



# Newcastle Agri Terminal Use of Existing Silos

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Development Application Assessment (DA-10627)

November 2020



Published by the NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Newcastle Agri Terminal Use of Existing Silos

Subtitle: Development Application Assessment Report

Cover image: NAT Storage Silos (Source: Barr Property & Planning Pty Ltd)

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# Glossary

Abbreviation	Definition
<b>AHD</b>	Australian Height Datum
<b>BCA</b>	Building Code of Australia
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Newcastle City Council
<b>DA</b>	Development Application
<b>Department</b>	Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EPA</b>	Environment Protection Authority
<b>EP&amp;A Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPBC Act</b>	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>EPL</b>	Environment Protection Licence
<b>ESD</b>	Ecologically Sustainable Development
<b>FRNSW</b>	Fire and Rescue NSW
<b>LEP</b>	Local Environmental Plan
<b>Minister</b>	Minister for Planning and Public Spaces
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>SEPP</b>	State Environmental Planning Policy
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>TfNSW</b>	Transport for NSW
<b>Three SEPP</b>	Ports State Environmental Planning Policy (Three Ports) 2013

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# 1 Introduction

## 1.1 Background

This report provides an assessment of a development application (DA-10167) lodged by Barr Property & Planning Pty Ltd on behalf of Newcastle Agri Terminal Pty Ltd (the Applicant) under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The application seeks consent for the permanent use of four existing grain storage silos as a port facility at 38 Robertson Street, Carrington in the Newcastle local government area (LGA).

In 2015, four grain storage silos were constructed without any planning approval on the basis the Applicant considered the structures would be a temporary use and the provisions of Schedule 1, Item 34 of the *State Environmental Planning Policy (Three Ports) 2013* (Three Ports SEPP), applied. Under the Three Ports SEPP, temporary structures can only be in place for 12 months. As the grain silos have been in place for more than this period of time, they are not considered to be temporary and are deemed to be unauthorised structures.

The Applicant has now obtained a building information certificate (BIC) and all relevant structural adequacy certification for the structures and is now seeking the permanent use of the silo structures as a port facility.

## 1.2 The Site

The Newcastle Agri Terminal (NAT) is located at 38 Robertson Street, Carrington within the Port of Newcastle LGA (see **Figure 1**). The NAT consists of existing terminal and storage infrastructure including five grain storage silos with a total volume of 60,000 tonnes, rail receiving facility, conveyor system, ship loading and four temporary grain storage silos (see **Figure 2**) with a total volume of 183 cubic metres (m<sup>3</sup>).

The site is identified as being located within the Port of Newcastle Lease Area precinct which consists mainly of industrial and port related facilities. The site is located on the foreshore of the Hunter River and is adjoining the site to the north, west and south consists of industrial uses. Approximately 300 metres north-west of the site features the residential area of Carrington. Adjacent, across the Hunter River to the east features the residential area of Stockton.

Access to the site is serviced by a private road that connects directly to Darling Street and Robertson Street to the north and Bourke Street to the west. The site features direct port berthing to the Hunter River and a rail line for freight delivery.



**Figure 1 | Regional Context Map**



**Figure 2 | Local Context Map**

### **1.3 Approval history**

The previous approvals relevant to the site include:

#### **Part 5 Approval**

The construction and operation of the NAT was approved in 2012 by the then Newcastle Port Corporation under Part 5 of the EP&A Act. The NAT operates 24 hours a day 7 days a week, including the loading and unloading of bulk grain shipments, packing grain into containers, fumigating and blending of grain.

#### **CDC 2014/405**

On 24 September 2014, Council issued a Complying Development Certificate (CDC) for the construction and operation of a Road Terminal Facility (RTF) for the purpose of receiving and unloading grain via truck to the Port of Newcastle pursuant to Clause 17A, Schedule 2 of the Three Ports SEPP.

#### **BC2020/00039**

On 21 August 2020, Council approved a BIC for four grain silos and associated equipment.

## 2 Proposed modification

### 2.1 Proposed Development

The Applicant proposes the permanent use of four existing grain storage silos at 38 Robertson Street, Carrington.

The four silos are constructed of stainless steel at a height of 15 metres (m) with a total volume of 183 m<sup>3</sup> (See **Figure 3**). In addition, the silos feature an overhead conveyor connected to the four silos to distribute grain storage.

The silos are currently used to store smaller quantities of grain before undertaking blending, mixing and fumigating processes. The smaller quantities of grain enable the smaller scale fumigation practices.

### 2.2 Uses and Activities

The NAT currently operates as an agricultural terminal primarily for the importing and exporting of grain, oilseed and legume shipments. The NAT is additionally serviced by freight rail which allows for the distribution of freight including a direct rail link to Port Botany in Sydney. Grain product is transferred and stored in Silos for distribution, the subject four temporary silos are used to store smaller quantities to facilitate blending and fumigating processes that are not capable of being undertaken in the existing main storage silos.

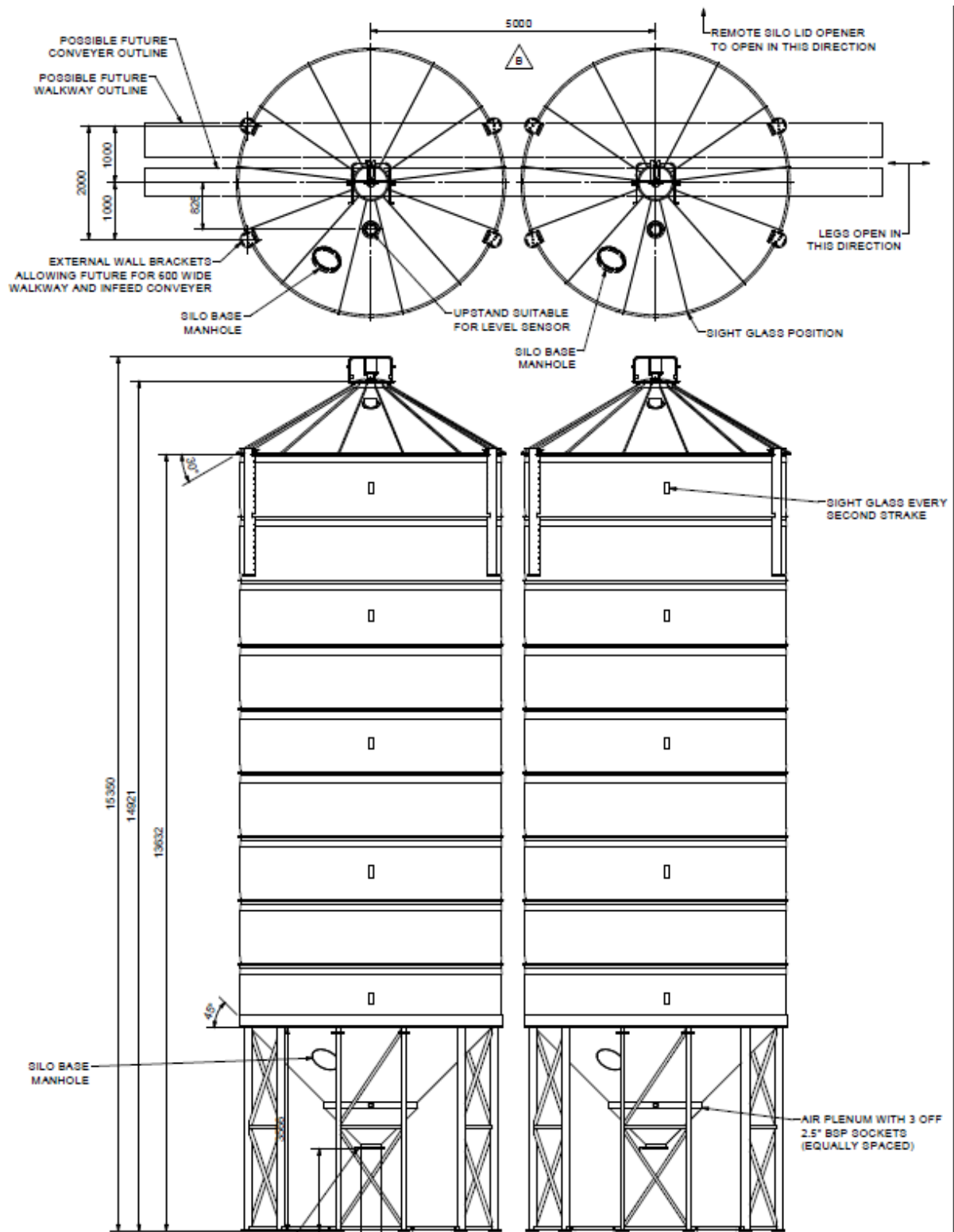


Figure 3 | Silo details

## 3 Strategic context

### 3.1 Greater Newcastle Metropolitan Plan 2036

The Greater Newcastle Metropolitan Plan 2036 (GNMP) produced by the NSW Government, sets out strategies and actions for the sustainable growth of Cessnock City, Lake Macquarie City, Maitland City, Newcastle City and Port Stephens communities, which represent Greater Newcastle (see **Figure 4**).



**Figure 4 | Newcastle Port Catalyst Area Precincts (Source: GNMP)**

The site is identified in the GNMP within the Dyke Point Precinct of the Newcastle Port Catalyst Area. The Newcastle Port Catalyst Area has a target of providing 550 new jobs and 1,500 new dwellings by 2036. The desired roll of the Newcastle Port Area in the GNMP is to be a global gateway for international freight that services the Greater Newcastle and Hunter Region. The Dyke Point Precinct outcomes includes minimising impacts of industrial port development on residential communities.

The development supports the GNMP as the permanency of the grain storage silos assists in facilitating the distribution of agricultural freight that services Greater Newcastle and the Hunter Region.

### **3.2 Hunter Regional Plan 2036**

The Hunter Regional Plan 2036 outlines a vision to grow and diversify the Hunter economy over 20 years so that it remains the largest and most productive regional economy in Australia. The proposed development is consistent with the visions, goals and directions outlined in the Hunter Regional Plan 2036 as it is:

- appropriately located within an established industrial area, separated from residential and other sensitive areas (Direction 13)
- located close to regional transport networks and global gateways to improve efficiencies and make the region more attractive for investment (Direction 24).

## 4 Statutory context

### 4.1 Part 4 Development

The site is located at Carrington in the Port of Newcastle Lease Area, as identified under the Three Ports SEPP. The proposed development:

- is permissible with development consent under the Three Ports SEPP (see **Section 4.4** below)
- has a capital investment value of less than \$100 million (\$0.00)
- is not considered designated development under Schedule 3 of the Environmental Planning and Assessment Regulation 2000.

Accordingly, the proposal does not meet the criteria for State significant development as outlined in clause 27 of the Three Ports SEPP and is subsequently classified as a Part 4 development under the EP&A Act.

### 4.2 Integrated Development

The proposed development is identified as being Integrated Development in accordance with section 4.46 of the EP&A Act as the proposed development requires the approval to alter or erect improvements, or to subdivide land, within a mine subsidence district pursuant to section 22 of the *Coal Mine Subsidence Compensation Act 2017* (CMSC Act). The development application was subsequently referred to Subsidence Advisory NSW as the relevant approval body on 29 September 2020, requesting general terms of approval.

### 4.3 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application in accordance with clause 8(a) of the Three Ports SEPP, as the proposed development would be located on land within the Port of Newcastle Lease Area. On 9 March 2020, the Minister delegated the functions to determine Part 4 applications to the Director, Industry Assessments where:

- the relevant local council has not made an objection and
- there are less than 25 public submissions in the nature of objections and
- a political disclosure statement has not been made.

Newcastle City Council (Council) did not object to the development and no objections were received during the exhibition period. No reportable political donations were made by the Applicant in the last two years, and no reportable political donations were made by any individual who lodged a submission.

Accordingly, the application can be determined by the Director, Industry Assessments under delegation.

### 4.4 Permissibility

The site is located within the SP1 Special Activities zone under the Three Ports SEPP. The proposed development is not a defined land use under the Three Ports SEPP, and given the innominate nature of the development it is thereby not listed as prohibited development. Similarly, the proposed development meets the objectives of the SP1 zone in that the proposal seeks:

- to facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land

- to maximise the use of waterfront areas to accommodate port facilities and industrial, maritime industrial, freight and bulk storage premises that benefit from being located close to port facilities
- to provide for port related facilities and development that support the operations of the Port of Newcastle
- to facilitate development that by its nature or scale requires separation from residential areas and other sensitive land uses
- to encourage employment opportunities.

Therefore, the Minister or a delegate may determine the carrying out of the development as permissible with consent.

#### 4.5 Considerations under Section 4.15 of the EP&A Act

Section 4.15 of the EP&A Act sets out matters to be considered by a consent authority when determining a development application. The Department's consideration of these matters is set out in **Section 6** and **Appendix B**. In summary, the Department is satisfied the proposed development is consistent with the requirements of section 4.15 of the EP&A Act.

#### 4.6 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority, when determining a development application, must take into consideration the provisions of any environmental planning instrument (EPI) and draft EPI (that has been subject to public consultation and notified under the EP&A Act) that apply to the proposed development.

The Department has considered the development against the relevant provisions of State Environmental Planning Policy (Three Ports) 2013.

Detailed consideration of the provisions of all EPIs that apply to the development is provided in **Appendix C**. The Department is satisfied the proposed development generally complies with the relevant provisions of this EPI.

#### 4.7 Objects of the EP&A Act

In determining the application, the consent authority should consider whether the development is consistent with the relevant objects of the EP&A Act. These objects are detailed in section 5 of the EP&A Act. The objects of relevance to the merit assessment of this application include:

- to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- to promote the orderly and economic use and development of land,*
- to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*

- (j) to provide increased opportunity for community participation in environmental planning and assessment.

The Department has fully considered the objects of the EP&A Act, including the encouragement of Ecologically Sustainable Development (ESD), in its assessment of the application (see **Table 1**).

**Table 1 | Considerations Against the EP&A Act**

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	<ul style="list-style-type: none"> <li>the DA would promote the economic welfare of the community through the distribution of grain resources.</li> </ul>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<ul style="list-style-type: none"> <li>the Department has considered the encouragement of ecologically sustainable development (ESD) in its assessment of the proposal (see <b>Section 4.8</b>). The Department is satisfied the proposal can be carried out in a manner that is consistent with the principles of ESD.</li> </ul>
(c) to promote the orderly and economic use and development of land	<ul style="list-style-type: none"> <li>the operation of the site will promote economic use of land and is consistent with the heavy industrial character of the land.</li> </ul>
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	<ul style="list-style-type: none"> <li>no construction or earthworks are proposed with the development. The Department additionally notes the existing hardstand area of the site and the heavy industrial nature of the locality.</li> </ul>
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	<ul style="list-style-type: none"> <li>no construction works are proposed as part of the development as site infrastructure is already established.</li> </ul>
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	<ul style="list-style-type: none"> <li>the Department has assessed the development in consultation with, and giving due consideration to, the technical expertise and comments provided by other Government authorities. This is consistent with the object of sharing the responsibility for environmental planning between the different levels of government in the State.</li> </ul>
(j) to provide increased opportunity for community participation in environmental planning and assessment	<ul style="list-style-type: none"> <li>the application was notified in accordance with Schedule 1 Clause 7 of the EP&amp;A Act to provide public involvement and participation in the environmental planning and assessment of this application.</li> </ul>

#### 4.8 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) the precautionary principle
- (b) inter-generational equity
- (c) conservation of biological diversity and ecological integrity
- (d) improved valuation, pricing and incentive mechanisms.

The potential environmental impacts of the development have been assessed and, where potential impacts have been identified, mitigation measures and environmental safeguards have been recommended.

As demonstrated by the Department's assessment in **Section 6** of this report, the development is not anticipated to have any adverse impacts on native flora or fauna, including threatened species, populations and ecological communities, and their habitats. The development does not require the removal of vegetation. As such, the Department considers that the development would not adversely impact on the environment and is consistent with the objectives of the EP&A Act and the principles of ESD.

## 5 Engagement

### 5.1 Department's engagement

In accordance with Schedule 1 of clause 7 of the EP&A Act and the EP&A Regulation, the Department publicly exhibited the application. The Department:

- made it publicly available from **Wednesday 30 September 2020** until **Wednesday 14 October 2020** on the Department's website
- notified landowners in the vicinity of the site about the exhibition period by letter
- notified and invited comment from relevant State government authorities and Newcastle City Council by letter.

### 5.2 Summary of Submissions

During the exhibition period, a total of three submissions were received, including two from government agencies, one from Council. Of the three submissions received, no objections were received from the general public. A copy of each submission is included in **Appendix C**.

**Council** did not object to the modification but noted potential noise and air quality impacts relating to the operation of conveyors servicing the silos.

**TfNSW** did not object to the development as it did not consider the development to have any significant impacts on the state road network.

**Subsidence Advisory NSW** provided the Department with general terms of approval. The general terms of approval set out that the subject silos must remain strictly in accordance with the plans provided to Subsidence Advisory NSW and that the approval expires after five years from the date of approval.

The Department also provided comment on the application, requiring the Applicant to provide copies of all current approvals for the site and the relationship between the storage silos and the RTF.

### 5.3 Response to submissions

The Applicant provided a Response to Submissions (RtS) on 27 October 2020 to address the comments raised in Council's submission. The Applicant identified the DA does not propose to increase existing throughput capacity limits of the NAT facility and would not generate any further air quality or noise impacts. Furthermore, the Applicant noted an Environment Protection Licence (EPL) (EPL 20116) is applicable to the subject site in which all operations are required to comply with the specified noise and air quality conditions.

Council reviewed the RtS and provided comments on 30 October 2020. Council noted that no additional traffic noise impacts and traffic impacts are associated with the development. Council additionally acknowledged that conveyors servicing the subject silos are enclosed and that no further air quality assessment is required.

## 6 Assessment

The Department has considered the SEE, the issues raised in the submissions, including the general terms of approval provided by Subsidence Advisory NSW, the Applicant's RTS and supplementary information in its assessment of the development. The Department has provided an assessment of issues in **Table 2** below.

**Table 2 | Assessment of Other Issues**

Issue	Findings	Recommendations
<b>Traffic Impacts</b>	<ul style="list-style-type: none"> <li>The four grain silos subject of this DA are adjoining and connected to the existing RTF on the site. The use of the four grain silos may incur cumulative traffic impacts on the direct locality.</li> <li>The Department notes the existing Part 5 approval did not include heavy vehicle movements for the distribution of grain storage. However, a CDC 2014/405 was issued by Council in 2015 for the construction and operation of an RTF including truck receivals at the site.</li> <li>The Applicant outlined in the SEE the subject silos were independent of the RTF and that the DA did not seek any changes to the operational outputs of either the RTF or NAT. The Applicant reaffirmed that truck movements were approved under CDC 2014/405.</li> <li>TfNSW reviewed the SEE and advised the use of the four existing silos was not considered to have a significant impact on the classified road network.</li> <li>Council reviewed the SEE and RtS and advised tha</li> <li>The Department notes the four grain silos are not dependent on the RTF and that traffic movements associated with the RTF were included in the CDC approval.</li> <li>The Department has considered the development does not seek any changes to existing traffic volumes and will not impact on the local road network.</li> <li>In addition, the Department notes the silos have already been constructed and will not result in any construction traffic generation.</li> <li>The Department concludes no conditions of consent are required pertaining to traffic impacts.</li> </ul>	<ul style="list-style-type: none"> <li>No conditions of consent required.</li> </ul>
<b>Structural Adequacy</b>	<ul style="list-style-type: none"> <li>The existing four grain silos the DA is seeking use for were constructed without development consent and therefore may present structural adequacy issues.</li> <li>The Applicant has provided a copy of the BIC obtained from Council for the four silo structures to demonstrate the structures comply with the relevant building standards.</li> </ul>	<ul style="list-style-type: none"> <li>No conditions of consent required.</li> </ul>

Issue	Findings	Recommendations
	<ul style="list-style-type: none"> <li>• In addition, the Applicant provided a Certificate of Structural Adequacy which was issued on 22 November 2018 by Andrew Baigent Consulting Engineer. The certificate confirmed the silos, support structure and footings were compliant with the requirements of Part B1 Structural Provisions and the Performance Requirement of P2.1.1 of the BCA.</li> <li>• Council reviewed the SEE and raised no issues regarding structural adequacy.</li> <li>• The Department has considered the silos and associated footings are structurally adequate in accordance with the requirements of the BCA and are therefore suitable for the proposed use as part of a port facility.</li> <li>• As a BIC has already been obtained by the Applicant, no conditions of consent relating to structural adequacy are recommended by the Department.</li> </ul>	
<b>Flooding Impacts</b>	<ul style="list-style-type: none"> <li>• The development site and the location of the four subject grain silos are identified as being within flood prone land in Council's flood mapping.</li> <li>• The Applicant noted the four silos are raised above the ground level by footing support structures. The Applicant stated the raised silos would enable an unimpeded flow of flood waters. Furthermore, the Applicant noted DCPs are not applicable to development sites within the Three Ports SEPP and no flood consideration is required under the Three Ports SEPP.</li> <li>• Council raised no concerns regarding flooding impacts.</li> <li>• The Department notes the silos are installed atop of existing concrete hardstand with 1.5m AHD clearance to allow surface water flows. Furthermore, surface water impacts were considered and assessed in the original Part 5 approval of the NAT facility which found the development unlikely to have significant impacts on flooding in the port area due to the extent of existing hardstand.</li> <li>• The Department understands that flood risk is not a consideration of the Three Ports SEPP and that Council's DCP is not applicable to the development. Furthermore, the Department notes a BIC has been issued by Council and that the subject DA relates to the use of the existing silo structures.</li> <li>• The Department considers the development to have a negligible impact on flood risk as the silos are installed with clearance for surface water flows. Additionally, surface water management was considered in the original Part 5 approval for the site.</li> <li>• The Department concludes no conditions of consent are required as the development has been constructed and</li> </ul>	<ul style="list-style-type: none"> <li>• No conditions of consent required.</li> </ul>

Issue	Findings	Recommendations
	surface water management is captured under the Part 5 approval.	
<b>Noise Impacts</b>	<ul style="list-style-type: none"> <li>• The operation of site plant and equipment servicing the existing silo structures for the storage of grain product may generate noise impacts.</li> <li>• The NAT grain facility currently utilises enclosed belt-fed conveyors to transport grain product to storage silos, shipments and trucks.</li> <li>• Council noted in its submission that the use of the subject four silos would entail the operation and noise generation of conveyors that would otherwise not be operating. Council acknowledged any noise generated may be negligible however, may contribute to cumulative noise impacts of the site.</li> <li>• The Applicant provided a response to Council's submission identifying the conveyors servicing the subject silos are smaller and generate less noise than the larger conveyors servicing the main storage silos of the site.</li> <li>• Furthermore, the Applicant noted there are no proposed changes to the throughput and grain acceptance capacity of the NAT facility associated with this DA. Therefore, the use of the existing silos would not generate addition noise impacts vehicle or ship movements.</li> <li>• The Department has reviewed the SEE and RtS and considers noise generation of the conveyor to be negligible in respect to the broader site operations of the facility.</li> <li>• In addition, the Department notes the NAT facility operates under an Environment Protection Licence (EPL) which contains operational noise limits for the site. The use of the four existing silos and associated operational activity, is required to comply with the existing noise limits of the EPL.</li> <li>• The Department is therefore satisfied the noise generation associated with the use of the subject four existing silos would have negligible impacts on the locality. Furthermore, the Department considers the existing noise limits and conditions of the EPL as satisfactory for ensuring the site will have no adverse noise impacts on the locality.</li> <li>• The Department recommends a condition of consent be inserted requiring the Applicant to operate within the noise limits specified in the EPL applicable to the site.</li> </ul>	<ul style="list-style-type: none"> <li>• Require the Applicant to operate the site within noise limits specified in the existing EPL.</li> </ul>

Issue	Findings	Recommendations
<b>Air Quality Impacts</b>	<ul style="list-style-type: none"> <li>• The operation of site plant and equipment servicing the existing silo structures for the storage of grain product may generate dust and air quality impacts.</li> <li>• The NAT grain facility currently utilises enclosed belt-fed conveyors to transport grain product to storage silos, shipments and trucks.</li> <li>• Council noted in its submission that the use of the subject four silos would entail the operation of conveyors and subsequent dust generation. Council acknowledged any dust generation may be negligible however, may contribute to cumulative dust impacts of the site.</li> <li>• Furthermore, Council raised concern use of the silos would entail further dust and air quality impacts associated with heavy vehicle and shipment movements used to transport grain product.</li> <li>• The Applicant provided a response to Council's submission identifying the conveyors are fully enclosed including transitions to contain all dust and particles during transportation from silos to loading shipments.</li> <li>• The Applicant additionally noted the EPL applicable to the site stipulates air pollutant concentration limits and conditions requiring air quality monitoring and pollution studies. The conditions of the EPL will subsequently be applicable to the use of the four subject silos.</li> <li>• Council noted that no further air quality assessment is required.</li> <li>• The Department acknowledges the conveyor and associated equipment servicing the subject silos are enclosed to prevent fugitive dust emissions from grain loading and unloading processes.</li> <li>• Furthermore, the Department notes the existing EPL contains air quality monitoring and emissions limits conditions which will capture the management of air quality in relevant to the use of the subject silos.</li> <li>• The Department additionally considers there will be no increase of dust generation from the movement of vehicles as a result of the use of the silos as there is no proposed changes to throughput capacity for the site.</li> <li>• Therefore, the Department considers any dust and air quality impacts generated from the use of the subject silos to be negligible and that existing air quality impacts of the site have been appropriately captured in the original Part 5 approval and the conditions of the EPL.</li> <li>• The Department recommends conditions of consent requiring the Applicant to comply with all air emissions</li> </ul>	<ul style="list-style-type: none"> <li>• Require the Applicant to comply with all existing air emission limits and air quality monitoring requirements specified in the EPL.</li> </ul>

Issue	Findings	Recommendations
	limits and air quality monitoring requirements specified in the EPL applicable to the site.	

## 7 Evaluation

The Department has assessed the proposed DA, SEE, RTS and considered the general terms of approval provided by Mine Subsidence Advisory NSW, submissions provided by Council, government agencies and the general public. The Department has also considered the objectives and matters for consideration under section 4.15 of the EP&A Act. The Department considers the DA is acceptable on the basis that:

- the proposal would result in minimal environmental impacts
- the proposal would enable the continued distribution of grain produce
- the proposal is consistent with the existing use of the site
- satisfactory mitigation measures would be put in place to manage potential impacts.

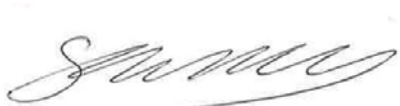
The Department is satisfied the existing grain storage silos will not result in any additional environmental impacts associated with the NAT facility. The Department has imposed conditions requiring the development to comply with the existing noise and air quality limits and requirements of the EPL.

## 8 Recommendation

It is recommended that the Director, Industry Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of DA-10627, subject to the conditions in the attached development consent
- **signs** the attached recommended conditions of consent (see attachment).

**Recommended by:**



**Shaun Williams**

A/Senior Environmental Assessment Officer  
Industry Assessments

**Recommended by:**



**Joanna Bakopanos**

Team Leader  
Industry Assessments

## 9 Determination

The recommendation is **Adopted** by:



16 November 2020

**Chris Ritchie**

Director

Industry Assessments

as delegate of the Minister for Planning and Public Spaces

# Appendices

## Appendix A – Statement of Environmental Effects

A copy of the Statement of Environmental Effects can found on the Department's website, at the following link: [http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10627](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10627)

## Appendix B – Considerations under section 4.15

Section 4.15 of the EP&A Act requires the consent authority, when determining a development application, must take into consideration the following matters:

**Table 3 | Assessment of Other Issues**

Issue	Consideration
<p>(a) the provisions of:</p> <ul style="list-style-type: none"> <li>i. any environmental planning instrument, and</li> <li>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</li> <li>iii. and development control plan, and</li> <li>iv. 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</li> <li>v. the regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Consideration of environmental planning instruments that apply to the development is provided in section 4 of this report.</li> <li>• No proposed instrument applicable to the development application.</li> <li>• No development control plan is applicable to the development application.</li> <li>• No planning agreements have been entered under section 7.4 of the EP&amp;A Act.</li> <li>• The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</li> </ul>
<p>(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,</p>	<ul style="list-style-type: none"> <li>• The Department has considered the likely impacts of the development in detail in Section 4 of this report. The Department concludes the environmental impacts will be minor and can be appropriately managed through the recommended conditions of consent.</li> </ul>
<p>(c) the suitability of the site for the development,</p>	<ul style="list-style-type: none"> <li>• The development is for the use of existing silo structures as part of the operations for the existing NAT facility. The development is therefore considered to be suitable for the site.</li> </ul>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<ul style="list-style-type: none"> <li>• All matters raised in submissions have been summarised in Section 5 of this report and have been considered as part of the assessment of the proposed development in Section 5 of this report.</li> </ul>

Issue	Consideration
(e) the public interest	<ul style="list-style-type: none"> <li>• The development would help facilitate the storage and distribution of grain product.</li> <li>• The environmental impacts of the development are considered to be low and appropriately managed by the recommended conditions.</li> </ul>

## Appendix C – Submissions

A copy of the Submissions received by the Department can be found on the Department's website, at the following link:

[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10627](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10627)

## **Appendix D – Recommended Instrument of Consent**

A copy of the Instrument of Consent can be found on the Department's website, at the following link:  
[http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=10627](http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=10627)