

## COUNCIL ASSESSMENT REPORT

### SOUTHERN REGIONAL PLANNING PANEL

<b>Panel Reference</b>	PPSSTH-349
<b>DA Number</b>	DA.10.2024.4075.1
<b>LGA</b>	Albury City
<b>Proposed Development</b>	Construction of an Industrial Building, Associated Offices, Car Parking & Landscaping, Earthworks and Civil Works.
<b>Street Address</b>	21 McLaurin Road, Ettamogah
<b>Applicant</b>	Barker Group (NSW) P/L (C/- Habitat Planning)
<b>Owner</b>	Albury City Council
<b>Date of DA lodgement</b>	10 April 2024
<b>Total number of Submissions / Number of Unique Objections</b>	Nil
<b>Recommendation</b>	Approval
<b>Regionally Significant Criteria</b>	<p>Schedule 6 of the SEPP – Planning Systems</p> <ul style="list-style-type: none"> <li>Clause 3(b): Council related development over \$5 million where the council is the owner of any land on which the development is to be carried out.</li> </ul>
<b>CIV</b>	\$9,836,747.00
<b>List of all relevant s4.15(1)(a) matters</b>	State Environmental Planning Policy (Planning Systems) 2021

	State Environmental Planning Policy (Transport & Infrastructure) 2021 State Environmental Planning Policy (Resilience & Hazards) 2021 State Environmental Planning Policy (Sustainable Buildings) 2022 Albury Local Environmental Plan 2010 Albury Development Control Plan 2010 Environmental Planning and Assessment Regulation 2021
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Attachment A: Draft Conditions of Consent</li> <li>• Attachment B: Statement of Environmental Effects – Revision 2 July 2024</li> <li>• Attachment C: Proposed Plans of Development</li> <li>• Attachment D: Landscape Plan</li> <li>• Attachment E: Geotechnical Report</li> <li>• Attachment F: Civil Plans</li> <li>• Attachment G: Feature &amp; Level Survey</li> <li>• Attachment H: Embodied Energy Emissions Report</li> <li>• Attachment I: Stormwater Management Plan</li> </ul>
<b>Clause 4.6 requests</b>	Not Applicable
<b>Summary of key submissions</b>	Not Applicable
<b>Report prepared by</b>	Bioplan Pty Ltd
<b>Report date</b>	11 July 2024

## EXECUTIVE SUMMARY

Council is in receipt of development application (DA 10.2024.40751.1) which seeks consent for construction of an Industrial Building, Associated Offices, Car Parking & Landscaping, Earthworks and Civil Works situated at No.21 McLaurin Road, Ettamogah (the “subject land”).

The application is referred to the Southern Regional Planning Panel (“the Panel”) as the development is ‘regionally significant development’, pursuant to Clause 2.19 and Clause (3)(b) of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 being development of Council owned land with an estimated cost of over \$5 million.

The subject land comprises freehold land in the name of Albury City Council described as Lot 2 DP 1276039. Identified as No. 21 McLaurin Road, Ettamogah, the property is an irregularly shaped parcel that is 4.615ha in area. The property is situated within the newly establishing Albury NEXUS Regional Job Precinct (“NEXUS”).

The property is a vacant parcel located to the south of the intersection of McLaurin Road and Knowles Road. Apart from a number of trees along the eastern boundary beyond the proposed building zone, the subject land is otherwise clear of any significant vegetation.

The application proposes to undertake works associated with the construction of an industrial building with ancillary offices, a hardstand area, and associated earthworks.

The subject land is currently zoned SP4 Enterprise Zone, under the provisions of the Albury LEP 2010 (“the ALEP”). Objectives of the SP4 Zone include:

- *To provide for development and land uses that support enterprise and productivity.*
- *To provide for development and land uses that encourage regional enterprise and innovation in industry and environmental management.*
- *To facilitate industries that contribute to and benefit from being close to major freight transport networks.*
- *To protect and enhance the unique qualities and character of the Albury Regional Jobs Precinct.*

Within the landuse table to Clause 2.3 of the ALEP it is to be noted that the use of land within the SP4 zone for the purposes of “*General Industry*” is permissible with consent.

The application was placed on public exhibition from 11 April 2024 to 12 May 2024 and no submissions were received. The application was also referred to NSW Police for comment during the same period, with no response received to date.

The application was accompanied by a range of supporting documentation including a Statement of Environmental Effects (Habitat, Mar 2024 – Attachment B) and plans prepared by Barker Group (dated 27/01/2024 – Attachment C).

Key issues raised by the proposal relate to:

- Car parking / Transport Management
- Albury NEXUS Regional Job Precinct

Following is a detailed assessment of the proposal, pursuant to Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 (the “EP&A Act”).

In respect of Clause 4.6 of SEPP Resilience & Hazards 2021 due consideration has been given to land contamination and no issues are raised.

In respect of Clause 7.6(2) – Essential Services and Clause 7.15(2) – Development on land in and surrounding the Albury Regional Jobs Precinct of the Albury LEP 2010 this assessment report concludes relevant criteria are satisfied.

It is subsequently recommended that DA 10.2024.40751.1 be approved subject to the reasons contained at Attachment A of this report.

## 1. INTRODUCTION

Albury City Council (“the Council”) is in receipt of development application (DA 10.2024.40751.1) which seeks consent for Construction of an Industrial Building, Associated Offices, Car Parking & Landscaping, Earthworks and Civil Works situated at No.21 McLaurin Road, Ettamogah (the “subject land”).

Bioplan has been engaged by Council to provide an independent assessment report of the development proposal which is captured by the provisions of State Environmental Planning Policy (Planning Systems) 2021.

This assessment report is to be submitted to the Southern Regional Planning Panel (“the Panel”) who will be the relevant consent authority for this matter.

### 1.1 Background

Following receipt of plans and relevant supporting documentation the development application was lodged on 2 October 2021 on behalf of Barker Group by Habitat Planning. A chronology of the development application since lodgement is outlined below including the Panel’s involvement (briefings, deferrals etc) with the application:

DATE	EVENT
10 Apr 24	DA Lodged
10 Apr 24	Agency Referrals
10 Apr 24	Internal Referrals
10 Apr – 12 May 24	Public Notice
28 Jun 24	Council Assessment Report completed for Panel consideration

## 2. SUBJECT LAND

The subject comprises a single lot that is 4.165ha in area and is described as Lot 2 DP 1276039. The property is identified as No. 21 McLaurin Road, Ettamogah and comprises freehold land in the name of Albury City Council.

As noted below at Figure 1 the subject land is located within the newly establishing Albury NEXUS Regional Job Precinct (“NEXUS”), approximately 150m to the south of the intersection of McLaurin Road and Knowles Road, Ettamogah. NEXUS is located approximately 10km to the north of the Albury central business district and is strategically located along the Inland Rail corridor and Hume Highway.

The subject land is a vacant parcel that shows evidence of past clearing and scraping to establish a level site.

Apart from a number of trees along the eastern boundary beyond the proposed building zone, the subject land is otherwise clear of any significant vegetation (Figure 2).

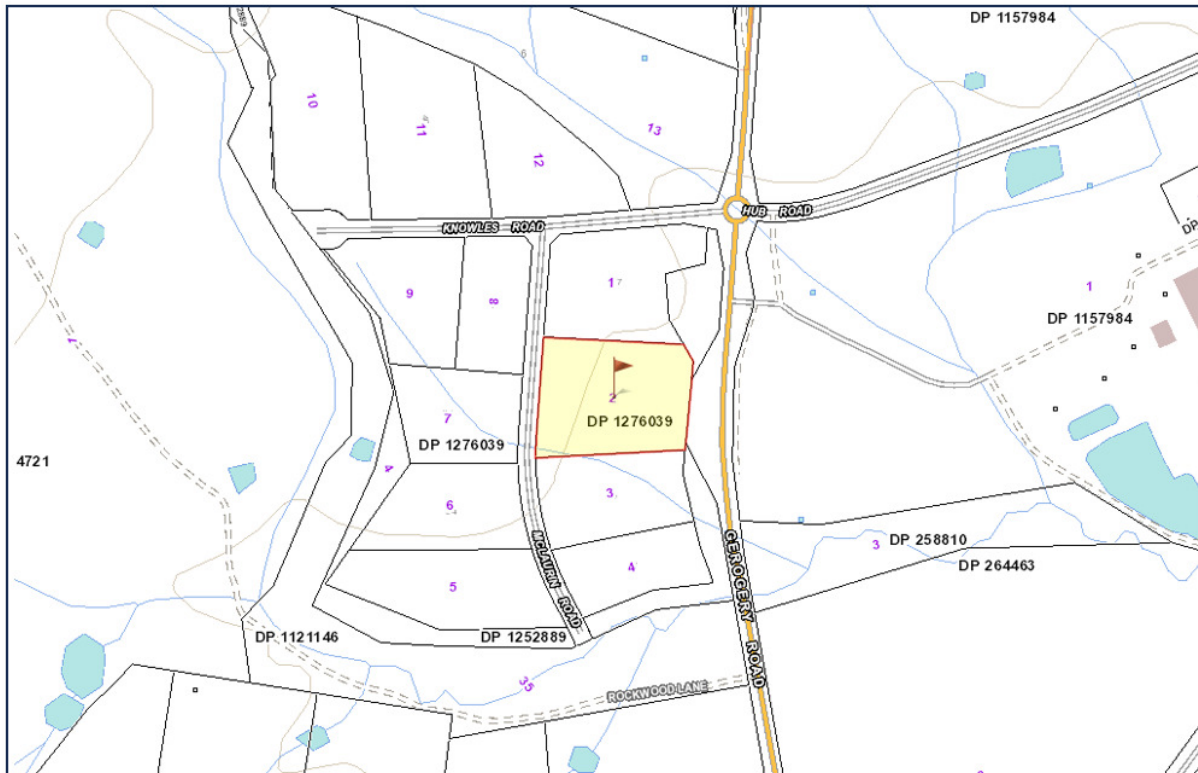


Figure 1. Locality Plan (source SIXview)

21 McLaurin Rd, Ettamogah

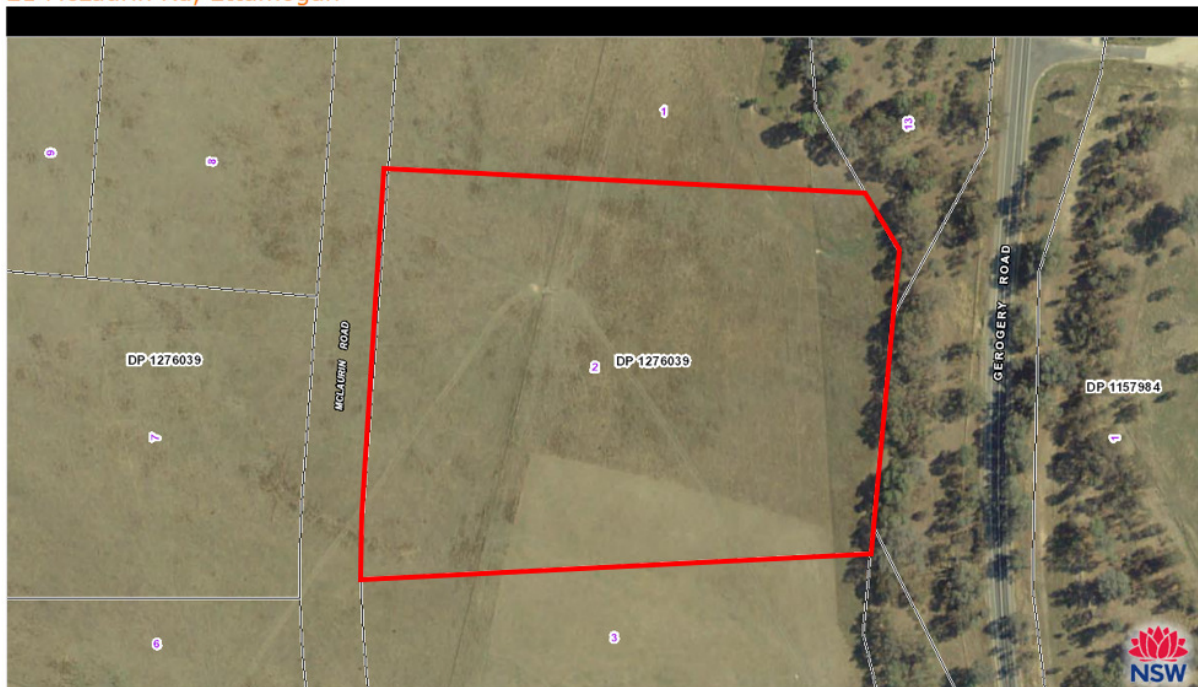


Figure 2: Subject Land (source SIXview)

Located to the north at No. 7 McLaurin Road is a vacant parcel that currently has consent issued for a proposed Industrial Development (Factory Building [Beverage Production], Ancillary Office & Amenities & Carpark) to be constructed over two (2) stages (DA10.2022.39924.1 – 18 May 2023).

Separating the subject land from Gerogery Road to the east is an area of Public Reserve. To the south is a vacant 3.3ha parcel identified as No.35 McLaurin Road (Lot 3 DP1276039).

Across McLaurin Road to the north west is a developed industrial parcel (PET (Polyethylene Terephthalate) Plastics Recycling Facility) situated at No.10 McLaurin Road. This land was the subject of Panel Determination (PPSSTH70 – Albury City DA 10.2020.37909.1 – 18 December 2020).

Adjoining to the south of No.8 McLaurin Road and immediately opposite the subject land to the west is a vacant 3ha parcel at No.24 McLaurin Road.

Diagonally opposite to the south west is land at No.34 McLaurin Road (Lot 6) that is the subject of a current DA10.2024.40810.1 being assessed for development of a Precast Concrete Panel & Associated Products Manufacturing Facility.

The subject land benefits from good access to the regional road network via Gerogery Road and the Davey Road interchange with the Hume Freeway. The Inland Rail route is also strategically located nearby with the potential to provide access to markets and materials through the Ettamogah Rail Hub.

### **3. PROPOSAL DESCRIPTION**

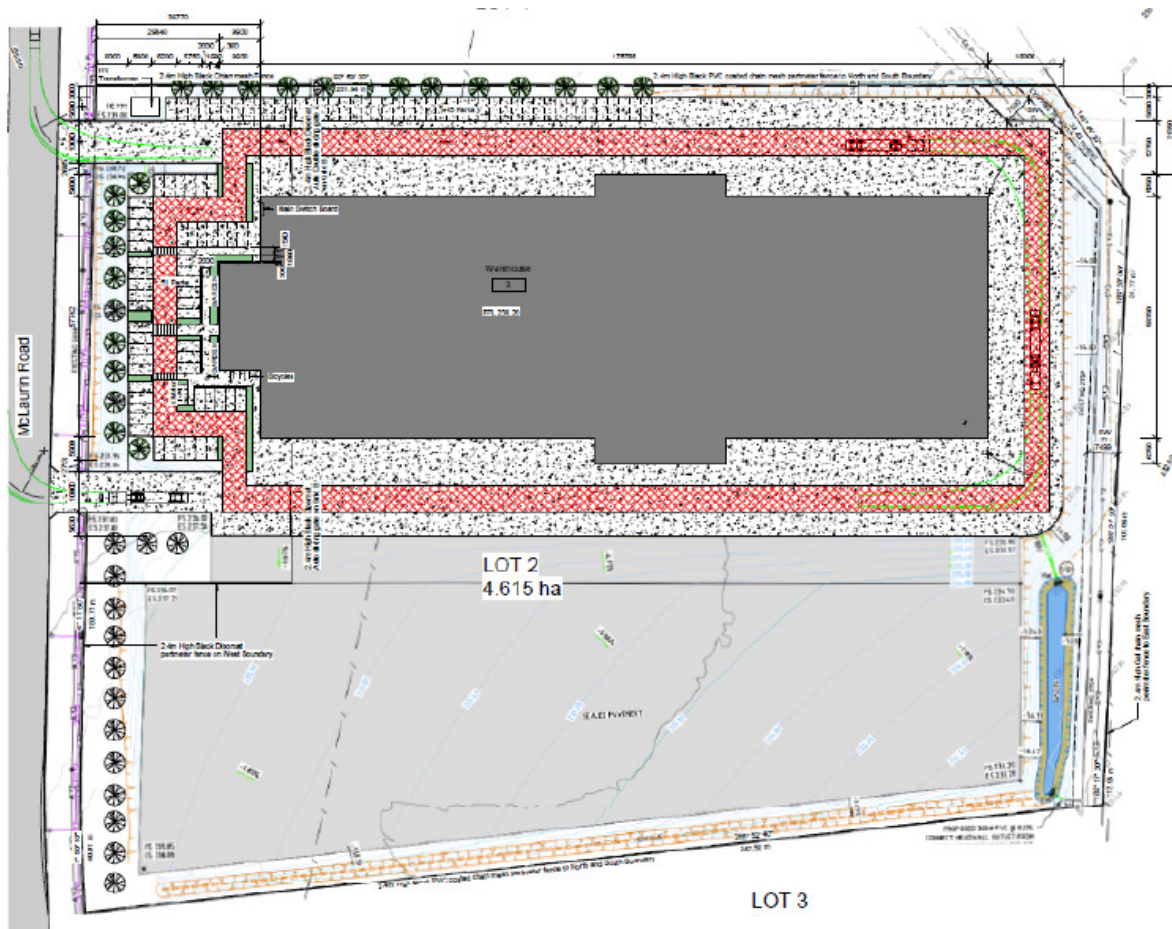
The application seeks consent for the development of the land for an industrial building with ancillary offices, a hardstand area, and associated earthworks. The development is proposed to be located within the northern section of the property (Figure 3) with the southern section to comprise a hard stand sealed area separated from the southern boundary by a stormwater bioretention swale. This area will be used for unloading and outdoor storage.

The building is proposed to be setback 30m from McLaurin Rd frontage, 21.35m from the northern (side) boundary, 18m from the eastern (rear) boundary and approx. 93m from the southern (side) boundary. Features of the proposal include:

- Industrial Building – 10,045m<sup>2</sup>
- Office & amenities – 705m<sup>2</sup> The industrial building will include three ancillary office breakout, storage and staff amenities areas on the western, northern and southern elevations.
  - The front office (west elevation) will feature 7 x office spaces, reception area, board room, and staff amenities.
  - The office attached to the northern wall will consist of 2 x office spaces, 2 x storerooms, and staff amenities.
  - The office attached to the southern wall will consist of a compressor room, an office, a foreman room, and staff amenities.



- Vehicle parking – 95 car spaces (including 4 accessible spaces), 4 motorcycle spaces & 10 bicycle spaces
- Building height – 12.5m approximately
- Access – 2 X industrial 10m wide crossovers to McLaurin Road. Site entry will be from the northern crossover while exit is to be via the southern point.
- Landscaping & fencing – as per plans at Attachment D
- Signage – Future sign proposed to be non-illuminated flush wall sign 14m wide X 2.8m high
- Earthworks – Balance of cut and fill is proposed across the site to provide a level site. Landscaped battered slopes will also be utilised around the perimeter in order to provide for site stabilisation.
- Stormwater management – A stormwater detention basin is proposed to be constructed in the bottom south-east corner of the site (Attachment I). In addition, 2 X 22,500L water tanks to be situated external to the north of the building will capture roof runoff. A swale to the south of the property will direct water to the detention basin.
- Services – The property has access to reticulated water, sewerage, electricity, drainage, telecommunications, and gas with adequate spare capacity to accommodate the proposed development.



**Figure 3. Development Layout**

## 4. STATUTORY CONSIDERATIONS

- **Section 4.14 Consultation and development consent – Certain bush fire prone land**

The property is identified as subject to Bush Fire Risk on Council's Bush Fire Prone Land Map (BFPLM) being partly affected by an area along the eastern boundary that is identified as 'Vegetation Buffer'.

**COMMENT:** A Bushfire Safety Authority from NSW Rural Fire Service is not required in relation to the proposed development. That is, as provided within Section 100B of the Rural Fires Act 1997, the proposal is not related to development of bush fire prone land for a special fire protection purpose.

- **Section 4.15 Evaluation**

Section 4.15(1) of the Environmental Planning and Assessment Act 1979 (the "EP&A Act") outlines the matters which the consent authority must take into consideration when determining a development application, namely:

***(1) Matters for consideration - general***

- (a) the provisions of:*
  - (i) any environmental planning instrument, and*
  - (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 Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) any development control plan, and*
  - (iiia) 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*
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
  - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),*  
*that apply to the land to which the development application relates,*
- (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,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

**COMMENT:** Assessment of the development proposal has been undertaken in respect to relevant considerations arising from Section 4.15 of the EP&A Act as follows:

### **4.1 Cl.4.15(1)(a)(i) - Environmental Planning Instruments**

#### **4.1.1 State Environmental Planning Policies**

The following State Environmental Planning Policies ("SEPP's") have been considered in respect of this application:

- State Environmental Planning Policy (Planning Systems) 2021



- State Environmental Planning Policy (Transport & Infrastructure) 2021
- State Environmental Planning Policy (Resilience & Hazards) 2021
- State Environmental Planning Policy (Sustainable Buildings) 2022

A summary of the key matters for consideration arising from these SEPP's are outlined in following Table. A more detail consideration of each policy is provided further below.

POLICY	MATTERS FOR CONSIDERATION	COMMENT
SEPP – Planning Systems	Clause 2.19 declares that development specified in Schedule 6 is regionally significant development for the purposes of the Act. Pursuant to Clause 3 of Schedule 6 regionally significant development includes Council related development where the development has an estimated development cost of more than \$5 million if — <i>(b) the council is the owner of any land on which the development is to be carried out,</i>	Complies
SEPP – Transport & Infrastructure	Chapter 2 of this particular SEPP seeks to provide for a planning system to facilitate the delivery of infrastructure and services. The policy identifies environmental assessment categories for types of infrastructure, matters to consider when assessing development adjacent to infrastructure and provides for consultation with relevant public authorities. There are several Clauses under the SEPP that trigger referral and concurrence matters.	Complies
SEPP – Resilience & Hazards	Chapter 4 of this particular SEPP sets out considerations relating to land contamination across the state. The intention of the SEPP is to establish 'best practice' guidelines for managing land contamination through the planning and development control process.  The SEPP requires the consent authority to consider whether the subject land is contaminated when determining a development application. If the land is contaminated, the consent authority must be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.	Complies
SEPP – Sustainable Buildings	Among other things this SEPP aims to encourage the design and delivery of sustainable buildings. Chapter 3 of the SEPP applies to non-residential development including a new building if the development has an estimated development cost of \$5 million or more.	Complies

#### ○ **SEPP – Planning Systems**

**COMMENT:** This SEPP aims to identify development that is state or regionally significant and to confer functions on the relevant Regional Planning Panel to determine certain development applications. Clause 2.19(1) of the SEPP-PS refers to certain development applications which are considered to be regionally significant development. Schedule 6 of the SEPP subsequently identifies the thresholds for which an application is regionally significant.

The proposed development is related to development with a capital investment value of more than \$5 million to be undertaken on Council owned land. Therefore, the proposal qualifies as regionally significant development as provided for by Clause 3(b) of Schedule 6 and the Panel is therefore the consent authority for this application.

#### ○ **SEPP – Transport & Infrastructure**

**COMMENT:** The development does not:

- exceed thresholds for referral to the relevant electricity supply authority under Clause 2.48.
- front a classified road, and consequently does not require referral to TfNSW under Clause 2.118; and
- is not classified as traffic-generating development.

As a consequence, no external referral under relevant SEPP provisions was required in this instance.

#### ○ **SEPP (Resilience & Hazards) 2021**

**COMMENT:** Consideration of the land at the time of assessment of DA36877 for subdivision of the industrial lots within the NEXUS precinct concluded that:

- No indicators of widespread contamination were observed during the site inspection; and
- Historical land uses were considered unlikely to have resulted in site contamination.

In addition, a more recent analysis, (*Technical Report – Soils Geology and Contamination* was prepared by ERM Australi, dated 20 September 2023) notes among other things that the subject land is not located within an identified area of potential contamination.

Research of Council's records does not indicate that the site has been identified as contaminated owing to previous land uses.

On the basis of the above, it is considered that the site is suitable for use for industrial development.

#### ○ **SEPP (Sustainable Buildings) 2022**

**COMMENT:** The application involves a development of a new building in excess of \$5 million on land within the SP4 Enterprise Zone. The proposal has been accompanied

by an Embodied Energy Report (see Attachment H) which indicates that the development is capable of achieving a standard specified in Schedule 3.

#### **4.1.2 Albury Local Environmental Plan 2010**

##### **Part 1: Preliminary**

###### **○ Clause 1.9A Suspension of covenants, agreements and instruments**

ALEP 2010 provides at Part 1.9A as follows:

*(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.*

*(2) This clause does not apply—*

*(a) to a covenant imposed by the Council or that the Council requires to be imposed, or*

**COMMENT:** The subject land is affected by two Council imposed 88B ‘restriction on use of land’ (ie DP1252889 & DP1276039) with matters relating to water supply, wastewater and stormwater capture, re-use and treatment and the retention of suitable trees. These requirements are to be adhered to in conjunction with any Development Consent conditions.

##### **Part 2 - Permitted or prohibited development**

###### **○ Clause 2.1 – Landuse Zones**

**COMMENT:** The subject land is zoned SP4 Enterprise Zone, under the provisions of the Albury LEP 2010 (“the ALEP”)

###### **○ Clause 2.3 – Zone Objectives and Land Use Table**

**COMMENT:** Relevant objectives of the SP4 Zone include:

- *To provide for development and land uses that support enterprise and productivity.*
- *To effectively manage land uses of varying intensities or environmental sensitivities, and to minimise the risk of conflict associated with incompatible land uses.*
- *To facilitate industries that contribute to and benefit from being close to major freight transport networks.*
- *To protect and enhance the unique qualities and character of the Albury Regional Jobs Precinct.*

It is noted that the Statement of Environmental Effects (SEE) describes the proposed development as being related to a “*general industry*”. The SEE notes that the development “*will support a local business, that in-turn will support the manufacturing of steel products for the region. The steel products will be used for residential, commercial, community, and industrial development projects.*”

Within the land use table, it is to be noted that the use of land within the SP4 zone for the purposes of general industry is not a use specified within Section 4 – Prohibited and consequently falls under Section 3 – Permitted with consent.

In respect of Zone objectives, it is considered that the proposed development is generally consistent with relevant objectives, in that: -

- the proposal is directly related to industrial use that will contribute to overall productivity within the Albury LGA.
- the proposal relates to additional industrial floor space within the Albury Regional Job Precinct being an area well suited to large floorplate industrial uses.
- the subject land is located within a precinct that provides opportunity for a large industrial building such as that proposed, to leverage existing transport and logistics infrastructure.
- the proposal is consistent with intended outcomes as expressed within the Masterplan including supporting a wide range of land uses that build upon the proximity to the Ettamogah Rail Hub and regional road network.
- the development represents another significant investment in NEXUS.

In this regard it is considered that there are no matters raised in respect of the proposal that could be considered to be inconsistent with the zone provisions of the ALEP.

### **Part 3 - Exempt or complying development**

**COMMENT:** The proposed development does not satisfy the required provisions to be defined as Exempt and/or Complying Development, and therefore development consent has been sought.

### **Part 4 - Principal development standards**

**COMMENT:** No Principal Development Standards are applicable to the proposed development.

### **Part 5 - Miscellaneous provisions**

#### **○ Clause 5.21 – Flood Planning**

Clause 5.21(2) provides:

*Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—*

*(a) is compatible with the flood function and behaviour on the land, and*

*(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*

*(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*

*(d) incorporates appropriate measures to manage risk to life in the event of a flood, and*

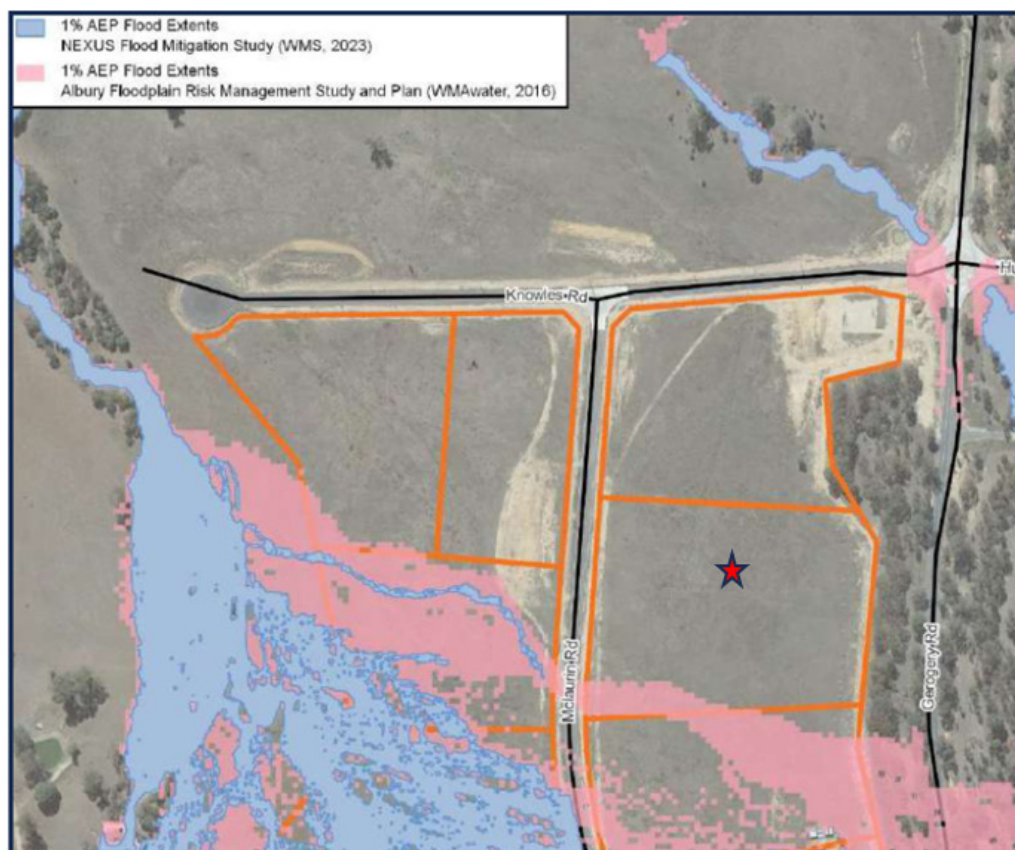
*(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

**COMMENT:** The subject land is located within the Eight Mile Creek catchment. From review of Council's online mapping portal, it is noted that the subject land has been mapped as being partly impacted by low hazard mainstream flooding as identified in the Albury Floodplain Risk Management Study and Plan (2016).

A more recent analysis Nexus Flood Mitigation Study (March 2023) prepared by WMS Engineering concludes however that current modelling shows that the subject land is actually located outside the area of 1% & 5% AEP Flood event (Figure 4). The report notes:

*"In-depth investigation of the specific causes of discrepancies was not part of the scope of the current study, as there are various factors that can affect hydraulic modelling results. Some of these factors include hydrologic model parameters and outcomes (refer previous section) and hydraulic model parameters such as modelling software, model resolution, topographic data, adopted roughness values and spatial distribution of roughness, etc.*

*The TUFLOW model developed for the current study was based on the latest and most accurate topographic data available at the time of the study and has been reviewed and quality controlled to ensure its suitability. As such, any differences between the current and previous studies have been deemed acceptable and can be attributed to differences in modelling methodologies and inputs."*



**Figure 4: Extract of Nexus Flood Mitigation Study (2023). Subject land highlighted**

In response to the above results which indicate that the southwest corner of the NEXUS site is subject to flooding from Eight Mile Creek in the 1% and 5% AEP event, ACC decided to proceed with the investigation of potential flood mitigation options to

minimise flood risk at the site. As a consequence of this work, Council decided to raise the existing 150 m long berm located west of the NEXUS site and extending it to the southwest by approximately 35 m.

These civil works have now been completed with modelling confirming that the NEXUS site (including the subject land) is protected from the 1% and 5% AEP event.

Having regard to the above, it is concluded that appropriate conditions in respect the finished floor levels for the proposed development will be appropriate in response to modelled flood behaviour in the immediate locality.

No other Miscellaneous Provisions are applicable to the proposed development.

#### **Part 6 - Urban release areas**

**COMMENT:** Not applicable

#### **Part 7 - Additional local provisions**

**COMMENT:** The following local provisions are relevant to the proposed development:

- **Clause 7.1 – Earth Works**

**COMMENT:** Noted. Earthworks required for construction of the buildings, car park, manoeuvring areas, fencing, landscaping and laying services for the new building and structures. Erosion and sediment control will be required for this development and conditions are recommended.

- **Clause 7.6 – Essential services**

**COMMENT:** Noted. The site has satisfactory access and connection to all necessary and relevant services, including; water, sewer, electricity, stormwater drainage and suitable road access. The property is also affected by easements for sewer and water drainage purposes along the eastern boundary.

- **Clause 7.15 – Development on land in and surrounding the Albury Regional Jobs Precinct**

**COMMENT:** Noted. This clause provides that development consent must not be granted to development on land in Zone E3 Productivity Support (now the SP4 Enterprise zone) in the Precinct unless—

*(a) the consent authority has considered—*

*(i) the impact, including the impact of noise, odour and hours of operation, of nearby industrial land uses and associated activities on the development, and*

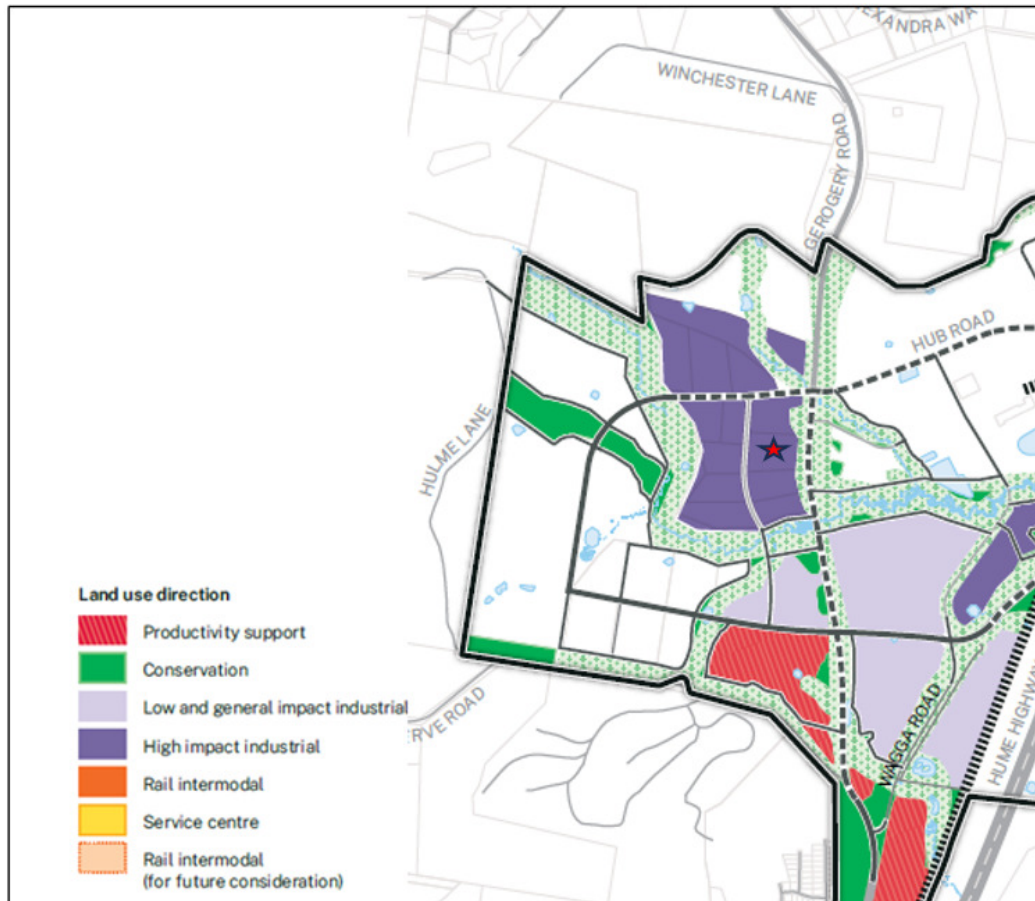
*(ii) the impact, including the impact of noise, odour and hours of operation, of the development on nearby residential accommodation, and*

*(b) the gross floor area of each business premises, office premises and specialised retail premises on land in Zone E3 Productivity Support in the Precinct does not exceed 250m<sup>2</sup>.*

Having regard to the above it is considered that the proposal will be unlikely to have an adverse impact on the functions of the zone and/or nearby residential and industrial



uses. Indeed, the subject land is identified within the Regional Jobs Precinct Structure Plan as being located in the preferred area for high impact industry where industries can locate with less potential for adverse impacts on existing and planned neighbourhoods (Figure 5).



**Figure 5: Extract of Regional Precinct Structure Plan - Nexus Stage 1  
Subject land highlighted**

#### **4.2 Section 4.15(1)(a)(ii) – Any proposed instrument**

**COMMENT:** There are a number of draft amendments to the ALEP that have been the subject of public consultation under the Act. While these draft amendments apply to land within Albury City LGA it is noted that none of these Amendments specifically change the provisions affecting the subject land. As a consequence, there are no relevant issues identified.

#### **4.3 Section 4.15(1)(a)(iii) – Any DCP**

In respect of the consideration of a Development Control Plan the EP&A Act provides at Clause 4.15(3A) as follows:

***(3A) Development control plans***

*If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority:*

(a) if those provisions set standards with respect to an aspect of the development and the development application complies with those standards—is not to require more onerous standards with respect to that aspect of the development, and

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development, and

(c) may consider those provisions only in connection with the assessment of that development application.

*In this subsection, standards include performance criteria.*

#### **4.3.1 Albury Development Control Plan 2010**

**COMMENT:** The Albury Development Control Plan 2010 (“ADCP”) applies to the proposal. Relevant considerations are provided in the following Table.

<b>DCP CHAPTER</b>	<b>COMMENT</b>
<b>Part 3 – Notification Policy</b>	<i>In accordance with the ADCP the application was publicly advertised from 11 April 2024 to 12 May 2024. No submissions were received.</i>
<b>Part 4 – Development Contributions</b>	<p><i>Noted. Council’s Infrastructure Contributions Plan 2014 applies to the proposed development and incurs the following contributions:</i></p> <ul style="list-style-type: none"> <li><i>• Section 7.11 – Albury Industrial Hub N/A. [NOTE: Contributions are paid at subdivision stage at Albury Industrial Hub and are based on Ha (i.e. paid once).]</i></li> <li><i>• Section 64 – Water and Sewer [NOTE: s.64 calculations consistent with the NSW Water Directorate are applicable and this should be appropriately conditioned in the event that a development consent is issued.</i></li> </ul>
<b>Part 6 – Planning for Hazards</b>	<p><i>Part 6.2 of the ADCP 2010 deals with flood liable land. It contains non-statutory provisions to guide development within the LGA. The main tool to determine flood affectation is the flood referral area mapping. It is to be noted that development in these areas may be subject to a minimum floor level to Australian Height Datum.</i></p> <p><i>The flood referral map consists of properties in an area based on a flood at the 1% AEP flood. It was created when less of the LGA’s catchments had been modelled and hence does not extend to the upper reaches of the local catchments, including the subject land.</i></p> <p><i>[NOTE: Notwithstanding the above, taking into account the recent analysis undertaken by WMS Engineering (Nexus Flood Mitigation Study – March 2023) it is considered that the proposed development complies with the relevant objectives and requirements of Part 6 of the ADCP.]</i></p>

DCP CHAPTER	COMMENT
<b>Part 12: Development in the Industrial Zones</b>	<i>Although the zone of the subject land was recently altered via SEPP Amendment (Albury Regional Jobs Precinct) 2023 from the E3 Productivity Support Zone (formerly the IN1 General Industrial Zone) to SP4 – Enterprise Zone it is to be noted that this part of the ADCP makes reference to Appendix K – Albury Industrial Hub Master Plan. In this regard an assessment against relevant Design Principles as outlined in Appendix K is separately provided below.</i>
<b>Part 14: Development in the Special Purpose Zones</b>	<p><i>This part of the ADCP applies only to the SP 1 – Special Activities Zone and SP2 – Infrastructure Zone.</i></p> <p><i>Where Council consent is required, any development located in a relevant SP Zone will be assessed according to the zone objectives and relevant provisions of the LEP, the Environmental Planning and Assessment Act, (including provisions of Section 4.15) and any other relevant objectives and controls in this Part or any other Part of this DCP.</i></p> <p><i>[NOTE: Although related to land zoned SP4 – Enterprise Zone this independent assessment seeks to address all relevant matters as noted above. In this regard there are no issues are raised that would otherwise preclude a favourable determination subject to appropriate conditions of consent.]</i></p>
<b>Part 16: Outdoor Advertising</b>	<p><i>Among other things the ADCP identifies the following design principles:</i></p> <ul style="list-style-type: none"> <li><i>• Advertisements and signage are to provide a clear, well communicated, uncluttered, organised level of identification to businesses and other facilities.</i></li> <li><i>• Generally one or a few, clear, suitably sized advertisements and signage on a property are preferred rather than a multitude of small signs.</i></li> </ul> <p><i>In respect of the proposed flush wall sign the DCP provides that this sign will not require development consent if it satisfies the conditions outlined in Table 16.1 namely:</i></p> <ul style="list-style-type: none"> <li><i>• Must be attached to the wall of a building (other than the transom of a doorway or display window)</i></li> <li><i>• Must not cover more than 50% of the wall surface</i></li> <li><i>• The upper and lower 1 metre of the wall must be free of signage</i></li> <li><i>• Maximum number in rural, business, industrial and recreational zones – 2 per lot</i></li> <li><i>• Must not extend laterally beyond the wall to which it is attached.</i></li> </ul>
<b>Part 17 – Off Street Car Parking</b>	<p><i>Objectives of Part 17 of the ADCP include:</i></p> <ol style="list-style-type: none"> <li><i>1. To ensure that the provision of parking is appropriate for the proposed use or development of the land.</i></li> </ol>

DCP CHAPTER	COMMENT
	<p>2. To protect amenity, enhance streetscapes and provide shade.</p> <p>3. To maintain traffic flow efficiency, improve safety and protect the environment.</p> <p>4. To ensure convenient and safe provision of off street car parking for disadvantaged persons.</p> <p>5. To allocate adequate bicycle and motorcycle standing areas.</p> <p>6. To ensure convenient and safe space is provided for loading and unloading of goods.</p> <p>Relevant controls include a requirement that car parking spaces are to be provided in accordance with the standards set out in Table 17.1.</p> <p><b>Car Parking</b></p> <ul style="list-style-type: none"> <li>• Industry (including light industry) = 1 space / 80 m<sup>2</sup> GFA</li> <li>• Office component = 1 space / 40 m<sup>2</sup> GFA</li> <li>• Accessible (disabled) parking = At least 1 space and additional 1 space per 33 spaces or part thereof.</li> <li>• Visitor parking (Refer Table 12.1) = minimum 1 space, 1 space / 500 m<sup>2</sup> (max 5 spaces)</li> </ul> <p><b>Bicycle and motorcycle parking:</b></p> <ul style="list-style-type: none"> <li>• Bicycle rack space = 1 / 10 carparking spaces</li> <li>• Motorcycle space = 1 / 30 carparking spaces.</li> </ul> <p><b>TOTAL CODE REQUIRED:</b></p> <ul style="list-style-type: none"> <li>• Factory @ 1/80 m<sup>2</sup> GFA = 10,045m<sup>2</sup> / 80 = 125.56 spaces</li> <li>• Office @ 1/40 m<sup>2</sup> GFA = 705m<sup>2</sup> / 40 = 17.6 spaces</li> <li>• Visitors = 5 spaces max</li> </ul> <p><b>= Car spaces (rounded down)= 148 spaces</b></p> <ul style="list-style-type: none"> <li>• Accessible Spaces (capped @ 5 spaces) = 1 space + 148 / 33 = 5.4 spaces = 5 spaces</li> <li>• Bicycle rack space = 148 / 10 = 14 x racked spaces</li> <li>• Motorcycle space = 149 / 30 = 4 x spaces.</li> </ul> <p><b>PROPOSED</b></p> <ul style="list-style-type: none"> <li>• 95 Car spaces. (including 4 accessible spaces)</li> <li>• 10 bicycle rack spaces</li> <li>• 4 motorcycle parking spaces</li> </ul> <p><b>COMMENT:</b> The applicant has sought a reduction in the Code required car parking number with the proposal including provision for 95 car parking spaces only. This is essentially based on the proposition that there will be only</p>

DCP CHAPTER	COMMENT
	<p><i>around 50 staff on site per shift and minimal visitation to the site.</i></p> <p><i>In this instance the proposed deviation from Part 17 is considered appropriate, given that the number of Code required car spaces significantly exceeds expected staff demand. The provision of 95 spaces is considered more than adequate to not only cater for staff but also additional demand for visitor / non-employee parking.</i></p> <p><i>Given this situation, the revised requirement of accessible car spaces would mean a requirement for 4 spaces (ie 1 space + <math>95 / 33 = 3.8 = 4</math> spaces).</i></p> <p><i>Further to the above a reduction in Code spaces is also justified given the circumstance that where there is an inconsistency between ADCP Appendix K - Albury Industrial Hub Masterplan (refer to discussion below) and any other Part or Section of the ADCP, the requirements of Appendix K prevail to the extent of the inconsistency.</i></p> <p><i>All proposed parking and manoeuvring areas are considered functional and appropriately designed to serve the proposed development. If need be, overflow parking can also be readily available along both the northern and southern sides of the proposed building.</i></p> <p><i>The parking provision associated with the development proposal (including informal overflow parking if required) will also not preclude possible further development on the southern section of the subject land in the future at which time the car parking rate can be re-assessed. Furthermore, large swathes of unnecessary/underutilised bitumen sealed car parking can be considered to be contrary to the additional sustainability, environmental and stormwater controls as per the controls contained within the Albury Industrial Hub Masterplan.</i></p> <p><i>In respect of motorcycle parking it is recommended that dedicated parking as required be conditioned to be provided in convenient proximity of the building entry.</i></p> <p><i>Lastly in respect of bicycle parking it is recommended that end of trip facilities including lockers &amp; showers and bicycle parking of both security levels A and B (as per AS2890.3 – 2015 Parking Facilities Bicycle Parking) be provided so as to encourage active transport.</i></p> <p><i>Clause 17.3.4 Off Street Loading Facilities includes the following relevant Controls.</i></p> <ul style="list-style-type: none"> <li><i>i. Adequate provision is to be made within the site area for loading, unloading and access area facilities.</i></li> <li><i>v. Provision should be made in the design of loading bays so that delivery vehicles do not conflict with customer traffic. These areas should be in a physically defined location that</i></li> </ul>

DCP CHAPTER	COMMENT
	<p><i>is not used for other purposes such as the storage of goods and equipment.</i></p> <p><i>This aspect of Part 17 complies. The unloading area will be separately defined and will be clear of the area of outdoor storage along the southern side of the building.</i></p>

#### 4.3.2 ADCP - Appendix K – Albury Industrial Hub Masterplan

**COMMENT:** The ADCP provides that development within the Albury Industrial Hub Master Plan area shall be undertaken in accordance with any relevant additional site-specific controls listed in Appendix K.

Where there is an inconsistency between Appendix K and any other Part or Section of the ADCP, the requirements of the Albury Industrial Hub Masterplan shall prevail to the extent of the inconsistency.

In response the following assessment against relevant Design Principles is provided below in the following Table.

DESIGN PRINCIPLES	COMMENTS
Site Coverage	<p><i>Complies. The proposal readily satisfies the relevant Site Coverage objectives in terms of ensuring adequate area is available for landscaping, vehicle manoeuvring, building setbacks and service provision. The overall building being 10,750m<sup>2</sup> satisfies the maximum site coverage restriction of 65% as well as the minimum requirement of 20% (ie 10,750m<sup>2</sup> / 41,650m<sup>2</sup> = 25.8% approximately).</i></p> <p><i>Having said that, the Masterplan is not specific in limiting this design principle just to building GFA. In this context, if the immediate hard stand area surrounding the building including carparking, loading &amp; manoeuvring area adjacent the development footprint will be in excess of 35%.</i></p> <p><i>Further to the above, the proposed building is a large building on a very large lot. While the intent of Nexus (Albury Industrial Hub) is to provide opportunities for large scale industrial development and underdevelopment of lots is generally discouraged, in this instance the building has been positioned to allow future expansion/development on the lot</i></p> <p><i>As a consequence, it is considered that this current proposal is readily justifiable in the circumstance.</i></p>
Building Height and Built Form	<p><i>Complies. The proposal is consistent with the Design Objectives to ensure that buildings are of architectural merit, diversity, scale and high-quality built form.</i></p>



	<i>Building height will be less than 20m. The built form is consistent with the overall intention of the Industrial Hub to accommodate robust and contemporary architectural form within a high-quality landscape setting.</i>
Access, Movement and Car Parking	<p><i>Complies. Truck and car movements will be sufficiently separated. All vehicles will be able to enter and leave the site in a forward direction.</i></p> <p><i>In terms of carparking the Masterplan principle is to ensure that that on-site car parking is adequate, safe and convenient. The relevant design principle is to ensure sufficient car parking is provided to satisfy the likely peak parking demands of the development.</i></p> <p><i>It is noted that this approach adopted by the Masterplan presents as an inconsistency with the DCP Code numerical requirement for car spaces to be provided based on GFA (ie 137 spaces + 5 visitors spaces).</i></p> <p><i>In response it is noted that the proposal includes 95 car parking spaces, based on expected demand. That is, factoring in shift work as well as expected minimal visitation to the site, the provision of 95 spaces (inclusive of 4 accessible spaces) is seen as being more than sufficient to satisfy peak parking demands of the development, which are anticipated at shift changes.</i></p> <p><i>Council's Traffic and Transport Officer raises no specific objections with this approach adding that as an offset good quality end of trip facilities for employees should be provided. These should include as a minimum; lockers and change room facilities, and secure bike parking of both security levels A and B as per AS2890.3 – 2015 Parking Facilities Bicycle Parking.</i></p>
Sustainable Building Design	<p><i>Complies. The development proposal has been supported by a NABERS commitment agreement certified 23 October 2023.</i></p> <p><i>The design also incorporates stormwater management (see Attachment I) to provide appropriate treatment of stormwater from hardstand, driveway, and car parking areas prior to discharge from the site, in accordance with Albury Council engineering requirements and in accordance with Section 88B restrictions on use as previously noted.</i></p>
Sustainable Building Materials	<i>Complies. The development proposal has been supported by a NABERS commitment agreement certified 23 October</i>

	<i>2023. Sustainable building materials will be utilised wherever possible.</i>
Design Requirements	<i>Complies. The building will address the road frontage with a building form, materials and finishes that will add visual interest to the area. The articulated faced and landscape elements will result in an expected outcome where the development can be regarded as being both functional and relatively attractive.</i>
Landscape Design	<i>Complies. As previously noted, landscaping areas are identified on the plans (Attachment D). Detailed landscape design will be subject to further detailed design and provided by condition.</i>
Site Topography and Management of Level Change	<p><i>Complies. Balance of cut and fill is proposed across the site to provide a level site. Landscaped battered slopes will also be utilised around the perimeter in order to provide for site stabilisation. A section of retaining wall is proposed within the north eastern corner of the site. This wall will be built from interlocking blocks and step down from 1.8m to 600mm as noted on submitted engineering plans.</i></p> <p><i>The proposed building platform will be well away from boundaries and will not impact adjoining properties, conservation areas or road reserves.</i></p>
Stormwater Management	<i>Complies. The application has been accompanied by a Stormwater Management Plan (Attachment I) demonstrating compliance with Council engineering requirements including relevant Section 88B restrictions.</i>
Noise & Vibration	<i>Noted. It is anticipated that noise and vibration will be appropriately managed in accordance with relevant requirements.</i>
Odour	<i>Noted. There are no anticipated issues associated with odour.</i>
Risk and Hazard	<i>Noted. It is expected that the development will comply with Australian/NSW safe work standards.</i>

#### **4.3.3 Albury Regional Job Precinct Master Plan (August 2023)**

Further to the above it is noted that the Albury Regional Job Precinct Master Plan (August 2023) has now been finalised and published by the Department of Planning and Environment. As a future strategic planning outcome the new Masterplan will inform the preparation of site-specific Albury precinct development controls for

inclusion within the ADCP. The Structure Plan embedded within the site-specific DCP will apply to the entire Albury precinct and will among other things:

- identify the vision, aspirations, principles and intended character for the Albury precinct
- establish the aims and performance criteria at a precinct scale for amenity, sustainability and environmental performance
- identify development objectives and controls, assessment criteria and processes
- provide guidance and strategies for:
  - environmental protection including odour, noise and air quality
  - protection for biodiversity, heritage constraints and protections, flooding, bushfire and sensitive receivers
  - Aboriginal cultural heritage

**COMMENT:** Although not a statutory document at this stage the Masterplan 2023 has been duly considered in the context of this Assessment Report and there are no conflicts or issues raised in respect of the proposed development of No.21 McLaurin Road, Ettamogah.

#### **4.4 Section 4.15(1)(a)(iiia) – Any planning agreement or draft planning agreement**

**COMMENT.** No existing or draft planning agreement relates to the site. It is recommended however that an agreement be entered into in respect of the provision of future car parking in the vicinity of the proposed development.

#### **4.5 Section 4.15(1)(a)(iv) – Any matters prescribed by the Regulations**

**COMMENT:** There are no matters prescribed by the Regulations applicable to this development.

#### **4.6 Section 4.15(1)(a)(v) – Any coastal zone management plan**

**COMMENT.** Not Applicable.

#### **4.7 Section 4.15(1)(b) – Any likely impacts of that development**

**COMMENT:** It is anticipated that the proposed development will not have any likely long term or permanent negative impact on the general locality particularly taking into account the proposed works methodology to be carried out in an area that is already developed and use for community, function and entertainment purposes.

Further to matters already addressed additional comments are provided for consideration in the following table.

Impact Assessment					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
Context & Setting	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Large format industrial development within the Albury Regional Job Precinct. This is a locality specifically identified to facilitate development such as that proposed, to leverage existing transport and logistics infrastructure. The proposal will be suitably fitting in scale, design, function and context.
Streetscape	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Development appropriately addresses existing and likely future streetscape, providing landscaping and façade treatment using colours and different materials, style and presentation.
Traffic, access and parking	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	<p>Sufficient access and manoeuvring space provided. Car parking provision satisfactory for the proposed use as discussed in the body of the report.</p> <p>Five accessible car spaces are to be required. In respect of bicycle access, it is recommended that end of trip facilities including lockers &amp; showers and bicycle parking of both security levels A and B (as per AS2890.3 – 2015 Parking Facilities Bicycle Parking) be provided.</p> <p>Motorcycle parking as required should also be conditioned to be provided in convenient proximity of the building entry.</p>
Public Domain	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate development with NEXUS. No issues raised in terms of the Public / Private interface.
Utilities	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	No impacts identified. Appropriate conditions included.
Environmental Heritage	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A. No adverse impact on Schedule 5 environmental heritage items.
Aboriginal Cultural Heritage	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	No known items of aboriginal cultural significance identified on the subject land. Normal contingency requirements would require any work to cease if any cultural heritage was uncovered during earthworks.

Impact Assessment					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
Other land Resources	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No adverse impacts identified.
Water Quality & Stormwater	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate conditions recommended.
Soils, soil erosion	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	Appropriate condition recommended to mitigate against potential erosion and/or sediment transfer during construction. All works to observe appropriate Soil and Water Management practices in accordance with Council's guidelines.
Air and microclimate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	No impacts identified.
Flora and Fauna	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	No impacts identified
Biodiversity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	The proposed works will not impact on the habitat of any threatened or vulnerable species to the extent that it will have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction.
Waste	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	Sorting and removal of all building material waste to approved locations. All waste generated during construction operations, including general office and food wastes, will also require to be appropriately disposed of including recycling where possible.
Sustainability	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	Preliminary modelling has been undertaken to assess the building design for thermal, daylighting and energy performance.
Energy	<input type="checkbox"/>	X	<input type="checkbox"/>	X	Appropriate condition to ensure that the commitments listed in the NABERS agreement certified 23 October 2023 are complied with and maintained.
Noise & vibration	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	No issue raised.
Hours of operation	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed operations to be 24 hours/day; 7 days/week.
Natural hazards - Flooding	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	On the basis of recent flood analysis and s well as civivle works undertaken by Council in

Impact Assessment					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
- Bushfire Prone Area Map					respect of levee improvements to the west of the EXUS Site, it is considered that a condition in respect of a finished floor level will be appropriate. No issues raised in respect of Bushfire risk
Technological Hazards	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	No impacts identified
Safety, security and crime prevention	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minimal security risk. Appropriate fencing and a secure building suitably designed to be closed and locked. Proposed development also does not present security risk to surrounding areas. The application was referred to NSW Police Force with no response received to date.
Social & economic impacts in locality	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Positive outcome. The proposal will generate additional jobs in a strategically located precinct that is well separated from sensitive uses. Apart from the significant shorter-term investment in major building works within the Albury Regional Jobs Precinct, there will be ongoing longer term positive economic impacts on the local and wider community.
Overlooking - overshadowing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	No impacts identified
Landscaping	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory. A Landscape Development Plan prepared has been submitted in support of the application (Attachment D). Appropriate conditions recommended regarding establishment and ongoing maintenance. Also conditions recommended for appropriate screening of any outdoor storage area.
Construction	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	Satisfactory. Design and construction methods to be signed off as part of the Construction Certificate process including BCA compliance.
Private open space	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	Not applicable.



Impact Assessment					
Attributes	Satisfactory	Satisfactory if conditioned	Not Satisfactory	Not Relevant	Comment
Cumulative Impacts	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Positive cumulative impact from development of strategically located vacant land within NEXUS.
Universal access	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	Compliance required with relevant legislation
Signage	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	No signage details submitted. A complying flush wall sign will not require development consent.
Setbacks, Building Envelopes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	Not applicable

#### 4.8 Section 4.15(1)(c) – The suitability of the site for the development

**COMMENT:** Given that the development relates to vacant land situated within NEXUS, it is readily concluded that the subject land is considered suitable for the proposed development.

The proposal is also satisfactory having regard to the site attributes and being generally in accordance with Council's policies and design requirements.

#### 4.9 Section 4.15(1)(d) – Any submissions made in accordance with the Act or the Regulations

**COMMENT:** No public submissions have been received to date.

#### 4.10 Section 4.15(1)(e) – The public interest

**COMMENT:** The public interest is a broad consideration relating to many issues and is not limited to the demand upon public services and infrastructure. Taking into account the full range of matters for consideration under Section 4.15C of the Act (and as discussed within this report) it is considered that approval of the application is consistent with the public interest.

## 5. REFERRALS AND SUBMISSIONS

### 5.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for concurrence / comment/ referral etc as outlined below in the following table.

AGENCY	CONCURRENCE / REFERRAL TRIGGER	COMMENTS (Issue, Resolution, Conditions)
Concurrence Requirements (s4.13 EP&A Act)		
N/A		
Consultation and development consent—certain bush fire prone land (s.4.14 EP&A Act)		
N/A		
Integrated Development (s 4.46 EP&A Act)		
N/A		
Referral/Consultation Agencies		
NSW Police	N/A – Referred for comment	No response received.

## 5.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined in the following table.

DEPARTMENT	COMMENTS (Issue, Resolution, Conditions)
Engineering	No detailed comments offered. Conditions recommended from the Engineers DA Checklist - including in relation to: <ul style="list-style-type: none"> <li>• Prior to commencement</li> <li>• Stormwater</li> <li>• Soil &amp; Water management</li> <li>• Ancillary Matters</li> </ul>
Traffic & Transport	No objections raised in respect of proposed number of car spaces to be provided. Comment provided in respect of use of the southern section of the building site for overflow parking. In respect of bicycles however the following comments have been provided. <i>“As per the SEE there will be 150 staff, end of trip facilities including showers and bicycle parking of both security levels A and B (as per AS2890.3 see screenshot below page) to encourage active transport should be included in the proposal. The MasterPlan outlines that active transport should be supported.”</i>
Plumbing	Plumbing approval is to be obtained prior to commencement of work.
Water & Wastewater	Sewer & Trade Waste conditions recommended.
Building	Conditions recommended.

**COMMENT:** There are no outstanding issues raised by Council officers.

### **5.3 Community Consultation**

The proposal was notified in accordance with the ADCP Notification Plan from 11 April 2024 to 12 May 2024. The notification included the following:

- Notification letters sent to adjoining and adjacent properties with assessment material; and
- Public Notice in the Border Mail
- Assessment material placed upon Council's website;

**COMMENT:** Council received no submissions to the proposal.

## **6. CONCLUSIONS**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report.

Following a thorough assessment of the relevant planning controls and the key issues identified in this report, it is considered that the application can be supported.

As a result of the detailed assessment above, Council is satisfied that that the proposal meets the intent of the provisions of the applicable EPI's and will result in a positive development outcome in terms of social, environmental and economic impacts.

It is considered that the relevant matters for consideration have been appropriately addressed and the activity can be undertaken appropriately subject to the attached recommended draft conditions.

## **7. RECOMMENDATION**

That the Development Application [DA.10.2024.40751.1 for Construction of an Industrial Building, Associated Offices, Car Parking & Landscaping, Earthworks and Civil Works located at 21 McLaurin Road, Ettamogah be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to this report.

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: Statement of Environmental Effects (Revision 2 – July 2024)
- Attachment C: Proposed Plans of Development
- Attachment D: Landscape Plan
- Attachment E: Geotechnical Report
- Attachment F: Civil Plans
- Attachment G: Feature & Level Survey
- Attachment H: Embodied Energy Emissions Report
- Attachment I: Stormwater Management Plan

# REPORT CHECKLIST

Yes

## Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

## Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?

Yes

*e.g. Clause 4.6 of SEPP Resilience & Hazards, Clause 4.6(4) of the relevant LEP*

## Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?

Not applicable

## Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

Not applicable

## Conditions

Have draft conditions been provided to the applicant for comment?

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

Yes