

JRPP No:	2010SYW018
DA No:	64/2010
PROPOSED DEVELOPMENT:	Alterations and additions to existing industrial building and use as a cable drum warehouse with ancillary workshops and offices by Energy Australia (Crown DA)
APPLICANT:	Energy Australia
REPORT BY:	Glenn Francis

Assessment Report and Recommendation

Recommendation

- 1. That Development Application DA-64/2010 for alterations and additions to existing industrial building and use as a cable drum warehouse with ancillary workshops and offices by Energy Australia (Crown DA) on land at 13 Carter Street, Lidcombe be approved subject to the conditions of consent of the attached schedule (Attachment A).**

Background

The application was referred to the Joint Regional Planning Panel – Sydney West meeting of 5 August 2010 for determination. The original report (Attachment B) recommended refusal due to the use of a specialist service vehicle (23 metres in length and up to 4.35 metres wide), advice from the NSW Roads and Traffic Authority (RTA) in relation to the specialist vehicle and the failure of the applicant to provide adequate information (a chronology of submissions of information is contained in Attachment C) to demonstrate such a vehicle could be accommodated.

At the meeting of 5 August 2010, the Panel resolved to defer the matter, pending the submission of additional information as follows:

- A. The determination of the application is deferred pending the provision of the following additional information by the applicant within 4 weeks to Council:*
 - *Evidence of consultation with RTA about the proposed traffic movements.*
 - *Confirmation that an ‘in-principle’ agreement has been reached with the RTA for the subsequent approval of the required permits for each movement upon application.*
 - *A Traffic Management Plan, including:*
 - *Details of traffic movements and manoeuvring;*
 - *How the required truck manoeuvring will be enabled on the road;*
 - *Frequency and duration of vehicular movements;*
 - *Hours of movements;*
 - *Impact on on-street parking;*
 - *Consideration of the potential impacts from the signalisation of Carter and Uhrig Roads;*
 - and*
 - *Effect of movements on traffic flow.*
 - *The applicant must demonstrate that the Traffic Management Plan has been referred to the RTA and that it has been prepared to the RTA’s satisfaction.*
- B. On receipt of the above information, Council must provide the information to the RTA and request a response to these matters within a set time-frame.*

The applicant submitted a Traffic Management Plan (Attachment D) on 13 August 2010 and confirmed compliance with all requirements of the Panel's resolution on 16 August 2010. In accordance with Part B of the resolution, Council referred the matter to the RTA on 18 August 2010 and requested it be considered at the first available meeting of the Sydney Regional Development Advisory Committee (SRDAC).

Correspondence from the RTA was received by Council on 19 August 2010 (Attachment E) advising that, following further consideration of the proposal and the Road Rules 2008, no objection was raised to the proposal. Council clarified with the RTA that despite this correspondence, the matter would still be considered at a SRDAC meeting.

The matter was considered at the SRDAC meeting of 25 August 2010, which was attended by Council officers and representatives of the applicant. The SRDAC advice provided at the meeting included:

- The RTA had no major concern regarding the application and understood that oversized service vehicles would be accessing the site on a regular basis.
- No blanket or "in principle" approval for all future oversized service vehicle movements could be issued – individual permits/approvals from the RTA will be required for each and every oversized vehicle movement associated with the use, which would be assessed on merit and at the time of lodgement.
- Council's plans for traffic control measures (signalisation/centre median) at the Carter Street/Uhrig Road intersection in accordance with the Auburn Development Contributions Plan 2007 remain pre-concept and would require consultation with the RTA prior to implementation. Thus should not be considered grounds for refusal of the current application.
- RTA requested information from the applicant in relation to existing, similar facilities in NSW.
- RTA indicated that they would further review the applicant's Traffic Management Plan and provide a written response to the Council as required by the resolution of the JRPP.

A formal response following the SRDAC meeting was received by Council on 3 September 2010 (Attachment E). It advised that as per correspondence received 19 August 2010, no objections are raised to the proposal, this time subject to:

- *A special permit is required from the RTA for oversized and overmass vehicles accessing to/from the subject site at each time when transmission cable be delivered into the subject site. Detailed delivery information including delivery time, travel route, and delivery quantities shall be submitted to Council for review and approval at least two weeks prior to the deliver [sic].*
- *The proposed traffic management plan (ref.09266) shall be referred to Auburn Council's Traffic Committee meeting for review and approval.*

In accordance with the second part of the SRDAC advice, the matter was referred to the Auburn Local Traffic Committee and heard at the first available meeting of 22 September 2010. Representatives of the applicant were invited to attend and briefly address the committee on the matter. Minutes of the meeting were received 8 October 2010, with the recommendation that the applicant be requested to demonstrate alternative routes are available for the safe travel of oversized vehicles should the JRPP recommend approval. Given that all oversized vehicle movements are subject to licensing from the RTA prior to the event, specific routes will be considered under application of each licence.

Issues

Subsequent to the submission of additional information from the applicant and the advice received from the RTA and the Auburn local Traffic Committee (as detailed above) on the matter, Council's Engineering Department has withdrawn its objection to the proposal.

Relevant conditions have been provided to be included in any development consent, should the application be supported.

Crown Development (EP&A Act s89)

In accordance with Section 89 (1)(b) of the E P and A Act, a consent authority cannot impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.

Prior to the referral of the application to the Panel for determination Council, in correspondence of 6 October 2010, has sought written concurrence from the Crown Authority (Energy Australia) in relation to the proposed conditions of consent.

To date, a formal response to the draft conditions has not been received.

Conclusion

The development application has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979.

In light of the assessment of additional information provided by the applicant and further consultation with specialist statutory and non-statutory bodies, the proposal is now considered to be acceptable having regard to the matters of consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and is recommended for approval subject imposition of the conditions of consent as outlined in the attached schedule (Attachment A).