

COUNCIL ASSESSMENT REPORT

SOUTHERN REGIONAL PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSTH-360 – 10.2024.40795.1
PROPOSAL	Industrial Development – Factory, Warehouse, Associated Office & Amenities, Bulk Earthworks, Retaining Walls, Carpark and Signage for Plastic Film Recycling Facility (Resource Recovery Facility)
ADDRESS	Lot 7 DP1276039 – 24 McLaurin Road, Ettamogah
APPLICANT	Blueprint Planning
OWNER	Albury City Council
DA LODGEMENT DATE	29 April 2024
APPLICATION TYPE (DA, Concept DA, CROWN DA, INTEGRATED, DESIGNATED)	Integrated Development - Pursuant to <i>Section 4.46</i> of the <i>Environmental Planning and Assessment 1979</i> .
REGIONALLY SIGNIFICANT CRITERIA	<p>Clause 2.19(1), Schedule 6 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> the Proposal is identified as ‘regionally significant development’ for the following reasons:</p> <ul style="list-style-type: none"> the Proposal has an “estimated development cost” of more than \$30 million (\$42.1M), the Proposal has an “estimated development cost” of more than \$5 million: and <ul style="list-style-type: none"> a local government council (Albury City Council) is the owner of the land comprising the Site at the time the DA was lodged, and a local government council (Albury City Council) is a party to an agreement or arrangement relating to the Proposal (a contract for the sale of land), and the Proposal has an “estimated development cost” of more than \$5 million for “waste or resource management facility”.
ESTIMATED DEVELOPMENT COST	\$42,175,196 (excluding GST)
CLAUSE 4.6 REQUESTS	Nil
KEY SEPP/LEP	SEPP Industry and Employment SEPP Resilience and Hazards SEPP Transport and Infrastructure

	Albury Local Environmental Plan 2010
TOTAL & UNIQUE SUBMISSIONS ISSUES KEY IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	<ul style="list-style-type: none"> • Statement of Environmental Effects, prepared by Blueprint Planning including: • Architectural Plans, prepared by Lo Studio • Level and Contour Survey Plan, prepared by Premise • Landscape Plan, prepared by Enviro Culture • NABERS Embodied emissions materials form • Quantity Surveyors Estimate Development Cost prepared by Onit Group
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Nil applicable.
RECOMMENDATION	Approval subject to conditions
DRAFT CONDITIONS TO APPLICANT	YES
SCHEDULED MEETING DATE	31 July 2024
PLAN VERSION	24 July 2024
PREPARED BY	Habitat Planning
DATE OF REPORT	25 July 2024

EXECUTIVE SUMMARY

Albury City Council have engaged Habitat Planning to undertake an independent assessment of Development Application (DA) numbered 10.2024.40795.1 (PAN-426609). The DA seeks development consent for a plastic recycling facility, which comprises the construction:

- an industrial factory, warehouse, attached administrative offices,
- associated bulk earthworks and retaining walls,
- vehicle parking and manoeuvring areas and storage areas; and
- business identification signage.

The large-format industrial development will recycle and remanufacture low-density polyethylene (LDPE) or linear low-density polyethylene (LLDPE) plastic film waste, claiming to divert up to 15,000 tonnes of LDPE/LLDPE film from landfill per year.

The subject site is known as 24 McLaurin Road, Ettamogah ('the site') and is located 10kilometres north of the Albury CBA, within the in the 'NEXUS Industrial Precinct' (NEXUS). The landforms part of the broader 450hectare industrial precinct zoned to support large or heavy industrial development. It is zoned "SP4 Enterprise Zone" (SP4 zone) under the Albury Local Environmental Plan 2010 (the LEP) and is within the Albury Regional Jobs Precinct, which is supported by the Albury Regional Job Precinct Master Plan (Regional Growth NSW Development Corporation, August 2023) where the Site is identified as having a 'land use direction' of 'high impact industrial'. The Nexus precinct is located in an area of transition from previous rural and agricultural land uses to the high impact industrial land use activities. The

precinct is within close proximity to significant national transport corridors and is intended to support investment in a variety of industry sectors, lead to greater economic prosperity, and create jobs for the local workforce.

The Site comprises a single freehold Lot in Nexus on the western side of McLaurin Road and is accessed from Gerogery Road via Knowles Road to the north. It is an irregular shaped Lot which occupies 3.060 hectares and is encumbered by a sewer easement along part of the Site's northern lot boundary and all of its eastern lot boundary and an easement for stormwater along part of its northern lot boundary.

The site is mostly flat land with a 2-3% cross fall with southeasterly aspect. It has no significant vegetation, biodiversity or heritage characteristics, however, the natural hazards affecting the site include the bushfire buffer overlay and the Flood Planning Area identified by Councils Floodplain Risk Management Study and Plan (WMA Water, 2016). It has connections to reticulated water, sewer, stormwater, electricity, natural gas and telecommunications (NBN cable and wireless) services and is otherwise unimproved.

The principle planning controls relevant to the proposal include:

- *State Environmental Planning Policy - Industry and Employment*
- *State Environmental Planning Policy - Resilience and Hazards*
- *State Environmental Planning Policy - Transport and Infrastructure*
- *Albury Local Environmental Plan 2010*
- *Albury Development Control Plan 2010*

Some of the key considerations relevant to the proposal include:

- Air quality and the potential for microplastics to be generated from the proposed recycling process; and
- Wastewater management and the capability of the proposed Trade Waste Treatment facility to remove microplastics

The application is Integrated Development under *Section 4.46* of the *Environmental Planning and Assessment Act 1979* as the development requires an environmental protection licence under the *Protection of the Environment Operations Act 1997* (POEO Act). The application was referred to the NSW EPA 29 April 2024 who subsequently raised the following concerns:

1. Potential for microplastics to be generated from the proposed recycling process
2. Capability of the proposed trade waste treatment facility to remove microplastics

Further information was requested from the applicant on 14 May 2024. The application provided responses to the request on 20 May 2024. The EPA provided their General Terms of Approval (GTA) on 24 July 2024.

The application was also referred to Transport for NSW (TfNSW) in accordance with *State Environmental Planning Policy Transport and Infrastructure*. TfNSW advised that they have 'reviewed the information and has no objections to the proposed development'.

The application was publicly exhibited and notified to surrounding properties. No submissions were received.

The application seeks multiple variations to the development controls of the Albury Development Control Plan 2010 (the DCP) summarised below:

- DCP Part 12.3.4: Landscaping – Control (viii)
- DCP Part 12.3.5: Impacts on Adjoining Land – Control (i)
- DCP Part 17.2: Carparking

- DCP Appendix K: Albury Industrial Hub Master Plan - Site Planning – Site Coverage Design Requirements.

The DA proposes ‘alternate solutions’ described in the Statement of Environmental Effects, and which are considered in the assessment below, and are deemed to satisfy the intent and objectives of the relevant controls.

Pursuant to Clause 2.19(1), Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 the proposal is declared ‘regionally significant development’ for the following reasons:

- the Proposal has an “estimated development cost” of more than \$30 million (\$42.1M),
- the Proposal has an “estimated development cost” of more than \$5 million: and
 - a local government council (Albury City Council) is the owner of the land comprising the Site at the time the DA was lodged, and
 - a local government council (Albury City Council) is a party to an agreement or arrangement relating to the Proposal (a contract for the sale of land), and
- the Proposal has an “estimated development cost” of more than \$5 million for “waste or resource management facility”.

This assessment report assesses the development against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. Having regard to these provisions, the application has been found to be satisfactory. The detailed assessment of the proposal has found the development satisfies the relevant State Environmental Planning Policies and the relevant provisions of Albury Local Environmental Plan 2010 and Albury Development Control Plan 2010.

Any proposed variations to the Development Control Plan have been assessed and are deemed to be satisfactory and/or have been addressed with appropriate conditions of consent.

It is considered that the overall social and economic impacts of the proposed development are positive, and that potential impacts on the natural and built environments can be appropriately minimised and mitigated through design measures and the imposition of specific conditions of consent. The site location, zoning and surrounding land use context make the site suitable for the proposed development, and the proposal is considered in the satisfactory with regard to the public interest.

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is formally identified as Lot 7 DP1276039 and addressed as 24 McLaurin Road, Ettamogah. It is located 10kilometres north of the Albury CBA, within the in the 'NEXUS Industrial Precinct'.

The locality map at Figure 1 below identifies the site location.

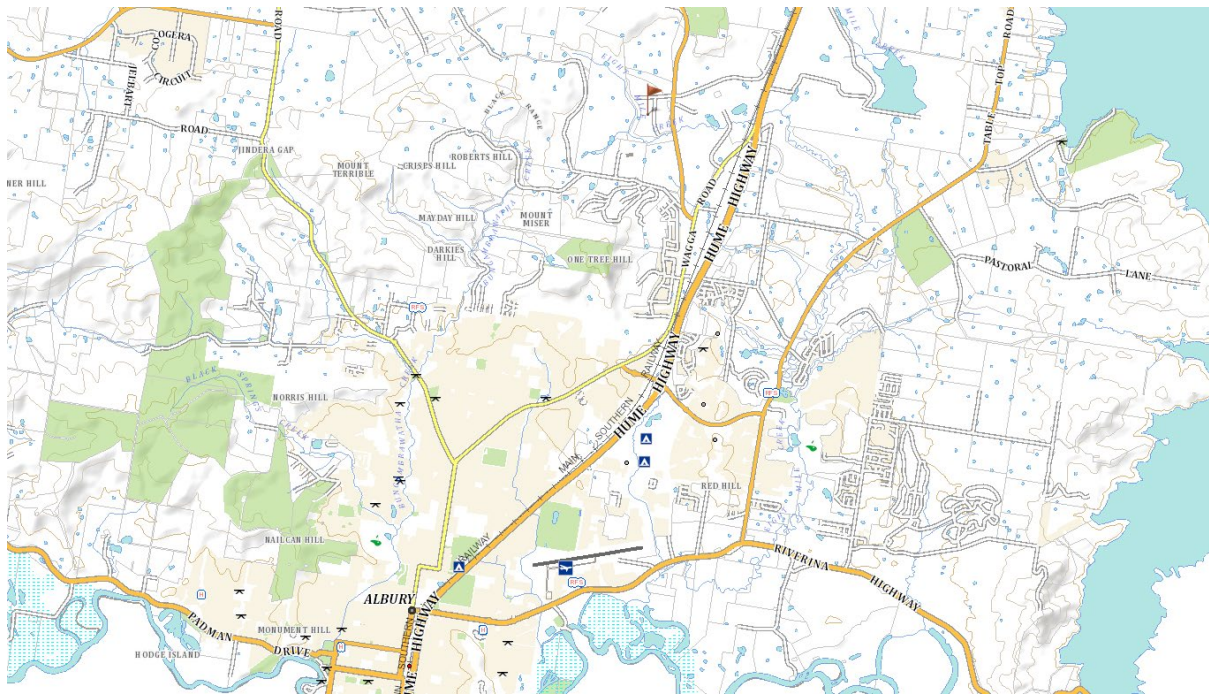


Figure 1: Locality Map

The landforms part of the broader 450hectare industrial precinct created under the industrial subdivision on the land approved by Development Consent numbered: 10.2019.36877.1. It is zoned "SP4 Enterprise Zone" (SP4 zone) under the Albury Local Environmental Plan 2010 (the LEP) to support large or heavy industrial development.

The Site comprises a single freehold Lot on the western side of McLaurin Road and is accessed from Gerogery Road via Knowles Road to the north. It is an irregular shaped having the following dimensions:

- Eastern street front boundary: 146.39metres
- Northern side boundary: 221.32metres
- Western rear boundary: 167.18metres
- Southern side boundary: 177.98metres

The Site has a total area of 3.060hectares and is encumbered by a sewer easement along part of the Site's northern lot boundary and all of its eastern lot boundary and an easement for stormwater along part of its northern lot boundary.

The site is mostly flat land with a 2-3% cross fall with southeasterly aspect. It has no significant vegetation, biodiversity or heritage characteristics, however, is partly impacted by the bushfire buffer overlay which affects parts of the north western corner of the Lot and is

identified by Councils Floodplain Risk Management Study and Plan (WMA Water, 2016) as being within a Flood Planning Area.

It has connections to reticulated water, sewer, stormwater, electricity, natural gas and telecommunications (NBN cable and wireless) services and is otherwise unimproved.

An aerial image of the site, its features and immediately surrounding context is provided at Figure 2 below.



Figure 2: Aerial image of the site (Nearmap, 2024)

1.2 The Locality

The Nexus Industrial Estate is located 10kilometres north of the Albury CBA and 7kilometres north of the Lavington CBA. Other notable landmarks and features include the Hume Highway (M31), Davey Road diamond interchange and Albury -Sydney rail corridor located 1.7kilometres to the east and the Olympic Highway interchange 8.8kilometres to the north.

The precinct is surrounded by rural and rural residential land uses to the north, west and the south with low-medium residential land uses located approximately 1.5kilometres to the south.

The land is accessed by an established local road network from Gerogery Road via Knowles Road and benefits from convenient access to Wagga Road and the Hume Highway.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The application seeks approval for development and use of a *resource recovery facility* for low-density polyethylene (LDPE) and linear low-density polyethylene (LLDPE) plastic film recycling.

The proposal includes construction of an industrial factory, warehouse, administration offices, associated bulk earthworks and retaining walls, carpark and vehicle circulation areas, and business identification signage.



Figure 3: 3D render – Northeastern corner



Figure 4: 3D render – Southwestern corner

The proposed land use is described as a resource recovery facility, which the LEP Standard Instrument defines as:

a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Pursuant to the LEP, resource recovery facilities are permitted with consent in the zone.

A summary of the development data is provided in Table 1 below.

Table 1: Development Data

Control	Proposal
Site area	3.060hecatres
GFA	Factory and warehouse gross floor area (GFA): 6,544m ² Office: 405m ² Total: 6,949m ²
FSR	0.228:1
Clause 4.6 Requests	Nil
No of apartments	N/A
Max Height	12.85metres
Landscaped area	Maintained within building front setback area.
Car Parking spaces	32 off-street parking spaces (including two designated for persons with a disability)
Setbacks	Compliant

2.2 Background

According to the DA, a pre-lodgement meeting was held between the proponent, Councils senior staff and the NSW EPA prior to the lodgement of the applicant on 4 March 2024.

It is understood that the preliminary results of a draft air quality impact assessment report and the draft trade waste discharge to sewer estimate was discussed. The application submits that comments provided by the EPA and Council are incorporated into the final Air Quality Impact Assessment report and the Process Water and Trade Waste Treatment System report.

The development application was lodged on **29 April 2024**. A chronology of the development application since lodgement is outlined in Table 2 below.

Table 2: Chronology of the DA

Date	Event
29 April 2024	DA lodged
29 April 2024	Exhibition of the application commences
31 May 2024	Exhibition of the application concludes
29 April 2024	DA referred to external agencies: <ul style="list-style-type: none"> ○ NSW EPA ○ TfNSW
29 April 2024	DA referred to Councils internal disciplines: <ul style="list-style-type: none"> ○ Building Surveyor ○ Plumbing Inspector ○ Traffic & Transport ○ Development Engineer ○ Environmental Planner ○ Environmental Health ○ Trade Waste ○ Water/wastewater ○ Resource Recovery/Waste ○ Streetscapes and Gardens ○ Contributions Planner ○ Development and Compliance
14 May 2024	A request for information from NSW EPA issued to the applicant
20 May 2024	A response was submitted 20 May 2024
12 June 2024	A second request for information from NSW EPA issued to the applicant
28 June 2024	A response was submitted 28 June 2024
5 July 2024	A request for information from Albury City Council Water and Wastewater issued to the applicant
11 July 2024	A response was submitted 11 July 2024
24 July 2024	NSW issue GTA's
24 July 2024	Habitat Planning finalise draft assessment report subject outstanding referrals
31 July 2024	Panel briefing 31 July 2024

2.3 Site History

The subject site is included within the Albury Industrial Hub Master Plan that was prepared by EDAW AECOM and was adopted by Council on 1 July 2010 as an Appendix to the Albury Development Control Plan 2010.

The masterplan was prepared to guide future development of the Albury Industrial Hub and to maximise the potential of the land for larger scale industrial uses, encourage utilisation of the intermodal terminal and support the attraction of new investment within Albury (adapted from Albury City Council's website).

The subject site has been the result of several development consents over the past 5 years which are described below:

1. DA10.2015.34157.1 – Approved on 30 March 2016 by the Joint Regional Planning Panel (JRPP) for an Eleven (11) Lot Torrens Title Subdivision.
2. DA10.2019.368771.1 – Deferred commencement approved by Albury Council at its meeting of the 28 of September for a Twelve (12) Lot Torrens Title Subdivision of Proposed Lots 1, 2 and 3 in Plan of Subdivision of Lots 11 & 12 DP247805, and Lots 31 & 32 DP1121146.

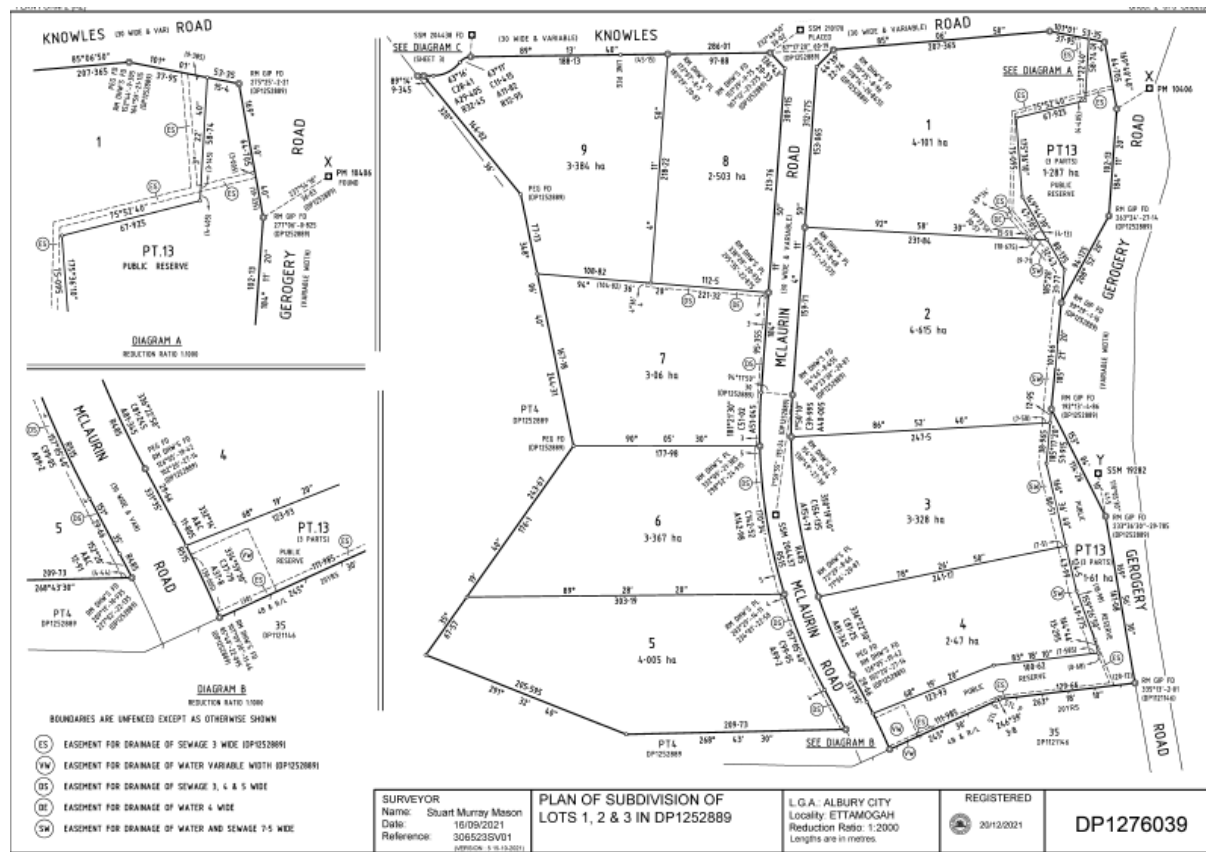


Figure 5: Deposited Plan 1276039

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
 - (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 Planning 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),*
- (b) *that apply to the land to which the development application relates, 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.*

These matters are further considered below.

The proposal declared:

- **Integrated Development**

Pursuant to section 4.46 of the EP&A Act, the Proposal is identified as "integrated development" as an Environment Protection Licence (EPL) is required for the Proposal under sections 43(a), 47 and 55 of the Protection of the Environment Operations Act 1997 (POEO Act) in regard to 'resource recovery'¹⁰ clause 34 of Part 1 of Schedule 1 of the POEO Act as the Proposal involves processing more than 12,000 tonnes of plastic waste per year (up to 15,000 tonnes per year). For completeness, it is noted that the other relevant threshold of having on site at any time more than 2,500 tonnes of plastic waste is not relevant to the Proposal (approximately 600 tonnes).

- **Regionally significant development**

Pursuant to section 4.5(b) of the EP&A Act and section 2.19(1) and schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, the Proposal is identified as 'regionally significant development' for the following reasons –

- the Proposal has an "estimated development cost" of more than \$30 million (\$42.1M)
- the Proposal has an "estimated development cost" of more than \$5 million and

- a local government council (ACC) is the owner of the land comprising the Site at the time the DA is lodged, and
- a local government council (ACC) is a party to an agreement or arrangement relating to the Proposal (a contract for the sale of land), and
- the Proposal has an “estimated development cost” of more than \$5 million for “waste or resource management facilities” (refer to relevant definition provided at Section 1.7.2).

The DA is declared Regionally Significant Development, and the Southern Regional Planning Panel are the Consent Authority.

3.1 Environmental Planning Instruments, development control plan, planning agreement and the regulations

The relevant environmental planning instruments, proposed instruments, development control plans, planning agreements and the matters for consideration under the Regulation are considered below.

(a) Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Industry and Employment) 2021*
- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *Albury Local Environmental Plan 2010.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
State Environmental Planning Policy (Industry and Employment) 2021	Chapter 3: Advertising and Signage <ul style="list-style-type: none"> • Section 3.6 – granting consent to signage • Section 3.11(1) – matters for consideration • Schedule 5 Assessment Criteria 	Yes
State Environmental Planning Policy (Planning Systems) 2021	Chapter 2: State and Regional Development <ul style="list-style-type: none"> • Section 2.19(1) declares the proposal regionally significant development pursuant to Clauses 2, 3 and 5 of Schedule 6 as it comprises: <ul style="list-style-type: none"> ○ Development with an “estimated development cost” of more than \$30 million (\$42.1M), ○ the Proposal has an “estimated development cost” of more than \$5 million and <ul style="list-style-type: none"> - a local government council (ACC) is the owner of the land comprising the Site at the time the DA is lodged, and 	Yes

	<ul style="list-style-type: none"> - a local government council (ACC) is a party to an agreement or arrangement relating to the Proposal (a contract for the sale of land), and o the Proposal has an “estimated development cost” of more than \$5 million for “waste or resource management facilities”. 	
SEPP (Resilience & Hazards)	<p>Chapter 3: Consideration of Departmental guidelines</p> <ul style="list-style-type: none"> • Section 3.4 – In determining whether a development is— <p>(a) a hazardous storage establishment, hazardous industry or other potentially hazardous industry, or</p> <p>(b) an offensive storage establishment, offensive industry or other potentially offensive industry,</p> <p>consideration must be given to current circulars or guidelines published by the Department of Planning relating to hazardous or offensive development.</p> <p>Chapter 4: Remediation of Land</p> <ul style="list-style-type: none"> • Section 4.6 - Contamination and remediation have been considered in the application and the proposal is satisfactory subject to conditions. 	Yes
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p>Chapter 2: Infrastructure</p> <ul style="list-style-type: none"> • Section 2.122 - Traffic-generating development <p>(4) Before determining a development application for development to which this section applies, the consent authority must—</p> <p>(a) give written notice of the application to TfNSW within 7 days after the application is made, and</p> <p>(b) take into consideration—</p> <p>(i) any submission that RMS provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and</p> <p>(ii) the accessibility of the site concerned, including—</p> <p>(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and</p> <p>(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and</p>	Yes

	(iii) any potential traffic safety, road congestion or parking implications of the development.	
Proposed Instruments	Nil	N/A
LEP	<ul style="list-style-type: none"> • Clause 2.3 – Permissibility and zone objectives • Clause 7.1 – Earthworks • Clause 7.6 – Essential Services 	Yes
DCP	Part 12 – Industrial Development Part 16 – Outdoor Advertising Part 17 – Off Street Carparking Appendix K: Albury Industrial Hub Master Plan	Yes

Consideration of the relevant SEPPs is outlined below.

State Environmental Planning Policy (Industry and Employment) 2021

The following provisions of SEPP Industry and Employment are considered relevant to assessment of the business identification signage parts of the Proposal:

- Clause 3.1: Aims, objectives etc.
- Clause 3.4: Signage to which this Chapter applies
- Clause 3.6: Granting of consent to signage, and
- Schedule 5: Assessment criteria.

A detailed assessment of the proposed signage demonstrating compliance with this SEPP was submitted with the application.

State Environmental Planning Policy (Planning Systems) 2021 ('Planning Systems SEPP')

Pursuant to section 4.5(b) of the EP&A Act and section 2.19(1) and schedule 6 of State Environmental Planning Policy (Planning Systems) 2021, the Proposal is identified as 'regionally significant development' for the following reasons:

- the Proposal has an "estimated development cost" of more than \$30 million (\$42.1M)
- the Proposal has an "estimated development cost" of more than \$5 million and
 - a local government council (ACC) is the owner of the land comprising the Site at the time the DA is lodged, and
 - a local government council (ACC) is a party to an agreement or arrangement relating to the Proposal (a contract for the sale of land), and
- the Proposal has an "estimated development cost" of more than \$5 million for "waste or resource management facilities" (refer to relevant definition provided at Section 1.7.2).

The DA is declared Regionally Significant Development, and the Southern Regional Planning Panel are the Consent Authority.

State Environmental Planning Policy (Resilience and Hazards) 2021

The following provision of SEPP Resilience and Hazards is considered relevant to assessment of the dangerous goods, quantities, storage and transportation parts of the Proposal –

- Clause 3.7: Consideration of Departmental guidelines
- Clause 4.6: Contamination and remediation to be considered in determining development application.

A detailed assessment of the proposal demonstrating compliance with this SEPP was submitted with the application.

Section 4.6 of Resilience and Hazards SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is 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.

The application refers to previous Council reports (Development Consent No. 10.2015.34157.1 dated 30 March 2016 for an 11 englobo lot industrial subdivision and Development Consent No. 10.2019.368771.1 dated 28 September 2020 for a 12 lot industrial subdivision) regarding the Site and adjoining land in NEXUS and Managing Land Contamination: Planning Guidelines (DUAP & EPA, 1998)) which requires that consideration be given to whether or not land proposed to be developed is contaminated and fit for use for its intended purpose. It confirms that the Proposal is considered to comply with relevant considerations including in relation to relevant considerations under Part 6.3 and Appendix J of the DCP.

It notes that the Site and none of its previous uses are identified under clause 4.6(4) of SEPP Resilience and Hazards or in Table 1 of Managing Land Contamination: Planning Guidelines (DUAP & EPA, 1998) and therefore a preliminary investigation of the Site is not required under clause 4.6(2) of SEPP Resilience and Hazards.

The proposal is considered to be consistent with the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The following provision of SEPP Transport and Infrastructure were considered relevant and assessed as part of the DA:

- Clause 2.122: Traffic-generating development

A detailed assessment of the proposal demonstrating compliance with this SEPP was submitted with the application.

Albury Local Environmental Plan 2010

The relevant local environmental plan applying to the site is the *Albury Local Environmental Plan 2010* ('the LEP'). The aims of the LEP are:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to give effect to the desired outcomes, principles and actions contained in the Council's adopted strategies and policy documents, and*
- (b) to promote sustainable urban development by providing for efficient management of urban growth and resource utilisation, and*

(c) *to promote a city for the people, with a high level of social and physical amenity and a diversity of activities and uses, and*
(d) *to maintain or improve biodiversity across Albury, and to avoid significant impacts on matters of environmental significance.*

The proposal is not inconsistent with these aims.

Zoning and Permissibility (Part 2)

The site is located within the SP4 – Enterprise zone pursuant to Clause 2.2 of the LEP

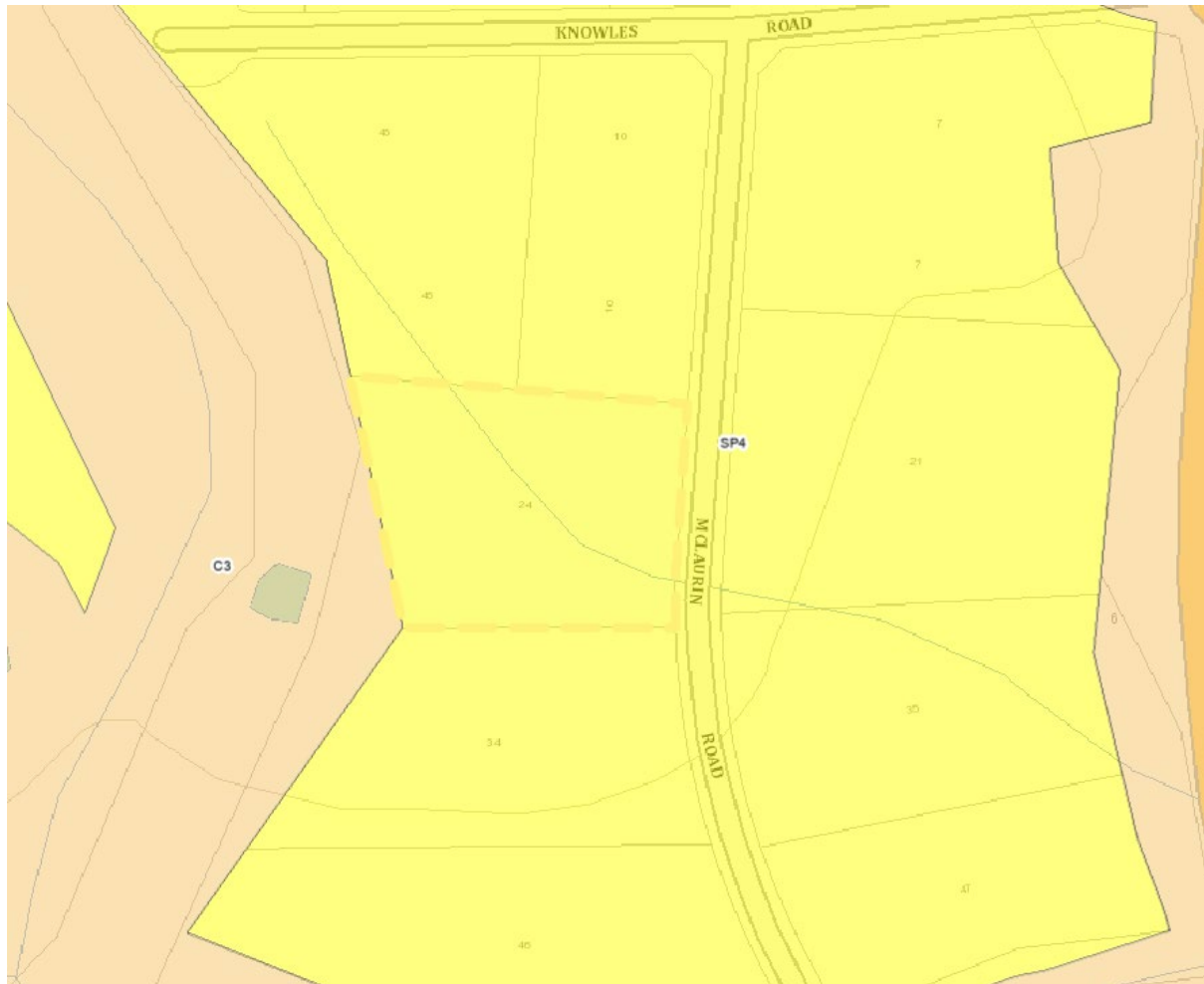


Figure 5: Zoning Map extract

According to the definitions contained in the Dictionary, the proposal satisfies the definition of *resource recovery facility* which is a permissible use with consent in the Land Use Table at Clause 2.3.

The zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *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 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 encourage the development of innovative circular economy resource and waste management.
- To protect and enhance the unique qualities and character of the Albury Regional Jobs Precinct.
- To support rural industries and service the broader urban and rural economy.

The proposal is considered to be consistent with these zone objectives.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The LEP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 4** below.

Table 4: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
<p>Flood planning (Clause 5.21)</p> <p>This clause is applicable as the site is within and area identified by Floodplain Risk Management Study and Plans as being subject to some 'low hazard mainstream flooding'. The site is almost entirely within the low hazard mainstream flooding area due to the cross-site topography and being within the vicinity to Eight Mile Creek.</p>	<p>(2) <i>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—</i></p> <p>(a) <i>is compatible with the flood function and behaviour on the land, and</i></p> <p>(b) <i>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</i></p> <p>(c) <i>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</i></p>	<p>The application submits at Sec 4.5 of the SEE:</p> <p><i>Council completed a flood impact assessment of NEXUS in 2023 and, as a mitigation measure, is soon to commence construction of a flood levy bank on reserve land adjoining the western lot boundary of the Site. This levy bank will ensure that the Site is not affected by 1% AEP flood water inundation.</i></p> <p><i>Given the surety of this work being completed, as a condition of development consent, it is expected that the SRPP will recommend a condition with words to the affect –</i></p> <p><i>"Prior to the issue of an Occupation Certificate, the flood levy bank on reserve land adjoining the western lot boundary of the Site is to be completed".</i></p> <p><i>On this basis, it is important that the words "Occupation Certificate" are used as opposed to "Construction Certificate" so that</i></p>	<p>Yes</p>

	<p>(d) incorporates appropriate measures to manage risk to life in the event of a flood, and</p> <p>(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.</p>	<p><i>commencement of the Proposal is not unreasonably withheld.</i></p> <p>The application also confirms that the minimum finished floor level of the Proposal is located not less than 500mm above the 1% AEP flood level.</p> <p>On this basis the development is judged to be satisfactory with respect to the flood risk.</p>	
Earthworks (Clause 7.1)	<p>(2) Development consent is required for earthworks unless—</p> <p>(a) the work does not alter the ground level (existing) by more than 600 millimetres, or</p> <p>(b) the work is exempt development under this Plan or another applicable environmental planning instrument, or</p> <p>(c) the work is ancillary to other development for which development consent has been given.</p> <p>(3) Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <p>(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p>	<p>The DA submits that:</p> <p>The civil engineering cut/fill plan shows bulk earthworks and materials required to implement the Proposal. The plan indicates that cut for a volume of 12,366m³ and fill for a volume of 5,300m³ – necessitating that 7,066m³ of earth and building construction materials be imported to the Site. The areas of greatest cut are from the central-northwest and central-west areas of the Site (excluding the stormwater detention basin area) and the areas of greatest fill are in the central-east areas of the Site, which corresponds to the pre-development southeast aspect of the Site. Several batters and retaining wall works are required to provide required finished driveway, floor, car parking, landscaping and stormwater gravity drainage levels. Earthworks have been minimised through concept and detailed civil engineering design investigations supported by detailed feature and level survey and geotechnical work.</p>	Yes

	<p><i>(b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>(c) the quality of the fill or the soil to be excavated, or both,</i></p> <p><i>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>(e) the source of any fill material and the destination of any excavated material,</i></p> <p><i>(f) the likelihood of disturbing relics,</i></p> <p><i>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p>	<p>The earthworks alter the ground level (existing) by more than 600mm.</p> <p>An assessment of the earthworks confirms that that there will be no detrimental impact on environmental functions and processes, neighbouring uses, items or features.</p> <p>The civil engineering cut/fill plan shows the cut for a volume of 12,366m³ and fill for a volume of 5,300m³ – necessitating 7,066m³ of earth and building construction materials be imported to the Site.</p> <p>The cut from the Site (excluding the stormwater detention basin area) and fill corresponds to the predevelopment aspect of the Site.</p> <p>The application refers to ‘several batters and retaining wall works’ and the submitted civil works drawings propose retaining walls up to 2.47metres above natural surfaces levels are proposed and that the walls are required to provide required finished driveway, floor, car parking, landscaping and stormwater gravity drainage levels.</p>	
Essential services (Clause 7.6)	<p><i>(2) Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development</i></p>	<p>The application submits that: ‘The Site is currently connected to reticulated water, sewer, stormwater, electricity (three-phase), natural gas and telecommunications (NBN cable and wireless) services. Connection of</p>	Yes

	<p><i>are available or that adequate arrangements have been make [sic] to make them available when required—</i></p> <p><i>(a) the supply of water,</i></p> <p><i>(b) the supply of electricity,</i></p> <p><i>(c) the disposal and management of sewage,</i></p> <p><i>(d) stormwater drainage or on-site conservation,</i></p> <p><i>(e) suitable road access.</i></p>	<p>services to the Proposal will be carried out by licenced trades in accordance with relevant trade standards and guidelines.</p>	
--	--	--	--

The proposal is considered to be generally consistent with the LEP.

Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are presently no proposed or draft instruments which have been the subject of public consultation under the EP&A Act, and this part of the Act is subsequently not relevant to the developments assessment.

(b) Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- **Albury Development Control Plan 2010 ('the DCP')**

The application seeks multiple variations to the development controls of the DCP as summarised below:

- DCP Part 12.3.4: Landscaping – Control (viii)
- DCP Part 12.3.5: Impacts on Adjoining Land – Control (i)
- DCP Appendix K: Albury Industrial Hub Master Plan - Site Planning – Site Coverage

The DA proposes 'alternate solutions' described in the Statement of Environmental Effects, and which are considered in the assessment below, and are deemed to satisfy the intent and objectives of the relevant controls.

- **Infrastructure Contributions**

The DA was referred to Councils Contribution Planner who has determined the following contributions are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions.

As per directive from Service Leader City Development, David Christy, on 23/07/2024, developer contributions will be payable prior to the release of the Occupation Certificate.

Comments/Instructions:

Section 7.11 (formerly Section 94) – Albury Industrial Hub

The subject lot is within a Section 7.11 area and contributions have been paid at subdivision stage.

Section 64 – Water and Sewer

The proposed industrial building will be used for the purpose of a soft plastic recycling facility and non-typical Development ET rates as per Section 6.3 'Advice on Determining a Non-Typical Development ET' of the Water Directorate Guidelines 2017 is applicable for the development.

6.3 Advice on Determining a Non-Typical Development ET

It is recommended that the following formulae be used to determine non-typical development ET figures.

For water:

Standard ET = Estimated Ave Development Water Consumption

Standard ET Water Consumption (ie 230 kL/a)

For sewer:

Standard ET = Estimated Ave Development Sewage Loading (water usage x DF*)

Standard ET Sewage Loading (ie 140 kL/a)

*DF = discharge factor = 95% (ACC agreed rate for this type of development)

The applicant has provided written advice confirming the annual anticipated water consumption and sewer discharge for the proposed development (refer TRIM DOC24/171960).

- Collectively, the water consumption for the process equipment is equal to 2075l/h, or over the working year, or **12.4ML** per year
- The sewer discharge on average will match the 2m³ that passes via the wash line, or 2000L/hr, or in turn, **11.59 ML/year**

It is noted that the sewer discharge provided has been used for the purposes of calculating Sewer ET, rather than annual water usage.

Water

Standard ET = 12,400,000 (annual water consumption)

230,000

Water ET = 53.91

Sewer

$$\text{Standard ET} = \frac{11,010,500 \text{ (Water consumption [11,590,000] x 95\%)}}{140,000}$$

$$\text{Sewer ET} = 78.64$$

Site Credit

The lot has 1 ET credit for water and sewer.

Note: The proposal includes 405m2 ancillary office area and as per directive from Service Leader City Development, David Christy on 23/07/2024, no Section 64 contributions have been charged for the office space.

It is noted that the developer contributions for the neighbouring development, Circular Plastics, addressed as 10 McLaurin Road, Ettamogah, was calculated based on toilets and showers; however, given the proposed high water consumption of the plastic film recycling facility, developer contributions have been calculated using Section 6.3 'Advice on Determining a Non-Typical Development ET' of the Water Directorate Guidelines 2017, which is consistent with other similar developments proposing high water consumption.

This Contributions Plan has been considered and a condition included the recommended draft consent conditions.

(c) Section 4.15(1)(a)(iia) – Planning agreements under Section 7.4 of the EP&A Act

There are not planning agreements that have been entered into under Section 7.4 of the EP&A Act and this part of the Act is subsequently not relevant to the developments assessment.

(d) Section 4.15(1)(a)(iv) - Provisions of Regulations

Section 61 of the EP&A Regulation 2021 contains matters that must be taken into consideration by a consent authority in determining a development application. A review of Section 61 confirm that there are nor matters relevant to the proposal.

Section 62 (consideration of fire safety) and Section 64 (consent authority may require upgrade of buildings) of the 2021 EP&A Regulation are not relevant to the proposal as the application does not propose a change of building use.

Section 63 EP&A Regulation 2021 refers to the erection of temporary structures. This section is not relevant to the proposal as the development does not propose the erection of a temporary structure.

The provisions of the 2021 EP&A Regulation have been considered and are addressed in the recommended draft conditions (where necessary).

3.2 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposal is considered to be generally consistent with the context of the site, and the desired character of the area. The proposed development is appropriate in terms of proportion, and scale to the size and characteristics of the site and the Nexus precinct and regional context.
- Access and traffic – The proposed development was supported by a Traffic Impact Assessment Report (TIAR) prepared by Spotto Consulting. The TIAR assessed the access, traffic and parking provisions and included due consideration to traffic growth when assessing the traffic impacts of the Proposal. The TIAR concluded the development:
 - *Will not have a significant impact on the performance of the surrounding road network (including intersections and freeway interchanges)*
 - *Access to the site is able to be provided from McLaurin Road for both heavy and light vehicles, with adequate sight distance at all locations*
 - *The provision of 32 off-street parking spaces (including two designated for persons with a disability) is considered adequate to cater for anticipated demand. The car parking and access driveways satisfactorily address all matters for consideration under Albury DCP Part 17 and Australian Standard AS2890*
 - *Adequate provision has been made for persons with a disability*
 - *Adequate provision has been made for servicing and delivery vehicles; and*
 - *Adequate provision has been made for pedestrians and cyclists.*
- Public Domain – The development has adequately considered the potential for impact on the public domain, both visually and functionally. The developments design provides visual interest and symmetry that is proportionate to the scale of the site and function of the development. This aligns with the desired heavy industry character of the Nexus precinct with minimal impacts on sensitive receptors, including those in the vicinity and afar.
- Utilities – All utilities are available to the site. The Site is currently connected to reticulated water, sewer, stormwater, electricity (three-phase), natural gas and telecommunications (NBN cable and wireless) services. Connection of services to the Proposal will be carried out by licenced trades in accordance with relevant trade standards and guidelines.
- Heritage – The Site is not subject to Aboriginal cultural heritage or European heritage overlays.
- Other land resources – The Site is not located identified as being within a sensitive area, riverfront area, water catchment, mining, agricultural land.
- Flora and fauna impacts – The DA identifies as “biodiversity compliant development” (within the meaning of section 28 of the EP&A Regs) as the Albury Local Environmental Plan 2010 (LEP) is a “biodiversity certified EPI” (within the meaning of Part 8 of Schedule 7 of the Threatened Species Conservation Act 1995) and the Site is not an ‘area excluded from biodiversity.

The site does not contain any significant landscape features or vegetation and there is no known detrimental impact on any biodiversity values on the site as a result of the development.

- Noise and vibration – The impacts of noise generally, is considered in the context of the industrial and rural interfaces and the type and scale of development proposed.

Noise generating construction activity will occur for a temporary period of time however will be limited to appropriate hours of operation within that time. It is considered that the level of construction noise is acceptable given that it will not likely dominant the ambient background noise levels, will only occur for a short periods throughout construction and will be controlled by relevant conditions of development consent. Furthermore, construction management measures must be taken to minimise potential noise impacts from construction activity.

Post occupation, the anticipated noise generated from the commercial activity is expected to be commensurate with typical industrial processing and manufacturing activity. Potential noise generation within the building confines is considered acceptable given the general industrial character of the area and are not considered to be detrimental on the industrial and rural amenity interfaces.

The application analysis of the context and setting of the area identified the closest residential sensitive receiver is a dwelling located approximately 845metres to the west-northwest of the Site at its closest points (the western lot boundary of the Site and the eastern building wall of the dwelling). The application submitted an Air Quality Impact Assessment report which contains a map (p. 2) showing the locations and nature of adjoining or nearby sensitive receivers.

With the primary operation of the development occurring internally to the building, along with the separation and buffer distances to any sensitive receiver from the development, the noise impacts upon those receivers are considered to have acceptable effects.

- Natural hazards - Flooding

The development site is within an area identified by Floodplain Risk Management Study and Plans as being subject to some 'low hazard mainstream flooding'. Refer to Figure 6 below.

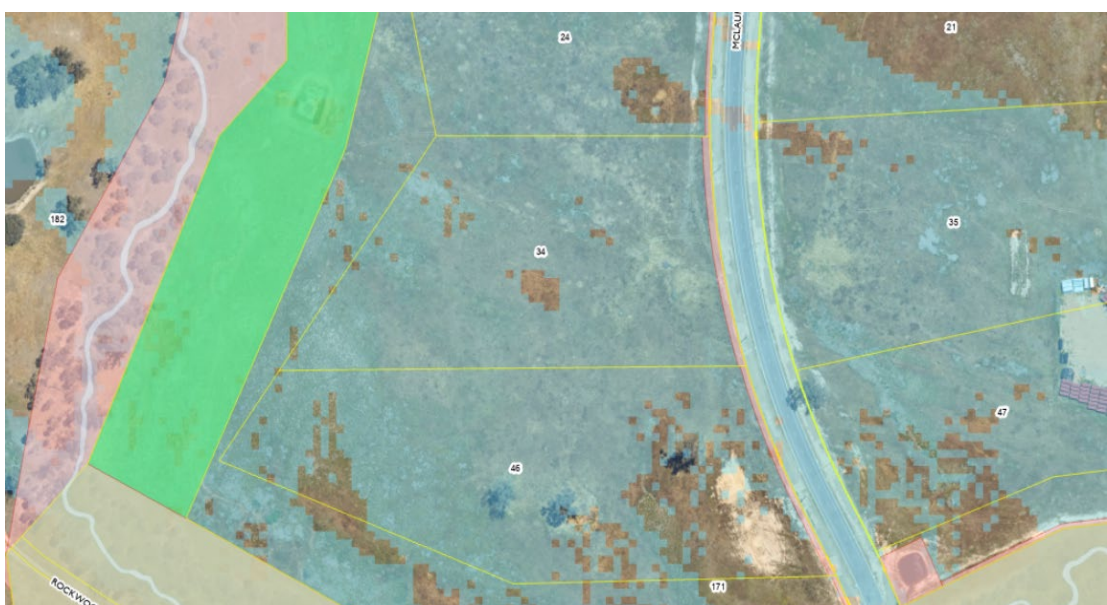


Figure 6: Flood overlay map extract (Floodplain Risk Management Study and Plan)

The site is almost entirely within the low hazard mainstream flooding area due to the cross-site topography and being within the vicinity to Eight Mile Creek. Figure 9 below depicts the site and flooding overlay.

The proposed industrial development will be sited within the low risk mainstream flooding area however is appropriate for the following reasons:

- the industrial building is non-habitable and provides egress from the site directly via McLaurin Road to non-flood liable land and thereby not adversely affecting the safe occupation and efficient evacuation of people.
- in the case of a flood, employees and visitors will be able to exit the site and will not exceed the capacity of evacuation routes.
- the building is designed with a minimum FFL of 239.00m AHD and stormwater drainage infrastructure connected to legal points of discharge to allow floodwaters to pass and not obstruct or interfere with flood function or behaviour that results in increasing the potential of other development or properties.
- the proposed development is unlikely to affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or stability of riverbanks or watercourses.

Notwithstanding the above, Albury City Council commissioned WMS Engineering to undertake a Flood Mitigation Study for the NEXUS Industrial Precinct. The study investigated the current flood risk at the site, and further explored the potential of constructing a flood levee on the western boundary of the precinct to protect future development. Four mitigating berm options were modelled based on various alignments to remove the flood hazard. The preferred 'Option 4' consisted of constructing a new berm adjacent to the site's western boundary and is identified in Figure 7 below.

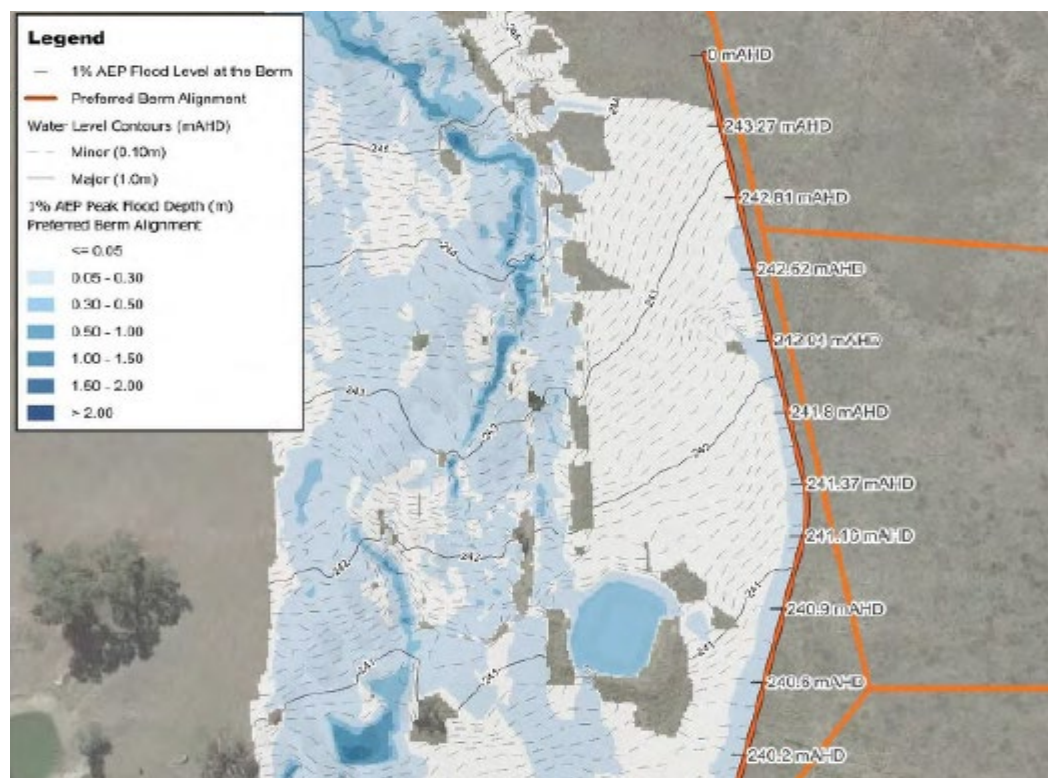


Figure 7: Extract of 1% AEP Peak Flood Levels Along Preferred Berm Alignment

This option removes the flood risk from the subject site and according to Councils advice, is scheduled for construction in 'March/April 2024'.

The application submits at Sec 4.5 of the SEE:

Council completed a flood impact assessment of NEXUS in 2023 and, as a mitigation measure, is soon to commence construction of a flood levy bank on reserve land adjoining the western lot boundary of the Site. This levy bank will ensure that the Site is not affected by 1% AEP flood water inundation.

Given the surety of this work being completed, as a condition of development consent, it is expected that the SRPP will recommend a condition with words to the affect – "Prior to the issue of an Occupation Certificate, the flood levy bank on reserve land adjoining the western lot boundary of the Site is to be completed".

The application also confirms that the minimum finished floor level of the Proposal is located not less than 500mm above the 1% AEP flood level. On this basis the development is judged to be satisfactory with respect to the flood risk.

- Natural hazards - Bushfire

A small portion of the site in the northwest extent is affected by the bushfire overlay. Refer to Figure 8 below.



Figure 8: Bushfire Map extract

The development is a non-habitable building and is most appropriately classified as a 'Class 8' under the Nation Construction Code (NCC). It maintains appropriate setbacks, greater than 6metres, from any dwelling or significant bushfire hazard and is capable of achieving an Asset Protection Zones (APZ) as appropriate.

According to *Planning for Bushfire Protection 2019*, there is no bush fire protection requirements for Class 8 building located more than 6m from a dwelling in bush fire prone areas. The development is not a Special Fire Protection Purpose (SFPP), and the relevant objectives and controls of Part 6.4 are deemed to be satisfied.

- Safety, security and crime prevention –

Whilst the risk of anti-social behaviour, criminal activity and reduced public safety is low within the newly established industrial estate and proposed 24-hour operation, the development does incorporate design features to avoid and minimise antisocial behaviour and criminal activity in the locality.

Specific Crime Prevention Through Environmental Design (CPTED) principles have been considered and incorporated into the design response and summarised below:

- Natural and passive surveillance – Entry points at ground level are designed to maximise surveillance opportunities to the public domain and internal car park. Clear sightlines are maintained between the development and the public domain with minimal obstruction and landscape features.
 - Access control – The orientation of the entry points maintains natural vantage points and guardianship from neighbouring developments and the surrounding public domain.
 - Active space management – Blind bends and corners have been avoided in building design. Surveillance can be maintained to all external areas. Security lighting will be provided where required. Low maintenance landscaping will be used to enhance the appearance of the development and assist in reducing opportunities for vandalism.
 - Territorial reinforcement – Formal access control will be provided at the front entrance.
- Social and economic impacts – The development will have a positive social and economic impact as it will involve the creation of several employment opportunities, and additional stimulus to the economy. The site is strategically located and well separated from sensitive uses, thereby minimising the impact of the construction and operation of the industrial use.

The proposed development represents continued investment in industrial development within Albury's identified industrial hubs. It is expected that the proposal will also generate flow on effects, including to local trades and services and indirect impacts of additional spending in the city.

- Construction – The proposed development will be constructed in a single stage and be regulated by relevant guidelines and legislation at the time of commencement. Hours of construction will be limited in accordance with the relevant EPA guidelines.
- Cumulative impacts – The proposal will not result in any adverse cumulative impacts. Is it generally consistent with the planning controls and is not likely to result an adverse cumulative impacts.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.3 Section 4.15(1)(c) - Suitability of the site

The subject land has been created for the purpose of increasing opportunities for industrial developments in Albury. It is judged suitable for the proposed development, as it is compatible with the establishing and desired industrial land use character and setting in the locality, it is

proportionate to the development scale and provides adequate service provisioning, including transport infrastructure and drainage provisions and will have acceptable impacts on the natural environment.

The development appropriately responds to the site natural hazards and does not contribute to any adverse impact on adjoining lands.

3.4 Section 4.15(1)(d) - Public Submissions

No submissions were received.

3.5 Section 4.15(1)(e) - Public interest

The public interest is a broad consideration relating to many issues and is not limited to any one particular issue. Taking into account the full range of matters for consideration under Section 4.15C of the Environmental Planning and Assessment 1979 (as discussed within this report), it is considered that approval of the application is consistent with the public interest.

The development of land in an orderly and economic way is in the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Concurrence Requirements (s4.13 of EP&A Act) (if none – N/A – to show consideration)			
Environment Agency Head (Environment, Energy & Science Group within DPIE)	N/A	N/A	N/A
Rail authority for the rail corridor	N/A	N/A	N/A
Referral/Consultation Agencies (if none – N/A – to show consideration)			

RFS	N/A	N/A	N/A
Electricity supply authority	N/A	N/A	N/A
Rail authority	N/A	N/A	N/A
Transport for NSW	Section 2.121 – <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> Development that is deemed to be traffic generating development in Schedule 3.	TfNSW issued a response on 20 May 2024.	Yes
Design Review Panel	N/A	N/A	N/A
Integrated Development (S 4.46 of the EP&A Act) (if none – N/A – to show consideration)			
EPA	Section 4.46 of the EP&A Act, the Proposal is identified as “integrated development” as an Environment Protection Licence (EPL) is required for the Proposal under sections 43(a), 47 and 55 of the Protection of the Environment Operations Act 1997 (POEO Act) in regard to ‘resource recovery’ clause 34 of Part 1 of Schedule 1 of the POEO Act as the Proposal involves processing more than 12,000 tonnes of plastic waste per year (up to 15,000 tonnes per year).	NSW EPA issued GTA’s on 24 July 2024.	Yes
RFS	N/A	N/A	N/A
Natural Resources Access Regulator	N/A	N/A	N/A

4.2 Council Officer Referrals

The development application has been referred to various Council officers for technical review as outlined **Table 6**.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved				
Development Engineer	<p>Comments received: 28 May 2024</p> <p>A996 Parking All onsite carparking shall comply with AS2890.1 2004 parking facilities for off-street parking & AS2890.6 2004 parking standards for disabled. Details of parking shall be included as part of the detailed engineering design submitted to council prior to issue of construction certificate.</p> <p>A997 Site Fill Any land fill over 300mm will be subject to the submission and approval of a 'land fill' plan and shall include existing contours, elevations and finished design contours, drainage channels, adjoining properties that will be affected by the disturbance and measures to be taken to ensure the land filled areas will not adversely affect neighbouring properties and be contained fully within the lot.</p> <p>Fill is to be placed in layers not exceeding 300mm of loose material and is to be compacted to 98% of standard compaction. Tests are to be taken on every layer and are to be verified by a NATA registered soils laboratory and evidence submitted to Council. Test locations will be nominated by Councils Supervisor and will be shown on the Works as Executed (WAE's) plans.</p> <p>A998 Stormwater Treatment Prior to discharge of stormwater from pervious areas stormwater shall be treated removing contaminants as per the minimum standard listed in below table. Prior to issue of works certificate details of proposed treatment system shall be submitted to council engineering department for acceptance. Discharge of stormwater from site shall not exceed pre developed flow. Stormwater shall be detained onsite with supporting engineering report, calculations & design submitted prior to issue of construction certificate demonstrating detention.</p> <table><tr><td></td><td></td></tr><tr><td>Gross Pollutant Removal</td><td>90%</td></tr></table>			Gross Pollutant Removal	90%	Yes - recommended conditions
Gross Pollutant Removal	90%					

	<table><tr><td>Total Suspended Solids</td><td>49%</td></tr><tr><td>Hydrocarbons</td><td>90%</td></tr><tr><td>Total Nitrogen</td><td>26%</td></tr><tr><td>Total Phosphorus</td><td>40%</td></tr></table>	Total Suspended Solids	49%	Hydrocarbons	90%	Total Nitrogen	26%	Total Phosphorus	40%	
Total Suspended Solids	49%									
Hydrocarbons	90%									
Total Nitrogen	26%									
Total Phosphorus	40%									
Building Surveyor	<p>[The development] will not comply with the “deemed-to-satisfy” provisions of the National Construction Code 2022 and will require numerous Fire Safety Engineering Solutions (Performance Solutions).</p> <p>Recommend a condition requiring a BCA compliance report submitted to Certifier before issue of a Construction Certificate.</p> <p>The application submitted Preliminary Feasibility Fire Engineering Review.</p>	Yes - recommended conditions								
Plumbing Inspector	<p>Comments received 30 April 2024</p> <p>Conditions numbers placed on Consent:</p> <p>BW2-045</p> <p>All plumbing or drainage works will require an approval under Section 68(1) (Table Part B Water supply, sewerage and stormwater drainage work) of the Local Government Act 1993 prior to commencement of work.</p> <p>The Plumbing application shall:</p> <p>a) include a plan of all the hydraulic services, including the provision of backflow prevention devices. The plan is to be prepared by a suitably qualified hydraulic consultant.</p> <p>b) all plumbing and drainage work is to be carried out by a NSW Licensed Plumber and Drainer and to the requirements of the Plumbing Code of Australia.</p> <p>c) the Licensed Plumber’s details are to be forwarded to Council prior to commencement of any plumbing work.</p> <p>Condition reason: To ensure all plumbing and drainage work meets the relevant legislative requirements. (BW2-045)</p>	Yes - recommended conditions								
Environmental Health	Nil response received at the time of assessment	No								

<p>Water Wastewater & Tradewaste</p>	<p>Comments received: 23 May 2024</p> <p>Modified Conditions:</p> <ul style="list-style-type: none"> • I085 Water meter/service pipe (modified) <p>There is nothing within 1m of the proposed water meter location* such as:</p> <ul style="list-style-type: none"> • Concrete, gates, trafficable areas (driveway, footpath or the like) and fences • Any obstructions that might prevent unfettered access for reading, testing, inspection, maintenance, and exchange of the water meter and services • Meters and pipe work are not to be imbedded in or under brick fences or pillars, they can not be located behind a solid fences or walls (purpose designed recessed areas in fences that allow reading, testing, inspection, maintenance and exchange are acceptable subject to AlburyCity's approval). <p>Note: *with the exception of the side boundary fence (300mm).</p> <p>Revised comments received: 23 May 2024</p> <p>Based upon the information currently supplied, AlburyCity's Water and Wastewater Team recommends refusal of Development Application - 010.2024.00040795.001 – 24 McLaurin Road Ettamogah, 2640.</p> <p>AlburyCity's Water and Wastewater Team has significant concerns regarding the facility's proposed wastewater pre-treatment system having the ability to meet the expected trade waste discharge limits.</p> <p>However, if further information can be supplied by the applicant that directly addresses the following comments, a re-assessment of this application will be considered.</p> <p>Comments</p> <ul style="list-style-type: none"> • In NSW, the acceptance limits for wastewater discharging to sewer vary dependent upon the contaminant contained within this wastewater. Therefore, the published acceptance limits from the NSW Trade Waste Management Guidelines are not applicable in this instance. 	<p>Yes - recommended conditions</p>
--	---	---

	<ul style="list-style-type: none"> • The submitted pre-treatment process consists of inlet screens, addition of Coagulants and Flocculants to the wastewater stream, Dissolved Air Floatation (DAF) as the primary treatment and finally pH and temperature correction prior to discharge. The use of a DAF is a common and effective method of treatment of wastewater, however, will not reduce the concentration of TSS to below the expected proposed limit of 5mg/L TSS as a standalone treatment process. Further treatment or filtration will be necessary and must be specified, including supporting information to demonstrate how a limit of 5mg/L of TSS will be achieved, prior to any further assessment. • There is no information supplied on the expected incoming waste stream strength nor the strength of the proposed discharge. • EPA NSW submitted an RFI to the applicant and the response provided does not provide the necessary information to alleviate the concerns of Council. • Attempts to extract performance criteria of the proposed treatment system has not been provided, citing 'Confidential Agreements'. • Given that AlburyCity are not satisfied that the proposed trade waste pre-treatment process will achieve the expected acceptance limits, it would not be in the best interest of either party to provide conditional Development Consent in this instance. The issue of Trade Waste discharge to sewer will prevent this development from proceeding to a Construction Certificate unless a Trade Waste Agreement can be reached with Concurrence from DCCEEW. Therefore, a thorough addressing of the Trade Waste component of this Development Application by the applicant, to the satisfaction of Council, is required prior to any form of Development Consent. • AlburyCity requires a complete system design, including specifications and must be accompanied by specific waste stream strengths, both pre and post pre-treatment. The proposal shall demonstrate specifics, including all supporting documentation and specifications, of how the pre-treatment design will achieve the expected TSS limit of 5mg/L. <p>BW1-049</p> <p>Sewer - Trade waste</p>	
--	---	--

	<p>Pursuant to Section 68 of the Local Government Act 1993, and to ensure there is no unacceptable discharge to Council's sewerage system, the applicant must apply to Council for a Trade Waste Agreement. The application will be determined by Council's Trade Waste Department prior to a Construction Certificate being issued and may require an approved pre-treatment device (eg. oil/grease arrestor, separators, etc) to be installed.</p> <p>The application must:</p> <ul style="list-style-type: none"> a) Include detailed hydraulic plans indicating the size, type and location of pre-treatment devices. All plumbing and drainage installations to these devices shall comply with AS/NZS3500. b) Be lodged via the NSW Planning Portal. <p>This development will be required to meet discharge standards in accordance with Council's Trade Waste Policy.</p> <p>Section 68 of the Local Government Act 1993 Planning Portal - Department of Planning and Environment (nsw.gov.au).</p> <p>Note: A Trade Waste Application form can be downloaded from AlburyCity's website Liquid trade waste AlburyCity (nsw.gov.au)</p> <p>Condition reason: To protect public health and the environment. (BW1-049)</p> <p>F039 Sewer - trade Waste</p> <p>Trade waste material is not to be discharged into the sewer drainage pipelines or stormwater drainage systems, without first obtaining written approval from Council.</p> <p>I085 Water meter/service pipe (modified)</p> <p>With exception of a side boundary fence, there is nothing permitted within 1m of the proposed water meter location, such as:</p> <ul style="list-style-type: none"> • Concrete, gates, trafficable areas (driveway, footpath or the like) and fences. 	
--	---	--

	<ul style="list-style-type: none"> Any obstructions that might prevent unfettered access for reading, testing, inspection, maintenance, and exchange of the water meter and services. Meters and pipe work are not to be imbedded in or under brick fences or pillars, they cannot be located behind a solid fences or walls (purpose designed recessed areas in fences that allow reading, testing, inspection, maintenance, and exchange are acceptable subject to AlburyCity's approval). <p>Revised comments received: 24 July 2024 (following review of additional information received 11 July 2024 and 22 July 2024)</p> <p>In addition to previously issued advice and following the ambiguous response to requests for detail. Two additional conditions of development are being included to previous advice:</p> <ol style="list-style-type: none"> Non-Negotiable Limits: <ul style="list-style-type: none"> Strict adherence to the TSS limit of 5 mg/L is required. If discharge exceeds this limit, discharge must cease immediately until corrective measures are implemented and verified. Immediate Action Requirements: <ul style="list-style-type: none"> Implement and maintain a recognised and current waste treatment policy and operating procedure, including comprehensive training for all relevant personnel. <p>Notwithstanding, information is still required if AC/DCCEEW is to be in an informed position, the following information remains outstanding, of the request for further information:</p> <ol style="list-style-type: none"> Detailed Performance Data: <ul style="list-style-type: none"> Request detailed performance data and specific design information from Sustainable Ideas Pty Ltd, including empirical evidence demonstrating compliance with the 5 mg/L TSS limit. Clarity on Treatment Processes: <ul style="list-style-type: none"> Seek clarification on how the proposed treatment processes will effectively manage and mitigate the risk of micro plastics in the discharge. 	
--	--	--

	<p>3. Documentation and Specifications:</p> <ul style="list-style-type: none"> Emphasise the necessity for Sustainable Ideas Pty Ltd to provide comprehensive documentation and specifications beyond standard manufacturer brochures. 	
Resource Recovery/Waste	<p>Comments received: 16 May 2024</p> <p>Construction waste management plan to be provided</p> <p>Operational management plan for waste to be provided</p> <p>What is happening with all the waste generated from the production of the facility and what is the landfill expecting to receive in volume for this new development. Would like to see no waste brought to the landfill facility as a bi product of the ongoing operations of the facility.</p> <p>As a minimum the ongoing operations need to address waste, recycling and organics, no organics to landfill from July 2025.</p>	Yes - recommended conditions
Streetscapes and Gardens	<p>Comments received: 16 May 2024</p> <p>The development has limited impact on the streetscape vegetation. We like to see two semi – advanced native trees planted in nature strip in front of the development.</p>	Yes – Street tree planting is not requisite of the proposal or development of a site, such as this. The planting of street trees has no relationship to the proposed development and the condition has been removed from the draft conditions.
Traffic and Transport	<p>Comments received: 22 May 2024</p> <p>Further information required:</p> <ul style="list-style-type: none"> Dimensions on carparking plan Clarification of surface Turning circles 	Yes - recommended conditions

Contributions Planner	<p>Comments received: 24 July 2024</p> <p>Conditions numbers placed on Consent: B306 added and edited.</p> <p>As per directive from Service Leader City Development, David Christy, on 23/07/2024, developer contributions will be payable prior to the release of the Occupation Certificate.</p> <p>Comments/Instructions: <u>Section 7.11 (formerly Section 94) – Albury Industrial Hub</u> The subject lot is within a Section 7.11 area and contributions have been paid at subdivision stage.</p> <p><u>Section 64 – Water and Sewer</u> The proposed industrial building will be used for the purpose of a soft plastic recycling facility and non-typical Development ET rates as per Section 6.3 'Advice on Determining a Non-Typical Development ET' of the <i>Water Directorate Guidelines 2017</i> is applicable for the development.</p> <p>6.3 Advice on Determining a Non-Typical Development ET <i>It is recommended that the following formulae be used to determine non-typical development ET figures.</i></p> <p><i>For water:</i></p> <p><i>Standard ET = <u>Estimated Ave Development Water Consumption</u></i> <i>Standard ET Water Consumption (ie 230 kL/a)</i></p> <p><i>For sewer:</i></p> <p><i>Standard ET = <u>Estimated Ave Development Sewage Loading (water usage x DF*)</u></i> <i>Standard ET Sewage Loading (ie 140 kL/a)</i></p> <p><i>*DF = discharge factor = 95% (ACC agreed rate for this type of development)</i></p> <p>The applicant has provided written advice confirming the annual anticipated water consumption and sewer discharge for the proposed development (refer TRIM DOC24/171960).</p>	Yes - recommended conditions
-----------------------	--	------------------------------

	<ul style="list-style-type: none"> - Collectively, the water consumption for the process equipment is equal to 2075l/h, or over the working year, or 12.4ML per year - The sewer discharge on average will match the 2m3 that passes via the wash line, or 2000L/hr, or in turn, 11.59 ML/year <p>It is noted that the sewer discharge provided has been used for the purposes of calculating Sewer ET, rather than annual water usage.</p> <p>Water</p> <p>Standard ET = <u>12,400,000 (annual water consumption)</u></p> <p style="text-align: right;">230,000</p> <p>Water ET = 53.91</p> <p>Sewer</p> <p>Standard ET = <u>11,010,500 (Water consumption [11,590,000] x 95%)</u></p> <p style="text-align: right;">140,000</p> <p>Sewer ET = 78.64</p> <p><u>Site Credit</u></p> <p>The lot has 1 ET credit for water and sewer.</p> <p>Note: The proposal includes 405m2 ancillary office area and as per directive from Service Leader City Development, David Christy on 23/07/2024, no Section 64 contributions have been charged for the office space.</p> <p>It is noted that the developer contributions for the neighbouring development, Circular Plastics, addressed as 10 McLaurin Road, Ettamogah, was calculated based on toilets and showers; however, given the proposed high water consumption of the plastic film recycling facility, developer contributions have been calculated using Section 6.3 'Advice on Determining a Non-Typical Development ET' of the <i>Water Directorate Guidelines 2017</i>, which is consistent with other similar developments proposing high water consumption.</p>	
Development and Compliance	No comments received at the time of reporting	No

4.3 Community Consultation

The proposal was notified in accordance with the Council's Community Participation Plan from 29 April 2024 until 31 May 2024. The notification included the following:

- An advertisement in the local newspaper [The Border Mail]
- Publication on the Albury City Council website
- A total of five (5) notification letters sent to adjoining and adjacent properties owners.

At the time of this assessment no submissions have been received or recorded.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Potential for microplastics to be generated from the proposed recycling process

In accordance with the EPA document Plastic microbeads in products and the environment (EPA, 2016) 'microplastics' are defined as small plastic particles with an upper size limit of five millimetres in diameter. They include plastic particles generated from the breakdown of larger plastic items.

The DA documentation does not comment on the potential for the proposed development to generate microplastics from the plastics recycling process. Further, the EPA noted that the SEE indicates that wastewater generated from the development will be discharged to the council sewer system.

Based on the nature of the proposed development, the EPA considers it a reasonable risk that microplastics could be generated from the premises and subsequently released into the environment, and as such this risk should be assessed as part of the proposal.

The EPA required additional information that detailed the risk of microplastics pollution from the proposed development and any proposed mitigation measures to prevent any potential environmental harm. Where possible, relevant performance standards/criteria and associated data for the proposed processing equipment, for example the 'sort and wash' equipment (Linder – Germany), should be assessed and included as part of the requested information.

Resolution: A detailed response was provided to the EPA on 20 May 2024. The response satisfactorily addressed the above matters, insofar that the EPA issued its GTA's on 24 July 2024 through recommended conditions and Licencing requirements.

5.2 Capability of the proposed Trade Waste Treatment facility to remove microplastics

The application indicates that a 'Trade Waste Treatment facility' designed and supplied by IWAT (Germany) will be installed at the premises to treat wastewater generated by the proposed activity prior to discharging to sewer. The EPA understands that the

proposed wastewater discharge to sewer will require a Trade Waste Agreement to be approved by council.

The EPA required additional information that details the capability of the proposed trade waste treatment facility to remove microplastics from wastewater put through the system. This information was required to include relevant performance criteria and any available microplastics testing data. Information detailing proposed contingency measures to manage wastewater should the treatment system fail or where the wastewater discharge quality does not comply with the associated Trade Waste Agreement should also be provided.

Resolution: A detailed response was provided to the EPA on 20 May 2024. The response satisfactorily addressed the above matters, insofar that the EPA issued its GTA's on 24 July 2024 through recommended conditions and Licencing requirements.

6. CONCLUSION

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, issues raised in submissions and the key issues identified in this report, it is considered that the application should be supported.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily through amendments to the proposal and in the recommended draft conditions at Attachment A.

7. RECOMMENDATION

That the Development Application numbered 10.2024.40795.1 (PAN-426609) for an Industrial factory, warehouse and office – LDP/LLDP plastic film recycling facility and associated works at 24 McLaurin Road, Ettamogah (Lot 7 DP1276039) be APPROVED pursuant to Section 4.16(1)(a) or (b) of the *Environmental Planning and Assessment Act 1979* subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Tables of Compliance
- Attachment C: Development Plans
- Attachment D: NSW EPA GTA's
- Attachment E: Departmental referral responses

Table 7: Part 6 – Planning for Hazards

Standard	Compliance	Comment
6.2 Flooding	Complies	The development is designed to ensure that there will not be a redistribution of flood flows or increase in flood levels in a flood event, and that there is no increase in inundation to neighbouring properties during a flood event. The development incorporates a drainage design to accommodate the site and flows and is not deemed to be a flood risk to life or property and the flooding risk is deemed acceptable.
6.3 Contaminated Land	Not applicable	The subject land is not known to be contaminated.
6.4 Bushfire	Complies	The development is a non-habitable building and maintains appropriate setbacks, greater than 6metres, from any dwelling or significant bushfire hazard and is capable of achieving an Asset Protection Zones (APZ) as appropriate. The development is not a Special Fire Protection Purpose (SFPP) and will not increase the bushfire risk to life or property.

Table 8: Part 12 – Development in the Industrial zone

Control	Compliance	Comment
12.3 Industrial Development		
12.3.1 Building Setbacks		
<i>i. The primary setback to the street frontage is to be a minimum of 7 metres or the average of the setbacks of adjoining buildings, whichever is the greater.</i>	Demmed to Comply	A scale assessment has been used to determine and approximate setback which has determined that they exceed 7metres. The submitted floor plan also confirms compliance.
<i>ii. The secondary setback (for corner sites) is to be a minimum of 3 metres.</i>	Not applicable	Not a corner Lot.
<i>iii. Side and rear setbacks (where a building adjoins a residence, community facility, public park or Residential Zone) are to be a minimum of 5 metres.</i>	Not applicable	The subject land does not adjoin any of the specified zones.
12.3.2 Car parking & vehicular access		
<i>i. Part 17 of the DCP contains the full set of requirements for off street car parking, including land use related parking rates, turning circles, aisle widths and parking bay configurations.</i>	Variation	The development seeks a variation to the parking requirements of the DCP. The reduction in the provision of spaces will not result in any adverse impacts, neither on the function of the site or the surrounding road network. A Traffic Impact Assessment as submitted with the application providing further discussion and justification for the reduction in parking provision.

Control	Compliance	Comment
ii. <i>Disabled persons and visitor car parking spaces are to be clearly marked or signposted.</i>	Complies	The development proposes two (2) disabled carparking spaces.
iii. <i>All car spaces are to be clearly line marked.</i>	Complies	All formal carparking spaces are indicated as being line-marked.
iv. <i>The preferred location for car parking is between the front landscaped area and the proposed building unless located in a zone other than IN1 General Industrial and IN2 Light Industrial where off street car parking is to be provided behind the front building line. This is to encourage employees to park off the street. The car parking area should be separated from the activity areas on site (e.g. loading, storage, heavy vehicle manoeuvring).</i>	Complies	The development proposes carparking spaces between the front landscaped area and the proposed building, in an area that is separate to the heavy vehicle circulation.
v. <i>All vehicles are to enter and exit the site in a forward direction.</i>	Complies	All vehicles will enter and exit the site in a forward direction with all vehicles manoeuvring to occur on-site.
vi. <i>The heavy vehicle manoeuvring areas, especially at loading and unloading points should be designed to accommodate a three-point turn or semi-circular turn. As a general rule, the minimum (unobstructed) width of a manoeuvring area should be at least as wide as the anticipated heavy vehicle where the vehicle fully enters the building.</i>	Complies	The proposed development includes manoeuvring areas for B-double trucks.

Control	Compliance	Comment
<p>vii. <i>Where the vehicle meets an external loading point or partially recessed dock, the Council may request the submission of vehicle movement templates. In these cases, the unobstructed three-point turn/ semi-circular turn rule will apply. The Council will generally refer to the vehicle movement templates published by the RTA.</i></p> <p><i>Notation</i></p> <p><i>Heavy vehicles are those which are designed to carry more than 10 passengers, or which are designed to carry more than 1.5 tonnes of cargo.</i></p>	Not applicable	<p>Not applicable – the development is not for a type that will require a dedicated external loading point or partially recessed dock.</p> <p>All loading and unloading will be done within the site, and no formal loading area is proposed.</p>
<p>viii. <i>Internal roadways and driveways utilised by heavy vehicles are to be a minimum of 7 metres wide (two-way movement) or 5 metres (one way movement). Internal roadways/driveways for non-heavy vehicles are to be 6 metres and 3.5 metres wide respectively.</i></p>	Complies	<p>The proposed internal driveways for heavy vehicles will be one-way and have a width exceeding 7metres. Internal driveways for non-heavy vehicles will be two-way and have a width exceeding 6 metres.</p>
<p>ix. <i>All internal roadways, and loading areas are to be fully sealed and drained via a system of surface inlet pits.</i></p>	Complies	<p>All internal roadways will be fully sealed and drained to Council's stormwater system.</p>
<p>x. <i>Refuelling and workshop areas are to be adequately sealed and bunded and are not to be connected to the stormwater system.</i></p>	Not applicable	<p>No refuelling will occur on-site.</p>

Control	Compliance	Comment
<i>xi. New vehicular access to classified/main roads will require the prior approval of the RTA.</i>	Not applicable	None required.
<i>xii. All vehicular manoeuvring areas must permit forward vehicle ingress and egress to a public road.</i>	Complies	All vehicles will circulate and exit the site in a forward direction.
<i>xiii. All loading and unloading operations shall be carried out wholly within the confines of the site at all times.</i>	Complies	All loading and unloading will occur on-site.
<i>xiv. All loading docks, car parking spaces and access driveways shall not be used for storage purposes, including garbage storage and must be kept clear of goods at all times.</i>	Complies	Storage will occur internally. All carparking spaces and access driveways will be kept clear and will not be used for storage purposes.

12.3.3 Building Design

<i>i. The Council will require a high standard of appearance for buildings within the Industrial Zones. Monotonous front facades consisting of one plane and colour are discouraged.</i>	Complies	The proposed building design response includes an articulated façade, varying colours and materials and a high-quality design appearance that creates visual interest.
<i>ii. Building entrances should be clearly defined and well-articulated through form, materials and colour and provide level or ramped access.</i>	Complies	The proposed entrance along the eastern façade of the building will be clearly defined and well-articulated, with level access. The office entrance will be clearly identifiable and accessible.

Control	Compliance	Comment
iii. <i>Building walls to the primary street frontage shall have a minimum 3 metre return and must be constructed of face brick, decorative concrete blocks or suitable treated and painted concrete panels (for example “granosite” or similar product).</i>	Complies	Notwithstanding the development does not propose a ‘building wall to the primary street frontage’, the site is not a corner lot and there are substantial boundary setbacks with no zero setbacks.
iv. <i>Office components shall be located at the street frontage of the structure to enable the placement of windows and doors to break up the façade.</i>	Complies	The proposed office is located and positioned at the front of the building to address the adjoining street frontage and be clearly identifiable.
v. <i>The office and/or administration areas of any buildings are to be architecturally differentiated from the remainder of the building by the use of fenestration, materials of construction and differing horizontal/vertical planes. The Council will not permit office/administration areas clad in metal, or designs with little fenestration, colour, or dimensional detail.</i>	Complies	Complies.
vi. <i>Highly reflective materials are to be avoided.</i>	Departure	<p>The building roof is proposed to be clad with ‘Zincalume’ Colorbond®. This is not inconsistent with the existing and emerging industrial character.</p> <p>The proposed roof cladding material will provide for a more efficient thermal functioning of the building and not result in unreasonable reflectivity on the surrounding landscape. The variation is entirely supportable.</p>

Control	Compliance	Comment
vii. <i>Factory units are to be designed with particular attention to materials, the articulation of the façade, the practical placement of loading areas and the location of car parking close to each particular unit.</i>	Not applicable	None apply.
viii. <i>Buildings should incorporate energy-saving measures, where possible, in the design to reduce the possible environmental impacts of that development.</i>	Complies	The building has been sited and designed to achieve an appropriate level of energy efficiency. The application included a satisfactory NABERS Embodied Emissions Materials Form.
12.3.4 Landscaping		
i. <i>Landscaping areas are to be identified on development application plans submitted to Council, with comprehensive landscape plans required to show all areas of vegetation, pathways, ground-based lighting and vehicle access areas.</i>	Complies	Landscaping areas are identified on the submitted Landscape plans.
ii. <i>Pursuant to the AlburyCity Tree Preservation Order existing trees should be retained on site wherever possible. Refer to Clause 5.9 of the LEP and Part 5 of this DCP that relate to the preservation of trees or vegetation for more information.</i>	Not applicable	No trees are proposed to be removed to facilitate this development.

Control	Compliance	Comment
iii. <i>A minimum 3-metre wide landscape strip is to be located immediately inside the front property boundary. The Council encourages this area to be mounded, whilst the remainder of the setback to the building not occupied by car parking or other vehicular access areas is to be grassed.</i>	Complies	The development proposes a landscape strip with a minimum 3 metre width at the front of the property boundary.
iv. <i>Site areas not containing hardstand areas or not used for vehicle access areas should be grassed.</i>	Complies	Unused areas not containing hardstand will be grassed and/or landscaped.
v. <i>Advanced (minimum 1.2 metres in height) trees are to be planted in the front landscaping strip at the rate of 1 tree every 4 metres. These trees are to be accompanied by plantings of shrubs and/or groundcovers.</i>	Complies	The development proposes plantings across the frontage of the development and a return along the northern side boundary. The front landscape area will include deciduous shade and screening trees planted between the front boundary and the building adjacent to the carparking spaces to comply with the provisions of this control.
vi. <i>Native species are preferred, and generally the species chosen should be fast growing, low maintenance and water hardy.</i>	Complies	Refer to landscaping plan.
vii. <i>Secondary street frontages are required to be landscaped in accordance with the above controls, although the extent of landscaping required will be assessed on merit.</i>	Not applicable	The subject land is not a corner lot.

Control	Compliance	Comment
viii. <i>Where a development will provide more than 10 parking spaces in any one area, advanced trees are to be planted (at the top corner of the space) at the rate of one tree every third car space.</i>	Variation	<p>The application submits that advanced trees are to be planted at a rate of approximately 1 tree every 3-5 car parking spaces as an alternative solution to this control.</p> <p>In support of the alternative solution proposed it is noted that the locations of the trees are immediately adjoining the car parking area and tree selection is such that adequate shade and streetscape amenity will be provided, and this proposal is an entirely acceptable outcome.</p>
ix. <i>Landscaping areas are to be protected from vehicle activity areas by a minimum 100mm high kerb, wheel stops or other similar barrier devices to prevent the damage to these vegetated areas.</i>	Noted to comply	Noted to comply.

12.3.5 Impacts on adjoining land

Development in the Industrial Zones is to have regard to the following matters relating to adjoining land:

<ul style="list-style-type: none"> <i>The emission of any form of pollutant, including noise and vibration, air, water, dust or odour pollution, which is not to affect the amenity of adjoining land/s.</i> 	Complies	<p>The proposed industry use is not expected to create significant or detrimental amenity impacts. Particular matters regarding air quality have been addressed in the Air Quality Impact Assessment report submitted with the application.</p> <p>All processing will occur internally, and all vehicle movements will occur on sealed driveways.</p>
<ul style="list-style-type: none"> <i>Sources of noise, where practicable, should be sited away from adjoining properties and where necessary, be screened by acoustic treatments</i> 	Noted	The development does not involve any large noise generating activities, noting all processing activities will occur internally.

Control	Compliance	Comment
<ul style="list-style-type: none"> <i>The proposed development shall not unreasonably cause overshadowing of adjoining properties</i> 	Complies	The proposed location and scale of the development will not cause any overshadowing or an adverse impact on adjoining properties. The building has been designed and sited with large setbacks that will limit the level of overshadowing to the adjoining sites.
<ul style="list-style-type: none"> <i>The appearance of the development from adjoining land shall have regard to these areas. It is advised that long blank walls which may adversely affect adjoining land/s will not be favoured.</i> 	Complies	The proposed development is design will a generally high standard of design and appearance consistent with other industrial developments within the immediate surrounds.
<ul style="list-style-type: none"> <i>The development is not to incorporate the use of highly reflective building materials such as zincalume, aluminium and galvanised iron.</i> 	Variation	Refer to discussion above.
<ul style="list-style-type: none"> <i>Light sources shall be directed away from adjoining residential properties.</i> 	Complies	Noted to comply
<ul style="list-style-type: none"> <i>Should development be proposed on land adjoining an Environmental Zone, the application to Council is to incorporate evidence to the satisfaction of Council that appropriate mitigation measures are in place to ensure any environmental impacts are minimised as far as practical.</i> 	Noted	<p>Noted.</p> <p>The development will not have any impact on the adjacent environmentally zoned land.</p>

12.3.6 Open Storage Areas

Control	Compliance	Comment
<i>i. Open storage areas must be screened from public places, including public roads, and are to be sealed to prevent the emission of dust.</i>	Complies	The open storage area in the central-north part of the Site is sealed and screened by screen fencing and landscaping as shown in the DA plan set. All waste plastic bales will be stored inside the building.
<i>ii. Screen fences are to be a maximum of 2.4 metres in height and goods are not to be stacked higher than the actual fence.</i>	Noted to comply	All fencing shall be a maximum 2.4m in height.
<i>iii. Open storage areas are to be located behind the building or another part of the site that cannot be seen from the street or from adjoining properties.</i>	Noted to comply	The open storage area in the central-north part of the Site is sealed and screened by screen fencing and landscaping as shown in the DA plan set. All waste plastic bales will be stored inside the building.
<i>iv. Landscaping is generally not an acceptable method of screening, unless it is already well established and the applicant can demonstrate that the storage area will be effectively screened.</i>	Noted	Landscaping is not proposed to screen any outdoor storage area.

12.3.7 Outdoor Advertising

<i>i. Specific controls relating to all advertising structures are contained in Part 16 of this DCP, which relates to Outdoor Advertising. Any advertising signage component of an industrial development, or the erection of any</i>	Complies	The Proposal includes business identification signage comprising flush wall signage and pole signage. As submitted by the DA, the proposed signage is considered adequate and proportionate relative to the size of the Site and the building, and distances to public domain.
--	-----------------	---

Control	Compliance	Comment
<i>new signage within the Industrial Zones is to be compliant with the provisions of Part 16.</i>		The signage does not contribute to clutter, untidiness, or visual distraction through proposed siting and design, and enhances the architectural and landscape presentation of the large industrial factory and warehouse format. Refer to assessment at Part 16 below.

12.3.8 Security Fencing

<i>i. Security fencing is required for the protection of property and is not usually required to protect non-productive areas of a site such as car parking and landscaping areas.</i>	Noted	The application provides that 2.1m high black palisade fencing, 2.1m high black PVC coated galvanised chainmesh is proposed. Specific details of the fencing locations are omitted.
<i>ii. Security fencing should not obstruct the view of landscaping from the street and should preserve driver's sightlines.</i>	Complies	Specific details of the fencing locations are omitted however the type of fencing will not unreasonably obstruct views.
<i>iii. Security fencing should incorporate landscaping to reduce its visual impact, particularly on large sites, and must be powder-coated black or dark green only.</i>	Complies	Complies.
<i>iv. Cyclone mesh security fencing should not be located in front of the main building wall towards the street and must not be erected to a height greater than 2.4 metres.</i>	Complies	Specific details of the fencing locations are omitted and should be confirmed prior to erection.

Control	Compliance	Comment
v. <i>Security fencing should not be an electric fence or incorporate barbed wire due to the visual appearance of these fence types.</i>	Complies	The development does not include electric or barbed wire fencing.
12.3.9 Utility Services		
i. <i>All developments within the Industrial Zones are to be fully serviced by reticulated water and reticulated sewerage.</i>	Complies	The lot is fully serviced by reticulated water and reticulated sewerage.
ii. <i>Despite control i. the Ettamogah Industrial Area (North of Central Reserve Road and West of Wagga Road/ Hume Highway) may dispose of sewerage on-site subject to a land assessment report being submitted and endorsed by Council demonstrating that climate, geology, hydrology, topography, soils composition and vegetation renders the land capable of disposing effluent on-site.</i>	Not applicable	The development has access to reticulated offsite wastewater disposal.
iii. <i>The applicant should make contact with AlburyCity regarding water and sewer requirements</i>	Noted	Noted.
iv. <i>The applicant should make contact with relevant providers of gas, electricity and telephone services at the earliest possible stage, in order to</i>	Noted	Noted.

Control	Compliance	Comment
<i>determine available services, easements and other requirements for servicing.</i>		
<i>v. Overhead power connection will not be permitted where the street service is presently underground.</i>	Noted	Notwithstanding the overhead powerlines are established in the street networks installed with the subdivision, the development does not propose any overhead power connection.
<i>vi. Development is to incorporate techniques such as leaky wells, gravel filled trenches and rainwater tanks to capture roof run-off and disposal on-site, thereby reducing peak flows and the volume of polluted water flowing downstream.</i>	Complies	The development will be constructed in accordance with relevant engineering and building code requirements.
<i>vii. Any surplus roof and stormwater drainage collected is to be piped to the nearest adequate Council drainage system. This on-site piping system is to be designed to the satisfaction of Council and shall be approved prior to the release of the Construction Certificate.</i>	Complies	The development will be constructed in accordance with relevant stormwater and drainage requirements. Refer to attached stormwater drainage design.
12.3.10 Flooding	Noted	The development is sited to ensure that there will not be a redistribution of flood flows or increase in flood levels in a flood event, and that there is no increase in inundation to neighbouring properties during a flood event. Notwithstanding, flood mitigation measures proposed by WMS Engineering in its Flood Mitigation Study for the NEXUS Industrial Precinct will be implemented removing the flood risk from the site. The mitigation measures recommended under 'Option 4' comprise the construction of a berm on the adjoining land and according to the

Control	Compliance	Comment
		conditions of the contracts of sale will be constructed by 31 May 2024. It is evident this has not yet been completed.
12.3.11 Potentially Hazardous or Offensive Industry	Not applicable	<p>The application submits that:</p> <p><i>The Proposal is not affected by SEPP33 as no dangerous good storage or transportation screening threshold will be exceeded under Applying SEPP 33: Hazardous and Offensive Development Application Guideline (DUAP, 1994), and therefore the Proposal is not considered potentially hazardous and a PHA is not required.</i></p> <p>The DA at Appendix F of the SEE contains tables of all dangerous goods and quantities and their relevant storage and transportation screening thresholds for the Proposal.</p>
12.4 Hazardous and Offensive Industries	Not applicable	The development is not a hazardous and offensive industry.
12.5 Light Industry	Not applicable	The development is not light industry.
12.6 Commercial Activities in the Industrial Zones	Not applicable	The development does not involve commercial activities.
12.6.1 Retailing and Display	Not applicable	Not applicable.
12.6.2 Shops or Services	Not applicable	Not applicable.
12.6.3 Office Space		

Control	Compliance	Comment
<i>i. Office space is to be ancillary to the principal industrial land use onsite, and to be occupied only by employees for that particular business.</i>	Complies	The proposed office space is ancillary to the principal use of the industrial development and will occupy only a small proportion of the overall floor space. The office space is only utilised by the employees of the business which is to be carried out on the site.
<i>ii. The size of the office area and number of office employees will be treated on a merits-based assessment.</i>	Noted	Noted.
<i>iii. The office shall not detrimentally affect the trading performance, singularly or cumulatively, of the Albury or Lavington B3 Commercial Core and B4 Mixed Use Zones.</i>	Noted	Noted

Table 9: Part 16 – Outdoor Advertising

Control	Compliance	Comment
16.2 Design Principles for advertisements and signage		
16.2.1 Design Principles Communication of information to the public <ul style="list-style-type: none"> <i>Advertisements and signage are to provide a clear, well communicated, uncluttered, organised level of identification to businesses and other facilities. •</i> <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> 	Complies	<p>The proposed signage provides clear, uncluttered and organised level of identification of the proposed use of the land.</p> <p>The signs are suitably sized, proportionate to the scale of the building and entirely appropriate.</p>
Visual Impact <ul style="list-style-type: none"> <i>Advertisements and signage need to enhance the architectural and landscape presentation of the building and be proportional in scale to the building or space within which they are located.</i> <i>Advertisements and signage need to be compatible with the existing or desired future character of the area in which it is proposed to be located and be of a colour, scale, design and position that compliments and integrates with the building design to which it is attached. This includes the painting of buildings and other</i> 	Complies	<p>The proposed signage is proportionate to the scale of the building and complimentary to the form and use.</p> <p>The signage is non-illuminated, non-reflective and is of a colour and style that represents the corporate brand of the proposed business use and is compatible with the desire character of the area.</p>

Control	Compliance	Comment
<p><i>corporate signage with colour schemes that would detract from its surrounds.</i></p> <ul style="list-style-type: none"> <i>Advertisements and signage shall not adversely impact on heritage buildings or obscure the view of attractive landscapes, streetscapes, or significant buildings.</i> <i>Advertisements and signage shall minimise any cumulative impacts on the character of an area or route.</i> 		
<p>16.2.2 Public Safety</p> <p>Principles</p> <ul style="list-style-type: none"> <i>Advertisements and signage can not adversely impact on the safety and security of pedestrians, motorists or the general public.</i> <i>Advertisements and signage can not cause a hazard to the health and safety of the general public.</i> <i>Advertisements and signage can not cause excessive glare, compete with existing road signs, obscure views of pedestrians and drivers, or lead to the physical obstruction of footpaths or thoroughfares.</i> 	Complies	<p>The proposed signage will not adversely impact safety or security of the site, or surrounding setting including pedestrians and motorists.</p> <p>The signage will not cause a hazard or compromise health and safety of the general public.</p> <p>The signs are not internally illuminated and non-reflective and will not cause glare or conflict with road signs or lead to any physical obstruction.</p>

Table 10: Part 17 – Off Street Car Parking

Control	Compliance	Comment
17.2 Parking Provisions by Land Use		
<p><i>i. Car parking spaces are to be provided in accordance with the standards set out in Table 17.1. For land uses not specifically listed, the car parking must be provided as per the most similar use of equivalent intensity, or otherwise in accordance with the requirements of the Council and/or RTA (whichever is the greater).</i></p>	<p>Variation sought</p>	<p>The appropriate land use classifications are general industry and office.</p> <p>Table 17.1 requires the following:</p> <ul style="list-style-type: none"> - Office GFA = 1 space per 40m2 GFA, plus - Industrial GFA = 1 space per 80m2 GFA, plus - Visitors = 1 space per 500m2 industrial GFA <p>which extrapolates to a total of 90 car parking spaces required for the Proposal.</p> <p>The application submits that the DCP guidelines do not give due and proper consideration to industry which may have space consuming plant and equipment such as the Proposal.</p> <p>The application proposes:</p> <ul style="list-style-type: none"> - 32 car parking spaces, including 2 spaces for persons with disabilities - motorcycle parking spaces (contained within car parking spaces) - 5 bicycle rack spaces; and - unloading/loading bays. <p>The applications deficiency is supported by a TIAR (Spotto Consulting) and concludes that: sufficient car parking is provided on each lot to satisfy the likely peak parking demands of the development.</p> <p>The proposed 58 space deficiency is entirely supportable.</p>
<p><i>ii. Where a combination of uses is intended, the total parking requirements shall be the sum of the</i></p>	<p>Noted</p>	<p>As above.</p>

Control	Compliance	Comment
<i>requirements for the various uses. This may be reduced at the Council's discretion in cases where the proponent can demonstrate that the lesser amount will satisfy the expected demand.</i>		

17.3 Car Parking Controls

17.3.1 Car Parking Design

<i>i. Access, car bay dimensions and orientation, and aisle width must comply with requirements for car parking areas contained in Austroads Guide to Traffic Management; Part 11: Parking.</i>	Complies	Complies. The application is supported by a TIAR (Spotto Consulting) which confirms compliance.
<i>ii. A Car parking areas are to be adequately finished with fully sealed surfaces, internal drainage systems, line markings, appropriate kerbing, paved aisle dividers and/or wheel stops compliant with the requirements contained in the AlburyCity Engineering Guidelines for Subdivisions and Development Standards and the Austroads Guide to Traffic Management; Part 11: Parking.</i>	Complies	The carpark will be constructed with kerb and gutter, finished with sealed surfaces and line marked as required.
<i>iii. Appropriate landscaping which responds to the site conditions and surrounding context, particularly the transition between public and private spaces must be provided on-site.</i>	Complies	The proposed landscape treatment to the car park responds to the site conditions and surrounding context. The landscaping will provide shade and will not cause detrimental impacts to the car park usage.

Control	Compliance	Comment
<i>Landscaping shall include trees that provide shade, but do not have a growth characteristic that sheds limbs or significant fruit or nuts.</i>		
<i>iv. A Pedestrian and vehicular connections with adjacent public roads and footpaths, and other adjacent private car parking areas shall ensure integration of vehicle and pedestrian configurations and movement patterns.</i>	Complies	Vehicle and pedestrian access arrangements are integrated and connected with the adjacent McLaurin Road in a shared arrangement. It is noted there were no footpaths provided with the subdivision. These arrangements are entirely suitable in the industrial context and remote setting of the area.
<i>v. Car parking entrances shall be located in consultation with AlburyCity staff, to ensure the safe and efficient integration with the local road network, and shall be configured and signposted, containing adequate site lines as outlined in Austroads Guide to Traffic Management; Part 11: Parking.</i>	Noted	The car park entrance has been configured to suit the subject land and proposed operation with adequate sightlines and to ensure safe and efficient egress from the subject land.
17.3.2 Disabled Persons Parking		
<i>i. Disabled persons parking spaces are to be provided at the rate of 1 space (minimum) for all development/s and an additional 1 space per 33 spaces or part thereof.</i>	Complies	Two (2) spaces are provided in accordance with this control.

Control	Compliance	Comment
ii. <i>The spaces shall be located close to an accessible lift, ramp or building entrance and be provided with an accessible path of travel.</i>	Complies	The proposed disabled parking spaces are located in front of the main entry with an accessible path of travel.
iii. <i>Disabled spaces shall be in accordance with the design and dimensions required by the relevant current Australian Standard AS 2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities.</i>	Noted to comply	The disabled persons spaces have been designed to comply with the Australian Standard.
iv. <i>Disabled spaces should be indicated by a permanent sign as specified in Australian Standard AS 1428.1 – (General Requirements for Access – Buildings).</i>	Noted to comply	The disabled persons spaces shall be sign posted in accordance with this Australian Standard.
v. <i>Disabled parking spaces are to be constructed in accordance with the minimum dimensions provided in AS2890.6 – Parking Facilities – Part 6: Off-Street Parking for People with Disabilities. This includes a clear space, which may be shared, of minimum dimension 5.4 metres long by 2.4 metres wide adjacent to every dedicated space.</i>	Noted to comply	The disabled space has been designed to comply with this Australian Standard.

17.3.3 Bicycle Racks and Motorcycle Parking Spaces

Control	Compliance	Comment
<i>i. Car parks with 30 or more spaces are to provide 1 bicycle rack space for each 10 spaces.</i>	Complies	Complies
<i>ii. Car parks with 30 or more spaces are to provide 1 motorcycle space per 30 car parks or part thereof.</i>	Complies	Complies
17.3.4 Off Street Loading Facilities		
<i>i. Adequate provision is to be made within the site area for loading, unloading and access area facilities.</i>	Complies	The development will utilise the internal loading and unloading areas.
<i>ii. If a building has access to a rear lane, the loading and unloading facilities are to be provided from that lane unless the lane is considered inadequate for the purpose.</i>	Not applicable	The subject land does not have access to a rear lane.
<i>iii. The dimensions of a loading bay will depend upon the vehicles to be accommodated. The minimum dimensions should be 4 metres x 9 metres and 3.8 metres high clear of all obstructions.</i>	Not applicable	The development does not propose a 'loading bay'.
<i>iv. Design of off-street parking facilities for commercial vehicles shall have regard to the</i>	Not applicable	The proposal does not generate demand for commercial parking spaces.

Control	Compliance	Comment
<i>current Australian Standard AS 2890.2 – (Commercial Vehicle Facilities) published 1989.</i>		
<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 is not used for other purposes such as the storage of goods and equipment.</i>	Complies	Heavy vehicle movements will be mostly separate to small vehicle movements.
<i>vi. Loading provisions will not apply to development being minor alterations to an existing building if, in the opinion of the Council, the size and shape of the land or the existing building render the provision of facilities impracticable.</i>	Noted	Noted
<i>vii. All service vehicles are to enter and leave a site in a forward direction.</i>	Complies	Complies
17.3.5 Pedestrian Movements		
<i>i. Pedestrian safety and permeability is to be a primary consideration in the design of car parking. Aisle designs shall include obvious surface treatments, signage and other markers to ensure motorists and pedestrians understand the</i>	Noted	The carparking area is a linear design featuring a central aisle with 90-degree parks. This arrangement is considered to have good surface treatments and is appropriate having regard to the context and scale of the development.

Control	Compliance	Comment
<i>likely movements of both parties within car parking areas.</i>		
<i>ii. Pedestrian movements should be separated from vehicular traffic as much as physically possible. Where possible pedestrian thoroughfares within the parking area should be provided. Such areas are to be suitably integrated with the landscaping proposals for the parking area.</i>	Complies	Pedestrian and vehicular movements are separated as much as physically and practically possible. The shared spaces are highly visible with appropriate distances and access.

17.3.6 Contributions in Lieu of Physical Provision of Car Parking

<i>i. In cases of development where, off street car parking does not meet the requirements of this DCP (shortfall), or where in the opinion of the Council, the provision of off-street parking is not physically possible, and where the Council has established or proposes to establish car parking facilities in the vicinity, the Council will give consideration to the acceptance of a cash contribution in satisfaction of part, or all, of the requirements under this DCP. Where the Council agrees to accept a cash contribution under these circumstances, the amount of such contribution shall be as set by the Council in its Developer Contributions Plans.</i>	Not applicable	The Council has not indicated any plans to establish car parking facilities in the vicinity.
---	-----------------------	--

Table 11: Albury Industrial Hub Master Plan Design Principles

Control	Compliance	Comment
Site Planning		
Subdivision Layout	Not applicable	
Internal Road Network	Not applicable	
Site Coverage		
Design Objectives <i>1. Ensure that adequate area is available to accommodate landscaping, open space for employees and screening of loading and storage areas.</i> <i>2. Ensure that adequate area is available for driveways and access, onsite parking and manoeuvring of vehicles.</i> <i>3. Achieve appropriate building setbacks that are landscaped to ensure integration with streetscape and road tree plantings.</i> <i>4. Ensure that adequate area is available and that use of the site is carried out to allow the continued</i>	Complies	Complies. There are no TransGrid easements on the site.

Control	Compliance	Comment
<i>and safe operation of Transgrid easements (where relevant).</i>		
Design Requirements		
• <i>Maximum site coverage permitted is 65% of the lot area.</i>	Complies	Complies
• <i>Minimum site coverage permitted is 20% of the lot area.</i>	Complies	Complies
• <i>Building setbacks to collector roads is to be a minimum of 10m.</i>	Not applicable	The building is not proximate to a collector road.
• <i>Building setbacks to local roads is to be a minimum of 10m.</i>	Complies	Proposed building setback to McLaurin Road will exceed 10m.
• <i>5m setbacks to side and rear boundaries where adjoining lots are zoned for industrial uses.</i>	Complies	Proposed side and rear setbacks will exceed 5m.
• <i>Front setbacks are sufficient to enable landscaping to screen large footprint buildings and create an integrated and coherent public / private interface.</i>	Complies	The proposed development includes a generous front setback with significant meaningful landscaping consisting of trees and shrubs.

Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Car parking, water tanks, structures and storage areas are not permitted within front setback areas.</i> 	Departure	<p>The proposed; car parking is proposed within the 22.1metre wide front setback area to McLaurin Road.</p> <p>The proposal is supportable for the following reasons:</p> <ul style="list-style-type: none"> - the Proposal represents a logical site layout and design solution for the Site. - The carpark facilitates the segregation of staff and visitor vehicle traffic movements from delivery and collection heavy vehicle traffic - It provides acceptable streetscape visual amenity with proposed landscaping treatments and provides an orderly planning outcome. <p>For these reasons alone the developments design response is supportable.</p>
<ul style="list-style-type: none"> <i>Outdoor storage areas are to be screened from the public realm though the siting of building, rather than fencing.</i> 	Not applicable	No outdoor storage areas are proposed.
<ul style="list-style-type: none"> <i>Black PVC coated chainwire fencing to a maximum of 1.8 metres in height is permitted forward of the building line.</i> 	Noted	Specific details of the fencing locations are omitted and should be confirmed prior to erection.
<ul style="list-style-type: none"> <i>All work activities within Transgrid easements are in strict accordance and fully comply with the Electrical Supply Association of Australia (ESAA) National Guidelines for Safe Approach Distances to Electrical Apparatus.</i> 	Not applicable	No works are proposed within Transgrid easements.

Control	Compliance	Comment
Building Height and Built Form		
Design Objectives		
<p>1. <i>Ensure that buildings are of architectural merit, diversity, scale and high-quality built form.</i></p> <p>2. <i>Ensure that built form contributes to the visual amenity of the area.</i></p>	Complies	The proposed development includes an attractive built form with varying building colours and articulation.
Design Requirements		
<ul style="list-style-type: none"> <i>Building heights are to be in keeping with the scale and land use type of adjoining land.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>The height of buildings and works should take into account the proximity of the structure to roads, conservation areas and any adjoining sensitive land uses.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>Warehouse buildings are to be a maximum of 20m in height from natural ground level.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>Office / commercial components are permitted to exceed the maximum building height by 50% in order to provide visual interest and articulation of heights.</i> 	Noted	Noted

Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Variation to the maximum height may be permitted provided proposed building height is compatible with the scale, bulk and height of surrounding buildings and will not generate excessive overshadowing of adjacent properties.</i> 	Noted	No variation is proposed.
Access, Movement and Car Parking		
Site Access and Manoeuvring		
Design Objectives		
<p><i>1. Ensure that access and manoeuvring arrangements to/from and within the site cater for large vehicles, are safe and do not cause detriment to other road users.</i></p>	Complies	Complies
Design Requirements		
<ul style="list-style-type: none"> <i>Truck access, manoeuvring and loading areas are to be separated from car parking areas.</i> 	Complies	The proposed carparking area will be separated from the truck circulation unloading/loading areas.
<ul style="list-style-type: none"> <i>Consider separating truck and small vehicle access points to reduce vehicle conflicts.</i> 	Complies	There are two (2) crossovers proposed, providing suitable access for heavy vehicles and small vehicles without conflict.
<ul style="list-style-type: none"> <i>All vehicles must be able to enter and leave the site in a forward direction.</i> 	Complies	Complies

Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Pedestrian access through car parking areas should be clearly marked, and where possible emphasised by the use of raised and textured surfaces and articulated through landscaping where feasible.</i> 	Noted	The proposed car parking area will result in minimal traffic movements, and few visitors to the site. The carpark is small in scale where these wayfinding requirements are not deemed necessary. Further provision of these requirements would result in a reduction in the number of spaces and for no public or private benefit.
<ul style="list-style-type: none"> <i>As far as possible, pedestrian access through car parks should be kept separate from vehicle access ways.</i> 	Noted	As above.
<ul style="list-style-type: none"> <i>Buildings shall be designed to allow loading / unloading of vehicles within the building.</i> 	Complies	Loading and unloading will occur in the designated loading/unloading areas within the site.
<ul style="list-style-type: none"> <i>Loading docks should be situated to the side or rear of buildings.</i> 	Not applicable	No loading docks are proposed.
<ul style="list-style-type: none"> <i>Where not subdivided, all driveways are to satisfy AS2890.1 and AS2890.2.</i> 	Complies	The proposed driveways will satisfy these standards.

Car Parking

<ol style="list-style-type: none"> <i>Ensure that on-site car parking is adequate, safe and convenient.</i> <i>Ensure that the layout of parking areas are visually attractive and integrated.</i> 	Complies	The proposed car parking area has been designed to reduce conflicts between small vehicle and truck movements. The carparking area enjoys generous landscaping to soften the appearance and is safe, convenient and adequate.
--	-----------------	---

Design Requirements

Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Sufficient car parking is provided on each lot to satisfy the likely peak parking demands of the development.</i> 	Complies	<p>Refer to above discussions.</p> <p>It has been determined that the proposed parking arrangements are sufficient for the expected peak parking demands.</p>
<ul style="list-style-type: none"> <i>Required car parking shall be located behind the required minimum front setback area, however visitor car parking may be permitted forward of the building line where it can be demonstrated that the landscape quality of the streetscape can be maintained.</i> 	Variation	<p>Refer to above discussions.</p> <p>It has been determined that the proposed carpark siting which includes generous front setback, with landscape plantings and features that assist to maintain the landscape quality of the streetscape is supportable.</p>
<ul style="list-style-type: none"> <i>Access routes to car parking areas for each lot are to be clearly signposted.</i> 	Complies	<p>Noted to comply.</p>
<ul style="list-style-type: none"> <i>All car parking spaces are to be constructed of hardstand, all weather material, adequately drained, marked and designated.</i> 	Complies	<p>Proposed carparking areas will be constructed of bitumen/asphalt and concrete and will be drained to the legal point of discharge and appropriately line marked.</p>
<ul style="list-style-type: none"> <i>Sufficient spaces are to be provided for disabled car parking.</i> 	Complies	<p>The proposal includes two disabled persons parking spaces.</p>
<ul style="list-style-type: none"> <i>Landscaping shall be integrated into the design of car parks and hardstand areas to allow for canopy and shade planting to reduce the 'heat island effect'.</i> 	Complies	<p>Landscaping will be provided in carparking areas.</p>

Building Configuration

Control	Compliance	Comment
Sustainable Building Design		
Design Objectives		
<p>1. <i>Reduce greenhouse emissions through appropriately designed buildings and best practice energy management.</i></p> <p>2. <i>Adopt economically viable energy efficient design initiatives.</i></p>	Complies	The proposed development will employ suitable sustainability measures and allow for solar panels on the roof in future.
Design Requirements		
<ul style="list-style-type: none"> <i>Building orientation and design should be such that they maximise northern exposure and shade east and west facing windows and openings.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>Windows and openings should be positioned to maximise natural cross ventilation.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>Minimise winter heat loads through the arrangement of glazed parts of buildings to face north and east.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>Use light coloured materials in hardstand areas to minimise heat absorption.</i> 	Complies	Complies

Control	Compliance	Comment
<ul style="list-style-type: none"> External shading devices (e.g. awnings, shutters, canopy trees) are to be used to protect east, north and west facing windows from summer heat. 	Complies	Complies
<ul style="list-style-type: none"> Use skylights and light wells to capture natural light for internal building areas. 	Noted	Noted.
<ul style="list-style-type: none"> Maximise insulation and thermal mass and minimise air building leakages, where appropriate. 	Noted	Noted.
<ul style="list-style-type: none"> Capture and store rainwater from roofs and other impervious surfaces within tanks for reuse. Drain hardstand / car park areas to appropriate stormwater treatment devices prior to discharge from the site. 	Complies	Stormwater will be appropriately managed in accordance with the attached Civil Works Layout Plan.
<ul style="list-style-type: none"> Place trees and buildings along the south western fringes of the site to reduce the effects of hot westerly summer breezes. 	Noted	Noted
Sustainable Building Materials		
Design Objectives		

Control	Compliance	Comment
<p>1. Minimise the total material resources used.</p> <p>2. Minimise the environmental impacts of material used.</p> <p>3. Encourage the use of environmentally sustainable materials, with low embodied energy content.</p> <p>4. Encourage high quality architect designed buildings within areas of high visibility.</p>	Complies	Complies
Design Requirements		
<ul style="list-style-type: none"> Consider materials with recycled content. Examples include: recycled concrete, brick, timber, steel etc. 	Complies	Recycled materials will be used where possible.
<ul style="list-style-type: none"> Consider using certified plantation (Forest Stewardship Council) or engineered timber materials, and avoid unsustainable imported timber from old growth forests. 	Noted	Noted
<ul style="list-style-type: none"> Choose low volatile organic compound (VOC) materials, including low/no VOC paints and coatings, floor coverings and underlays. 	Noted	Noted
<ul style="list-style-type: none"> Source local materials to reduce transportation impacts. 	Noted	Noted.

Control	Compliance	Comment
Building Appearance		
Design Objectives		
<p>1. <i>Encourage building forms, materials and finishes that add visual interest to the area.</i></p> <p>2. <i>Encourage building typologies that add visual interest to the area.</i></p> <p>3. <i>Promote industrial development that is both functional and attractive in the context of its local environment through appropriate design.</i></p>	Complies	The proposed development provides a built form with a level of visual interest and façade articulation.
Design Requirements		
<ul style="list-style-type: none"> <i>Built form and facades visible from the street or public open space should be modulated and articulated to provide visual interest. Long blank walls will not generally be supported. Articulation of walls can be achieved by variations in setback, use of glazing and differing architectural materials, finishes and colours.</i> 	Complies	The proposed front façade will include varied materials such as steel cladding and varying Colorbond shades, as well as articulation achieved by eaves, awnings, and boxed Alucabond.
<ul style="list-style-type: none"> <i>Buildings should be designed with regard to site topography to step back and step down to help break up masses and ‘box’ style development. Consider breaking large buildings into sub-units or modules to reduce perceived scale.</i> 	Complies	The building is broken up into sub-units at the street frontage to reduce visual bulk.

Control	Compliance	Comment
<ul style="list-style-type: none"> Office areas sited in front of buildings can be designed to help reduce building mass and increase visual interest. Setbacks may be reduced to improve building articulation. 	Complies	The proposed office area at the front of the building has been designed to reduce visual bulk, including varied materials of cladding.
<ul style="list-style-type: none"> Locating the office components to the front reduces building bulk and presents an attractive frontage. 	Complies	The proposed office is at the front.
<ul style="list-style-type: none"> Buildings are to address the street and provide surveillance to streetscape. 	Complies	The proposed building includes an office at the front with clear glazed doors and an identifiable entrance and windows.
<ul style="list-style-type: none"> Entries and building bases should be articulated through the use of colour, material change and texture, and strengthened through landscape design. 	Complies	Colours and materials vary.
<ul style="list-style-type: none"> Built form within lots which lend themselves to 'landmark' or 'gateway' treatment should have a contemporary style and incorporate high quality architectural detail and visibility. 	Noted	The subject lot does not lend itself to a gateway treatment, however, does provide an attractive built form.
<ul style="list-style-type: none"> Large areas of smooth finish concrete wall panels should be enhanced with some form of texture. Consider using heavy textured paint or forming textures into selected areas of wall panels to avoid a glossy/high glare building surface. 	Noted	No large areas of concrete wall panels are proposed.

Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Hardstand, loading, storage, rubbish disposal, plant and equipment areas are to be softened from the front, side and rear through landscaping or integrated building form.</i> 	Complies	The development includes generous plantings along the eastern street front boundary.
Landscaping		
Landscape Design		
Design Objectives		
<ol style="list-style-type: none"> <i>1. Encourage a well designed, legible and cohesive landscape framework for development.</i> <i>2. Encourage a relationship between public and private landscape through a language of plant material and planting styles.</i> <i>3. Encourage the use of species that will increase the biodiversity of the site.</i> <i>4. Provide a visual buffer between neighbouring land uses and proposed development.</i> <i>5. Encourage the design of both hard and soft landscape to assist in creating comfortable micro climatic conditions and minimise the 'heat Island effect' of development.</i> 	Complies	The proposed landscape design will provide for a suitable improvement of the site in accordance with these objectives.
Design Requirements		

Control	Compliance	Comment
<ul style="list-style-type: none"> Retain significant existing trees or groups of trees wherever feasible in setbacks, medians, reserves and stormwater detention areas. 	Not applicable	There are no significant existing trees on the site.
<ul style="list-style-type: none"> Create a legible, clearly defined streetscape that provides the structure within which a more naturalised planting style can be contained. 	Complies	The proposed landscaping setback will provide for this.
<ul style="list-style-type: none"> Utilise high canopy trees and low grasses generally within verge and median planting to ensure sightlines are maintained. 	Complies	The proposed landscaping will include canopy trees and low grasses at the front of the site.
<ul style="list-style-type: none"> Provide private landscape setbacks frontages that are distinctive but well integrated with, and contributing positively to the public streetscape character. 	Complies	A generous landscape setback is provided.
<ul style="list-style-type: none"> Use native grasses and groundcovers as lawn alternatives where possible to reduce irrigation demands. 	Complies	Native grasses and groundcovers are proposed where possible.
<ul style="list-style-type: none"> Create well integrated stormwater detention and treatment areas which provide open space amenity and visual interest. 	Complies	As provided in the attached Civil Works Layout Plan.
<ul style="list-style-type: none"> Integrate stormwater treatment into the road reserve where possible. 	Complies	Stormwater from the site will be captured and directed to the stormwater network via a landscaped detention basin.

Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Promote passive irrigation of landscapes by directing nearby hardstand areas to vegetated areas.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>Use side and front boundary landscape setbacks to create windbreaks and provide shade to westerly sun and winter winds as appropriate.</i> 	Complies	The proposed development includes significant setbacks and landscaping along the front eastern and northern side boundaries.
<ul style="list-style-type: none"> <i>Design well integrated shade planting within car park areas.</i> 	Complies	Shade trees are provided adjacent to the car parking area.
<ul style="list-style-type: none"> <i>Use endemic species suited to the environment that have low water requirements and low maintenance.</i> 	Complies	Refer to Landscape Schedule.
<ul style="list-style-type: none"> <i>Use light coloured paving materials and surfaces and non impervious surfaces where practical to reduce heat absorption.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>Locate hard stand areas within the southerly side of lots to reduce their heat absorption.</i> 	Complies	Minimal hardstand areas are provided within the context of the development.
<ul style="list-style-type: none"> <i>Provide suitably located and unobtrusive waste storage areas. These areas are to be screened from public view by landscaping and or fencing.</i> 	Complies	The services area will provide for waste collection in a discrete location.

Site Topography and Management of Level Change

Control	Compliance	Comment
Design Objectives		
<p>1. <i>Encourage design that minimises cut and fill requirements.</i></p> <p>2. <i>Encourage well considered interfaces between lots and roads/setbacks/conservation areas.</i></p> <p>3. <i>Ensure that cut and fill requirements do not adversely impact upon adjoining land uses.</i></p>	Complies	Complies
Design Requirements		
<ul style="list-style-type: none"> <i>Retaining wall heights should be minimised. Where walls need to be greater than 3m in height, the retaining wall should be terraced or staggered with screen planting at the base and on intermittent levels.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>Landscaped batters are preferable to retaining walls and should be considered where space permits. Slopes should be no greater than 1 in 3 and suitably planted to provide screening or buffer as required by its location.</i> 	Complies	Complies
<ul style="list-style-type: none"> <i>Retaining walls and batters should be well integrated into the design of the building and its envelope.</i> 	Complies	The proposed batters and retaining walls integrate into the design and layout of the development.

Control	Compliance	Comment
<ul style="list-style-type: none"> <i>Retaining walls should be visually softened through planting.</i> 	Noted	Refer landscape plans
<ul style="list-style-type: none"> <i>Material excavated from site to form lots should be re used wherever possible.</i> 	Noted	Noted
Environmental Management		
Stormwater Management		
Design Objectives		
<ol style="list-style-type: none"> <i>Reduce demands on potable water.</i> <i>Improve the quality of stormwater that is discharged from the site in order to protect the ecosystem health of the receiving waterways.</i> <i>Attenuate the velocity and magnitude of flows that is discharged from the site in order to protect the stability of the receiving waterways.</i> 	Complies	Stormwater will be managed in accordance with the attached Civil Works Layout Plan and a Detailed Stormwater Management Plan.
Noise and Vibration		
Design Objectives		
<ol style="list-style-type: none"> <i>Provide for the mitigation and management of noise and vibration impacts from all proposed development.</i> 	Noted	Noise and vibration will be appropriately managed in accordance with relevant requirements within the industrial context.

Control	Compliance	Comment
Air Emissions		
Design Objectives		
<i>1. Provide for the mitigation and management of odour, dust and stack emissions from proposed operations.</i>	Noted	Air quality will be managed in accordance with the recommendations of the Air Quality Impact Assessment.
Risk and Hazard		
Design Objectives		
<i>1. Ensure that all proposed development operates at acceptable levels of risk and hazard to ensure the safety of persons or property on within the development area, or in surrounding areas.</i>	Noted	The operation of the site will be appropriately managed in accordance with relevant requirements.