



DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES REPORT

July 12 2005

DSDS7	TIMBER STORAGE SHED AND TIMBER DRYING AREA
	FILE: T6-05-177 GGL

SUMMARY:

Reporting that Council has received an application to erect a storage shed and a timber drying area for which one (1) objection and a petition with eleven (11) signatures have been received.

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Applicant: Australian Solar Timbers
Subject Property: Lot 1 DP 878995 No 116 Armidale Road and Lot 5 DP 739959, West Kempsey
Zone: 1(a1) Rural "A1" zone)

Proposal:

An application has been received by Council to erect a storage shed and timber drying area at the Australian Solar Timbers site. The proposal includes constructing a storage shed that will join an existing storage shed and will be used for the storage of new finished timber. It is also proposed to store timber out in the open on the western side of the Lot 5 DP 739959. ([Appendix R](#))

Matters for Consideration

The proposal has been examined having regard for the Matters for Consideration identified under Section 79C (1) of the Environmental Planning and Assessment Act with the following matters considered to be of particular relevance to the proposal.

Relevant Environmental Planning Policies

Kempsey Local Environmental Plan 1987 (KLEP 1987)

The objectives of the 1(a) zone are:

- (a) Predominately to provide for agricultural uses;
- (b) To preserve the visual amenity of the land, and
- (c) To provide for compatible tourist and industrial uses.

It is considered that the proposed development is consistent with the 1(a) zone's objectives as the shed and timber storage area provide for the existing sawmill use.

Clause 18 of the KLEP 1987 requires buildings to be setback 18 metres from Armidale Road. The proposal has a minimum setback of 6.6 metres.

State Environmental Planning Policy 1 – Development Standards Objections

The applicant seeks Council's agreement to the use of SEPP 1 to vary the required 18 metre setback limit to permit the construction of the storage shed on the following basis:

- 1 The proposed storage shed is required to be located in this position as it will provide as an addition the existing sawn timber racking shed.
- 2 The proposed location of the storage shed will also assist in the attenuation of noise.

The applicant states that the proposed location of the storage shed will improve the site and that the requested setback is reasonable given the location of the existing buildings on the site. Council can 'assume concurrence' for this SEPP 1 Objection.

No objection is raised to the variation as the building is setback approximately 30 metres from the roadway, which, combined with landscaping would reduce potential visual impacts.

Department of Environment and Conservation (DEC)

The application was referred as Integrated Development to the Department of Environment and Conservation (DEC) for assessment.

However, whilst Australian Solar Timbers are licensed by the Department for the timber milling operation the Department does not consider the proposed storage shed and timber drying area constitutes Integrated Development.

However the Department had recently received noise complaints about the operation of the timber milling plant from nearby residents. The department recommends that any consent issued by Council be conditional on the applicant arranging a noise compliance check (by an independent acoustic consultant) following completion of the works. The noise compliance check would need to assess compliance with the NSW Industrial Noise Policy.

Access, Transport and Traffic

The proposed storage shed and open aired timber drying area is not expected to generate additional heavy vehicle movements to the site. However, the internal roads will be required to be constructed in order to access the proposed development.

Planning Comment

The proposed storage shed and open air timber storage is permissible on the subject allotment. Whilst the development application is not integrated development the Department of Environment and Conservation states the construction of the shed will assist in the attenuation of noise, which can assist with noise complaints from surrounding residents. A condition of consent would ensure the site is required to comply with the NSW Industrial Noise Policy and that monitoring is carried out by an acoustic engineer. A condition of development consent requiring water quality monitoring should also be imposed.

Public Exhibition

The proposal was advertised in accordance with Council's Policy with one (1) objection and a petition ([Appendix S](#)) having been received, which are summarised as follows:

Objection	Planning Comment
1 Since the expansion of the mill the noise generating from the mill has become excessive. The noise starts at 6 am and finishes late in	2 The construction of the shed will assist in attenuating the noise emitting from the mill. A condition of consent will provide noise monitor of the

the afternoon.

- 2 The timber mill is constantly expanding which is producing more noise and smoke emissions from the burning of waste timber. The existing timber racking shed is already an eyesore, the proposed new shed will have a visual impact on the rural residential area.

site in accordance with EPA guidelines.

- 2 Noise and smoke pollution can be policed in accordance with EPA guidelines. As a condition of consent adequate screen planting will enhance the development.

REPORT IMPLICATIONS:

- *Environmental*

There are no significant fauna and flora species associated to the location of the proposed development. However, noise and water monitoring would be required to comply EPA guidelines.

- *Social*

The proposed storage shed will enhance the continuing use of the timber milling operation, which is a substantial employer for the Shire.

- *Economic (Financial)*

The ongoing enhancement of the sawmill will continue to provide benefits to the local economy.

Policy or Statutory

The application has been assessed under Section 79 (c) of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION:

A That Consent is granted subject to the following conditions:

- 1 The development referred to in this application is to be carried out substantially in accordance with

the approved development plans as modified by any conditions of this consent.

- 2 This consent has been issued on the basis that Council has been appointed as the Principal Certifying Authority and Council has accepted the appointment and will be issuing the construction certificate.
- 3 This consent does not permit commencement of any works. Works are not to commence until such time as a Construction Certificate has been obtained and the appointment of a Principal Certifying Authority.
- 4 A Construction Certificate shall not be issued until all relevant conditions of this consent have been complied with.
- 5 Two days prior to commencing work Form 7 under Environmental Planning and Assessment Act Regulations, Notice of Commencement of Building or Subdivision work and Appointment of Principal Certifying Authority is to be submitted to Council.
- 6 The storage shed is not to be occupied prior to the issue of an Occupation/Interim Occupation Certificate by Council.

An application for a certificate is enclosed. It is requested that it be completed and returned to Council prior to requesting an inspection. A minimum of 48 hours notice is necessary when requesting the inspection. Appointments will be made in accordance with the inspection program for that area.

- 7 Before the commencement of site works, demolition or building, the following activities must be completed:
 - a Installation of soil erosion and sedimentation control devices.
 - b Installation of safety fencing/hoardings between the property and the street
 - c Installation of builder's toilets

- d Installation of signage in prominent, visible position including -
- "Unauthorised site entry is prohibited"
 - Name and phone number of builder or other responsible person for contact outside working hours.
- 8 All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- 9 Access to the site for deliveries is to be confined to between 7.00 am and 7.00 pm daily. In this regard, a sign clearly indicating same is to be displayed at the entry to the development. Details, including location of signage, are to be provided with the plans for the required Construction Certificate.
- 10 The hours of operation of the construction are to be confined to 7.00 a.m. to 6.00 p.m., Mondays to Fridays, and 7.00 a.m. to 12 noon, Saturdays.
- All internal parking areas, accessways, turning areas, driveways and ramps are to be constructed in accordance with Council's Parking Code and Engineering Guidelines for Subdivision and Development. Details are to be submitted to Council for approval prior to the release of the Construction Certificate.
- 11 The means for conveyance of all stormwater from the proposed storage shed and timber dry area are to be submitted to Council for approval prior to the release of the Construction Certificate.
- 12 The area between the proposed storage shed and timber drying area and the street alignment, as well as the general surrounds of the building, is to be landscaped in accordance with the landscaping plan, and maintained to the satisfaction of council. Details are to be submitted to Council for approval prior to the release of the Construction Certificate.

13 A Noise Compliance Check by a suitably qualified acoustic consultant to monitor the site is to be undertaken within one (1) month of occupation of the building. The Noise Compliance Check will need to assess compliance in accordance with the NSW Industrial Noise Policy.

B That the objector be advised of Council's decision.

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K J Ward
ACTING DIRECTOR SUSTAINABLE DEVELOPMENT SERVICES