

Statement of Environmental Effects

Railway freight terminal on
Lots 4 & 5 DP 1201358, off The Irrigation Way, Wumbulgal

2012.59P

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The client & potential proponent have authorised **Planningmatters** Development Service to liaise with Leeton Shire Council on their behalf regarding this proposal.

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1.0 DESCRIPTION OF THE SITE & LOCALITY:

The subject land comprises Lots 4 & 5 DP 1201358, off The Irrigation Way, Wumbulgal. References in this report to the subject site or land relate to the portion of these allotments subject to this Development Application (DA). Lot 4 DP 1201358 is currently occupied by a grain storage & handling facility. Lot 5 DP 1201358 is currently vacant with the exception of a stormwater detention basins, dams, a roadway & adjoining drainage swales associated with development on Lot 3 & 4 DP 1201358.

Vehicular access to the site is currently gained via an existing access off The Irrigation Way. This access services Lots 3, 4 & 5 DP 1201358 and was constructed as part of DA 130/2012 for the grain storage & handling facility on Lot 4 DP 1201358.

The immediate surrounding locality comprises an agricultural setting with scattered houses. A hay storage & processing facility, a cotton module storage facility and a mainline loading & silo facility are located on Lot 3 DP 1201358.

Electricity, raw water, and telecommunications are currently available within the wider locality but not all of these services are connected to the site. Council's reticulated sewerage system does not currently extend to the locality.

Yarmwal Roads adjoins the southern boundary of the site. It is a gravel 'local' road for the majority of its boundary with adjoining Lot 1 DP 1201358 and an undeveloped paper road to the south of Lots 3, 4 & 5 DP 1201358. Moon Road adjoins the eastern boundary of Lot 1 DP 1201358 and intersects with Yarmwal Road to the south. Both Moon Road & Yarmwal Road are gravel 'local' roads under the control of Leeton Shire Council.

The Irrigation Way is located to the west of Lot 5 DP 1201358. The Irrigation Way is the main arterial road between Leeton & Griffith and is classified as an 'arterial' road under the control of NSW Roads & Maritime Services (RMS). The Irrigation Way is gazetted as a B-Double and Road Train route and has a speed limit of 100km/h.

2.0 DESCRIPTION OF THE PROPOSAL:

2.1 Nature of the proposed development & land-use:

The proposed development relates to the establishment of a railway freight terminal on Lots 4 & 5 DP 1201358. The facility provides for initially containerised freight to un/load from/to trains, which enables freight to be transported out of the region by rail to other centres and generally major port facilities such as Sydney & Melbourne.

The proposal includes two (2) connections/off-takes from the main railway line into the terminal, construction of two (2) rail sidings on the site, construction of an adjoining hardstand area to un/load & store containers, placement of a transportable office building, construction of two (2) driveways into the facility off the internal roadway on Lot 5 DP 1201358, construction of vehicle manoeuvring & parking areas and the construction of a drainage system.

The proposed connections to the main railway line have been located a considerable distance from the railway line's road crossing of The Irrigation Way to ensure that shunting operations into/out of the railway freight terminal's sidings do not need to impact upon the road network and unnecessarily result in vehicular traffic having to stop at the crossing just for shunting activities. Detailed design plans relating to the connections off the main railway line including the location of points, signage, etc will be prepared by the proponent in consultation with the railway line's operator once development consent has been granted and prior to the commencement of any railway related works.

The proposed connections to the main railway line and provision of two (2) rail sidings on the site require the provision of two (2) crossings over the gas pipeline that adjoins the site's north-eastern boundary & the railway corridor. The sidings have purposefully been located on the south-western side of the gas pipeline so that apart from the crossings over the gas pipeline, no other activities at the terminal will occur within the gas easement or between the gas pipeline easement & the railway corridor. Detailed design plans relating to the crossings over the gas pipeline will be prepared by the proponent in consultation with the gas pipeline's operator once development consent has been granted and prior to the commencement of any railway siding works over or within close proximity of the gas pipeline. It is understood that the gas pipeline's operator requires the preparation of a Safety Management Study (SMS) relating to the establishment of the railway freight terminal within proximity of the gas pipeline & crossing over the actual pipeline. Arrangements have been made to commence preparation of the SMS prior to determination of this DA.

The proposed hardstand area located on the south-western side of the sidings will be used to un/load containers off/on to heavy vehicles & trains and to store containers for extended periods, if required. Whilst the hardstand area occupies a considerable portion of the site, not all of the hardstand area may initially be constructed. The proponent may initially only construct a portion of the hardstand area and then complete remaining portions in stages, as demand for storage space requires. The hardstand area is initially proposed to comprise an all-weather gravel surface because of the financial cost associated with concreting such an area to a standard that caters for the weight of forklifts & container lifting equipment. Regardless of whether a portion or all of the hardstand area is constructed to an all-weather or concrete standard, it is proposed that the terminal's on-site stormwater drainage & detention system will be designed as if the hardstand area is 100% impervious.

The proposal includes the relocation & placement of a transportable office building on the site. This building will be placed on new piers/footings but will otherwise not require any major construction work. The transportable office will be located between the railway freight terminal's two (2) driveway entrances and act as the initial point of contact for visitors to the site. The transportable office is considerably larger than what is operationally required to operate the railway freight terminal let alone house staff that will initially be employed at the site but has been proposed because it was available and otherwise not being used at another one of the proponent's sites. Whilst the transportable office building is anticipated to be large enough to potentially accommodate any future expansion or intensification of operations at the railway freight terminal such as but not limited to the establishment of a truck depot or provision of warehousing facilities, the transportable nature of the office building means that it can be relocated in the future to enable replacement with a larger or more permanent office building.

The proposal includes the construction of two (2) driveways into the railway freight terminal off the existing internal roadway on Lot 5 DP 1201358 that connects with The Irrigation Way. These driveways have been located either side of the transportable office building to separate passenger vehicles & heavy vehicles associated with the facility and will both link up with the hardstand area adjacent to the sidings. The driveways and in particular the eastern-most driveway that will be serviced by heavy vehicles are considered to be appropriately spaces from each other and other driveways, intersections, etc. Considering that the internal roadway on Lot 5 DP 1201358 only comprises an all-weather gravel surface, it is not proposed to seal either of the two (2) driveways into the railway freight terminal or the roadways within/throughout the terminal.

The proposal comprises a considerable amount of new hardstand areas that will result in an increase in the volume of stormwater generated off this portion of Lots 4 & 5 DP 1201358 that could leave the site, if not detained. The proposal will require the implementation of a drainage system that will need to collect, detain & discharge stormwater so that post-developed flows do not exceed pre-developed flows from the portion of the site to be developed.

Whilst the proposed railway freight terminal is anticipated to be initially operated by Linx Cargo Care (formerly Patrick) and eventually replace the existing railway freight terminal operating in Griffith, development consent is sought to operate a stand-alone terminal in its own right. This will enable the proponent to potentially operate the two (2) railway freight terminals for an undefined period of time during which they can gradually stage relocation from Griffith to the subject site, if required.

The proposed railway freight terminal's location at Wumbulgal is considered to be ideally located between the centres of Griffith, Leeton, Yenda & Whitton and relatively close to sites operated by the proponent's customers. The site has access to a road network that can be serviced by B-Doubles, B-Triples & Road Trains without the need to unnecessarily transport freight through major commercial & residential centres. The site has been selected for the location of a railway freight terminal because of its proximity to major centres and exporting businesses in the Western Riverina but also because it's isolation from residential receptors, which could otherwise be impacted by operations.

The proposed development provides for containers to be delivered to the site by heavy vehicles, unloaded by a forklift or container lifting equipment, potentially stored on-site and loaded onto a freight train, which then forwards the freight to Sydney & Melbourne to generally enable export from a port facility. In the reverse order, containers will be brought to the site by freight train, unloaded by a forklift or container lifting equipment, potentially stored and then dispatched to a customer's facility where it is filled before being returned to the terminal.

The types of freight to be forwarded through the proposed terminal are extensive and only restricted by the type of current commodities that are produced/manufactured and/or need to be imported to the Western Riverina region of NSW. Whilst major outgoing commodities currently comprise wine, grain, rice, nuts, etc this could change over time as new markets develop and technology changes to enable items that are currently not containerised or exported. Incoming commodities could comprise fertiliser, manufactured goods, packaging, etc and also change over time.

This DA does not include scheduled re-fuelling or servicing of freight train locomotives or heavy vehicles. Should these activities be proposed on a regular scheduled basis, separate DAs can be submitted to Council at a later date.

The proposed railway freight terminal is anticipated to eventually negate the need for containers to be un/loaded from/onto trains at the mainline loading area on Lot 3 DP 1201358. Until such time as the mainline loading area on Lot 3 DP 1201358 is no longer regularly serviced by freight trains, this area will continue to un/load containers associated with existing businesses on Lots 3 & 4 DP 1201358 from/onto trains.

2.2 Subdivision:

The subject land currently comprises two (2) Torrens title allotments being Lots 4 & 5 DP 1201358. Whilst this proposal doesn't relate to further subdivision or consolidation of the site, a separate DA (108/2015) has been approved by Council to create an allotment adjoining the north-eastern boundary of Lot 4 DP 1201358 & a portion of Lot 5 DP 1201358 upon which the proposed railway freight terminal will be located.

It is proposed to create easements for access, services & drainage as part of the Plan of Subdivision relating to DA 108/2015 burdening down-stream allotments in favour of the proposed railway freight terminal's allotment. The submission of this DA for a railway freight terminal is not considered to require the creation of any new/additional easements on either the subject land or surrounding allotments.

2.3 Hours of operation & days of trade:

Whilst the majority of activities associated with the proposed railway freight terminal may be undertaken during daylight hours, development consent is sought to operate up to 24 hours a day, seven days a week. 24hr operation provides for heavy vehicles delivering/collecting containers to be able to access the site if they are running late, travelling to/from a site outside the immediate region or if circumstances change that requires deliveries/collections to be made during extended hours into the evening & night time periods. 24hr operation importantly provides for trains to be able to arrive/depart the site during any time of the day, evening or night time periods to enable freight services to coordinate with the wider rail network in NSW & Victoria. 24hr operation also enables trains to be shunted along/between the sidings during un/loading activities.

2.4 Employees & Visitors:

The railway freight terminal is anticipated to employ on average up to approximately ten (10) full-time equivalent staff.

With the exception of deliveries, the railway freight terminal is not anticipated to generate a significant number of visitors to the site. Visitors will most likely generally comprise company representatives, customers, suppliers, contractors, etc that might visit the site from time to time. All visitors will be directed to report to the transportable office building. Adequate provision can be made for visitor parking in the portion of the carpark adjacent to the transportable office building.

The proposed railway freight terminal will not result in any change in the number of staff or visitors associated with other businesses operating on Lots 3 & 4 DP 1201358. Staff that currently undertake container un/loading activities at the mainline loading area on Lot 3 DP 1201358 are anticipated to be based at the proposed railway freight terminal once it becomes operational, which will actually result in a slight reduction in employee & visitor numbers associated with the mainline loading area.

Whilst relocation of the proponent's truck & trailer fleet including warehousing & vehicle servicing operations to the site would result in considerably more employee & visitor numbers, this is not proposed as part of this DA.

2.5 Advertising signage & outdoor lighting:

The proposed development does not include the erection of any new advertising signage that would be visible from The Irrigation Way. Whilst it is anticipated that operation of the railway freight terminal will require the erection of warning & advisory signage at the site's entrances off the internal roadway on Lot 5 DP 1201358 and throughout the site, this signage is not considered to comprise advertising signage. With the exception of signage restricting access to the railway freight terminal which may be erected around the terminal's perimeter, none of the warning or advisory signage is anticipated to be easily read or distinguished by passing traffic. A separate DA can be submitted to Council at a later date for the erection of advertising signage that is visible from a public place.

2.6 Outdoor lighting:

Outdoor lighting will need to be erected in order to operate the railway freight terminal during the evening & night time periods. This lighting is anticipated to comprise the erection of free-standing light towers adjoining the proposed rail sidings, the hardstand area and associated roadways at the terminal. It is acknowledged that Council may impose a condition of consent requiring outdoor lighting to be erected & screened in such a manner that does not affect passing traffic on The Irrigation Way, the railway line or the internal roadway on Lot 5 DP 1201358 that services Lots 3 & 4 DP 1201358. Details of the proposed type & location of outdoor lighting can be submitted to Council for approval prior to erection, if required.

2.7 Occupation of the railway reserve:

The proposed development will require occupation of a portion of the adjoining railway reserve for the purposes of connecting the new sidings and associated infrastructure. It is acknowledged that Council may notify the proposed development to the railway operator. It is proposed that the proponent will negotiate with the railway operator regarding the design of the new sidings, their exact points of connection to the railway line and the design/installation of appropriate infrastructure including drainage works once this DA has been approved. Detailed design drawings can be submitted to Council for approval in conjunction with the CC application for civil works.

All rail loading/unloading operations will be undertaken by either the train operator and/or other entities approved by the train operator, the terminal operator and if required by the railway line operator.

Whilst this DA does not alter the currently approved arrangements for mainline loading on Lot 3 DP 1201358, it is acknowledged that the railway operator may impose restrictions associated with undertaking mainline loading during construction of the new sidings or undertaking activities with relatively close proximity of each other.

2.8 Occupation of the gas reserve:

The proposed development will require occupation of the gas easement that runs through Lots 4 & 5 DP 1201358 for the purposes of installing crossings over the gas pipeline.

It is acknowledged that Council may notify the proposed development to the gas pipeline owner/operator. It is proposed that the proponent will negotiate with the gas pipeline owner/operator regarding the design of new crossings over the gas pipeline once this DA has been approved. Detailed design drawings can be submitted to Council for approval in conjunction with the CC application for civil works.

The proposed development does not include any change to the previously approved arrangements for occupation and crossing of the gas easement within the locality. In saying that, it is understood that Council would like the current landowner to liaise with the gas pipeline's operator/owner regarding the preparation of a Safety Management Study (SMS) before any new DAs for further development (excluding this DA) are determined.

2.9 Traffic Generation:

The railway freight terminal will result in an increase in traffic associated with the site. Traffic movements will comprise heavy vehicles associated with the delivery/collection of containers, heavy vehicles delivering goods & materials and passenger vehicles associated with staff & visitors.

The majority of vehicles delivering/collecting containers to the railway freight terminal from sites apart from businesses located at Wumbulgal will comprise B-Doubles and eventually B-Triple type vehicles. Whilst Semi-trailers will be used to deliver/collect individual containers to/from sites that generate minimal freight or one-off sites, the majority of containers are anticipated to be associated with a couple of larger customers that require as many containers to be delivered/collected at once to save costs. The use of B-Doubles and eventually B-Triples provide for the most efficient transportation of containers to/from the railway freight terminal.

The number of heavy vehicle movements that will be associated with the railway freight terminal is governed by the size/length of freight trains that can be accommodated at the facility and the volume of outgoing freight that is currently & projected to be generated within the Western Riverina region of NSW. Whilst the volume of incoming freight to the Western Riverina region could theoretically dictate the number of containers that need to be delivered to the site, the volume of outgoing freight has previously and is expected to out-number the volume of incoming freight. This means that majority of containers that are delivered to the facility will be empty.

Depending upon whether the proposed railway freight terminal operates in isolation or replaces existing terminals located in Griffith and/or Leeton, the number of heavy vehicle movements likely to be associated with terminal can change. Regardless of the number & length of trains services that operate per day and to an extent the volume of freight that passes through the proposed railway freight terminal, the number of heavy vehicle movements that will be directly associated with the facility will not exceed 250 per day. Whilst initial & projected traffic movements directly associated with the freight terminal are not anticipated to be anywhere near 250 movements per day, the cap of 250 was decided as it was a trigger for Designated Development and provides the proponent with the flexibility of being able to increase traffic movements in the future if circumstances change without having to re-submit another DA yet maintaining traffic movements under the trigger for Designated Development.

Whilst the potential staggered operation of train services could mean that a larger volume of freight is received/dispatched on some days as opposed to others, the number of heavy vehicle movements associated with the proposed railway freight terminal is not anticipated to alter significantly on a day-to-day basis. This is because there are only so many heavy vehicles operated by the proponent & within the wider locality that can transport containers. Given that heavy vehicles used to transport containers will need to operate at a consistent rate every day, the number of heavy vehicle movements directly associated with the proposed railway freight terminal will remain fairly constant regardless of when the freight arrives/leaves the site.

Whilst existing businesses located on Lots 3 & 4 DP 1201358 have definite peak periods that they receive product throughout the year, the proposed railway freight terminal will operate year round with a constant number of vehicles likely to be associated with the terminal on most days. This means that heavy vehicle movements directly associated with the railway freight terminal will be in addition to peak movements by heavy vehicles associated with these other businesses. The traffic impact assessment report prepared by Varga Traffic Planning has concluded that the existing turning lanes on The Irrigation Way will cater for expected peak periods associated with the cumulative impact of traffic directly associated with the railway freight terminal, other businesses on Lots 3 & 4 DP 1201358 and passing traffic.

Even though the proposed railway freight terminal could employ 10 full time equivalent staff, the site's relative isolation from established centres such as Griffith & Leeton means that a large proportion of staff are anticipated to car pool to & from the site. This has been the case with other businesses operating on adjoining Lots 3 & 4 DP 1201358 and has resulted in a reduction in the number of anticipated passenger car trips associated with the site.

The surrounding road network is considered to adequately cater for all types of vehicles and the number of anticipated trips likely to be associated with the proposal.

This DA will not relate to any change to the nature or operation of other businesses on adjoining Lots 3 & 4 DP 1201358 or an increase in the volume of traffic associated with those businesses.

2.10 Vehicular Access:

Vehicular access to the proposed railway freight terminal will be gained via existing turning lanes off The Irrigation Way and through what is currently Lot 5 DP 1201358. Vehicles will travel along the internal roadway on what is currently Lot 5 DP 1201358 before turning into the railway freight terminal. Passenger cars will be able to access the terminal via a dedicated driveway (1st/western-most driveway) off the internal roadway which leads to a carpark that may eventually cater for up to 35 vehicles. Heavy Vehicles will be able to access the terminal via a dedicated driveway (2nd/eastern-most driveway) off the internal roadway that leads to the office building and on to the hardstand un/loading & storage area.

Adequate provision has been made to ensure that heavy vehicles associated with the railway freight terminal will not need to stack out of the terminal onto the internal roadway on Lot 5 DP 1201358. In this regard, a considerable distance has been provided between the second/western-most driveway off the internal roadway so that incoming trucks can pull over and receive directions, if required. The entry side of this driveway has been purposefully widened so that any incoming trucks visiting the office can pull over to the left hand side of the carriageway and allow other trucks to enter the site and not be held up in a stacked format. A heavy vehicle parking/staging/stacking area has been provided on the northern side of the transportable building. This parking/staging/stacking area allows heavy vehicles that are either entering or leaving the site to park for extended periods without interfering with incoming or outgoing vehicle movements.

The internal roadway running through adjoining Lots 4 & 5 DP 1201358 currently comprises an all-weather gravel surface and has a carriageway catering for two-way traffic with a width of at least 7m. The new driveways servicing the railway freight terminal off the roadway on what is currently Lot 5 DP 1201358, the car & heavy vehicle parking & manoeuvring areas adjacent to the office building and the hardstand area are initially proposed to comprise an all-weather gravel surface. It is not proposed to seal the roadway on Lots 4 or 5 DP 1201358 or hardstand surfaces on the railway freight terminal site.

Whilst it is acknowledged that the proponent may need to implement dust suppression measures (eg: use of a water cart) if dust from heavy vehicle movements results in the constant generation of dust, the site's relative isolation from sensitive landuses reduces the potential of nuisance. The provision of a landscaped buffer around the railway freight terminal's southern & western boundaries is anticipated to partially screen the facility and assist in mitigating excessive dust leaving the site & impacting upon passing traffic traveling along The Irrigation Way.

The existing turning lanes cater for B-Doubles, B-Triples and Road Trains and are understood to cater for the type, frequency & volume of vehicle movements associated with the proposed railway freight terminal. Likewise, these turning lanes are understood to cater for cumulative traffic volumes associated with currently approved landuses at Wumbulgal & the railway freight terminal (see Traffic Impact Assessment report prepared by Varga Traffic Planning).

Considering that the not all containers need to be weighed, that some of the sites where the containers will originate generally have a weighbridge and that some lifting equipment can determine container weight, this DA does not include the installation of a weighbridge at the railway freight terminal. Whilst a weighbridge may be installed at a later date and subject to a separate DA, the opportunity exists for the railway freight terminal operator to make use of the weighbridge operated by the grain storage & handling facility on Lot 4 DP 1201358. Adequate provision exists for heavy vehicles to be able to access this weighbridge & turn around at the existing roundabout located to the east of the weighbridge. The Plan of Subdivision relating to the creation of the allotment to which the railway freight terminal will be located provides for a right of access burdening the area of land occupied by the weighbridge on Lot 4 DP 1201358 in favour of the railway freight terminal's allotment.

2.11 Loading/unloading operations:

Heavy vehicles delivering/collecting containers to/from the railway freight terminal will generally be un/loading on the hardstand adjoining the new sidings. These operations will occur either next to the sidings or at a designated end of the hardstand area depending upon when it is scheduled for departure.

Containers will initially be un/loading by a large forklift. Forklifts will also initially be used to un/load containers from/onto trains. Whilst it is not currently proposed to transfer containers by any other specialist types of equipment such as the wheeled cranes that are commonly used at port facilities, this type of equipment may be used in the future.

Un/loading activities and operations associated with the storage, stacking & reorganisation of containers may occur up to 24 hours a days, seven days a week in order to ensure that containers are appropriately located/stacked so as to enable the most efficient use of time when un/loading freight trains so that shunting movements can be reduced and that freight trains are not unnecessarily on the site for extended periods, which can lead to missing allocated time slots on the wider rail network.

2.12 Car parking:

The submitted plan identifies a car parking area located to the west of the transportable office building that may eventually cater for up to 35 cars. Considering that the terminal will initially employ only approximately 10 staff and generate very few visitors, it is initially proposed to construct a carpark that will only cater for approximately 15 cars. On this basis, it is requested that Council impose a condition requiring the provision of a carpark catering for at least 15 cars and that overflow parking be provided elsewhere on site. Provision can be made to either extend the carpark or provide an alternative location for additional/overflow parking, if required in the future.

Considering the site's relative isolation from Leeton, Whitton, Yenda & Griffith, a large proportion of operational staff are anticipated to car pool to & from the site. On this basis, the provision of a formalised carpark catering for approximately 15 cars and informal spaces elsewhere on the site is considered to be more than adequate.

2.13 Construction:

The proposed development requires construction activity associated with the new sidings, hardstand areas, office building, internal roadways & drainage systems. All construction activity will generally be undertaken during daylight hours up to six days a week (Monday-Saturday). The proposed development is anticipated to occur in stages. Separate Construction Certificate (CC) applications may be obtained for different elements of the proposal as and when they are required to be built. Examples include the construction/expansion of the hardstand area & the heavy vehicle parking/staging/stacking area as demand requires.

Adequate provision exists for contractor's vehicles, materials and waste to be stored on site during the construction period. Whilst construction activity will result in the generation of dust, adequate measures can be put in place to mitigate the potential for dust to impact upon nearby receptors or passing traffic. Such measures include the use of a water cart during construction of internal roads, etc. It is acknowledged that Council may impose a condition of consent requiring the submission of a Construction Management Plan (CMP) prior to the submission of a CC application.

2.14 External Design:

The proposed development will result in change in the external appearance of the site when viewed from surrounding public roads or properties. This change will comprise the construction of new sidings & hardstand areas, offices, internal roadways and drainage systems. Given that no residential receptors will have a direct view of the site and that the railway freight terminal can be screened from view from The Irrigation Way with landscaping, the external appearance of the terminal is considered to be acceptable. It is acknowledged that Council may impose a condition of consent requiring the submission of a Landscaping Schedule prior to the issue of a CC.

2.15 Amenities:

Amenities will be provided within the transportable office building. With the exception of works associated with the construction of footings underneath this building, the proposal does not otherwise comprise any other building works to the transportable office building. On this basis, the provisions of the *Access for Premises Standard 2011* that require the disabled access & amenities are not considered to apply in this instance. In saying that, it is acknowledge that any future building works would trigger the need to provide disabled access & amenities to and within the office building.

2.16 Drainage:

The subject land generally falls in various directions but eventually towards the south-west onto what is currently Lot 5 DP 1201358 before it is directed out onto & under The Irrigation Way.

Detailed hydraulic drawings & calculations relating to the railway freight terminal's drainage system will be prepared and submitted to Council in conjunction with a Construction Certificate (CC) application for civil works. This system included the on-site detention of stormwater before it is discharged onto what is currently Lot 5 DP 1201358. It is proposed that stormwater from the railway freight terminal will be directed into the detention basins on Lot 5 DP 1201358 before eventually being discharged out onto & under The Irrigation Way.

2.17 Essential Services:

The site is currently not serviced by Murrumbidgee Irrigation's raw water system. It is not proposed to provide any new connections to MI's system as part of this DA. Rainwater storage tanks will be installed within proximity of the transportable office building to capture rainwater to be used for potable uses. Additional tanks may be installed at a later date should demand for water increase.

The surrounding locality is not serviced with reticulated sewerage. An AWTs type of on-site sewerage treatment system will need to be installed to cater for amenities in the transportable office building. It is anticipated that the AWTs' irrigation area will comprise gardens/lawn around the transportable office building.

The site does not have any existing connection to electricity supply. Whilst it is proposed to provide an easement for services burdening adjoining allotments as part of a separate DA relating to subdivision of Lots 3, 4 & 5 DP 1201358, it is not proposed to extend reticulated electricity to service the railway freight terminal at this stage. In the interim, it is proposed to use portable electrical generating equipment to power the transportable office building. This portable electricity generating equipment will most likely be located adjacent to the transportable office building.

The site does not have any existing connection to telecommunications. Whilst it is proposed to provide an easement for services burdening adjoining allotments as part of a separate DA relating to subdivision of Lots 3, 4 & 5 DP 1201358, it is not proposed to extend telecommunications to service the railway freight terminal at this stage. In the interim, it is proposed to make use of mobile communications.

2.18 Noise:

The proposed railway freight terminal will result in the generation of noise from the site. Noise will be generated by sources such as heavy vehicles, loading/unloading equipment, electrical generating equipment, freight trains, passenger vehicles, etc. Whilst the site's relatively isolated location in a rural area is anticipated to reduce the potential for noise impact upon residential receptors, it is acknowledged that noise from the terminal has the potential to carry a considerable distance, especially at night.

Despite noise associated with off-site operations such as heavy vehicles & freight trains travelling to/from the site being likely to cause the greatest nuisance to residences within the wider locality, these noises are not required to be considered as part of this DA. Considering that passing train noise would be generated regardless of where the railway freight terminal is located, the proponent believes that the majority of heavy vehicle movements associated with the terminal will generally be undertaken during daylight hours, which will reduce the potential for disturbance to residences within the wider locality.

The Noise Impact Assessment report prepared by Reverb Acoustics that has been submitted with the DA has concluded that the impact from noise is not considered to prohibit approval of the proposal.

2.19 Air Quality:

The proposed railway freight terminal is not considered to significantly affect air quality or result in the generation of excessive dust or offensive odour within the locality. Whilst dust may be generated by heavy vehicles & forklifts travelling around the site this can be mitigated through day-to-day management practices such as controlling vehicle speeds and suppressing dust from internal roadways with water.

Given the proposed railway freight terminal's relatively large setback from The Irrigation Way and the direction of prevailing winds towards the north-east (away from The Irrigation Way) the potential for dust to impact upon passing traffic or residential receptors is considered to be minimal. The provision of a landscaped screening along the south-western boundary of the railway freight terminal is anticipated to not only assist in partially screen the facility but mitigating the potential for excessive dust to leave the site.

It is acknowledged that Council may impose a condition of consent requiring the submission of a Construction management Plan (CMP) and an Operational Environmental Management Plan (OEMP) that will identify the proposed methods of mitigating dust prior to the issue of a Construction Certificate (CC).

2.20 Waste:

The proposed railway freight terminal will result in the generation of waste from the site. Solid waste will comprise plastics, cardboard, paper, metals, string, etc. This waste can be contained on site and disposed via a waste collector to an approved waste facility, as required.

The proposal is not anticipated to result in the generation of any liquid trade waste that requires pre-treatment and/or specialist disposal. The preparation of a Waste Management Plan is not considered necessary in this instance.

3.0 CONSIDERATION OF RELEVANT LEGISLATION:

3.1 Local Government Act 1993:

3.1.1 Section 68 Approvals:

Council's reticulated water supply is not available within the locality. As such this DA does not include an application to Council for any new connections to Council's reticulated water supply service under the provisions of Section 68 of the Local Government Act 1993 as permitted by Section 78A(3) of the Environmental Planning and Assessment Act 1979.

Council's reticulated sewerage system is not available within the locality. As such, this DA does not include an application to Council for any new connections to Council's reticulated sewerage system under the provisions of Section 68 of the Local Government Act 1993 as permitted by Section 78A(3) of the Environmental Planning and Assessment Act 1979.

This DA does not include an application to install or operate any on-site sewerage treatment system under the provisions of Section 68 of the Local Government Act 1993 as permitted by Section 78A(3) of the Environmental Planning and Assessment Act 1979. A separate application to install & operate an AWTs type on-site sewerage treatment system will be submitted to Council at a later date once this DA has been approved.

This DA includes changes to the arrangements for the disposal of stormwater. On this basis, this DA includes an application to dispose of stormwater under the provisions of Section 68 of the Local Government Act 1993 as permitted by Section 78A(3) of the Environmental Planning and Assessment Act 1979. Detailed hydraulic plans & calculations relating to stormwater & on-site detention will be submitted at a later date as part of a CC application for civil works. It is acknowledged that Council will impose a condition requiring the post-developed stormwater discharge rate from the site not to exceed the pre-developed discharge rate.

3.2 Roads Act 1993

This DA does not include the construction or intensification of the existing turning lanes or access point off The Irrigation Way. The proposal does not include the creation of any new access points of The Irrigation Way or the opening of any Public Roads.

3.3 Native Vegetation Act 2003

This DA does not include the removal of any mature trees or native vegetation.

3.4 Protection of the Environment Operations Act 1997

The proposed development is not considered to be classified as a "scheduled activity" listed in the Schedule 1 of the *Protection of the Environment Operations Act 1997*. In this regard, this DA does not involve "chemical storage", "container reconditioning" or "railway systems activities" as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* for the following reasons:

Chemical Storage:

This DA does not seek consent for a railway freight terminal that will involve the storage of more than 20 tonnes of pressurised gases, 200 tonnes of liquefied gases or 2,000 tonnes of chemicals in any other form, the on-site storage of more than 5 tonnes of chemical waste or the storage of more than 200 tonnes of liquefied gases or 2,000 tonnes of chemicals in any other form.

Container reconditioning:

This DA does not seek consent for a railway freight terminal that will involve the storage, reconditioning, receiving or treating of more than 100 containers that have previously been used for the transportation or storage of and containing residual quantities of substances of Class 1, 3, 4, 5 or 8 within the meaning of the Transport of Dangerous Goods Code, or substances to which Division 6.2 of the Transport of Dangerous Goods Code applies.

Railway systems activities:

This DA does not seek consent for a railway freight terminal that is considered to comprise railway systems activities because the proposal comprises the loading of freight into or onto and unloading of freight from rolling stock and an activity at a freight depot or centre.

3.5 Environmental Planning & Assessment Act, 1979:

3.5.1 Section 77A – Designated Development:

The proposed development is not considered to be classified as 'Designated Development' as listed in Schedule 3 of the *Environmental Planning & Assessment Regulation 2000*. In this regard, the proposal was not considered to be defined as an 'Railway Freight Terminal', for the purposes of Schedule 3 of the *Environmental Planning & Assessment Regulation 2000* for the following reasons:

Railway Freight Terminals:

This DA does not seek consent for a railway freight terminal that will involve more than 250 vehicle movements per day or the clearing of more than 20 hectares of native vegetation. Likewise, the site is not located within 40m of a natural waterbody, wetland or environmentally sensitive area or 500m of a residential zone or dwelling that isn't associated with the development.

3.5.2 **Section 79C – Evaluation of matters for consideration:**

3.5.2.1 **Provisions of any Environmental Planning Instruments:**

State Environmental Planning Policy (Infrastructure) 2007:

- cl 7: The subject land fronts a classified road (The Irrigation Way). The following discussion is provided in relation Clause 101(2) of SEPP (Infrastructure) 2007:
- (a): Vehicular access to the site cannot be provided off any adjoining roads.
 - (b): The safety, efficiency and ongoing operation of The Irrigation Way is not considered to be adversely affected by the proposal as a result of:
 - (i): the design of the accessways to the site;
 - (ii): the emission of smoke or dust from the site;
 - (iii): the nature, volume or frequency of vehicles using The Irrigation Way.
 - (c): The proposal is not sensitive to traffic noise or vehicle emissions.
- cl 8: The proposal is considered to be listed in Schedule 3 of the SEPP, which requires referral of this DA to RMS for comment.

A Traffic & Parking Assessment report has been prepared and submitted to Council in conjunction with this DA.

State Environmental Planning Policy (Rural Lands) 2008:

- cl 7: The proposal is considered to be sympathetic with the principles listed in Part 2 of the SEPP.

Leeton Local Environmental Plan 2014 (LLEP2014):

The following commentary is provided in relation to clauses of the LLEP2014 that are considered to apply to the proposal:

Part 2: The subject site is proposed to be zoned *RU1 – Primary Production* under the provisions of the LLEP2014. The proposed development is considered to be defined as “freight transport facility” in the LLEP2014 Dictionary. The establishment of “freight transport facility” on land zoned *RU1 – Primary Production* is considered to be permissible with development consent. The proposal is not considered to be inconsistent with the objectives of land zoned *RU1 – Primary Production*.

Part 3: Not Applicable.

Part 4: cl 4.1: Whilst the original DA did not include subdivision of the site, separate DAs relating to subdivision have been approved by Council.

cl 4.1AA: Not Applicable.

cl 4.1A: Not Applicable.

cl 4.1B: Not Applicable.

cl 4.2: Noted.

cl 4.2A: Not Applicable.

cl 4.2B: Not Applicable.

cl 4.2C: Not Applicable.

cl 4.2D: Not Applicable.

cl 4.3: Not Applicable.

cl 4.4: Not Applicable.

cl 4.5: Not Applicable.

cl 4.6: Noted.

Part 5: cl 5.1: Noted.

cl 5.2: Not Applicable.

cl 5.3: Noted.

cl 5.4: Not Applicable.

cl 5.5: Not Applicable.

cl 5.6: Noted.

cl 5.7: Not Applicable.

- cl 5.8: Noted.
- cl 5.9: Noted.
- cl 5.9AA: Noted.
- cl 5.10: Not Applicable.
- cl 5.11: Noted.
- cl 5.12: Not Applicable.
- cl 5.13: Not Applicable.

Part 6: cl 6.1: The following discussion is provided in relation to subclause (3):

- (a): Whilst the proposal included the levelling of the portion of the site to be developed adequate arrangements can be made for the drainage on and around the development area to ensure that the proposal does not have a detrimental effect on drainage patterns & soil stability on the site.
- (b): The proposal is not considered to have an effect on the likely future use or redevelopment of the site.
- (c): The quality of soil to be excavated is not considered to significantly affect the proposal.
- (d): The proposal is not considered to result in a significantly detrimental impact on the existing or likely amenity of adjoining properties.
- (e): Material to be removed from the site are proposed to be used elsewhere on the site.
- (f): Whilst the removal of soil is unlikely to result in the disturbance of relics of Aboriginal or European cultural heritage, the proponent is aware of the need to report discoveries of any such relics.
- (g): The proposal is unlikely to result in any adverse impact on any waterway, drinking water catchment or environmentally sensitive area.
- (h): No specific measures are proposed to avoid, minimise or mitigate the impacts of the development.

cl 6.2: Not Applicable.

cl 6.3: The following discussion is provided in relation to subclause (3):

- (a)(i): The proposal is not considered to result in any adverse impact on the condition, ecological value and significance of the fauna and flora on the land.
- (a)(ii): The proposal is not considered to result in any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna.
- (a)(iii): The proposal is not considered to result in the fragmentation, disturbance or diminishing of the biodiversity structure, function and composition of the land.
- (a)(iv): The proposal is not considered to result in any adverse impact on habitat elements providing connectivity on the land.
- (b): The proposal is not considered to require any specific measures to avoid, minimise or mitigate the impacts of the development.

The following discussion is provided in relation to subclause (4):

- (a): The portion of the site to be developed was selected because of the reduced potential for environmental impact given that this part of the site is less vegetated and comprises a reduced grade than the remainder of the site.
- (b): The development has been sited on a portion of the site that is considered to minimise any potential impact on the environment.
- (c): The proposal is not considered to require the implementation of any specific measures to mitigate any potentially significant impact on the environment.

- cl 6.4: Not Applicable.
- cl 6.5: Not Applicable.
- cl 6.6: Not Applicable.
- cl 6.7: Not Applicable.
- cl 6.8: Not Applicable.
- cl 6.9: Not Applicable.
- cl 6.10: Not Applicable.
- cl 6.11: Not Applicable.
- cl 6.12: Noted.

Adequate arrangements can be made for water by collecting rainwater for potable purposes. Generators will initially be used to generate electricity until such time as reticulated electricity is connected to the site. Stormwater from the railway freight terminal will be detained on site before it is discharged into the existing detention basin on Lot 5 DP 1201358 and then subsequently discharged out to & under The Irrigation Way. Sewerage will be disposed of via an AWTs type on-site sewerage treatment system, which can be irrigated onto a landscaped area within proximity of the office building. Adequate arrangements will be made for vehicular access off The Irrigation Way and through Lot 5 DP 1201358 to the railway freight terminal

- cl 6.13: Not Applicable.

3.5.2.2 Provisions of any draft Environmental Planning Instruments:

There are not considered to be any draft Environmental Planning Instruments that relate to the proposed development.

3.5.2.3 Provisions of any Development Control Plans (DCPs):

There are not considered to be any DCPs that relate to the proposed development.

3.5.2.4 Any Planning Agreements:

There are understood to be no Planning Agreements that relate to the subject land.

3.5.2.5 Any matters prescribed by the Regulations:

There are not considered to be any specific matters prescribed by the Regulations that relate to the proposed development.

3.5.2.6 The likely impact of the proposed development:

Context and Setting:

The subject site is located within an agricultural precinct comprising scattered dwellings a considerable distance from the site. Adequate arrangements can be made for access, drainage, water supply, disposal of sewerage and essential services. On this basis, the subject land is considered to be suitable for the proposal.

Access, traffic & transport:

Adequate arrangements can be made for vehicular access to the development off The Irrigation Way via easements burdening adjoining allotments.

Public Domain:

The proposal is not considered to have a detrimental impact on the public domain.

Utilities:

Adequate arrangements can be made for the provision of essential services.

Heritage:

The subject land is not identified on the Heritage Map accompanying the LLEP2014.

Other land resources:

The proposal is not considered to have a significant impact on other land resources.

Water:

The proposal is not considered to have a significant demand for water.

Soils:

The proposal is not considered to have a significant impact on soil conservation.

Air & Microclimate:

The proposal is not considered to have a significant impact on air quality. Whilst heavy vehicle & trains un/loading operations will generate dust the site's relative isolation and separation from The Irrigation Way are anticipated that the implementation conventional dust suppression measures will adequately control dust on the site from affecting passing traffic.

Flora & Fauna:

The proposal is not considered to have a significant impact on flora or fauna.

Waste:

Adequate arrangements can be made for the disposal of waste from the site.

Energy:

The proposal may be considered to be somewhat inefficient in terms of energy demand.

Noise & Vibration:

Whilst the proposal will result in the generation of noise from the site, the Noise Impact Assessment report prepared by Reverb Acoustics that has been submitted with the DA has concluded that the impact from noise is not considered to prohibit approval of the proposal.

Natural hazards:

With the exception of localised flooding, the proposal is not considered to be impacted by any natural hazards. The proponent is satisfied that adequate arrangements can be made to mitigate localised flooding affecting product the development site through its siting adjacent to the railway line away from portions of the site that are understood to be subject to localised flooding.

Construction:

The proposal requires construction activity to be undertaken during daylight hours.

Cumulative impacts:

The proposal is not considered to have a negative cumulative impact on the locality.

3.5.2.7 The suitability of the site for the development:

This DA relates to a development on a vacant portion of the site that adjoins the Temora-Roto railway line. The proposed development is considered to be the most appropriate landuse adjoining this stretch of the railway line. Landscaping can be implemented along the site's southern & western boundaries to partially screen views of the terminal by passing traffic. The proposal was not anticipated to result in a detrimental impact upon the surrounding locality by reason of noise, dust or the like. On this basis, the subject land was considered to be suitable for the proposed development.

3.5.2.8 Any submissions made in accordance with the Regulations:

It is acknowledged that Council may notify the proposed development to surrounding landowners and/or in a local newspaper. It is requested that the applicant & proponent be provided with the opportunity to respond to the issues raised in any submissions received by Council.

3.5.2.9 The public interest:

There are not considered to be any significant Federal, State or Local Government nor Community interests regarding the proposed development.

4.0 CONCLUSION:

The proposed development relates to the establishment of a railway freight terminal on Lots 4 & 5 DP 1201358. The proposal includes the construction of: two (2) rail sidings; connections to a railway line; crossings over a gas pipeline; a hardstand area to load/unload & store containers; of a transportable office building; and associated roadways & drainage systems. The proposal is considered to be permissible within the zone and in keeping with the nature of recently established landuses within the immediate locality at Wumbulgal.

The proposal is not considered to result in any significant impact on the surrounding locality by reason of vehicular access, essential services, noise, dust or otherwise. On this basis, the subject site is considered to be suitable for the proposed development.

