

APPENDIX K

Agency Consultation

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Re: Narromine Industrial Land Scoping Proposal concerning 397 Craig Lea Lane, Part Lot 2 DP 1294897 and Proposed Lot 101.

Dear Mr Johnston,

Thank you for your correspondence of 6 December 2023 and the opportunity to provide comments on the Narromine Industrial Land Scoping Report.

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

DPI Agriculture has reviewed the Scoping Report which proposes the rezoning of Part Lot 2 DP1294897 (99.65 ha) from zone RU1 Primary Production to zone E5 Heavy Industrial to 'service the agriculture and transport sectors'. We note Council is also intending to permit subdivision on Proposed Lot 101 zoned RU1 Primary Production to the south and west of Part Lot 2 adjacent to the ARTC Materials Distribution Centre although it is unclear from the Scoping Report the intention for this site.

The project site has Land and Soil Capability (LSC) Class 4 land and does not have Biophysical Strategic Agricultural Land or draft mapped State Significant Agricultural Land. However, there are productive agricultural enterprises being carried out in the immediate locality including irrigation and cropping.

At this stage NSW DPI Agriculture has concerns with the proposal's lack of demonstrated strategic merit and clarity of intention, the potential impact on surrounding agricultural land uses and inconsistency with the local and regional strategic planning framework. These concerns are set out below in more detail:

- The proposal appears to be inconsistent with the Central West Orana Regional Plan 2041 (CWORP) which requires detailed strategic planning to underpin new freight and agricultural value-adding facilities in regional areas. A strategic approach is also important to consider the government's investment in the Parkes Freight Hub (Special Activation Precinct).

- It is also considered to be inconsistent with the Narromine Local Strategic Planning Statement (LSPS), which again requires strategic planning to identify the need for and optimum location of any secondary inland freight hub with a focus on agricultural commodities. I note the LSPS promotes new investment in the zoned and serviced Aerodrome business park and existing E4 General Industrial land.
- The subject land is isolated from other industrial land and does not appear to provide a logical progression of industrial development. The planning proposal should also justify the appropriateness of an E5 Heavy Industrial zone given the scoping report states that the intention of the site is to *'service largely the agricultural and transport sectors'*. Also given its isolated location and potential for impacts on surrounding land uses, a master plan process for the site and adjoining land should be undertaken if the planning proposal is to progress.
- The Scoping Report does not include evidence or economic justification for an additional 99 ha of heavy industrial land or the implications for the viability of existing industrial zoned land in Narromine. The impacts on businesses related to agriculture which are in existing industrial land should be considered. A market sounding or economic report would be expected to justify such a significant change in land use in this location, particularly where connected to the Inland Rail project.
- The Scoping Report lacks an assessment of surrounding land uses, which include intensive plant agriculture, extensive cropping and livestock grazing immediately adjacent to the site and rural residential development within 1.3km. There is no information on potential land use conflict impacts associated with the E5 Heavy Industry zone land uses due to emissions of dust, odour, noise or vibration etc, or any mitigation of such impacts including establishing separation distances or buffers to nearby land used for agricultural production.
- The proposed LEP amendment provides for an open E5 Heavy Industry land use zone that includes 'freight transport facilities', 'rural industries', 'waste or resource management facilities', 'hazardous and offensive industries', as well as 'general industries'. The scope of the zone land use table extends beyond that of agricultural and transport sectors. The Scoping Report does not clearly detail the intended land uses on Proposed Lot 101 nor the use of Schedule 1 Additional Permitted Uses. This should be clarified if the planning proposal progresses.

We consider that a comprehensive assessment of the site's feasibility in relation to the amount of land proposed to be rezoned, the actual land uses being pursued for the site, the impacts on existing zoned land in Narromine and at Parkes, and the potential conflict impacts on surrounding agricultural and residential land uses should be carried out prior to the consideration of this *ad hoc* amendment.

It is strongly recommended that Council prepare a Land Use Conflict Risk Assessment (LUCRA) to support the planning proposal and address the compatibility of the proposal with adjoining land uses, both agricultural and residential. The LUCRA process may also give guidance on the need for

any formal vegetated buffers within the subject site to adjoining land uses to mitigate potential impacts such as noise, dust and traffic movements associated with the site, and assist in managing expectations for neighbouring development.

The current DPI LUCRA guide is found at <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment/development-assessment2/lucra> and the 2018 Interim Buffer guideline is at <https://www.dpi.nsw.gov.au/agriculture/lup/development-assessment/development-assessment2/buffer-zones-to-reduce-land-use-conflict-with-agriculture-an-interim-guideline>

Should you require clarification on any of the information contained in this response, please do not hesitate to contact me on 0487 023 845 or by email at [landuse.ag@dpi.nsw.gov.au](mailto:landuse.ag@dpi.nsw.gov.au) .



Nita Scott

Agricultural Land Use Planner  
Central West and Orana Region

21 December 2023



Phil Johnston  
Director Community and Economic Development  
Narromine Shire Council  
[pjohnston@narromine.nsw.gov.au](mailto:pjohnston@narromine.nsw.gov.au)

Dear Phil

**Rezoning RU1 Primary Production to E5 Heavy Industrial – 397 Craigie Lea Lane, Narromine - Planning Proposal**

Thank you for referring the abovementioned planning proposal to the Biodiversity, Conservation and Science Group (BCS) of the NSW Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW) for comment. We understand that the planning proposal comprises a rezoning of the subject land from RU1 Primary Production to E5 Heavy Industrial, and amendments to the minimum lot size on the rezoned land.

BCS have reviewed the Scoping Proposal and the Site Suitability Assessment including Attachment D, the Ecology Site Suitability Assessment (ESSA) and support the project objective. BCS acknowledge that significant ecological survey has been undertaken as part of the ESSA. This provides a strong foundation for making informed strategic decisions at the planning proposal stage.

BCS supports the intention of the concept layout to avoid development on the land with the highest levels of biodiversity including the Gilgai area and natural watercourse. The proposal is in an optimal position to take advantage of the detailed knowledge of biodiversity constraints. One such advantage is using further lot layout refinement to reduce the biodiversity offset obligations at the development application (DA) stage.

Additional avoidance of some small areas along the boundary of the proposal is recommended. These areas contain high environmental value (HEV) including over-cleared vegetation types, threatened ecological communities (TECs), threatened species and their habitats, and Serious and Irreversible Impact (SAIL) candidate entities. Avoidance of these areas of HEV would provide consistency with the Central West and Orana Regional Plan 2041 ('the Plan').

**Further avoidance will assist in providing consistency with the Regional Plan**

Local Planning Direction 1.1 (Implementation of Regional Plans) requires planning proposals to be consistent with the relevant regional plan. Objective 5 and Strategy 5.1 of the Plan identifies that areas of HEV should be protected in strategic and local planning.

The HEV criteria applies to land that includes one or more of the following:

- Sensitive biodiversity values
- Native vegetation of high conservation value, including vegetation types that have been over-cleared or occur within over-cleared landscapes, threatened ecological communities, old growth forest and rainforest
- Key habitat of threatened species
- Important wetlands
- Areas of geological significance

BCS has identified additional areas of HEV within the proposal that could be avoided by applying minor amendments to the lot layout. These areas are:

- Over-cleared vegetation types PCT 82 and PCT 201.
- TECs PCT 82, PCT 201 and some parts of PCT 250.
- Habitat for known populations of species-credit-species *Dichanthium setosum*.
- Habitat for known populations of SAI candidate entities large bent-winged bat and TEC *Fuzzy Box Woodland on alluvial Soils of the South Western Slopes, Darling Riverine Plains and Brigalow Belt South Bioregions* ('Fuzzy Box Woodland').

Figure 5-2 in the ESSA shows the location of the PCTs. The location of PCT 82 and PCT 201 occur along the edge of the northern and eastern boundaries as well as within the eastern portion of the future expansion area. Minor amendments to the lot layout could exclude these areas.

Figure 5-3 in the ESSA shows the location of the TECs. The only additional area not already identified above for exclusion is part of PCT 250. This area is located within the south-eastern corner and the eastern portion of the future expansion areas. Again, minor amendments to the lot layout could exclude these additional areas.

Figure 6-1 in the ESSA identifies the known location of *Dichanthium setosum*. This is two small additional areas, one near the northern boundary and one within the future expansion area. Again, only minor amendments are required to exclude these areas from the lot layout.

The location associated with both SAI candidate entities, the large bent-winged bat and Fuzzy Box Woodland is PCT 201, is already recommended above for exclusion.

#### Avoidance will assist in reducing biodiversity credit obligations at DA stage

The Executive Summary of the ESSA states that 118.04ha of native vegetation occurs within the subject site. Clearing of an area 1ha or more of native vegetation for the proposal will trigger entry into the Biodiversity Offsets Scheme (the scheme), via an exceedance of the area clearing threshold.

The preparation of a Biodiversity Development Assessment Report (BDAR) is required to assess the impacts of the proposed development and quantify any biodiversity offset obligations. The BDAR must be prepared in accordance with the Biodiversity Assessment Method (BAM).

Development applications that trigger the scheme are required to adhere to the "avoid, minimise and offset" framework of the NSW *Biodiversity Conservation Act 2016* (BC Act). To demonstrate avoidance, the proponent must design and locate the proposal to avoid or minimise direct and indirect impacts on native vegetation, threatened species, threatened ecological communities and their habitats. This process must be clearly documented in the BDAR.

The large bent-winged bat and Fuzzy Box Woodland are both SAI candidate entities confirmed onsite. The consent authority must refuse to grant development consent if the proposed development is likely to have serious and irreversible impacts on biodiversity values under Part 7.16 of the BC Act. The BDAR should demonstrate avoidance and minimisation measures undertaken to reduce impacts to these SAI entities.

To protect areas of HEV and to demonstrate avoidance in accordance with the BAM, we recommend the proposal avoid the key biodiversity constraints identified in Figure 6-1 of the ESSA. This includes the areas identified as:

- TECs located along the northern and eastern boundary, the south-eastern corner and within the future expansion area,
- known areas of *Dichanthium setosum*, and

- hollows, nests and stags.

Additional ecological surveys will provide the full extent of environmental constraints for the proposal

The ESSA identified the need for further surveys. The lot layout should be finalised in response to the final locations of all HEV located on site. Prior to finalising the lot layout:

- Confirm all TECs by surveying during the appropriate survey timing to determine if the condition and composition thresholds for associated PCTs are met.
- Refine the location of *Dichanthium setosum* by surveying during the recommended survey period (November to May, 3-4 weeks after rain).
- Confirm presence or absence of any threatened species that have not already been assessed in accordance with section 5.3 of the BAM.

The ESSA identifies that some ecosystem and species credit species will likely be impacted by the proposal. Credit obligations generated for these entities will need to be offset in accordance with the scheme. Additional amendments to the draft lot layout could be considered to further reduce the credit obligations for these entities once their full extent is known.

#### Options to reduce the credit obligation for the proposal

As outlined above, we recommend the areas containing over-cleared vegetation types, TECs, threatened species and their habitats, and SAI candidate entities be avoided where possible. We recommend protection at the DA stage, noting that building envelopes could be sited to avoid clearing the most sensitive biodiversity values. Mechanisms to achieve ongoing protection of the most sensitive biodiversity values include a vegetation management plan to secure these areas on title by way of consent conditions for the proposed lots adjoining Craigie Lea Lane and Tomingley Road. Alternatively, the draft lot layout could be amended to remove these areas from the proposed lots onto a separate allotment. This would achieve greater environmental protection by retaining these areas of vegetation under single ownership rather than across multiple lots. A rezoning of these areas to C2 Environmental Conservation would be most appropriate to provide ongoing environmental protection.

We remain available to provide further advice and guidance upon request. If you have any questions about this advice, please do not hesitate to contact Kate Tierney, Senior Conservation Planning Officer, via [kate.tierney@environment.nsw.gov.au](mailto:kate.tierney@environment.nsw.gov.au) or (02) 4904 2782.

Yours sincerely



**Samantha Wynn**

**Senior Team Leader Planning North West**

**Biodiversity, Conservation and Science Group**

31 January 2024



Narromine Shire Council  
PO Box 115  
NARROMINE NSW 2821

Your reference: N/A  
Our reference: SPI20231206000158

**ATTENTION:** Emily Walsh

Date: Monday 11 March 2024

Dear Sir/Madam,

**Strategic Planning Instrument  
Rezoning - Other  
Amendment to Narromine Local Environmental Plan 2011**

I refer to your correspondence dated 29/11/2023 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

Based on the review of information provided, no specific objections are raised on the proposed rezoning of the subject site from RU1: Primary Production to E5 Heavy Industrial subject to compliance of future development with relevant sections of *Planning for Bush Fire Protection (PBP) 2019*.

In addition to the above, following comments are provided:

- The land to the east of the Tomingley Road is considered comprise bush fire hazard as compared to managed land in submitted bush fire report. The recent aerial imagery available and the site pictures provided in the bush fire report shows presence of hazard. As such, any future development on the subject site must take this in to considerations while undertaking hazard assessment.
- The proposed rezoning permits development of hazardous developments, therefore, it must be designed and located so that it will not serve as a bush fire risk to surrounding bush and must address the requirements of section 8.3.9 of *PBP 2019*.

For any queries regarding this correspondence, please contact Surbhi Chhabra on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese  
**Supervisor Development Assessment & Plan  
Built & Natural Environment**

**Postal address**

NSW Rural Fire Service  
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# RFS



Narromine Shire Council  
PO Box 115  
NARROMINE NSW 2821

Your reference: (REF-2950) PP-2024-585  
Our reference: SPI20240621000106

**ATTENTION:** Emma Yule

Date: Wednesday 14 August 2024

Dear Sir/Madam,

**Strategic Planning Instrument  
LEP Amendment – Planning Proposal  
Amendment to Narromine Local Environmental Plan 2011**

I refer to your correspondence dated 20/06/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

Based on the review of the proposal and the strategic bushfire study prepared for the proposed rezoning of the subject site from RU1: Primary Production to E5 Heavy Industrial and modification to the minimum allotment size, it is advised that any future development on the subject site must demonstrate compliance with relevant sections of *Planning for Bush Fire Protection (PBP) 2019*.

In addition, following comments must also be considered:

- As identified in the letter (RFS ref: SPI20231206000158) dated 11 March 2024, the land to the east of the Tomingley Road is assessed to contain a bushfire hazard as compared to managed land identified in submitted bush fire strategic study. The recent aerial imagery available and the site pictures provided in the bush fire report shows presence of hazard. As such, any future development on the subject site must take this in to considerations while undertaking hazard assessment.
- The proposed rezoning permits development of hazardous developments, therefore, it must be designed and located so that it will not serve as a bush fire risk to surrounding bush and must address the requirements of section 8.3.9 of *PBP 2019* in addition to other relevant sections.
- It is acknowledged that the future development(s) within the subject site will be for non residential purposes and *AS 3959* & the *NASH Standard* are not considered as a set of Deemed to Satisfy provisions, however, the construction requirements for future development for bush fire protection will need to be considered on a case-by-case basis. The proposed buildings are recommended to be located outside potential flame contact.
- The recommendations proposed in the submitted strategic bush fire study are generally considered appropriate, however, a detailed bush fire hazard assessment will be required to be undertaken at the development stage to identify specific bush fire protection measures associated with the development.

For any queries regarding this correspondence, please contact Surbhi Chhabra on 1300 NSW RFS.

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# RFS



Yours sincerely,

Kalpana Varghese  
**Supervisor Development Assessment & Plan  
Built & Natural Environment**

22 December 2023

Our Ref: WST22/00007/05

Narromine Shire Council

BY EMAIL: [mail@narromine.nsw.gov.au](mailto:mail@narromine.nsw.gov.au)

CC: [pjohnston@narromine.nsw.gov.au](mailto:pjohnston@narromine.nsw.gov.au)

Attention: Phil Johnston

**SCOPING REPORT CONSULTATION - PROPOSED REZONING OF RU1 PRIMARY PRODUCTION ZONED LAND FOR THE PURPOSES OF E5 HEAVY INDUSTRIAL LAND – PART LOT: 232 AND 233 DP: 755131 CRAIGIE LEA LANE, NARROMINE**

Dear Phil,

Transport for NSW (TfNSW) is responding to the Council email dated 23 November 2023 concerning the above Scoping Proposal (SP)/request for pre-lodgement advice.

TfNSW has reviewed the information that has been made available and provides the comments in **Attachment 1**. In summary, TfNSW believes that the ‘comments’ in Attachment 1 should be adequately addressed before the PP proceeds to public exhibition and assessment.

TfNSW staff would be happy to be involved in an MS Teams meeting with Narromine Shire Council staff and your traffic consultant to further discuss and clarify the comments provided in Attachment 1.

If you have any questions, please contact Andrew Lissenden, Development Services Case Officer, on 0418 962 703.

Yours sincerely



**Andrew Lissenden**

A/Team Leader Development Services (West)

Community & Place

Regional and Outer Metropolitan

**SCOPING REPORT CONSULTATION - PROPOSED REZONING OF RU1 PRIMARY PRODUCTION ZONED LAND FOR THE PURPOSES OF E5 HEAVY INDUSTRIAL LAND – PART LOT: 232 AND 233 DP: 755131 CRAIGIE LEA LANE, NARROMINE**

**Context**

TfNSW notes:

- Council is undertaking a period of agency consultation to coincide with the preparation of a Planning Proposal (PP). The SP seeks to amend the *Narromine Local Environmental Plan 2011* (WLEP 2009) by amending the zoning from zone RU1 (Primary Production) to zone E5 (Heavy Industry) and the minimum lot size map for approximately 100 hectares of land (refer to **Attachment 2**). This will enable the subdivision of the land that the PP relates to into approximately 28 individual lots ranging in size from 4,000m<sup>2</sup> to 20ha.
- The nearest state classified road is the Mitchell Highway (MW7) to the north. It is important to note that Tomingley Road (MR89) and The McGrane Way (MR354) are regional classified roads managed by the Council. Craigie Lea Road is a local road managed by the Council.
- The PP as a result of changing the use of the land and enabling an increase in the lot yield would generate additional traffic. The impact of this traffic needs to be considered and adequately mitigated.
- Concurrence in accordance with Section 138(2) of the *Roads Act 1993* will be required from TfNSW for any works within the Mitchell Highway, Tomingley Road and The McGrane Way.
- This pre-lodgement advice is based on the information provided (i.e. letter from Narromine Shire Council dated 22 November 2023, Narromine Shire Council Scoping Proposal dated November 2023 V3 with reference SC1324 and letter from Barson dated 5.9.23 with reference 40038-PR01\_A.docx). The TfNSW position is subject to change depending on the information submitted with any future enquiry/PP.

**Comments**

1. **Traffic Impact Study (TIS):** To enable an understanding of the impacts that this future PP and its future development will have on the classified road network, the local road connections with classified roads and how the PP will support public transport a TIS should be provided. This will need to examine any potential transport related implications of the future development of the land and:
  - a) Be prepared by a suitably qualified consultant.
  - b) Address the applicable criteria/key issues in Table 2.1 of the RTA's *Guide to Traffic Generating Developments*.

- c) Have regard for the Austroads publications, particularly the *Austroads Guide to Traffic Management Part 12: Integrated Transport Assessments for Developments* and *Part 3: Traffic Studies and Analysis Methods*.
- d) Provide an assessment of the suitability of local road connections to the classified road network and determine if any upgrades are necessary (noting the requirements in Point 2 below). This assessment should be based on current traffic counts during the AM and PM peaks and be calibrated with on-site observations. The trip distributions used in this assessment must be supported by valid justifications. This would include an explanation of the assumed travel patterns to access services and facilities as well as a turn warrant assessment based on maximum vehicle numbers generated. The assessment/identification of appropriate turn treatments is to be carried out in accordance with *Austroads Guide to Traffic Management - Part 6 Intersections, Interchanges and Crossings Management* (ARDG Part 6) and shall:
  - o include volume plots on Figure 3.25 (a) in ARDG Part 6;
  - o be based on the AM and PM peak period; and
  - o be supported with current traffic count data. Dates and times for the collected data shall be provided along with the traffic counts.
- e) Provide details on all vehicles that will be accessing the site (e.g. type, size, etc) and routes that will be taken (i.e. from the north, south, east and west).
- f) Provide trip generation rates for the future development including details on how the rates used have been determined.
- g) Provide an assessment/explanation of assumed travel patterns (i.e. trip distributions) to access services.
- h) Ensure that the estimated traffic generated by the future development of the land (broken down into estimated light and heavy vehicles) considers the range of permissible types of development within the new zoning.
- i) Include an assessment of the cumulative traffic impacts (e.g. from adjacent and future developments).
- j) Identify appropriate measures to mitigate any adverse impacts as a result of the PP and the future development the PP will facilitate on the classified road network.
- k) Detail appropriate arrangements to support public transport. It is important to ensure that future occupants will have access to bus infrastructure for their transportation needs.
- l) Detail on if and how other sustainable modes of travel are to be incorporated into the future PP/development of the land.

2. **Strategic/concept designs:** Strategic designs for any identified road upgrades/all works required within a classified road are to be provided as part of the TIA that is submitted in support of a future PP. The design provided shall demonstrate compliance with the TfNSW [Strategic design requirements for DAs fact sheet](#). This will, in part, clarify the scope of works, demonstrate a compliant design can be constructed, allow TfNSW to assess and provide informed comments on the PP's impacts on classified roads, and allow the consent authority to consider any environmental impacts that will need to be considered/addressed as part of the PP.

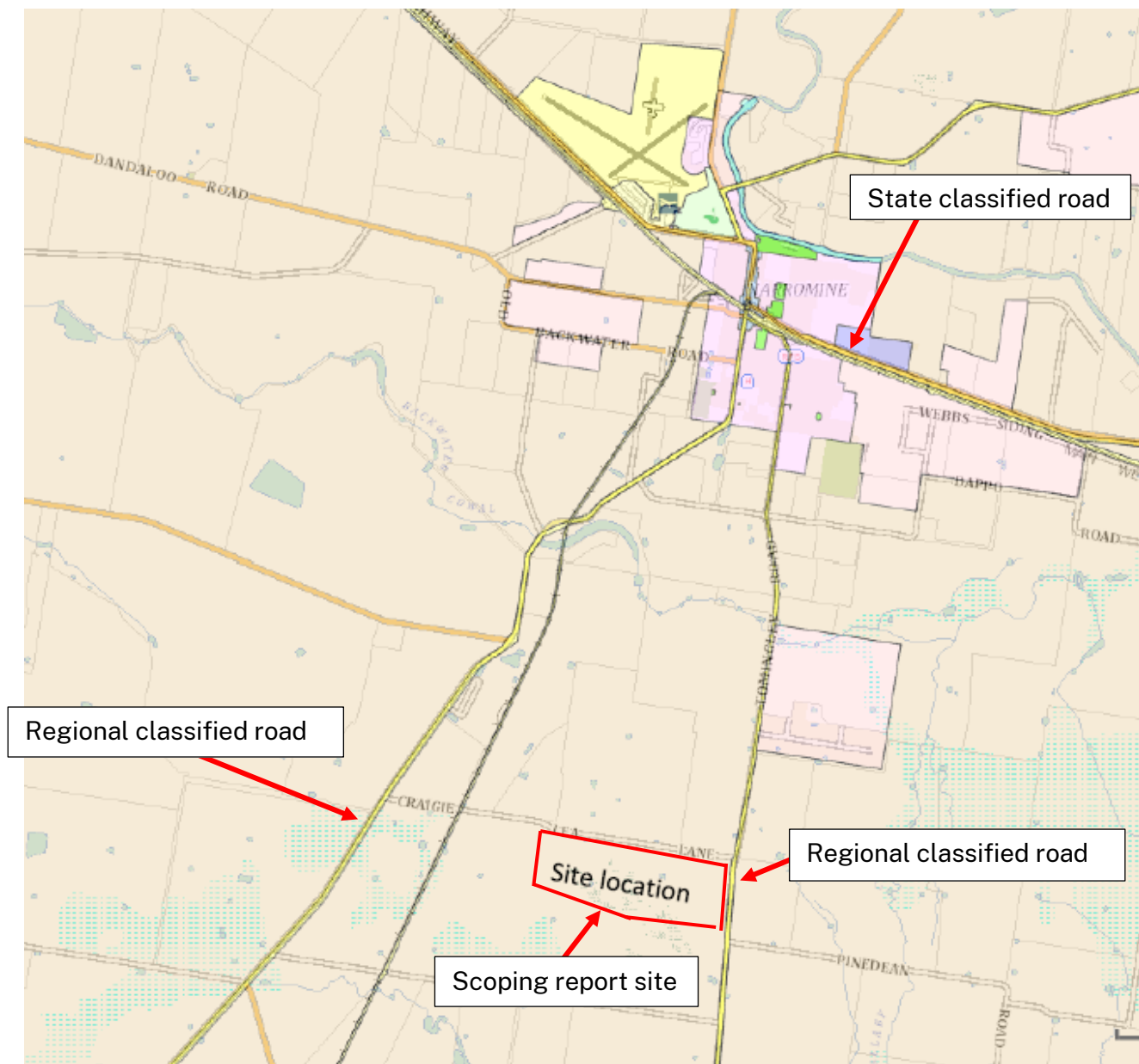
3. **Funding:** Council needs to be satisfied that appropriate planning mechanisms are in place to ensure that any upgrades to road infrastructure required are adequately funded and provided in a timely manner. Consideration must be given as part of a future PP as to how these upgrades will be delivered.

TfNSW believes that appropriate contributions need to be made for required local and state infrastructure. Generally, any upgrades and/or additional infrastructure required, are to be implemented at no cost to TfNSW and be agreed upon at the PP stage.

4. **Other general comments:**

- a) Approval/concurrence under Section 138 of the *Roads Act 1993* will be required from TfNSW for any works that are identified as required within a classified road.
- b) Further discussions should occur with TfNSW about plans it may have that could impact the eastern portion of the future PP site. It is noted that the concept subdivision plan (with reference Project No. 40038, Drawing No. C03, Revision A dated 31.08.2023 – refer to **Attachment 3**) shows a future road corridor being preserved that is 100m wide.

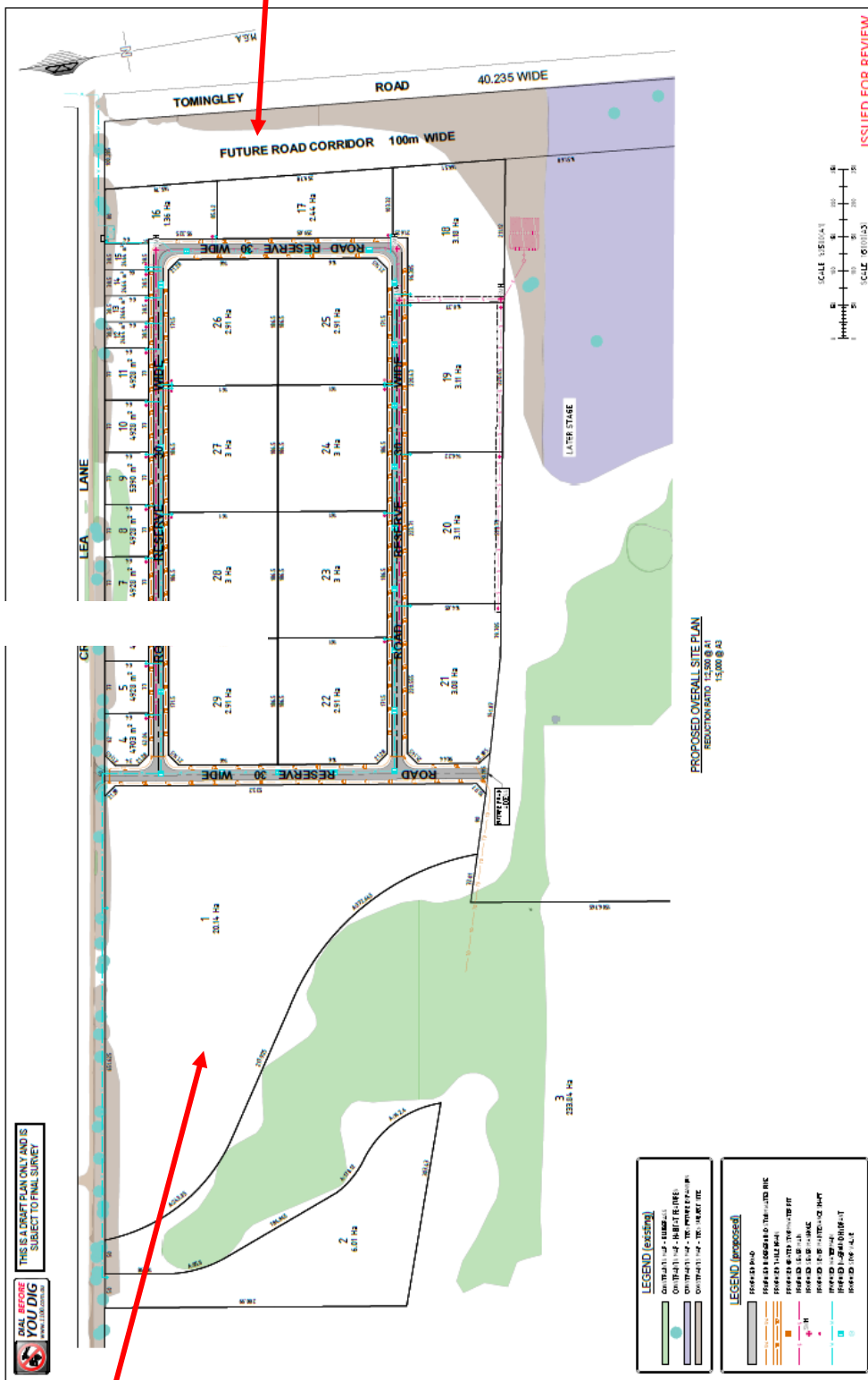
**Scoping Report site**



OFFICIAL



Identified road corridor on concept subdivision plan



Scoping report site

**ISSUED FOR REVIEW**

Scale 1:500 (A1)  
Scale 1:1000 (A2)

**CIVIL ENGINEERING DOCUMENTATION FOR NARROWME FREIGHT HUB**  
387 CHARGE LANE  
NARROWME NSW 2521  
NARROWME SHIRE COUNCIL

PROPOSED OVERALL SITE PLAN

Design	DOS	Original Draft Site	A1
Drawn	JS	Revision	A
Check			

40038  
C03

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