	Yes		A condition will be imposed in the consent to require appropriate disposal of all stormwater.
Development Control Plan Building Line	N/A		Applies to residential development only.
Development Control Plan Encroachments onto Public Road	N/A		N/A
Development Control Plan Building Near Sewer and Stormwater Mains	N/A		No reticulated sewer or water mains transverse or service the subject site.
Development Control Plan Temporary On-site Residential Accommodation (Rural Zones) Policy	N/A		N/A
Development Control Plan Industrial Development Code	Yes		<ul style="list-style-type: none"> <li>Buildings – The proposed design of the buildings is considered in-keeping with the existing buildings, and the administration and laboratory buildings being constructed of decorative brick and façade broken up with various windows.</li> <li>Open Storage and Work Areas – No open storage or work areas, other than on-site manoeuvring, are proposed as part of this development.</li> <li>Security Fencing – The subject site is proposed to be fenced with mesh security fencing.</li> <li>Building Setbacks and Landscaping – The proposed buildings are in excess of 8 metres from the primary road frontage. A landscape plan for this area has been submitted and is considered satisfactory.</li> <li>Access, Parking and Off Street Loading/Unloading Facilities – All vehicles are able to enter and leave the site in a forward direction. All parking areas are proposed to be constructed in accordance with the applicable Australian Standard, Council's Parking DCP, and RMS Guidelines.</li> <li>Access and Road Construction Requirements – The proposed access arrangements suffice the requirements of this DCP.</li> <li>Loading/Unloading Facilities – All loading and unloading of vehicles is proposed to happen on-site. A condition will be included in the consent to</li> </ul>

		<p>ensure this continues at all times.</p> <ul style="list-style-type: none"> <li>• Advertising Signs – There is 1 Building Identification Sign proposed as part of the redevelopment of CSD, however it is less than 2.5m<sup>2</sup> and therefore satisfies the exempt criteria of the Codes SEPP &amp; is considered exempt development and does not form part of this approval.</li> <li>• Services &amp; Drainage – Council's reticulated water and sewer infrastructure does not service the proposed development site. Roof water will discharge to the new and re-aligned swale drains which will continue to capture and convey internal stormwater to the existing outlet at the north western corner of the site. All sewage/sullage will be treated and disposed of on-site. Liquid waste other than sullage/sewage will consist of waste water from the Scrubber and Drum Rinsate from the cleaning of chemical drums. This waste will be neutralized / diluted and irrigated to open fields on the site. The NSW EPA has recently reviewed and approved this process.</li> </ul>
Section 94 Contributions Plan	N/A	N/A
Section 94A Contributions Plan	Yes	<p>Council's S94A plan is applied to all developments with a capital investment value (CIV) &gt;\$100,000, at variable levy rates, if S94 contributions have not been paid as part of a previous development. This plan came into effect when adopted in minute number 669/2011 at the Ordinary Council meeting conducted on the 18th October 2011. Since this time no Development applications have been received or granted for the subject site and/or development. Therefore, Council's S94A Contribution Plan is applicable to the proposed development. The cost of works of the proposed development is identified as being \$41,223,460 plus GST (\$4,122,346.00). The levy required for developments greater than \$200,000 is 1% of the total cost of works. 1% of \$45,345,806.00 is <b>\$453,458.06</b> which is the applicable S94A Contribution.</p>

#### *Planning Agreement*

There are no planning agreements or draft planning agreements relating to the land.

#### *Any Regulations*

#### *Environmental Planning and Assessment Regulations 2000*

The application has been assessed in accordance with the requirements of the *EP & A Reg 2000*, specifically the requirements of clause 91 – Integrated Development, and Schedule 3 – Designated Development. Council is satisfied that following discussions with relevant external government departments and subsequent correspondence received, that the development is neither Integrated nor Designated Development.

The application was lodged as an Integrated Development Application, subject to clause 91 of the *EP & A Act*, being an activity that required approval pursuant to clause 90(4) of the *Water management Act 2000*. Therefore, the application was referred to the DPI on 11 May 2016. It was unclear, after an initial assessment, if the proposed development also triggered any other Integrated and/or Designated referrals, hence the application was also referred to the RMS and EPA for general comments.

A site inspection was carried out on 9<sup>th</sup> June 2016 by Council staff, CSD staff, and representatives from Brown and Krippner and Hill Lockart Architects. This site inspection identified that Bundock Creek is indistinct on the subject site, with no defined banks or channels being identifiable. Additional information was received by the applicant to satisfy Council, EPA, DPI and RMS.

The EPA concluded that on the basis of the information provided to date, and the proponent's commitment to implement all relevant construction and operational standards, plans and practices, the EPA has no further comments on the proposed redevelopment of the plant. The EPA also reviewed the PHA and advised on 2 August 2016 that they believe there are no further comments.

After thoroughly investigating the proposed development, DPI advised that the existing earthen levee bank on the subject site has a previous approval (90CW801246 recently converted to 90FW833648) with no height limitations. Therefore, as the proposed works are not within forty (40) metres of the high bank of a watercourse and the levee currently has approval, and no other approval from DPI is required, than DPI considered the development is not Integrated Development.

### **Likely Impacts of the Development**

#### *Context and Setting*

The proposal is to redevelop the existing facility by the addition of new light industrial and administration buildings which will result in an increase in the scale and bulk of the development on the site. The site itself is typically described as a north-west flood plain with only insignificant undulations across the entire site and with only limited opportunities for views. The site and the surrounding locality is essentially dominated by extensive agricultural land use activities. The impact of the redevelopment would have minimal, if any, impact on the context and setting of the locality, particularly given the existing activity on the site and the duration that CSD has occupied the site. There will be minor earth works and the redevelopment will be moved closer to Culgoora Road, however this will have no impact on anybody travelling along that road. The site proposed for development is located in the RU1 Primary Production zone pursuant to the Narrabri LEP 2012.

#### *Built Form*

The redevelopment of the existing facility by the addition of buildings as described in greater detail earlier in this report, will result in an increase in the scale of the development at the site. However, the height, mass and bulk of the proposed development will be consistent with the existing development on the site. The proposed built form will not result in any significant impacts in the locality.

#### *Potential Impact on Adjacent Properties*

The existing and proposed development is located on the southern section of the property with direct frontage to Culgoora Road. Predominately, land surrounding the site is privately owned and can be characterised in the best part as land that is used for extensive agricultural purposes.



The impact of the proposed development on the adjoining premises is a relevant consideration in this assessment and is discussed below.

- **Safety** – The safety of the travelling public and pedestrians is not being compromised by the development. The proposal is a redevelopment of the existing facilities on the site. This is largely because the site is large enough to adequately ‘store’ the heavy vehicles (26 meters in length) that it is proposed will use the site and all smaller vehicles. The designs of the access and egress arrangements are adequate and the proposed re-development allows for the larger vehicles to enter the site, adequately manoeuvre around the site, and then exit the site in a safe manner. Compared to the current arrangement where the vehicles enter the site, get weighed, exit the site back onto Culgoora Road and then re-enter the site to unload. The current arrangement requires additional access and egress from and to Culgoora Road that is considered unnecessary and that increases safety concerns of the development. Additionally, the current arrangement allows for two vehicle accesses (for both heavy and light vehicles) to the site. The proposed arrangement will also have two vehicles accesses to the site but one will be for light vehicles, and the other for heavy vehicles. All new access treatments and internal traffic designs are to be constructed in accordance with *Austrroads Guide to Road Design, and Australian/New Zealand Standard 2890.1 ‘Off Street Car Parking’*. Vehicular access routes to the site are to be in accordance with the *Traffic Impact Assessment* dated July 2016 submitted in support of the proposal. Vehicles travelling to the site are not to do so via the unformed public road, west of the subject land, that has frontage to Culgoora Road and the Kamilaroi Highway (HW29).
- **Noise** – It is anticipated that the proposed development will have negligible to no impact on neighbouring residents. All of the proposed new building will be constructed with appropriate sandwich cladding, designed to suppress noise. It is anticipated that potentially the most likely source of noise emitting equipment will be the dust extraction fans. And mobile plant, however as stated in the SEE, the existing dust extraction fans are barely audible during the night and it is suggested that the proposed new fans are better designed and will be even less audible, resulting in only very negligible noise impact. Further, the proposed redevelopment of the site has incorporated a design configuration whereby the proposed new buildings surround the operating areas for mobile plant. It is anticipated therefore, that the smarter configuration of the proposed buildings will act as a physical barrier and result in greater noise attenuation and less noise emissions from the site.

It is noted that the detrimental impact of noise on neighbouring premises has not been an issue with the existing facility and as stated, it is expected that noise will be even less significant as a result of the proposed redeveloped facility.

- **Obtrusive Lighting** – It is anticipated that due to the significant distance to the nearest residential receptor and other physical and natural barriers surrounding the site, the impact of obtrusive lighting will not be a significant issue and will not result in a detrimental impact on surrounding premises. Council, can impose a condition on the development consent requiring the applicant to ensure that all proposed lighting on the site complies with the requirements of AS4284 and AS4282 – 1997 *Control of the obtrusive effects of outdoor lighting*.

#### **Land and Environment Court planning principles**

Land and Environment Court of New South Wales (LEC) Commissioners have adopted a set of guiding planning principles on which they base their decisions. These principles provide planners

with criteria on which LEC appeals are determined and can assist and inform planning decisions in the development assessment process (Williams, 2006). The following planning principle is relevant to council's assessment of this development.

**Davies v Penrith City Council [2013] NSWLEC 1141**

In this case, Moore SC found that 'the following questions are relevant to the assessment of impacts on neighbouring properties':

*'How does the impact change the amenity of the affected property?'*

The proposed development, being the redevelopment of the existing approved use of the site, will have no significant detrimental impact on the amenity of adjoining land uses, such as agricultural pursuits, by way of noise, obtrusive lighting, contamination issues or safety concerns regarding the use of the site by heavy vehicles. There are no residential premises immediately adjoining the subject site.

*'How reasonable is the proposal causing the impact?'*

The proposal is consistent with the RU1 Primary Production zone objectives as set out in the NLEP2012 and the proposed redevelopment of the site is not unreasonable as the redevelopment is consistent with the current approved use of the site. Further, the site attributes are considered conducive to the development.

*'How vulnerable to the impact is the property receiving the impact?'*

As the proposed development is defined as an 'agricultural produce industry' and the predominant surrounding land use is 'extensive agriculture'. In this regards, there are no residential or other vulnerable developments in close proximity to the subject site. Due to the significant distances to the nearest residential receptor, it is determined that they are not vulnerable to the impact of the proposed development.

*'Does the impact arise out of poor design?'*

The design of the redeveloped facility has been very well considered and is consistent with appropriate design principals. As discussed above, the configuration of all new buildings is that they will be located on the site so as to surround those areas designated for use by the mobile plant equipment. This is to ensure that noise emissions from the development are negligible and significantly decreased. Other design considerations have also been implemented into the development i.e. the walls of the proposed buildings will be clad with sandwich panels, another design principal that will lessen noise impacts to neighbouring premises. In addition, and as discussed above, traffic impacts from the development have also been significantly decreased because of good design of on-site traffic manoeuvrability and amended traffic access and egress arrangements.

Therefore, it is determined that the identified impacts from the development do not arise from poor design

*'Does the proposal comply with the planning controls?'*

The proposal complies with local planning controls in terms of on-site parking and vehicle movements, noise and obtrusive lighting controls and advertising structures as discussed previously within this report. The development provides adequate on-site car parking and is able to demonstrate sufficient room for adequate vehicle manoeuvrability. The impact of noise and obtrusive lighting has been considered through quality design principals in the submitted document and as a result such impacts are determined to be negligible.

Based on the above planning principle the proposal is considered to be a reasonable use of the premises and the identified associated impacts of the development, specifically those impacts considered to be potentially harmful on the nearest vulnerable receptors, are considered to be well thought out and appropriate design and control principals adopted to ensure that the development will have little to know impact in the locality. The proposal is consistent with relevant planning controls and is considered to have positive social and economic impacts and as such is determined to be in the public interest.

#### *Access, Transport and Traffic*

Access to the premises, the site of the proposed development, is via Culgoora Road (SR30), with materials being transported to and from the site using various alternative routes to Culgoora Road, keeping in mind that road train access to the site is limited to only one route (when road trains are used) Road trains are restricted in the locality.

Culgoora Road is a majority bitumen sealed shire road that is maintained by Narrabri Shire Council. Traffic using the road is generally from local residents and vehicles either belonging to employees of CSD or vehicles servicing the CSD development.

It has been estimated that due to the development being a 'redevelopment' of the existing CSD facility, at the completion of the construction phase of the development, no additional traffic will be generated. Obviously during the construction phase, additional construction vehicles will be accessing the site for related purposes.

#### *Utilities*

The existing and proposed redevelopment relies on the provision of some utility services to service activities at the site. It is proposed by the Statement of Environmental Effects that water supply will come from the existing bore supply and the proposed rainwater tanks to be installed around the perimeter of the proposed new buildings and which have been designed to capture significant amounts of rain/roof water.

Electricity and telecommunication services are already connected to the site and will be available to service the redevelopment.

LPG Gas is proposed to be reticulated throughout the redevelopment from a centrally located gas supply tank on the site.

The redevelopment is adequately serviced by all relevant utilities.

#### *Waste*

Waste management is discussed in detail within the submitted SEE, however waste management can be summarised as;

- By-products will mostly be re-used on or offsite and all recyclable materials are recycled by being transported to “Challenge” or Council’s waste and recycling facilities.
- Construction waste will be adequately managed by the contract builder/construction manager, but will also be disposed of at an approved waste/recycling management facility.
- Disposal of Rinsate – “Rinsate” as referred to in the SEE is comprised of seed treatment residues that have been left over from the seed treatment process. Rinsate residues is diluted in water, adequately stored in a tank and are then sprayed topically over the site, where they are broken down naturally in the soil, which they are designed to do. This process has been the subject of further investigation by Council and the EPA, has been discussed thoroughly in the SEE and additional supporting information and has been approved by the relevant approval authority – EPA
- Waste water from the scrubber will continue to be neutralised in the scrubber dosing system to a balanced pH and irrigated over the landscaped area.
- Chemical waste – HCL fumes are neutralised by a caustic scrubber before being released to the atmosphere.
- Powdered lint, a by-product of the delinting process is captured in containers below a sieve. The powdered lint fibre is then mixed with lime which results in a neutralised and inert organic product comprised of cellulose. This product is then spread with an agricultural spreader onto farm land (remainder of the site), where it is broken down in the same manner as dry grass.
- Agricultural pesticide containers that contain relevant pesticides used in the seed treatment process, once emptied of their contents are rinsed and transported to Drum Muster for recycling.
- General Waste from the facility is disposed of at Council’s Wee Waa waste transfer station.
- Sullage/Sewage Disposal – All sewage and sullage will be treated and disposed of on-site through approved on-site waste management systems.

### *Water*

Water supply to service the facility will be sourced from the existing filtered bore water supply that is currently used to service the existing facility. The current and proposed bore water supply is considered sufficient to provide the required water supply.

Firefighting water will continue to be sourced from a dedicated bore and stored in the existing on site storage tanks. The tanks have been fitted with the necessary connection fittings and hydrant boost supply systems to ensure that adequate services are available in the event of a fire.

### *Soils*

A geotechnical investigation of the site was carried out on the site by South Queensland Soils. The report concluded that the site was suitable for the proposed development.

Further to requests from Council and the EPA, the applicant submitted a *Review of Land Application of Seed Treatment Residue* report prepared by Presna Pty Ltd. The objective of this report was to undertake a review of the current process of land application of seed treatment residues and to provide commentary on the potential for the current process to result in an environment impact. The report concluded that overall it was unlikely that CSD’s land application of seed treatment residues would significantly impact the environment. However, it was also recommended that routine soil monitoring is undertaken to confirm that active ingredient concentrations in soils within the land application area are not increasing or accumulating with time.

### *Flora and Fauna*

The submitted Statement of Environmental Effects and a subsequent site inspection confirmed that, due to the long history of the use of the site by CSD and the subsequent cultivation of those areas of the site ancillary to the primary purpose of the CSD development, the site is essentially cleared of vegetation and that there is no evidence of threatened species of either flora or fauna on the site and the site is not considered a Core Koala Habitat (SEPP 44 Assessment). It is therefore reasonable to suggest that the proposed redevelopment of the site will have no detrimental impact on flora and fauna in the locality.

#### *Noise & Vibration*

The proposed redevelopment will have no impacts associated with vibrations. The impact of noise from the development on the locality has been discussed in significant detail earlier in this report.

#### *Natural Hazards*

The site is located on an existing floodplain. An existing levee bank provides flood protection to less than a 1 in 50 year flood frequency. TCS have designed a new levee (see Appendix L) which will protect the redeveloped facility up to a 1 in 100 year flood frequency. The proposed redevelopment will not significantly affect local flood behaviour because the augmented levee bank will not encroach beyond its existing outer perimeter. DPI has concurred on this (see Appendix J). The augmented levee will protect the site occupants from flooding. External flooding and any failure of the levee are addressed in the CSD Flood Evacuation Plan as follows included in Appendix J).

The impact on Flooding of the proposed redevelopment can be summarised as follows:-

- The redevelopment will be protected from a 1:100 ARI flood by the augmented levee bank proposed.
- The redevelopment will not significantly affect local flood behaviour because the augmented levee bank will not encroach beyond its existing outer perimeter. DPI Water has concurred on this (see Appendix J).
- The augmented levee will protect the site occupants from flooding. External flooding and any failure of the levee are addressed in the CSD Flood Evacuation Plan.
- Flooding of the locality up to and including the 1:100 ARI event is therefore not considered a significant issue.

#### *Technological Hazards*

The site has been investigated for contamination by Prensa Pty Ltd (see Appendix P). Prensa found that contamination was not an issue for the proposed development, based on site sampling. However, they also recommended the preparation of a Construction Environmental Management Plan to cover the discovery of any significant site contamination during construction. On-going testing will be required to monitor the effects of on-site waste disposal. A PHA has been prepared for two substances to be used in the redevelopment, those being; LPG and liquid Hydrochloric Acid. The PHA found that the new facility "would not pose any fatality or serious injury risk to the off-site population" or pose significant risk of "off-site irritation". The PHA recommended that several Australian Standards be followed in the detailed design process and these will be adopted in full during the construction of the development and will be included as conditions of development consent.

#### *Social and Economic Impact on the Locality*

CSD is a very significant employer in the Wee Waa area and the proposed development will enable this to continue. Staff numbers will remain constant, although levels of expertise will need to increase with the introduction of more modern equipment and procedures. Stable employment numbers are considered to be essential in maintaining vibrant and diverse communities. With a total of 32 staff at “Shenstone” representing a significant proportion of the likely working population of Wee Waa, it is essential that the facility be enabled to continue and prosper.

The construction period of the proposed development will create local employment and purchasing for the redevelopment, with significant multiplier effects across the economy of Wee Waa, and the wider Narrabri Local Government Area. As noted above, the preservation of 32 skilled and semi-skilled jobs by the modernization of the existing facility will keep approximately \$7.6 million of gross wages in the local economy per annum. As such it is considered that the development will provide a positive economic impact. The proposed redevelopment of CSD will enable the business to maintain a productive and state-of-the-art facility to ensure the future of the Australian Cotton Industry.

#### *Site Design and Internal Design*

The site access and parking layout has been designed to separate heavy and light vehicles and visitors from industrial areas. All vehicle entries to and exits from the site will be in a forward direction. Buildings will be well separated to allow vehicle manoeuvring and safe pedestrian access. All parking and access will be line-marked in accordance with the relevant Australian Standards. A comprehensive Work Health and Safety Plan is in place for the existing facility and will be adapted for new features in this proposal (see Appendix H). The site will be fully fenced with a mesh security fence, with strategically placed CCTV cameras monitoring activities. The site is located a significant distance from the village of Wee Waa, which will discourage trespass. All buildings will be set back a significant distance from boundaries, which will aid surveillance.

Substantial buffers to neighbouring properties will be maintained around all buildings and other working areas. The height of new buildings will generally be consistent with the heights of existing buildings on the site.

#### *Construction*

New buildings will be insulated against heat and cold by insulated building cladding. All dust generating elements of seed processing will be fitted with extraction and filtering. Noise generated by new plant and equipment will be less than existing noise levels. The redeveloped facility will be fitted with a fire protection and control system. External finishes will be mostly non-reflective and pre-coloured with a consistent alternating colour scheme to add interest to facades. A building Code of Australia compliance report has been included at Appendix Q.

Conditions are proposed to be included in the consent to ensure construction activities are conducted in accordance with the relevant Australian Standards, RMS requirements, and construction standards of the BCA. Construction hours, noise, site stability and manoeuvrability, as well as erosion and sediment control will be required to be monitored by the Principle Certifying Authority.

#### *Site Suitability*

There are no significant constraints on the proposed development. Traffic generated by the redevelopment will remain the same as in the existing development. The site is currently fully serviced by on-site facilities. Air quality and noise levels on and around the site will be preserved or improved by the redevelopment, as noted previously in this study. The water requirements of the



redevelopment and the physical presence of the redevelopment will not have any foreseen significant effects on the water cycle of the relevant catchment. The site is on an existing floodplain, however, the existing levee bank will be augmented to mitigate flooding risk to insignificant levels. The soil characteristics are suitable for the development, and the buildings will be required to be engineered to suit these conditions. The proposal will have no significant impact on the availability of prime agricultural land in the vicinity.

#### *The Public Interest*

The proposed development is considered to be in the public interest. The proposal will have positive economic impacts for the Wee Waa and Narrabri localities and will create additional employment opportunities for the community. The proposed redevelopment is considered to be consistent with the philosophy embodied in the zoning and other relevant requirements in LEP2012, and will continue to promote and support the existing businesses. Associated contributions made under Council's Section 94A plan will be used towards physical and social infrastructure.

### **3. Conclusion and Recommendation**

This assessment has been carried out pursuant to the requirements of section 79(C) of the *EP & A Act 1979*. The assessment takes into account the impact that the proposed development will have on the social and economic aspects of the community and consideration of the applicable statutory requirements.

Development Consent is sought for the redevelopment of "Shenstone" in the form of construction of new industrial buildings, associated outbuildings, driveways/parking areas, earthworks and demolition, as detailed in the amended SEE. The proposed redevelopment will allow the existing cotton seed processing plant on the site to modernize, improve efficiency and continue operations well into the future. The proposed development has been designed to avoid irreversible environmental damage, as detailed throughout this assessment. The proposal is consistent with all applicable Environmental Planning Instruments and the relevant Development Control Plan, of note are the following conclusions from the assessment of the proposed redevelopment;

- Being the redevelopment of a long standing existing facility, the proposal is in context with the existing local setting.
- Vehicular traffic or parking demand will not be increased under this proposal. However new driveways and parking/manoeuvring areas will greatly improve the access and storage of all light and heavy traffic.
- All required utilities are available to the site.
- There will be no significant reduction in the regional availability of agricultural land under this proposal.
- Water resources are adequate for the proposed development and the proposal will not affect the availability or quality of this resource in the local area.
- Site soils are suitable for the redevelopment and will be appropriately protected during construction.
- Dust, as a potential source of air pollution, will be controlled at all stages of seed processing.
- There are no flora or fauna constraints on the site.
- All forms of waste produced during construction and operation will be reused, recycled or appropriately disposed of.
- Existing noise levels, which are currently unobtrusive, will be reduced under this proposal.
- Flooding hazards will be mitigated by the augmentation of the existing site levee bank.

- The redeveloped site will be made more secure, both to protect the business, and the public.
- The redevelopment will have a positive social impact due to the preservation of 32 local jobs.

Based upon the above assessment of the proposal it is concluded that the proposed development is consistent with the aims and objectives of the Narrabri LEP 2012, and all applicable DCPs. The proposed development is also considered consistent with the requirements of the EP & A Act 1979, and the EP & A Reg 2000, and all associated and inter-dependent legislation. Consequently, the proposed development is recommended for approval subject to the conditions attached at Annexure 6.