

## COUNCIL ASSESSMENT REPORT

### NORTHERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSNTH-266 – DA2024/0046
<b>PROPOSAL</b>	Construction of a Fire Control Centre with Ancillary Buildings/Structures
<b>ADDRESS</b>	Lot: 8 DP: 1212638 [1-9 Newell Highway, NARRABRI NSW 2390]
<b>APPLICANT</b>	Ms. S. Song c/- NSW Rural Fire Service
<b>OWNER</b>	Narrabri Shire Council
<b>DA LODGEMENT DATE</b>	26 October 2023
<b>APPLICATION TYPE</b>	Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Clause 3 Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Council related development over \$5 million, and Clause 4 Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> : Crown development over \$5 million
<b>CIV</b>	\$16,362,207.40
<b>CLAUSE 4.6 REQUESTS</b>	Not applicable
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></li> <li>• <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></li> <li>• <i>State Environmental Planning Policy (Planning Systems) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></li> <li>• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></li> <li>• <i>State Environmental Planning Policy (Resources and Energy) 2021</i></li> <li>• <i>State Environmental Planning Policy (Industry and Employment) 2021</i></li> <li>• <i>Narrabri Local Environmental Plan 2012 (LEP)</i></li> </ul>

<b>TOTAL &amp; SUBMISSIONS ISSUES SUBMISSIONS</b>	<b>UNIQUE KEY IN</b>	No Submissions received.
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>		<ul style="list-style-type: none"> <li>• Statement of Environmental Effects – Andrew Martin Planning, 22 September 2023</li> <li>• Development Plans – NBRS, 28 September 2023</li> <li>• Landscape Design Plans – NBRS, 6 February 2024</li> <li>• Survey Plan – FYFE Pty Ltd, 7 October 2022</li> <li>• Traffic and Parking Impact Assessment – McLaren Traffic Engineering, 28 August 2023</li> <li>• Civil Engineering Plans – Northrop, 25 September 2023</li> <li>• Geotechnical Investigation Report – Green Geotechnics, 31 March 2023</li> <li>• Biodiversity Assessment Report – ReconEco Pty Ltd, 15 June 2023</li> <li>• Operational Waste Management Plan – NBRS, 2 August 2023</li> <li>• BCA Design Compliance Report – MBC Group, 17 March 2023</li> <li>• Energy Efficiency Report – NBRS, 14 July 2023</li> <li>• Sustainability Report – Northrop, 27 February 2024</li> <li>• Independent Review - Ambrose Building Development Solutions</li> </ul>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>		Not applicable
<b>RECOMMENDATION</b>		Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>		Yes
<b>SCHEDULED MEETING DATE</b>		16 April 2024
<b>PLAN VERSION</b>		28 September 2023 Version No. P5
<b>PREPARED BY</b>		Günther Weidenmann, Development Planner
<b>DATE OF REPORT</b>		7 March 2024

## EXECUTIVE SUMMARY

Development Application (DA) 2024/0046 seeks development consent for the Construction of a Fire Control Centre with Ancillary Buildings/Structures on Lot 8 in DP 1212638, known as 1-9 Newell Highway, Narrabri NSW 2390. According to the Statement of Environmental Effects (SoEE) accompanying the subject application, the proposed development entails the construction of the following:

- Fire Control Centre building
- Storage buildings (5 bays + Mitigation 2 bays)
- Rural Fire Brigade Station (3 bays + amenities and multi-purpose room)

With Ancillary structures:

- Radio Communications Tower
- Flagpoles
- Training area, helipad with capability for helicopter landings and takeoffs
- 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
- Vehicles access (entry and exit crossovers and driveways)
- Solar panels

The subject site is known as 1-9 Newell Highway, Narrabri ('the site') and is owned by Narrabri Shire Council. The site is vacant with an area of 1.938 ha. It is triangular shaped and bounded by the Newell Highway to the west, the Old Newell Highway an (Lot 1 DP1212638) to the south-east and the Walgett Railway on the north-eastern side.

North-west of the site, along the site's boundary, is the Newell Highway with vacant RU1 'Primary Production' land west of the highway. There is a Works Depot to the south and south-west of the site. Narrabri West Primary School is approximate 150m north-east of the boundary of the site, east of the railway line. The closest rural residential properties are located on the eastern side of the railway, more than 150m from the north-eastern boundary of the site.

The subject lot is not classified as bush fire prone land, but is liable to inundation by flooding. There are no items of environmental, cultural, scientific or scenic significance known to be located on the site.

The proposed development is identified as being 'Emergency services facilities' which is defined under the *Narrabri Local Environmental Plan 2012* as follows:

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

The site is located within the E4 'General Industrial' pursuant to Clause 2.3 of the *Narrabri Local Environmental Plan 2012*. The proposal is permissible in the zone with consent. The proposal is consistent with the zone objectives. Permissibility of the development is also provided by Clause 2.51(1) of State Environmental Planning Policy (Transport and Infrastructure) 2021.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 ('EP&A Act'). A referral to the Civil Aviation Safety Authority (CASA),

Transport for NSW (TfNSW), and Australian Rail Track Corporation (ARTC) was sent, and no objections were raised. Australian Rail Track Corporation (ARTC) were also sent a referral however, no reply has been received at the time of this report.

The application was placed on public exhibition from 7 November 2023 to 28 November 2023. No submissions were received during the notification period.

The application is referred to the Northern Regional Planning Panel ('the Panel') as the development is 'regionally significant development', pursuant to Section 2.19(1) and Clause 3 of Schedule 6 of *State Environmental Planning Policy (Planning Systems) 2021* as the proposal is development for Council related development over \$5 million and Clause 4 of Schedule 6 as the proposal is for Crown development over \$5 million.

Following consideration of the matters for consideration under Section 4.15(1) of the *EP&A Act*, the provision of the relevant State Environmental Planning Policies, the proposal is considered worthy of support.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) and Section 4.33 of the *EP&A Act*, DA2024/0046 is recommended for approval subject to the conditions of consent provided in **Attachment A** of this report.

As the development is for Crown development, the applicant is required to review and advise of the acceptance of the draft conditions of consent. The draft conditions were provided to NSW Public Works, however official acceptance of the conditions was awaiting final sign off at the time of finalising this report.

## **1. THE SITE AND LOCALITY**

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### **1.1 The Site**

The proposed development will be situated on Lot 8 DP1212638, known as 1-9 Newell Highway, Narrabri. An aerial photograph and location of the site is provided in **Figures 1 and 2**.

The site is vacant with an area of 1.938 ha. It is triangular shaped and bounded by the Newell Highway to the west, the Old Newell Highway to the south-east and the Walgett Railway on the north-eastern side. Site inspection photos are provided in **Figures 3 to 7**.

The subject lot is not classified as bush fire prone land but is liable to inundation by flooding under the LEP. The subject lot is also identified as Mineral and Resource Land Subject land under SEPP (Resources and Energy) 2021. There are no items of environmental, cultural, scientific or scenic significance known to be located on the site.



**Figure 1: Location of the site**



**Figure 2: Aerial of the site**



**Figure 3: Looking north from Old Newell Highway towards the location of the proposed development.**



**Figure 4: Looking northeast from Old Newell Highway towards the location of the proposed development.**



**Figure 5: View of site looking east towards the railway line.**



**Figure 6: Looking west from Old Newell Highway towards the roundabout intersection of the Newell Highway, Kamilaroi Highway.**



**Figure 7: Looking east from Old Newell Highway towards the railway line (Note: Old Newell Highway terminates at the railway line)**

## **1.2 The Locality**

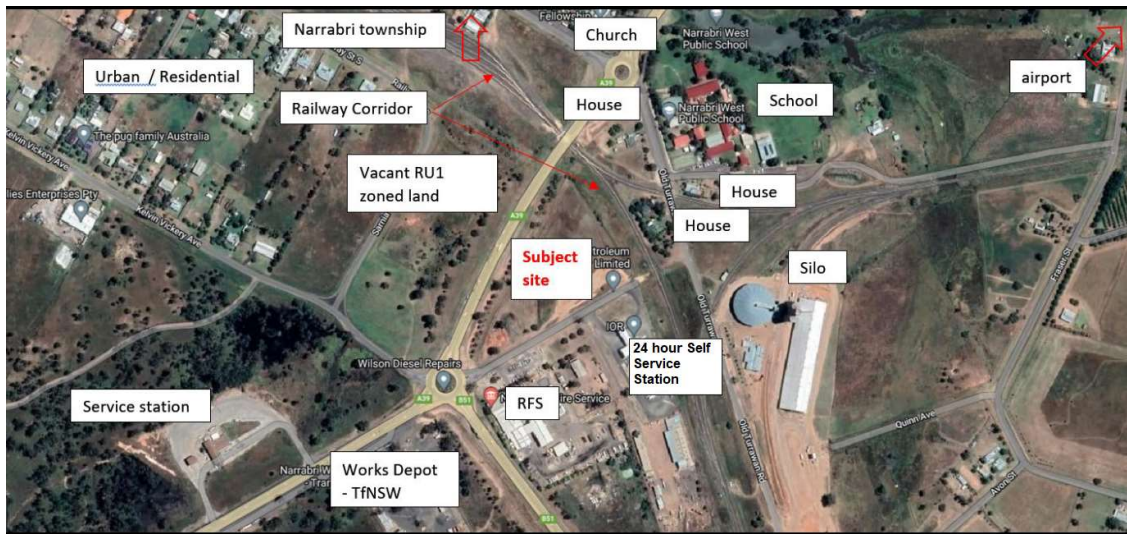
The proposed site is located opposite an existing NSW RFS Fire Control Centre. The current NSW RFS Fire Control Centre shares the site with Council's Operations Depot on the Old Newell Highway. A 24-hour heavy vehicle self-serve fuel station is in close proximity to the Council Depot.

Immediately adjoining the site to the east/north-east is the railway corridor and railway tracks of the Walgett Railway. This land is owned by the Australian Rail Track Corporation (ARTC).

North-west of the site, along the site's boundary, is the Newell Highway with vacant RU1 'Primary Production' land west of the highway. There is a Works Depots to the south and south-west of the site.

Narrabri West Primary School is approximate 150m north-east of the boundary of the site, east of the railway line.

The closest rural residential properties are located on the eastern side of the railway, more than 150m from the north-eastern boundary of the site.



**Figure 8: Development and land use within proximity to the subject site.**

### 1.3 Old Newell Highway

During the assessment of the application, it was noted that the Old Newell Highway has been allocated a Lot and DP number (Lot 1 DP1212638), making it uncertain whether Old Newell Highway is a registered public road.

Council conducted a title search, which revealed that Lot 1 DP1212638 is owned by the State of NSW. The title search also indicated that the land is required for public road purposes.

Consultation with Crown Lands confirmed that Old Newell Highway (Lot 1 DP 1212638) is a public road, and that Narrabri Shire Council are the controlling authority.

## 2. THE PROPOSAL AND BACKGROUND

### 2.1 The Proposal

The proposal seeks consent for the construction of a Fire Control Centre with Ancillary Buildings/Structures. The site is located within the E4 'General Industrial' Zone pursuant to Clause 2.2 of the Narrabri Local Environmental Plan 2012.

According to the definitions contained in the Dictionary, the proposal satisfies the definition of an 'emergency services facility' which is a permissible use with consent in the E4 zone pursuant to Clause 2.3 of the *Narrabri Local Environmental Plan 2012*. An extract of the site and architectural plans is provided in **Figures 9-13** with a full copy provided in **Attachment B**.

The Proposal involves the construction of a:

- Fire Control Centre building
- Storage buildings (5 bays + Mitigation 2 bays)
- Rural Fire Brigade Station (3 bays + amenities and multi-purpose room)

With Ancillary structures:

- Radio Communications Tower

- Flagpoles
- Training area, helipad with capability for helicopter landings and takeoffs
- 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
- Vehicles access (entry and exit crossovers and driveways)
- Solar Planes

The key development data is provided in **Table 1**.

**Table 1: Development Data**

Control	Proposal
Site area	1.938 Ha
GFA	2,050m <sup>2</sup>
Clause 4.6 Requests	No
Max Height	Fire Control Centre building – 4.7m Storage buildings – 7.073m Rural Fire Brigade Station - 7.073m
Landscaped area	Yes. Landscape Plan Submitted.
Car Parking spaces	88 car parking spaces (54 formalised spaces and 34 informal overflow spaces)
Setbacks	<p>The closest buildings to the Old Newell Highway are the:</p> <ul style="list-style-type: none"> <li>- Storage Shed – setback 6m from the road boundary.</li> <li>- Pump Shed – setback 6m from the road boundary.</li> <li>- Fire Water Storage Tanks – setback 5.5m from the road boundary.</li> </ul> <p>The setback from the proposed Rural Fire Brigade Station is 15.6m.</p> <p>The setback of the Fire Control Centre building exterior to the Newell Highway varies. There is a minimum setback of 22m.</p> <p>The training pad/helicopter land surface is setback a minimum of 16m from the Newell Highway frontage and 26m from the Old Newell Highway frontage.</p>

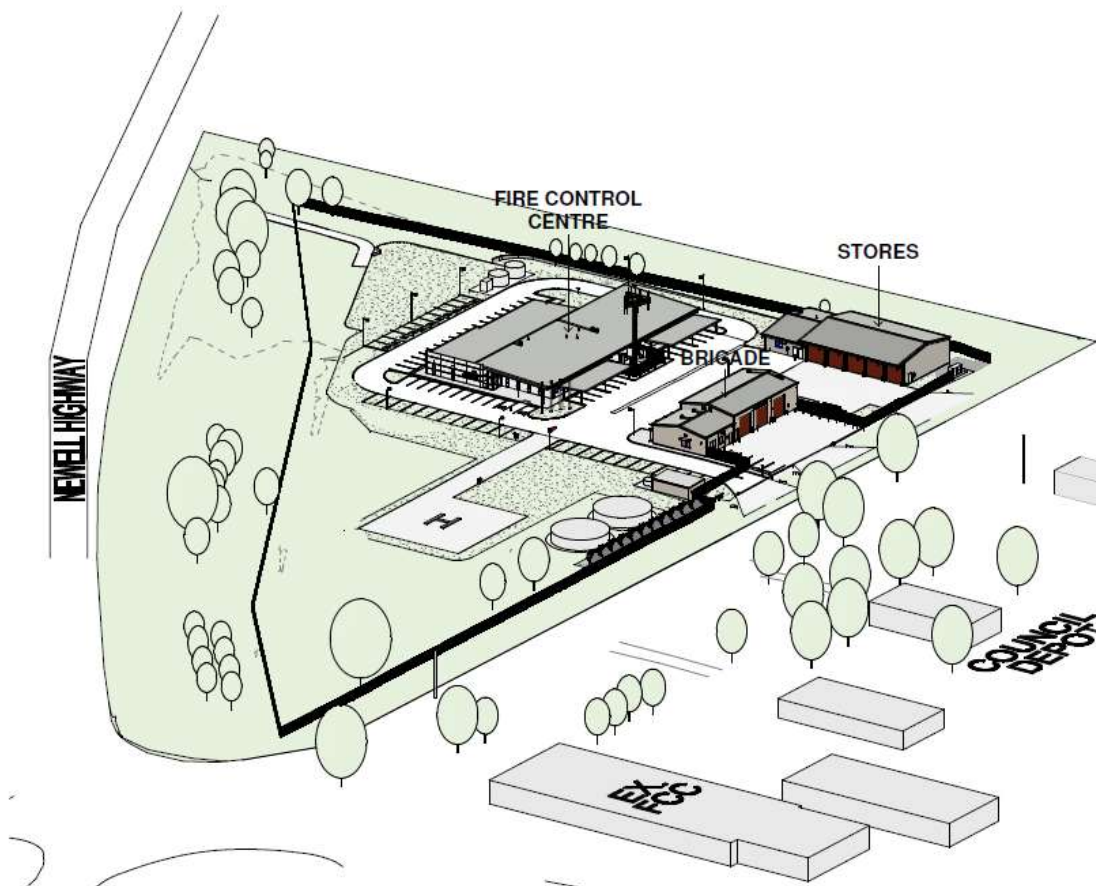


Figure 9 – 3D View (NBRS, 28 September 2023)



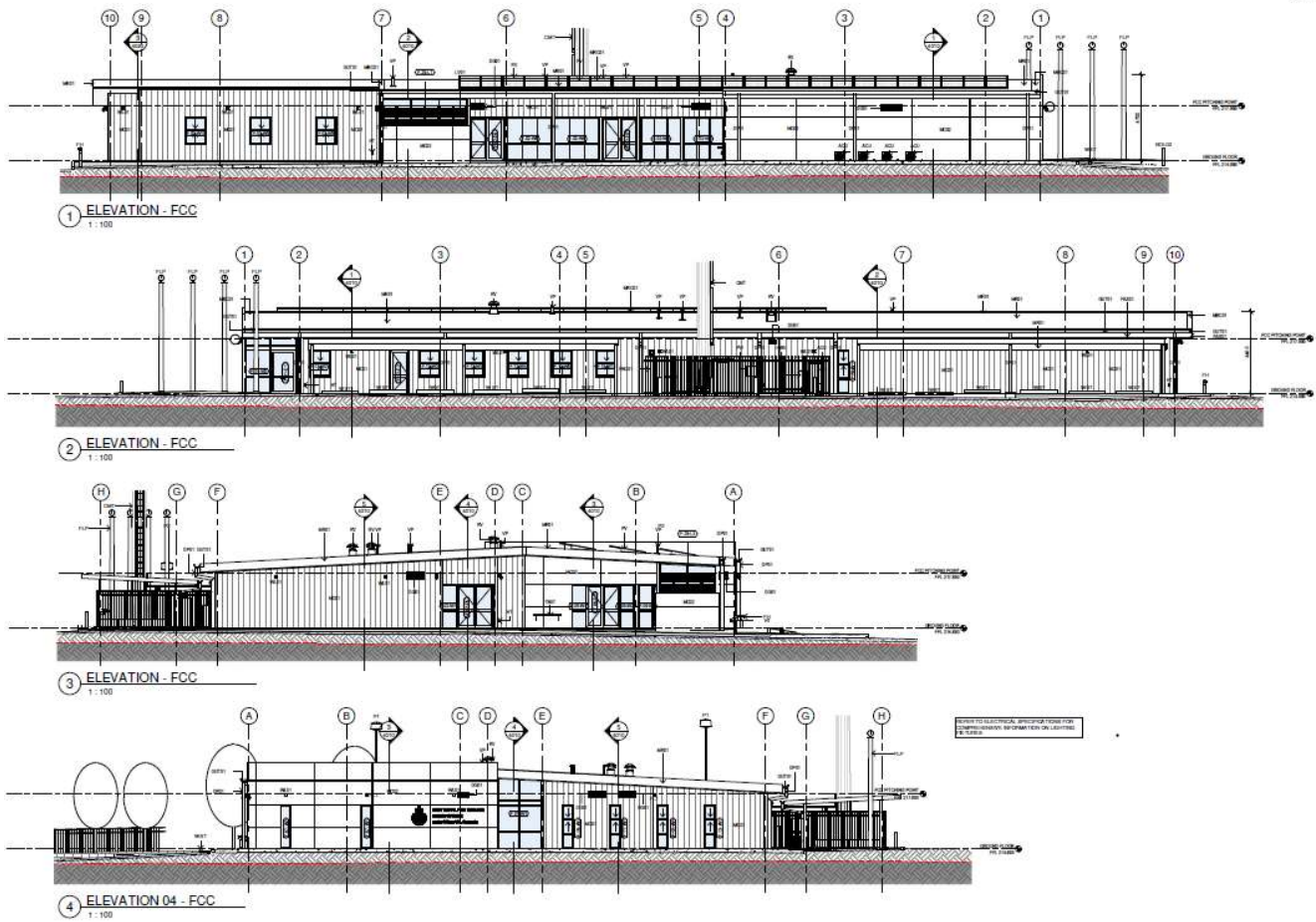


Figure 11 – Fire Control Centre Elevations (NBRs, 28 September 2023)

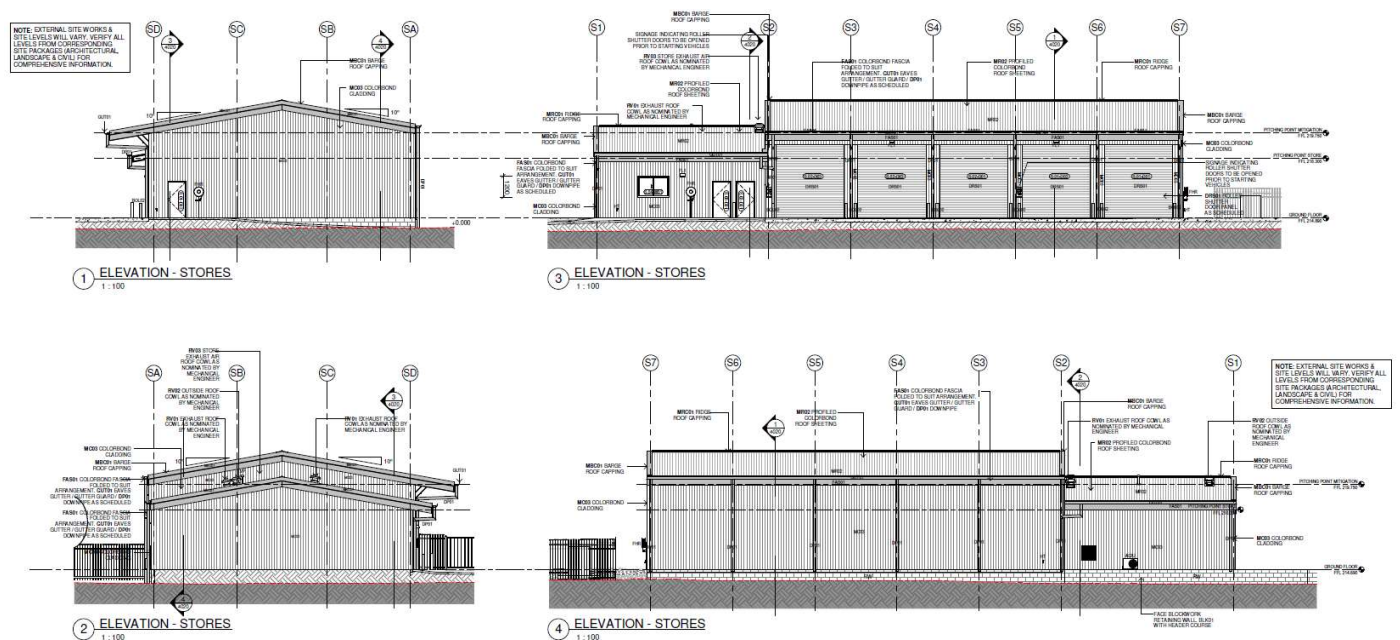
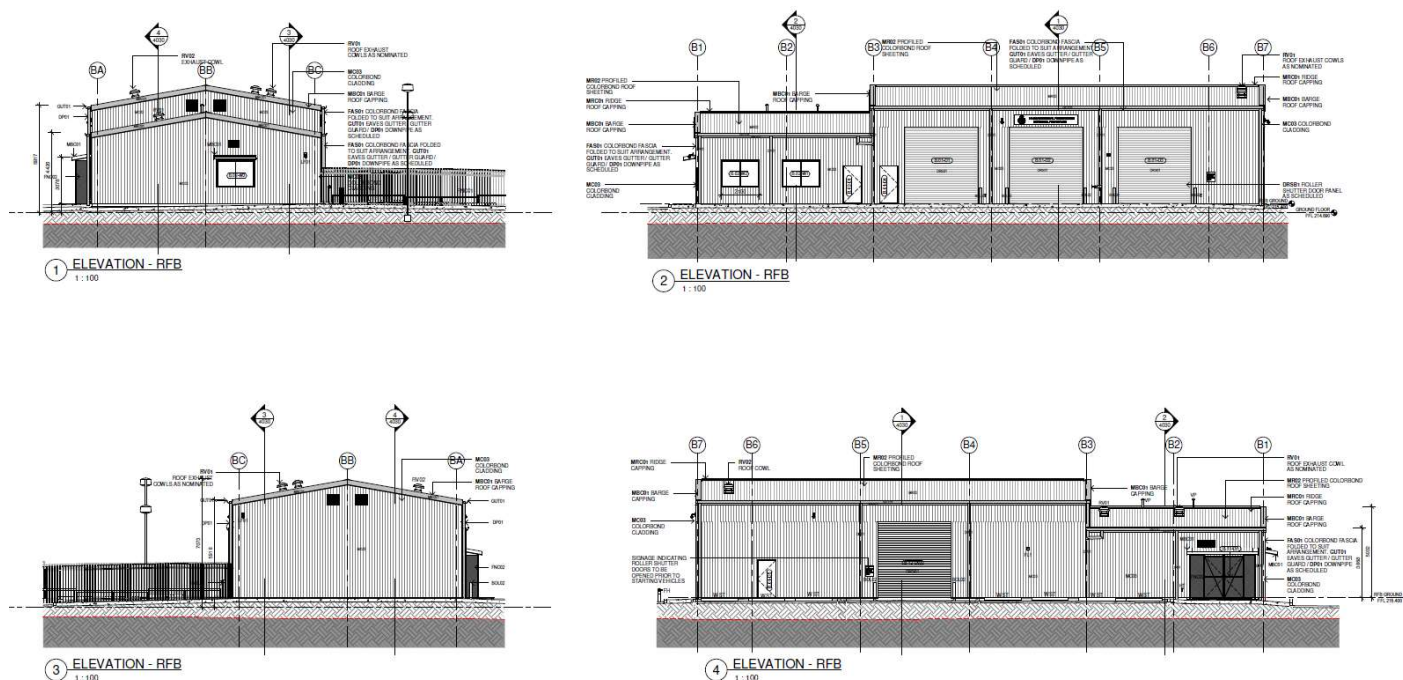


Figure 12 – Stores Elevations (NBRs, 28 September 2023)



**Figure 13 – Rural Fire Brigade Station Elevations (NBRS, 28 September 2023)**

## 2.2 Background

The development application was lodged on **26 October 2023**. A chronology of the development application since lodgement is outlined in **Table 2**:

**Table 2: Chronology of the DA**

Date	Event
<b>26 October 2023</b>	DA lodged
<b>1 November 2023</b>	DA referred to external agencies
<b>7 November 2023</b>	Exhibition of the application
<b>28 November 2023</b>	Exhibition period closed
<b>24 January 2024</b>	Panel briefing
<b>13 February 2024</b>	Request for Information from Council to applicant
<b>21 February 2024</b>	Amended Landscape plans lodged on 21/02/2024 [amended Landscape plans indicating the removal of two Eucalyptus trees in close proximity to the proposed helipad) which was accepted by Council under CI 38(1) of the <i>Environmental Planning and Assessment Regulation 2021</i> ('2021 EP&A Regulation')

<b>28 February 2024</b>	Additional information lodged on 28/02/2024 [addressing <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> ].
<b>23 March 2024</b>	Independent Review undertaken by Ambrose Building Development Solutions
<b>16 April 2024</b>	Northern Regional Planning Panel

### 3. STATUTORY CONSIDERATIONS

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When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
  - (i) *any environmental planning instrument, and*
  - (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) *any development control plan, and*
  - (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (b) *that apply to the land to which the development application relates, the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be (which are considered further in this report):

- Integrated Development (s4.46)
- Designated Development (s4.10)

### 3.1 Environmental Planning Instruments, proposed instrument, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

#### (a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *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 (Industry and Employment) 2021*
- *Narrabri Local Environmental Plan 2012 (LEP)*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable Environmental Planning Instruments**

EPI	Matters for Consideration (Brief summary)	Comply (Y/N)
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas Chapter 4: Koala Habitat Protection 2021	Y
State Environmental Planning Policy (Planning Systems) 2021	<b>Chapter 2: State and Regional Development</b> <ul style="list-style-type: none"> <li>• Section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as Council related development over \$5 million and Clause 4 of Schedule 6 as Crown related development over \$5 million.</li> </ul>	Y
SEPP (Resilience & Hazards)	<b>Chapter 4: Remediation of Land</b> <ul style="list-style-type: none"> <li>• Section 4.6 - Contamination and remediation has been considered and the proposal is satisfactory subject to conditions.</li> </ul>	Y
State Environmental Planning Policy (Transport and Infrastructure) 2021	<b>Chapter 2: Infrastructure</b> <ul style="list-style-type: none"> <li>• Section 2.98 - Development Adjacent to rail corridors</li> <li>• Section 2.119(2) - Development with frontage to classified road</li> </ul>	Y

	<ul style="list-style-type: none"> <li>Section 2.122 - Traffic-generating development</li> </ul> <p><b>Part 2.3 Division 6: Emergency services facilities and bush fire hazard reduction</b></p> <ul style="list-style-type: none"> <li>Clause 2.51 – Development permitted with consent</li> </ul>	
State Environmental Planning Policy (Sustainable Buildings) 2022	<p><b>Chapter 3: Standards for non-residential development</b></p> <ul style="list-style-type: none"> <li>Clause 3.2 - The development has been designed in accordance with the aims of policy and applicant has satisfied Clause 3.2(2) by quantifying the embodied emissions attributable to the development.</li> </ul>	Y
State Environmental Planning Policy (Industry and Employment) 2021	<p><b>Part 3.2 Signage generally</b></p> <p>Clause 3.6 - Granting of consent to signage</p>	Y
Proposed Instruments	No compliance issues identified.	Y
Narrabri Local Environmental Plan 2012	<ul style="list-style-type: none"> <li>Clause 2.3 – Zone objectives and Land Use Table</li> <li>Clause 5.21 – Flood planning</li> <li>Clause 6.1 – Earthworks</li> <li>Clause 6.5 – Essential services</li> </ul>	Y
Narrabri Development Control Plans	<ul style="list-style-type: none"> <li>Industrial Development Code</li> <li>Parking Code</li> </ul>	Y

- State Environmental Planning Policy (Biodiversity and Conservation) 2021

#### Chapter 2 Clearing vegetation in non-rural areas

Chapter 2 of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP) applies to the land as it is land located within the E4 General Industrial Zone (Cl. 2.3(1)(b)).

*The aims of the Chapter are:*

- (a) to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and*
- (b) to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation.*

A Biodiversity Assessment prepared by ReconEco Pty Ltd dated 15 June 2023 was submitted with the application. The proposal would require the removal of:

- five isolated trees – 3 x Inland Grey Box (one of which contains hollows) and two shrubs (refer to Table below),
- disturbed areas of native vegetation around drainlines/depressions,
- a single planted Creek Bottlebrush; and,
- non-native grassland over a footprint of ~ 0.87 ha.



**Table 4. Native trees within the site**

Species	Dbh (cm)	Height (m)	Comments	Impacted?
Narrow-leaved Grey Box (Tree #1) <i>Eucalyptus pillagensis</i> *	35	18	Inactive Crow/Magpie nest	YES
Narrow-leaved Grey Box (Tree #2) <i>Eucalyptus pillagensis</i> *	45	18	Twin trunk; with Western Boobialla	YES
Narrow-leaved Grey Box (Tree #3) <i>Eucalyptus pillagensis</i> *	100	16	With Kurrajong; several hollows present	YES
Narrow-leaved Grey Box (Tree #4) <i>Eucalyptus pillagensis</i> *	100	18	Hollow present; 2 x large trunk scars (potential cultural heritage values); inactive Crow/Magpie nest	NO
Western Boobialla <i>Myoporum montanum</i>	3	2	Small multi-stemmed shrub at base of Tree #2	YES
Kurrajong <i>Brachychiton acerifolius</i>	5	4	Small tree at base of Tree #3	YES

As stated in the report, the proposal involves the removal of three (3) Inland Grey Box (Tree#1, Tree#2, and Tree#3) and two (2) shrubs. One hollow-bearing tree will be removed for the works (Tree#3), with one retained (Tree#4). Isolated shrubs of wattle and Boobialla along the eastern fenceline would also be retained. The balance of the site would not be impacted, and the loss of a single hollow-bearing tree is unlikely to significantly impact upon any hollow-dependent fauna in a local context. To mitigate the loss of the hollow-bearing tree, it is recommended that a nest box is installed within the single tree to be retained (Tree #4).

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 *Biodiversity Conservation Act 2016* which is up to 0.5 hectare of native vegetation. On this basis, the development did not trigger the need to prepare a Biodiversity Development Assessment Report.

#### Chapter 4 Koala habitat protection 2021

Chapter 4 applies to the land as it is land located within the Narrabri Local Government Area (LGA) as specified by Clause 4.4(1) and Schedule 2 of the SEPP.

As the site area is greater than one (1) hectare in area and no approved koala plan of management applies to the land, consideration of the development against Clause 4.9 of the SEPP is required.

Clause 4.9(2) states that before a Council can grant consent to a development application, it must assess whether the development is likely to have any impact on koalas or koala habitat. If the consent authority is satisfied that the development will have low or no impact on koalas or their habitat, consent may be granted.

As stated in the Biodiversity Assessment prepared by ReconEco Pty. Ltd. dated 15 June 2023:

*“The site provides a nominal area of foraging habitat (4 trees) which would not support a resident animal. On this basis, the site represents a small ‘stepping-stone’ of habitat within a larger fragmented habitat landscape and as a result the proposed works are unlikely to have an adverse effect on the life cycle of the Koala such that a viable local population of the species is likely to be placed at risk of extinction.”*

Given the baseline biodiversity assessment and test of significance completed by Recon Eco Pty Ltd. Council can therefore be satisfied the proposed development, is likely to have only a low impact on koalas or their habitats, and development consent can be granted.

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

#### Chapter 2: State and Regional Development

The proposal is *regionally significant development* pursuant to Section 2.19(1) as it satisfies the criteria in:

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

Accordingly, the Northern Regional Planning Panel is the consent authority for the application. The proposal is consistent with this Policy.

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

#### Chapter 4: Remediation of Land

The objective of this Policy is to provide a state-wide planning approach to the remediation of contaminated land. The SEPP requires consideration of previous land uses and promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

In accordance with the provisions under Section 4.6(1) of this Policy, it is considered that the development site is suitable for the proposed development and that no further investigation is required. The development site is currently vacant and has never been developed. A search of Council's records (including historical aerial photographs) has not produced any approvals for activities listed under Table 1 of the contaminated land planning guidelines. There are no known previous investigations about contamination on the subject land or land use restrictions issued by the NSW Environmental Protection Authority (EPA). A site inspection did not reveal any visual indications of contamination.

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

#### Chapter 2: Infrastructure

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

The proposed emergency services facility is permitted with consent under Clause 2.51 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* in prescribed zones. The land is zoned E4 'General Industrial', which is listed as a prescribed zone under Clause 2.49 for the purposes of Division.

➤ Section 2.98 - Development Adjacent to rail corridors

Immediately adjoining the site to the east is the railway corridor and railway tracks of the Walgett Railway line. Currently the Old Newell Highway terminates at the railway line, however Council is considering reopening this road at a level crossing to facilitate access to grain storage silos off Old Turrawan Road.

Due to the location and nature of the proposed development, referral to the Rail authority, ARTC, was conducted during the assessment period. The external agency referral was made via NSW Planning Portal on 6 November 2023, with the response due date being 28 November 2023. An email was sent on 02/02/2024, following up on the outstanding comment, but to no prevail. On the date of this report, no response was received from ARTC.

Pursuant to Section 2.98(2)(i), Council must take into consideration any response that is received within the 21 days after the referral is made and any guidelines that are issued by the Planning Secretary for the purposes of this section and published in the Gazette. Planning Circular PS-21—18 has been issued by the Department of Planning and Environment which referenced interim guidelines.

Pursuant to Clause 2.98(1), Section 2.98 applies to development on land that is in or adjacent to a rail corridor, if the development—

1. is likely to have an adverse effect on rail safety, or
2. involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or
3. involves the use of a crane in air space above any rail corridor, or
4. is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.

As the proposal does not involve development as set out in Clause 2.98(1), and no response has been received, it is deemed that the ARTC has no comment regarding the proposal.

➤ Section 2.100 - Impact of rail noise or vibration on non-rail development

Pursuant to Clause 2.100(1), Section 2.100 applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration—

1. residential accommodation,
2. a place of public worship,
3. a hospital,
4. an educational establishment or centre-based child care facility.

As the proposal does not constitute any of the developments as set out in Clause 2.100(1), no further assessment under this section is required.

• Section 2.119 - Development with frontage to classified road

The proposed development has frontage to Newell Highway, which is a classified road (HW17).

In this regard, Council must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that it meets the criteria as set out in Section 2.119(2).

- a) where practicable and safe, vehicular access to the land is provided by a road other than the classified road, and*

The subject site does not propose any vehicular access to Newell Highway, with access provided solely through Old Newell Highway.

- b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of—*
- i. the design of the vehicular access to the land, or*
  - ii. the emission of smoke or dust from the development, or*
  - iii. the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

The vehicular access to the land is provided via Old Newell Highway. The proposed vehicular access to the larger portion of the site (being the Fire Control Centre) is achieved through one-way driveways where there is negligible chance of vehicle queueing onto the frontage road. The results of swept path testing (provided with the submitted Traffic and Parking Impact Assessment) demonstrate that the design vehicles can successfully access the site. Accordingly, there will be no adverse impact on the classified road as a result of the design of vehicular access to the land.

Section 3.1 of the submitted Traffic and Parking Impact Assessment, outlines the expected peak hour traffic generation and impact on the surrounding intersections. The traffic generation of the site is unlikely to have any adverse impact on the surrounding intersections. No sweep path analysis has been provided for the internal access road on the north western side of the fire control centre. Based on the information provided, articulated vehicles would not be able to navigate this internal road, therefore access should be limited via internal signage.

- c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The proposed development is of a type that is not sensitive to traffic noise or vehicle emissions.

- Section 2.122 - Traffic-generating development

The proposal constitutes a traffic generating development pursuant to Schedule 3 of the SEPP as the proposal involves an 'Airports or heliports' of any size or capacity. A referral, pursuant to Clause 2.122(3) to Transport for NSW (TfNSW), was required during the assessment period. TfNSW has reviewed the proposal and has no objections subject to the inclusion of a condition alerting motorists of aircraft movements in the vicinity of the classified road network.

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

### Chapter 3 Standards for non-residential development

Chapter 3 applies to non-residential development with a CIV of \$5m or more. As the CIV for the proposal is over \$16m, this chapter applies.

Under Clause 3.2, in deciding whether to grant consent to a non-residential development, the consent authority must consider whether the development is designed to enable the following:

- a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*

A detailed waste management plan has been submitted that adequately addresses waste avoidance and minimisation during the construction and ongoing operation phase of the building. Suitable conditions have also been included to ensure compliance with the submitted waste management plan.

- b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*

The building has been designed to meet the energy and thermal performance requirements of Section J of the National Construction Code (NCC) including for building fabric, external glazing, building sealing, air conditioning, artificial lighting and hot water.

- c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*

Northrop Consulting Engineers have been engaged to provide Sustainability Consulting advice to NSW Rural Fire Service. This report demonstrates how the design of the proposed development aligns to sustainability objectives set out in the State Environmental Planning Policies (Sustainable Buildings) 2022.

As per the report, passive design principles are met by proposing a highly efficient façade wall-glazing system designed to minimise heat gains into the building while also promoting the entry of daylight for the areas occupied during the day.

- d) the generation and storage of renewable energy,*

As indicated on the Roof Plan for the Fire Control Centre (Prepared by NBRIS 28 September 2023 Version No. P5), a 75 panel rooftop photovoltaic solar system will be installed on the main building.

- e) the metering and monitoring of energy consumption,*

As per the Sustainability Consulting advice, prepared by Northrop Consulting Engineers, energy metering and monitoring strategy will be implemented to effectively monitor the main energy uses within the building.

- f) the minimisation of the consumption of potable water.*

Two (2) rainwater tanks are to be provided onsite. This water will be used for flushing of toilets and the training ground and/or mains top up (if needed).

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

In accordance with Clause 3.4 of the *SEPP (Industry and Employment) 2021*, Chapter 3 applies to the proposed signage as it will be visible from any public place or public reserve. Before Council can give consent for the proposed signage, Council must be satisfied that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and that the signage subject of the application satisfies the assessment criteria specified in Schedule 5.

The subject development application seeks consent for the erection of Business (site) identification signage with internal wayfinding and directional signage included. The main site sign will be located within the front setback adjacent the main entry driveway.

***Schedule 5 Assessment Criteria:***

***1 Character of the area***

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

The proposed signage is compatible with the existing character of the locality.

- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

There is no particular theme for outdoor advertising in the area or locality.

***2 Special areas***

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The proposed development and associated signage are considered to be consistent with the prevailing development pattern in the E4 General Industrial zone. The proposed development will not create conflict with the land uses in the surrounding industrial precinct as well as anticipated future uses.

***3 Views and vistas***

- Does the proposal obscure or compromise important views?*
- Does the proposal dominate the skyline and reduce the quality of vistas?*

The proposed signage will not obscure or compromise important views, nor will it dominate the skyline or reduce the quality of vistas.

- Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not obscure any existing advertisements in the vicinity.

***4 Streetscape, setting or landscape***

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

It is considered that the proposed signage is appropriate for the streetscape and is not inconsistent with existing signage in the vicinity.

- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

It is considered that the proposed signage will contribute to the visual interest of the streetscape.

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

It is expected that the new signage will have negligible impact on the existing setting.

- *Does the proposal screen unsightliness?*

It is considered that there is no unsightliness to screen in this instance.

- *Does the proposal protrude above buildings, structures or tree canopies in the area?*

The proposed signage does not protrude above buildings, structures or tree canopies in the area.

- *Does the proposal require ongoing vegetation management?*

The signage will not require ongoing vegetation management.

#### 5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

The proposed signage is deemed to be compatible with the scale and proportion of the buildings.

- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposed signage has been designed in conjunction with the subject building and as such, the relationship between the two is considered to be compatible.

#### 6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

No safety devices, platforms, lighting devices or logos have been designed as part of the signage.

#### 7 Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*

Not applicable. No illumination signage is proposed as part of the development.

#### 8 Safety

- *Would the proposal reduce the safety for any public road?*

- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage is not expected to have an adverse impact on the safety of any public road or for pedestrians or bicyclists.

The proposal is considered to be consistent with the objectives of this Policy as set out in section 3.1(1)(a) and satisfies the assessment criteria specified in Schedule 5.

#### *Narrabri Local Environmental Plan 2012*

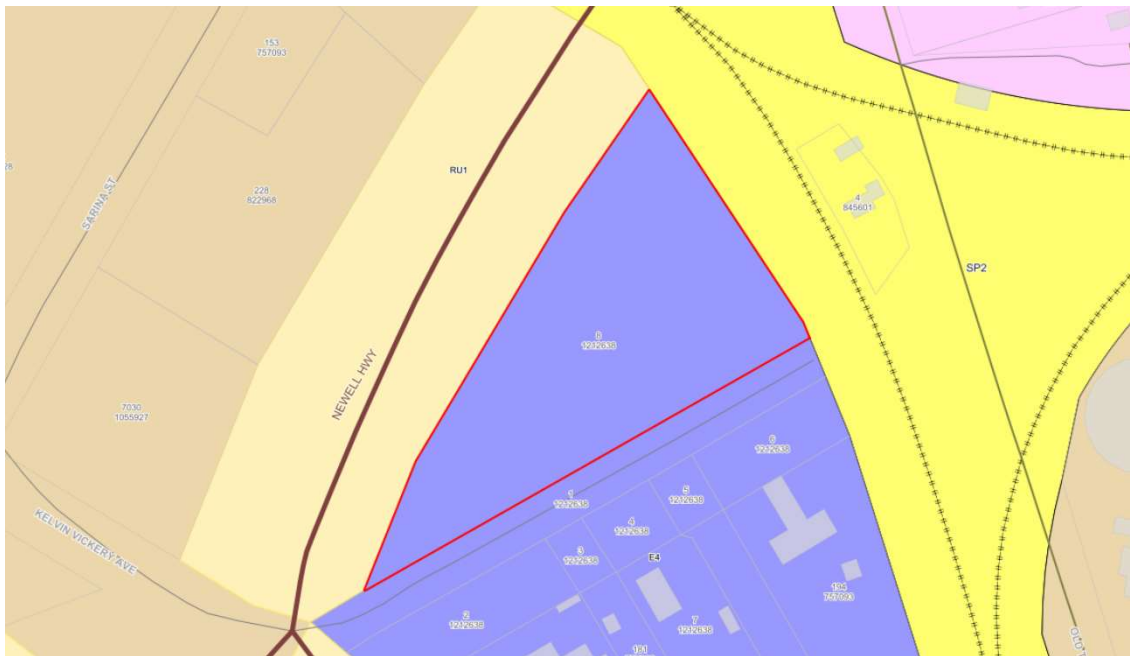
The relevant local environmental plan applying to the site is the *Narrabri Local Environmental Plan 2012* ('the LEP'). The aims of the LEP are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to encourage the orderly management, development and conservation of resources by protecting, enhancing and conserving—*
  - (i) land of significance for agricultural production, and*
  - (ii) timber, minerals, soil, water and other natural resources, and*
  - (iii) areas of high scenic or recreational value, and*
  - (iv) native plants and animals including threatened species, populations and ecological communities, and their habitats, and*
  - (v) places and buildings of heritage significance,*
- (b) to provide a choice of living opportunities and types of settlements,*
- (c) to facilitate development for a range of business enterprise and employment opportunities,*
- (d) to ensure that development is sensitive to both the economic and social needs of the community, including the provision of community facilities and land for public purposes.*

The proposal is consistent with these aims as the proposal ensures that development is sensitive to both the economic and social needs of the community.

#### *Zoning and Permissibility (Part 2)*

The site is located within the E4 'General Industrial' Zone pursuant to Clause 2.2 of the LEP. An extract of the zoning map is provided in **Figure 14** below.



According to the definitions contained in the Dictionary, the proposal satisfies the definition of an **emergency services facility** which is a permissible use with consent in the Land Use Table in Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide a range of industrial, warehouse, logistics and related land uses.*
- *To ensure the efficient and viable use of land for industrial uses.*
- *To minimise any adverse effect of industry on other land uses.*
- *To encourage employment opportunities.*
- *To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.*

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The NSW Rural Fire Service, in partnership with Narrabri Shire Council (the Owner), has identified the subject site, as the preferred site to construct a state-of-the-art emergency services facility for the NSW RFS Namoi-Gwydir District, its staff and volunteers.
- The proposed Fire Control Centre (FCC) will provide essential infrastructure (including helicopter landing capability) to assist in managing bush-fire support and recovery functions in the Narrabri region.
- The FCC will provide administrative and training spaces and a dedicated NSW Rural Fire service operations centre.

#### *General Controls and Development Standards (Part 2, 4, 5 and 6)*

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

**Table 4: Consideration of the LEP Controls**

<b>Control</b>	<b>Requirement</b>	<b>Proposal</b>	<b>Comply</b>
Height of buildings (CI 4.3)	This clause was not adopted under the LEP		N/A
FSR (CI 4.4)	This clause was not adopted under the LEP		N/A
Heritage (CI 5.10)	The subject site does not contain a heritage item, is not located within a heritage conservation area and is not in proximity to any listed heritage item.		Yes
Flood planning (CI 5.21)	Clause 5.21 'Flood Planning' is applicable to the development, as the property is identified by LEP as being a flood planning area and as such the provisions of Clause 5.21 shall be applied.	<p>The Flood Planning Level (known as the Minimum Floor Level), on this property ranges from 213.86 m AHD to 214.88 m AHD.</p> <p>The design of the development has taken into account the final finished levels to provide access to the site in the case of emergencies. The Elevations and Section plans provided (prepared by NBRIS, dated 28 September 2023) indicate that the proposed ground level of the proposed Fire Control Centre building, Storage buildings &amp; Rural Fire Brigade Station will range between 214.89 and 215.4.</p> <p>Council's Flood Engineer Consultant reviewed the submitted plans pursuant to Clause 5.21(2). Conditions have been included in the recommended terms of consent as per comments received from the Flood Engineer.</p>	Yes

Special flood considerations (Cl. 5.22)	This clause was not adopted under the LEP		N/A
Earthworks (Cl. 6.1)	Where consent for earthworks is required, Council must consider effects on existing drainage patterns, future use or redevelopment of the land, quality and source of fill or soil to be excavated, amenity of adjoining properties, disturbance of relics etc.	Earth works proposed for the development are not likely to have a detrimental impact on environmental functions and processes, or features of the land or surrounding land. Suitable conditions have been included to ensure appropriate erosion and sediment controls will be applied for any works required.	Yes
Essential Services (Cl. 7.8)	That the consent authority be satisfied that the development has access to the following services: water, electricity, disposal and management of sewage, stormwater drainage and suitable road access	<p>Water: Available for connection. A new service connection to the existing potable water supply system is proposed.</p> <p>Electricity: Available for connection. To be extended to the site.</p> <p>Sewage: There is no reticulated sewer available in the area, the development triggers the need for the installation of an onsite sewage system. A condition has been included in the Draft Terms of Consent (<b>Attachment A</b>) to ensure compliance in this regard.</p> <p>Stormwater: A Stormwater Management Plan, prepared by Northrop Engineers, has been submitted with the application. Conditions, as received for Council's Infrastructure Delivery Department, have been included in the Draft Terms</p>	

		<p>of Consent (<b>Attachment A</b>) to ensure the suitable management of stormwater.</p> <p>Vehicle access: Access to be provided on the southern side of the site – off the Old Newell Highway road reserve. New crossovers and driveways identified and to be approved by Council. A condition has been included in the Draft Terms of Consent (<b>Attachment A</b>) to ensure compliance in this regard.</p>	
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The proposal is considered to be generally consistent with the LEP.

**(b) Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments**

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and are relevant to the proposal, including the following:

- *Draft Remediation of Land SEPP*

The proposal is generally consistent with these proposed instruments.

**(c) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan**

The following Development Control Plan is relevant to this application:

- *Development Control Plan – Industrial Development Code (DCP)*  
*The following Table outlines the relevant Chapters / provisions of the DCP that have been considered in connection with the assessment of PPSNTH-266 (DA2024/0046).*

4.2 Buildings		
(a) Council encourages high aesthetic standards for building design to maintain a suitable level of visual and environmental quality. Attractive building design can, in most cases, be achieved simply and at comparatively low cost, and applicants are encouraged to consider variations in fascia treatments, roof lines	<p>The FCC and NSW RFS Building, storage sheds and surrounds will be constructed of new materials.</p> <p>The selection of materials, finishes and colours is shown the schedule submitted with the DA plan set, prepared by NBRs, 28 September 2023.</p> <p>The design, layout, construction methods and materials are standard</p>	Y

<p>and selection of building materials to achieve an attractive design. In general, elevations or building which are visible from a public road, reserve, railway or adjoining residential areas should be constructed using brick, masonry, pre coloured metal cladding, or a combination of a number of these materials. Large unrelieved expanses of wall or building mass are not favoured, and such should be broken up by the use of suitable building articulation, windows or alternative architectural enhancements.</p>	<p>for the FCC developments throughout NSW.</p> <p>In this regard the materials and colours are considered suitable for the location (industrial land uses) of the development.</p>	
<p>(b) Showroom display areas, ancillary offices, staff amenities and other low-scale building elements should be, wherever practicable, located at the front of the premises and constructed in brick or masonry materials to enhance the appearance of the development.</p>	<p>Not Applicable</p>	<p>N/A</p>
<p>(c) Roofing materials should consist of non-reflective materials particularly when visible from a public place.</p>	<p>Colorbond, shale grey colour for the FCC building. All buildings are a muted colour, except for the red cladding (as nominated on parts of the FCC building).</p> <p>It should be noted that the design, layout and construction methods and materials are standard for the FCC developments throughout NSW.</p> <p>The Proposed development also includes a 75 panel rooftop</p>	<p>Y</p>

	<p>photovoltaic solar system on the main building.</p> <p>There are no residential or sensitive receptors in close proximity to the proposed development and the existing roadside vegetation and structures are expected to provide a physical obstruction between the solar panels and road users on the major road to the north (Newell Highway) and south-west (Kamilaroi Highway) of the site, minimising any glare that roads users are expected to experience.</p>	
<b>4.3 Open Storage and Work Areas</b>		
(a) Where any work or storage of materials is proposed to be undertaken outside the confines of a building, full details of those parts of the site to be used, and of the materials to be stored, are to be provided with the application.	<p>Nil Proposed.</p> <p>Storage sheds are proposed to provide security and weather protection for vehicles and materials.</p>	Y
(b) Approved open work and storage areas are to be located at the rear of industrial developments and screened from view by the use of landscaping and screen fencing. Such fencing is to be constructed of masonry materials or pre-coloured metal cladding, having a minimum height of 2.0 metres.	<p>Not Applicable.</p> <p>No open work or storage areas are proposed.</p>	N/A
<b>4.4 Security Fencing</b>		
Security fencing should be visually unobtrusive and, wherever practicable, should be located behind the landscape setback area.	<p>Perimeter steel post and mesh fencing exists along the Newell Highway and railway line reserve boundaries. New fencing is proposed along the Old Newell Highway frontage as indicated in the DA plan set, prepared by NBRIS, 28 September 2023.</p>	Y

<b>4.6 Building Setbacks</b>		
<b>4.6.1 Setbacks</b>		
A front building setback of eight (8) metres from the property boundary should be provided. This eight (8) metre front setback is to be intensively landscaped.	<p>The closest building to the Old Newell Highway is the storage shed – setback 6m from the road boundary. The setback from the proposed Rural Fire Brigade Station is 15.6m.</p> <p>The setback of the Fire Control Centre building exterior to the Newell Highway varies. There is a minimum setback of 22m.</p> <p>The training pad/helicopter land surface is setback a minimum of 16m from the Newell Highway frontage and 26m from the Old Newell Highway frontage.</p> <p>Although the Storage Shed is located closer than 8m from the property boundary, it is considered suitable for this location.</p>	Y
<b>4.6.2 Corner Sites</b>		
<p>For corner sites, a three (3) metres setback should be provided to the secondary frontage.</p> <p>Note – in some cases, due to the nature of an industrial activity, or the height, bulk or layout, a setback in excess of the minimum eight (8) metres may be required.</p>	<p>In this case, the setbacks to both the Newell Highway and the Old New Highway frontages are considered acceptable.</p> <p>The site configuration and proposed occupation by the RFS and Fire Brigade requires a balance of numerical compliance with the Code controls and the broader objective of providing essential community-based services for the district.</p>	Y
<b>4.7 Landscaped Treatment</b>		
<b>4.7.1 Areas required to be landscaped</b>		
The following areas should be landscaped: (a) The front building setback;	A landscape scheme, prepared by NBRIS, is submitted with the application.	Y

<p>(b) Side and rear setbacks where visible from a public place or an adjoining residential area;</p> <p>(c) Areas adjacent to building entrances and pedestrian access points;</p> <p>(d) The perimeter of all approved open storage areas and staff/visitor parking areas. (See also Section 4.3 of this Code). Large car parking areas should be interspersed with internal planting bays to reduce the visual impact of large areas of paved surfaces.</p>	<p>Landscaping is proposed across the site where appropriate. The development requires extensive hardstand areas, similar to an industrial land use that has to cater for large vehicles.</p> <p>The landscape scheme includes planting along the Old Newell Highway frontage, near the driveway entry and exits, the swale areas near the open-air parking spaces and around the perimeters of the buildings.</p> <p>The landscaping proposed is considered suitable for the proposed development.</p>	
<b>4.8 Access, Parking and Off Street Loading / Unloading Facilities</b>		
<b>4.8.1 General Requirements</b>		
<p>(a) The design, layout and construction of access, parking and service areas for all industrial development shall be in accordance with the requirements of the Narrabri Shire Parking Code.</p>	<p>Onsite parking comprises formalised hard stand parking for permanent use 24/7 plus overflow parking areas for use during times of emergency when additional personnel will be onsite. The FCC building is provided with two carport covered strips of parking plus spaces around the building for personnel.</p> <p>The Fire Brigade building has direct access from the new building to the Old Newell Highway frontage with allocated parking in front of the building for their personnel to access without interference.</p> <p>Circulation within the site is provided to provide clear and ease of manoeuvring for vehicles up to semi-trailer (19m) long. A swept path travel path is shown on the DA site plan. The formal bays will be line marked with wheels stops. The overflow spaces are provided with a 3m wide spacing – catering for a variety of vehicles and needs at any time.</p>	<p>Y</p>
<p>(b) Council is required to consult the NSW Traffic Authority to obtain advice on traffic and safety aspects for major traffic generating developments. This consultation is a statutory requirement prescribed by State Environmental Planning Policy No. 11. Additional information about the consultation procedure can be obtained by contacting Council's Environmental Services Section.</p>		
<p>(c) Industrial development should be designed to ensure that all vehicles can enter and leave the site in a forward direction.</p>		

Details of vehicle size and manoeuvring areas should be submitted with the development application to enable an adequate assessment of these aspects.		
(d) Individual parking bays should be clearly delineated and have minimum dimensions of 2.6 metres x 5.5 metres, except where it is adjacent to a solid obstruction when a 3.0 metre width should be provided.		
<b>4.8.2 Access and Road Construction Requirements</b>		
<p>(a) The following road works are generally required in conjunction with industrial development:</p> <p>Industrial type vehicular gutter crossings;</p> <p>Construction of kerb, gutter and road shoulder between the lip of the gutter and the edge of the existing bitumen seal, footway formation and paving and associated road drainage for the fill frontage of the site.</p>	<p>Access to the site is via crossovers and driveways from Old Newell Highway, with no access directly to with highway.</p> <p>The application has been referred to Council's Engineering Department for comments/conditions regarding the access.</p> <p>The conditions have been included in the Draft terms of consent in line with the advice received from Council's Engineering Department.</p>	Y
<p>(b) Access drives to have a minimum width of six (6) metres;</p> <p><i>Note – major traffic generating developments may require a greater access width divided at the property line.</i></p>		
<p>(c) The location of access driveways at intersections shall be in accordance with the Traffic Authority of NSW 'Policy, Guidelines and Procedures for Traffic Generating Developments', however the minimum distance shall be 6.0 metres from the intersecting boundaries;</p>		
<p>(d) Access driveways across the footpath should hard sealed,</p>		

consisting of either concrete, two coat bitumen seal, asphaltic concrete, paving blocks or other approved material.		
(e) All driveways, parking areas, loading bays and vehicular turning areas are to be constructed with a base course of adequate depth to suite design traffic, and are to be sealed with either bitumen asphaltic concrete, concrete or interlocking pavers. Full details should be indicated on the plans submitted with the Development Application.		
<b>4.8.3 Parking Requirements</b>		
(a) On-site car parking should be provided in accordance with Council's adopted Car Parking Code, copies of which are available from Council.	<p>The traffic assessment considers 12 full-time staff on-site during normal working hours, characterised as low-use occupation. In the medium-use occupancy scenario, a maximum of 100 people is expected on-site for training or meetings. The high-use occupancy scenario involves a continuous presence of up to 100 people on-site, 24/7, during emergencies.</p> <p>Based on the above considerations, a total of 88 car parking spaces have been proposed, comprising 54 formal (line-marked) and 34 overflow (unmarked) parking spaces. The formal car parking includes 3 accessible parking spaces.</p> <p>Council's Engineering Department considered this amount of parking suitable.</p>	Y
<b>4.8.4 Loading / Unloading Facilities</b>		
(a) Adequate provision should be made on site for the loading and unloading of delivery vehicles within designated loading bays.	Any loading and servicing requirements, including waste collection, can be completed on-site by any vehicle up to and including a	Y

(b) Loading and unloading facilities appropriate to the particular development are to be provided on site such that service vehicles are located wholly within the site and are not required to reverse to or from the street.	19m Articulated Vehicle. Relevant swept path testing has been undertaken with the results provided in the submitted Traffic and Parking Impact Assessment, prepared by McLaren Traffic Engineering.	
<b>4.9 Advertising Signs</b>		
<p>a) Advertising signs and structures shall be of a size, colour and design which is compatible with the building to which they relate and its streetscape;</p> <p>(b) Advertising signs and structures may be located as follows:</p> <p>1. Single Occupant Industrial Sites One free standing advertising structure may be constructed within the front five (5) metre landscaped area of the site; and One advertising sign may be placed on the facade of the building but shall not be higher than the building roof line.</p>	The proposed signage is considered to be consistent with the objectives of this Policy as set out in section 3.1(1)(a) and satisfies the assessment criteria specified in Schedule 5.	Y
<b>4.10 Services and Drainage</b>		
<b>4.10.1 Water Supply</b>		
All development shall be connected to Council's Water Supply. Details of flow pressure can be obtained from Council's Engineering Services Section.	Available for connection. A new service connection to the existing potable water supply system is proposed. The development proposes water to be stored on site for firefighting purposes as well as general site operations.	Y
<b>4.10.2 Sewer</b>		
Where Council sewer is available, a Sewer Headworks Charge based on the size and type of Development may be charged.	There is no reticulated sewer available in the area, the development triggers the need for the installation of an onsite sewage system. Suitable conditions have been included in the terms of consent in order to facilitate	Y

	the arrangements for essential services.	
<b>4.10.3 Trade Waste</b>		
A Trade Waste Application will be required where liquid wastes other than sewerage are to be discharged to Council's sewerage system. Council levies a charge for the disposal of the Trade Waste to the sewer based on the volume and strength of the discharge.	No discharge to Council's sewerage system as site is not serviced by Council. No vehicle maintenance proposed from the site.	Y
<b>4.10.4 Drainage</b>		
(a) Stormwater runoff from roofs and paved areas is to be collected and disposed of to the street drainage or direct to Council's underground system.	A Stormwater Management Plan, prepared by Northrop Engineers, has been submitted with the application. Conditions, as received for Council's Infrastructure Delivery Department, have been included in the Draft Terms of Consent ( <b>Attachment A</b> ) to ensure the suitable management of stormwater.	Y
(b) The Council will not permit the erection of buildings over drainage easements under its control.		
(c) A contribution towards Downstream Drainage may be required based on the increased run-off generated by the development.		

• *Development Control Plan – Parking Code No.1*

<b>Parking requirements</b>		
Level of provision to comply with RTS's Guide to Traffic Generating Developments.	Councils Development Control Plan No.1 and the Traffic Generating Developments guidelines do not have any parking requirements for Emergency Service Facility.  <u>Car Parking Demand and Supply:</u> The submitted Traffic and Parking Impact Assessment considers 12 full-time staff on-site during normal working hours, characterised as low-use occupation. In the medium-use	Y

	<p>occupancy scenario, a maximum of 100 people is expected on-site for training or meetings. The high-use occupancy scenario involves a continuous presence of up to 100 people on-site, 24/7, during emergencies.</p> <p>In this regard, a total of 88 car parking spaces have been proposed, comprising 54 formal (line-marked) and 34 overflow (unmarked) parking spaces. The formal car parking includes 3 accessible parking spaces. For the medium and high-use scenarios, a car occupancy ratio of 1.43 people per car has been assumed.</p> <p>Additionally, 25% of the total car parking spaces provided are designated as covered parking spaces, meeting the requirements of the Council's Parking Code.</p> <p><u>Heavy Vehicle Parking and Site Servicing:</u></p> <p>The proposal incorporates 5 parking bays within the proposed Stores building, suitable for Class 1 Fire Fighting Vehicles (8.8m Medium Rigid Vehicle), and an additional 3 parking bays suitable for Medium Rigid Vehicles within the Brigade Building. Proposed driveway crossovers have been designed to accommodate the movements of an articulated vehicle. The swept path analysis included in the Traffic and Parking Impact Assessment demonstrates that heavy vehicles accessing the site during the operational stage can enter and leave the dedicated parking bays and the site in a forward direction.</p>	
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The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act (notwithstanding Contributions plans are not DCPs they are required to be considered):

- *Narrabri Shire Section 7.12 – Fixed Development Consent Levies Contributions Plan 2011*

Council may levy contributions for the proposed development in accordance with its adopted Section 7.12 Contributions Plan.

In consideration of the applicable contributions that may be levied for the proposed development, the NSW Department of Planning Circular D6 – Crown Development Applications and Conditions of Consent dated 21 September 1995 has been considered. The Circular sets out suggested procedures in determining applications for Crown development applications and provides advice on appropriate conditions of consent.

The Circular notes that Crown activities providing a public service or facility lead to significant public benefits in terms of essential community services and employment opportunities and that these activities are not likely to require the provision of public services and amenities the same way as development undertaken with a commercial objective.

The matrix located on page 7 of the Circular, sets out justifiable categories of section 94 contributions towards off site works for Crown developments that provide an essential community service. The proposed Fire Control Centre is considered to be an essential community service and the purposes of this application has been categorised as being within the law/order category of the matrix as there is no specific mention of emergency service facilities.

The circular recommends that, where the applicant is a Crown authority and the development is for law/order, no contributions should be collected for open space, community facilities, parking, and general local and main road upgrades. The development should only be levied for drainage and upgrading of Local Traffic Management. However, the levying of these contributions needs to be justified within the Section 7.11 (previously section 94) contributions plan. No drainage or local traffic management contribution levies apply to this type of development within the adopted relevant contributions plans.

As the proposal provides for an emergency services facility as infrastructure on behalf of the Crown, it should not be subject to development contributions. The nature of the development means that the infrastructure provides a material public benefit through the provision of training facilities and essential bushfire management, support and recovery services to the Narrabri and surrounding community.

*For the reasons outlined above, the exemption from the payment of development contributions is considered appropriate in this case.*

- *Section 64 – Headworks Charges*

Pursuant to Section 64 of the *Local Government Act 1993* and Sections 305 to 307 of the *Water Management Act 2000*, developer contributions may be applicable where a development imposes on the water supply and sewerage system.

The development involves the connection to Council's Water Infrastructure and therefore the Section 64 contributions will be required for the water loads. The development will create 0.01 Equivalent Tenements (ET) per floor area m<sup>2</sup>, totalling 10.6 ET for Water.

A Credit of 15 ET per Hectare has been applied to the site as the development is situated within an existing Industrial categorised lot, totalling 2.907 ET for Water.

Therefore, the total contribution required is 7.693 ET for water.

**(d) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act**

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

**(e) Section 4.15(1)(a)(iv) - Provisions of Regulations**

Section 61 of the 2021 EP&A Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, with the following matters being relevant to the proposal:

Clause 61(1) Applications for demolition is not proposed as part of the application.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal.

Clause 66A – Conflict of Interest – An independent review of the application was undertaken by and external consultant, Ambrose Building Development Solutions.

Matters raised in the review have been considered and the necessary/recommended changes have been incorporated into the final Planning Panel Assessment report.

**3.2 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – As discussed earlier in this report, The site is located opposite an existing NSW RFS Fire Control Centre which is co-located with Council's Operations Depot on the Old Newell Highway. A 24-hour heavy vehicle self-serve fuel station is located in close proximity to the Council Depot.  
The proposal will present as a complex of relatively large single storey buildings and the visual and scenic impacts are proposed to be mitigated by landscaping around the site and buildings.  
The proposal is considered to be generally consistent with the context of the site, in that the proposed emergency services facility is appropriate as a result of consideration of the zone objectives and compliance with other relevant planning instruments.
- Access and traffic – A Traffic and Parking Assessment prepared by McLaren Traffic Engineering dated 28 August 2023 was provided to support the application. The weekday commuter peak hour traffic generation of the site is estimated at some 12 trips (1 trip every 5 minutes) during the weekday AM and PM commuter peak hour periods, which is considered to be of such low order that it will not have a noticeable

impact on the surrounding road network. While, during large scale training or meeting events that are expected to occur with low frequencies of 2 times a month, a peak hour traffic generation of up to 70 peak hour vehicle trips is expected. With consideration for the close proximity of the site to arterial roads in Newell Highway and Kamilaroi Highway, the industrial nature of the site and low frequency of traffic generating events over 12 trips per hour, it is expected that a maximum peak hour traffic generation of 70 vehicles during large scale meetings or events for the proposed Fire Control Centre would not result in any adverse impacts on the surrounding roads or intersections in terms of traffic flow efficiency.

- Public Domain – The proposed development is expected to have negligible impact on the public domain in terms of public recreation opportunities, public spaces and pedestrian linkages.
- Utilities – Reticulated water and electricity are to be extended to the site. However, as there is no reticulated sewer available in the area, the development triggers the need for the installation of an onsite sewage system. Suitable Draft Conditions of Consent are provided in **Attachment A** requiring the lodgement of a consultant's report and Section 68 application for the installation of the system.

- Heritage –  
Indigenous Cultural Heritage  
An Aboriginal Due Diligence Assessment prepared by OzArk, dated June 2023 was submitted with the application. A search of the Aboriginal Heritage Information Management System (AHIMS) indicated that there are no previously recorded Aboriginal sites or places within the Project Area. However, the proponent identified one tree with potential cultural modifications when assessing the site.  
A visual inspection of the Project Area was undertaken on 23 May 2023 by OzArk Project Archaeologist and assisted by Kristie Toomey representing the Narrabri Local Aboriginal Land Council (LALC). No Aboriginal sites were identified within the Project Area. A tree with scarring on it was examined during the visual inspection and it was assessed that it did not meet the criteria for scarred tree registration. This tree is however of importance to the local Aboriginal community and has been recorded as a community interest tree. This tree (Tree#4) is located in the southwestern most corner of the Project Area and will be avoided during construction of the proposed Fire Control Centre.  
The undertaking of the due diligence process resulted in the conclusion that the proposed works will have an impact on the ground surface but will not harm Aboriginal objects.

In this regard, the management measures as set out in Section 4 of Aboriginal Due Diligence Assessment are included in the Draft Conditions of Consent to ensure preservation of the community interest tree.

A condition has also been included in the recommended terms of consent, requiring works to cease and Office of Environment and Heritage to be contacted should any items suspected of being Aboriginal in origin discovered during works.

#### European Heritage

The site does not contain any listed heritage items under Schedule 5 of the LEP, nor is it located within a heritage conservation area. No other heritage items are located in close proximity to the site.

- Other land resources – None.
- Soils impacts - The proposed development is not expected to have an adverse impact on soil conversation. Erosion and sediment controls will be required to be installed prior to the commencement of works and maintained for the duration of construction works. Conditions have been included in the recommended terms of consent to this effect.
- Flora and fauna impacts – A Biodiversity Assessment prepared by ReconEco Pty Ltd dated 15 June 2023 was submitted with the application. The proposal would require the removal of:
  - five isolated trees – 3 x Inland Grey Box (one of which contains hollows) and two shrubs (refer to Table below),
  - disturbed areas of native vegetation around drainlines/depressions,
  - a single planted Creek Bottlebrush; and,
  - non-native grassland over a footprint of ~ 0.87 ha.

As stated in the report, one hollow-bearing tree will be removed for the works, with one retained. Isolated shrubs of wattle and Boobialla along the eastern fence line would also be retained. The balance of the site would not be impacted, and the loss of a single hollow-bearing tree is unlikely to significantly impact upon any hollow-dependent fauna in a local context. To mitigate the loss of the hollow-bearing tree, it is recommended that a nest box is installed within the single tree to be retained.

The Biodiversity Assessment also concludes that the proposal would not result in any significant reduction of fauna habitat values in the locality in a local context due to the removal of the isolated trees.

It is therefore considered that the land does not constitute core koala habitat and that the removal of the five isolated trees is not likely to have an impact on koalas or koala habitat in this location.

- Natural environment – the natural contours of the site will be changed by the construction of fill pads and levelling of site for the new buildings and car park areas, however conditions will be included in the Draft Conditions of Consent to ensure that all stormwater be collected and discharged to meet the Council's standards.
- Noise and vibration – Appropriate conditions to be imposed on any development consent to manage any potential adverse impacts arising from the construction of the development.

Cumulative noise impacts from the proposed general use of the Fire Control Centre building are considered to be acceptable as the facility is located within an Industrial Precinct in Narrabri.

- Natural hazards – The subject lot is not classified as bush fire prone land, but is liable to inundation by flooding. The proposed development is determined as being suitable for the proposed use and compliant with the provisions of Clause 5.21 'Flood Planning' of LEP. There are no other natural hazards known to affect the subject land.
- Safety, security and crime prevention – Crime Prevention Through Environmental Design (CPTED) Principles have been considered.
- Social impact – the proposed development will provide a new state-of-the-art FCC which will be the dedicated operations centre for bushfire management in the Narrabri

Region. The facility will also be able to function as an emergency operations centre for State Agencies and Local Government to assist in managing bushfire support and recovery functions resulting in many social benefits to the community.

- Economic impact – The proposed development supports the Narrabri Shire community by providing a new improved FCC which is likely to generate employment during the construction phase and into the future once operational. The FCC will also provide training facilities which may attract people to the area resulting in indirect economic benefits to the community. For example, provision of catering from local business for training events and accommodation.
- Site design and internal design – The proposed development has been designed and located with consideration to the constraints of the site and potential environmental impacts, as discussed throughout this assessment report.
- Construction – Construction noise is mitigated by a condition imposing restricted construction hours. A Construction Environmental Management Plan is required prior to commencing works to mitigate impacts from increased traffic movements during construction.
- Cumulative impacts – A Construction Environmental Management Plan is required prior to commencing works to mitigate impacts from increased traffic movements during construction.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### **3.3 Section 4.15(1)(c) - Suitability of the site**

- The proposed development is not expected to result in deleterious impacts, subject to the imposition of suitable conditions of consent;
- Services, access and infrastructure are considered adequate to support the proposal;
- The attributes of the subject land are conducive for the purposes of the proposed development;
- The proposed development is permitted with development consent under the LEP and SEPP.

### **3.4 Section 4.15(1)(d) - Public Submissions**

The DA was notified to adjoining landowners and advertised in “The Courier” and Council’s website for a period of fourteen (14) days, commencing 7 November 2023 and ending 28 November 2023. No submissions were received during the public consultation period.

### **3.5 Section 4.15(1)(e) - Public interest**

The proposal is in the public interest for the following reasons:

- The application provides a development outcome that will result in a positive benefit for the community and local emergency service authorities through the provision of a new bushfire emergency management and training facility.

- By providing a new emergency services facility for the NSW RFS, it is expected the proposal will have a positive impact on the health and safety of the public, due to the improved social and economic benefits.
- The public interest is maintained by the proposal as it is generally consistent with the objects of the Act, relevant state legislation, LEP and local development control as adopted by Council.
- The proposal is consistent with the principles of Ecologically Sustainable Development as it provides for a facility that will benefit the greater community now and into the future.
- The impacts on climate change are expected to be minimal with the building complying with the energy efficiency provisions of section J of the National Construction Code.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in **Table 5**.

At the time of preparing the assessment report, no correspondence had been received from ARTC. There are no other outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 5: Concurrence and Referrals to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
N/A	-	-	N/A
<b>Referral/Consultation Agencies</b>			
Civil Aviation Safety Authority (CASA)	S4.14 – EP&A Act Development on bushfire prone land	CASA's comments were received by Council on 14 December 2023. CASA has no objection to the proposal.	Yes
Transport for NSW (TfNSW)	Section 2.122 'Traffic-generating development' of SEPP (Transport & Infrastructure) 2021	TfNSW has reviewed the proposal and has no objections subject to the inclusion of a condition alerting motorists of aircraft movements in the vicinity of the classified road network.	Yes
Australian Rail Track	Section 2.98 'Development Adjacent to rail corridors' of	Due to the location and nature of the proposed development, referral to the Rail authority, ARTC, was	Yes

Corporation (ARTC)	SEPP (Transport Infrastructure) 2021 &	<p>conducted during the assessment period. The external agency referral was made via NSW Planning Portal on 6 November 2023, with the response due date being 28 November 2023. An email was sent on 02/02/2024, following up on the outstanding comment, but to no prevail. On the date of this report, no response was received from ARTC.</p> <p>As the proposal does not involve development as set out in Clause 2.98(1), and no response has been received, it is deemed that the ARTC has no comment regarding the proposal.</p>	
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
N/A	-	-	N/A

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

**Table 6: Consideration of Council Referrals**

Officer	Comments	Resolved
Engineering	<p>Council's Engineering Department reviewed the submitted Traffic Impact Assessment and Civil Engineering Plans and concurred with the assessment on the number of parking spaces required for the development.</p> <p>Conditions will be included in the recommended terms of consent as per comments received from the Engineering Department.</p>	Yes (conditions)
Waste	<p>Council's Manager of Waste Services reviewed the submitted Waste Management Plan.</p> <p>Conditions will be included in the recommended terms of consent to ensure to that any waste generated by the development is appropriately managed.</p>	Yes (conditions)
Flood Engineer	<p>Council's Flood Engineer Consultant reviewed the submitted plans.</p> <p>Conditions will be included in the recommended terms of consent as per comments received from the Flood Engineer.</p>	Yes (conditions)

Regulatory Compliance (Regarding Liquid Trade Waste)	No objections and no recommended conditions.	Yes (no conditions)
Parks and Open Spaces	No objections subject to recommended conditions.	Yes (conditions)

### 4.3 Community Consultation

The DA was notified to adjoining landowners and advertised in “The Courier” and Council’s website for a period of fourteen (14) days, commencing 7 November 2023 and ending 28 November 2023. No submissions were received during the public consultation period.

## 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

### 5.1 Traffic Impact

The Traffic Impact Assessment submitted with the DA estimated:

- Up to 12 people on site at any one time during typical Monday to Friday operating hours of 9am to 5pm;
- An average attendance of 50 people is expected during large meetings or training events that are to occur on either weekdays or weekends, with an absolute maximum on-site attendance of 100 people possible but considered unlikely for this proposed Fire Control Centre. Meetings or training events are expected to occur on a low frequency of 2 times a month. Where the events do occur on a weekday, it is assumed that the typical weekday staff of up to 12 people will attend the meetings or events as part of the maximum 100 people onsite. Where the events do take place on a weekday, the events / meetings are assumed to be undertaken during the middle of the day (10am to 4pm) outside of AM and PM commuter peak hour periods; and,
- During operational campaign events such as a large scale and extended bushfire emergency it is expected that up to some 75 people would be on-site but this may reach a maximum of 100 people on-site at any one time.

The TIA concluded the following:

*“With consideration for the close proximity of the site to arterial roads in Newell Highway and Kamilaroi Highway, the rural nature of the site and low frequency of traffic-generating events over 12 trips per hour, it is expected that a maximum peak hour traffic generation of 70 vehicles during large scale meeting or events for the proposed Fire Control Centre is unlikely to result in any adverse impacts on the surrounding roads or intersections in terms of traffic flow efficiency.”*

The construction phase of this development is likely to draw a higher traffic demand than is typical of the existing background traffic behaviour or the typical future

operational use of the development. Development traffic during the construction phase is also likely to have higher frequency of heavy vehicles. Therefore, it is suggested that a Construction Management Plan (CMP) be prepared to consider potential construction impacts.

Resolution: A Draft condition of consent is provided in **Attachment A** to ensure that traffic impacts during construction are considered, and measures implemented as part of a Construction Environment Management Plan.

## 6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

It is considered that the key issue as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

## 7. RECOMMENDATION

That the Development Application DA2024/0046 for Fire Control Centre with Ancillary Buildings/Structures at 1-9 Newell Highway, NARRABRI be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report as **Attachment A**.

The following attachments are provided:

- Attachment A - Draft Crown Approval
- Attachment B – Site and Architectural Plans – NBRS & Partners 28 September 2023
- Attachment C – Supporting Documents and Reports
- Attachment D - Independent Review - Ambrose Building Development Solutions