



ASSESSMENT REPORT

Section 96(1) Modification Bourke Small Stock Abattoir (SSD 7268 MOD 1)

1. INTRODUCTION

This report assesses a modification application by EMM Planning on behalf of Capra Developments Pty Limited (the Applicant) seeking to modify the development consent for State Significant Development 7268 (SSD 7268) to correct a minor error with the plans referenced in Condition B2 of the consent. The application has been lodged pursuant to section 96(1) of the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

2. BACKGROUND

The development site is located off the Mitchell Highway, approximately 14 kilometres (km) north of the township of Bourke, within the Bourke local government area (LGA) in far north-west New South Wales (NSW) (see **Figure 1**). The development footprint will occupy around 17 hectares (ha) on a 246 ha site and is legally described as Lot 17 DP 753546. The Mitchell Highway road reserve between the proposed site and North Bourke also forms part of the development as enabling infrastructure will be constructed in this location.

The site is almost flat with a topographical variation of less than one metre (m). Historic land clearing and past agricultural activities have modified the site's vegetative cover which comprises the Poplar Box – White Cypress Pine – Wilga – Ironwood Scrubby Woodland community.

There are no residences within the immediate vicinity of the site with the closest two houses 5.5 km and 5.8 km, respectively, to the south of the proposed abattoir buildings.

3. APPROVAL HISTORY

On 14 November 2016, the Planning Assessment Commission (the Commission) granted development consent for the construction and operation of the Bourke small stock abattoir with a capacity to process up to 6,000 head per day of livestock (including goats, sheep and lamb). The development consent permits the construction and operation of:

- a two-storey animal processing building;
- ground level area for offal processing, plant room maintenance and load out facilities;
- roofed stockyard building adjoining the process building;
- access gatehouse, site office, administrative building, yard office and amenities building, power transformer shed, livestock and security fencing, staff parking for 300 vehicles, site office, skin shed, and hay shed; and
- ancillary reticulated water, electricity and telecommunications infrastructure.

4. PROPOSED MODIFICATION

The Applicant has lodged a modification application under section 96(1) of the EP&A Act to correct an error in the plans referenced in Condition B2. The modification is described in full in a letter provided with the application and included in **Appendix B**.

The approved plans contain inconsistencies with the layout of the facility due to incorrect revisions being provided by the Applicant. This modification application seeks to correct this error by replacing the plans included within Appendix B of the development consent (and referred to in Condition B2) with a drawing register that contains the correct layout of the facility in all drawings. These drawings have updated plan and revision numbers so as to be clearly distinguishable from the earlier set of plans.

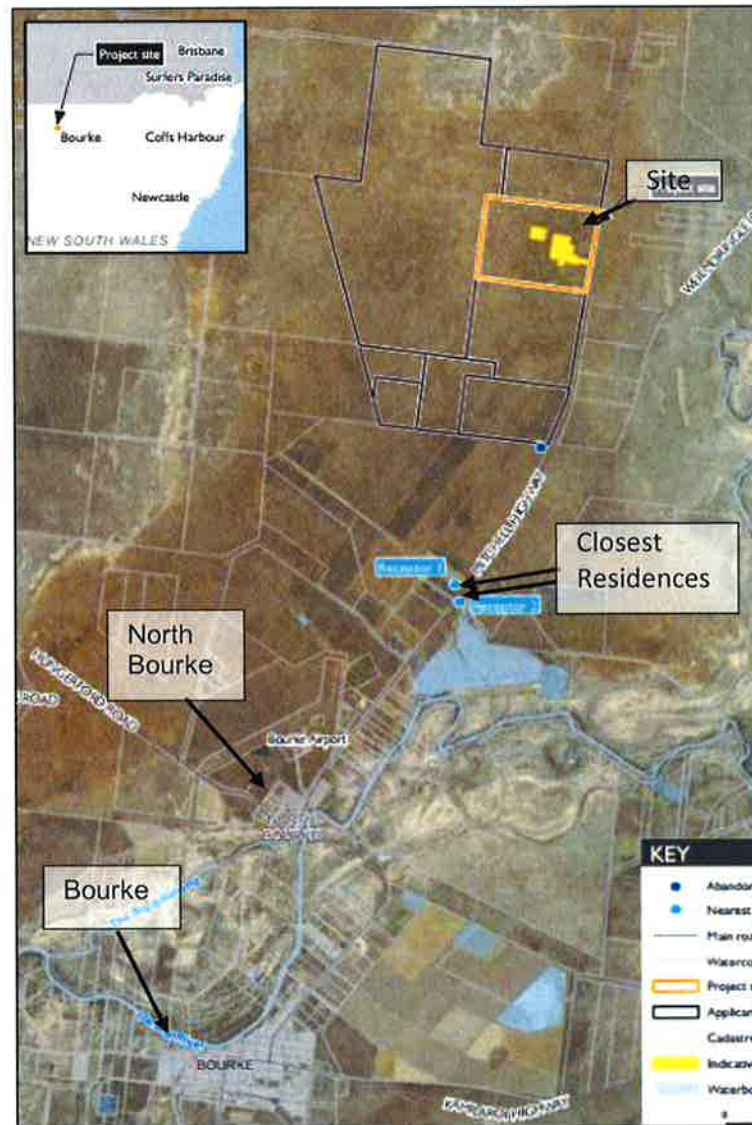


Figure 1: Site Location and Nearby Residences

5. STATUTORY CONSIDERATION

5.1 Consent Authority

The Minister for Planning is the consent authority for the application. However, as a reportable political donation was made by the Applicant, the application will be determined by the Commission in accordance with the Minister's Instrument of Delegation, dated 14 September 2011.

5.2 Modification of Consent

The Department has reviewed the scope of the modification application and is satisfied the proposed modification would result in minimal environmental impacts and relates to substantially the same development as the original development consent on the basis that:

- the primary function and purpose of the development would not change as a result of the proposed modification; and
- the modification is of a scale that warrants the use of section 96(1) of the EP&A Act as the application seeks only to correct a minor error in the conditions of consent.

Accordingly, the Department considers the application should be assessed and determined under section 96(1) of the EP&A Act rather than requiring a new development application to be lodged.

6. CONSULTATION

There are no notification requirements for section 96(1) modification applications. The application was, however, made publicly available on the Department's website.

7. ASSESSMENT

The Department has assessed the merits of the proposed modification. During this assessment, the Department has considered the:

- application and supporting letter and plans (see **Appendix B**);
- the assessment report and conditions of consent for the original development application; and
- the requirements of the EP&A Act, including the objects of the EP&A Act.

7.1 Plans

As discussed in **Section 4**, the approved plans contain inconsistencies with the layout of the facility due to incorrect revisions being provided by the Applicant. The Department has reviewed the revised plans submitted as part of this modification and is satisfied they are substantially the same as the plans submitted with the Environmental Impact Statement, as amended by the Response to Submissions in so far as they show the correct site layout on all relevant drawings.

The Department also supports the renumbering of the plans so as to ensure they are clearly distinguishable from the plans initially approved with the consent.

7.2 Other Administrative Amendments

The Department notes the development consent incorrectly references the contents of Appendices A and B within Condition B2. Appendix A includes the management and mitigation measures and Appendix B includes the drawings, however, Condition B2 reverses this. The Department recommends this error be corrected in the modifying instrument.

8. CONCLUSION

The Department is satisfied the proposed modification would ensure the consent includes the correct set of architectural drawings and correctly references the appendices, and would not change the Department's original assessment or result in any additional impacts. Consequently, it is recommended the modification be approved, subject to conditions.

9. RECOMMENDATION

It is recommended the Planning Assessment Commission, as delegate for the Minister for Planning:

- **consider** the findings and recommendations of this report, noting that the Department considers that the modification is approvable, subject to conditions;
- **determine** that the Applicant's request is a modification under section 96(1) of the EP&A Act; and
- if the Commission determines to modify the development consent, **signs** the attached instrument of modification (**Appendix A**).

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