

CM13.19. Development Application - 10.2019.37057.1 - Industrial Development at 101 Ceres Drive, Thurgoona

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CONFIDENTIAL	No		
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1.0 Executive Summary

This report is presented for Council's determination as the Development Application has a value in excess of \$1,000,000 (\$5,684,151.00).

Development Application 10.2019.37057.1 proposes the construction of a large industrial building for Milform Products on Lot 201 in DP 1250304 addressed as 101 Ceres Drive, Thurgoona.

The site is zoned *IN1 General Industrial* under *Albury Local Environmental Plan (ALEP) 2010* and the proposed development is permitted in the zone with consent.

The Development Application was publicly exhibited from 4 September to 13 September 2019. No submissions were received during that period.

Having regard to the site context setting and the ultimate design outcomes achieved, the application is recommended for approval subject to conditions as contained in the Draft Determination, included as Attachment 3.

2.0 Introduction

Development Application 10.2019.37057.1 for development at 101 Ceres Drive Thurgoona was lodged by Phil Wilkins Building Design Pty Ltd on behalf of Alvanley Gardens Pty Ltd for Millform Products on 30 August 2019. The development proposes the construction of an industrial building with associated offices and amenities, car parking, hardstand and landscaping on Lot 201 in DP 1250304 (being 101 Ceres Drive Thurgoona). It is noted that the subject land has current DA approval for a similar development (DA 10.2017.35139.1 issued 14 March 2017). The previous consent was for a larger development that is now not proceeding and therefore a new application has been lodged for the modified proposal. Amended plans including a 2m landscaped buffer along the southern boundary, a clear indication of the seal of the access ways and parking areas and augmented landscaping in front of the factory building were received on 12 September 2019. The subdivision approved under the previous consent has been completed and this proposed development is to be constructed on one of the resultant lots.

2.1 Development Description

The Development Application proposes:

a. Construction of Industrial building

Total Floor area of 6,283m², including:

- Main factory building - 5,100m² floor area;
- Staff Amenities block attached to factory - 75m²;
- Storage Shed – 601m²; and
- Ancillary Offices, Amenities – 507m².

b. Construction of car parking and hardstand

- 20 staff car parking spaces for the factory component;
- 33 staff and visitor car parking spaces for the office component, including two accessible spaces;
- Three bicycle spaces and two motorcycle spaces;
- Six heavy vehicle parking spaces; and
- Heavy vehicle manoeuvring areas minimum 7.0m wide (sealed).

c. Ancillary development

- landscaping; and
- security fencing.

It is noted that the proposed development does not utilise the entire site and an area of approximately one hectare is left on the western side for “Proposed Future Development”

2.1.1 Access

Access to the development will be provided from Ceres Drive via three new 9m wide crossovers. The access arrangement is sufficient for the turning manoeuvres of the anticipated heavy vehicles to be accommodated. The access ways will be fully sealed and shaped to provide drainage to the existing side inlet pits in Ceres Drive.

2.1.2 Utility services

The development will be provided with all necessary services including reticulated water and sewer, internal stormwater drainage, underground electricity, telecommunications and gas. A variable width (generally 3m wide) drainage and sewer easement runs along the southern (rear) boundary of the property.

2.1.3 Industrial buildings

The proposed industrial building is 100m long and 51m wide. A 12m long and 6.2m wide staff amenity block is proposed, attached to the factory building in the middle on the eastern wall. The office component is proposed as a separate building to the east 30m long by 17m wide. The factory

will have 9m high walls with a total height of 11m to the ridge of the roof. The office has 3m high walls with a total height of 4.4m to the ridge of the roof.

A separate storage shed is also proposed to the west of the factory building. The storage shed will be 38.5m long and 14.5m wide, have 6m high walls and will be 8m high to the top of the roof.

The construction and overall appearance will provide some articulation and detail in the external presentation of the building. The office component is sited to one side of the industrial building rather than in front. This is because the depth of the lot is inadequate to accommodate the size of the industrial building proposed with an office in front. The shape of the lot dictates ancillary elements of the development to be located on the sides.

The office building is of a substantially different design to the factory building. It is provided interest through the use of substantial glazing in the walls, an awning treatment and a protruding entrance feature in the front building line.

Whilst the main factory building is potentially non-compliant with the controls of Albury Development Control Plan 2010 in terms of building design and presentation to the streetscape, the alternative is to turn the building 90 degrees in order to have room to fit the office component in front and thereby potentially improve the presentation to the street. However, due to the size of the factory building, such alternative orientation would lead to even more factory wall facing the street than is currently proposed. It is also noted that the wall of the industrial building facing Ceres Drive is enhanced by varying colours and trim and materials in a geometric pattern to reduce its visual impact. It is further recommended that substantial landscaping be introduced at the street front to reduce the visual impact of the development.

2.1.4 Landscaping

A 12m wide landscaping strip will be provided at the frontage of the main factory building, providing ample room to plant tall trees and undercover to assist in screening the large building when viewed from Ceres Drive. A 6m landscape strip is proposed directly inside the street boundary in front of the office, with a car park and further 3.5m landscaping strip comprising the 28m setback to the office building. Landscaping is also proposed behind and around the staff car park at the rear of the office building. The proposed landscaping is generally satisfactory, most notably in relation to the office building, however it is recommended that landscaping in front of the factory building be substantially augmented to improve the visual presentation to Ceres Drive.

2.2 Site and Locality Description

The subject site is described as Lot 201 in DP 1250304, addressed as 101 Ceres Drive Thurgoona, and has a total area of 2,852ha. It is noted that the subject land has current DA approval for a similar but larger development (DA 10.2017.35139.1 issued 14 March 2017). This development included subdivision, which has already been completed, however the proposed buildings have been changed significantly and therefore a revised Development Application was lodged.

The site is generally trapezoid in shape with an approximate 265m wide road frontage with a slight curve and is approximately 145m deep. The land is naturally flat with a very slight slope from north to south and the site is currently vacant. The site has no trees or other significant vegetation existing on it.

The site is located within the Airside North Industrial Estate, with industrial zoned land to the west, north and east of the site, however most neighbouring sites remain undeveloped at this stage. Land zoned *E2 Environmental Conservation* containing gilgai wetlands is located directly adjacent to the south (Lot 30 in DP 1123667). This lot also has a wide "handle" zoned *IN1 General Industrial* but completely encumbered by a drainage easement (also containing gilgai) extending north to Ceres Drive and forming the western neighbouring land to the subject property. Albury Airport is located approximately 500m to the south, and the Albury Racecourse approximately 560m to the west.

3.0 Council Plan and Council Policies

The following Council Policies are relevant to the application:

1. *Albury Local Environmental Plan 2010 (ALEP 2010);*
2. *Albury Development Control Plan 2010 (ADCP 2010);*
3. *Albury Infrastructure Contributions Plan 2014; and*
4. *Albury City Council's Notification Policy.*

The town planning assessment of the proposal under Section 4.15 of the EP&A Act has involved the consideration of ALEP 2010 and ADCP 2010.

4.0 Environmental Assessment

An assessment of the application has been carried out under the provisions of the *Environmental Planning and Assessment Act, 1979 (EP&A Act)*. Relevant details are outlined below.

Development proposals within the *IN1 General Industrial* zone are assessed according to the zone objectives, the provisions of *ALEP* and *ADCP* and the provisions of Section 4.15 of the *EP&A Act 1979*. The relevant considerations under Section 4.15 are considered in this report and a response is outlined in the following section of this report.

4.1 Provisions of Environmental Planning Instruments (S4.15(1)(a)(i))

4.1.1 State Environmental Planning Policy (SEPP) 55 – Remediation of Land

Clause 7 of SEPP 55 requires that, in determining development applications on potentially contaminated sites, Councils consider whether previous uses on the site may have resulted in contamination and whether the site is suitable for the development proposed.

The property is not listed on AlburyCity's contaminated lands list. There is no evidence that suggests the site has previously been used for any purpose that could have contaminated the site to make it

unsuitable for industrial use and therefore the site is considered to be fit for the proposed development.

4.1.2 Albury Local Environmental Plan 2010 (ALEP 2010)

The subject site is zoned *IN1 General Industrial* under ALEP 2010 and is subject to the provisions of *ALEP 2010*.

The particular aims of *ALEP 2010* are set out below:

- 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.*

Planning Comment: The site is located within the Airside North Industrial Estate, with industrial zoned land to the west, north and east of the site, however most neighbouring sites remain undeveloped at this stage. Land zoned *E2 Environmental Conservation* is located directly adjacent to the south. The proposed development is not considered to be contrary to the objectives of *ALEP 2010* as stated above and is compatible with other development in the area and the anticipated development within this industrial estate.

Specific clauses of *ALEP 2010* relevant to the development include:

Part 2 Permitted or prohibited development

Clause 2.1 Land Use Zones

Planning comment: The development is proposed on a site zoned *IN1 General Industrial* and therefore will be assessed against the provisions of this zone. The proposed development is permitted in the zone with consent, as outlined below:

Zone IN1 General Industrial Zone

1) Objectives of zone

- *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 provide for industrial uses in close proximity to transport infrastructure.*

Planning Comment: The proposed development is consistent with these objectives.

2) **Permitted without consent**

Environmental protection works.

3) **Permitted with consent**

*Agricultural produce industries; Depots; Freight transport facilities; Garden centres; **General industries**; Hardware and building supplies; Industrial training facilities; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Places of public worship; Plant nurseries; Roads; Sawmill or log processing works; Take away food and drink premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres; Any other development not specified in item 2 or 4.*

4) **Prohibited**

Agriculture; Airports; Animal boarding or training establishments; Camping grounds; Caravan parks; Cemeteries; Commercial premises; Community facilities; Correctional centres; Eco-tourist facilities; Educational establishments; Exhibition homes; Exhibition villages; Farm buildings; Forestry; Function centres; Home-based child care; Hospitals; Information and education facilities; Mortuaries; Pond-based aquaculture; Registered clubs; Research stations; Residential accommodation; Rural industries; Tourist and visitor accommodation; Wharf or boating facilities.

***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.*

***industry** means any of the following:*

1. *general industry,*
2. *heavy industry,*
3. *light industry, but does not include:*
4. *rural industry, or*
5. *extractive industry, or*
6. *mining.*

Planning comment: The proposed industrial activity can be described as cold rolled forming of sheet metal building products. This use is consistent with the definition of an *industry* and the building is proposed to enable an *industrial activity to be undertaken* at the premises and is permissible with consent in the zone under Part 3 of the Land Use Table.

Part 3 Exempt and Complying Development

The application is not Exempt or Complying Development.

Part 4 Principal Development Standards

No Principal Development Standards are applicable to the proposed development.

Part 5 Miscellaneous Provisions

No Miscellaneous Provisions are applicable to the proposed development.

Part 6 Urban Release Area

The subject site is not located in an Urban Release Area.

Part 7 Additional Local Provisions

7.1 Earthworks

Planning comment: The proposed development will require minor earthworks related to construction. A condition of consent is recommended to ensure satisfactory erosion and sedimentation control works are implemented during construction and into the future to protect the adjacent environmental lands.

7.6 Essential services

1. *This clause does not apply to land in an urban release area.*
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 are available or that adequate arrangements have been made to make them available when required:*
 - a. *the supply of water,*
 - b. *the supply of electricity,*
 - c. *the disposal and management of sewage,*
 - d. *stormwater drainage or on-site conservation,*
 - e. *suitable road access.*

Planning comment: All essential services are currently available to the site and there is sufficient capacity for any necessary extension to meet the demands of the proposed development.

7.8 Airspace Operations

1. *The objectives of this clause are as follows:*
 - a. *to provide for the effective and on-going operation of the Albury Airport by ensuring that such operation is not compromised by proposed development that penetrates the Obstacle Limitation Surface for that airport,*
 - b. *to protect the community from undue risk from such operation.*
2. *If a development application is received and the consent authority is satisfied that the proposed development may penetrate the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for the Albury Airport, the consent authority must not grant development consent unless it has consulted with the relevant Commonwealth body about the application.*
3. *Development consent may be granted for the development if the relevant Commonwealth body advises the consent authority that:*

- a. *the development will penetrate the Obstacle Limitation Surface but it has no objection to its construction, or*
 - b. *the development will not penetrate the Obstacle Limitation Surface.*
4. *Development consent must not be granted for the development if the relevant Commonwealth body advises the consent authority that the development will penetrate the Obstacle Limitation Surface and should not be constructed.*
5. *In this clause:*
relevant Commonwealth body *means the body, under Commonwealth legislation, that is responsible for approvals for development that penetrates the Obstacle Limitation Surface for Albury Airport.*

Planning Comment: The proposed development will not exceed the Obstacle Limitation Surface as shown on the Obstacle Limitation Surface Map for Albury Airport; however, the site is located within the Airport Crane Notification Area. As a result, the proponent must notify Air Services Australia and/or the Team Leader Airport Operations, at least 24 hours prior to the use of machinery, cranes or other lifting machinery, scaffolding and the like which may potentially affect airport operations. A condition of consent to this effect is recommended, should Council resolve to grant consent to the development.

The site is located within a lighting intensity restriction area, where the maximum allowed light intensity is 450 candela measured at three degrees above the horizontal. A condition of consent to this effect, restricting vertical light spill, is recommended should Council resolve to grant consent to the development

4.2 Provisions of any Draft Environmental Planning Instruments (S4.15(1)(a)(ii))

Planning comment: No draft environmental planning instrument affects the site or proposed form of development.

4.3 Provisions of Development Control Plans (S4.15(1)(a)(iii))

4.3.1 Albury Development Control Plan 2010 (Albury DCP 2010)

The application has been assessed against the provisions of *Albury Development Control Plan (ADCP) 2010*. More specifically, the application has been assessed against the following Parts of *Albury DCP 2010*:

Part 3 Development Notification Policy

The Development Application was publicly exhibited from 4 September to 13 September 2019. No submissions were received.

Part 4 Infrastructure Contributions

The *Albury Infrastructure Contributions Plan 2014* applies to the proposed development resulting in the following contributions:

Section 7.12 Contributions:

A Cost Summary Report submitted by the applicant estimates the cost of development at \$5,684,151.00, which incurs Section 7.12 contributions at 1% of that cost, being \$56,841.51.

Section 64 Contributions:

(Note: An Equivalent Tenement (ET) is the basic unit of measure to quantify the demand or loading on water supply or sewerage systems respectively. One ET represents the equivalent demand or loading from a standard residential household. Under the adopted contributions plan, 1ET = \$3,296.00 for Water and \$4,395.00 for Sewer.)

The *Water Directorate Guidelines 2017* indicate that Water and Sewer Contributions for a development of this nature should be calculated on the basis of the number of amenities (WCs and showers) provided, and charged at the rate applicable for *Public Amenities* per WC and per shower, which are both calculated at 0.40ET for Water and 0.63ET for Sewer.

The following amenities as identified on the floor plan submitted:

Factory – Staff Amenities

- 2 toilets
- 2 urinals
- 2 showers

Office

- 7 toilets
- 1 urinal
- 2 showers

Note: urinals do not attract contributions

Water: $13 \times 0.40 \text{ ET} = 5.2 \text{ ET}$

Sewer: $13 \times 0.63 \text{ ET} = 8.19 \text{ ET}$

As an existing allotment within a registered subdivision for which Water and Sewer Contributions were paid for each lot, there is a 1ET credit/offset applicable for the existing parcel.

Contributions payable for Water and Sewer are therefore:

Water: $5.2 \text{ ET} - 1 \text{ ET} = 4.2 \text{ ET} \times \$3,296.00$
 $= \$13,843.20$

Sewer: $8.19 \text{ ET} - 1 \text{ ET} = 7.19 \text{ ET} \times \$4,395.00$
 $= \$31,600.05$

Total Contributions: \$56,841.51 (S7.12) + \$13,843.20 (water) + \$31,600.05 (sewer) = **\$102,284.76.**

A condition requiring payment prior to issue of the Construction Certificate for the building is included in the Draft Determination at Attachment 3.

Part 5 Tree Preservation

The development does not require the removal of any trees from the site.

Part 6 Planning for Hazards

The site is not identified as being at risk from flooding. It is noted that the site could experience overland flow during a severe weather event

The site is identified as being at risk from bush fire. The subject land falls within the buffer zone of Category 2 Bush Fire Prone Land. It is noted that no buildings are proposed within this buffer zone. The provisions of Section 4.14 of the EP&A Act requires that a consent authority shall not grant approval for a development application for any purpose on Bush Fire Prone Land, unless it is satisfied that the development conforms to the specifications and requirements of the *Planning for Bush Fire Protection* guidelines as prepared by the NSW Rural Fire Service (RFS). The aim is to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, whilst having due regard to development potential, onsite amenity and protection of the environment.

The guidelines provide special performance criteria for residential, rural residential and “special fire protection purposes” development, as well as for “infill development”. The proposed development does not fall within any of these categories as defined. For other classes of buildings (such as factories, shops and warehouses), bushfire protection measures only apply at the development assessment stage, to be determined on a case by case basis without the need to refer the development application to the RFS. Council must be satisfied in this case that the development meets the following objectives:

- a. *afford occupants of any building adequate protection from exposure to a bush fire;*

Planning Comment: Complies – buildings are adequately set back from bush fire prone land

- b. *provide for a defensible space to be located around buildings;*

Planning Comment: Complies – approximately 33m of defensible space is available between the building and the fuel source.

- c. *provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;*

Planning Comment: Complies – appropriate separation has been achieved.

- d. *ensure that safe operational access and egress for emergency service personnel and residents is available;*

Planning Comment: Complies – the boundary of the property adjacent to bush fire prone land is accessible from multiple directions.

- e. *provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ);*

Planning Comment: Complies – the area between the buildings and the bush fire prone land is sealed and suited to vehicle movement and will be free of fuel load, acting as a protection zone.

- f. *ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bush firefighting).*

Planning Comment: Complies – adequate firefighting services exist in the area.

The development must be assessed using *Planning for Bushfire Protection (PBP) 2006 and AS 3959 - 2009. PBP 2006*. Chapter 1.3 (b) states that other (non-residential) classes need to meet the aims and objectives of *PBP* as listed in Chapter 1.1. The construction fire safety requirements can be met by compliance with of the *Building Code of Australia* where the aims and objectives of *PBP* are achieved.

The development incorporates measures as set out in Australian Standard AS3959-2009 and the *Building Code of Australia* requirements relating to construction in bushfire prone areas (BAL) of construction under AS3959-2009 “*Construction of buildings in bushfire-prone area*”. The industrial building and car park will be able to comply with the appropriate level for construction in Bushfire Prone Areas.

Part 7 Heritage Conservation

The subject land is not a heritage item nor within a heritage conservation area as defined by *ALEP 2010*.

Part 12: Development in the Industrial zones

In addition to ALEP zone objectives for the IN1 General Industrial zone, the broad objectives for industrial development in Albury are:

1. *To provide opportunities to:*
 - *Expand the local employment base by providing for a wide range of industrial, service industrial, highway business, wholesale trades, materials recycling, warehousing, scientific and computer based-businesses, and other related uses.*
 - *Support and not detract from the functions of the main business centres.*
 - *Contribute to improvements in the built environment.*
 - *Improve traffic access and safety conditions.*
 - *Protect the amenity of the public domain and residential areas in the vicinity.*
 - *Soften the appearance of industrial developments through landscaping works.*

2. *To provide suitable areas for a range of special industries and uses that, by the nature of the processes involved, the scale or type of use or the material used and produced, need large areas of land that are physically separated from other more sensitive land uses.*

Planning Comment: The proposed development is consistent with all of these objectives.

12.3 Industrial Development

12.3.1 Building Setbacks

Objectives

1. *To ensure that adequate land is available for landscaping, parking and vehicle circulation.*
2. *To enable flexibility in building location.*
3. *To provide a buffer to adjoining land uses, reducing adverse impacts on surrounding land uses and residential amenity.*

Planning Comment: The proposed development is consistent with all of these objectives.

Controls

Setbacks for industrial development are generally addressed under these controls, however, in this instance, setbacks are further restricted by a Section 88B Instrument imposed by Council at the subdivision stage which requires:

- *10m front boundary setback*
- *5m side boundary setback*

Planning Comment: Complies. The proposed development is set back a minimum of 10m from the front boundary and more than 5m from all other boundaries.

12.3.2 Car Parking and Vehicular Access

Objectives

1. *To ensure that adequate areas are provided for off-street car parking, vehicular access, on-site circulation and loading facilities.*
2. *To ensure car parking, circulation and loading areas are integrated with the form and layout of buildings on the site.*
3. *To ensure all vehicles can enter and exit a site in a forward direction.*
4. *To avoid road conflicts and traffic congestion*
5. *To ensure the safe movement of vehicles and pedestrians.*
6. *To ensure parking and access ways do not become unsightly or affect the amenity of the area by way of dust or uncontrolled run-off.*

Planning Comment: The proposed development is consistent with all of these objectives.

Controls

- i. *As a general rule the number of car spaces provided on site should not be less than the total number of employees present at any one time (including overlapping shift workers)*

Planning Comment: The number of car parking spaces required is contained in Part 17 of ADCP 2010, superseding this part.

- ii. *Disabled persons and visitor car parking spaces are to be clearly marked or signposted.*

Planning Comment: Complies. Appropriate signage and marking will be provided for spaces for people with disabilities. Ample capacity exists to provide parking for people with disabilities in accordance with the current Australian Standard 2890.6. A condition relating to the current Australian Standard for an accessible space is recommended in the Draft Determination.

- iii. *All car spaces are to be clearly line marked.*

Planning Comment: Complies. Appropriate signage and line marking will be provided.

- iv. *The preferred location for car parking is between the front landscaped area and the proposed building.*

Planning Comment: Satisfactory. A significant amount (27 spaces) of car parking is provided between the landscaped area and the proposed office building. The remaining spaces are provided behind the proposed buildings.

- v. *All vehicles are to enter and exit the site in a forward direction.*

Planning Comment: Complies. There is sufficient manoeuvring space for all vehicles to enter and exit in a forward direction

- vi. *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.*

Planning Comment: Complies. The proposed development allows sufficient space for heavy vehicles to enter and leave the site and building in a forward direction. Turning templates have been shown on the plans included in Attachment 1.

- vii. *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.*

Planning Comment: Not applicable. No loading docks are proposed. Access to the building for loading is available directly from the driveway.

viii. *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.*

Planning Comment: Complies. Internal roadways and driveways utilised by heavy vehicles will be a minimum of seven metres wide.

ix. *All internal roadways, and loading areas are to be fully sealed and drained via a system of surface inlet pits.*

Planning Comment: Complies. All internal access ways will be fully constructed and drained.

x. *Refuelling and workshop areas are to be adequately sealed and bunded and are not to be connected to the stormwater system.*

Planning Comment: Not applicable. There are no workshops or refuelling areas proposed.

xi. *All vehicular manoeuvring areas must permit forward vehicle ingress and egress to a public road.*

Planning Comment: Complies. There is sufficient manoeuvring area to allow ingress and egress to the public road in a forward direction.

xii. *All loading and unloading operations shall be carried out wholly within the confines of the site at all times.*

Planning Comment: Complies. All loading and unloading will occur on site.

xiii. *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.*

Planning Comment: Complies. This is an operational issue rather than a site design issue (though there is enough space to keep these activities separate) and can be controlled through a standard condition if Council decided to grant Development Consent.

12.3.3 Building Design

Objectives

1. *To promote the development of buildings which enhance the quality of the streetscape when viewed from public land and adjoining properties.*
2. *To encourage innovative, contemporary and sustainable building designs.*
3. *To encourage the quality design of buildings, including the use of low maintenance building materials and energy efficient designs and layout.*
4. *To encourage design that is of a type, scale, height, bulk and character that is compatible with and will enhance the streetscape characteristics of the surrounding area.*

5. *To ensure building materials mitigate noise impacts to adjoining developments, particularly residential areas.*
6. *To protect and enhance the visual amenity of the major entry points to the City.*

Planning Comment: The proposed development is consistent with all of these objectives.

Controls

1. *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.*

Planning Comment: Satisfactory. The proposed Office component is of high-quality design with sufficient architectural interest, using fenestration, materials and three-dimensional features to present a high standard in appearance. The required size of the factory building on the size and shape of the property however provides more challenges in terms of balancing appearance with functionality. This is addressed by orientating the building such that the narrow end is facing the street, and by covering the wall face with a geometric pattern to break up a potential blank wall. Furthermore, the façade is provided with a strip of corrugated translucent polycarbonate wall cladding for the entire width, which provides further visual interest to the wall. It is however recommended that substantial landscaping also be introduced in the front setback to the factory building, featuring tall trees and groundcover to further enhance the streetscape. A condition could be included to this effect should Council resolve to approve the application.

2. *Building entrances should be clearly defined and well-articulated through form, materials and colour and provide level or ramped access.*

Planning Comment: Complies. The entrances are clearly distinguishable and have level access.

3. *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).*

Planning Comment: Variation sought. The wall of the industrial building facing Ceres Drive is not constructed on the materials specified in this control. However, the objective of the control is considered to be satisfied by the front of the factory being enhanced by varying colours and trim and materials in a geometric pattern to reduce visual impact of large wall areas. The colour of the material used in this wall is 'surf mist'.

4. *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.*

Planning Comment: Variation sought. The office component is sited to one side of the factory rather than in front. This is because the depth of the lot is inadequate to accommodate the size of the industrial building proposed with an office in front. The width of the lot creates the opportunity for ancillary elements of the development to be located on the sides. Overall, the location and

appearance of the office component enhances the appearance of the development and satisfies the objective of this control.

5. *The office and/or administration areas of any building 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.*

Planning Comment: Complies. The office section is clearly differentiated from the factory building as it is detached and positioned to the side, but also in design and appearance it is distinctly different from the main building.

6. *Highly reflective materials are to be avoided.*

Planning Comment: Complies. All external materials will be non-reflective.

7. *Buildings should incorporate energy-saving measures, where possible, in the design to reduce the possible environmental impacts of that development.*

Planning Comment: Complies. The development has numerous doors and windows to maximise solar access and large doors that can be opened for natural cross ventilation.

12.3.4 Landscaping

Objectives

1. *To require a high standard of landscaping for the environmental quality of developments, whilst enhancing the general streetscape and amenity of industrial areas.*
2. *To provide landscaped areas that screen and shade storage, parking and loading areas.*
3. *To enhance the appearance of well-designed buildings and lessen the impact of less attractive existing developments.*
4. *To enhance the streetscape by unifying buildings of diverse function and appearances.*
5. *To provide a landscape buffer between industrial developments and adjoining or adjacent non-industrial land uses.*
6. *To enhance the appearance of developments when viewed from public places including the street, open space areas, adjacent railway lines or transport corridors.*
7. *To enhance stormwater management by minimising hard non-porous surfaces.*

Planning Comment: The proposed development is consistent with all of these objectives.

Controls

1. *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.*

Planning Comment: Complies. Plans show the location of landscaping, hardstand, vehicle areas, etc. (refer to Attachment 1).

2. *Pursuant to the AlburyCity Tree Preservation Order existing trees should be retained on site wherever possible. Refer to Part 5 of this DCP that relate to the preservation of trees or vegetation for more information.*

Planning Comment: There are no trees on site.

3. *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.*

Planning Comment: Complies. A 6m landscaping strip is proposed immediately inside the front boundary of the site at the office component, and a 12m landscaping strip is available in front of the factory building. Areas not used by car parking will be landscaped.

4. *Site areas not containing hardstand areas or not used for vehicle access areas should be grassed.*

Planning Comment: Complies. Site areas not containing hardstand areas or not used for vehicle access areas will be grassed.

5. *Advanced (minimum 1.3 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.*

Planning Comment: Complies. Sufficient trees are proposed within the front landscaping strip of the office component. Substantial additional landscaping is required in front of the factory building. A condition of consent to this effect could be imposed should Council resolve to approve the application.

6. *Native species are preferred, and generally the species chosen should be fast growing, low maintenance and water hardy.*

Planning Comment: Satisfactory. Whilst not native to Australia, the proposed Chinese Pistachio and pear trees are fast growing and very common in Albury as both street trees and landscaping trees. Both trees are attractive and enhance to the streetscape.

7. *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.*

Planning Comment: Complies.

8. *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.*

Planning Comment: Complies. Landscaping will be protected from vehicle activity areas.

12.3.5 Impacts on Adjoining Land

Objectives

1. *To encourage a development layout, design and function that minimises impact on activities in other zones.*
2. *To protect the amenity of adjoining properties.*

Planning Comment: The proposed development is consistent with all of these objectives.

Controls

1. *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.*

Planning Comment: Complies. There are no emissions from the proposed industry and no impact on the amenity of adjoining land.

2. *Sources of noise, where practicable, should be sited away from adjoining properties and where necessary, be screened by acoustic treatments.*

Planning Comment: Complies. The proposed factory building is centrally placed on the property and set back a minimum of 23m from any potential future neighbour. The site does not adjoin other industrial developments to the north, west and south. Any future development on the east will be buffered from the noise source by the office component. The proposed development will not produce noise in excess of that generally anticipated in an industrial estate.

3. *The proposed development shall not unreasonably cause overshadowing of adjoining properties.*

Planning Comment: Complies. No overshadowing will occur from the proposed development.

4. *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.*

Planning Comment: Complies. As stated previously, the proposed building is articulated with the use of different materials and colours and is also significantly set back from neighbouring properties. The proposed development has no significant adverse visual effect neighbouring properties, and large industrial buildings are not unusual in the area. The visual impact on the streetscape has been addressed in this report.

5. *The development is not to incorporate the use of highly reflective building materials such as zincalume, aluminium and galvanised iron.*

Planning Comment: Complies. Reflective materials will not be used in the development.

6. *Light sources shall be directed away from adjoining residential properties.*

Planning Comment: Not applicable. There are no residential properties near the proposed development.

7. *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.*

Planning Comment: Complies. The proposed development will be suitably graded and drained towards Ceres Drive, away from environmental land, minimising any potential risk of contamination. The site will also be fenced, with no access to environmental land provided from the site.

12.3.6 Open Storage Areas

Planning Comment: Not applicable. No open storage areas are proposed or required.

12.3.7 Outdoor Advertising.

Planning Comment: Not applicable. No advertising is proposed with this application. It is anticipated that a separate application will be lodged for signage in the future that is not exempt from consent.

12.3.8 Security Fencing

Objectives

1. *To improve the safety and security of the site.*
2. *To improve the visual amenity of industrial areas.*
3. *To enhance the streetscapes in the Industrial Zones.*

Planning Comment: The proposed development is consistent with all of these objectives.

Controls

- *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.*

Planning Comment: Complies. No fencing is proposed on the Ceres Drive frontage forward of the building setback. The fencing protects the sides and rear of the development and enhances security by obstructing access to the rear of the building where the property may be targeted out of view from the street.

- *Security fencing should not obstruct the view of landscaping from the street and should preserve driver's sightlines.*

Planning Comment: Complies. Fencing will not obscure landscaping.

- *Security fencing should incorporate landscaping to reduce its visual impact, particularly on large sites, and must be powder-coated black or dark green only.*

Planning Comment: Complies. Security fencing will have no visual impact.

- *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.*

Planning Comment: Complies. No fencing is proposed forward of the building fronting Ceres Drive.

- *Security fencing should not be an electric fence or incorporate barbed wire due to the visual appearance of these fence types.*

Planning Comment: Complies. Fencing will not be electrified or contain barbed wire.

12.3.9 Utility Services

Planning Comment: Utilities have been addressed previously in this report and the development complies with all relevant controls of this part. There are sufficient utility services existing and available to the development. Connection to utility services will be controlled through standard engineering Conditions of Consent.

12.3.10 Flooding

Planning Comment: Not applicable. The site is not subject to flooding.

12.3.11 Potentially Hazardous or Offensive Industry

Planning Comment: Not applicable. The proposed industry conducts leather goods fabrication and is not anticipated to be a hazardous or offensive industry.

Part 17: Off-street car parking

Planning Comment: The development provides adequate car parking as required under the controls of Part 17 of *ADCP 2010*:

Minimum Parking Spaces Required	Provided	Complies
Industry 1 per 80m ² GFA (62 required)	20	
Office 1 per 40m ² GFA (11 required)	33, including 2 accessible to people with disabilities	
TOTAL 73 required	53	

The development proposes 33 parking spaces spatially associated with the office component and a further 20 with the factory at the rear of the building. The combined 53 spaces as provided is a shortfall of 20 spaces. In this instance, it is the sheer size of the factory building (>5,000m²) that results in the shortfall as calculated by the controls of this part.

In reality, the demand for parking spaces associated with a factory is essentially determined by the maximum number of employees and visitors on site at any given time. Using floorspace as the only means of calculating parking requirements is potentially flawed because there is not necessarily a direct correlation between the size of the building and the number of employees or visitors. In this instance the required size of the building is disproportionate to the number of staff and visitors expected, due to the nature of the industry dealing with large objects. Within this context, the variation in the provision of car parking spaces is supported because:

- compliance would only produce additional hardstand for parking on the site that will not be used
- the real demand for parking is essentially restricted to employees (that is, there is little if any, demand for visitor parking)
- the type of activity proposed in the industrial building has a very low ratio of employees to floorspace
- there is scope within the site to provide additional parking if necessary for a future different industrial proposal.

Consequently, it is considered the proposal as submitted provides adequate parking for the type of development proposed.

The layout and access arrangements satisfy the requirements of this part of the DCP.

4.4 Any Planning Agreement (S4.15(1)(a)(iiia))

There are no planning agreements in place that affect the evaluation of the subject development application.

4.5 Provisions of Regulations (S4.15(1)(a)(iv))

Clauses 92-98 of the Regulations outline the matters to be considered in the assessment of a development application. There are no provisions in the Regulations which apply to this development.

4.6 Likely Impacts of the Development (S4.15(1)(b))

Section 4.15 of the *Environmental Planning and Assessment Act 1979*, requires consideration of likely impacts of the development, including environmental impacts on both natural and built environments, and social and economic impacts in the locality. Key areas for consideration in respect to the subject application are:

Context and Setting

The proposal has a compatible scale, design, function and context to the area. The proposal is for an industrial development within an industrial area and suitable within the context and setting. The development will create an opportunity for this underutilised site to be developed in a way that enhances the Airside North Industrial Estate.

Streetscape

The proposal features a large industrial building that balances functionality with appearance. Buildings are separated on the property due to its shape and dimensions, and this assist in breaking up the façade and providing visual interest to the Ceres Drive streetscape. Landscaping will be implemented along the frontage to assist in enhancing the visual appearance of the development.

Site Design and Internal Design

The design generally responds to the lot size, shape and other site constraints. The proposed development provides sufficient parking for the use whilst leaving ample room for further car park construction should the use change. The site design provides adequate access and manoeuvrability, and sites the buildings centrally to minimise any potential impacts on neighbouring properties

Traffic, Access and Parking

The proposed development provides adequate parking as well as suitable manoeuvring areas for all vehicles, including turning areas toward the rear of the property, allowing all vehicles to safely leave the site in a forward direction. The shortfall in car parking is justified in this instance by the proposed use and its low employee and visitor to floor area ratio. Parking areas will be suitably line marked and signposted, ensuring safe and effective traffic conditions. The access way will be fully sealed and shaped to provide drainage to the existing inlet pits in Ceres Drive. The proposal will result in an increase in traffic movements to the area, however the number of movements are not expected to exceed the capacity of either Ceres Drive or any of the other link roads. Ceres Drive is a wide, sealed urban road capable of accommodating B-double traffic, as are most other roads in this area. The proposed development is therefore very accessible and highly suited to industrial development.

The proposed internal access arrangements are suitable for heavy and light traffic. All parking will be designed to Australian Standards.

Public Domain

The proposed development is not anticipated to have an adverse impact on the public domain.

Utilities

The subject land is serviced by all essential urban services, including gas, electricity, reticulated water and sewerage and telecommunications. Services will be appropriately upgraded and extended where necessary.

Construction

Standard construction methods will be implemented for industrial development on a large, level site. The impacts from construction activities will be for a relatively short period of time and consequently any minor inconvenience is considered acceptable given the nature of the surrounding area and limited direct impact to surrounding land. During construction, site fencing with hoarding or similar is to be erected along the road frontages to prevent access by pedestrians and ensure safety of any pedestrians and persons visiting the area. Construction will be limited to appropriate hours as specified by a standard condition if Council decided to grant Development Consent.

Water Quality and Stormwater

The development acknowledges the adjacent land with high environmental value and presents a buffer and controlled stormwater run-off. New drainage services will be provided for the property, connecting to existing drainage services in Ceres Drive. Surface drainage from the site will be directed to inlet pits at the front of the property, with surface and roof drainage to be collected and conveyed to existing drainage services. Stormwater should not flow directly into the adjacent environmental lands without prior treatment. Conditions for stormwater control and design could be imposed if Council resolved to approve the application.

Soils, Soil Erosion

The site is level with very little risk of erosion. In addition, areas facing heavy use will be sealed. Areas not identified for use will be grassed to avoid any possible soil erosion. The site is considered capable of accommodating the proposed development, subject to minor earthworks and appropriate erosion and sediment control. Potential erosion of the property will be minimised during construction by installation of sediment control measures, including silt fencing and site grading. An Erosion and Sediment Control Plan will be required prior to the commencement of any construction works. Standard conditions for stormwater control and design could be imposed if Council resolved to approve the application.

Noise and Vibration

The impacts of construction noise will not be significant and experienced for a relatively short period of time. Nevertheless, the nature of the surrounding area is primarily industrial, and is considered to be less sensitive to potential noise impacts. Standard conditions would be imposed if Council resolved to approve the application.

The proposed development is industrial in nature, with generous setbacks and no significant noise impacts are expected, considering the predominantly industrial areas adjacent the property.

Flora and Fauna

The site has been cleared following the previous development consent and no vegetation exist on the property. This application will there have no impact on local fauna and flora. In consideration of

adjacent environmental land, conditions are recommended to ensure potential pollutants from the site do not leave the property.

Natural Hazards

The land is identified within a bushfire prone buffer, which has been considered in the assessment of the proposal contained in this report. The proposed development is to incorporate the measures as set out in Australian Standard AS3959-2009 and the *Building Code of Australia* requirements relating to construction in bushfire prone areas. Specific details and methods of compliance will be provided prior to the issue of a Construction Certificate.

The land is not identified as being subject to any other hazards.

Safety, Security and Crime Prevention

The development provides for passive surveillance and appropriate fencing of its internal areas. There is no anticipated increased safety risk as a result of the proposed development.

Overlooking

The proposed development does not overlook any sensitive areas or sites.

Overshadowing

Whilst a large structure, the proposed building will not cause adverse impacts from overshadowing on the neighbouring properties.

Waste

All waste generated by the construction and subsequent occupation of the development will be removed in accordance with Council requirements to also avoid visual impacts to adjoining streets.

Standard conditions would be imposed if Council resolved to approve the application.

4.7 Public Submissions (S4.15(1)(d))

4.7.1 Community submissions

The Development Application was publicly exhibited from 4 September to 13 September 2019. No submissions were received.

4.7.2 Internal Referrals

The application was referred to the Building Surveyor, Plumbing Inspector, Development Engineer and Contributions Planner, who have recommended approval of the development subject to standard conditions that have been included in the Draft Determination contained in Attachment 3.

4.8 Public Interest (S4.15(1)(e))

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

5.0 Options

Council has the following options in relation to this report:

1. Approve the application; or
2. Approve the application, subject to conditions; or
3. Defer the application for further information or redesign; or
4. Refuse the application.

Based on the information provided and assessment outlined in this report it is recommended that Council resolve to approve the application, as per Option 2, subject to conditions included in the Draft Determination contained in Attachment 3 to this report.

6.0 Conclusion

The proposed development has been assessed against the requirements of Section 4.15C of the *Environmental Planning and Assessment Act 1979*. This has involved consideration of the requirements of relevant State Environmental Planning Policies, *ALEP 2010*, *ADCP 2010* and referrals by Council officers. It is considered that the proposed development has adequately demonstrated that the design proposed is appropriate for this site and that the development would not generate significant adverse impacts within the site and on neighbouring areas.

Accordingly, it is recommended that Development Application 10.2019.37057.1 for an industrial building, associated offices & amenities, storage building & carpark at Lot 201 in DP 1250304 addressed as 101 Ceres Drive, Thurgoona, be approved subject to the conditions contained in the Draft Determination, included at Attachment 3 to this report.

Recommendation

That Council:

- a. Receive and note the contents of this report; and
- b. Grant development consent to Development Application 10.2019.37057.1 for an industrial building, associated offices & amenities, storage building & carpark at Lot 201 in DP 1250304 addressed as 101 Ceres Drive Thurgoona, subject to the conditions contained in the Draft Determination, included in this report at Attachment 3.

Attachments

1. Development Plans (DOC19/134226)
2. Statement of Environmental Effects (DOC19/127647)
3. Draft Determination (DOC19/133636)