

**COUNCIL SUPPLEMENTARY ASSESSMENT REPORT –**

SOUTHERN REGIONAL PLANNING PANEL

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| **Panel Reference** | PPSSTH-349 |
| **DA Number** | DA.10.2024.4075.1 |
| **LGA** | Albury City |
| **Proposed Development** | Construction of an Industrial Building, Associated Offices, Car Parking & Landscaping, Earthworks and Civil Works. |
| **Street Address** | 21 McLaurin Road, Ettamogah |
| **Applicant** | Barker Group (NSW) P/L (C/- Habitat Planning) |
| **Owner** | Albury City |
| **Date of DA lodgement** | 10 April 2024 |
| **Recommendation** | Approval |
| **List all documents submitted with this supplementary report for the Panel’s consideration** | * Attachment A: Habitat Letter (20 August 2024) * Attachment B: Plans (Revision C) dated 19/08/24: (Site Layout Plan; Floor Plan; Equipment Fitout Plan & Truck Movement Plan) * Attachment C: Albury Regional Job Precinct Master Plan (August 2023) * Attachment D: Revised draft consent |
| **Supplementary Report prepared by** | Bioplan Pty Ltd |
| **Supplementary Report date** | 29 August 2024 |

**1. BACKGROUND**

**1.1 Panel Briefing**

Following the Panel Briefing of Wednesday, 31 July 2024 the following next steps were identified:

*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.*

*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:*

1. *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)*
2. *Indicative drawings of the proposed process undertaken within the building (flow diagram).*
3. *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.*
4. *Consideration of end of trip facilities.*
5. *Details of the proposed capture, harvesting and re-use of stormwater.*
6. *A revised instrument of consent if applicable.*

It is anticipated that the Panel will subsequently move to final determination of this matter once a supplementary assessment report including addendum information is received addressing the above.

**2. SUPPLEMENTARY MATTERS**

The following Addendum Report seeks to address the supplementary matters raised by the Panel.

**2.1 Expanded explanation of use & development**

As previously reported, 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 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.

More specifically it is intended that the building will be occupied by a local steel manufacturer (LEED Steel) who will be relocating from an existing site in South Albury to this proposed larger premises in the newly establishing Albury NEXUS Regional Job Precinct (“NEXUS”). In summary the business involves design, manufacture, coating, packaging and distributing of various steel products. This includes a range of products such as custom designed structural steel, modular building frames, conveyors, platforms, stairs and ramping, weighbridges, pipes, industrial mixer bowls and cable dispensing racks. The business provides automated plate and beamline processing, bulk manufacturing, robotic welding and coating services.

The applicant provides the following commentary in respect of business operations:

*“The business sources steel from a range of manufacturers which is delivered as either a plate or a beam and transforms the materials into purpose-built products and structures designed to the specifications of each client and end user.*

*Raw materials, including steel/metal and associated input components are delivered to site and stored for the production and manufacture process.*

*All processing and manufacturing works will be undertaken within the building, utilising a variety of custom plant and equipment, including robotic components.”*

The business services a diverse portfolio of projects that spans across various markets and industries around the country including defence, government, mining, aquaculture and the waste management and resource recovery sector.

**2.2 Layout of proposed process**

Attached at Appendix B is a floor fit out plan that indicates the proposed arrangement of plant and equipment within the main building. The internal area of the proposed building is divided into specific work zones, namely:

1. “Processing”. This zone includes robotic welding and cutting components, along with components for rolling and cutting of steel to be utilised on manufacture of end products.
2. “Manufacturing”. This section of the building will comprise space for the manufacture of products utilising steel components in a production line format.
3. “Finishing & Packaging”. The rear of the building will be utilised for sandblasting and coating components, which will be conducted within specially design booths within the main building. Components are then fed into the packaging and outgoing lines for delivery off-site*.*

The office area at the front of the building will include area for product design and prototyping services. This includes preparing product concepts for production-ready solutions with manufacturing files created for various products ranging from small parts to complete manufacturing and assembly.

**2.3 Qualitative Assessment**

In respect of Traffic & Transport the applicant notes as follows:

*“The proposed activity sought for the site will generate movements to and from the site by way of passenger vehicles, for staff, and heavy vehicles for delivery and distribution of material. Passenger vehicles will be accommodated at the frontage of the site and enable visitors and staff to enter and exit through the office component of the building. Heavy vehicles will be directed to the rear of the site and circulate around the building in a forward direction.*

*Deliveries to the site are expected to occur throughout the day, by a combination of rigid vehicles and semi-trailers who will travel along the primary freight network into the industrial estate of NEXUS to provide raw steel product to the premises. Similar-sized trucks will also distribute the products constructed on-site to the end user, which could be located anywhere across Australia.*

*Products will be packaged onto pallets where possible, or directly onto truck or utility vehicle trays where required.*

*An average of 6 to 10 truck movements are expected to occur from the site each day, though this may vary depending on the size and scale of each project.*

*Loading and unloading will occur at designated locations across the site and at suitable docking bays within the building. Typically, trucks will load and unload along the southern and northern aprons of the building, with forklifts transporting material to and from the internal warehouse and outgoing areas. Allowance has been made for trucks to enter and exit the building for loading and unloading.”*

As previously reported the NEXUS precinct is situated adjacent to the Melbourne to Sydney rail corridor and the Hume Highway, and is approximately 10km from Albury Airport, providing excellent locational attributes. The precinct is serviced by several high order connections from the surrounding road network which has more than adequate spare capacity to service development such as that proposed.

Council’s Traffic and Transport Officer has considered the application and raises no concerns in respect of likely traffic generation. In conclusion it is considered that there are no issues raised by the development proposal which would raise any undue concern in this regard.

In respect of noise issues the applicant notes among other things as follows:

*The proposed building will enclose all manufacturing activities, meaning that noise generating activities will be located within the enclosed walls of the proposed building. Noise generating activities external to the building are mainly limited to unloading and loading activities of vehicles, which are not expected to be projected beyond the industrial estate environs given the large area of the precinct.*

*The proposal will not generate noise of a type or level that would be out of character for an industrial area. The NEXUS Industrial Precinct has significant buffer distances to sensitive receivers which are located well away from the site. The significant buffer distances are considered to minimise any potential adverse effects such as noise.*

As previously reported the anticipated impacts are considered to be readily accommodated within the NEXUS precinct. Indeed, the relocation of the business will actually result is a significant improvement in landuse management outcomes not only because of the extensive buffers available within NEXUS but also the lack of potentially conflicting landuse within close proximity of the subject land, as is the case with the existing South Albury premises. That is, the business relocating to the subject land is a known development currently operating from an industrial building located in Aitken Street, South Albury. That property adjoins land to the east and south within the Residential R3 zone and includes a shared boundary with ten (10) residential properties that front Olive Street to the east. On this basis alone the proposed development of 21 McLaurin Road, Ettamogah is considered to be a very positive outcome, particularly from an amenity perspective, with the business moving to a greenfield sit without residential neighbours.

Further to this conclusion, it is also to be noted that an objective of the NSW Regional Job Precincts (RJP) program is to provide a more streamlined planning process to drive investment and development in regional NSW. As a part of the process for facilitation of the Albury RJP (ie NEXUS), a master plan has been prepared by Ethos Urban (Attachment C) which among other things provides a structure plan for potential land uses that may be suitable for the region.

To assist in the planning process the Department of Regional NSW (DRNSW) commissioned a number of technical studies to understand the environmental impact of various development scenarios for NEXUS and to test the rigour and risk of upfront strategic environmental and planning assessment.

Relevant to consideration of matters of concern raised by the Panel are the following Strategic Impact Assessment documents:

* *Regional Job Precinct – Air, Noise and Odour Technical Report – Albury* Todoroski Air Sciences Pty Ltd (August 2023) [[1]](#footnote-1)
* I*nfrastructure Assessment – Technical Report Traffic and Transport* SMEC (September 2023) [[2]](#footnote-2)
* *Infrastructure Assessment – Hydrogeology, Water Quality and Demand Technical Report* SMEC (October 2023) [[3]](#footnote-3)

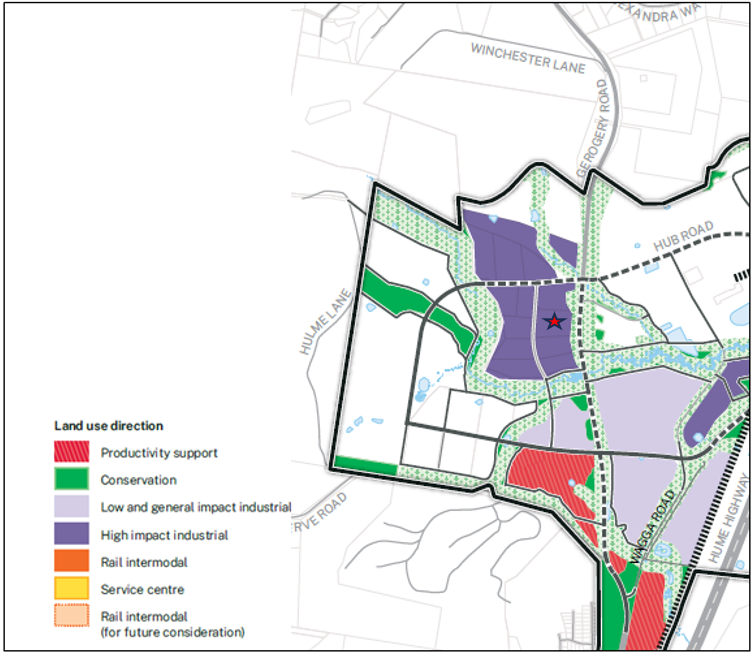
These reports provide an assessment of existing (baseline) conditions relevant to the NEXUS investigation area and consider how existing and likely future development and infrastructure supply within the vicinity of the NEXUS precinct may be impacted by the growth anticipated by the master plan. The reports all make various recommendations to coincide with the anticipated sequencing and staging of development as envisaged in the master plan.

Having regard to the above it is considered that the proposed development of 21 McLaurin Road, Ettamogah will be highly unlikely to have an adverse impact on either the functions of the relevant SP4 Enterprise Zone applicable to the land but also any residential and industrial uses in the wider Ettamogah locality. This includes residential blocks within the adjoining suburb of “Ettamogah Rise” that are located to the south-west of the NEXUS precinct and separated from the precinct boundary by a large parcel of Department of Defence owned land.

This conclusion is supported in part by the Todoroski Air Sciences report (August 2023) which notes among other observations that the NEXUS area and buffer is designed such that industries incorporating general levels of control should be able to operate within the industrial precinct without causing impacts. To this end the following comments of the applicant are also noted:

*“The building has been designed to minimise any noise transfer from internal operations to areas external to the building. Areas used for the purposes of blasting (i.e. mechanical cleaning or sand blasting) will be enclosed within specially designed booths which provide an additional layer of noise, dust and emissions insulation internal of the building.”*

As previously reported, the subject land is identified within the NEXUS 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 1).



**Figure 1: Extract of Regional Precinct Structure Plan - Nexus Stage 1**

**Subject land highlighted**

**2.4 Consideration of end of trip facilities.**

Consideration of end of trip facilities has been previously highlighted in the Assessment Report as a relevant matter. As noted by SMEC (September 2023) the location of the RJP and its employment areas are generally outside a walkable range from residential areas. As a consequence, most active travel access will be by bicycle, scooter or other micro-mobility solution. To this end, the applicant proposes to provide end of trip facilities in the front administration area, including five combined shower and change rooms.

In addition, to further encourage active transport, proposed Condition A12 requires:

*The provision of at least 10 racked bicycle parks of both security levels A and B (as per AS2890.3 – 2015 Parking Facilities Bicycle Parking).*

This will provide that apart from secure bike parking and change room facilities, that the development also make allowance in the design response for lockers.

**2.5 Stormwater.**

As previously reported the proposed development is supported by stormwater management system which has been designed in conjunction with the landscape plan to direct excess stormwater into the bioretention basin plantings, as well as the swale plantings. In addition, though 2 x 22,500L rainwater tanks, rain water will also be captured for not only on-site detention purposes but also for reuse within the building itself.

This outcome is consistent with Integrated Water Cycle Management objectives of the RJP (SMEC, October 2023), to promote the harvest of surface run off from roof areas into on-site rainwater tanks for non-potable uses.

**2.6. Revised instrument of consent.**

Further to this issue the applicant has requested a number of changes to the proposed draft consent as tabled at the Panel Briefing of 31 July 2024 as noted below:

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| **Condition number** | **Requested change** |
| **A1** | The table lists the superseded plans and also does not include the civil plans or retaining wall plans. It is suggested that the table be updated to include all relevant plans for endorsement, and the most recent version of all plans. |
| **A10** | The developer would like to request that the payment of contribution plans be deferred until Occupation Certificate. |
| **A11** | The developer would request that this condition be amended as follows (addition in underline):  *Switchboards, air conditioning units, garbage storage areas and storage for other utilities shall not be attached to the front elevations of the building or side elevations that can be seen from a public place, unless appropriately screened* |
| **D7** | Given the industrial nature of the development context, the developer requests that the construction hours could be amended to allow works between 6am – 6pm, 7 days per week. |
| **E3** | The developer requests this condition be removed or an alternative solution provided. |
| **F11** | The application has been made seeking external storage, as confirmed during assessment. The heading of the condition appears to be confusing at the content of the condition does not appear to have the intention of preventing storage. It qualifies that there should be no external storage unless appropriately screened, which we have proposed via landscaping treatments. The developer requests greater clarity around the condition and would request that this condition be deleted or amended to have the heading modified to ‘External Storage’ and clarify that external storage is permitted subject to maintaining appropriate screening (which we believe is the intention of the condition). |

**RESPONSE**

**Condition A1**. This request is supported. It is understood that the following represents the latest suite of plans and documents that would be relevant for approval.

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| **Plans for Approval** | | | | |
| Plan number | Revision number | Plan title | Drawn by | Date of plan |
| A01 | C | Site Layout | RB | 09/08/2024 |
| A01.1 | C | Truck Movement | RB | 09/08/2024 |
| A02 | C | Shed Plan | RB | 09/08/2024 |
| A02.1 | B | Office Plan | RB | 27/06/2024 |
| A02.2 | C | Equipment Fitout | RB | 09/08/2024 |
| A03 | B | Shed - Elevations | RB | 27/06/2024 |
| SS24-5297  000, 100 - 104 | C | Landscape plans | LH | 07/02/2024 |
| SS24-5297 501 | A | Landscape details | LH | 31/01/2024 |
| 701073-C-01 | G | Stormwater Management Plan | JS | 20/06/2024 |
| 701073-C-02 | G | Catchment Plan | JS | 20/06/2024 |
| 701073-C-03 | G | Drainage Longitudinal Section | JS | 20/06/2024 |
| 701073-C-04 | G | Drainage Longitudinal Section | JS | 20/06/2024 |
| 701073-S-01 | A | Proposed Retaining Wall | BF | 20/06/2024 |

**Condition A10** –- The request to defer payment of contribution plans until Occupation Certificate is **not supported**. Apart from a lack of justification in the applicant’s request, such a deferral would be contrary to standard Council policy and process. In addition, support for such a request would have a risk of establishing an undesirable precedent particularly in respect of future development of the NEXUS precinct.

**Condition A11** – Amendment of Condition A11 as suggested is **supported**.

**Condition E3** – **Supported**. It is understood that the site has been designed to provide effective drainage such that this condition is unnecessary. Specifically, the site drains inwards from the western boundary, meaning the inclusion of a grated drain across the driveway will do nothing to prevent surface water draining onto the footpath and the condition is otherwise redundant.

**Condition D7** – **Not supported**. The EPA *Interim Construction Noise Guideline* (2009) guides the EPA in setting appropriate conditions in licences, and also helps councils to decide whether to approve proposed local construction projects. The hours of construction as specified in Condition D7 are the standard hours as recommended in the Noise Guideline and has been a standard condition as applied to other development including within the NEXUS precinct.

The EPA Guildeline discusses five categories of works that might be undertaken outside the recommended standard hours. These are:

* the delivery of oversized plant or structures that police or other authorities determine require special arrangements to transport along public roads
* emergency work to avoid the loss of life or damage to property, or to prevent environmental harm
* maintenance and repair of public infrastructure where disruption to essential services and/or considerations of worker safety do not allow work within standard hours
* public infrastructure works that shorten the length of the project and are supported by the affected community
* works where a proponent demonstrates and justifies a need to operate outside the recommended standard hours.

Clearly the proposed development does not fall under the first four categories above. In respect of the fifth category, it is contended that there are no apparent extenuating circumstances that might warrant less stringent working hours than specified in Condition D7.

**Condition F11** – **Supported**. Amend Heading to “External Storage”. It is considered that this condition allows external storage subject to maintaining appropriate screening, and that no further amendment is required.

Having regard to the above a revised draft Determination is provided at Attachment D.

**3. CONCLUDING COMMENTS**

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in the Assessment Report dated 11 July 2024.

The supplementary matters raised by the Panel have also been duly considered by the applicant and it is considered that the attached plans and supporting commentary provide a satisfactory response, that may allow the Panel to proceed to a determination of DA10.2024.40751.1.

It is considered that the relevant matters for consideration have been appropriately addressed and the development of 21 McLaurin Road, Ettamogah can be undertaken appropriately subject to recommended draft conditions as noted at Attachment D.

1. Todoroski Air Sciences Pty Ltd (Aug 2023) *Regional Job Precinct – Air, Noise and Odour Technical Report – Albury* (August 2023) Online URL: <https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/NSW+Planning+Portal+Exhibitions/Air%2C+Noise+and+Odour+Technical+Report+(2).pdf> [Accessed 26/ 08/2024] [↑](#footnote-ref-1)
2. SMEC (September 2023) *Infrastructure Assessment – Technical Report Traffic and Transport* Online URL: <https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/NSW+Planning+Portal+Documents/Traffic+and+Transport+Technical+Report.pdf> [Accessed 26/ 08/2024] [↑](#footnote-ref-2)
3. SMEC (October 2023) *Infrastructure Assessment – Hydrogeology, Water Quality and Demand Technical Report* Online URL: <https://shared-drupal-s3fs.s3.ap-southeast-2.amazonaws.com/master-test/fapub_pdf/NSW+Planning+Portal+Documents/Hydrogeology%2C+Water+Quality+and+Demand+Technical+Report.pdf> [Accessed 26/08/2024] [↑](#footnote-ref-3)