

## COUNCIL ASSESSMENT REPORT

### WESTERN REGIONAL PLANNING PANEL

<b>PANEL REFERENCE</b>	PPSWES-201
<b>DA NUMBER</b>	191/2023
<b>PROPOSED DEVELOPMENT</b>	Construction of administration and staff amenities building
<b>ADDRESS</b>	Lot 162 DP751709 and Lot 2 DP1178211, Murphy Road Hanwood
<b>APPLICANT</b>	PSA Consulting
<b>OWNER</b>	Steggles Poultry (NSW) Pty Ltd
<b>DA LODGEMENT DATE</b>	26 September 2023
<b>APPLICATION TYPE</b>	Development application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Section 2.19(1) and Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: capital investment value >\$30m
<b>CIV</b>	\$42,202,800 (excluding GST)
<b>CLAUSE 4.6 REQUESTS</b>	N/A
<b>KEY SEPP/LEP</b>	<ul style="list-style-type: none"> <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>Griffith Local Environmental Plan 2014 (the LEP)</i></li> </ul>
<b>TOTAL SUBMISSIONS</b>	Nil Submissions
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	<ul style="list-style-type: none"> <li>• Statement of Environmental Effects</li> <li>• Arborist Report</li> <li>• BCA Assessment</li> <li>• Plans (site plan, demolition work plan, carparking layout plan, landscape concept plan/tree removal/biodiversity layer, survey plan)</li> <li>• Stormwater Quantity and Detention Storage Report</li> <li>• Traffic Impact Assessment – Issue D – 5 Feb 2024</li> <li>• Letter from PSA Consulting dated 21 Nov 2023</li> <li>• Letter from PSA Consulting dated 20 Mar 2024</li> <li>• Aerial photo history</li> </ul>

<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	N/A
<b>RECOMMENDATION</b>	Approval
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	9 April 2024
<b>REPORT PREPARED BY</b>	Lillian Charlesworth, Manager RSD Assessment Department of Planning, Housing and Infrastructure (on behalf of Griffith City Council)
<b>DATE OF REPORT</b>	5 April 2024

## EXECUTIVE SUMMARY

The development application (DA 191/2023) seeks consent for construction of an administration and staff amenities building at Murphy Road Hanwood (Lot 162 DP751709 and Lot 2 DP1178211). The street number is indicated as 9 Murphy Road in some references and 17-27 in other references (the NSW Spatial Viewer shows the site as both No.7 and No.27) and therefore this report will rely on the Lot and DP details.

The building will include a lobby and reception area, administration office, gym, three separate change rooms for females, males and visitors, a canteen, training room, meeting rooms, conference room, laundry, storeroom, as well as a loading and garbage area. The proposal includes demolition of a manager's residence and removal of 74 trees.

The development site forms part of a larger 22ha property used by Steggles Poultry Pty Ltd for a poultry processing facility. The site is located approximately 3.9km to the south of Griffith within a rural/rural industrial area characterised by a range of agricultural and horticultural uses, including intensive livestock farming, cropping, grazing, orchards.

The site is located within the E4 General Industrial zone pursuant to clause 2.2 of *Griffith Local Environmental Plan 2014* (the LEP). The proposal involves an ancillary use to the existing approved use of the site for a livestock (poultry) processing industry. Clause 1.4 of the LEP defines a "livestock processing industry" as a type of "rural industry". Rural industry is permitted with consent in the E4 General Industrial zone and therefore the proposed ancillary use is also permissible with consent.

Schedule 3, Part 2 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation) identifies a livestock processing industry as designated development. Although Part 3, clause 49 of the Regulation provides exceptions to what is considered designated development. The administration and staff amenities building are not designated development as it meets the requirements for an exception, given it is an ancillary development that will not be carried out independently of the poultry processing facility.

The principal planning controls relevant to the proposal include *State Environmental Planning Policy (Planning Systems)*, *State Environmental Planning Policy (Resilience and Hazards) 2021*, *Griffith Local Environmental Plan 2014* and *Griffith Development Control Plan No.3 – Industrial Development*. The proposal is consistent with the relevant provisions of the above

planning controls.

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* (the Act). No referrals were sent to agencies.

The application was placed on public exhibition from 13 October 2023 to 27 November 2023, with no submissions being received.

The application is referred to the Western 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 with a CIV of more than \$30m. The Western Regional Planning Panel was briefed by Council on this application on 12 March 2024.

Assessment of the application under section 4.15(1) of the Act considered that there are unlikely to be any significant adverse impacts of the development on the natural and built environments, subject to the recommended conditions.

A number of key issues were identified in this assessment which include:

- Parking – the development site is required for overflow parking as part of a previous DA approval. Parking demand is not expected to increase as a result of the proposal and therefore a parking survey was undertaken to establish car parking requirements. Additional parking will be provided via an extension to the existing main car park.
- Stormwater drainage – the area proposed for extension of the existing car park is currently utilised as part of a stormwater detention basin, although the Stormwater Quantity and Detention Storage Report indicates that adequate stormwater detention capacity will remain post development. The applicant has provided updates to the report to address concerns raised by council's Development Engineer.
- Earthworks – the unique design of the development involves extensive earthworks to create mounds against the exterior of the building. The proposal complies with clause 7.1 Earthworks in the LEP and a concept Bulk Earthworks Plan has been provided.
- Terrestrial Biodiversity and tree removal – removal of 74 planted landscape trees is proposed. Despite the terrestrial biodiversity layer, there is no remnant native bushland within the site and the mostly exotic trees proposed for removal are likely to be of low ecological value.

The suitability of the site for the development is seen as satisfactory and the development is considered to be in the public interest, particularly in terms of a major investment in the local area (with a CIV greater than \$42m) and substantial job creation (up to 400 jobs) during the 18-month construction phase.

It is recommended that DA 191/2023 for construction of a staff administration and amenities building at Lot 162 DP751709 and Lot 2 DP1178211 Murphy Road Hanwood be APPROVED pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* subject to the conditions of consent attached to this report at **Attachment A**.

## 1. THE SITE AND LOCALITY

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### 1.1 The Site

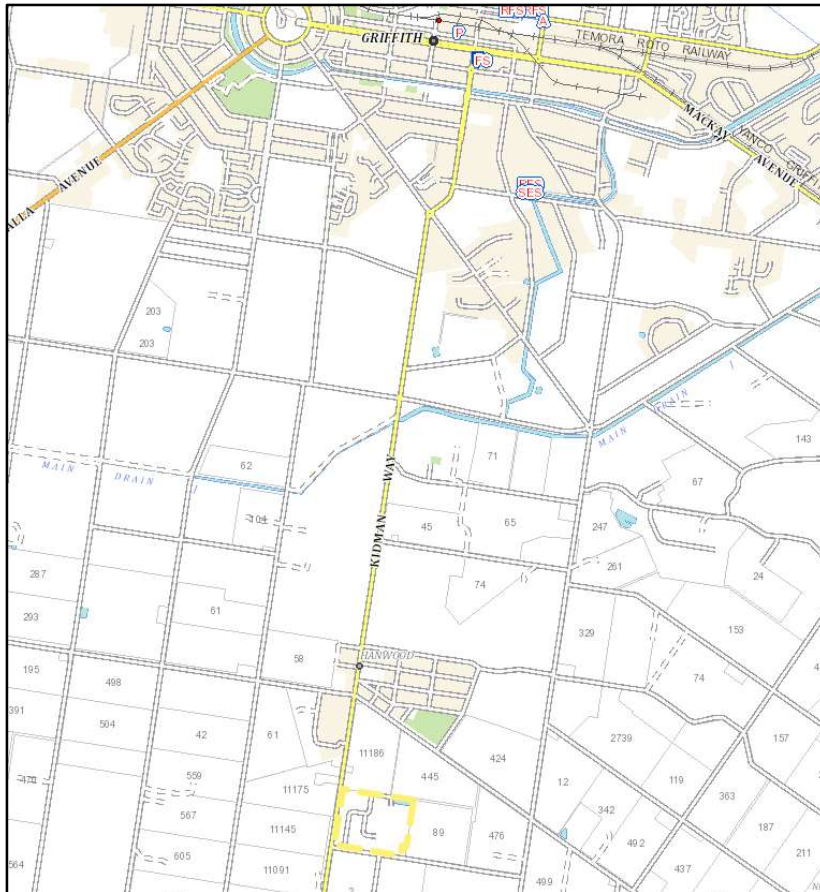
The site is described as Lot 162 DP751709 and Lot 2 DP1178211 Murphy Road, Hanwood. The site is owned by Steggles Poultry NSW, has an area of 22ha and includes an existing poultry processing facility that has been in operation since the 1960's. The existing development includes a poultry processing plant, rendering plant and supporting infrastructure (**Figure 1**). The site has a primary frontage to Murphy Road and a secondary frontage to Kidman Way. The site is not identified as flood prone or bushfire prone, although the proposed building footprint is located on land mapped as terrestrial biodiversity.



**Figure 1** Site area (yellow) and development site (red) (source: SEE)

### 1.2 The Locality

The site is located approximately 3.9km to the south of Griffith (**Figure 2**) within a rural/rural industrial area characterised by a range of agricultural and horticultural uses, including intensive livestock farming, cropping, grazing and orchards. Nearby rural industries include the McWilliams winery. In addition to the poultry processing facility, Steggles also own land on the south side of Murphy Road which is used for a poultry outlet store and temporary grain storage area. Steggles also operate a feed mill and wastewater treatment facility (**Figure 3**) in the locality. The nearest residence is located 560m to the north-west on the outskirts of Hanwood.



**Figure 2** Locality Map (source: Planning Portal Spatial Viewer)



**Figure 1** - Site and effluent treatment area associated with the new building and processing plant

## 2. THE PROPOSAL AND BACKGROUND

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### 2.1 The Proposal

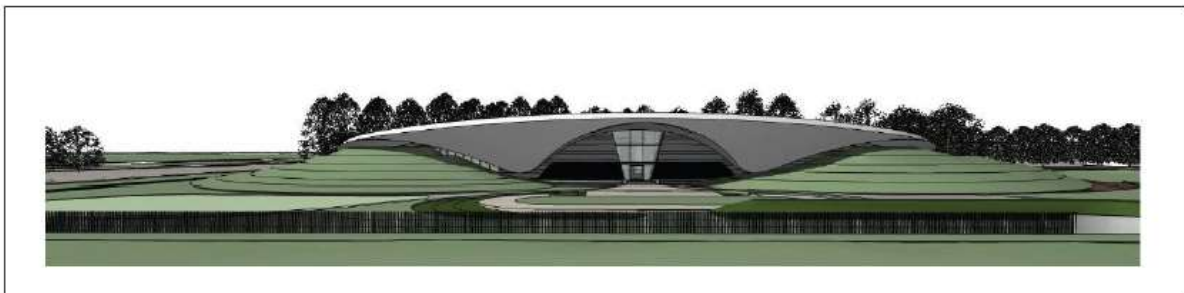
The proposal seeks consent for a new administration and staff amenities building at the site of the existing Hanwood poultry processing facility to enhance staff facilities and the visitor experience, as well as support existing operations. The building design is a modern, bespoke oval shape, comprised of a steel frame, metal cladding and extensive windows, featuring integrated landscape mounds, planting and a curved roof structure extending as a canopy over the forecourt (**Figures 4, 5 and 6**). There will be no change to staff numbers or processing activities as a result of the development. The proposal includes removal of 74 planted native and exotic trees.

The proposal includes:

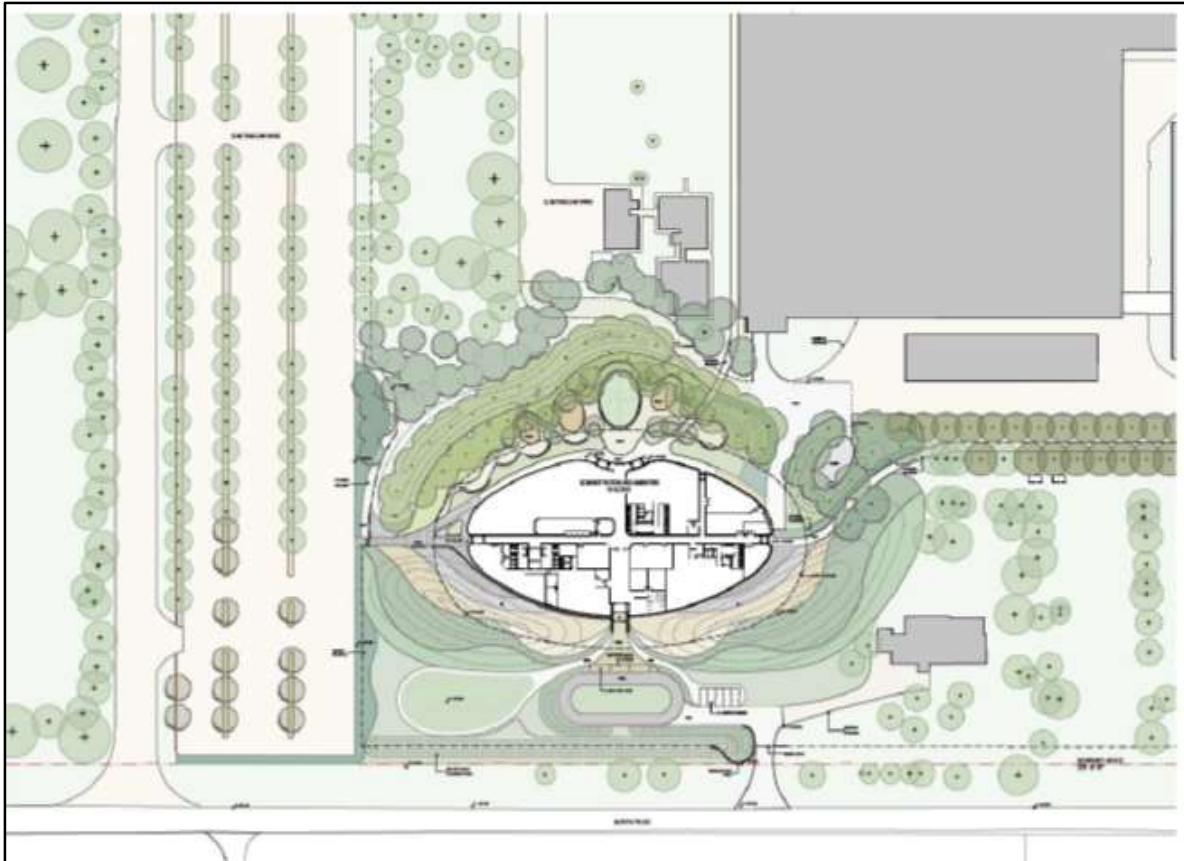
- Demolition of the managers residence
- Removal of 74 trees
- Construction of a new staff amenities and administration building with 5 visitor car parking spaces and 3 drop off bays
- Upgrade of the existing access point (entry 2) to the south of the proposed building to service visitors to the facility
- Integrated and turfed landscape mounds, native trees up to 10m, mid-storey plants and groundcover, as well as formal courtyard plantings

Features of the new building include:

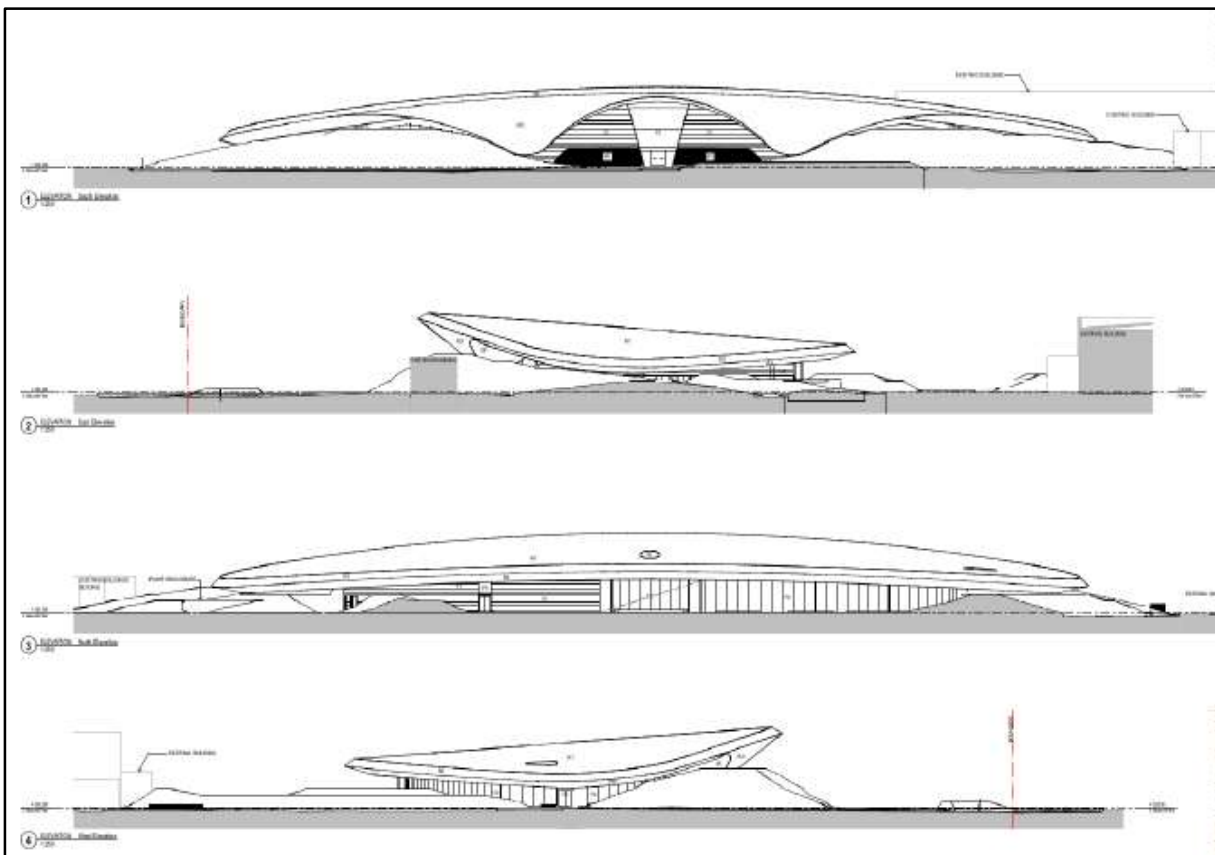
- Administration, office, meeting rooms and training spaces
- Staff canteen, kitchen, storage and lunchroom areas
- Male and female change rooms and amenities including lockers, toilets, showers and storage areas
- Staff gym and amenities
- External courtyards and break spaces



**Figure 4** Front elevation (source: SEE)



**Figure 5** Site plan (source: SEE)



**Figure 6** Elevations (source: SEE)

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

**Table 1: Key Development Data**

Control	Control	Proposal
Site area	N/A	22ha
Total Floor Area	N/A	3,255sqm
Clause 4.6 Requests	-	Not applicable
Max Height	N/A	10.5m
Landscaped area	A minimum of 25% of the area in front of buildings within the property is to be landscaped.	More than 25% - additional landscaping of predominantly native trees, shrubs and groundcover between the proposed building and the site frontage.
Car Parking spaces	A comparative analysis is required for rural industry based on similar existing land uses on the LGA.	An additional 88 staff parking spaces in the main car park plus 5 visitor spaces and 3 drop off bays at the main entrance to the new building. The proposal will not increase the number of staff or demand for parking.
Setbacks	Min. of 10m from front boundary	39m from front boundary

## 2.2 Background

The development application was lodged on 26 September 2023. A chronology of the development application is outlined in **Table 2**, including the Panel's involvement with the application:

**Table 2: Chronology of the DA**

Date	Event
15 June 2023	Pre-lodgement meeting
26 September 2023	DA lodged
13 to 27 October 2023	Exhibition of the application
13 October 2023	Internal referral response received - Building
16 October 2023	Request for Information regarding car parking demand

21 November 2023	RFI response received
16 Jan 2024	Internal referral response received - EHO
27 February 2024	Request of Information issued with 21 days to respond
12 March 2024	Western Regional Planning Panel – council briefing
20 March 2024	RFI response received
27 March 2024	Internal referral response received – Development and Traffic Engineer

### 2.3 Site History

The poultry processing facility has been operating on the site since the 1960's and recent development approvals for the site are listed below.

- DA 214/2012 – approved on 9 February 2015 for an increase in production capacity to 1.5m birds per week.
- DA 141/2015 – approved on 14 October 2015 for the construction of a new cold storage building.
- DA 55/2016 – approved on 12 July 2016 for an increase in production capacity to an average of 2.8m birds per week. This approval was subsequently modified to increase the largest vehicle able to access the site from a 26m B-Double to a 36.5m A-Double.
- DA 10/2020 – approved on 8 May 2020 for a new air chilling tunnel and additional processing space.
- DA55/2016 (4) – approved on 19 December 2023 to increase production to an average of 3.36m birds per week and increase rendering activities from an average of 3,900 tonnes of finished goods per week to an average of 4,480 tonnes. Staff numbers would not increase as a result of the proposal with increased production capacity achieved through productivity measures and more regular work on weekends.

## 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*. These matters 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),*
- that apply to the land to which the development application relates,*
- (b) 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:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33)

### **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**

A summary of the key matters for consideration arising from the relevant EPIs are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Key Matters in the Relevant Environmental Planning Instruments**

<b>EPI</b>	<b>Matters for Consideration</b>	<b>Comply (Y/N)</b>
State Environmental Planning Policy (Biodiversity & Conservation) 2021	Chapter 2: Vegetation in non-rural areas – does not apply within Griffith City Council  Chapters 3 and 4: Koala Habitat Protection – do not apply within Griffith City Council	N/A
State Environmental Planning Policy	Chapter 3: Advertising and Signage – no advertising or signage under chapter 3 is proposed.	N/A

(Industry and Employment) 2021		
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development - section 2.19(1) declares the proposal regionally significant development pursuant to Clause 3 of Schedule 6 as it comprises development with a CIV of more than \$30m.	Yes
State Environmental Planning Policy (Primary Production) 2021	Chapter 2: Primary Production and rural development – the site is not State significant agricultural land and does not propose the land uses outlined in this chapter.	N/A
SEPP (Resilience & Hazards)	Chapter 4: Remediation of Land <ul style="list-style-type: none"> <li>Section 4.6 - Contamination and remediation</li> </ul>	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	Chapter 2: Infrastructure <ul style="list-style-type: none"> <li>Section 2.48(2) Determination of development applications, other development – not applicable as the development is located 20m from existing electricity infrastructure.</li> <li>Section 2.119 Development with frontage to classified road - the development has a secondary frontage to Kidman Way which is a classified road, although there is no site access from Kidman Way. The site is accessed from Murphy Road, which is not a classified road, therefore this requirement is not applicable.</li> <li>Section 2.122 Traffic generating development – not applicable as vehicular access to the proposed building is not on a classified road or within 90m of connection to a classified road.</li> </ul>	N/A
Proposed Instruments	None	N/A
Griffith Local Environmental Plan 2014	<ul style="list-style-type: none"> <li>Clause 2.3 Permissibility and zone objectives</li> <li>Clause 5.10 Heritage conservation</li> <li>Clause 5.21 Flood planning</li> <li>Clause 7.1 Earthworks</li> <li>Clause 7.3 Terrestrial biodiversity</li> <li>Clause 7.10 Essential services</li> </ul>	Yes
Griffith DCP No.3 Industrial Development (1995) and	Objectives and Attachment A – Standard requirements	Yes
Griffith DCP No. 20 Off Street Parking (2011)	Table 1.7.1	Yes

Consideration of the relevant SEPPs is outlined below.

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

#### **Chapter 2: State and Regional Development**

General development with a capital investment value (CIV) of more than \$30 million is considered regionally significant. As the project's CIV is \$42,202,800, it is therefore 'regionally significant development'. Accordingly, the Western Regional Planning Panel is the consent authority for the application.

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

#### **Chapter 4: Remediation of Land**

The provisions of Chapter 4 of *State Environmental Planning Policy (Resilience and Hazards) 2021* have been considered in the assessment of the development application. Section 4.6 of the SEPP requires consent authorities to consider 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.

A preliminary investigation under the SEPP is not required as the proposal does not involve a change of use. The proposed administration building is ancillary to the approved use of poultry processing industry.

In the late 1950's the site was used for orchards/agriculture and a farmhouse. By 1977 the current manager's residences had been erected and works had commenced on the original abattoir. In September 1989 council had issued development consent for expansion of the abattoir, a wastewater treatment facility, effluent disposal system and by-products rendering plant. By 1993, 2 carports and domestic sheds had been erected and an internal road relocated. Therefore, as the site transitioned from agricultural uses and has since been used as a controlled abattoir (with ancillary uses) since the late 1970's, there is no known evidence of contamination.

The development includes demolition of the manager's residence and therefore there may be risk of asbestos. Multiple draft consent conditions have been included regarding asbestos removal and requiring a Validation Statement to ensure the site is cleared of any contamination. The site will be suitable for the proposed use following the safe removal of any asbestos that may be found.

The proposal is therefore considered to be consistent with the SEPP.

### **Griffith Local Environmental Plan 2014**

The relevant local environmental plan applying to the site is the *Griffith Local Environmental Plan 2014* (the LEP). The aims of the LEP include:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to prevent unnecessary urban sprawl by promoting business, industrial, rural and residential uses within and adjacent to existing precincts related to those uses,

- (b) to minimise land use conflict in general by creating areas of transition between different and potentially conflicting land uses,
- (c) to provide a variety of development options to meet the needs of the community with regard to housing, employment and services,
- (d) to manage and protect areas of environmental significance,
- (e) to recognise the historical development of the area and to preserve heritage items associated with it.

The proposed development is not inconsistent with the above aims.

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

Both the LEP and the NSW Spatial Viewer show the site as located within the E4 General Industrial zone pursuant to clause 2.2 of the LEP (**Figure 7**). Although, the State government introduced employment zones reforms that took effect on 26 April 2023. Under the reforms the E4 zone is now known as the IN1 General Industrial zone. As neither the LEP nor the *Standard Instrument (Local Environmental Plans) Order 2006* provide a land use table for the IN1 zone, this assessment will rely on the provisions of the E4 zone for the LEP as published on the NSW Legislation website.

The proposal involves an ancillary use to the existing approved use of the site for a livestock (poultry) processing industry (which is defined in clause 1.4 as “a building or place used for the commercial production of products derived from the slaughter of animals, including poultry”). The proposed development is ancillary (according to Planning Circular PS 21-008 dated 2 December 2021) as it is a component that serves the dominant purpose of the overall development on the site i.e. it will provide an administrative and staff amenities building to support the needs of the poultry processing plant. Clause 1.4 of the LEP defines a “livestock processing industry” as a type of “rural industry”. As “rural industry” is not listed as prohibited in the E4 General Industrial zone, this use is therefore permitted with consent, and as such, the ancillary use, of administration and staff amenities building, is also permissible with consent.

Schedule 3, Part 2 of the *Environmental Planning and Assessment Regulation 2021* (the Regulation) identifies a livestock processing industry as designated development. Although Part 3 of the Regulation advises exceptions to what is considered designated development:

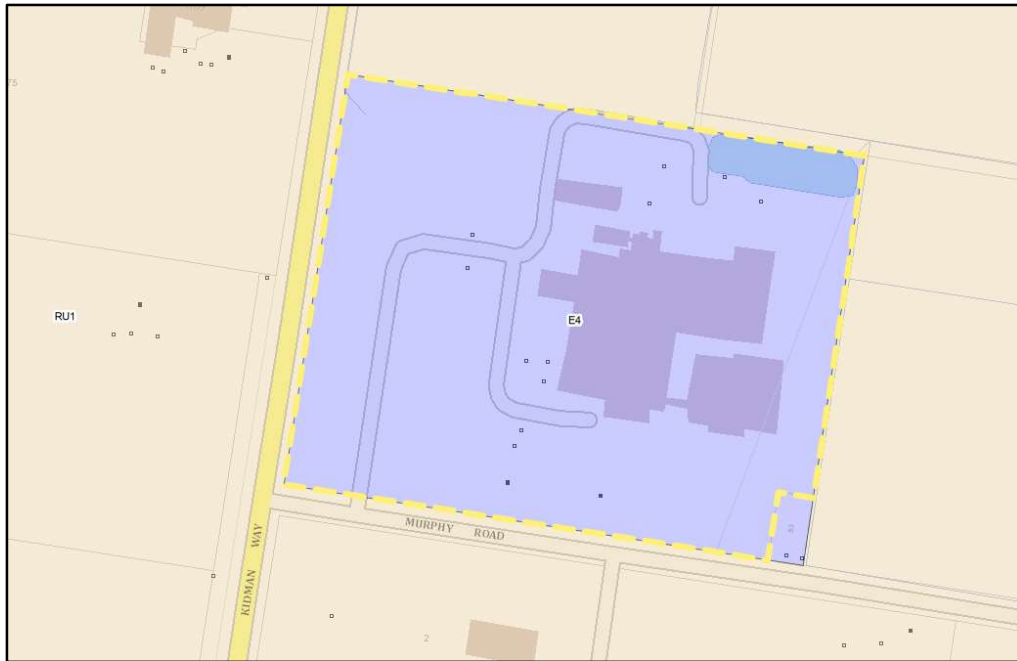
#### **49 Ancillary development**

*(1) Development of a kind specified in this Schedule, Part 2 is not designated development if—*

*(a) it is ancillary to other development, and*

*(b) it is not proposed to be carried out independently of the other development.*

As the administration and staff amenities building is ancillary to the livestock processing facility and will not be carried out independently of the livestock processing facility, it is therefore an exception under clause 49 of the Regulation and is not designated development.



**Figure 7** E4 General Industrial zone (now known as the IN1 General Industrial zone) applies to the property (bordered yellow) (source: NSW Planning Portal Spatial Viewer)

The objectives of the E4 General Industrial zone (pursuant to the Land Use Table in clause 2.3) are to:

- provide a range of industrial, warehouse, logistics and related land uses.
- ensure the efficient and viable use of land for industrial uses.
- minimise any adverse effect of industry on other land uses.
- encourage employment opportunities.
- 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 the zone objectives for the following reasons:

- it will enhance the efficient and viable use of the site for the existing industrial use through the provision of supporting facilities
- encourage employment opportunities during construction
- it is not anticipated to have any significant adverse effect on surrounding land uses

#### *General Controls and Development Standards*

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**

Control and Requirement	Proposal	Comply
<u>Clause 4.3 Height of buildings</u>	10.5m	N/A
This clause is not adopted by Griffith LEP 2014		
<u>Clause 4.4 FSR</u>	-	N/A

This clause is not adopted by Griffith LEP 2014		
<p><u><i>Clause 5.10 Heritage</i></u></p> <p>Development consent is required: to demolish, move or alter the exterior of a heritage item, Aboriginal object or a building, work, relic or tree within a heritage conservation area; for certain alterations to heritage listed buildings, disturbing or excavating an archaeological site that will affect a relic; disturbing or excavating an Aboriginal place of heritage significance; erecting a building or subdividing land on which a heritage item is located, within a conservation area or on which an Aboriginal object is located that is within an Aboriginal place of heritage significance. A heritage assessment is to be undertaken if a heritage item is located on or in the vicinity of the land, the land is within or in the vicinity of a heritage conservation area.</p>	Not applicable - the land does not include and is not in proximity to a listed heritage item or archaeological site. The land is not within or in proximity to a heritage conservation area or an Aboriginal place of heritage significance. A search of the Aboriginal Heritage Information Management System (AHIMS) database has indicated no known Aboriginal sites on or within 500m of the land. It's considered unlikely that any Aboriginal objects are located on the site given its disturbed nature and previous use for agricultural purposes.	N/A
<p><u><i>Clause 5.21 Flood planning</i></u></p> <p>Development consent is not to be granted to development on land within the flood planning area unless the consent authority is satisfied as to, and has considered, the matters identified in this clause.</p>	Not applicable – the site is not mapped as flood prone land.	N/A
<p><u><i>Clause 7.1 Earthworks</i></u></p> <p>The objectives relate to ensuring that earthworks will not detrimentally impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of surrounding land.</p>	Refer to the Key Issues heading below.	Yes
<p><u><i>Clause 7.3 Terrestrial biodiversity</i></u></p> <p>This clause aims to maintain terrestrial biodiversity by the protection and conservation of fauna and flora, their habitats and ecological processes necessary for their continued existence.</p>	Refer to the Key Issues heading below.	Yes
Essential services (CI 7.10)	The site is currently serviced with electricity and water and council's	Yes

<p>Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required:</p> <p>(a) the supply of water,  (b) the supply of electricity,  (c) the disposal and management of sewage,  (d) stormwater drainage or on-site conservation,  (e) suitable vehicular access.</p>	<p>Development and Traffic Engineer is satisfied that suitable arrangements will be made available for the supply of water, subject to conditions.</p> <p>Council's sewer infrastructure does not service the property. Council's Development and Traffic Engineer is satisfied that given there will be no additional staff generated by the proposal, that the existing off-site wastewater treatment system has sufficient capacity to service the proposed development.</p> <p>Vehicular access will not be changed as an existing access point from Murphy Road will service the new building.</p> <p>Refer to the access and stormwater drainage headings below for further details.</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 no draft environmental planning instruments relevant to this development application.

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

The following Development Control Plans are relevant to this application:

- *Griffith Development Control Plan No. 3 – Industrial Development 1995*
- *Griffith Development Control Plan No.20 – Parking 2011*

**Table 5: Consideration of the DCP Controls**

<b>Griffith Development Control Plan No. 3 - Industrial Development 1995</b>		
<b>Requirement</b>	<b>Proposal</b>	<b>Comply</b>
Buildings are to be set back a minimum of 10 metres from the front boundary, to cater for customer parking.	The building will be setback 39m from Murphy Road.	Y

A minimum of 25% of the area in front of buildings within the property is to be landscaped.	The percentage of landscaped area in front of the building has not been specified, although it's clear from the site plan ( <b>Figure 5</b> ) that it will comprise greater than 25%.	Y
Access, carparking, loading and unloading facilities, drainage and external construction works are to comply with Council's "Development Manual".	These aspects of the proposal have been considered by council's Development and Traffic Engineer and are considered satisfactory, subject to conditions ( <b>Attachment C</b> ).	Y
Vehicular access with a minimum of 3.5 metres for one way movement and 6.5 metres for two-way movement is to be provided.	A one-way circulation driveway adjoining the main building entrance is 3.5m wide and a two-way vehicle access point from Murphy Road is 6.52m wide.	Y
On site parking is to be provided in the ratio of 1 space for each 100m <sup>2</sup> of building and 1 space per employee. Customer parking is to be provided at the front of the building. A minimum of 2 spaces is to be provided at the front. Shade trees are to be provided to all external carparking areas.	Both DCP No.3 – Industrial Development and DCP No.20 – Car Parking contain car parking provisions that apply to the development. The provisions of DCP 20 (a comparative analysis) will be applied as car parking calculation under DCP No.3 is not relevant in this instance, given that the additional floor space will not generate any additional employees.	N/A
The design of the building is to be functional for its intended purpose.	The administration and staff amenities building has been carefully designed to provide a supporting administrative function, enhance staff facilities and create an impressive visitor experience.	Yes
The facade of the building when viewed from the street shall be stepped back or designed so as to provide architectural relief and reduce the impact of the building from the streetscape.	The building will be setback 39m from the street, will reach a maximum height of 10.5m and be integrated into the natural environment through use of mounding and landscaping elements. These design features all contribute to minimising the view of the building from the streetscape.	Yes
Side and rear walls where not brick or the like are to be of pre-coloured metal cladding and should provide a satisfactory appearance when viewed from the street.	As the building is an oval shape it has no defined side and rear walls. The roof will extend over all sides of the building as a canopy and will be constructed of profiled metal cladding. There will be extensive use of floor to ceiling glazing to maximise natural light. The bespoke architectural design will create a positive appearance when viewed from the street.	Yes

A concept landscaping plan complying with Council's "Development Manual" is to be submitted with the Development Application.	A concept landscaping plan has been provided showing trees up to 10m in height as well as mid-storey plants and groundcovers (using predominantly native species), use of turf and formal courtyard planting.	Yes
<b>Griffith DCP No. 20 Off Street Parking (2011)</b>		
A comparative analysis is required for rural industry based on similar existing land uses on the LGA.	As the proposed building forms part of an existing, operational poultry processing facility, a comparative analysis is not required to estimate car parking requirements. Given the proposed development will not generate any increase in permanent staff, a car parking count has been undertaken to accurately determine parking needs based on existing staff numbers. Parking is discussed further under Key Issues below.	Yes

The following contributions plans are relevant pursuant to section 7.12 of the Act and have been considered in the recommended conditions (notwithstanding contributions plans are not DCPs they are required to be considered):

- *Section 94A Development Contributions Plan 2010 (Amendment 2013)*

Under this contributions plan, all development types are levied at the rates specified in clause C.10. For this development with an estimated cost greater than \$300,000, the levy is 1%. This is consistent with clause 209(2)(c) of the *Environmental Planning and Assessment Regulation 2021* that sets a maximum percentage of the proposed cost of development that may be imposed by a development levy (for development not specified in the relevant table) at 1% for development with a proposed cost of more than \$200,000.

The levy equates to \$422,028.00 and will be conditioned.

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

There are no planning agreements proposed for the site.

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

With regard to the *Environmental Planning and Assessment Regulation 2021*:

- Section 61(1) - In determining a development application for the demolition of a building, the consent authority must consider the Australian Standard AS 2601— 2001: The Demolition of Structures - demolition is proposed to the existing manager's residence and other structures. Relevant conditions are included in the recommended consent conditions in relation to demolition of structures.

- Section 62 (consideration of fire safety) – this is not relevant as a change of building use is not proposed.
- Section 64 (consent authority may require upgrade of buildings) – this is not relevant as rebuilding or alteration of an existing building is not proposed.

Accordingly, the provisions of the Regulation have been adequately considered.

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

The likely impacts of the 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 that have not been considered above in response to SEPPs, LEP and DCP controls are assessed below.

#### Access

Staff will continue to use existing entry 1 off Murphy Road to access the existing staff car park to the west of the new building and walk to their on-site destination. Service and fire-fighting vehicles will access the new building through entry 1. There will be no new access point created as visitors and drop-offs will use existing entry 2 (**Figure 8**), located to the south of the new building, that will be upgraded as part of the development. Entry 2 currently provides access from Murphy Road to the processing plant, although this will be obstructed by the proposed development. The processing plant will continue to be adequately serviced by two alternative access points off Murphy Road (entry 1 and entry 3).

Council's Development and Traffic Engineer has indicated that the sight distances are sufficient and has recommended conditions requiring that this access point be upgraded to council's relevant standards and that access be limited to light passenger vehicles (as the turning path diagrams were based on passenger vehicles).



**Figure 8** Vehicle access (source: PSA Consulting)

## Earthworks

Proposed earthworks include partial filling of a detention basin for the new car park area, clearing the building area and creation of landscape mounds against the building to create the effect of the building integrating with the contours of the immediately surrounding land.

Clause 7.1 (3) of the LEP requires that in deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,

Comment: The earthworks have been considered by MPN Consulting in designing stormwater management arrangements for the proposed development to ensure there are no upstream or downstream impacts on stormwater flows. A draft condition is proposed regarding stabilisation of fill material.

- (b) the effect of the development on the likely future use or redevelopment of the land,

Comment: The poultry processing facility has been located on the site since the 1970's and a \$42m investment in the proposed administration building indicates an intention that the existing use continue for the long-term. Therefore, the proposal is complimentary to the ongoing future use of the site and redevelopment for alternative uses is not envisaged.

- (c) the quality of the fill or the soil to be excavated, or both,

Comment: The soil to be excavated is not known to be contaminated, with minimal risk of contamination based on the site history and use. Imported clean fill will be used in addition to any site won material that is excavated. Draft conditions are provided to ensure that imported fill consists of virgin excavated natural material.

- (d) the effect of the development on the existing and likely amenity of adjoining properties,

Comment: The proposed mounding sits within a large 22ha site and therefore is unlikely to impact adjoining land uses.

- (e) the source of any fill material and the destination of any excavated material,

Comment: Both these aspects can be suitably conditioned.

- (f) the likelihood of disturbing relics,

Comment: The site is highly disturbed having previously been cleared, graded and used for agricultural purposes, therefore there is a low likelihood of disturbing relics. Regardless, a relevant draft condition of consent is proposed.

- (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,

Comment: The proposed stormwater management system, combined with a draft condition regarding sedimentation and erosion control measures will minimise potential downstream impacts.

- (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Comment: Appropriate measures to avoid, minimise or mitigate impacts caused by earthworks have been considered as part of the stormwater management system and will be reinforced by proposed conditions of consent regarding sedimentation and erosion control.

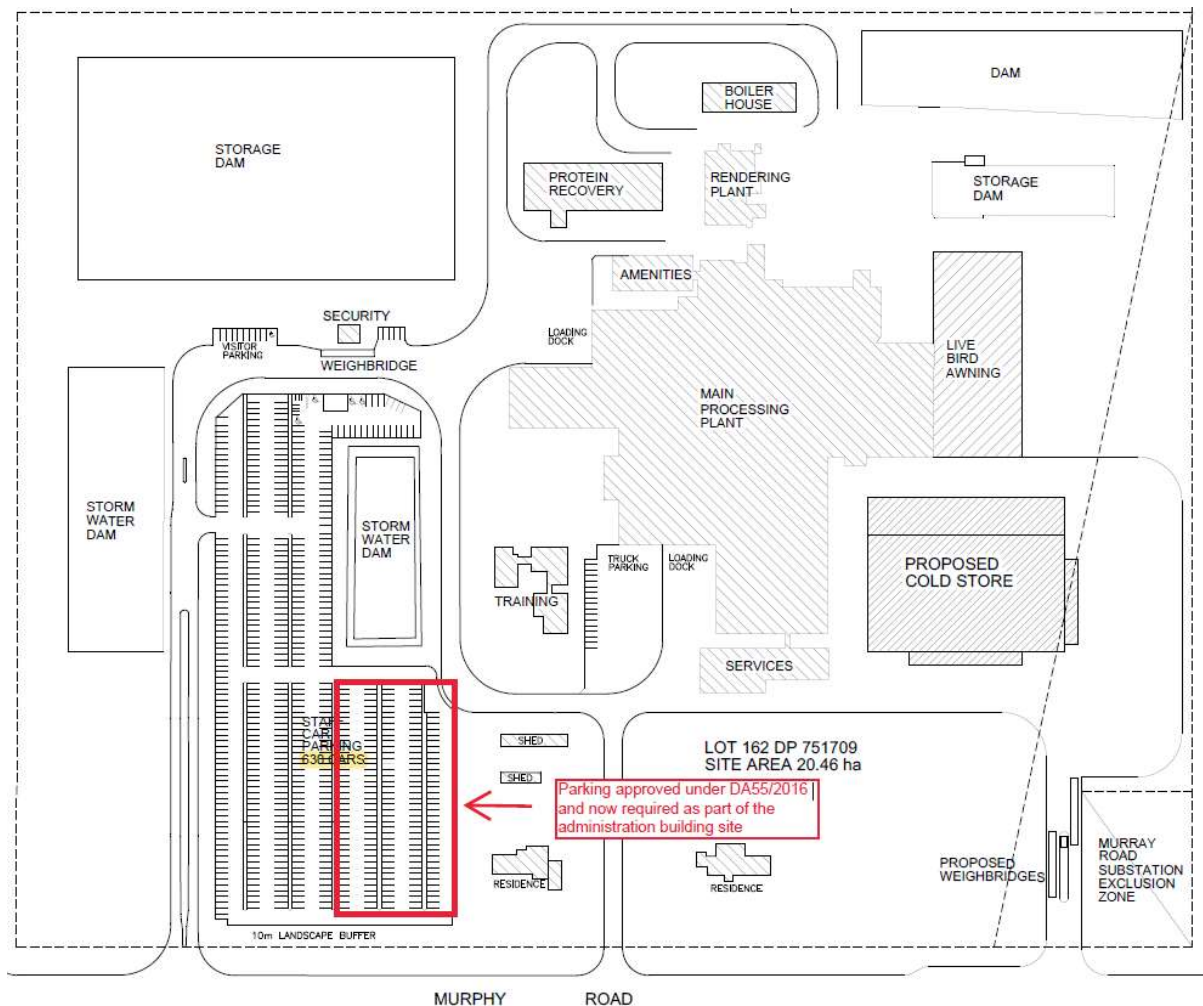
Council's Development and Traffic Engineer advises that the development is capable of satisfactorily addressing the above considerations, subject to conditions.

### **Car parking**

The development site is currently used for an unsealed overflow car parking area that was intended to be formalised under DA55/2016 which indicated a staff parking area with 630 spaces (including 4 disabled parking spaces) as well as 15 visitor spaces (including 1 disabled parking space) on the approved plans (**Figure 9**). The proposal will not generate demand for additional staff, as the facility is intended to meet the needs of existing staff (i.e. the building is for administrative purposes and may involve relocation of existing administrative staff from other buildings on the site). Therefore, the assessment of this application needs to ensure that use of the existing overflow parking area for construction of the new administration building will not compromise the ability to provide adequate on-site parking for the poultry processing facility.

A recent survey of staff parking demand (**Attachment B**) conducted over a 4-week period (from 25 September to 20 October 2023) at the middle of the morning shift, during the changeover of shifts and during the middle of the afternoon shift, indicated a maximum parking demand of 527 spaces. A roughly 5% contingency will be allowed for, that will result in provision of 552 formalised staff parking spaces. The contingency in part will cater for any additional parking demand generated by use of the gym facilities at the changeover of shifts.

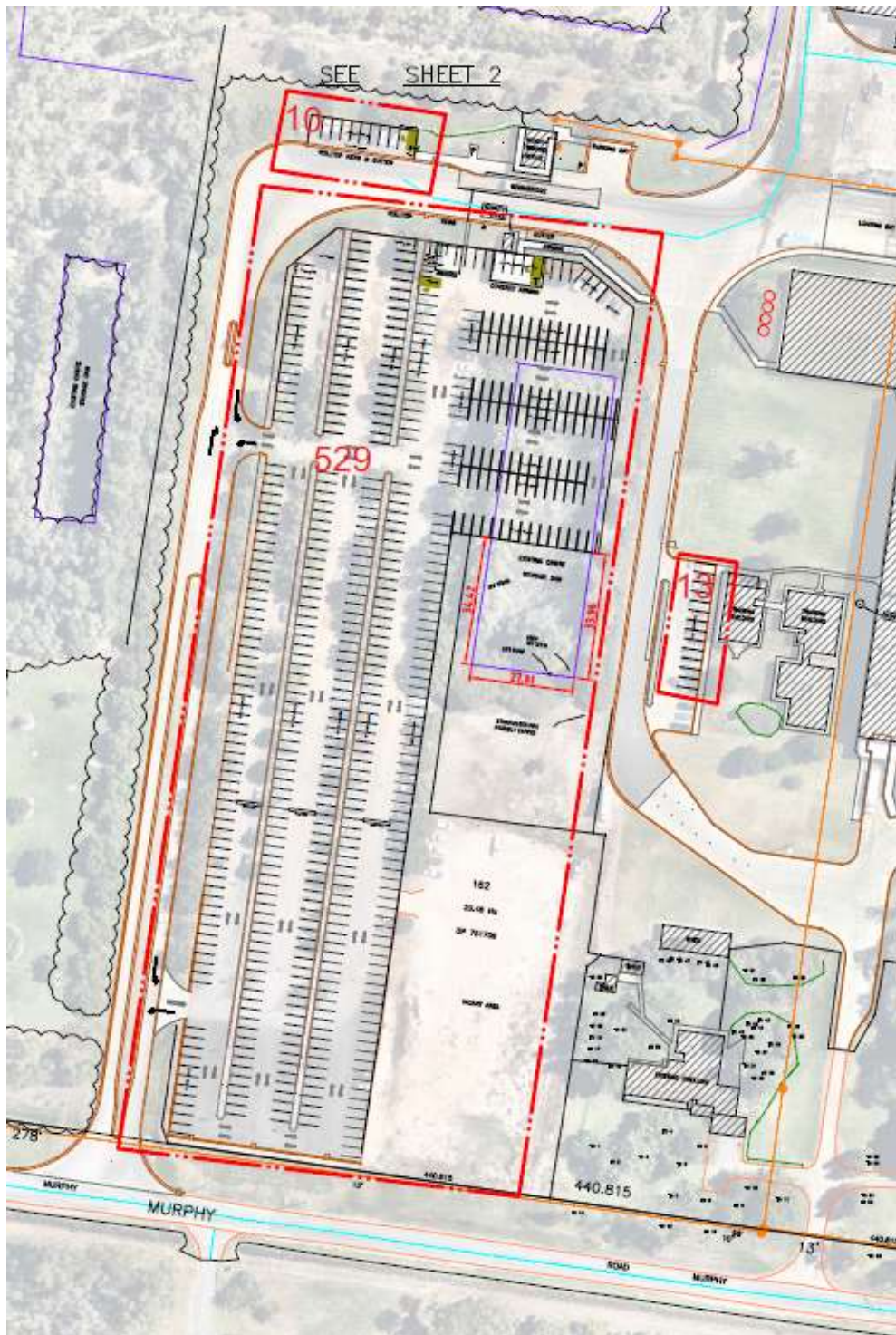
The main staff car park off Murphy's Road has an existing formal car parking capacity of 451 spaces (including 10 visitor spaces) and there are 16 spaces in a small car park located to the east of the main car park (note that 3 of these spaces will be lost as part of the redevelopment), resulting in a total of 467 existing parking spaces. This equates to the need for an additional 88 formal staff parking spaces (i.e. 552 proposed spaces less 464 existing - after losing 3 existing spaces), to compensate for the loss of overflow parking and parking within the eastern car park, in order to meet existing demand. This additional staff parking requirement will be met by extending the existing main car park to the north. The proposed car parking layout showing 552 staff parking spaces is shown at **Figure 10**. To cater for visitor parking there will be 5 visitor spaces located off the driveway entrance to the new administration building as well as 3 drop off bays located beside the entry plaza. Therefore, the site will provide for a total of 557 parking spaces. The draft conditions have addressed the need to provide disabled parking spaces.



**Figure 9** Approved parking under DA55/2026 (Source: Plans submitted to Council)

It's considered that the provision of 552 staff parking spaces, 5 visitor parking spaces and 3 drop off bays will adequately meet the parking requirements of the facility operating at its current staff levels and approved production capacity of 3.36m birds per week and 4,480 tonnes of finished goods per week. Council's Development and Traffic Engineer is satisfied with the proposed parking arrangements, subject to conditions.

The location of the proposed extension of the main car park will encroach onto part of the site currently used as a stormwater detention basin. This is discussed below under the heading Stormwater Drainage.



**Figure 10** Proposed car parking layout for 552 staff parking spaces (Source: PSA Consulting – Parking Layout Plan)

## Stormwater drainage

The existing drainage system will be diverted around the proposed building to connect to the existing detention basins. The new building and car park extension will be connected to existing stormwater basins via a new pit and pipe network designed for Q20 storm events and will not increase flows offsite.

The applicant has submitted a *Stormwater Quantity and Detention Storage Report* dated 27 February 2024 and prepared by MPN Consulting to consider the existing stormwater detention capacity in relation to the requirements of the new building. The report concluded that even with a reduction in the size of the existing eastern detention basin to enable an extension of the existing car parking area, there will be sufficient capacity in the existing two onsite detention basins to cater for the proposed post development site conditions. Council's Development and Traffic Engineer reviewed the proposed stormwater arrangements and requested that the applicant provide additional DRAINS modelling, that was received on 26 March 2024.

By utilising the existing onsite detention and ensuring that stormwater runoff from the subject property does not cross property boundaries, Council is satisfied that suitable arrangements will be available for stormwater drainage, subject to conditions.

### **Terrestrial Biodiversity**

Parts of the site are shown on the Terrestrial Biodiversity Map, although the applicant indicated that a Flora and Fauna Report was not submitted with the application as the trees to be removed are planted landscape trees, rather than remnant native vegetation. Instead, the applicant provided a Tree Report that included photographs, comments on the health of some trees and a recommendation that all trees mentioned in the report be removed. There are a minimum of 18 trees included in the report, although the exact number is unclear, as some trees were considered as part of a cluster. This is inconsistent with the SEE that indicates only 13 planted native and exotic trees are to be removed. The applicant was therefore asked to provide mapping showing the development footprint overlaid with the terrestrial biodiversity layer (**Figure 11**) and proposed tree removal. This additional information (Landscape Plan – Aerial and Trees to be removed – Sheet No. 8001 dated 20 March 2024) shows that 74 trees are proposed for removal due to either the building footprint, mounding, construction of a security fence adjoining Murphy Road, driveways, paths and an extension to the car parking area. Although the full extent of the development site is not shown on the relevant plan, the applicant subsequently confirmed that 74 trees are required to be removed.

As the Terrestrial Biodiversity mapping layer applies, the provisions of clause 7.3 Terrestrial Biodiversity of the LEP must be taken into consideration. This clause aims to maintain terrestrial biodiversity by the protection and conservation of fauna and flora, their habitats and ecological processes necessary for their continued existence.

*In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider:*

- (a) whether the development is likely to have—*
  - (i) any adverse impact on the condition, ecological value and significance of the fauna and flora on the land*
  - (ii) any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna*
  - (iii) any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land*
  - (iv) any adverse impact on the habitat elements providing connectivity on the land*
- (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*



**Figure 11** Proposed development footprint overlaid on the Terrestrial Biodiversity layer (source: fjcstudio – Landscape Plans: Site plan & GLEP)

*Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:*

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*

The terrestrial biodiversity layer has been generated at a high level using a precautionary approach and has not been ground truthed to verify the accuracy or appropriateness of applying this layer at a site level. A site inspection by council staff confirmed the nature of existing vegetation consists of lawn and gardens, as well as exotic and native landscape trees providing windbreaks or visual screens (**Figure 12**). The site is disturbed and features a manager's residence with associated driveway, paving and fencing. Aerial images from 1958 confirm that the site does not contain any significant remnant bushland, as the land was cleared for agricultural purposes (including orcharding) and a farmhouse (**Figure 13**). Therefore, it is considered that the proposed development is consistent with clause 7.3 Terrestrial Biodiversity.

As the trees to be removed are not known or likely to have any significant habitat value, there is no requirement for compensatory trees to be planted, although the concept landscape plan includes trees up to 10m in height, as well as mid-storey plants and groundcovers (utilising predominantly native species), turf and formal courtyard planting. A draft condition is included requiring preparation and approval of a detailed Landscape Plan prior to the issue of a construction certificate.



**Figure 12** Planted landscape trees adjoining Murphy Road at the location of the Manager's residence (source: council site inspection)



**Figure 13** 1958 aerial photo (source: applicant)

## Traffic

It is noted that there are various upgrades required to the local road network under a previous consent (DA55/2016(4) issued 19 December 2023) that are required to be completed prior to 31 December 2024. This is outlined in **Attachment C**.

As the proposed development will service existing users of the site (for administration and staff amenities purposes), it is not anticipated to generate any additional operational traffic movements. Construction traffic is expected over a relatively short time period and can be adequately addressed via a condition of consent, therefore no additional upgrade works are required.

## Social impact

The Hanwood poultry processing facility has been operating at the site since the 1960's and currently employs 923 staff across three shifts (as advised at the pre-lodgement meeting). The

provision of new staff amenities including a gym, male and female change rooms, a canteen and training room will therefore have a positive social impact for those local residents employed at the facility. The gym and canteen will support staff health, wellbeing and social interaction.

### **Economic impact**

The project will invest over \$42m into the economy, create approximately 400 construction jobs over an 18-month construction period and generate positive indirect economic impacts for local suppliers (e.g. concrete, steel and gravel) and tradespersons (e.g. electricians, plumbers, mechanics, earthmoving etc.). Improvements to staff facilities are expected to assist in retaining and attracting staff to ensure effective ongoing operations at the poultry processing facility, which in turn will help support the ongoing expansion of poultry production within the region.

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 subject site is considered suitable for the proposed development for the following reasons:

- Adequate parking will be provided to service the needs of the existing poultry processing facility with no increase in staff numbers proposed as a result of the development.
- There will be negligible impacts on surrounding land uses as land directly opposite the site on Murphy Road is in the same ownership, the nearest dwelling is 560m away and surrounding development consists of agricultural, horticultural and rural industries.
- There are no known hazards as the site is not bushfire prone, flood affected or contaminated.
- Although part of the site is mapped as Terrestrial Biodiversity, the site is highly disturbed and the planted landscape trees are unlikely to be of high ecological significance.
- All essential services are available.

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

There were no public submissions received.

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

It is considered that the public interest is best served by the application of the requirements of the relevant legislation, environmental planning instruments and development control plan to ensure that any adverse effects on the surrounding area and the environment are avoided. Council's Building Surveyor is of the view that compliance with the BCA can be achieved at Construction Certificate stage. Based on a thorough review and analysis of the proposed development, it has been determined that the proposal is generally consistent with the relevant planning controls that apply to land use and development in the Griffith region. Considering this comprehensive assessment, it is concluded that the proposed development is unlikely to give rise to any significant adverse impacts that are contrary to the public interest, subject to the recommended conditions of consent to adequately mitigate potential impacts.

Furthermore, the proposal will provide positive public benefits including:

- with a CIV of over \$42m, the development represents a significant investment in the local area;
- employment opportunities will be generated for the local community during the construction phase; and
- enhanced staff facilities within the new building will assist in attracting and retaining staff, which will support the ongoing expansion of poultry production in the region.

In view of the above, it's considered that the proposal is consistent with the local and wider public interest.

## 4. REFERRALS AND SUBMISSIONS

### 4.1 Agency Referrals and Concurrence

The development application was not required to be referred to agencies for comment under the Act or SEPPs as outlined below in **Table 6**.

**Table 6: Concurrence and Referral to agencies**

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of the Act)</b>			
			N/A
<b>Referral/Consultation Agencies</b>			
RFS	S4.14 – the Act Development on bushfire prone land	The land is not bushfire prone.	N/A
Electricity supply authority	Section 2.48 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> : Development near electrical infrastructure	Referral to Essential Energy is not required as the entrance to the site is 20m to the nearest electrical power pole.	N/A
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> . Development that is deemed to be traffic generating development in Schedule 3.	Referral to TfNSW not required. The development is considered to be commercial (office) premises (ancillary to the livestock processing facility) with a total floor area of 3,255sqm. This is below the column 2 referral threshold of 10,000sqm GFA where access is to a road generally. The proposal does not meet the column 3 referral requirement of access to a classified road (Murphy Road is a	N/A

		local road) or a road with site access that is within 90m of a classified road (the building is 149m from Kidman Way – a classified road – and the access point is located even further away).	
<b>Integrated Development (S 4.46 of the EP&amp;A Act)</b>			
Transport for NSW	S138 - Roads Act 1993 for works in the road reserve.	The proposal involves works to a road under the care and control of council, not TfNSW.	N/A

## 4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 7**.

**Table 7: Consideration of Council Referrals**

Officer	Comments	Resolved
Engineering	Council's Development Engineer has raised no objection to the proposed development, subject to conditions of consent to address matters such as access, traffic management, car parking, sediment and erosion control, servicing, wastewater and storm water management.	Yes (conditions)
Building	Council's Building Surveyor noted that BCA compliance issues exist that can be addressed at Construction Certificate stage and raised no objection subject to conditions.	Yes (conditions)
Health	No objections subject to recommended conditions	Yes (conditions)

## 4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 13 October 2023 to 27 October 2023.

Notification included the following:

- notification letters to five (5) adjoining landowners
- printed and electronic copies of council's weekly publication "Council Catchup"
- printed copies of "Council Catchup" are available in some supermarkets, the library, the council office, council facilities and the like.

At the conclusion of the notification period, no submissions were received by council.

## 5. CONCLUSION

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The development application has been considered in accordance with the requirements of the Act and the associated Regulation as outlined in this report. Following a thorough assessment, the proposal is considered to be generally consistent with the relevant planning objectives and controls. The proposed development is unlikely to have any unreasonable impact on the environment or the locality and no public submissions or agency objections were received. The key issues of adequate parking for the poultry processing facility and associated stormwater drainage implications, earthworks and tree removal have been satisfactorily resolved. The proposal is suitable for the site, compatible with the locality and is considered to be in the public interest. Given the above factors, it is considered that the application can be supported.

## 6. RECOMMENDATION

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That the Development Application (DA No. 191/2023) for a staff administration and amenities building at Lot 162 DP751709 and Lot 2 DP1178211 Murphy Road, Hanwood 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 at **Attachment A**.

## 7. ATTACHMENTS

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The following attachments are provided:

- **Attachment A:** Draft Conditions of Consent
- **Attachment B:** Car parking demand
- **Attachment C:** Internal referral response – Development & Traffic Engineer