

JRPP No.	2011HCC001
DA No.	DA454/2010
Proposal	Energy Australia Facility
Property	Lot: 137 & 138 DP: 1120515; Lot: 154 DP: 1124114 40-44 Magpie Street MCDOUGALLS HILL
Applicant	Energy Australia
Submission	Nil
Report By	Alison Clark
Checked by	Mark Ihlein

Assessment Report and Recommendation

Executive Summary

Proposed Development

The Energy Australia Depot is a crown development with a capital investment value of \$5,767,319.00.

The proposed development is for the construction of a new Energy Australia Depot. The following works are proposed as part of the development:

- Administration building
- Warehouse storage
- Outdoor storage
- Workshop and wash bay
- Staff and visitor parking spaces located on the northern side of the administration building
- Service vehicle parking bays
- Outdoor pole training area
- Undercover transformer and oil truck storage area
- Fencing
- Landscaping

Referral to Joint Regional Planning Panel

The proposal is referred to the Joint Regional Planning Panel for determination pursuant to clause 13B of State Environmental Planning Policy (Major Development) 2005; given it is a crown development with a capital investment value of over \$5 million.

Permissibility

The site is zoned 4 Industrial pursuant to Singleton Local Environmental Plan 1996. The proposal is categorised as a utility installation and is permissible within the 4 Industrial zone subject to development consent. All required owner(s) consent has been provided. The proposal is local development

Consultation

In accordance with Council's Notification policy within the Singleton Development Control Plan 2009 the application was notified and exhibited from 5 January 2011 to 19 January 2011. There were no submissions received during the notification period.

Key Issues

There are no issues identified in the assessment and no submissions were received.

The proposal complies with the statutory provisions of Singleton Local Environmental Plan 1996 and is consistent with the considerations under Singleton Development Control Plan 2009. No submissions were received in response to public notification procedures and the application does not raise any significant issues of a public interest nature.

Recommendation

That development consent be granted to DA454/2010, subject to the conditions contained in APPENDIX A.

1. Background

In 2003 an application to rezone the parent lot from 1(a) (Rural Zone) to 4 – Industrial (Zone) was received by Council. The land was rezoned to create suitable industrial zoned land in an appropriate location to allow for the development of employment generating activities.

An application (DA507/2005) for the subdivision of Lot: 130 DP: 1110275 into 131 industrial lots was received and approved by Council in 2005. This application has been subject to 6 subsequent modifications for various minor adjustments to the subdivision layout, landscaping and roads.

A total of seven lots have been developed with various industrial land uses operating from these sites. The majority of the sites remain vacant and, despite development consent having been granted by Council in respect of a number of lots, no construction work has yet commenced.

The current subject application was received by Council on 23 December 2010 and was publicly notified from 5 January 2011 to 19 January 2011. There were no submissions received during the public notification period.

2. Site and Locality Description



Map 1: Aerial photo showing locality. Subject site is highlighted in red.

The site is located within a newly established industrial estate known as McDougalls Hill Business Park. There has been minimal development in the estate with the majority of the sites being vacant. The site is generally cleared and serviced for industrial uses.

The development site consists of three separate parcels being Lots: 136 & 137 DP: 1120515 and Lot: 154 DP: 1124114 having a combined area of approximately 13,500m². The site is located within the McDougalls Hill Business Park which is north west of the Singleton central business district. The site is bounded by Magpie Street to the north, Foybrook Avenue to the west and vacant sites to the south and east. McDougalls Hill is a new industrial subdivision created by Hunter Land Pty Ltd and there are relatively few developments within close proximity to the development site.

The site is relatively flat and regular in shape, having frontages of 140m to Magpie Street and 90m to a future public road presently consisting of 50m to Foybrook Avenue, 20 to a Right of Access and 20m fronting existing freehold land. The development site is currently vacant and has been cleared of all vegetation. There is no formally constructed vehicular access to the site.

The site is not located within a Heritage Conservation Area and does not contain any items of heritage significance as listed under Schedule 3 of Singleton Local Environmental Plan 1996.

The site is not identified as flood prone land, is not within a mine subsidence district and does not contain any significant vegetation. The site is identified as bush fire prone land and this is discussed further in the report.

3. Project Description

The Energy Australia Depot is a crown development with a capital investment value of \$5,767,319.00.

The proposed development is to be undertaken on a green field site within a newly established industrial estate for the construction of a new single storey Energy Australia Depot. The following works are proposed as part of the development:

- 1020m² administration building that will include staff lunchroom, training area and staff amenities. The building is to be setback 20m from Magpie Street with 43 staff and visitor parking spaces situated within the front building line setback.
- 14 outdoor parking spaces for service vehicles on the southern side of the administration building.
- Communications tower on the southern side of the administration building
- Outdoor pole training area located on the western side of the administration building
- 18 outdoor and 6 undercover parking bays for service vehicles
- Recycling and waste collection area adjacent to the service vehicle parking bays
- 2 bay garage workshop and wash bay for Energy Australia vehicles
- 1100m² of warehouse storage
- 242m² undercover transformer and oil truck storage area located in the south western corner of the site
- 2200m² of outdoor storage
- Material silo bays along the northern boundary
- 3.1m high security fencing along site boundaries with the exception of the Magpie Street frontage in front of the administration building. The fencing in front of the administration building is to be a 2.1m high palisade fence that will segregate this area from the depot to restrict public access
- Provision of landscaping to the Magpie Street and Foybrook Avenue frontages. Comprising a combination of trees, shrubs and ground covers to soften the external appearance of the development from the surrounding locality.

The development proposes a combined entry/exit driveway from Magpie Street with another main exit off the future extension of Foybrook Avenue. A secondary exit is to be constructed off Magpie Street for delivery trucks. Security gates will be provided on site to restrict public access to the parking bays fronting Magpie Street with signage also being used to direct vehicle traffic through the site.

The business hours for the depot will be 6:00am until 10:00pm 7 days a week. During an emergency the depot will be accessible 24 hours a day, 7 days a week.

Refer to **APPENDIX B** for a copy of plans and elevations

4. Consultation

In accordance with Council's public notification policy under Singleton Development Control Plan 2009 the application was publicly notified from 5 January 2011 to 19 January 2011. Surrounding property owners were notified (by individual letters) of the application affording members of the public an opportunity to make written submissions to Council regarding the proposed development. No written submissions were received in response to this public notification process.

5. Referrals

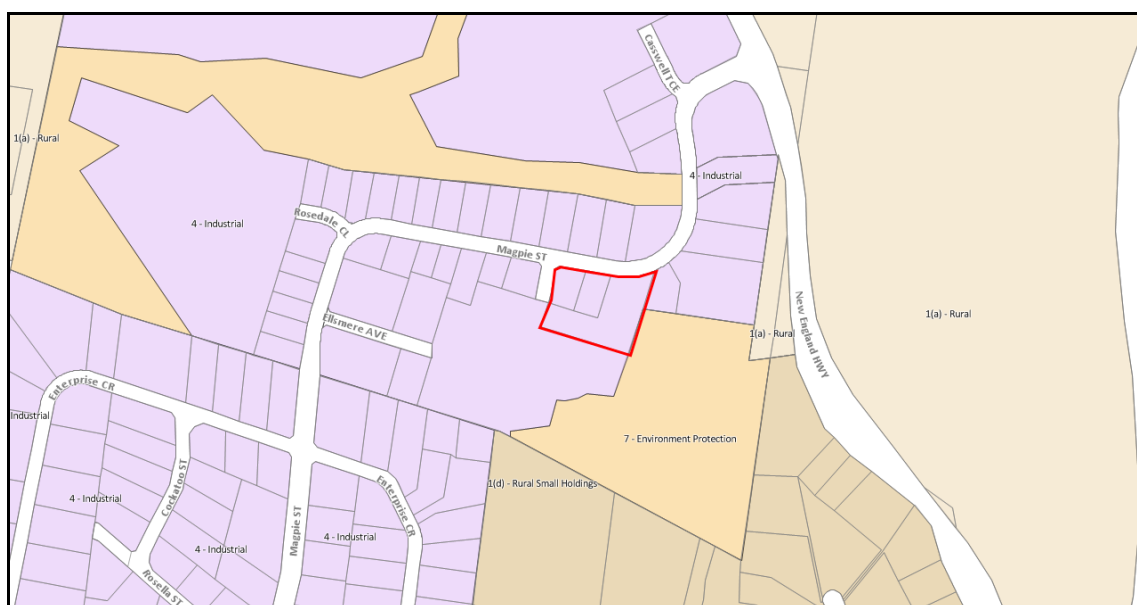
The following internal referrals were undertaken and comments were received from:

- Council Engineering
- Council Building Surveyor
- Council Environmental Health Officer

Refer to **APPENDIX C** for referral comments.

6. Section 79C Considerations

(a)(i) the provisions of any environmental planning instrument



Map 2: Zoning map extract. Subject site is highlighted in red.

State Environmental Planning Policy (Major Development) 2005

SEPP (Major Development) 2005 is applicable to the proposal which is a crown development with a capital investment value over \$5 million. Consequently the application is required to be determined by the Joint Regional Planning Panel (JRPP). The proposal is not defined as a Part 3A development under the *Environmental Planning and Assessment Act 1979*, therefore no further criteria under the SEPP applies to the development.

State Environmental Planning Policy 64 – Advertising and Signage

State Environmental Planning Policy 64 - Advertising and Signage is applicable to the proposal. Part 3 of the SEPP does not apply as the signage proposed is considered to be business identification signage and building identification signage. Part 2 of the SEPP requires Council to ensure the proposal complies with the aims of the policy and the assessment criteria of Schedule 1.

- Part 2 Clause 8(a) requires Council to ensure the proposed signage complies with the aims of the SEPP. The signage proposed will be used to identify the Energy Australia Depot, to direct vehicular traffic around the site and to identify areas that are accessible to the public. The signage is considered suitable for the intended purpose and will effectively communicate the use of the site to employees and the general public.
- Signage panels are to be located adjacent to the main depot entry/exit point off Magpie Street. The signage will display the Energy Australia name and logo and is to be mounted on a masonry wall.
- Schedule 1 of the SEPP provides assessment criteria to assist Council in the consideration of applications for signage. Schedule 1 is addressed as follows:

1. Character of the area

The immediate locality surrounding the development site is predominately vacant land as the area is a newly established industrial subdivision. The signage located within the locality serves the purpose of identifying the business operating from the premises. The signage proposed for the development is ancillary to the intended use and will clearly and efficiently communicate this use to the public. Due to the minimal number of developed lots within McDougall's Hill Business Park there is no consistent signage theme present.

2. Special Areas

The site is not located within or in close proximity to an environmentally sensitive area, heritage area, natural or conservation area, open space, waterway, rural landscape or residential area.

3. Views and vistas

The signage proposed is to be located at a low level within the development site. The signage will not project above the structures on the site which will ensure it does not dominate the skyline and will not impede the views of any other advertisements.

4. Streetscape, setting or landscape

The signs will serve to identify the use of the site as an Energy Australia Depot in a clear and concise manner. The location of the signage has been identified to ensure

signs are appropriately located and there will not be a proliferation of signage within the development.

5. Site and building

The signage is considered suitable for the proposed development and is consistent with the scale of the buildings proposed. The signage has been located near the entrances to the site to provide clear identification of the use of the site. The signage has been sited and sized to ensure they are an integral part of the building design.

6. Associated devices and logs with advertisements and advertising structures

The content of the signs has not been provided however the statement of environmental effects identifies that the signage will contain the Energy Australia name and logo.

7. Illumination

Signage is proposed to be flood lit with a garden light that will shine back at the sign away from the road and pedestrian footpaths. The lighting will be directed away from the direct view of motorists to ensure it will not create unacceptable glare and would not affect the safety of pedestrians, vehicles or aircraft. There are no residential properties or accommodation within close proximity to the development site. An appropriate condition has been included in **APPENDIX A** requiring all externally flood lit signage to be constructed in accordance with the Australian Standards to ensure there is no glare or light spillage.

8. Safety

The signage is to be setback from the road alignment and will not affect or reduce the safety of any public roads, pedestrians and bicyclists.

Singleton Local Environmental Plan 1996

The proposed development is defined by Singleton Local Environmental Plan 1996 (SLEP 1996) as utility installation. Utility installations are permissible with consent in the 4 (Industrial Zone). The proposal is generally consistent with the aims and objectives of the instrument.

Pursuant to Clause 16(3) of SLEP 1996 the proposed development must be consistent or compatible with one or more objectives of the zone in order that Council may grant consent. The zone objectives and a planning assessment addressing the proposed development against them is offered below:

Zone 4 (Industrial Zone)

Objectives of zone

(a) to allocate sufficient land in suitable locations to facilitate and promote the establishment of a broad range of industrial uses,

The development is to be undertaken within a newly established industrial estate, known as McDougall's Hill Business Park, which provides serviced allotments of a size, shape and topography suited to the development. The proposed development has been designed to allow for a functional development that not only serves the required purpose, but also minimises environmental impacts on the locality.

(b) to allow commercial or retail uses only where they are associated with, ancillary to or supportive of, industrial development,

The proposal includes an administration building that is to be utilised by approximately 20 Energy Australia staff.

(c) to provide industry related training establishments in appropriate locations.

The Energy Australia Depot includes an area to be used for staff training. There is a combined staff/training room within the administration building that will be utilised for training of Energy Australia staff; the room will not be available for general public use. In addition a staff pole training area is located to the west of the administration building and will be for staff use only.

(a)(ii) the provisions of any draft environmental planning instrument

No such instruments apply to the assessment of this proposal.

(a)(iii) any development control plans

The Singleton Development Control Plan 2009 applies to the proposed development. An assessment of the proposal based on the requirements contained therein follows:

Element 4 – Industrial Development

4.1 – Site Analysis

A site analysis plan was provided with the application which identifies the positive and negative attributes of the site. These attributes have been duly considered in the design to ensure the development will be sympathetic to the site characteristics and will have minimal impact on the surrounding locality.

4.2 – Site Planning & Layout

The applicant has provided sufficient information with the application to demonstrate the development is appropriate to the locality and development site. This is discussed in further detail through the consideration of the DCP.

4.3 – Building Siting

Development Control	Requirement	Proposal	Compliance
Clause 4.3 – Setbacks	15m – front building line	20m to Magpie Street	Yes
	10m - secondary building line	Storage area 5m from Foybrook Avenue	No
	BCA compliance for side & rear	10m to south and east boundary	Yes

The development has employed considerable setbacks, which comply with the requirements of the DCP, with the exception of an undercover storage area located in the south western corner of the site which will have a setback of 5 metres to Foybrook Avenue and does not comply with the requirements of the DCP.

The non compliance with the secondary building line setback is unlikely to have any significant adverse visual impact on the streetscape and is considered acceptable on the following grounds:

- The Foybrook Avenue frontage is to be densely landscaped with plants of varying heights and species to screen the structure from the street.
- Foybrook Avenue is a cul-de-sac with negligible through traffic and only on other property fronting the street.
- The undercover storage area is positioned within the south-western corner of

the site and comprises a relatively low scale structure with a wall height to its western elevation of approximately 4 metres and a total length of some 2.2m which represents approximately 26% of the total Foybrook Avenue street frontage.

4.4 – Building Height, Scale and Bulk

Development Control	Requirement	Proposal	Compliance
Clause 4.4 – Building Height	14m	Maximum building height – 12m Communications tower – 26m	Yes No

The administration building will be approximately 7 metres in height and has been setback 20 metres from Magpie Street to reduce the bulk and scale of the development. The taller buildings, being the garage workshop and warehouse, have been located in the centre of the site behind the administration building to further reduce the bulk and scale of the development.

The communications tower, being approximately 30 metres in height, will be the tallest structure on the site. During preliminary discussions with Council the applicant was advised to locate the structure towards the middle of the site to minimise the potential impacts. The tower has been positioned at the rear of the administration building setback approximately 43 metres from Magpie Street. The communications tower is a component of the essential infrastructure required for the operation of the Energy Australia Depot and comprises a microwave communications link for emergency voltage requirements and fault detection works.

The development is considered compatible with the surrounding industrial locality and the site is contextually suited to the height of the buildings proposed. The development is to be undertaken within an establishing industrial estate and it is expected that buildings of a similar bulk and scale will be constructed through out the estate. The height of the development is considered acceptable and, with the exception of the communications tower, complies with the requirements of the DCP.

4.5 - External Appearance

The administration building has been located towards the front of the site, with the bulkier workshop situated towards the rear of the site. The staggering of the buildings creates a layered effect that is visually appealing and provides a positive contribution to the streetscape. All structures on the site have adequate separation to allow for views through the site creating an illusion of greater space and less bulk.

Externally the various proposed buildings are to utilise a limited palette of materials and finishes to create a sense of unity. This cohesiveness is further reinforced through the continuity of skillion and single pitched roofs throughout the development.

The materials storage area located on the northern boundary will be used to store aggregate and sands. The area will be screened from the street with a landscape buffer that extends along the entire boundary.

4.6 - Impacts on the Amenity of the Area

The subject site is located in proximity to rural residential properties however the

proposal is unlikely to have any adverse impact on the locality as it will not emit any offensive noise or odour. Whilst there are presently very few developed sites within the estate the proposed development will not be out of character with future industrial buildings constructed in the locality which are likely to be of a similar height, bulk and scale to those proposed.

4.7 - Vehicular & Pedestrian Access

A number of pedestrian access points have been provided for the site by way of personnel gates adjacent to the main vehicular access/egress points. A pedestrian walkway and crossings is provided at the front of the site to facilitate safe pedestrian movements within the site.

The development is currently serviced by Magpie Street being a public road and partly by Foybrook Ave and the future extension of Foybrook Ave presently comprising a public road for part of its frontage, by a Right of Way and partly fronting private property. There is no physical or legal access presently to the proposed exit gate on the future extension of Foybrook Ave. The developer of the estate, Hunter Land, has previously lodged bonds with Council as security to construct and dedicate the extension of Foybrook Ave but to date no work has occurred however engineering drawings are presently with Council to issue a CC for the extension of Foybrook Ave.

The main vehicular entry point is located in the north eastern corner of the site, off Magpie Street. This access will be utilised by both heavy and light vehicles entering the site and will also be the main exit point for light vehicles. Two separate exits are to be constructed for heavy vehicles one onto Magpie Street and the other onto Foybrook Avenue. A condition has been included in **APPENDIX A** denying access to Foybrook Avenue until such time as legal and physical access is obtained.

Security gates will be provided on site to restrict public access to the parking bays fronting Magpie Street; signage will also be used to direct vehicular traffic through the site.

4.8 - Loading & Unloading Facilities

Provisions have been made for delivery vehicles with a large manoeuvring area provided on the western side of the development adjacent to the workshop and warehouse. A 12.5 metre turning circle is provided in this area to allow unimpeded access for a 25m semi trailer. The unloading area is located away from main thoroughfares to ensure vehicles utilising this area will not interfere with car parking and pedestrian or vehicular movements.

Council's Development Engineer has raised concern regarding the availability of sufficient manoeuvring area for heavy vehicle access to the site from the driveway locations on Magpie Street. However with minor adjustment to the width of the driveway satisfactory turning manoeuvres can be achieved. Accordingly an appropriate condition has been included in **APPENDIX A**.

4.9 - Fencing & Gates

The site perimeter is to be fenced with a 3.1 metre high, with the exception of the Magpie Street frontage immediately adjacent to the administration building, which is to be fenced with a 2.1m high palisade fence. The 3.1 metre high security fence will return to the depot to ensure public access is restricted to the administration building

and car park.

The 3.1 metre high security fence does not comply with the requirements of the DCP, as it exceeds the maximum height of 2.1 metres, however the fencing is considered suitable for the development given the valuable nature of the materials stored on site.

All access gates to the site will be electrical gates that will be operated by swipe cards to ensure site security at all times. The gates will be locked at all times, with the exception of the depot entry gate that will be open during hours of operation and locked after hours. All gates have been setback from the site boundaries to ensure they do not open over the public footway or road way.

4.11 - Operational Details

The Energy Australia Depot is to employ the following hours of operation:

6:00 am to 10:00pm - 7 days a week

During emergency events the site will operate 24 hours a day.

A number of Energy Australia employees will be based mainly in the field attending the depot infrequently, there will be approximately 27 people permanently based on site. The break down of employees is as follows:

- Administration office – 20
- Field services group field (offsite) – 32
- Tech services meter store – 2
- Warehouse – 2
- Fleet services garage workshop – 2
- System planning warehouse administration – 1

Element 9 - Provisions for Vehicles

Development Control	Requirement	Proposal	Compliance
Clause 9.2 – Vehicle Parking	1/40sqm GFA Office $900 / 40 = 23$ 1/75sqm GFA Warehouse $1100 / 75 = 15$ Total = 38	43 – visitor/staff 38 – service vehicle spaces Total = 81	Yes

There is adequate on site car parking with 43 spaces provided in front of the administration building for use by staff and visitors. In addition there is provision for an additional 38 service vehicle parking spaces located at the rear of the administration building.

Element 10 - Vegetation Preservation & Landscaping

This is discussed in detail in consideration of the McDougall's Hill Business Park locality based provisions.

Element 11 - Earthworks

There will be minimal cut and fill required for the proposed development due to the relatively flat topography of the land. A condition has been included in **APPENDIX A** requiring all works to comply with Council's specifications and the 'Blue Book'.

A sediment and erosion control plan has been prepared for the development and an appropriate condition has been included on the consent requiring the applicant to implement these measures prior to commencement of construction works.

Element 12 - Management of Stormwater

A stormwater management plan, prepared by MPC Consulting Engineers in consultation with Council, was lodged with the development application. The management plan proposes a stormwater harvesting system whereby roof water is to be collected into a number of rainwater tanks and reused in servicing toilets, wash bays and landscaping.

Pollution control devices are to be installed on site to remove fine sediments, oils, grease and bulk waste.

The stormwater management plan prepared by MPC relies on all piped overflows discharging at an existing pit and headwall located midway along the southern boundary of the subject land. A recent sec 96 modification to the estate DA has resulted in an adjustment to the off-site piped stormwater system and the design prepared by MPC will require modification to reflect the approved sec 96 modification to the estate DA.

The storm water management system has been designed for 1 in 10 year storm events.

Element 13 - Waste Management

All construction waste associated with the development is to be recycled or disposed of to an approved waste management facility.

Once operational the development will be serviced by a private contractor for the removal of recyclable material and general waste. A recycling and general waste area has been allocated on site to ensure waste is kept in one location. The waste area will be setback 10 metres from the eastern boundary and will not be visible from the street.

A trade waste application has been approved by Council's Water and Waste Department to ensure all liquid trade waste is disposed of in an appropriate manner.

Element 15 - Bushfire Risk Management

The development site is identified as bushfire prone land. The site and the surrounding locality is mainly cleared of vegetation, with a small isolated pocket of bushland located along the eastern boundary on the adjoining land. The site access road has been located along this boundary to provide a 10 metre wide asset protection zone.

Planning for Bushfire Protection 2006 does not contain any specific performance requirements for industrial developments and as such AS3959 does not apply as a

set of deemed to satisfy provisions. The development is to employ the following fire safety construction provisions as an acceptable solution for the prevention of bushfire:

- The use of non-combustible/non-flammable construction materials;
- Provision of fire fighting services, including hydrants;
- Provision of multiple entry/exit points;
- Provision of a back-up generator;
- Provision of stormwater tanks;
- Provision of defensible positions; and
- Incorporation of drought tolerant, low height, low flammability plant species in the landscape design.

The construction and design measures proposed are considered suitable for bushfire projection.

Element 17 - Outdoor Advertising Signage

This has been discussed previously with consideration of State Environmental Planning Policy 64 - Advertising and Signage.

Element 20 - Building Line & Setback Requirements

This has been discussed previously with consideration Element 4 - Industrial Development.

McDougall's Hill Business Park

Sections 1, 2, 3 and 4 of this element relate to the subdivision of the land and as a result do not apply to this development.

5 – Landscape Strategy

As discussed the development site has been cleared and does not contain any significant vegetation. A landscape plan, prepared by Megan Dewsnap, has been provided to outline the proposed landscaping for the site. All boundaries of the site are to be landscaped, with significant landscape buffers provided along the northern and western boundaries of the site. The eastern boundary is to be landscaped with low flammability species to ensure the asset protection zone is not compromised.

Landscaping has been introduced around the administration building and throughout the car park to soften the development and provide appropriate screening. The landscape plan details a variety of species that will be used on site

6 – Vegetation Management

No clearing will be required to facilitate the development as the site has no significant vegetation present.

7 – Consideration of Surrounding Land uses

The site is identified as an area that should be restricted to a use that emits low noise and odour. Whilst the site is not burdened by a restriction as to user regarding the use of the site the proposed depot is unlikely to emit offensive noise or odour. The use is considered to be compatible with the rural residential area located to the south east of the site.

8 – Stormwater and Water Quality Management

This has been discussed previously through consideration of Element 12 – Management of Stormwater.

9 – Aboriginal Cultural Heritage

This element relates to the subdivision of the land and as a result does not apply to this development.

10 – Building Design

This has been discussed previously through consideration of Element 4 – Industrial Development.

11 – Signage

This has been discussed previously through consideration of State Environmental Planning Policy 64 – Advertising and Signage.

12 – Lighting

This has been discussed previously through consideration of Element 4 – Industrial Development.

13 – Waste Management

This has been discussed previously through consideration of Element 13 – Waste Management.

(a)(iia) any planning agreement that has been entered into or any draft planning agreement that the developer has offered to enter into

No such planning agreements have been entered into for this proposal.

(a)(iv) any matters prescribed by the regulations

No such matters are applicable to this proposal.

(b) the likely impacts of the development

Technological hazards

The storage area located in the south western corner of the site is to be used for the storage of transformers and oils. The application was referred to Council's Environmental Health Officer who advised that provided the area is bunded to 110% and records of the materials store in the located is kept on site it is unlikely there will be an adverse impact on the environment. An appropriate condition has been included in **APPENDIX A**.

Construction

Under the provisions of the Environmental Planning and Assessment Act 1979 the Energy Australia Depot is to be undertaken as a Crown development and as such self certification will be undertaken during construction work.

A standard condition has been placed on the consent limiting construction hours has been included.

The following matters were considered and, where applicable, have been addressed elsewhere in this report or are not relevant to the proposed development.

Context & Setting	Waste
Access, transport & traffic	Energy
Public domain	Noise & vibration
Utilities	Natural hazards
Heritage	Flora & fauna
Other land resources	Safety, security & crime prevention
Water	Social impact on the locality
Soils	Economic impact on the locality
Air & microclimate	Site design & internal design

(c) the suitability of the site for development

The subject land is considered suitable for the proposed development for the following reasons:

- The level topography of the site reduces the need for significant bulk earthworks;
- The development site is devoid of any significant vegetation and as a result no significant flora and fauna communities are impacted by the development;
- The development is not expected to create any significant demand on the provision of public amenities or services;
- The site is well located within the McDougall's Hill Business Park; and
- The development will not have an adverse impact on the rural residential development located to the south east of the development thereby reducing the potential for land use conflict.

(d) any submissions made in accordance with this Act or the Regulations

There were no submissions received for the proposed development.

(e) the public interest

The development proposal represents a suitable use of the industrial land and will support the ongoing operation of Energy Australia. The development is therefore considered to be in the public interest.

7. Conclusion

The application is compliant with the requirements of the relevant State Environmental Planning Policies, the Singleton Local Environmental Plan 1996 and the relevant elements of the Singleton Development Control Plan 2009, with the exception that the undercover storage area does not comply with the secondary building line setback to Foybrook Avenue. However the extent of non compliance is considered minor and unlikely to adversely impact on the streetscape.

An assessment of the application has been carried out under Section 79C(1) of the *Environmental Planning and Assessment Act, 1979* as amended. The proposed development is considered satisfactory in terms of the relevant matters for consideration under the Act and the development application is recommended for approval subject to

various conditions.

8. Recommendation

That development consent be granted to DA454/2010, subject to the conditions contained in **APPENDIX A**.

APPENDIX A - Conditions of Consent

A General Conditions

- A1** The development shall be carried out in accordance with the stamped approved plans and documentation detailed in the following schedule and any amendments arising through conditions to this consent or as shown in red colour on the plans:

Drawing Title	Drawing No.	Revision No.	Revision Date	Prepared by:
Site/Roof	WD1100	A	27-01-11	Schreiber Hamilton Architecture
Floor Plan	DA1101	A	22-12-10	Schreiber Hamilton Architecture
Elevations	DA3000	A	22-12-10	Schreiber Hamilton Architecture
Landscape Concept Plan	LA/10/06		Dec 2010	Megan Dewsnap

- A2** Consent for the development will lapse after 5 years. Note that this relates to the period within which the development must commence.

Reason: To specify the period for the lapsing of consent.

B Conditions which must be satisfied prior to the commencement of any development work

- B1** A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is carried out:
- a) stating that unauthorised entry to the work site is prohibited, and
 - b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

C Conditions which must be satisfied during any development work

- C1** All proposed driveways, parking bays, loading bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained.

Reason: To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

- C2** Erosion and sediment control measures are to be designed and implemented in accordance with LANDCOM's *Managing Urban Stormwater, Soils and Construction current edition* prior to the commencement of works and being maintained during the period of construction in accordance with the details set out in an Erosion and Sediment Control Plan. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

Reason: To ensure that appropriate measures are taken to prevent surface erosion and the emission of sediment from the site as a result of the proposed development.

- C3** The building being provided with adequate means of access for persons with disabilities in order to comply with the Building Code of Australia and the Disability Discrimination Act 1992.

Reason: To ensure compliance with the provision of the Environmental Planning and Assessment Act, 1979 and the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

- C4** Construction work that generates noise that is audible at residential premises being restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm;
- Saturday, 8:00 am to 1:00 pm;

With no noise from construction/demolition work to be generated on Sundays or Public Holidays.

Reason: To prevent 'offensive noise' from construction/demolition sites in order to safeguard the amenity of the neighbourhood

- C5** No construction work being undertaken on a Public Holiday or on a Saturday or Sunday adjacent to a Public Holiday

Reason: To safeguard the amenity of the neighbourhood.

- C6** All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- C7** All excavations and backfilling associated with the erection of a building must be executed safely and in accordance with appropriate professional standards.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- C8** All excavations associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Reason: To confirm a condition of consent prescribed by the Environmental Planning & Assessment Regulation 2000.

- C9** Any building waste containers used in association with the proposed construction being located on the site where possible.

Reason: To ensure that such containers are so positioned as to not endanger pedestrian or vehicular traffic movement.

- C10** The owner/applicant ensuring that all building material is kept clear of the public footway and carriageway as well as adjoining premises.

Reason: To ensure that the proposed demolition is undertaken in a manner that does not intrude upon adjacent public or private property.

- C11** Any building waste materials being disposed of at Council's Waste Management Facility or other approved site.

Reason: To prevent indiscriminate dumping or use of demolition/waste building material for purposes of unauthorised land fill.

- C12** No kerb and gutter at driveway crossings are to be constructed across Council's road reserve that could present a trip hazard to pedestrians. Construct concrete access crossings to comply with Council's specifications for industrial driveways.

Reason: To ensure the safety of pedestrian within Council's road reserve

- C13** The registered proprietor of the land shall be responsible for all costs incurred in the necessary relocation of any services affected by the required construction works. Council and other service authorities should be contacted for specific requirements prior to commencement of any works.

Reason: To ensure that any required alterations to utility infrastructure are undertaken to acceptable standards at the developer's cost.

D Conditions which must be satisfied prior to any occupation or use of the building

- D1** All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being immediately repaired following the damage, to a satisfactory state that provides for safe use by pedestrians and vehicles. Full restoration of the

damage is to be carried out to Council's satisfaction prior to the occupation of the development.

Reason: To ensure that safe conditions are maintained on the site during construction and that the required restoration is undertaken to acceptable standards, without demand on public sector resources.

- D2** A reinforced concrete access crossing shall be constructed from the kerb and gutter to the property boundary at each access, including a layback in the kerb, in accordance with Council's Engineering Specifications and AS 2890.

All works within a public road must be inspected and approved by Council under the Roads Act 1993 as the Roads Authority. Driveway levels across Council's footpath are to be submitted to and approved by Council. Access crossing construction is to be inspected by Council after excavation and placement of reinforcement and on completion.

Where water main cocks are under the access crossing approved cast iron main cock covers are to be placed. The covers are to be fixed plumb and square to the centreline of each main and 100mm NS uPVC minimum Class 9 pressure pipe is to be used as a protective sleeve between the cover and the main cock.

All works within a public road reserve are to be completed at no cost to Council and approved by Council prior to occupation of the development.

Reason: To ensure the provision of safe, adequately defined and properly constructed means of vehicular access from the road to the development.

- D3** The development is to have an on-site stormwater water quality & disposal system generally in accordance with the stormwater plan drawing no. C03.00 issue 3 prepared by MPC and will include as a minimum the following:

- (a) Rainwater tanks to comply with Council's DCP;
- (b) The overflow to be piped to the stormwater reticulation system provided for by stage 3B engineering drawings of the development of McDougall Business Park. Copies of the drawings are available from Singleton Council.
- (c) Provide Council with a plan of management of the water quality control facilities to ensure that these facilities continue to operate efficiently and to design.
- (d) Water quality control facilities are to be provided where there is stormwater runoff from trafficable areas particularly car parking.

A copy of Singleton Council's Onsite Stormwater management Policy is available on Singleton Council's web page www.singleton.nsw.gov.au or from Council offices, Queen Street, Singleton.

Reason: To ensure that the proposed development does not decrease the stormwater quality of the runoff from the site and adversely affect the stormwater infrastructure's capacity to operate as a water quality/quantity control located downstream within the catchment.

- D4** All driveways, access corridors and carparking areas are to be designed in accordance with AS2890.1 & 2 - Parking Facilities. The carparking areas shall be graded and drained in accordance with Council's Development Engineering Specifications generally in accordance with the approved plans.
- Reason:** To ensure the orderly and efficient use of on-site parking facilities and ensure that adequate provision is made on-site for the loading and unloading of goods.

- D5** Kerbing or dwarf walls having a minimum height of 100mm being constructed along the edge of all garden areas or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon.
- Reason:** To assist in confining vehicular movement to constructed driveways and parking areas and protect site landscaping works against vehicular damage.

- D6** Lot 154 DP1124114, Lots 137 and 138 DP1120515 are to be consolidated and any redundant easements expunged prior to occupation of the development.
- Reason:** To ensure that the proposed development is managed as a single entity by the owners.

E Conditions which must be satisfied during the ongoing use of the development

- E1** Access to and from the subject land from the proposed driveway located at the south west corner of the site fronting the future extension of Foybrook Avenue is denied until such time as legal and physical access is provided.
- Reason:** To ensure that the proposed development has a legal means of physical access

- E2** The hours of operation or trading of the premises shall not be more than from:

6:00 am to 10:00pm - 7 days a week.

During emergency events the site will operate 24 hours a day.

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

- Reason:** To protect the likely and future amenity of the neighbourhood and to ensure the use of the premises does not intensify without the prior consent of the Council.

- E3** The use and occupation of the premises including all plant and equipment installed thereon, not giving rise to any "offensive noise", as defined under the Protection of the Environment Operations Act, 1997, as amended.

Note: Should Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic consultant's report recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming that the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council before the expiration of the nominated period.

Reason: To ensure that appropriate noise control measures are implemented if required.

E4 Any proposed mechanical ventilation and/or air conditioning systems, or other mechanical services, being operated in a manner which does not give rise to "offensive noise", as defined under the Protection of the Environment Operations Act, 1997, as amended.

Reason: To ensure compliance with the provisions of the Protection of the Environment Operations Act, 1997, as amended.

E5 Any proposed floodlighting of the premises being so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of the adjacent premises.

Reason: To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

E6 On-site car parking accommodation being provided for a minimum of 81 vehicles and such being set out generally in accordance with the details indicated on the submitted plans except as otherwise provided by the conditions of consent.

Reason: To ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.

E7 The development is to incorporate 2 off-street car parking spaces as disabled spaces. All of these car parking spaces are to be located in areas of easy access to pedestrian walkways and achieve a minimum width of 3.66 metres.

Reason: To ensure the provision of adequate on-site parking facilities for persons with a disability that are easily accessed from the development.

E8 All parking bays being permanently marked out on the pavement surface.

Reason: To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

- E9** The proposed staff and visitor parking bays being permanently marked out on the pavement surface and being clearly indicated by means of signs and/or pavement markings.

Reason: To encourage the use of the proposed on-site car parking facilities and thereby minimise kerbside parking in the adjacent public road as a result of the proposed development.

- E10** Proposed parking areas, service bays, truck docks, driveways, vehicular ramps and turning areas being maintained clear of obstruction and being used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

Reason: To ensure the proposed/required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose and are not otherwise used in a manner which detracts from the overall appearance of the development.

- E11** The vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

Reason: To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces and driveway access and in the interest of traffic safety and convenience.

- E12** Vehicles being loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.

Reason: To ensure that the proposed development does not give rise to street loading or unloading operations or obstruction of internal driveways with consequent accident potential and reduction in road and driveway efficiency.

- E13** All vehicular movement to and from the site being in a forward direction. Vehicle entry and egress points off and onto a public road respectively are to be designed to ensure that a 25m semi-trailer vehicles does not illegally cross the centreline of a public road or alternatively any illegal manoeuvre is to be carried out under an approved traffic control plan.

Reason: To ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.

E14 Any vandalism and graffiti are to be removed from the premises at the earliest possible time.

Reason: To ensure that the premises appear well kept and maintained and vandalism is not encouraged.

E15 The landscaped areas being kept free of parked vehicles, stored goods, garbage or waste material and being permanently maintained.

Reason: To ensure that the proposed/required site landscape works are conserved and properly maintained so as to enhance the overall appearance of the premises and add to the landscape quality of the locality.

E16 The storage area containing transformers/oil and chemicals shall be bunded to 110% of the total amount of chemical/oil stored to prevent spills and contaminations. The area shall be covered to prevent inundation from weather events.

A list containing the type and amount chemical or oil stored in this location shall be kept at the administration office for emergency management purposes.

Reason: To ensure that the materials stored on site do not have an environmental impact on the locality.

Advices

F1 The registered proprietor of the land is advised that the Council maintained Foybrook Avenue ends at approximately 50m from its intersection with Magpie Street and care, control and maintenance beyond this point is the sole responsibility of the benefiting users. Hunter Land have given Council an undertaking that Foybrook Avenue will be constructed for the full frontage of the subject development and dedicated as a public road or a right of way created to give the subject land legal access.

APPENDIX B – Plans and Elevations

APPENDIX C – Referral Comments

Comments from Internal Departments

- Council Engineer
- Council Building Surveyor
- Council Environmental Officer