

D21/33333

REPORT TO WESTERN REGIONAL PLANNING PANEL

FROM SENIOR PLANNER (B.HICKS)

DATE 15 JUNE 2021

ON DEVELOPMENT APPLICATION
298 CLERGATE ROAD, ORANGE
GENERAL INDUSTRY AND BUSINESS IDENTIFICATION SIGNAGE

PR20436 – IC21/9933

Application Lodged	6 May 2021
Development Application No	DA 186/2021(1)
Plan No/s	Plans prepared by Mckinnon Design, dated 12 and 22 April 2021, Revision B and C (4 sheets)
Applicant	Storco C/-Andrew Saunders 2/204-206 Lords Place ORANGE NSW 2800
Owner/s	Orange City Council PO Box 35 ORANGE NSW 2800
Land Description	Lot 1 DP 1085646, 298 Clergate Road, Orange
Proposed Land Use	General Industry and Business Identification Signage
Value of Proposed Development	\$6,603,417.00
Provisions of LEP 2011 (amended)	IN1 General Industrial
Details of Advertisement of Project	Not advertised or notified in accordance with the Orange Community Participation Plan 2019.
Recommendation	Approval

EXECUTIVE SUMMARY

Application lodged	6 May 2021
Applicant/s	Storco c/- Saunders and Staniforth
Owner/s	Orange City Council
Land description	Lot 1 DP 1085646, 298 Clergate Road, Orange
Proposed land use	General Industry and Business Identification Signage
Value of proposed development	\$6,603,417.00
Consent Authority	Western Regional Planning Panel

Consent is sought for the use and development of a *General Industry* and *Business Identification Signage* on land known as Proposed Lot 1 in the subdivision of Lot 1 DP 1085646, 298 Clergate Road, Orange (the 'subject property').

The subject property is a large vacant allotment (26ha) located within the Clergate Industrial Estate. The site has been the subject of a recent development application for a 46 lot Industrial subdivision (DA10/2021(1)). The proposed development will be located within proposed Lot 1 of that subdivision comprising 1.87ha. Orange City Council has recently released the Subdivision Certificate for Stage 1 (creating proposed Lot 1). Certain works associated with the subdivision are the subject of an engineering bond. The deposited plan and associated instruments are pending lodgement with NSW Land Registry Services for formal registration of the parcel. In the interim, the proposed development has been lodged on the parent parcel being Lot 1 DP 1085646.

The proposed development is intended to provide a new facility for an existing sheet metal manufacturing business in Orange. In particular, the proposed development will involve the construction of a 6,707.8m² concrete tilt-up panel industrial building including office areas purposively designed for the machining, manufacturing and rolling of sheet metal. The operation of the business would involve a minimum of 30 full time employees performing design, manufacturing and administrative duties. The proposed operating hours are 6am-6pm, Monday to Friday.

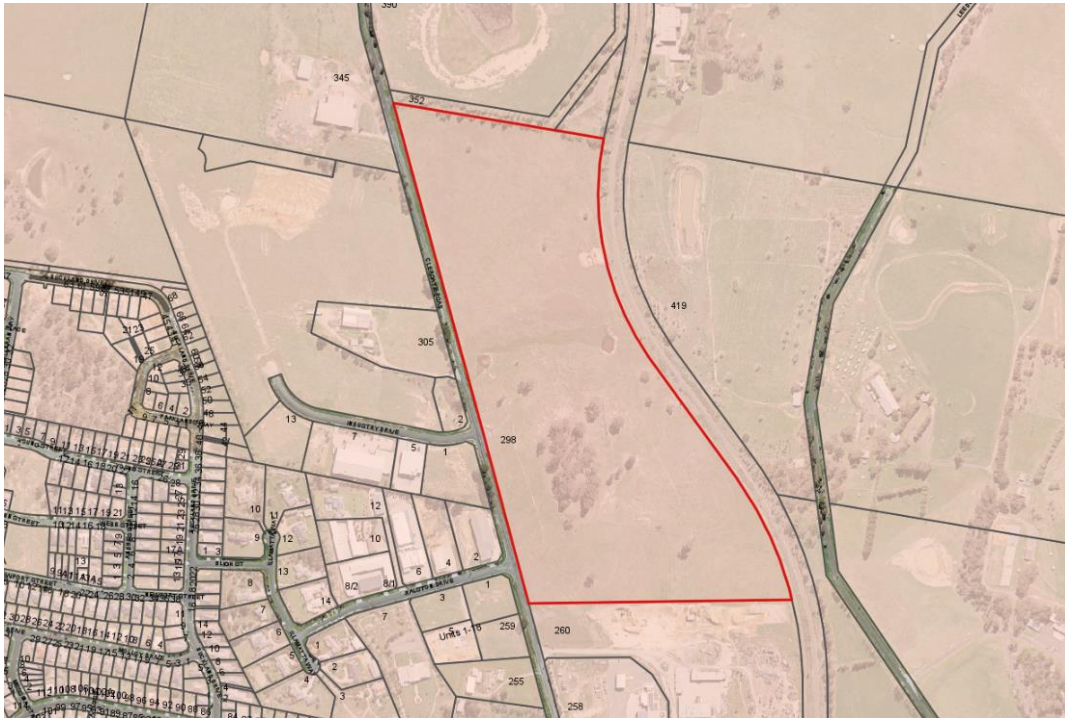
The proposal meets the criterion for regional development under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, in that the development has a capital investment value (CIV) of more than \$5 million and Orange City Council is the current owner of the land on which the development is to be carried out. The determining authority is therefore the Western Regional Planning Panel in accordance with State Environmental Planning Policy (State and Regional Development) 2011, the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

The key issues for consideration include operational noise, given proximity to residential receivers to the south-west, native vegetation clearing, and visual amenity/streetscape impacts given the size and scale of the proposed building on a prominent corner allotment.

As outlined in this report, the proposed development is considered to reasonably satisfy the Local and State planning controls that apply to the subject land and particular landuse. Impacts of the development will be within acceptable limit, subject to mitigation conditions. Approval of the application is recommended.

298 CLERGATE ROAD, ORANGE

6 May 2021

**Figure 1 – Site Context and Locality Map****DECISION FRAMEWORK**

Development in Orange is governed by two key documents Orange Local Environment Plan 2011 and Orange Development Control Plan 2004. In addition the Infill Guidelines are used to guide development, particularly in the heritage conservation areas and around heritage items.

Orange Local Environment Plan 2011 – The provisions of the LEP must be considered by the Council in determining the application. LEPs govern the types of development that are permissible or prohibited in different parts of the City and also provide some assessment criteria in specific circumstances. Uses are either permissible or not. The objectives of each zoning and indeed the aims of the LEP itself are also to be considered and can be used to guide decision making around appropriateness of development.

Orange Development Control Plan 2004 – the DCP provides guidelines for development. In general it is a performance based document rather than prescriptive in nature. For each planning element there are often guidelines used. These guidelines indicate ways of achieving the planning outcomes. It is thus recognised that there may also be other solutions of merit. All design solutions are considered on merit by planning and building staff. Applications should clearly demonstrate how the planning outcomes are being met where alternative design solutions are proposed. The DCP enables developers and architects to use design to achieve the planning outcomes in alternative ways.

Director's Comment

The proposed development will involve the construction of a 6,707.8m² concrete tilt-up panel industrial building including office areas purposively designed for the machining, manufacturing and rolling of sheet metal. The operation of the business would involve a minimum of 30 full time employees performing design, manufacturing and administrative duties.

298 CLERGATE ROAD, ORANGE

6 May 2021

The site has been the subject of a recent development application for a 46 lot Industrial subdivision (DA10/2021(1)). The proposed development will be located within proposed Lot 1 of that subdivision comprising 1.87ha. Orange City Council has recently released the Subdivision Certificate for Stage 1 (creating proposed Lot 1) and the applicant is in the process of purchasing the land from Orange City Council.

The proposal is considered to be regional development under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, in that the development has a capital investment value (CIV) of more than \$5 million and Orange City Council is the current owner of the land on which the development is to be carried out. The Western Regional Planning is the consent authority for this development.

The key issues for consideration include operational noise, given proximity to residential receivers to the south-west, native vegetation clearing, and visual amenity/streetscape impacts given the size and scale of the proposed building on a prominent corner allotment. Impacts of the development will be within acceptable limit, subject to mitigation conditions. Approval of the application is recommended.

POLICY/GOVERNANCE IMPLICATIONS

Nil

RECOMMENDATION

That the Western Regional Planning Panel consents to development application DA 186/2021(1) for *General Industry and Business Identification Signage* on land described as Proposed Lot 1 in the subdivision of Lot 1 DP 1085646, 298 Clergate Road, Orange pursuant to the conditions of consent in the attached Notice of Determination.

THE APPLICATION/PROPOSAL

Council's consent is sought for the use and development of a *General Industry and Business Identification Signs* on land described as proposed Lot 1 in the subdivision of Lot 1 DP 1085646, 298 Clergate Road, Orange.

Use

The proposed *General Industry* is intended to provide a new facility for a sheet metal manufacturing business in Orange. The core activities associated with the business include the design and manufacturing (roll forming, bending, punching and assembly of sheet metal components, welding and assembly of building components) to be used principally for self-storage fit out systems, self-storage buildings and fencing systems.

The supporting information indicates that the existing business employees 30 full time staff and will operate between 6am-6pm, Monday to Saturday.

It is also proposed to establish four business identification signs displaying the words "Storco" on the proposed building. The subject signs will be located on the north, south and western facades of the building.

298 CLERGATE ROAD, ORANGE

6 May 2021

Development

The proposed development involves the construction of an industrial scale building within the central portion of the proposed lot.

The proposed building would have a length of 200m (north-south), a width of 30m (east-west) and a height of 10m (ridge height).

The building would generally be finished in a combination of concrete tilt panel, Colorbond wall cladding and roof sheeting with a predominant colour scheme of Colorbond 'Surfmist' and 'Classic Deep Ocean'. The front building, which contains the offices and amenities areas, would be distinguished from the balance of the workshop building through the use of alternative materials and colours, glazing, articulation and building scale (Figure 2).

The proposed building would contain a workshop in the order of 6000m² and office/amenities in the order of 700m². The workshop would consist of a combination open workspace, and mezzanine areas. The office and amenities would consist of an open plan office, individual offices, amenities, training and conference rooms, and a reception area.

Other features of the proposed development include signage, 89 car parking spaces and perimeter landscaping.



Figure 2 – perspective Illustration

ENVIRONMENTAL PLANNING ASSESSMENT**Section 1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

Section 1.7 of the EP&A Act identifies that Part 7 of the *Biodiversity Conservation Act 2016* (BC Act) and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments. The proposal is not located within an aquatic environment identified under the Fisheries Management Act 1994 and thus no assessment is made against those provisions. The relevant matters for consideration under the Biodiversity Conservation Management Act 2016 and Regulation 2017 are considered below:

Biodiversity Conservation Act 2016 and Regulation 2017

The *Biodiversity Conservation Act 2016*, together with the *Biodiversity Conservation Regulation 2017*, outlines the framework for addressing impacts on biodiversity from development and clearing. It establishes a framework to avoid, minimise and offset impacts on biodiversity from development through the Biodiversity Offsets Scheme.

There are four thresholds known to insert a development into the Biodiversity Offset Scheme (i.e. the need for a BDAR to be submitted with a DA). If any of these thresholds are exceeded, the Biodiversity Offset Scheme applies to the proposed development, including biodiversity impacts prescribed by Clause 6.1 of the Biodiversity Regulation 2017.

298 CLERGATE ROAD, ORANGE

6 May 2021

- Threshold 1: development occurs in land mapped on the Biodiversity Values Map (OEH) (Clause 7.1 of BC Regulation 2017); or
- Threshold 2: development involves clearing/disturbance of native vegetation above a certain area threshold (Clauses 7.1 and 7.2 of BC Regulation 2017); or
- Threshold 3: development is otherwise likely to significantly affect threatened species (Clauses 7.2 and 7.3 of BC Act 2016).

The fourth threshold (development proposed to occur in an Area of Outstanding Biodiversity Value (Clause 7.2 of BC Act 2016) is generally not applicable to the Orange LGA as no such areas are known to occur in the LGA. No further comments will be made against the fourth threshold.

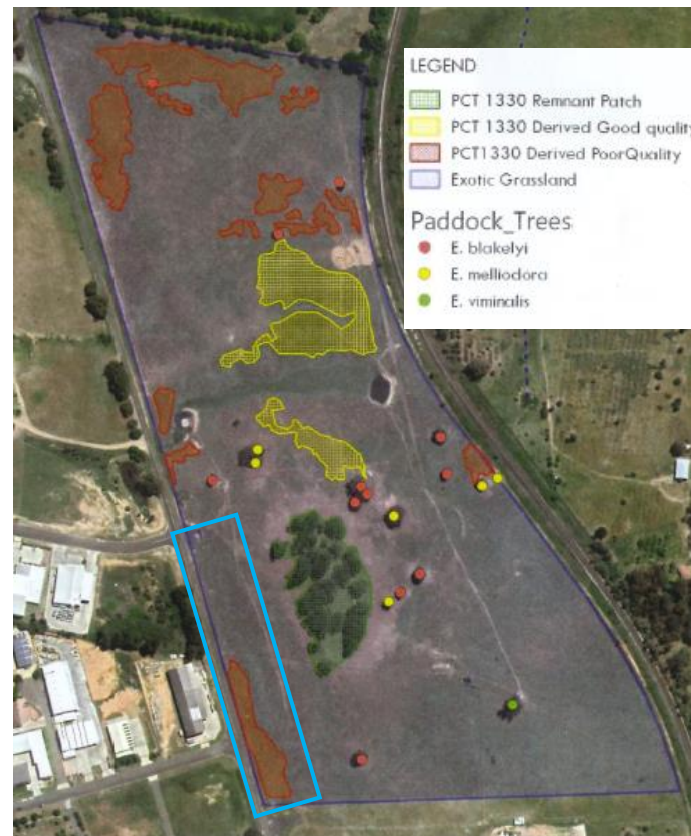
Furthermore, it should be pointed out that generally once clearing has been taken into account at the subdivision stage, that same clearing is not taken into account when determining whether the subsequent development of the land exceeds the biodiversity offsets scheme thresholds. However, although the subdivision DA accounted for clearing of land for both the subdivision and likely future clearing required for the intended purpose of the land i.e. industrial development, the subdivision consent only required the offsetting to occur under Stage 2 of that consent. In view of this and given the proposed development is likely to occur prior to the completion of Stage 2 of the subdivision, it is necessary to assess whether this development application would exceed clearing thresholds and require offsetting. Consideration of the relevant thresholds has been undertaken below:

Threshold 1 (Biodiversity Mapping)

The site is not mapped on the Biodiversity Value (BV) Map published by the Office of Environment and Heritage. However, the site is mapped as containing 'High Sensitivity' Terrestrial Biodiversity under Orange Local Environmental Plan 2011, and flora surveys undertaken by Premise Pty Ltd for the subdivision of the land (DA10/2021(1)) confirm that the site contains 4.29ha of native vegetation comprising pockets of remnant Yellow Box – Blakely's Red Gum grassy woodland (PCT 1330) along with isolated native paddock trees and derived grassland (Figure 3). Proposed Lot 1 will be located in the south-western corner (indicated in blue). This lot contains an area of PCT1330 derived grassland (poor quality). Notwithstanding, the PCT 1330 community is listed as a Critically Endangered Ecological Community under Schedule 2 of the *Biodiversity Conservation Act 2016*. Furthermore, targeted fauna surveys undertaken by Premise Pty Ltd for the subdivision recorded twenty (20) native bird species (including one threatened species), eight (8) native bat species (including one threatened species) and one (1) native frog species and associated faunal habitat at the site.

298 CLERGATE ROAD, ORANGE

6 May 2021

**Figure 3 – Vegetation Mapping (Premise)****Threshold 2 (Clearing Thresholds)**

The site is zoned IN1 General Industrial and carries a minimum lot size of 4,000m² under Orange Local Environmental Plan 2011. Pursuant to Clause 7.2 of the Biodiversity Conservation Regulation 2017, the prescribed native vegetation clearing threshold for lot sizes less than 1ha is 0.25ha:

Column 1	Column 2
Minimum lot size of land	Area of clearing
Less than 1 hectare	0.25 hectare or more
Less than 40 hectares but not less than 1 hectare	0.5 hectare or more
Less than 1,000 hectares but not less than 40 hectares	1 hectare or more
1,000 hectares or more	2 hectares or more

Figure 4 – Clearing thresholds (C7.2 BC Reg 2017)

The proposed development will be located within proposed Lot 1 of the subdivision. This lot contains an area of PCT1330 derived grasslands (poor quality) and is estimated to equal 0.2497ha (Figure 5). The entire site is expected to be cleared including the native grassland to facilitate the construction of the proposed buildings, carparking and manoeuvring areas. Given the area of native vegetation to be cleared is below the relevant clearing threshold established under the *Biodiversity Conservation Regulations 2017*, the proposed development does not trigger the entry of the proposal into the Biodiversity Offset Scheme (BOS).

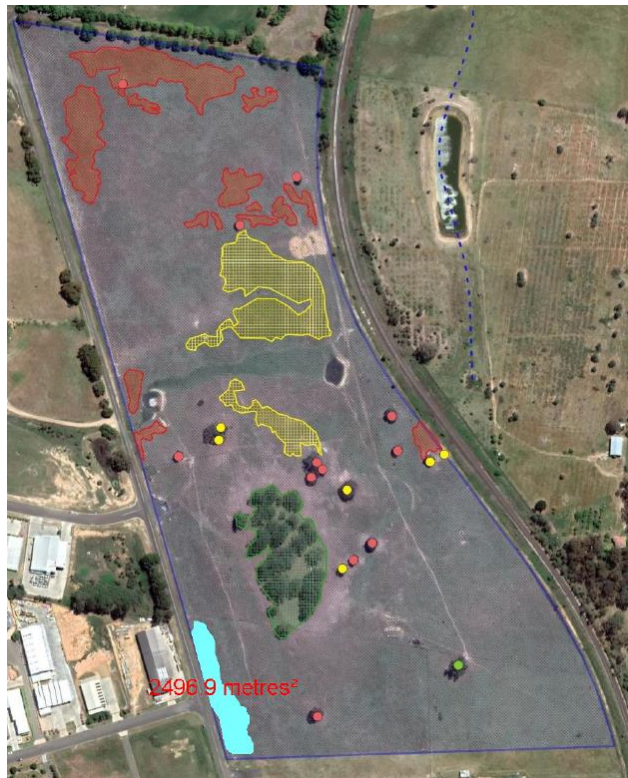


Figure 5 – Area of proposed clearing indicated in blue

Threshold 3 (Threatened Species)

Whether or not a BDAR has been triggered under any of the foregoing tests, impact assessments for threatened species must also be undertaken in accordance with the Biodiversity Assessment Method (BAM).

Database/literature searches were used in the assessment of the subdivision to determine threatened flora and fauna that may potentially occur on the subject site, and targeted onsite flora and fauna surveys were undertaken to verify the presence of any threatened species. The BDAR prepared by Premise Pty Ltd for the subdivision confirms that twenty two (22) threatened fauna species and two (2) threatened flora were identified as potentially occurring on the site and were considered in the assessment. No flora species from database/literature searches were identified/recorded during vegetation surveys (18 August and 17 November 2020) and considered absent based on habitat degradation.

In terms of threatened fauna species, the Superb Parrot and Yellow-bellied Sheathtail Bat were confirmed on the study area during fauna surveys undertaken by Premise between 2-5 and 16-19 November 2020. No other threatened fauna species were identified during the targeted surveys and considered absent based on habitat constraints. The Superb Parrot was observed flying over the study area and was considered likely to utilise native grassland for foraging. The Superb Parrot is hollow dependent for breeding. The proposed development will not involve the removal of any hollow bearing trees and thus will not result in any habitat destruction for this species. Although the proposal will result in the loss of grassland that may potentially be utilised for foraging by the Superb Parrot, the grassland is of poor quality and its loss represents a very small proportion of the total available and better quality food sources that can be utilised by this species in the area. Therefore impact on the Superb Parrot as a result of the proposed development is considered negligible.

298 CLERGATE ROAD, ORANGE

6 May 2021

Similarly, Yellow-bellied Sheath-tail Bats roost in tree hollows and utilise open grasslands for food sources; however, given the fragmented and degraded nature of the grassland and that no hollow bearing will be removed, the impact on the Yellow-bellied Sheath-tail Bat would also be minimal.

In summary, the clearing threshold has not been exceeded and significant effect on threatened species or ecological communities or their habitat is unlikely. Thus the biodiversity offsets scheme will not apply to this development.

Section 4.15 of the Environmental Planning and Assessment Act 1979

Section 4.15 of the *Environmental Planning and Assessment Act 1979* sets out the matters that the consent authority is to take into consideration in determining a development application. Those matters are addressed in the body of this report.

PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT s4.15**Orange Local Environmental Plan 2011****Part 1 - Preliminary****Clause 1.2 - Aims of Plan**

The aims of the *Orange Local Environmental Plan 2011* ('OLEP 2011') relevant to the application include:

- (a) *to encourage development which complements and enhances the unique character of Orange as a major regional centre boasting a diverse economy and offering an attractive regional lifestyle,*
- (b) *to provide for a range of development opportunities that contribute to the social, economic and environmental resources of Orange in a way that allows present and future generations to meet their needs by implementing the principles for ecologically sustainable development,*
- (c) *to conserve and enhance the water resources on which Orange depends, particularly water supply catchments,*
- (f) *to recognise and manage valued environmental heritage, landscape and scenic features of Orange.*

The application is considered to be consistent with the relevant aims of OLEP 2011.

Clause 1.6 - Consent Authority

Clause establishes that Council is the consent authority for the purpose of OLEP 2011.

Clause 1.9A - Suspension of Covenants, Agreements and Instruments

Clause 1.9A provides that any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose, with the exception of:

- covenants imposed by the Council or that the Council requires to be imposed
- any prescribed instrument with the meaning of section 183A of the *Crown Lands Act 1989*

298 CLERGATE ROAD, ORANGE

6 May 2021

- any conservation agreement within the meaning of the National Parks and Wildlife Act 1974
- any Trust agreement within the meaning of the *Nature Conservation Trust Act 2001*
- any property vegetation plan within the meaning of the Native Vegetation Act 2003
- any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*
- any planning agreement within the meaning of Division 6 of Part 4 of the Act.

Council staff are not aware of the title of the subject property being affected by any of the above.

Clause 1.7 - Maps

The subject site is identified on the LEP maps in the following manner:

Land Zoning Map:	Land zoned IN1 General Industry
Lot Size Map:	Minimum Lot Size 4000m²
Heritage Map:	Not a heritage item or conservation area
Height of Buildings Map:	No building height limit
Floor Space Ratio Map:	No floor space limit
Terrestrial Biodiversity Map:	High biodiversity sensitivity on the site
Groundwater Vulnerability Map:	Groundwater vulnerable
Drinking Water Catchment Map:	Not within the drinking water catchment
Watercourse Map:	Not within or affecting a defined watercourse
Urban Release Area Map:	Not within an urban release area
Obstacle Limitation Surface Map:	No restriction on building siting or construction
Additional Permitted Uses Map:	No additional permitted use applies
Flood Planning Map:	Not within a flood planning area

Those matters that are of relevance are addressed in detail in the body of this report.

Part 2 - Permitted or Prohibited Development**Clause 2.1 - Land Use Zones and Clause 2.3 - Zone Objectives and Land Use Table**

The site of the proposed development is zoned IN1 General Industrial under Orange Local Environmental Plan 2011. The Land Use Table for the IN1 General Industrial zone permits a general industry and business identification signage with the prior consent of Council. Orange LEP 2011 defines the described land uses as follows:

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

298 CLERGATE ROAD, ORANGE

6 May 2021

business identification sign means a sign:*(a) that indicates:**(i) the name of the person or business, and**(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and**(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.*

Clause 2.3(2) of the Orange LEP 2011 provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives of the IN1 General Industrial zone are:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To ensure development along the Southern Link Road has an alternative access.*

It is considered the proposed development is consistent and reinforcing of the above objectives on the basis of the following:

- the proposal intends to make use of a vacant industrial zoned parcel of land for manufacturing purposes;
- the proposed development represents an expansion of an existing local business and will provide continued employment;
- the proposal is expected to support the emerging Clergate Industrial Estate; and
- the site is not located in the vicinity of the Southern Link Road.

The following provisions of the OLEP 2011 have been especially considered in the assessment of the proposal:

Part 7 - Additional Local Provisions**7.1 - Earthworks**

Clause 7.1 seeks to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land; and to allow earthworks of a minor nature without requiring separate development consent.

Development consent is required for earthworks unless the earthworks are exempt development under this plan or another applicable environmental planning instrument, or the earthworks are ancillary to other development for which development consent has been given.

298 CLERGATE ROAD, ORANGE

6 May 2021

Before granting development consent for earthworks, the consent authority must consider the following matters:

- (a) The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development.
- (b) The effect of the development on the likely future use or redevelopment of the land.
- (c) The quality of the fill or the soil to be excavated, or both.
- (d) The effect of the development on the existing and likely amenity of adjoining properties.
- (e) The source of any fill material and the destination of any excavated material.
- (f) The likelihood of disturbing relics.
- (g) The proximity to and potential for adverse impacts on any waterway, drinking water catchment or environmentally sensitive area.
- (h) Any measures proposed to minimise or mitigate the impacts referred to in paragraph (g).

The plans submitted with the development application identify that the extent of earthworks associated with the development are in the order of 2m cut and 3m fill (approximately) from the existing Natural Ground level (NGL). The proposed works are generally required to establish a consistent Finished Floor Level within the building and an appropriate grade for the external car parking and circulation/manoeuvring areas. The earthworks are considered ancillary to the proposed development.

It is considered unlikely that the proposed development would disrupt or have a detrimental effect on the existing drainage patterns and soil stability of the area, detrimentally affect a future use or development of the land, detrimentally affect the amenity of adjoining properties, or disturb any relics.

7.4 - Terrestrial Biodiversity

This clause seeks to maintain terrestrial biodiversity and requires that consent must not be issued unless the application demonstrates whether or not the proposal:

- (a) *is likely to have any adverse impact on the condition, ecological value and significance of the fauna and flora on the land*
- (b) *is likely to have any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna*
- (c) *has any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and*
- (d) *is likely to have any adverse impact on the habitat elements providing connectivity on the land.*

Additionally this clause prevents consent being granted unless Council is satisfied that:

- (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
- (b) *if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise that impact, or*
- (c) *if that impact cannot be minimised - the development will be managed to mitigate that impact.*

298 CLERGATE ROAD, ORANGE

6 May 2021

The proposal is located on land that has been identified on the Terrestrial Biodiversity Map as partially comprising “High Biodiversity Sensitivity” land containing Yellow Box – Blakely’s Red Gum grassy woodland. This community is listed as a Critically Endangered Ecological Community under Schedule 2 of the *Biodiversity Conservation Act 2016*.

Proposed Lot 1 within the subdivision layout has been designed to avoid the woodland mapped as high biodiversity. Furthermore, the proposed development will be undertaken within the boundaries of the proposed lot, and thus it is not expected that there will be any impact on the woodland area as a result of the proposed development. As an added precaution, a condition may be imposed requiring a tree protection zone to be established along the western side of the woodland to ensure protection during construction works and limit access to this area.

In addition, the proposed clearing of native grasses within proposed Lot 1 has been assessed in accordance with the Biodiversity Conservation Act 2016 and Regulation 2017. The assessment indicates that the clearing is below the relevant threshold and that there will be no significant effect on threatened species or ecological communities or their habitat.

7.3 - Stormwater Management

Clause 7.3 - Stormwater Management seeks to minimise the impacts of urban stormwater on the land to which the development applies and on adjoining downstream properties, native bushland and receiving waters.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting onsite infiltration of water. This includes, where practical, onsite stormwater retention for use as an alternative supply to mains water, groundwater or river water; and avoids any significant impacts of stormwater runoff on adjoining downstream properties, native bushland and receiving waters; or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

Council’s Development Engineers recommend a condition of consent requiring full engineering details, for drainage and stormwater retention to be submitted to Council prior to the issuing of a Construction Certificate. This will ensure that stormwater will be adequately managed on the site without impacting adjoining properties, native bushland and receiving waters.

7.6 - Groundwater Vulnerability

Clause 7.6 - Groundwater Vulnerability seeks to maintain the hydrological functions of key groundwater systems and to protect vulnerable groundwater resources from depletion and contamination as a result of inappropriate development.

Before determining a development application for development on land to which this clause applies, the consent authority must consider whether or not the development (including any onsite storage or disposal of solid or liquid waste and chemicals) is likely to cause any groundwater contamination or any adverse impact (including the impact on nearby groundwater extraction for potable water supply or stock water supply) of the development and any other existing development on groundwater.

298 CLERGATE ROAD, ORANGE

6 May 2021

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact; or if that impact cannot be reasonably avoided - the development is designed, sited and will be managed to minimise the impact; if that impact cannot be minimised - the development will be managed to mitigate that impact.

The proposed development (sheet metal manufacturing) is not anticipated to involve the discharge of toxic or noxious substances and is therefore considered unlikely to contaminate the groundwater or related ecosystems. Similarly, the proposed development will not involve the extraction of groundwater and therefore will not contribute to groundwater depletion.

7.11 - Essential Services

Clause 7.11 - Essential Services provides that 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 are available or that adequate arrangements have been made to make them available when required.

Essential services include the supply of water; the supply of electricity; the disposal and management of sewage; stormwater drainage or onsite conservation; and suitable road access.

The provision of essential services (water, sewer, road access, electricity and stormwater) to the subject land is a requirement specified in the subdivision development consent (DA10/2021(1)) applying to the land. Council has recently issued a subdivision certificate for the creation of proposed Lot 1 (subject land). Outstanding works in association with the subdivision have been covered by an engineering bond (financial security to ensure compliance with conditions of a development approval). Subdivision Works Certificate (SWC) has been issued and the required works to provide essential services to the land are expected to be carried out in conjunction with the timing of the building construction. Council is satisfied that suitable arrangements have been put in place to ensure that access, water, sewer, drainage, power etc. that are associated with the creation of the lot have been made and will be suitable for the end development.

STATE ENVIRONMENTAL PLANNING POLICIES**State Environmental Planning Policy 55 - Remediation of Land**

State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated, is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation, it can be made suitable for the proposed development. Furthermore, SEPP 55 requires that before determining an application to carry out development that would involve a change of use of land (specified in Subclause 4), the consent authority must consider a preliminary investigation of the land concerned.

Council in determining the subdivision was required to be satisfied that the subject land was suitable for industrial development. It is therefore considered that the site is suitable for the proposed use and no further preliminary investigation is required to satisfy the requirements of the SEPP as part of this development application.

298 CLERGATE ROAD, ORANGE

6 May 2021

State Environmental Planning Policy (Infrastructure) 2007

Division 15 of the ISEPP provides commentary regarding development involving railways. As the site is located adjacent to the Main Western Railway corridor, Clause 85 and 86 of the ISEPP are to be considered. Clause 85 states:

- 1) *This clause applies to development on land that is in or adjacent to a rail corridor, if the development—*
 - a) *is likely to have an adverse effect on rail safety, or*
 - b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
 - c) *involves the use of a crane in air space above any rail corridor, or*
 - d) *is located within 5m of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities.*

While the proposed development is located on land that is adjacent to the Main Western Railway corridor, the proposed development within proposed Lot 1 is in excess of 350m from the adjoining boundary with the rail line and is unlikely to have an adverse effect on rail safety; does not involve placing a metal finish on a structure where the rail corridor is used by electric trains; nor is it expected that the proposal will involve the use of a crane in air space above any rail corridor.

Furthermore, Clause 86 of the SEPP states:

- 1) *This clause applies to development (other than development to which Clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land—*
 - a) *within, below or above a rail corridor, or*
 - b) *within 25m (measured horizontally) of a rail corridor, or*
 - c) *within 25m (measured horizontally) of the ground directly below a rail corridor, or*
 - d) *within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

The plans submitted with the development application identify that the extent of earthworks associated with the development are in the order of 2m cut and 3m fill (approximately) from the existing Natural Ground level (NGL). However, given earthworks will be carried out approximately 350m away from the rail corridor, concurrence is not required to be obtained from TfNSW in this instance.

State Environmental Planning Policy (State and Regional Development) 2011

The proposal meets the criterion for regional development under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011, in that the development has a capital investment value (CIV) of more than \$5 million and Orange City Council is the current owner of the land on which the development is to be carried out. As such the Western Regional Planning Panel in accordance with the requirements of the State Environmental Planning Policy (State and Regional Development) 2011, the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000 is the consent authority for the determination of this application.

298 CLERGATE ROAD, ORANGE

6 May 2021

State Environmental Planning Policy 64 - Advertising and Signage

State Environmental Planning Policy 64 - Advertising and Signage applies to the subject development. This SEPP aims to ensure that outdoor advertising and signage is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

The policy is structured such that the general heads of consideration are listed in Clause 13 of the policy. This clause for the purposes of the assessments acts to enable assessment against the criteria set out in Schedule 1 of the policy. The general assessment standards applicable to all signage affected by this policy are set out in Schedule 1.

In addition, the policy has provisions that apply to certain types of signs, making it important to classify the signs before making an assessment of them. Not all sign types have additional assessment criteria applied to them. Moreover certain definitions have overlapping meanings that can be applied. The proposed signs to be erected on the building are consistent with the definition of business identification signs, meaning:

a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business, but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

The proposed development involves the erection of four *Business Identification Signs* to be located on the north, south and western elevations of the proposed building. Each sign includes the text: STORCO.

The proposed *Business identification signs* are consistent with the intent of the assessment criteria set out in Schedule 1 Assessment Criteria of SEPP 64 as discussed below:

Schedule 1 Assessment Criteria

1 - Character of the Area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*
- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

The character of the area is principally industrial, with some residential development some distance away in the Waratahs Estate. Being the first industrial development of within the subdivision, the proposed signage is expected to set an acceptable precedence for the emerging area.

2 - Special Areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The subject property is located within an industrial precinct to the north of the City and does not fit any of the special criteria applicable under this clause.

298 CLERGATE ROAD, ORANGE

6 May 2021

3 - Views and Vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*
- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will be wall mounted and therefore will not dominate the skyline or reduce the quality of vistas. No viewing rights of other advertisers will be affected by the proposed signage.

4 - Streetscape, Setting or Landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*
- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*
- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*
- *Does the proposal screen unsightliness?*
- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*
- *Does the proposal require ongoing vegetation management?*

The scale of the proposed signage is considered appropriate in relation to the host building and will result in reasonable streetscape compatibility. The signage is expected to increase the amenity of the building façade and contribute to the visuals along Clergate Road.

5 - Site and Building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*
- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

The proposed signage is of suitable scale for the site, building and the surrounding land uses. It is not considered to be out of proportion with the surrounding locality and an acceptable way of identifying the business. The signage is also considered acceptable in its design and material selection.

6 - Associated Devices and Logos with Advertisements and Advertising Structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

No safety devices, platforms, lighting devices or logos are proposed.

298 CLERGATE ROAD, ORANGE

6 May 2021

7 - Illumination

- *Would illumination result in unacceptable glare?*
- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*
- *Can the intensity of the illumination be adjusted, if necessary?*
- *Is the illumination subject to a curfew?*

The signage is not proposed to be illuminated.

8 - Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

The proposed signage is appropriately located within the site and sits flush with the building, so it will not reduce pedestrian access or public safety, or restrict sightlines for vehicles, bicyclists or pedestrians.

PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT HAS BEEN PLACED ON EXHIBITION s4.15

There are no draft environmental planning instruments that apply to the subject land or proposed development.

DESIGNATED DEVELOPMENT

The proposed development is not designated development.

PROVISIONS OF ANY DEVELOPMENT CONTROL PLAN s4.15**Development Control Plan 2004**

Development Control Plan 2004 (the "DCP") applies to the subject property. Chapters of the DCP relevant to the proposed use and development include:

- Chapter 0 - Transitional Provisions;
- Chapter 2 - Natural Resource Management;
- Chapter 3 - General Considerations;
- Chapter 4 – Special Environmental Considerations;
- Chapter 9 - Development in the Industry and Employment Zone;
- Chapter 15 - Car Parking.

The relevant matters in Chapters 2 and 4 were considered in the foregoing assessment under Orange LEP 2011. The relevant sections, objectives and planning outcomes of Chapters 0, 3, 9 and 15 are addressed below.

CHAPTER 0 - TRANSITIONAL PROVISIONS

Section 0.2 - General Translation of Zones

Clause 0.2 - General Translation of Zones provides that any reference to a zone under Orange LEP 2000 is to be a reference to the corresponding zones in a zone conversion table. The table identifies that the IN1 General Industrial zone corresponds with the former Zone 4 - Industry and Employment.

Section 0.4 Former LEP Matters

0.4-10 Interim Planning Outcomes - Residential Proximity

Clause 0.4-10 - Interim Planning Outcomes - Residential Proximity identifies that industrial development has the potential to generate adverse impacts on surrounding land and therefore must be designed and operated in a manner that minimises such impacts. This is particularly relevant where industrial land adjoins or is in proximity to residential land.

This clause applies to development on land within 800m of residential zones or established dwellings in any zone.

Specific objectives and planning outcomes include the following:

Objectives

- 1 *To preserve reasonable levels of residential amenity for existing and future residents.*
- 2 *To protect the character of residential areas from intrusive or obnoxious development.*

Planning Outcomes

- 1 *The design of industrial and commercial development is consistent with nearby residential areas in terms of design, siting and landscaping.*
- 2 *The hours of operation, traffic and noise generation do not interfere with reasonable expectations of residential amenity.*
- 3 *Noise-generating activities are contained within the building where practicable.*
- 4 *Industrial air conditioning compressors are shielded to direct noise away from residential development.*
- 5 *Car park and security lighting is positioned and shielded to prevent direct light spill onto residential properties.*
- 6 *Measures to prevent dust, odour and chemical spray from reaching or affecting residential properties must be demonstrated.*
- 7 *The design must demonstrate how residential privacy and solar access will be maintained.*

The subject property is located 500m west and 300m south (approximately) of residential properties and land zoned for a residential purposes. Supporting information submitted with the development application and assessment by internal specialist staff indicates that the proposed development would not have an unacceptable impact on proximate residential areas for the following reasons:

298 CLERGATE ROAD, ORANGE

6 May 2021

Noise

Noise impacts associated with the subject development have been assessed by Council's Director of Development Services as follows:

I confirm that I have undertaken an assessment of acoustic impacts of the proposed 6,708m² manufacturing shed measuring 200m long x 30m x 10m high. The building is proposed on industrial zoned land. The building is proposed to be constructed of precoloured steel and concrete cladding, with the main shed containing 5 roller door openings that face westward. The proposal includes administration offices on the western elevation of the building, fronting into the large carpark.

From experience with Storco manufacturing operations and noise emissions from the manufacturing process would be in the vicinity of 60-65dB(A), as identified in an Acoustic Assessment report by GHD in November 2012 for the existing Storco site in Strathgrove Way. Whilst the proposed shed is substantially larger than the existing Storco shed and operations, noise emissions from the manufacturing components of the development would be similar to the existing. Furthermore, the site is surrounded on all sides by industrial zones and land uses. Indeed, the proposed site provides increased separation from the manufacturing works to the nearest residential receiver. The nearest residential receiver from the proposed manufacturing shed is 500m to the west.

In terms of noise emissions, whilst the use of the building is for manufacturing, operations rely heavily on the rolling of materials by robotic technologies, as opposed to impact noises arising from activities such as hammering, cutting or dropping of materials. This is the reason why emissions from the existing plant are relatively low for manufacturing and why predicted noise emissions from the proposed development are predicted to be of a similar quality and volume.

From experience, the background noise of this area would be around 40dB(A) giving noise targets of day, evening and night time of 45 dB(A) at the nearest residential receiver.

I am satisfied that given that the distance to residential receivers would be in excess of 500m (west) and that there would be noise shielding provided by neighbouring industrial buildings (both existing and future), noise emissions would be adequately mitigated for the predicted emissions of 60-65dB(A) from the proposed development.

Notwithstanding this, it is considered appropriate to recommend operational noise management conditions that will add to ensuring that the development would not impact on residential receivers. The conditions recommended are:

Ongoing Conditions:

- 1 The six roller doors in the eastern elevation of the main shed shall be kept closed, or partially closed during periods of heightened activity within the shed.*
- 2 Heavy vehicle deliveries shall be restricted to between the hours of 7am and 6pm.*
- 3 Compressors located on the either the northern or western elevations of the building, shall be enclosed within acoustic enclosures, or have acoustic screens.*

The recommended conditions of consent have been attached to the draft Notice of Determination.

298 CLERGATE ROAD, ORANGE

6 May 2021

Air Quality (Dust, Odour and Chemical Spray)

The supporting information submitted with the development application does not identify any activities (operationally) that would give rise to impacts on air quality in the locality. Emissions of dust may be expected during construction activities; however, these impacts would be relatively localised, short term and only for the duration of the works. Conditions of consent are recommended for dust suppression during works to protect the air quality. Long-term discernible impacts on air quality or on the microclimate of the locality is not expected.

Light Spill

The plans submitted with the development do not identify the use of any external lighting. Notwithstanding, it is recommended that a condition of consent be applied requiring that any external lighting is to be positioned and/or shielded to prevent direct light spill onto any residential properties in the vicinity.

Residential Privacy and Solar Access

Given the location of the subject property and its substantial separation from residential properties and intervening elements, it is considered that the proposed development will not have a detrimental impact on residential privacy and solar access.

Design

Given that the subject property is located within a developing industrial estate and is physically separated from the residential areas by roads and other industrial buildings, it is considered that it is unnecessary that the design, siting and landscaping of the proposed development be consistent with the residential area.

CHAPTER 3 - GENERAL CONSIDERATIONS**Section 3.1 - Cumulative Impacts**

Section 3.1 - Cumulative Impacts identifies that Council will consider not only the direct impacts of a particular development but also whether the development, when carried out in conjunction with other development in the locality, has a more significant environmental impact.

Specific planning outcomes regarding cumulative impact include:

Planning Outcomes

- 1 *Applications for development demonstrate how the development relates to the character and use of land in the vicinity.*
- 2 *The introduction of new development into a locality maintains environmental impacts within existing or community accepted levels.*
- 3 *Water conservation measures are implemented.*

The proposed development is consistent with the intended use of land within the Clergate Industrial Area insofar as it provides for uses which are permissible within the IN1 General Industrial zone.

Further, with regard to the assessment set out under *0.4-10 Interim Planning Outcomes - Residential Proximity*, it is considered that the potential off-site environmental impacts associated with the proposed development, including noise, can be maintained within

298 CLERGATE ROAD, ORANGE

6 May 2021

accepted levels. Recommended conditions of consent are contained within the attached Notice of Determination.

CHAPTER 9 - DEVELOPMENT IN THE INDUSTRY AND EMPLOYMENT ZONE**Section 9.3 - Design and Siting of Industrial Development**

Section 9.3 - Design and Siting of Industrial Development outlines the following planning outcomes that are relevant for the development of an industrial site:

Planning Outcomes

- 1 *Buildings are set back a minimum of 10m from front boundaries (5m to a secondary boundary on a corner lot) for lots greater than 1,000m² or 5m for lots less than 1,000m² or otherwise to a setback consistent with existing setbacks in established areas. A 10m setback applies to lots that have frontage to Clergate Road.*

The proposed development complies with this outcome as it provides for a minimum 14.8m setback from Clergate Road for the front office. The main workshop building will be set back a further 14m, being 28.8m from Clergate Road. A 20m setback is provided to the secondary (northern) boundary.

- 2 *Buildings cover up to 50% of the site area (excluding the area of accessways for battleaxe lots).*

The design plans submitted with the development application indicate that the proposed development would have a site coverage in the order of 35%.

- 3 *Landscaping is provided along boundaries fronting roads including trees with an expected mature height at least comparable to the height of buildings on the site. All sites contain an element of landscaping. Landscaping provided is of a bulk, scale and height relative to buildings nearest the front property boundary so as to provide beautification and visual relief to the built form proposed or existing on the site. The depth of the landscape bed at the site frontage is sufficient to accommodate the spread of plantings that meet the abovementioned outcomes but, where practicable, a minimum depth of 3.5m is provided. Plantings are designed to provide shade for parking areas, to break up large areas of bitumen, to enhance building preservation and to screen against noise.*

298 CLERGATE ROAD, ORANGE

6 May 2021

The design plans submitted with the development application provide landscaping bed of varying width within the Clergate Road frontage of the subject property. The landscaping bed includes 14 Evergreen alder trees within no understorey plantings. Council's Manager City Presentation has reviewed the landscape plans and has advised that the landscaping plan is insufficient for the proposed development. A shed of some 200m in length the number of *Alnus* proposed on the Clergate Road frontage, eight trees, at maturity will occupy approximately 32 lineal metres of frontage or just 16% of the shed mass. Therefore, additional trees should be identified for planting in the narrow landscape strip (3m wide) in front of the office component of the building. There are many narrow (columnar) species of trees that are suitable for narrow strips, many ornamental deciduous species such as Oakville Crimson Spire (*Prunus* species). The understory of the landscape strip should also comprise mass planting areas of shrubs e.g. native shrubs growing to a height of approximately 1m such as; Correa, Callistemon, and mass planted areas of strappy leaved plants such as Dianella, Lomandra, Dietes or similar plants.

Attached is a recommended condition of consent requiring that an amended detailed landscape plan be provided to Council prior to the issue of a Construction Certificate incorporating the recommendations by Council's Manager City Presentation.

- 4 *Architectural features are provided to the front building façade to provide relief using such elements as verandahs, display windows, indented walls, etc.*

The building design proposes a variation of materials, colours, window sizes and locations to provide aesthetic relief. The building will consist of a mix of Colorbond and concrete tilt panel walls and metal roof sheeting. Selected aluminium panels will be used to feature facades. The variation in materials and design, combined with the prominent office element on the western elevation, will present satisfactorily. It is considered that the proposed development will achieve an appropriate level of urban design in its context.

The introduction of suitable landscaping along the Clergate frontage will also assist to soften any visual impact of the large building.

- 5 *External materials consist of non-reflective materials.*

Supporting information submitted with the development application identifies that all proposed external materials will be of subdued tones and low reflective finishes. These materials primarily include concrete tilt panel and cladding in Colorbond 'Surfmist', and Colorbond 'Classic Deep Ocean' for the large workshop building. Colorbond 'Basalt' will be used for the roller doors. Colours for the front office building include Dulux 'Evening Haze' and 'Classic Deep Ocean'. The proposed colours and building materials are considered to be acceptable in this context.

- 6 *Adequate parking and onsite manoeuvring is provided.*

Section 9.3 and Chapter 15 of the DCP identifies that typical car parking rates to be applied in industrial areas are:

Industry/warehouse/depot:	One (1) space per 100m ² gross floor area or 1 space per two employees, whichever is greater
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298 CLERGATE ROAD, ORANGE

6 May 2021

The LEP defines gross floor area as the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4m above the floor, and includes:

- a) the area of a mezzanine
- b) habitable rooms in a basement or an attic
- c) any shop, auditorium, cinema, and the like, in a basement or attic.

but excludes:

- d) any area for common vertical circulation, such as lifts and stairs
- e) any basement
- f) storage
- g) vehicular access, loading areas, garbage and services
- h) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting
- i) car parking to meet any requirements of the consent authority (including access to that car parking)
- j) any space used for the loading or unloading of goods (including access to it)
- k) terraces and balconies with outer walls less than 1.4m high
- l) voids above a floor at the level of a storey or storey above.

The workshop area including the mezzanine will comprise a GFA of 5,972.6m² and the ancillary office/amenities area will comprise a GFA of 693m². It is noted that the applicant has calculated the office/amenities component at a rate of 1 space per 40m². However, given the office is an ancillary component of the dominant use, being general industry it is not necessary to apply a greater rate for the office. In this case, based on a total GFA of 6,665.6m² (workshop and office areas) the proposed development generates a requirement for 67 spaces (6,665.6m²/100m² = 66.6). Based on employee numbers, the development would generate a carparking requirement of only 15 spaces. Therefore, the greater parking requirement relates to GFA calculations. The proposed development has the provision of 89 parking spaces and thus complies with onsite parking requirements. Further, it is noted that while the existing business includes 30 full time employees, the provision of 89 car parking spaces would allow for up to 178 staff, should the current business expand or the site is re-purposed for another use in the future.

7 Advertising involves business-identification signs within the front façade and/or by a pole sign comparable to the relative height to the main building on the site.

The proposed development includes four business identification signs.

The foregoing assessment under *SEPP 64 - Advertising and Signage* identifies that each of the proposed signs achieves an acceptable design outcome.

298 CLERGATE ROAD, ORANGE

6 May 2021

- 8 *Security fencing is located or designed in a manner that does not dominate the visual setting of the area.*

Supporting information submitted with the development application identifies that perimeter fencing, including the frontage, will be 2.0m high chain wire fencing. Security fencing is encouraged to be located at or behind the front building façade; however, it is acknowledged that security fencing along the frontage is often sought to protect industrial premises when they are not operating. In such instances, additional landscaping should be established adjacent to these fences to soften the visual impact of security fencing on street frontages. Furthermore, the DCP indicates that should security fencing be sought along the frontage, alternatives to chain-wire fencing, such as powder-coated, high, picket fencing, should be used to improve street presentation. In this regard, a condition is recommended requiring security fencing along the primary and secondary road frontage to be black palisade fencing with the balance of fencing to be a chain wire. It is considered that the use of black palisade fencing along the primary and secondary frontages of the subject property will achieve a positive visual outcome being a prominent corner allotment within the Clergate Industrial Estate.

Section 9.4 – Specific Requirements for Clergate Road Industrial Area

Section 9.4 – Specific Requirements for Clergate Road Industrial Area outlines the following planning outcomes:

Planning Outcomes

1. *A range of lot sizes are provided with a small number of large lots (2ha and greater) accessing Clergate Road and smaller lots (minimum area of 4,000m²) subject to the provision of sewerage facilities fronting new industrial roads.*
2. *Landscaped areas are established along the western ridge.*
3. *Clergate Road is upgraded to a rural collector road with a formed pavement width of 9m (sealed carriageways of 7m).*
4. *New roads are constructed with kerb and gutter and associated drainage structures.*
5. *Development is carried out in accordance with Section 9.3 above*

Controls 1-4 primarily relate to the subdivision of land within the Clergate Road Industrial Area. These matters have been considered in the subdivision that will create the lot to which the proposed development will occur and thus are not applicable to the proposed development. With regard to the fifth planning outcome, the proposed development has been assessed in accordance with Section 9.3 *Design and Siting of Industrial Development* and is considered to largely comply, subject to compliance with recommended conditions of consent.

CHAPTER 15 - CAR PARKING**Section 15.4 - Parking Requirement**

Section 15.4 - Parking Requirements identifies the requirements for off-street car parking spaces.

The requirements of Section 15.4 have previously been addressed under Section 9.3 - Design and Siting of Industrial Development.

298 CLERGATE ROAD, ORANGE

6 May 2021

Section 15.6 - Parking Area Construction

Section 15.6 - Parking Area Construction outlines planning outcomes for parking area construction.

Planning Outcomes

- 1 *Adequate off-street car parking is provided in accordance with the Table or, alternatively, according to an assessment that demonstrates peak-parking demand based on recognised research.*
- 2 *Car-parking areas are designed according to Australian Standard.*
- 3 *Car-park areas include adequate lighting and landscaping (preferably deciduous shade trees), which provides for the personal security of users.*
- 4 *Bicycle-parking facilities are provided according to the relevant Australian Standard.*
- 5 *Facilities for loading and unloading of commercial vehicles are provided according to the relevant Australian Standard.*

Council's Development Engineer has advised that the proposed car parking spaces have been designed appropriately and that suitable arrangements have been made for the onsite loading and unloading of vehicles. All vehicles will be required to enter and leave the premises in a forward direction.

PROVISIONS PRESCRIBED BY THE REGULATIONS s4.15**Demolition of a Building (Clause 92)**

The proposal does not involve the demolition of a building.

Fire Safety Considerations (Clause 93)

The proposal does not involve a change of building use for an existing building.

Buildings to be Upgraded (Clause 94)

The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building.

BASIX Commitments (Clause 97A)

Council's Building Surveyor has identified that Section J of the Building Code of Australia (BCA) would apply to the proposed development.

THE LIKELY IMPACTS OF THE DEVELOPMENT s4.15**Context and Setting**

The site is subject to agricultural grazing landuse, with an industrial zoning pertaining to the land. Industrial zoning also extends over the land to the north, south and west, with Business Park zoning to the east. Residential urbanisation occurs 500m west and 300m south (approximately) of the site.

The proposed development is consistent with the predominant development pattern that has occurred recently and is not incongruous with the expected context of the area.

298 CLERGATE ROAD, ORANGE

6 May 2021

The forgoing assessment of the proposal demonstrates that the proposed general industry can be operated on the site without causing significant impacts on nearby land uses. Conditions concerning noise, air quality, delivery times and lighting will also be imposed to ensure there are no adverse impacts on sensitive receivers in the locality.

Traffic and Transport Impacts

The potential for traffic impacts relates mainly to the capacity of the local road network to accommodate the increase in traffic levels and the ability for vehicles to enter, exit and use the site without disruption to traffic flow to surrounding road networks.

The site has been the subject of a recent subdivision for 46 industrial allotments. The subdivision of land was supported by a Traffic Impact Assessment. That assessment found that the immediate road system serving the site will reasonably accommodate traffic associated with the industrial subdivision and thus would reasonably include traffic expected to be generated by this site and its use for industrial purposes. Furthermore, sufficient off-street parking will be provided and the site layout allows vehicles to enter and exit the site in a forward direction at all times. The submitted plans show that large vehicles will enter the site via the proposed new road along the northern boundary and exit via a new access onto Clergate Road.

Visual Amenity/Streetscape

The proposed building whilst large in dimension is of an acceptable design for an industrial area, with satisfactory design detailing and articulation. The building design proposes a variation of materials, window sizes and locations to provide aesthetic relief. The building will consist of a mix of Colorbond and concrete tilt panel walls and metal roof sheeting. Selected aluminium panels will be used to feature facades. The variation in materials and design, combined with the front office element on the western elevation, will present satisfactorily. The applicant has suitably demonstrated that the proposed design will not have an adverse impact upon the visual amenity of the industrial precinct. The introduction of appropriate landscaping will also assist in reducing any potential impacts of the large building.

Social and Economic Impacts

The proposed development has the potential to generate positive social and economic effects due to the following:

- the proposal will facilitate the expansion of an existing and well established local business and will assist to increase employment opportunities;
- the proposal will complement and enhance the role of Orange as a major regional business centre; and
- the construction phase of the development will provide short term economic benefits due to the engagement of contractors and purchase of materials.

THE SUITABILITY OF THE SITE s4.15

The proposed development is located in the IN1 General Industrial zone and is permissible with the consent of Council. The subject land is considered to be suitable to undertake the proposed development due to the following:

298 CLERGATE ROAD, ORANGE

6 May 2021

- The development is permissible and compliant with the relevant provisions of the LEP.
- The development is considered to be satisfactory in regard to s4.15 of the Environmental Planning and Assessment Act 1979.
- The potential impacts of the development can be managed appropriately through the conditions of consent.
- The development of the site will not create significant adverse impacts on the context and setting of the area.
- The development of the site will not detrimentally affect adjoining land and is unlikely to lead to land use conflicts with the imposition of suitable conditions of consent.
- Suitable arrangements have been made for all utility services and vehicle access.

ANY SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT s4.15

The proposed development is not defined as advertised or notified development under the provisions of the Orange Community Participation Plan 2019, and as such no formal exhibition of the application was required. No submissions have been received in relation to this application.

PUBLIC INTEREST s4.15

The proposed development is considered to be of minor interest to the wider public due to the relatively localised nature of potential impacts. The proposal is not inconsistent with the relevant policy statements, planning studies, and guidelines etc. that have been considered in this assessment.

INTERNAL REFERRAL ADVICE

The requirements of the Environmental Health and Building Surveyor and the Engineering Development Section are included in the attached Notice of Determination.

SUMMARY

The proposed development is permissible with the consent of Council. The proposed development complies with the relevant aims, objectives and provisions of the LEP. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Determination outlining a range of conditions considered appropriate to ensure that the development proceeds in an acceptable manner.