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30 March 2024

General Manager  
Narrabri Shire Council  
PO Box 261  
Narrabri NSW 2390

Dear Gunther

**Independent Review of Planning Assessment for the Northern Regional Planning Panel**

Ambrose Building Development Solution has been engaged to undertake a review of Narrabri Shire Council's Assessment Report for the use of land and erection of a new Fire Control Center with ancillary buildings and structures proposed at 1-9 Old Newell Highway, Lot 8 DP 1212638. This review will be presented to the Northern Regional Planning Panel (the consent authority) at its meeting on 24 April 2024.

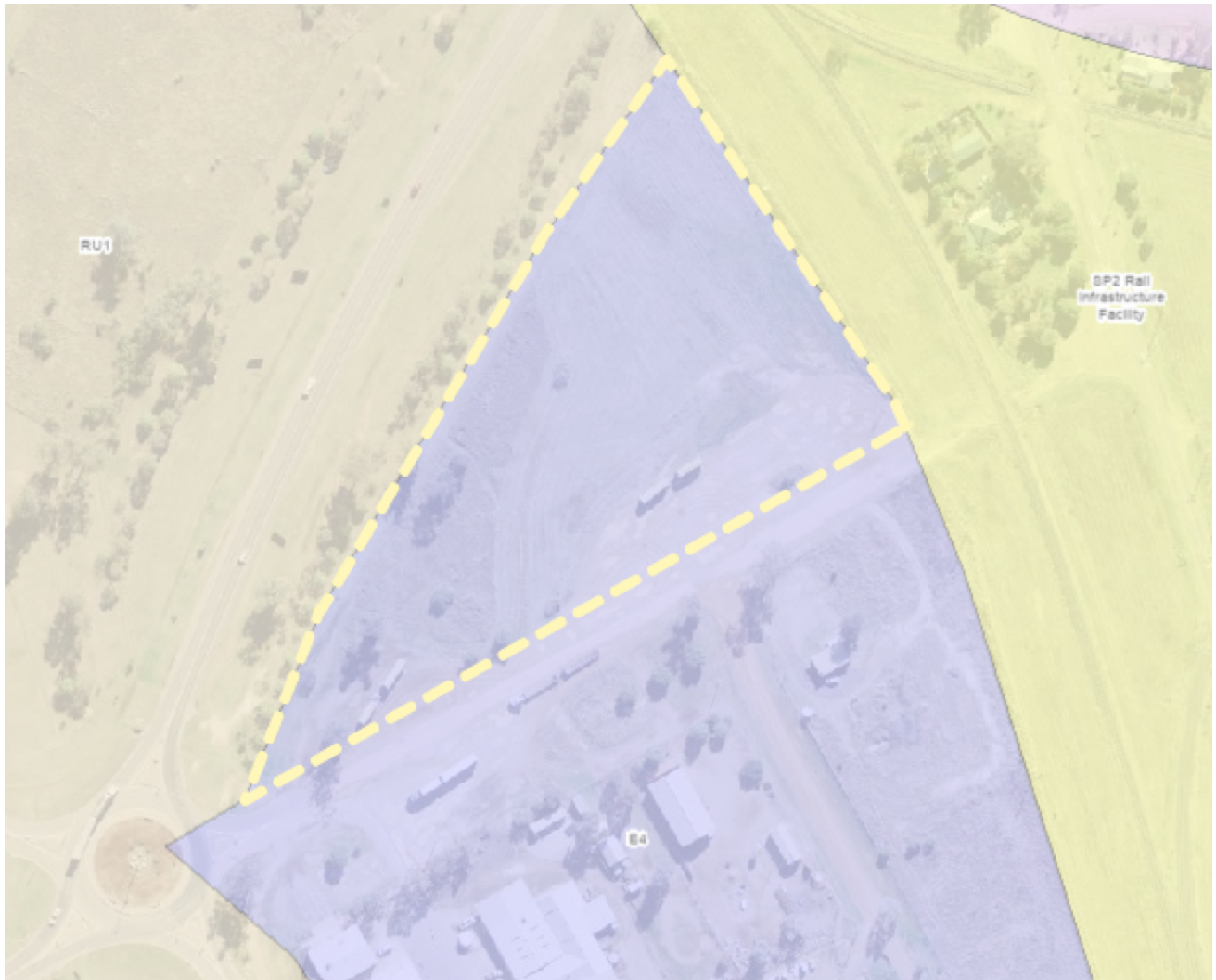
Should you have any questions, please feel free to call me.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Ambrose Hallman', is written over a light blue horizontal line.

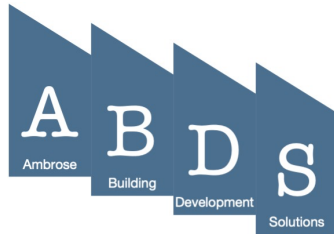
Ambrose Hallman

# Independent Review



**Fire Control Centre with Ancillary Buildings/Structures**

**Lot 8 DP1212638 1-9 Old Newell Highway**

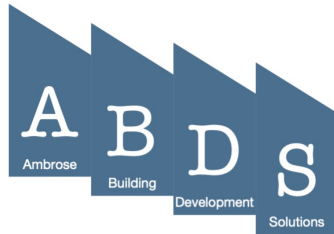


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## Introduction

Narrabri Shire Council has engaged Ambrose Building Development Solutions to undertake an independent review of the Council's Assessment Report, PPSNTH-266 – DA2024/0046 PAN-379744, on the proposed construction of a Fire Control Centre with Ancillary Buildings/Structures at 1-9 Old Newell Highway.

This report has been commissioned by the Narrabri Shire Council, the landowner, to manage potential conflicts of interest and increase transparency in the development assessment process.

The following matters have been taken into consideration to determine the adequacy of Council's assessment of the application, its recommendation, and recommended conditions of consent:

- The relevant matters listed in Section 4.15 of the Environmental Planning and Assessment Act 1979;
- The prescribed matters under the Environmental Planning and Assessment Regulation 2021;
- The assessment and recommendations of the Council's Assessment Report;
- The internal and external referrals, and
- The recommended conditions of consent.

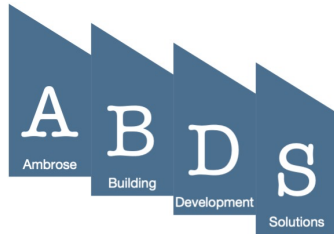
## Summary

Narrabri Shire Council received Development Application, DA2024/0046, on 26 October 2023, seeking development consent for the construction of a Fire Control Centre with associated buildings and structures.

Under Division 4.6 of the Environmental Planning and Assessment Act 1979, the application is considered a Crown Development Application.

The proposed development involves the construction of a new fire control centre and training facility for the NSW RFS Namoi-Gwydir District. The Council's assessment report indicates the site has an area of 1.938 ha, is currently undeveloped and vacant of buildings with some native and non-native vegetation present.

The site is on Lot 8 DP 1212638, known as 1-9 Old Newell Highway Narrabri ('the site'). It is triangular in shape and bounded by the Newell Highway to the west, the



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Old Newell Highway (Lot 1 DP 1212638) to the south-east, and the Mungundi Rail to Werris Creek Line on the north-eastern side.

The site is located in the E4 General Industrial zone pursuant to Clause 2.2 of the Narrabri Local Environmental Plan 2012. The proposed development is defined as an emergency services facility listed as permissible in the E4 zone and under Clause 2.51(1) of State Environmental Planning Policy (Transport and Infrastructure) 2021.

## Proposed Development

Fire Control Centre with associated buildings and structures includes the following:

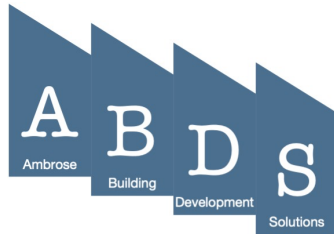
- Fire Control Centre building
- Storage buildings (5 bays + Mitigation 2 bays)
- Rural Fire Brigade Station (3 bays + amenities and multi-purpose room)
- Radio Communications Tower
- Flagpoles
- Training area, helipad with capability for helicopter movements
- Parking areas (permanent and overflow)
- Waste management for site – service yard/area
- Extension of utility services to the site (power, water, telecommunications)
- Landscaping
- Site identification signage (standard documentation)
- Rainwater tanks
- Fire water storage tanks
- Onsite sewage system
- Onsite stormwater network
- Vehicle access (entry and exit crossovers and driveways) and
- Solar Panels

## Matters for Consideration Review

Section 4.15 of the Environmental Planning and Assessment Act 1979 EP&A Act requires the consent authority (Regional Planning Panel) to consider matters relevant to the development.

### *Biodiversity Conservation Act 2016*

The report has correctly determined that a Biodiversity Development Assessment Report is not required as the site is not identified on the Biodiversity Values Map and is not within an area of outstanding biodiversity value. The proposed clearing does not exceed the clearing threshold for the land under the



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Biodiversity Conservation Act 2016, which is up to 0.5 hectares of native vegetation.

### *Environmental Planning Instruments*

State Environmental Planning Policy (Biodiversity and Conservation) 2021  
State Environmental Planning Policy (*Planning Systems*) 2021  
State Environmental Planning Policy (*Resilience and Hazards*) 2021  
State Environmental Planning Policy (Transport and Infrastructure) 2021  
State Environmental Planning Policy (*Sustainable Buildings*) 2022  
State Environmental Planning Policy (Industry and Employment) 2021  
Narrabri Local Environmental Plan 2012.

#### *State Environmental Planning Policy (Biodiversity & Conservation) 2021*

The assessment report has considered both Chapters 2 and 4 of the SEPP.

The assessment under Chapter 2: Vegetation in non-rural areas correctly relies on the information provided in the Biodiversity Assessment Report, which assesses the impact of removing the isolated trees on the site to facilitate safe helicopter movements from the proposed helipad.

The Chapter 4 Koala Habitat Protection 2021 assessment is applicable because the site has an area greater than 1 ha, and there is no approved koala management plan applying the site.

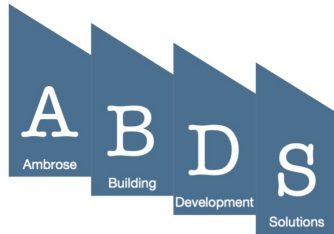
The assessment is based on the Biodiversity Assessment Report prepared by ReconEco Pty Ltd. While this report does not specifically address potential or core koala habitat, it is considered that the report provides enough information to be satisfied that the development will have either a low or no impact on koalas or their habitat. Therefore, a koala assessment report is not required, and development consent can be granted.

Council's assessment report has addressed all relevant matters of this Policy, and development consent can be granted for the proposed development.

#### *State Environmental Planning Policy (Planning Systems) 2021*

The assessment report is correct in identifying this development application as *regionally significant development* pursuant to Section 2.19(1) as it satisfies the following two criteria:





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- Clause 3 of Schedule 6 of the Planning Systems SEPP as the proposal is development for Council related development with a construction cost over \$5 million; and,
- Clause 4 Schedule 6, as the proposal, is Crown Development, with a construction cost over \$5 million.

Accordingly, the Northern Regional Planning Panel is the consent authority for the application.

### *State Environmental Planning Policy (Resilience and Hazards) 2021*

Under Clause 4.6(1), a consent authority must not consent to the carrying out of any development on land unless –

*“it has considered whether the land is contaminated, and  
if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and  
if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The assessment report has considered previous land uses Council records and has not identified any potentially contaminating land uses occurring at the site. Council's site inspection also did not identify any visual indication of contamination.

The Statement of Environmental Effects makes reference to stockpiles on site, stating:

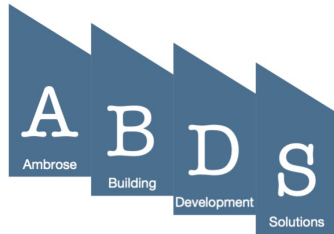
*“It is understood that the site has been used unofficially, in part, for stockpiling of materials used for maintenance works, and the parking of truck trailers. The content of those stockpiles is unknown.”*

and

*“Some stockpiling of gravel is evident in the western corner of the site. This is to be removed as part of this development. It is proposed that conditions of consent be applied in relation to the disposal site of the stockpile material.”*

and

*“The existing stockpiles of gravel and mulch, located in the western section of the site, will also be removed.”*



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Council has proposed a draft condition requiring the removal of these stockpiles before the commencement of works. This condition does not require any testing of the stockpile or advice on the Applicants' responsibilities under the Protection of the Environment Operations Act 1997, which should be considered.

Given that the Statement of Environmental Effects has identified these "stockpiles" and proposed their removal, the Council's assessment is considered to suitably address this Policy requirements.

### *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Part 2.3 Division 6: Emergency services facilities and bush fire hazard reduction.

The assessment report has considered this part, which provides an additional planning permissibility pathway for the development.

### **Section 2.98 Development Adjacent to Rail Corridors**

This Section aims to refer Development Applications adjacent to a rail corridor to seek comments on the development application from the relevant rail authority in certain circumstances.

Council referred the Development Application to the Australian Rail Track Corporation (ARTC) under Clause 2.98 on 6 November 2023. The assessment report advised no response was received from ARTC at this time of the report.

Technically, the development did not trigger a referral to ARTC, and not having a response from ARTC does not prevent the determination of the development application.

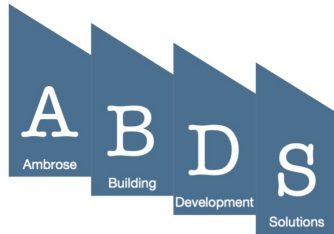
### **Section 2.119 - Development with frontage to classified road**

The assessment report states, "The subject site does not propose any vehicular access to Newell Highway, with access provided solely through Old Newell Highway, *which is an unclassified Local Road*.

The site does, however, have frontage to, but does not propose direct access to, the Newell Highway, and the assessment report has correctly identified the requirement to consider several factors that the consent authority must be satisfied with before determining any application.

The assessment report has appropriately considered these relevant elements.





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## Section 2.122 – Traffic-Generating Developments

The Section requires any application with 50 or more car parking spaces, whether or not ancillary to other development and development involving airports or heliports, to be referred to Transport for NSW (TfNSW).

The assessment report mentions the referral was based on the airports or heliports trigger and does not mention the 50 parking spaces. Nevertheless, the application was referred to TfNSW for comment. TfNSW responded, raising no objections subject to conditions being placed on the consent about alerting traffic on the Newell Highway to potential “Low Flying Aircraft”.

Council's assessment report has addressed all relevant matters of this Policy, and development consent can be granted for the proposed development.

### *State Environmental Planning Policy (Sustainable Buildings) 2022*

The assessment report correctly identifies that Chapter 3 of this Policy applies to the proposed development and has assessed all the relevant matters, including the requirement to complete an Embodied Emissions Materials Form for the proposed development.

Council's assessment report has addressed all relevant matters of this Policy, and development consent can be granted for the proposed development.

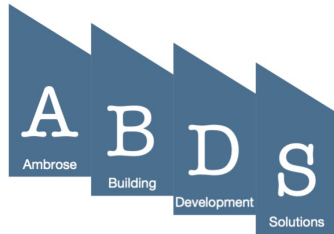
### *State Environmental Planning Policy (Industry and Employment) 2021*

The proposed development includes a business (site) identification sign. The assessment report has correctly assessed the proposed signage against the objectives of Chapter 3 and Schedule 5 of this Policy.

Council's assessment report has addressed all relevant matters of this Policy, and development consent can be granted for the proposed development.

### *Narrabri Local Environmental Plan 2012*

The subject site is zoned E4 General Industrial under Narrabri Local Environmental Plan 2012 (NLEP12). The application seeks consent to construct a fire control centre with ancillary buildings/structures.



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The assessment report has appropriately defined the proposed development as an emergency services facility, which under the dictionary of NLEP 12 is:

*“a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.”*

The assessment report correctly outlines that an emergency services facility is permissible in the E4 zone under NLEP12 and Section 2.51(1) of State Environmental Planning Policy (Transport and Infrastructure) 2021.

The assessment report considers the proposed development to be consistent with the objectives of the E4 General Industrial zone as required by Clause 2.3.

The report has considered Clause 5.21 flooding in relation to the minimum floor level and the potential impact of the proposed development on flood behaviour. The assessment is based on the comments of the internal referral to the Council's Flood Engineer.

The report has also considered the requirements of Clause 6.1 Earthworks and is satisfied the proposed development will not have any significant impacts and is considered suitable.

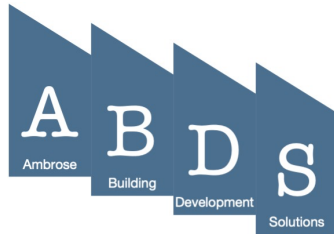
Clause 6.5 Essential Services is incorrectly referenced as “7.8”; even so, the assessment report has correctly considered and is satisfied that the matters relating to the essential services required for the proposed development have been or will be provided prior to the building's occupation. The assessment report proposes that conditions be included in any consent to ensure compliance.

Council's assessment report has addressed all relevant matters of the Local Environmental Plan, and development consent can be granted for the proposed development.

### *Development Control Plans*

The assessment report includes an assessment of the proposed development against the following relevant Development Control Plans (DCP):

- Industrial Development Code, and
- Parking Code.



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The assessment against these two DCPs relies on internal referrals and is considered to appropriately assess the relevant clause. The assessment does not identify any significant departures from the DCP provisions.

While the report indicates the Development Control Plan has no parking requirements for an Emergency Service Facility, the DCP does require any parking to be in accordance with the Australia Standard AS2890.1 – Car Parking. Council has included draft Condition B7, which requires parking spaces to be *“constructed in accordance with the approved plan”*.

Due to the Old Newell Highway being a parcel of land in Council ownership and control, the report proposes conditions of consent that require details of the driveway crossovers to be submitted and approved by the Council but correctly do not require a Section 138 Road Application.

The assessment report has suitably assessed the proposed development against the relevant DCP and proposes appropriate consent conditions.

### *Contributions Plans*

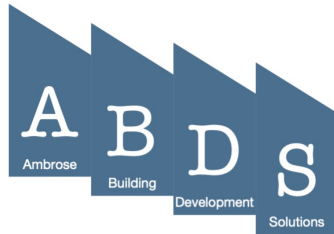
The assessment report has considered the Narrabri Shire Section 7.12 – Fixed Development Consent Levies Contributions Plan 2011 and correctly not recommended applying these contributions to the Crown DA, which is consistent with the NSW Department of Planning Circular D6 – Crown Development Applications and Conditions of Consent dated 21 September 1995.

The draft conditions document includes Water Contributions under the now Developer Servicing Plan. A credit has been applied for the site, reducing the total contribution payable. The Planning Circular does not exclude the Council from levying this contribution for the provision of water supply. The approach and calculations are considered correct.

Council's assessment report has correctly determined which contributions are applicable and applied appropriate conditions. Therefore, development consent can be granted for the proposed development.

### *Planning Agreements*

The report has identified that no Planning Agreement or draft Planning Agreements apply to the site or the proposed development.



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## *Provisions of Regulations*

The Council has been identified under Clause 66A of the Environmental Planning and Assessment Regulations 2021 and Councils -Related Development Policy that this assessment report should be independently reviewed before the Northern Regional Planning Panel considers the application.

## *Likely Impacts of the Development*

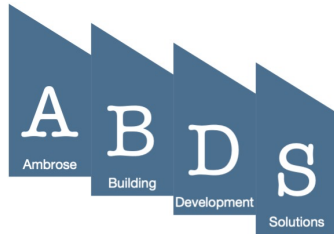
The assessment report considered the likely impact of the proposed development of the following elements.

- Context and setting
- Access and traffic
- Public Domain
- Utilities
- Indigenous Cultural Heritage
- European Heritage
- Soil impacts
- Flora and fauna impacts
- Natural environment
- Noise and vibration
- Natural hazards
- Safety, security and crime prevention
- Social impact
- Economic impact
- Site design and internal design
- Construction
- Cumulative impacts

Consideration of the likely impacts the development may have on the locality is comprehensive. It includes a more detailed description of the engagement undertaken in relation to Indigenous Cultural Heritage and the scar tree (now proposed to be retained). Council has recommended a condition of consent to ensure the protection and retention of this tree.

The assessment report adequately considers and addresses the relevant matters, including environmental impacts on both the natural and built environments and social and economic impacts in the locality.

## *Suitability of the Site*



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The site is considered suitable for the proposed development, considering the limited site constraints and ability to service the proposed development. The assessment report is sound in this aspect of the assessment.

The assessment report addresses the legal status of the Old Newell Highway and confirms that Lot 1 DP 1212638 is a public road and that Narrabri Shire Council is the controlling authority.

### *Public Submissions*

The proposed development was notified and advertised between 7 November 2023 and 28 November 2023 in accordance with the Council's Community Participation Plan (CPP); no submissions were received.

This approach to public participation during the assessment process is consistent with the CPP and encourages an open and transparent planning system, instilling community trust.

### *Public Interest*

The assessment report established the proposed development is in the public interest for the following reasons:

- The positive benefit to the community is having a new bushfire emergency management and training facility in the region,
- The impact on the health and safety of the public,
- The proposal is consistent with the planning system,
- The proposal is consistent with Ecologically Sustainable Development,
- Minimal climate change impacts.

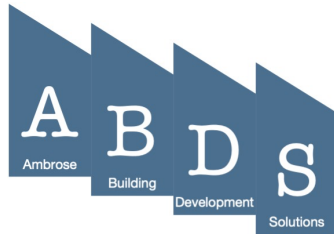
This independent review has been requested in accordance with Council's Council-Related Development Policy to manage potential conflicts of interest and increase the transparency of the development process.

### *Referrals*

#### *Internal*

The proposed development was referred to the appropriate internal officers for comments. The Engineering, Waste, Flood Engineer, and Open Spaces responded, requesting that conditions be included in any consent.

The suggested conditions have been included in the draft conditions document.



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### *External*

The proposed development was referred to the Civil Aviation Safety Authority (CASA), Transport for NSW (TfNSW) and Australian Rail Track Corporation (ARTC).

CASA and TfNSW have both responded to Council. TfNSW has requested a condition alerting motorists of aircraft movements be considered to be placed on any consent.

ARTC has not yet responded; however, it is considered this does not prevent the determination of the application.

## **Suggested Amendments to the Assessment Report.**

The following amendments to the report are recommended:

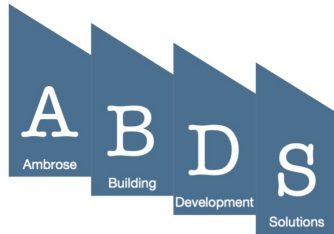
1. The site address in the assessment report is 1-19 Old Newell Highway. The correct property address is 1-9 Old Newell Highway. This should be corrected throughout the report.
2. The list of SEPPs on the front page should also include State Environmental Planning Policy (Industry and Employment) 2021.

## **Council's Assessment Report.**

The Council's assessment report is considered sufficient and appropriate subject to amendments given the following:

1. The report correctly identifies the Northern Regional Planning Panel as the consent authority and that an independent review would be required.
2. The report identifies the development as a Crown Development Application.
3. The report requires the draft conditions to be approved by the Crown before determination.
4. The report has correctly characterised the proposed development as an emergency services facility.





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5. The assessment report is considered to adequately address the relevant matters required under Section 4.15 of the Environmental Planning and Assessment Act and Regulations.
6. The report has undertaken public consultation in accordance with the Community Participation Plan to allow the community to participate in the development assessment process.
7. The external and internal referrals have been considered, and appropriate conditions have been included in the conditions of the consent document.

## Councils Recommended Conditions

The following amendments to the draft conditions are recommended.

Condition A3 could be deleted as the lapsing of the consent should be detailed in the Notice of Determination along with the date the consent operates, which is considered an irrelevant condition.

Condition B2 should be amended to include wording similar to condition C5.

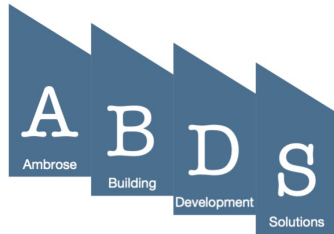
*“material removed from the site must be classified in accordance with the EPA’s Waste Classification Guidelines before it is disposed of at an approved waste management facility, and the classification and the volume of material removed must be reported to the principal certifier.”*

Condition B6 amend the wording “relevant roads authority” to “Narrabri Shire Council”.

Condition D1 amended the wording “relevant roads authority” to “Narrabri Shire Council”.

An additional condition should be included in the draft condition as requested by TfNSW.

*“Advanced warning signage displaying the wording “Low Flying Aircraft” (symbolic) (w5-30) is to be placed on each approach of the roundabout on the Newell Highway (x2) and the Kamilaroi Highway (x1) to the satisfaction of TfNSW prior to the issue of any Occupation Certificate (interim or final). Each sign should be positioned approximately 150-200m from the approach of the roundabout with the final location to be determined by the Local Traffic Facilities Committee.”*



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*Reason:*

*To ensure the safe operation of the Newell Highway by warning users of the Newell Highway of the potential for low-flying aircraft operating in the area.”*

After reviewing the proposed draft conditions of consent and the NSW Department of Planning Circular D6—Crown Development Applications and Conditions of Consent dated 21 September 1995, the draft conditions are considered suitable and relevant to be placed on any development consent subject to the Crown’s acceptance.

## Conclusion

Development Application DA2024/0046, which seeks development consent to construct a Fire Control Centre with Ancillary Buildings/Structures on 1-9 Old Newell Highway, has been reviewed by Ambrose Building Development Solutions.

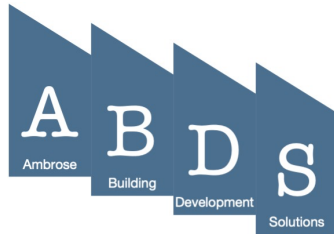
This independent review has been completed on behalf of Narrabri Shire Council to manage potential conflicts of interest and increase transparency of the development process, in accordance with Council’s Council-Related Development Policy.

This independent review has taken into account the following:

- The relevant matters under Section 4.15 of the Environmental Planning and Assessment Act and Regulations,
- The Development Application documentation.
- The assessment report, referrals, evaluation and recommendations, and
- The conditions in the draft conditions document.

This independent review has concluded the following:

- The development has been correctly characterised;
- The development was correctly identified as a Crown Development.



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- The assessment report has considered the proposal against the relevant matters under Section 4.15 of the Environmental Planning and Assessment Act 1979;
- The application was referred to the relevant internal and external agencies and authorities;
- The application was correctly notified in accordance with relevant legislation and Council's Community Participation Plan;
- The development is suitable for the land, is in the public interest and should not result in significant adverse environmental impacts.
- No matters prevent the granting of consent once the Crown approves the draft conditions.
- The assessment report and recommendation for approval are considered appropriate and supported by this independent review.