

<b>DATE OF DEFERRAL</b>	8 August 2024
<b>DATE OF PANEL DECISION</b>	6 August 2024
<b>DATE OF PANEL DETERMINATION BRIEFING</b>	31 July 2024
<b>PANEL MEMBERS</b>	Chris Wilson (Chair), Juliet Grant, Grant Christmas
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	The Chair considered that there was a reasonably perceived conflict of interest for Council appointed Panel members Clr Glachan and Clr Hurley who are current serving Councillors on the Albury City Council. Albury City Council is the registered owner of the site and has a commercial interest in the land the subject of the development application and therefore any approval that might be forthcoming.

Determination briefing held by videoconference on 31 July 2024.

Papers circulated electronically on 25 July 2024.

#### **MATTER DEFERRED**

PPSSTH-349 – ALBURY – DA10.2024.40751.1 at 21 McLaurin Road, Ettamogah – Construction of an Industrial Building, Associated Offices, Car Parking & Landscaping, Earthworks and Civil Works. (as described in Schedule 1).

#### **REASONS FOR DEFERRAL**

The Panel believed there was insufficient information and consideration of impacts provided in the assessment report to enable it to carry out its decision-making functions under Section 4.16 of the *Environmental Planning and Assessment Act, 1979*. Specifically, it was unclear what was proposed within the industrial complex. This made it difficult to fully understand what the associated impacts might be, and whether they would be acceptable. Whilst recognising that the proposal is likely to have merit, and that strategic background studies had been undertaken in establishing the Hub, the Panel is required to consider the impacts associated with the development proposal in making its decision in accordance with the Act.

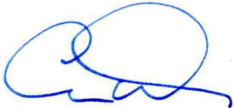


Consequently, the Panel agreed to defer the determination of the matter until the required information is provided by the applicant and an addendum to the assessment report completed by Council's consultant assessment planner. The additional information required comprises:

- An expanded explanation regarding the use and operation of the proposed building (including delivery arrangements and location, the management of lighting, car parking, delivery hours, hours of operation etc)
- Indicative drawings of the proposed process undertaken within the building (flow diagram).
- Having regard to the operational aspects of the proposal above, a qualitative assessment of potential traffic, noise and process water (if any) impacts. Where relevant, the response should reference any strategic impact analysis undertaken in support of the Hub.
- Consideration of end of trip facilities.
- Details of the proposed capture, harvesting and re-use of stormwater.
- A revised instrument of consent if applicable.

The Panel expects the revised information as referred to above be submitted to Council within two (2) weeks from the date of this deferral record. Council is requested to update its assessment within two (2) weeks of the receipt of revised information. If revised information from the applicant is not provided within four (4) weeks, the Panel may move to determine the DA based on the information currently at hand.

When this information has been received, the Panel may hold another briefing meeting to consider the supplementary information and determine the matter electronically. This is currently scheduled for 3<sup>rd</sup> September 2024. The Panel expects an addendum assessment report from Council responding to the material and the matters raised above.

The decision to defer the matter was unanimous.

PANEL MEMBERS	
 Chris Wilson (Chair)	 Juliet Grant
 Grant Christmas	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSTH-349 – ALBURY – DA10.2024.40751.1
2	PROPOSED DEVELOPMENT	Construction of an Industrial Building, Associated Offices, Car Parking & Landscaping, Earthworks and Civil Works.
3	STREET ADDRESS	21 McLaurin Road, Ettamogah
4	APPLICANT/OWNER	Barker Group (NSW) P/L (C/- Habitat Planning) / Albury City Council
5	TYPE OF REGIONAL DEVELOPMENT	Council related development over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> <li>• Environmental planning instruments: <ul style="list-style-type: none"> <li>○ State Environmental Planning Policy (Planning Systems) 2021</li> <li>○ State Environmental Planning Policy (Transport &amp; Infrastructure) 2021</li> <li>○ State Environmental Planning Policy (Resilience &amp; Hazards) 2021</li> <li>○ State Environmental Planning Policy (Sustainable Buildings) 2022</li> <li>○ Albury Local Environmental Plan 2010 Albury Development Control Plan 2010</li> <li>○ Environmental Planning and Assessment Regulation 2021</li> </ul> </li> <li>• Draft environmental planning instruments: Nil</li> <li>• Development control plans: <ul style="list-style-type: none"> <li>○ Albury Development Control Plan 2010</li> </ul> </li> <li>• Planning agreements: Nil</li> <li>• Relevant provisions of the <i>Environmental Planning and Assessment Regulation 2021</i></li> <li>• Coastal zone management plan: Nil</li> <li>• The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>• The suitability of the site for the development</li> <li>• Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>• The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Council Assessment Report: 25 July 2024</li> <li>• Written submissions during public exhibition: 0</li> <li>• Total number of unique submissions received by way of objection: 0</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Final briefing to discuss council's recommendation: 31 July 2024 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Chris Wilson (Chair), Juliet Grant, Grant Christmas</li> <li>○ <u>Council assessment staff</u>: Rob Duncan, Matt Wilson, David Christy.</li> <li>○ <u>Council Consultant Assessment Planner</u>: Peter O'Dwyer (BioPlan)</li> <li>○ <u>Applicant representatives</u>: David Hunter (Habitat Planning), Vaughan Reddell (Aurora Project Management)</li> <li>○ <u>DPHI</u>: Amanda Moylan, Tracey Gillett</li> </ul> </li> </ul>
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the Council Assessment Report