



# Camden Council

## Business Paper

**Ordinary Council Meeting**  
**11 July 2017**

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**Camden Council**  
**Administration Centre**  
**70 Central Avenue**  
**Oran Park**



## COMMON ABBREVIATIONS

AEP	Annual Exceedence Probability
AHD	Australian Height Datum
BCA	Building Code of Australia
CLEP	Camden Local Environmental Plan
CP	Contributions Plan
DA	Development Application
DCP	Development Control Plan
DDCP	Draft Development Control Plan
DoPE	Department of Planning & Environment
DoT	NSW Department of Transport
EIS	Environmental Impact Statement
EP&A Act	Environmental Planning & Assessment Act
EPA	Environmental Protection Authority
EPI	Environmental Planning Instrument
FPL	Flood Planning Level
GSC	Greater Sydney Commission
LAP	Local Approvals Policy
LEP	Local Environmental Plan
LGA	Local Government Area
MACROC	Macarthur Regional Organisation of Councils
NSWH	NSW Housing
OEH	Office of Environment & Heritage
OLG	Office of Local Government, Department of Premier & Cabinet
OSD	Onsite Detention
REP	Regional Environmental Plan
PoM	Plan of Management
RL	Reduced Levels
RMS	Roads & Maritime Services (incorporating previous Roads & Traffic Authority)
SECTION 149 CERTIFICATE	Certificate as to zoning and planning restrictions on properties
SECTION 603 CERTIFICATE	Certificate as to Rates and Charges outstanding on a property
SECTION 73 CERTIFICATE	Certificate from Sydney Water regarding Subdivision
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
STP	Sewerage Treatment Plant
VMP	Vegetation Management Plan
WSROC	Western Sydney Regional Organisation of Councils

General Manager  
Ron Moore

Mayor  
Lara Symkowiak

Director Customer and Corporate  
Strategy  
David Reynolds

Manager Governance and Risk  
Charles Weber

Chief Financial Officer  
Paul Rofe

Acting Director Sport Community  
and Recreation

Director Planning and Environment  
Nicole Magurren

Director Community Assets  
Vince Capaldi

# SEATING DIAGRAM

Camden Council Meeting

Councillor  
Rob Mills

Councillor  
Theresa Fedeli

Councillor  
Peter Sidgreaves

Councillor  
Michael Morrison

Councillor  
Ashleigh Cagney

Councillor  
Eva Campbell

Councillor  
Paul Farrow

Councillor  
Cindy Cagney

Public Address

Public Seating

Media



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## ORDINARY COUNCIL

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## ORDINARY COUNCIL

**SUBJECT: PRAYER**

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### PRAYER

Almighty God, bless all who are engaged in the work of Local Government. Make us of one heart and mind, in thy service, and in the true welfare of the people we serve: We ask this through Christ our Lord.

Amen

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Almighty God, give thy blessing to all our undertakings. Enlighten us to know what is right, and help us to do what is good: We ask this through Christ our Lord.

Amen

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Almighty God, we pause to seek your help. Guide and direct our thinking. May your will be done in us, and through us, in the Local Government area we seek to serve: We ask this through Christ our Lord.

Amen

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### AFFIRMATION

We affirm our hope and dedication to the good Government of Camden and the well being of all Camden's residents, no matter their race, gender or creed.

We affirm our hope for the sound decision making by Council which can improve the quality of life in Camden.

*Either – “So help me God” or “I so affirm” (at the option of councillors)*

\*\*\*\*\*

We pledge ourselves, as elected members of Camden Council, to work for the provision of the best possible services and facilities for the enjoyment and welfare of the people of Camden.

*Either – “So help me God” or “I so affirm” (at the option of councillors)*

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## **ORDINARY COUNCIL**

**SUBJECT:       ACKNOWLEDGEMENT OF COUNTRY**

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I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.

## **ORDINARY COUNCIL**

**SUBJECT: RECORDING OF COUNCIL MEETINGS**

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In accordance with Camden Council's Code of Meeting Practice and as permitted under the *Local Government Act 1993*, this meeting is being audio recorded by Council staff for minute taking purposes.

No other recording by a video camera, still camera or any other electronic device capable of recording speech, moving images or still images is permitted without the prior approval of the Council. The Council has not authorised any other recording of this meeting. A person may, as provided by section 10(2)(a) or (b) of the *Local Government Act 1993*, be expelled from a meeting of a Council for using or having used a recorder in contravention of this clause.

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## **ORDINARY COUNCIL**

**SUBJECT: APOLOGIES**

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Leave of absence tendered on behalf of Councillors from this meeting.

### **RECOMMENDED**

**That leave of absence be granted.**



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## ORDINARY COUNCIL

**SUBJECT:       DECLARATION OF INTEREST**

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NSW legislation provides strict guidelines for the disclosure of pecuniary and non-pecuniary Conflicts of Interest and Political Donations.

Council's Code of Conduct also deals with pecuniary and non-pecuniary conflict of interest and Political Donations and how to manage these issues (Clauses 7.5-7.27).

Councillors should be familiar with the disclosure provisions contained in the *Local Government Act 1993*, *Environmental Planning and Assessment Act, 1979* and the Council's Code of Conduct.

This report provides an opportunity for Councillors to disclose any interest that they may have or Political Donation they may have received relating to a Report contained in the Council Business Paper and to declare the nature of that interest.

### **RECOMMENDED**

**That the declarations be noted.**

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## ORDINARY COUNCIL

**SUBJECT: PUBLIC ADDRESSES**

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The Public Address session in the Council Meeting provides an opportunity for people to speak publicly on any item on Council's Business Paper.

The Public Address session will be conducted in accordance with the Public Address Guidelines. Speakers must submit an application form to Council's Governance team no later than 5.00pm on the working day prior to the day of the meeting.

Speakers are limited to one topic per Public Address session. Only seven speakers can be heard at any meeting. A limitation of one speaker for and one speaker against on each item is in place. Additional speakers, either for or against, will be identified as 'tentative speakers' or should only be considered where the total number of speakers does not exceed seven at any given meeting.

Where a member of the public raises a question during the Public Address session, a response will be provided where Councillors or staff have the necessary information at hand; if not, a reply will be provided at a later time. There is a limit of one question per speaker per meeting.

Speakers should ensure that their statements, comments and questions comply with the Guidelines.

All speakers are limited to four minutes, with a one minute warning given to speakers prior to the four minute time period elapsing. The commencement and conclusion of time shall be advised by the Mayor/Chairperson.

Public Addresses are recorded for administrative purposes. It should be noted that speakers at Council meetings do not enjoy any protection from parliamentary-style privilege. Therefore they are subject to the risk of defamation action if they make comments about individuals. In the event that a speaker makes potentially offensive or defamatory remarks about any person, the Mayor/Chairperson will ask them to refrain from such comments.

The Mayor/Chairperson has the discretion to withdraw the privilege to speak where a speaker continues to make inappropriate or offensive comments about another person, or make a point of order ruling if a speaker breaches the Guidelines.

### **RECOMMENDED**

**That the public addresses be noted.**

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## **ORDINARY COUNCIL**

**SUBJECT: CONFIRMATION OF MINUTES**

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Confirm and adopt Minutes of the Ordinary Council Meeting held 27 June 2017 and the Local Traffic Committee Meeting held 20 June 2017.

### **RECOMMENDED**

**That the Minutes of the Ordinary Council Meeting held 27 June 2017 and the Local Traffic Committee Meeting held 20 June 2017, copies of which have been circulated, be confirmed and adopted.**



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## **ORDINARY COUNCIL**

**SUBJECT:       MAYORAL MINUTE**

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Consideration of Mayoral Minute (if any).



## ORDINARY COUNCIL

### ORD01

**SUBJECT: ADDENDUM REPORT - CONSTRUCTION AND OPERATION OF A MOBILE CONCRETE BATCHING PLANT AND ASSOCIATED SITE WORKS - 60 GREENDALE ROAD, BRINGELLY**

**FROM:** Acting Director Planning and Environment

**TRIM #:** 17/152632

**APPLICATION NO:** 578/2016  
**PROPERTY ADDRESS:** 60 Greendale Road, Bringelly  
**APPLICANT:** Boral Resources (NSW) Pty Ltd  
**OWNER:** Boral CSR Bricks Pty Ltd

### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction and operation of a mobile concrete batching plant and associated site works at 60 Greendale Road, Bringelly.

The DA is referred to Council for determination following the deferral of this item at the 23 May 2017 meeting for a site inspection and a meeting with submitters and residents.

**A copy of the original report and original report attachments is provided as an attachment.**

### SUMMARY OF RECOMMENDATION

That Council determine DA 578/2016 for the construction and operation of a mobile concrete batching plant and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### MAIN REPORT

#### **Summary of Events**

Following the deferral of this item from the 23 May 2017 meeting, the following actions have been undertaken.

Date	Action
7 June 2017	Meeting with submitters and residents
5 June and 15 June	Site meetings held with Councillors
23 May	Submissions sent to EPA
30 June	Response received from EPA

#### **Summary of Changes since 23 May 2017**

The applicant has agreed to the following additional conditions:

- Revised operating hours of:

Day	Hours of Operation
Monday	7:00am to 6:00pm
Tuesday	7:00am to 6:00pm
Wednesday	7:00am to 6:00pm
Thursday	7:00am to 6:00pm
Friday	7:00am to 6:00pm
Saturday	7:00am to 6:00pm
Sunday and Public Holidays	8:00am to 6:00pm

Concrete agitator truck movements are permitted up to 7:00pm Monday to Saturday. No operation of the plant or material deliveries is permitted after 6:00pm on any day.

Concrete agitator truck movements are considered acceptable up to 7:00pm Monday to Saturday to allow trucks to return to the site for parking.

- A condition that requires the applicant to provide suitable noise attenuation to 31 Greendale Road in the event that it is requested by the landowner.
- A condition, as recommended by the NSW Environmental Protection Authority (EPA), requiring a noise verification report within 3 months after the commissioning of the plant. The condition requires that if the Noise Verification Report identifies any non-compliance with the predicted noise levels, the proponent must detail additional measures to be implemented to achieve the DA levels, clearly indicate who will implement these measures, when these measures will be implemented and how the effectiveness of these measures could be measured and reported.
- A condition, as recommended by the EPA, requiring an air quality verification report within three months after the commissioning of the plant. The condition requires that if the air quality verification report identifies any emissions in excess of those reported in the DA the proponent must detail additional measures to be implemented to achieve the DA levels, clearly indicate who will implement these measures, when these measures will be implemented, and how the effectiveness of these measures could be measured and reported.
- A condition, as recommended by the EPA, requiring the proponent to maintain a telephone complaints line. Records of the complaints are to be made available to the EPA or Council when requested.

### Meeting with Submitters and Residents

Following Council's resolution on 23 May 2017 to defer the matter, a meeting was held at Council on 7 June 2017 with Council Officers, Councillors, submitters and local residents to discuss their concerns in relation to the proposed development. Eighteen residents were in attendance.

Since the DA was deferred on 23 May 2017, seven additional submissions were received (one submission in support of the application).



The concerns raised at the meeting of 7 June 2017 and in the additional submissions received are summarised below:

- Excessive hours of operation;
- Unsuitability of the site;
- Noise and visual impacts;
- Vehicles degrading the roads and insufficient contributions to maintain roads;
- Safety concerns for residents and the Bringelly Public School due to additional vehicles;
- Vehicle access concerns for nearby properties;
- Impacts upon domestic animals;
- Additional water run-off from the site;
- Health concerns related to dust generation and vehicle emissions;
- Signage is incompatible with the rural landscape; and
- Location of the development within a buffer originally provided as part of the Brickworks.

The above concerns are addressed below.

1. *The proposed operating hours are excessive (seven days per week); other plants have more restrictive hours, including the existing brickworks development.*

*The hours of other plants could be increased as an alternative to this proposal.*

*When Boral undertook initial community consultation before DA lodgement, the hours were different (more restrictive).*

#### Officer Comment

The existing hours of operation for the brickworks approved by the NSW Department of Planning and Environment (DPE) are as follows:

Activity	Hours of Operation
Quarrying, deliveries, dispatch	6:00am to 6:00pm Monday to Friday 6:00am to 1:00pm Saturday No activities on Sunday or Public Holidays
Brick Making	Twenty four hours a day, seven days a week

The original proposed hours of operation of the mobile concrete batching plant, as reported to Council at its 23 May 2017 meeting, are as follows:

Day	Hours of Operation
Monday	7:00am to 10:00pm
Tuesday	7:00am to 10:00pm
Wednesday	7:00am to 10:00pm
Thursday	7:00am to 10:00pm
Friday	7:00am to 10:00pm
Saturday	7:00am to 10:00pm
Sunday and Public Holidays	8:00am to 10:00pm
No material deliveries are permitted after 6:00pm on any day.	

Council Officers considered a reduction in the proposed hours necessary, noting that the proposed development is located within an existing rural area with nearby residences and that peak production is not expected to occur beyond 6:00pm.

It is therefore recommended to impose the following revised hours of operation via a condition of consent:

Day	Hours of Operation
Monday	7:00am to 6:00pm
Tuesday	7:00am to 6:00pm
Wednesday	7:00am to 6:00pm
Thursday	7:00am to 6:00pm
Friday	7:00am to 6:00pm
Saturday	7:00am to 6:00pm
Sunday and Public Holidays	8:00am to 6:00pm
Concrete agitator truck movements are permitted up to 7:00pm Monday to Saturday. No operation of the plant or material deliveries is permitted after 6:00pm on any day.	

Concrete agitator truck movements are considered acceptable up to 7:00pm Monday to Saturday to allow trucks to return to the site for parking.

It is noted that the applicant has agreed to the imposition of this condition.

- The proposed development is not needed given the existence of other concrete batching plants.*

Officer Comment

The applicant advises that Boral operates 18 concrete batching plants in the greater Sydney metropolitan area. These plants range in size from the production of 700,000 tonnes to 52,500 tonnes of concrete per annum. The perishable nature of concrete results in a limited concrete delivery time (between 35 to 90 minutes). Due to this delivery timeframe, concrete batching plants are required within proximity to their markets.

There are no concrete plants in the northern portion of the Camden Local Government Area (LGA). The closest concrete plants to Bringelly are located at Smeaton Grange, Prestons and Narellan.

**A copy of the applicant’s justification for the proposed development is provided as an attachment.**





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3. *The subject site is not suitable for the proposed development considering the existing rural character of the area. The development should be sited further into the site, away from dwellings and outside of an original buffer provided for the Brickworks.*

Officer Comment

The applicant advises that Bringelly and the specific development area have been selected for the following reasons:

- There is volume and nature of future projects within the region and the need for a mobile concrete batching plant in a strategic location to deliver concrete within limited timeframes.
- There are a limited number of concrete batching plants capable of servicing the future market.
- The development area has been located as far away from existing residences as possible considering other site constraints such as:
  - Topography (a flat area of the site has been chosen to reduce the level of site disturbance);
  - Watercourses;
  - The need to provide a setback to Greendale Road to allow the inclusion of the acoustic bund / fencing;
  - The preservation of existing vegetation;
  - The location of an Endeavour Energy easement; and
  - The need for an efficient internal site layout to ensure functionality of the development and compliance with relevant site operation criteria.

Council officers consider that the proposed siting is acceptable noting the constraints of the site. The development exceeds the required 20m setback as prescribed by the Camden Development Control Plan 2011 (Camden DCP) and will have no unacceptable impacts on the locality as detailed within the Council Report dated 23 May 2017.

Further, there is no buffer requirement to Greendale Road provided on the 88B Instrument or Deposited Plan or contained in a planning control for this allotment. The Development Consent and approved plans for the State Significant Development Application SSD\_5684 approved by the NSW DPE (for the existing Brickworks) does not reference a buffer requirement to limit further development of the site.

**A copy of the approved development layout plan for the brickworks is provided as an attachment.**

4. *Camden Council envisages residential development, not industrial development on the site. Why does Boral state a future industrial zoning?*

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*Council staff should assess the DA based on the Rural zoning, not a potential future Industrial zone as there is no certainty the land will be rezoned industrial.*

Officer Comment

The site is zoned RU1 Primary Production by the Camden Local Environmental Plan 2010 (Camden LEP). The proposed development is defined as an 'Industry' by the LEP, which is a prohibited land use in this zone.

Permissibility of the proposed development is established via State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007, which overrides the Camden LEP 2010.

Bringelly has been identified as part of the South West Growth Centre but has not yet been formally released for rezoning. Any future rezoning of the land will be facilitated by the NSW DPE, which will be required to undertake community consultation as part of determining the future zoning of the land.

5. *Additional vehicle movements on Greendale Road (one truck every three to four minutes) will cause safety concerns for residents and the school, and for people walking along Greendale Road.*

Officer Comment

A traffic and transport assessment report was submitted with the application. The report found that the average daily traffic movement on Greendale Road will increase by 13% to 15% and concluded there will be no detrimental impact on the existing road network for the following reasons:

- The existing road remains suitable and road widening is not required.
- Truck movements will have a minimal impact on the surrounding road network.
- The number of vehicle movements is restricted based upon the maximum permitted tonnage of concrete production being 125,000 tonnes per annum.

Based upon the maximum permitted concrete production, the traffic report notes that up to 86 loads of concrete would be produced on an average day and up to 20 truck deliveries of aggregates and seven truck deliveries of cement powder per day will be required to service the plant.

Council's Traffic Engineers have assessed the proposal and raise no objection on traffic grounds, subject to the following conditions:

- The safe intersection sight distance must be in accordance with the Austroad Guidelines for an 80km/hr road.
- The passing lanes must be designed and constructed in accordance with Austroad guidelines.
- The access driveway and parking area must be designed and constructed in accordance with Australian Standards.
- An accessible car parking space must be provided on site.



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- All vehicles must enter and exit the site in a forward direction.
  - A restriction on the number of truck loads of concrete leaving the site per day, being up to 86 truck loads of concrete;
  - A restriction on the number of truck loads of aggregates being delivered per day, being 20 truck loads; and
  - A restriction on the number of truck loads of cement powder being delivered per day, being up to seven truck loads.
6. *Has consideration been given to the cumulative traffic generation from the proposed development, brickworks and other recently approved land uses (crematorium, cemeteries, church)?*

Officer Comment

The traffic survey was carried out on 7 October 2015. Council's Traffic Engineers consider an updated survey is not required given the survey was carried out within the past two years and there have not been any significant changes to the traffic environment.

The traffic survey took account of the traffic generation from surrounding development at the time, including the existing brickworks.

The traffic survey indicates that the projected increased traffic volume on Greendale Road after the proposed concrete batching plant commences will be approximately 2,300 vehicles per day (230 vehicles per hour).

The capacity of a single lane of traffic on Greendale Road is between 700 and 800 vehicles per hour. Noting this, the road has sufficient capacity to accommodate further increased traffic volumes, including the potential additional traffic generated by the approved developments within the Liverpool LGA, which are noted below and shown on the figure.

- 321 Greendale Road – Cemetery approved August 2014 (currently subject to a S96(1A) Modification (construction not yet started));
- 992 Greendale Road – Crematorium and temple for worship approved August 2011 (construction not yet started);
- 41 Greendale Rd – Cemetery masterplan approved by the NSW Land and Environment Court on January 2013 (Stage 2 approved December 2014 and currently subject to a S96(1A) Modification - construction has yet started).

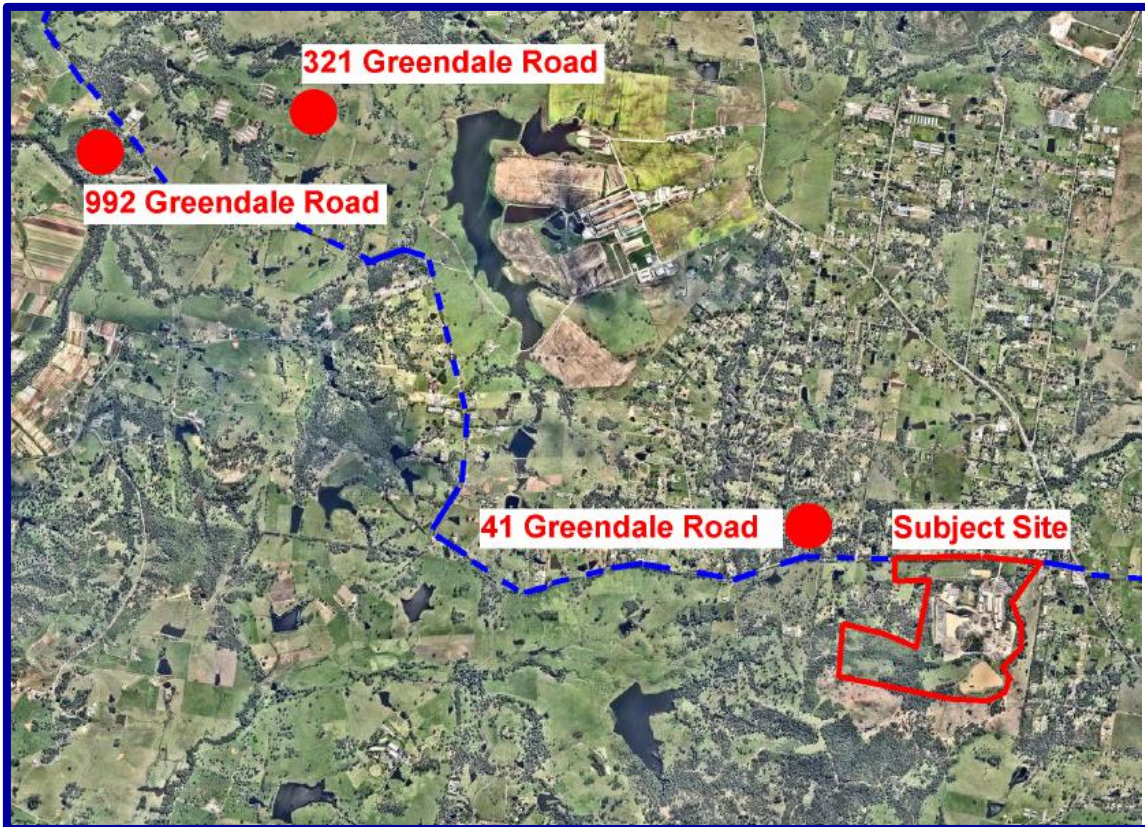


Figure: Approved cemetery development sites on Greendale Road.

7. *Additional vehicle movements will result in a more dilapidated road, and:*

- *no timeline has been provided for road upgrades / maintenance.*
- *the contributions required for road maintenance based on tonnage will not be enough to fix the current state of Greendale Road.*
- *upgrade works have not been specified; will this include kerb and gutter and footpaths?*

Officer Comment

Camden Council's Contribution Plan No. 7 – Extractive Industry (CP No. 7) applies to the site. In accordance with CP No. 7, the owner will be required to contribute to the upkeep and maintenance of Greendale Road via a condition of consent. A condition is recommended to ensure these contributions are paid at a rate for every tonne of raw material that enters the site and every tonne of product that leaves the site.

The operator is required to report this total tonnage to Camden Council each calendar year. In accordance with CP No. 7, monetary contributions are required to be paid each calendar year and are indexed in accordance with the Consumer Price Index.

Upgrade works to Greendale Road are ongoing and are being jointly undertaken by Liverpool and Camden Councils. Upgrade works between The Northern Road and 600m east of Tyson Road are anticipated to commence in 2018/2019.



8. *The existing intersection at Greendale / The Northern Road is dangerous due to trucks negotiating the sharp bend. Trucks will access Dwyer Road, which is not suitable given sharp bends and dwellings that will be impacted by noise.*

Officer Comment

The traffic and transport assessment report advises that the existing road network is sufficient to support the additional generated traffic.

The intersection of Greendale Road and the Northern Road is an approved B-Double access route as approved by the RMS. Further, it is noted that the RMS is upgrading the Greendale/Bringelly/The Northern Road intersection, which is expected to be completed by 2020. This work will improve traffic movement within the surrounding road network.

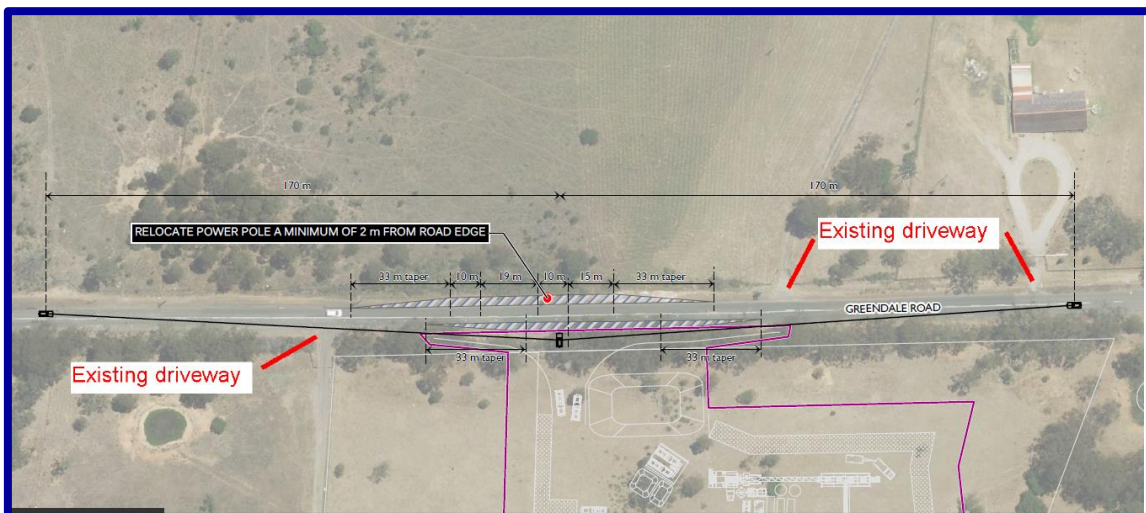
With regards to acoustic impacts on Dwyer Road, the noise and vibration assessment report demonstrates that the proposed development will comply with the traffic generating noise criteria in accordance with the NSW Road Noise Policy 2011.

9. *The 80km/hr speed limit will limit the ability for vehicles to enter and exit the site. The location of the proposed entrance will impact nearby entrances, in particular 33 Greendale Road, Bringelly.*

Officer Comment

The proposed development incorporates passing lanes on either side of Greendale Road opposite the proposed entrance. These lanes will allow vehicles to pass trucks turning into the site. The proposed development complies with the safe intersection sight distance in accordance with the Austroad Guidelines for an 80kmh road. A condition is recommended to ensure compliance with the Austroad Guidelines.

The passing lanes and the proposed entrance are not considered to impact upon the safety and functionality of nearby driveways.



**Figure: Insert from architectural drawings showing turning lanes and neighbouring driveways**

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10. *Disruption to the locality from trucks during construction.*

Officer Comment

Impacts associated with the construction of the plant will be for approximately 12 weeks given the pre-fabricated nature of the development. A condition is recommended to restrict construction hours to be outside of sensitive residential hours as follows:

- All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.

In addition, a condition is recommended requiring the 2m high acoustic mound and a 2m acoustic fence to be constructed within the first four weeks of construction so to minimise construction noise on surrounding residents.

11. *Additional vehicle movements and 80kmr speed limit will result in brake noise from trucks slowing to enter the site and engine noise from trucks accelerating to merge onto Greendale Road.*

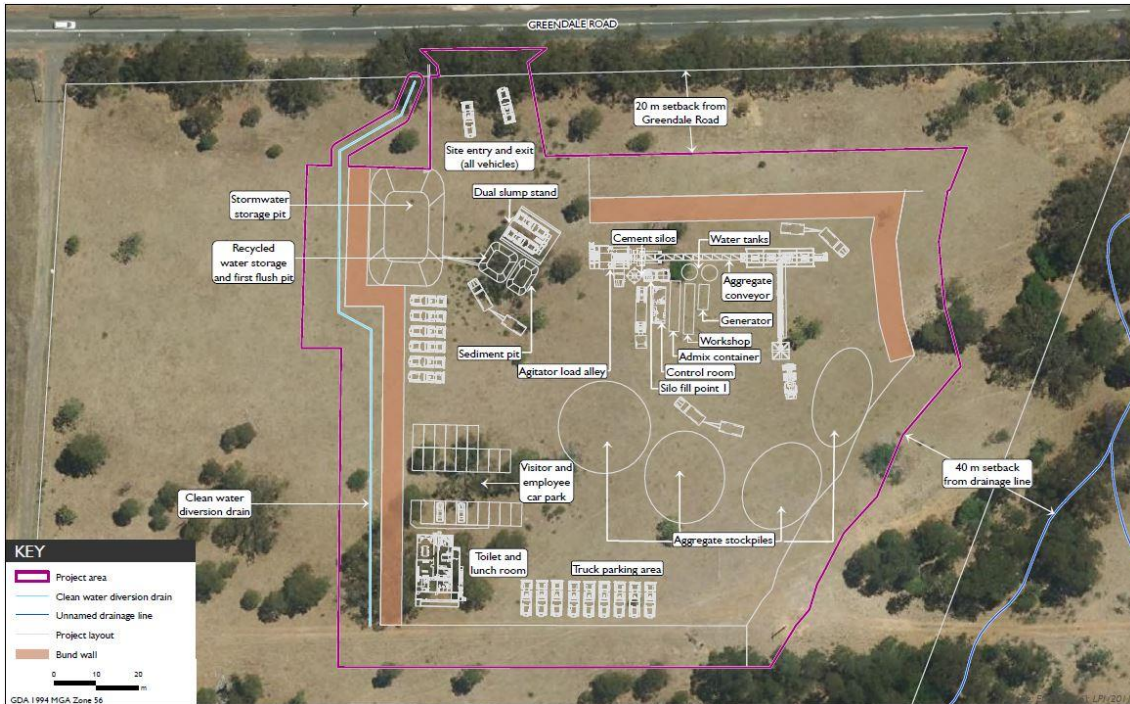
Officer Comment

The Noise and Vibration Report submitted with the application assessed road traffic noise against the NSW Road Noise Policy 2011 (RNP). The proposed development will comply with traffic generating noise criteria specified by the RNP.

12. *Noise output will be above acceptable noise levels considering the existing rural environment has a low background noise level.*

Officer Comment

The proposal includes the construction of a 2m high earth mound with a 2m high solid wall/barrier on top of the mound (total height 4m) located around the parts of the northern, eastern and western perimeter of the site as illustrated in orange (bund wall) below.



Further, the acoustic report submitted with the application recommends the following measures, amongst other things, to attenuate noise:

- The loading and unloading slumping stands to be partially enclosed, with the roofs of these areas to be lined with acoustic absorption material;
- Heavy vinyl curtains to be provided to the exit of the slump bay structure;
- Vinyl curtains to remain closed during slumping activities; and
- The slumping stand enclosure to have dimensions of 19m x 8m x 5m.

A condition is recommended requiring compliance with the acoustic report.

Council officers consider the proposed development to be consistent with the EPA Industrial Noise Policy. The majority of surrounding residents will not be affected by noise that exceeds the most sensitive noise criteria.

One residence will exceed the most sensitive noise criteria (being the closest residence) however the operational noise level is below the 'Recommended Acceptable Noise Level - Rural Residence' and the 'Recommended Maximum Noise Level - Rural Residence' of the policy.

The Industrial Noise Policy permits the consent authority to consider negotiations between the owner of the development site and any sites affected by noise when assessing noise impacts. The applicant has advised that noise mitigation works (treatments to windows and doors) have been offered to the owner of the closest residence (31 Greendale Road). The owner of the closest residence has advised Council Officers that no agreement has been made.

The proposed development is supported, subject to conditions, given compliance with the sensitive noise criteria can be achieved at the closest residence (pending

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negotiations with the property owner) and this residence complies with 'Recommended Acceptable Noise Level - Rural Residence' and the 'Recommended Maximum Noise Level – Rural Residence' of the Industrial Noise Policy.

Council officers recommend a condition to require the applicant to provide suitable noise attenuation to 31 Greendale Road in the event that it is requested by the landowner.

*13. Noise output will spook horses causing safety concerns for riders, and will stress domestic pets.*

Officer Comment

Acoustic impacts on residents are considered as part of the Industrial Noise Policy, not on domestic animals (which includes domestic horses). However, as acoustic impacts are considered acceptable for residents (as discussed previously), impacts to animals are not considered significant.

*14. The height limit has been considerably breached and should not be supported given visual impacts. The three silos will not be sufficiently screened by proposed vegetation and acoustic bund/fence when viewed from properties opposite the site, which are within 200m of the development.*

Officer Comment

As discussed in the 23 May 2017 Council Report, a variation to the height control of 9.5m, as specified by Clause 4.3 of the Camden LEP 2010, is requested. The three cement storage silos will be 21m above natural ground level.

The variation is supported for the following reasons:

- The silos are set back 46m from Greendale Road (20m min setback required) and will be painted a natural colour to blend with the existing and proposed vegetation screening.
- The majority of the proposed development across the site is less than 5m in height.
- The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site.
- The proposed development has been designed to minimise visual impacts and to minimise conflicts between land uses.
- The development will not result in an adverse impact on view lines or visual corridors within the locality.
- The height breach does not result in any adverse amenity impacts on surrounding development.
- The height of the silos is required for the operation of the mobile concrete batching plant.





- The proposed development is consistent with the objectives of RU1 Primary Production zone as it will not negatively impact the natural resource base, will not conflict with the rural uses within the zone and will not alienate resource lands as the site is an operating brick works.

*15. The proposal is not in accordance with the Camden Rural Land Strategy, in particular impacts on scenic quality and the view corridor.*

Officer Comment

The draft Camden Rural Lands Strategy contains broad planning principles about retaining Camden's valued scenic and cultural landscapes. It should be noted the actions included in the draft Strategy are predominantly related to rural land outside of the South West Priority Growth Area (SWPGA).

The draft Strategy does contain an action to undertake a detailed visual study of Camden's rural lands (excluding the SWPGA). As the subject site is located within the SWPGA, it is not intended that the detailed visual study referred to above will include this land.

*16. Dust will be generated from the operation of the plant and from trucks leaving the site, which will increase health concerns such as asthma and respiratory disease for residents and occupants of Bringelly School, and will impact potable water supply (all residents are on tank water).*

*Dust impacts will be exacerbated due to the wind tunnel that exists due to topography and landscaping.*

Officer Comment

An Air Quality Assessment was submitted with the application, which concluded that the development will not exceed the NSW EPA criteria. Existing air quality monitoring was carried out and meteorological conditions were analysed to review the potential increase in air pollutants from dust/cement materials. The results determined it was unlikely there would be exceedances of emissions above EPA criteria.

Dust impacts on potable water supply sourced from rainwater tanks will be reduced through dust mitigation measures as outlined within the Air Quality Assessment.

Council officers have reviewed the Air Quality Assessment Report and recommend approval of the development, subject to conditions to enforce the proposed dust mitigation measures as outlined within the Air Quality Assessment, which include:

- Regular sweeping of paved roads;
- Water sprays on all stockpiles;
- Water sprays used during aggregate and sand unloading; and
- Cement loaded into silos in an enclosed system.

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*17. Health concerns related to additional vehicle emissions.*

Officer Comment

The proposed development is not considered to give rise to increased health impacts as a result of the additional vehicle movements.

*18. The clean water diversion drain will discharge water to 33 Greendale Road, exacerbating existing water run-off/flooding issues.*

Officer Comment

Stormwater discharge is proposed to the existing watercourse to the east of the development area. Post-development flow from the site must meet pre-development flows in accordance with Council's Engineering Specifications. The stormwater will be controlled by a stormwater detention pit, which stores runoff and gradually releases it into the watercourse at pre-development flow rates.

*19. A rural environment is generally not suitable for the proposal as it will impact upon the amenity and character of the area.*

Officer Comment

Impacts on the existing character will be reduced through setbacks greater than that required by the Camden DCP, the proposed colour scheme, visual screening via the proposed acoustic bund / fencing, and additional vegetative screening across the road frontage.

*20. Life expectancy of the development is not clear.*

Officer Comment

While the development is referred to as a Mobile Concrete Batching Plant, the mobile component refers to the modular nature of the plant and reduced ground preparation works required for installation. The life expectancy of the plant is unknown as this is dependent upon concrete demand. Once there is no longer a demand for concrete, the plant (given its pre-fabricated design) can be easily disassembled and the site reinstated.

*21. Dust impacts will damage property.*

Officer Comment

Dust impacts will be acceptable subject to conditions to enforce dust mitigation measures as outlined within the Air Quality Assessment.

*22. Sediment run-off will pollute waterways and dams.*

Officer Comment

Sediment will be controlled during construction via sediment fences, and during the plants ongoing use through the inclusion of a stormwater detention pit.



23. *Approval of this development will result in a later modification to increase the hours or generation of product (such as has occurred for the Brickworks), resulting in a 24hr operation. What's to stop another DA being proposed for a similar development on the same site?*

Officer Comment

A Section 96 Modification or a new DA would be required to amend the operating hours, which would be notified to surrounding residents. Any application would need to be assessed on its merits having regard to any submissions received.

24. *The proposed signage exceeds requirements of the Camden DCP and is not compatible with the rural environment.*

Officer Comment

A variation to the Camden DCP with respect of the signage was acknowledged and supported as detailed within the Council Report dated 23 May 2017 for the following reasons:

- The signage will not obstruct key view corridors along Greendale Road.
- The signage does not dominate the streetscape.
- The size is required to ensure legibility for road directional purposes.

**Referral of Submissions to the NSW Environment Protection Authority (EPA)**

Following the 23 May 2017 Council meeting, a copy of all submissions received was forwarded to the EPA for their comment.

On 30 June 2017, the EPA provided a response which did not note any objection to the proposed development however provided the following comments/conditions for Council's consideration:

(Note: Previous comments and conditions were provided by the EPA on 11 October 2016 and were included as an attachment to the 23 May 2017 Council report. The 30 June 2017 EPA response supersedes those previous comments/conditions.)

**A copy of the 30 June 2017 EPA response is provided as an attachment.**

- *The Protection of the Environment Operations Act 1997 defines mobile plant as "operated temporarily for a total of not more than 6 months in any 12 month period".*

Officer Comment

While the development is referred to as a Mobile Concrete Batching Plant, the mobile component refers to the modular nature of the plant and reduced ground preparation works required for installation. The life expectancy of the plant is unknown as this is dependent upon concrete demand. Once the need to generate concrete is diminished, the plant (given its pre-fabricated design) can be easily disassembled and the site reinstated.

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- *The Air Quality Impact Assessment has potentially under predicted peak impacts for PM<sub>10</sub> and PM<sub>2.5</sub> by up to a factor of three for a 24-hour period because emissions were based on average daily production rather than peak daily production. The EPA recommends that if project approval is granted an Air Quality Verification Report should be required which includes assessment of peak production rates.*

#### Officer Comment

Subsequent to the above comments from the EPA, the applicant's air quality consultant has remodelled PM<sub>10</sub> and PM<sub>2.5</sub> to reflect peak daily throughputs. The modelling shows that there is not predicted to be an exceedance of the 24 hour average PM<sub>10</sub> or PM<sub>2.5</sub> criterion.

Notwithstanding, the EPA conditions of consent are recommended that require an Air Quality Verification report within 3 months after the commissioning of the premises. The condition requires that, if the Air Quality Verification Report identifies any emissions in excess of those reported in the DA, the proponent must detail additional measures to be implemented to achieve the DA levels, clearly indicate who will implement these measures, when these measures will be implemented and how the effectiveness of these measures could be measured and reported.

**A copy of the Applicant's Air Quality Assessment response is provided as an attachment.**

- *An operational Air Quality Management Plan (AQMP) should be included as a condition of consent.*

#### Officer Comment

A condition of consent is recommended requiring compliance with EPA conditions.

- *A condition is requested requiring mains power until a more detailed air assessment has been provided to the EPA.*

#### Officer Comment

A condition of consent is recommended requiring compliance with EPA conditions.

- *Project-specific noise levels at 31 Greendale Road exceeded. The EPA recommends that if project approval is granted a Noise Verification Report should be required.*

*The Interim Construction Noise Guideline should be consulted to manage the impacts of construction noise and vibration on residences and other sensitive land uses. The proponent should ensure that all feasible and reasonable construction noise mitigation and management measures are implemented, particularly in relation to 31 Greendale Road.*

#### Officer Comment

A condition of consent is recommended requiring compliance with EPA conditions.



In addition, Council officers recommend conditions to restrict the operating hours to the following:

Day	Hours of Operation
Monday	7:00am to 6:00pm
Tuesday	7:00am to 6:00pm
Wednesday	7:00am to 6:00pm
Thursday	7:00am to 6:00pm
Friday	7:00am to 6:00pm
Saturday	7:00am to 6:00pm
Sunday and Public Holidays	8:00am to 6:00pm
Concrete agitator truck movements are permitted up to 7:00pm Monday to Saturday. No operation of the plant or material deliveries is permitted after 6:00pm on any day.	

Concrete agitator truck movements are considered acceptable up to 7:00pm Monday to Saturday to allow trucks to return to the site for parking.

Council officers also recommend the following additional condition to require the applicant to provide suitable noise attenuation to 31 Greendale Road in the event that it is requested by the landowner:

- *Upon receiving a written request from the land owner of Lot 1 DP 252040 (31 Greendale Road, Bringelly), the Applicant must negotiate a suitable noise mitigation solution in accordance with the following:*
  - *The negotiation process outlined in Chapter 8 of the NSW Environment Protection Authority's Industrial Noise Policy, January 2000 (INP, 2000).*
  - *The noise mitigation measures are to achieve compliance with the noise limits for 31 Greendale Road as specified in Table 1 of EPA's correspondence dated 30 June 2017.*
  - *Within six months of receiving a written request from the landowner, the applicant must install the agreed noise mitigation to the satisfaction of the landowner.*
  - *Pay the reasonable costs in association with the installation of the agreed noise mitigation measures.*
- *Construction activities should only be undertaken during the recommended standard construction hours in Section 2.2 of the NSW Interim Construction Noise Guideline (DECC, 2009).*

#### Officer Comment

A condition of consent is recommended requiring compliance with EPA conditions.

#### **Confirmation of the owner of the brickworks**

Boral no longer has a stake in the brickworks. However, there are no implications associated with the two separately owned companies operating on the same site. Boral has advised the proposed mobile concrete batching plant will not be regulated as part of the Bringelly Brickworks Environmental Protection Licence (EPL) and the EPA has advised a separate EPL is not required.

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## Clause 4.6 Variation Request – Maximum building height

As discussed in the 23 May 2017 Council Report, a Clause 4.6 variation to the height control of 9.5m, as specified by Clause 4.3 of the Camden LEP 2010, is requested. The three cement storage silos will be 21m above natural ground level.

The variation is supported for the following reasons:

- The silos are set back 46m from Greendale Road (20m min setback required) and will be painted a natural colour to assist blending in with existing and proposed vegetation screening.
- The majority of the proposed development across the site is less than 5m in height.
- The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site.
- The proposed development has been designed to minimise visual impacts and to minimise conflicts between land uses.
- The development will not result in an adverse impact on view lines or visual corridors within the locality.
- The height breach does not result in any adverse amenity impacts on surrounding development.
- The height of the silos is required for the operation of the mobile concrete batching plant.
- The proposed development is consistent with the objectives of RU1 Primary Production in that it will not negatively impact the natural resource base, will not conflict with the rural uses within the zone and will not alienate resource lands as the site is an operating brick works.

Based on the above considerations and in the particular circumstances of the case, the proposed variation to the development standard is acceptable.

The development is considered to be in the interest of the public given that the relevant objectives of the building height standard and objectives of RU1 Primary Production zone are met despite its numerical non-compliance with the development standard.

The variation is not considered to raise any matter of regional and state significance, and concurrence of the Minister in approving this variation can be assumed by Council.

## CONCLUSION

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA578/2016 is recommended for approval subject to the conditions attached to this report.



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## **RECOMMENDED**

That Council:

- i. support the Clause 4.6 exception as it is considered unreasonable and unnecessary to strictly comply with the development standard of Clause 4.3 of CLEP 2010 – Height of Building standard for the proposed development at 60 Greendale Road, Bringelly for the following reasons:
  - a. The height of the silos is critical for operation of the mobile concrete batching plant.
  - b. The silos are set back 46m from Greendale Road and will be painted a natural colour to assist blending in with existing and proposed vegetation screening.
  - c. The existing Boral CSR Bringelly Brickworks has a maximum height of 17.5m therefore the proposed height is not inconsistent with the existing character of development across the site.
  - d. The height breach does not result in any adverse amenity impacts on surrounding development.
  - e. The objectives of the control and zone are considered to have been met despite the numerical non-compliance.
- ii. approve DA578/2016 for the construction and operation of a mobile concrete batching plant and associated site works at 60 Greendale Road, Bringelly, subject to the recommended conditions.

## ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Council Report & Attachments 23 May 2017
4. EPA Response - 30 June 2017
5. Applicants Justification for Site Location
6. Brickworks Development Layout Plan
7. Applicant's Air Quality Assessment Response - 3 July 2017
8. Public Exhibition and Submissions Map - *Supporting Document*
9. Original Submissions - *Supporting Document*
10. Additional Submissions - *Supporting Document*



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## ORDINARY COUNCIL

ORD02

**SUBJECT: SECTION 82(A) REVIEW - USE OF AN EXISTING FARM BUILDING AS A DEPOT ASSOCIATED WITH A CONSTRUCTION COMPANY - 238 COBBITTY ROAD, COBBITTY**

**FROM:** Acting Director Planning and Environment

**TRIM #:** 17/171369

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**APPLICATION NO:** DA 867/2016

**PROPERTY ADDRESS:** 238 Cobbitty Road, Cobbitty

**APPLICANT:** Mr Jeremy Swan

**OWNER:** Cobbitty Road Developments Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is for Council to consider a Section 82A application that seeks a review of Council's determination to refuse a development application (DA) for the use of an existing farm building as a depot associated with a construction company at 238 Cobbitty Road, Cobbitty.

The DA is referred to Council for determination as Council refused the original application on 14 February 2017.

The Section 82A application was notified and 11 submissions from 10 property owners were received objecting to the proposed development.

### SUMMARY OF RECOMMENDATION

That Council determine DA 867/2016 for the use of an existing farm building as a depot associated with a construction company at 238 Cobbitty Road, Cobbitty pursuant to Section 82A of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

A Section 82A Review application has been lodged for DA867/2016.

Under Section 82A of the *Environmental Planning and Assessment Act 1979*, an applicant may request that Council review a determination of an application. Council refused the original application, which proposed the use of an existing farm building as a depot associated with a construction company on 14 February 2017. The application has not been amended and is the same as what was originally proposed.

The development proposes:

- The use of an existing 420m<sup>2</sup> farm building as a depot for the storage of building materials, machinery and plant; and
- The installation of three-tier pallet racking along the inside edges of the building for the storage of building materials with the centre of the depot used for the





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loading and unloading of building materials and the storage of machinery and plant.

- Building materials, plant and machinery are proposed to be stored within the depot when they are not being used off-site by the construction company. Items proposed to be stored include:
  - Building materials including fittings and fixtures, mobile scaffolding, residential building stock and general building supplies (e.g. bricks, tiles, panels and tools); and
  - Machinery and plant associated with construction including two bobcats, one digger, one forklift and one truck.
- The proposed hours of operation are 9:00am to 5:00pm Monday to Friday, with a maximum of four vehicle movements (vehicle size not exceeding a medium rigid vehicle) per week associated with the depot. For the purposes of this DA, if a vehicle enters and leaves the site, this is considered two vehicle movements. This does not include the movement of vehicles associated with the dwelling and vehicles to service the approved agricultural shed not associated with this application.
- No physical works are proposed outside of the existing farm building. The only works proposed relate to the installation of internal pallet racking for the storage of building materials.
- A maximum of four staff will be present on site to manage the loading and unloading of building materials, plant and machinery. No full time onsite staff are proposed.

The operator of the construction company resides in the dwelling on the site.

**A copy of the proposed plans is provided as an attachment to this report.**

### **THE SITE**

The site is commonly known as 238 Cobbitty Road, Cobbitty and is legally described as Lot 203 DP 812265.

The site is a large battle-axe lot and measures 12.87 hectares in area. The site has a 25m frontage to Cobbitty Road and is accessed via an access handle from Cobbitty Road. The site slopes from north to south and currently contains access roads, scattered vegetation, turning areas, a dwelling, a detached outbuilding and two agricultural sheds, one being the subject of this proposal to convert the agricultural storage shed to a depot.

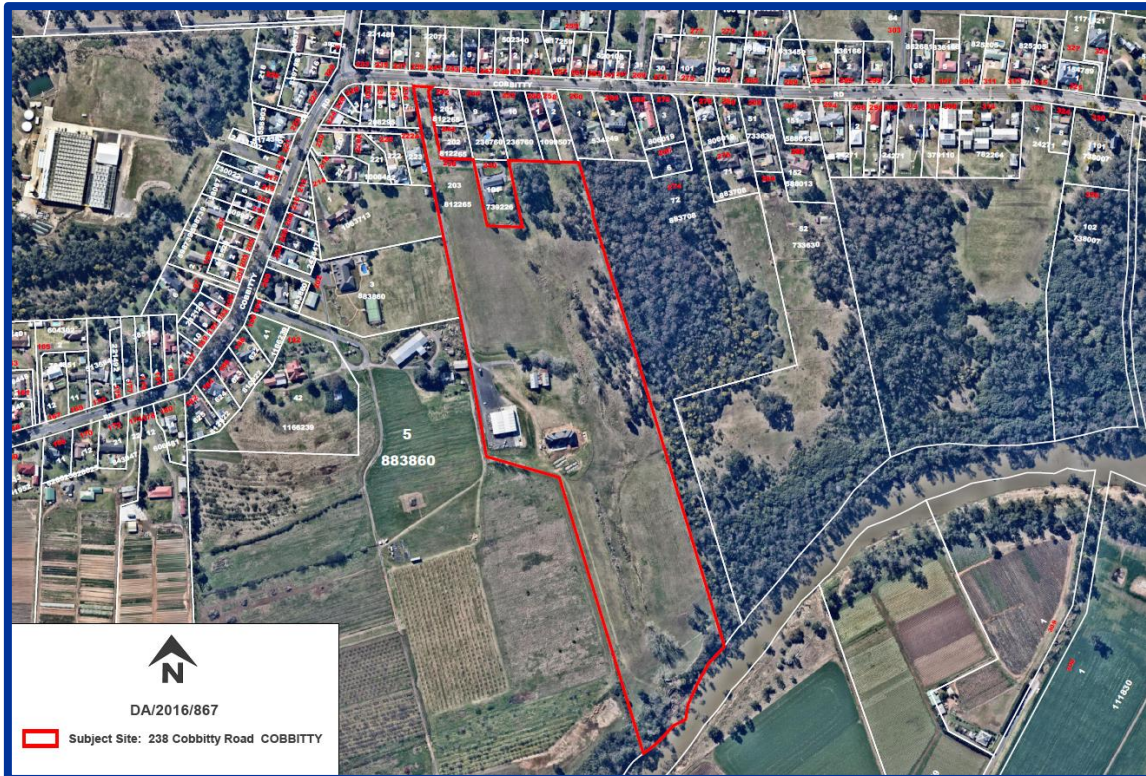
The surrounding area is characterised by dwellings and agricultural land uses. Land fronting Cobbitty Road comprises established dwellings as part of the R5 Large Lot Residential zone.

The adjacent property to the west (194 Cobbitty Road) shares 650m of the western side boundary and is known as Kathleen Haven Orchard where persimmon fruit is grown and packed, and also includes a bottling plant for mineral water extraction.

The adjacent property to the east (274 Cobbitty Road) shares 660m of the eastern side boundary and comprises thick vegetation where there is no existing approved land use.

The remaining 11 properties that share boundaries with the site comprise established dwellings.

The Nepean River adjoins the site to the south.



## HISTORY

At the Ordinary Council meeting of 14 February 2017, Council refused Development Application 867/2016 for the use of an existing farm building as a depot associated with a construction company. The proposal was refused for following reasons:

- i. *Non-compliance with existing conditions over a period of over a year;*
- ii. *Use of the existing shed as a depot for an offsite construction company;*
- iii. *Access road not being zoned for a depot; and*
- iv. *Vehicle movements next to residences disturbing the amenity of the area.*

The applicant has prepared a response to the reasons for refusal which forms the basis of this Section 82A application.

**A copy of the applicant's response supporting the Section 82A application is provided as an attachment to the report.**



## KEY DEVELOPMENT STATISTICS

The development does not vary the development controls as reported to Council on 14 February 2017. The development fully complies with all relevant controls. Below is a summary of the key development statistics associated with the DA.

<b>Camden Local Environmental Plan 2010</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
4.3 Height of Buildings	Max 9.5m	6.4m	Yes.
5.9 & 5.9AA Trees or Vegetation	Preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	No vegetation proposed to be removed.	Yes.

<b>Camden Development Control Plan 2011 (DCP)</b>			
<b>Control</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
B1.10 Bushfire Risk Management	Development in bushfire prone areas to be in accordance with "Planning for Bushfire Protection" by the NSW RFS.	The site is mapped as bushfire prone. The proposed depot is located outside of the asset protection zone established by a recently approved dwelling on the subject site to the east of the proposed depot.  The proposed depot is not inconsistent with "Planning for Bushfire Protection".	Yes.
B1.12 Contaminated Land Management	The development must be assessed to determine whether the land is contaminated.	The proposed depot is not a sensitive land use and will occupy an existing farm building. The site is therefore considered 'fit for purpose'.	Yes.
B1.6 Acoustic Amenity	Noise from development must be assessed in accordance with Council's Environmental Noise Policy to determine whether an acoustic assessment is required. Excessive noise must be	The proposed depot, given its operation hours of 9am to 5pm and a maximum of four vehicle movements per week, is not considered to adversely impact the acoustic amenity of nearby residents.  The proposed development can comply with Council's Environmental Noise Policy. Refer to detailed discussion in the 'Key Issues' section of this report.	Yes.

Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
	mitigated. The amenity of nearby residents not to be unreasonably decreased.		

**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	RU1 – Primary Production and R5 Large Lot Residential (being the site access).
Permissibility:	A depot is permitted with consent in the RU1 zone. Permissibility for the use of the existing private road to service the depot through the R5 zone is established in the “Key Issues” section of this report.

***Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration***

State Environmental Planning Policy(s) - S79C(1)(a)(i).	<u>State Environmental Planning Policy No. 55 – Remediation of Land</u> Compliant with conditions recommended.  <u>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River</u> Compliant with conditions recommended.
Local Environmental Plan - S79C(1)(a)(i).	<u>Camden LEP 2010</u> Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii).	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii).	<u>Camden Development Control Plan 2011</u> Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiiia).	None.
The Regulations - S79C(1)(a)(iv).	Impose prescribed conditions.
Likely Impacts - S79C(1)(b).	The likely impacts of the proposed change of use are discussed in the ‘Key Issues’ section of this report.
Site Suitability - S79C(1)(c).	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d).	Eleven submissions were received, which are discussed in detail in the ‘Submissions’ section of this report.
Public Interest - S79C(1)(e).	The development is considered to be in the public interest.



## Key Issues

### Permissibility

The proposed development is seeking to use an existing 420m<sup>2</sup> farm building as a depot for the storage of building materials, machinery and plant associated with a construction company which satisfies the Camden LEP definition of a depot outlined below. No manufacturing, sale or hire of items is proposed.

***Depot*** means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

The existing farm building is located on land zoned RU1 – Primary Production. The proposed development is defined as a ‘depot’ by the Camden LEP, which is a permissible land use in the RU1 zone. The portion of the site zoned RU1 is approximately 12.7ha.

The 1900m<sup>2</sup> access handle extending from the Cobbitty Road frontage is within the R5 Large Lot Residential zoned land. This area contains the only access to the site. A depot is prohibited within the R5 zoned land. No works are proposed within the R5 zoned land as part of this DA.

Figure 1 below shows the R5 and RU1 zoning of the land.

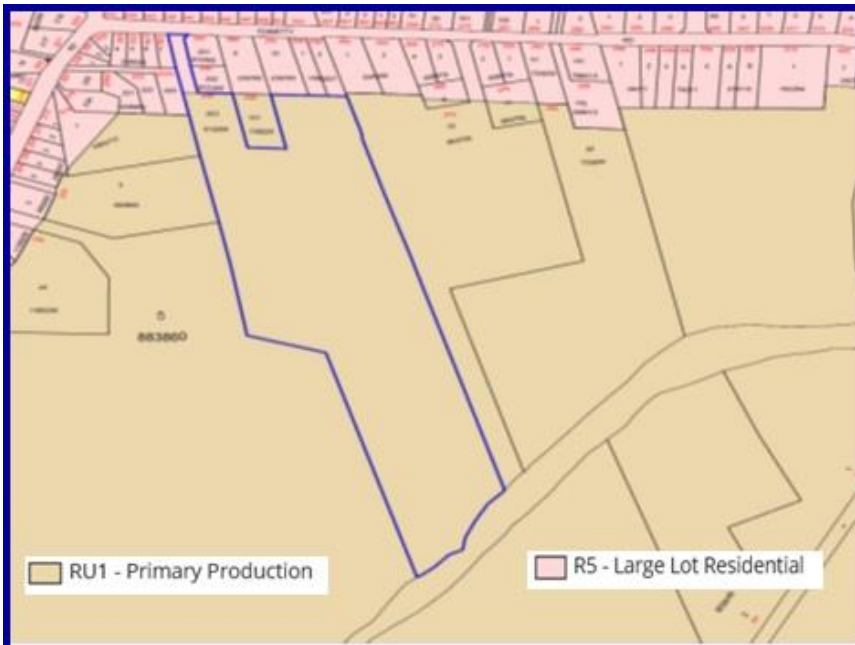


Figure: Camden Local Environmental Plan 2010 (Extract)

The access handle provides access to the existing farm buildings and the dwelling on the subject property together with three other dwellings via a right-of-way benefiting lots 101, 201 and 202. The existing access is characterised as a ‘road’ as defined by the Camden LEP.

The Camden LEP defines a ‘road’ as follows:

***“road*** means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.”

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A private road is defined within the Dictionary of the Roads Act 1993 as follows:

*“private road means any road that is not a public road.”*

A road is permissible within both the R5 and RU1 zones.

### Acoustic Impacts

Provided the use operates in accordance with the DA and recommended conditions of consent, the acoustic impacts on the surrounding land uses are considered low. The nearest residential dwelling is approximately 60m to the northwest of the proposed depot, with several dwellings adjacent to the existing site access.

Given the proposed hours of operation are 9:00am to 5:00pm Monday to Friday only, the use is not considered to adversely impact the acoustic amenity of the area. In addition to controlling the hours of operation, the vehicles accessing the site will be limited to a maximum of four movements per week by a medium rigid vehicle.

### Land Use Conflicts

The surrounding land is a combination of residential and agricultural land.

The proposed depot will not adversely impact surrounding residential uses given the acoustic impacts will be minimised through limiting the operating hours, a restriction on the number of vehicle movements together with the size of trucks permitted each week. In addition, all products, materials and machinery will be required to be stored within the depot building. All loading and unloading will be undertaken internally. These restrictions are recommended conditions of consent.

The functioning of the depot will not result in an adverse impact on the horticultural land use adjoining as the use will not result in activities that produce hazardous waste, excessive noise or dust. A recommended condition of consent has been imposed to reinforce this.

### Trial Period

As a result of concerns raised in the submissions, it is recommended the DA be approved for an 18 month trial period to enable Council officers to monitor compliance of the depot use with the conditions of consent and to ensure there is no adverse amenity impact on the locality.

Prior to the expiry of this trial period, the applicant will be required to lodge an application to remove the condition relating to the trial period. As part of this assessment, Council will need to have regard to how the depot functions and if the consent is being complied with.

### **Submissions**

The Section 82A application was publicly notified for 14 days in accordance with the Camden DCP. The exhibition period was from 1 June to 14 June 2017. Eleven submissions from 10 property owners were received all objecting to the proposal.

It is noted 14 submissions (from 10 property addresses) were received objecting to the original refused development application.



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The following discussion addresses the issues and concerns raised in the previous and new submissions.

1. *The proposed land use is not defined as a 'depot', but is best defined as a 'storage premises', 'transport depot', 'warehouse or distribution centre', or Industrial Activity', which are prohibited in the RU1 zone.*

Officer Comment:

The proposed use satisfies the depot definition as referenced in the LEP and is a permissible land use within the RU1 zone which is outlined in the 'Key Issues' section of this report.

2. *The proposed development cannot be defined as a 'depot as the definition excludes a 'farm building', of which the original shed was approved via DA 1096/2011. A depot must be ancillary to the land use on the same parcel of land.*

Officer Comment:

A change of use is being sought from an existing farm building to a depot. The use is consistent with the depot definition as referenced in the LEP and is a permissible land use in the RU1 zone. Permissibility has been established in the 'Key Issues' section of this report.

3. *A depot is prohibited in the R5 zone and access to the depot building must occur through the R5 zone.*

Officer Comment:

The Camden LEP defines the existing access within the R5 land as a 'road'. A road is permissible land use within the R5 and RU1 zones with consent. The depot is proposed wholly within the RU1 land and is a permissible use in the zone. No physical external work is proposed.

4. *The proposed development will result in land use conflicts between the adjoining R5 zone and nearby SP2 zone.*

Officer Comment:

The storage of building materials, plant and machinery will occur within the building, limiting visual and acoustic impacts to adjoining residential and rural land uses.

The acoustic impacts have been assessed. Provided the use operates in accordance with the DA and recommended conditions, the impacts are not considered to be unacceptable given the operating hours are limited (9:00am and 5:00pm Monday to Friday) and vehicle movements are restricted to a maximum of four vehicles per week with vehicles being no larger than a medium rigid vehicle.

The SP2 Infrastructure zone is located approximately 200m to the northwest of the site and is owned by Sydney University. The site comprises various agriculture and aquaculture research facilities. As proposed, the depot will not conflict with the SP2 zone given the depot will be contained within an existing building and will not result in adverse impact on adjacent land as previously discussed. Conditions have been imposed to reinforce the operation of the depot with respect to hours, vehicle movements and the size of trucks accessing the site.

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5. *The proposal is not in accordance with the objectives of the RU1 zone in that it does not support the primary production purpose of the zone; the proposed use will fragment resource lands, will result in conflict between zones and will impact the rural character due to transportation of building materials.*

Officer Comment:

The application is seeking to use an existing farm building as a depot, which is a permissible land use within the RU1 zone. The depot will store materials, plant and machinery wholly within the existing building with the current access arrangements remaining unaltered.

The depot is not considered to adversely impact the primary production use of the RU1 zoned land with the use not encroaching onto, nor fragmenting, the agricultural use of the land.

This use is not considered to be inconsistent with the objectives of the zone as the depot is a permissible use.

The proposal is not seeking to construct any additional built form therefore will not reduce the amount of rural land available for primary production.

6. *The Camden DCP requires all outbuildings to be ancillary to an approved use of the land on which it is situated. The proposed use of the outbuilding is unrelated to the agricultural use of the land.*

Officer Comment:

There are presently two farm buildings on the site, which are constructed side by side. This DA seeks to change the use of one the buildings from a farm building to a depot, which is a permissible land use in the RU1 zone.

A farm building remains on site for agricultural storage as its use is not proposed to change as part of this DA. The agricultural use of the land is being maintained.

7. *The Camden DCP requires the maximum floor area for a rural outbuilding not used for agriculture to not exceed 100m<sup>2</sup>; the existing farm building is larger than this.*

Officer Comment:

The construction of a rural outbuilding is not proposed. This application seeks approval to change the use of an approved agricultural storage shed to a depot, the existing structure is not defined as an outbuilding by the LEP. The proposal is consistent with the LEP definition of a depot and is permissible with consent in the RU1 zone.

8. *A Waste Management Plan for the ongoing management of waste has not been provided. Waste collection will result in additional vehicular movements and acoustic impacts.*

Officer Comment:

The applicant has indicated waste generation will be minimal given the proposed use is only for the storage of building materials, plant and machinery. A Waste Management Plan is required to be prepared for the ongoing use as part of recommended conditions of consent. Any vehicle movements for waste collection associated with the depot must





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not exceed the maximum four vehicle movements per week and be within the conditioned hours of use.

9. *The existing farm building was approved for agricultural storage. As the land is rural, the farm building should remain for agricultural purposes only.*

Officer Comment:

The subject farm building was approved for agricultural storage via Complying Development Certificate 1457/2015. This DA seeks to change the approved use to a depot. The development proposed is consistent with the 'depot' definition in the LEP which is permitted with consent in the RU1 zone.

10. *Highly productive agricultural land is rare and should be protected. Industrial/commercial development is not appropriate.*

Officer Comment:

The proposed depot will not result in the reduction of agricultural land. The building to be used as the depot currently exists. No external works are proposed to the building or its access arrangements and as a result there will be no adverse impact on agricultural land.

11. *The proposed depot is not necessary on the rural property given the construction of a warehouse in Smeaton Grange for Admark Constructions Pty Ltd.*

Officer Comment:

A person's off-site business interests is not a matter for consideration in Section 79C of the *Environmental Planning and Assessment Act 1979* with respect to this proposal. This application has been assessed on its merits for the use of this parcel of land.

12. *The existing illegal business operations on the premises have impacted the rural characteristics/lifestyle for existing residential dwellings.*

Officer Comment:

This DA seeks consent to use a farm building as a depot. Consideration has been given as to how the use will function and the potential impacts on adjoining land. In order to control these impacts conditions have been recommended limiting the hours of operation to between 9am and 5pm Monday to Friday. In addition, only four vehicle movements per week (including waste removal) are permitted by a vehicle no greater than a medium rigid vehicle.

13. *Waste material originating from Camden Council was moved into the flood plain without DA approval; this has not been addressed*

Officer Comment:

Any fill previously imported onto the site is not a relevant matter for consideration in the assessment of this DA.

Council's records indicate that fill was placed on the site in the 1970s and 1980s, which was capped. The fill contained general building waste such as bricks, timber and

concrete. This DA is not seeking external works to the building or changes in land levels thereby not impacting the foundation material of the site.

14. *The original DA approved the agricultural storage shed with minor cut and fill for the construction of the building. However, no cut took place but rather, large volumes of fill was imported, which is not in accordance with the LEP which seeks to minimise fill. A DA for this fill was never lodged.*

Officer Comment:

This application is for the use of a farm building as a depot, which is a permissible land use within the RU1 zone. No external works are proposed to the building or to the access arrangements of the site. The only works proposed relate to the installation of racking to the internal perimeter of the existing building to facilitate the storage of building materials.

The private certifier who approved the Complying Development Certificate for the subject farm building would have had regard to the provisions of the SEPP with respect to any cut and fill proposed.

15. *During construction of the original agricultural farm building, a natural watercourse between the site and an adjoining property was removed; there was no action from Council.*

Officer Comment:

Council's mapping system does not show a watercourse in the location noted above.

A watercourse is mapped through the site which is located approximately 100m to the east of the existing farm building and will not be impacted by this DA.

16. *The existing farm building has been erected under an invalid Complying Development Certificate, which approved additions to an existing farm building on land zoned R5; no approval exists for additions to an existing farm building on land zoned RU1. Council should ensure the farm building complies with the State Environmental Planning Policy (Exempt and Complying Development) 2008 prior to assessment of the DA for a change of use of the building.*

Officer Comment:

The existing farm building was approved via Complying Development Certificate 1457/2015 by a private certifier. The building is considered to be lawful.

17. *If approved, the proposed development will devalue surrounding properties.*

Officer Comment:

The value of surrounding properties is not a matter for consideration under Section 79C or 82A of the *Environmental Planning and Assessment Act 1979*.

18. *Privacy impacts to surrounding properties due to vehicles accessing the site and workers on site.*



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Officer Comment:

No more than four vehicle movements are permitted per week (including waste removal). The vehicle is to be no larger than a medium rigid vehicle. No more than four people are permitted on site at any one time associated with the depot use.

The movements of vehicles associated with the dwelling and vehicles to service the approved agricultural shed not associated with this application are in addition to the vehicle movements associated with the depot.

Privacy impacts associated with the use are considered to be minimal.

The loading and unloading of building materials, plant and machinery associated with the depot will be conditioned to occur within the building, which will assist in mitigating privacy and acoustic impacts.

The above has been reinforced by conditions of development consent.

*19. Concerns with heavy vehicles entering the site*

Officer Comment:

A recommended condition of consent will restrict the size of vehicles entering the site to medium rigid vehicle.

*20. Dust impacts from trucks accessing the site.*

Officer Comment:

No more than four vehicle movements per week (including waste) by a vehicle that does not exceed a medium rigid vehicle are permitted to access the depot, which limits the dust created by the development. This has been reinforced via conditions of consent.

*21. Visual impacts due to the storage of building materials and waste around the existing farm building.*

Officer Comment:

No materials, machinery or plant will be permitted to be stored outside of the depot building. Conditions are recommended in this regard.

*22. The adjoining intensive horticultural land use will be affected by the proposed development and will require land quarantining, reducing the amount of usable rural land.*

Officer Comment:

The proposed depot will not adversely impact adjoining land uses given the storage of materials, machinery and plant is only to occur within the existing building and no offensive activities that produce hazardous waste, excessive noise or dust are proposed.

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There are no external works proposed to the building or the site access to facilitate the use therefore the proposal will not adversely impact the adjacent horticultural land.

23. *The spread of noxious and environmental weeds has not been addressed. Increased traffic from construction sites increases risk for weed infestation, which may severely damage surrounding agricultural production.*

Officer Comment:

A standard condition is provided to ensure noxious weeds are controlled on-site.

24. *The proposed development will increase truck movements along Cobbitty Road, which is already inundated by trucks. Camden Council should undertake an acoustic assessment for Cobbitty Road to understand the impacts upon residential development. The increased truck movements will further degrade Cobbitty Road.*

Officer Comment:

The local road network is considered appropriate to service permitted uses in the respective zones. Road maintenance will continue to be carried out by Council where required.

25. *Safety concerns for residents associated with the access to the depot. The SoEE states only ¼ tonne trucks will access the depot, however this is unlikely. The trucks currently access the site at high speed and no speed limit is provided.*

Officer Comment:

The applicant is seeking consent for a change of use from a farm building to a depot. The use proposes four vehicle movements per week (including waste removal) by a vehicle no larger than a medium rigid vehicle. The access is considered to be acceptable from a traffic perspective.

26. *The existing right-of-way is becoming increasingly dilapidated, which in turn increases acoustic impacts from heavy vehicles.*

Officer comment:

The use of the right of way for the purposes of a depot is not significant. The use proposes four (4) vehicle movements per week (including waste removal) by a vehicle no larger than a medium rigid vehicle. Notwithstanding, the maintenance of the right-of-way is the responsibility of the burdened lot, which is Lot 203 (the subject site). This is a civil matter between the burdened and benefitted lots with respect to the maintenance of the access road.

27. *The total number of truck movements (four per week) is unclear. Does a vehicle entering, and then existing result in one movement?*

Officer comment:

A condition of consent has been included permitting a maximum of four vehicle movements per week (including waste removal) by a vehicle of a size no greater than a medium rigid vehicle. For the purposes of this DA, if a vehicle enters and leaves the site, this is considered two vehicle movements.



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The movement of residential vehicles and vehicles to service the approved agricultural shed not associated with this application are in addition to the movement of vehicles associated with the depot use. Only the vehicle movements associated with the depot use are controlled by this consent.

*28. Use and functioning of the access road given this is the primary access for various properties.*

Officer comment:

The access road is a private road and has reciprocal rights of access for other properties. Matters relating to the functioning and maintenance of this road are a civil matter.

*29. The development application for a Depot for a construction company conflicts with Council's Draft Camden Rural Lands Strategy.*

Officer comment:

The proposed depot will not result in the reduction of agricultural land. The building to be used as the depot currently exists. The proposed development is not inconsistent with Council's Draft Camden Rural Lands Strategy as no rural land is proposed to be removed as part of this application.

*30. The application is not in the public interest.*

Officer comment:

The proposed development is considered to be in the public interest, subject to conditions, noting full compliance with the relevant planning controls.

The amenity impact of the proposal will be minimal subject to compliance with the recommended conditions below:

- Limit the approval to an 18 month trial period for the proposed use;
- Limit occupation of the depot to the existing shed to the east approved via a CDC;
- control noise output by restricting the loading and unloading of building materials, plant and machinery and the storage of these items to entirely within the depot, limiting hours of operation, and general restriction on offensive noise;
- Enforce the maximum number of vehicle movements to four per week (including waste removal); and
- Ensure no commercial sales or hire is undertaken from the premises.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

The DA has been assessed in accordance with Section 82A and 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 867/2016 is recommended for approval on an 18 month trial period basis subject to the conditions attached to this report.

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## **RECOMMENDED**

**That Council approve DA 867/2016 for the use of an existing farm building as a depot associated with a construction company at 238 Cobbitty Road, Cobbitty, subject to the conditions attached.**

### ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Section 82A Review Request
4. Public Exhibition & Submissions Map - *Supporting Document*
5. Submissions - *Supporting Document*



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## ORDINARY COUNCIL

**ORD03**

**SUBJECT: ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING & USE AS A GROUP HOME - 58 VALLEY VIEW DRIVE, NARELLAN**

**FROM:** Acting Director Planning and Environment

**TRIM #:** 17/177361

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Development Application (DA) for alterations and additions to an existing dwelling and a change of use to a Group Home (Permanent) at 58 Valley View Drive, Narellan.

The DA is referred to Council for determination as there are unresolved issues raised in eight submissions from six property addresses objecting to the proposal.

### SUMMARY OF RECOMMENDATION

That Council determine DA 333/2017 for alterations and additions to the existing dwelling and a change of use of the existing dwelling to a Group Home (Permanent) pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### THE PROPOSAL

DA 333/2017 seeks approval for alterations and additions to an existing dwelling and a change of use to a Group Home (Permanent).

Specifically the proposed development involves:

- The conversion of the current dining room into an additional bedroom (five in total);
- The conversion of part of the garage into office space and replacing one garage roller door with a window (one car parking space will remain within the garage);
- Change of use of the existing dwelling to a Group Home (Permanent) accommodating:
  - Five occupants; and
  - Twenty four hour on-site care and support, facilitated by three persons each working an eight hour shift.

The estimated cost of the proposed development is \$40,000.

**A copy of the proposed plans is provided as an attachment to this report.**

### THE SITE

The site is commonly known as 58 Valley View Drive, Narellan and is legally described as Lot 308 DP 817140.

The site is located on the southwestern side of Valley View Drive within an established residential area.



Within the locality, there are a variety of approved development types consisting of single and two storey dwellings. To the north and east is the existing Graham Hill Drive industrial area of Narellan, to the west are rural properties used predominantly for grazing and Council's Valley View Reserve.



## Site Map

### KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls.

This application has been lodged under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHS).

The application is seeking to change the use from a dwelling to a permanent group home which is defined by the ARHS as:

*A dwelling:*

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and*
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,*

*but does not include development to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies.*



Below is a summary of the key development statistics associated with the DA.

<b>State Environmental Planning Policy (Affordable Rental Housing) 2009 Group Homes – Division 7</b>			
<b>Clause</b>	<b>Requirement</b>	<b>Provided</b>	<b>Compliance</b>
Clause 42 – Defines a Group Home – Permanent	To provide permanent household accommodation for people with a disability or people who are socially disadvantaged. (see full definition above)	This application is seeking consent to house five persons with a disability which satisfies the group home definition.	Yes
Clause 43 - Prescribed Zones	Group homes are permissible in the following zones: <ul style="list-style-type: none"> <li>• R1 General Residential;</li> <li>• R2 Low Density Residential;</li> <li>• R3 Medium Density Residential;</li> <li>• R4 High Density Residential;</li> <li>• B4 Mixed Use;</li> <li>• SP1 Special Activities;</li> <li>• SP2 Infrastructure; and</li> <li>• any other zone in which development for the purpose of dwellings, dwelling houses or multi dwelling housing may be carried out with or without consent under an environmental planning instrument.</li> </ul>	The proposal is located within the R2 Low Density Residential Zone.	Yes
46 Determination of Development Applications	A consent authority must not: <p><i>(a) refuse consent to development for the purpose of a group home unless the consent authority has made an assessment of the community need for the group home, or</i></p> <p><i>(b) impose a condition on any consent granted for a group home only for the reason that the development is for the purpose of a group home.</i></p> <p><i>(2) This clause applies to development for the purpose of a group home that is permissible with consent under this or any</i></p>	The proposal is recommended for approval subject to standard conditions.	Yes

	<i>other environmental planning instrument.</i>		
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<b>Camden Development Control Plan 2011 (DCP)</b>			
Clause	Requirement	Provided	Compliance
Hostels, Permanent Group Homes and Transitional Group Homes (excluding Seniors Housing)	<p>One car parking space per full time equivalent staff member.</p> <p>Parking rate for residents to be assessed on the merits of the application.</p>	<p>The site provides one permanent car space in the existing garage for the support person and another two spaces are available in front of the garage and proposed office.</p> <p>The DA notes that the five occupants will not have vehicles. The occupants are to be picked up daily by the care provider and taken to their place of work or lifestyle centre and dropped off at the end of each day.</p> <p>There is adequate off street parking available for the vehicles that need to access/service this site.</p>	Yes

**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	R2 Low Density Residential
Permissibility:	<p>The proposed development is defined as a 'Group Home (Permanent)' by the LEP which is permissible land use in this zone.</p> <p>A 'permanent group home' is permissible in the R2 General Residential zone under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.</p>

***Environmental Planning and Assessment Act 1979 - Section 79(C) Matters for Consideration***

State Environmental Planning Policy(s) - S79C(1)(a)(i).	<p>State Environmental Planning Policy (Affordable Rental Housing) 2009 – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy No. 55 – Remediation of Land – The 'permanent group home' is residential accommodation, no external works proposed, the proposal is considered suitable for the site.</p> <p>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.</p>
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Local Environmental Plan - S79C(1)(a)(i).	Camden LEP 2010 – Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii).	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii).	Camden Development Control Plan 2011 – Compliant with conditions recommended.
Planning Agreement(s) S79C(1)(a)(iiia).	Nil.
The Regulations S79C(1)(a)(iv).	Impose prescribed conditions.
Likely Impacts - S79C(1)(b).	The likely impacts are discussed in the 'Key Issues' sections of this report.
Site Suitability - S79C(1)(c).	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d).	Eight submissions were received from six property addresses objecting to the proposed development which is discussed in the 'Submission' section of this report.
Public Interest- S79C(1)(e).	The development is in the public interest.

### **Key Issues**

The key issues associated with the DA are limited to the submission issues discussed in this report.

### **Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was extended for a further 15 days. The exhibition period was from 3 April 2017 to 1 May 2017. Eight submissions were received from six property addresses objecting to the proposed development.

The following addresses the issues and concerns raised in the submissions.

#### *1. Proposal impacting on traffic and reducing parking availability.*

#### Officer comment:

The proposed development provides car parking in accordance with the requirements of Council's DCP.

The DA details that group home occupants will not have individual vehicles.

A people mover will access the site twice daily to move the occupants of the group home to their daily activities.

A space within the existing garage will accommodate the vehicle of the on-site support person.

Two spaces are available in front of the garage and proposed office which can accommodate service vehicles and visitors to the site.

The development is not considered to result in an adverse traffic or parking impacts.

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2. *Loss of Property Value.*

Officer comment:

This is not a relevant planning consideration under the provisions of the *Environmental Planning and Assessment Act 1979*.

3. *Security and safety concerns.*

Officer comment:

The home will be occupied by five persons with a disability.

A support person will be onsite 24 hours a day, seven days a week, to manage the running of the group home and to assist the occupants.

The applicant for the DA is AFFORD which is a not-for-profit organisation that provides facilities and services to meet the day-to-day needs of residents requiring additional life support.

AFFORD has a number of similar group homes operating throughout the Sydney Region.

The group home is considered to provide an essential service to the community.

4. *Impact on the residential nature of locality.*

Officer comment:

A group home is a residential use.

The group home is a facility that operates within the confines of a dwelling, as it assists in providing the security and life skills training for people in a residential environment to promote independent living.

This use is a permissible form of development as prescribed by Council's Local Environmental Plan 2010 and the zoning referenced in the State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposal is compliant with the relevant planning controls.

5. *Change of use / ownership.*

Officer comment:

This assessment is based on the information lodged with the proposal which has demonstrated compliance with the relevant planning controls.

It is acknowledged a site can change hands at any time however ongoing compliance with the conditions of consent would be required.

If the use is seeking to be changed an application would need to be lodged with Council and consent sought.





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Any change of use would need to be assessed on its merits having regard to the relevant planning controls.

*6. Impacts on streetscape and alterations to existing dwelling.*

Officer comment:

The front entry of the dwelling remains unchanged. The application proposes to convert one of the garage spaces to an office by removing the roller door and replacing it with a window. This is not considered to be out of character with the existing streetscape.

*7. Proposal will generate additional noise impacting on surrounding residents.*

Officer comment:

The development is a permissible form of residential development as outlined in Council's Local Environmental Plan 2010 and State Environmental Planning Policy (Affordable Rental Housing) 2009.

The noise generated from the home will not be dissimilar to that generated by a residential dwelling.

*8. Requirements for 'Group Homes' to be located within 400m to public transport with footpaths.*

Officer comment:

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* does not require group homes to be located within 400m of public transport.

*9. Insufficient community consultation.*

Officer comment:

The proposal has been exhibited in accordance with Council's DCP, with an extended notification period being granted.

Six submissions were received on notification of the application, all of which have been considered in the assessment of this DA.

*10. Request consideration of a privacy screen along the rear boundary.*

Officer Comment

Crepe Myrtles which are deciduous are currently planted along the rear boundary of the site.

A condition is recommended requiring the planting of additional screen planting along this boundary to ensure that there is screening provided throughout the year.

*11. Under what planning policy is the DA applying under.*

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### Officer Comment

This application has been lodged under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHS).

The assessment has had regard to the ARHS, Camden LEP 2010 and Camden DCP 2011.

*12. Equipment is being moved onto site without approval.*

### Officer Comment

This is not a matter for consideration in the assessment of this application. The concern has been referred to Council's compliance section for investigation.

### FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

### CONCLUSION

The DA has been assessed in accordance with 79C(1) of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009 and all relevant instruments, plans and policies. Accordingly, DA/2017/333 is recommended for approval subject to the conditions attached to this report.

### RECOMMENDED

**That Council approve DA333/2017 for alterations and additions to the existing dwelling and the change of use of the existing dwelling to a Group Home (Permanent) at 58 Valley View Drive, Narellan, subject to the recommended conditions.**

### ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Floor Plan - *Supporting Document*
4. Public Exhibition & Submission Map - *Supporting Document*
5. Submissions - *Supporting Document*





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## ORDINARY COUNCIL

### ORD04

**SUBJECT: HOME BUSINESS - BEAUTY SALON - 10 PEISLEY COURT,  
HARRINGTON PARK**

**FROM:** Acting Director Planning and Environment

**TRIM #:** 17/162530

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**APPLICATION NO:** 297/2017  
**PROPERTY ADDRESS:** 10 Peisley Court, Harrington Park  
**APPLICANT:** Kirsty Jaensch  
**OWNER:** Jason and Kirsty Jaensch

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for a home business for a home beauty salon at 10 Peisley Court, Harrington Park.

The DA is referred to Council for determination as there are three submissions (from one property owner) that remain unresolved.

Four submissions were received in support of the application.

A submission of support including ten signatures was also received.

### SUMMARY OF RECOMMENDATION

That Council determine DA 297/2017 for the change of use to a home beauty salon pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached in this report.

### THE PROPOSAL

DA 297/2017 seeks approval for a home business for a home beauty salon.

Specifically the proposed development involves:

- The utilisation of a room within the dwelling for the purpose of a home beauty salon which includes waxing. The floor area is 14.2m<sup>2</sup> (total area including sanitary facilities and laundry is 32m<sup>2</sup>).

There are no costs of works associated with this DA.

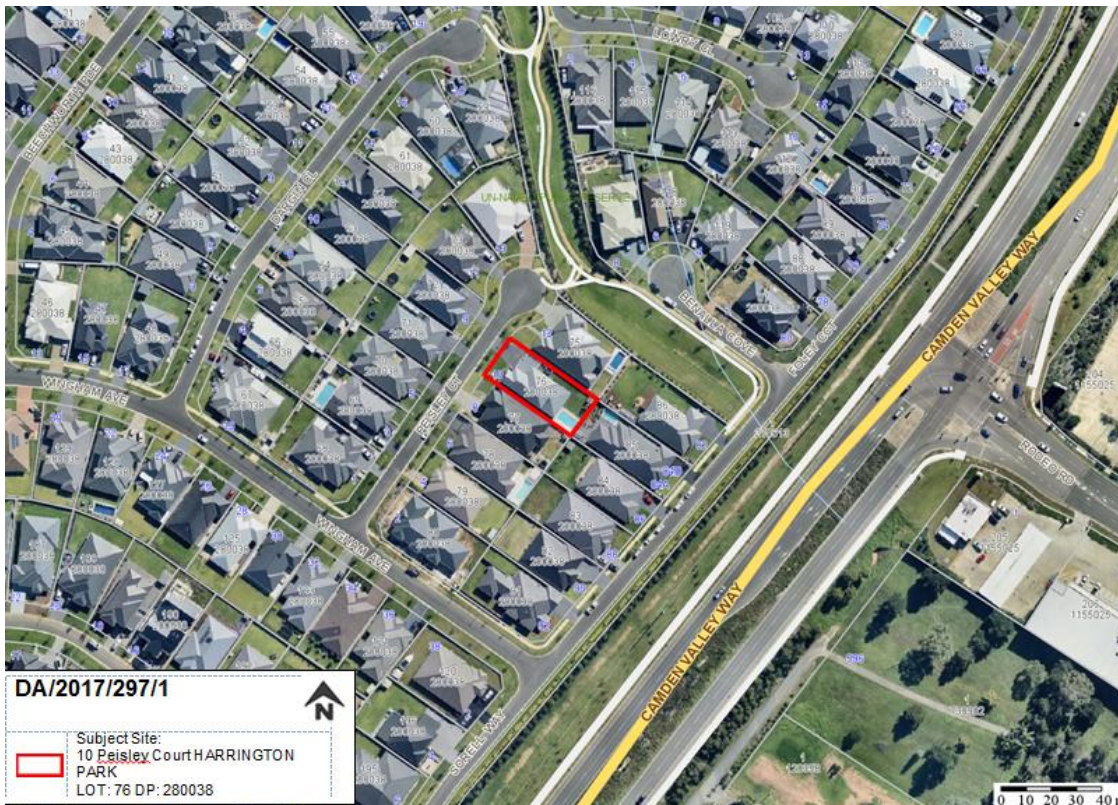
**A copy of the proposed plans is provided as an attachment to this report.**

### THE SITE

The site is commonly known as 10 Peisley Court, Harrington Park and is legally described as Lot 76 DP 280038.

The site is located at the end of a cul-e-sac within the Harrington Grove Estate.

Surrounding the property are residential dwellings.



### KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is fully compliant. Below is a summary of the key development statistics associated with the DA.

Clause	Requirement	Provided	Compliance
<b>Camden Local Environmental Plan 2010 (LEP)</b>			
5.4 Miscellaneous Permissible Uses	<u>Home businesses</u> If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 50m <sup>2</sup> of floor area.	Home business is permitted in the zone. The treatment room is 14.2m <sup>2</sup> . (Total area including sanitary facilities and laundry is 32m <sup>2</sup> ).	Yes

<b>Camden Development Control Plan 2011 (DCP)</b>			
Control	Requirement	Provided	Compliance
B1.9 Waste Management and Minimisation	A waste management plan is to be submitted with the application.	A waste management plan (WMP) has been submitted with the application.  No construction is	Yes

Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
		<p>proposed.</p> <p>Waste during the operation of the home business has been assessed and is satisfactory.</p>	
B5.1 Off street Car Parking	<p>As per dwelling house, plus:</p> <ul style="list-style-type: none"> <li>- One car space per staff member other than permanent residents.</li> </ul>	<p>Dwelling – two spaces required and three provided.</p> <p>The home business will be operated by one of the owners therefore no additional parking is required. The car parking is compliant.</p>	Yes
D5.6 Home Business and Home Industry	<p>Does not involve the employment of more than two persons other than those residents</p>	<p>A resident of the house will be the only person working in this home business.</p>	Yes
	<p>Maximum floor area of 50m<sup>2</sup> within the dwelling or a building ancillary to the dwelling</p>	<p>The treatment room is 14.2m<sup>2</sup> (total area including sanitary facilities and laundry is 32m<sup>2</sup>).</p>	Yes
	<p>Does not interfere with the amenity of the locality because of the emissions of noise, vibration, smell, fumes, smoke, vapour steam, soot, ash, dust, waste, water.</p>	<p>The beautician business is proposed in the front room of the dwelling house which will be accessed via the front door. There are no employees other than the owner of the site. This business will not result in adverse amenity impacts from its operation.</p>	Yes
	<p>Does not involve the exposure to view from any adjacent premises or from any public space of any unsightly matter, goods or products.</p>	<p>The operation of the home business is wholly within the dwelling with no external impacts. The nature of the business will not require the storage or display of goods visible to the public.</p>	Yes

Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
	Does not give rise to traffic levels out of keeping with those of the surrounding locality.	This business is appointment based, with one room and one beautician who lives on site. No adverse traffic movements are envisaged within the locality.	Yes
	Maintains car parking for residential use on the site and Part B5.1 of the DCP.	Two required and three are existing.	Yes
	Hours of operation to be: <ul style="list-style-type: none"> <li>• 8:30am to 5:30pm, Monday to Friday</li> <li>• 8:30 to 12 noon Saturdays</li> <li>• No work Sunday or public holidays</li> </ul>	The hours of operation will be conditioned to be compliant with the hours prescribed within the DCP.	Yes
	Not involve loading/unloading outside the hours of operation.	The home business will receive a delivery of goods, which is envisaged monthly via courier during normal business hours. This is not inconsistent with deliveries received by a residential dwelling.	Yes
	All signage to comply with Part B4 of the DCP.	No signage is proposed.	Yes
	Development Applications for skin preparation, must comply with the Skin Penetration Guidelines	The application has been reviewed by Council's Health Officers who have advised that the DA is supportable subject to conditions of consent.	Yes



Camden Development Control Plan 2011 (DCP)			
Control	Requirement	Provided	Compliance
	(Public Health Regulations 2000) and Skin Penetration Code of Best Practice.		
	Statement of Environmental Effects (SOEE) to be provided outlining operation details.	Operational details have been provided within the Statement of Environmental Effects and supporting correspondence.	Yes
	Does not include Bed and Breakfast, home occupation (sex services) or sex services premises.	The home business is a beauty salon only.	Yes

## ASSESSMENT

### **Zoning and Permissibility**

Zoning:	R2 Low Density Residential
Permissibility:	The proposed development is defined as a "Home Business" by the LEP which is a permissible land use in this zone.

### **Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration**

State Environmental Planning Policy(s) - S79C(1)(a)(i)	Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.
Local Environmental Plan - S79C(1)(a)(i)	Camden LEP 2010 – Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	Camden DCP 2011 – Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	None applicable.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	Three submissions (from one property owner) were received, which are discussed in the Submissions section of this report.



	<p>Four submissions were received in support of the application.</p> <p>A submission of support including ten signatures was also received.</p>
Public Interest - S79C(1)(e)	The development is in the public interest

**Key Issues**

The key issues associated with the DA are limited to the submission issues discussed in this report.

**Submissions**

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 28 March 2017 to 10 April 2017.

Three submissions were received from one property objecting to the proposed development.

Four submissions were received in support of the application.

A submission of support including ten signatures was also received.

The following discussion addresses the issues and concerns raised in the submissions.

- 1. The applicant has not sought approval for the home business from the developer Harrington Grove Estates. A home business should not be operated without the approval of the developer.*

Officer comment:

Subsequent to the above comment, approval from Harrington Grove Estates has been obtained.

- 2. The home business will have an unreasonable impact in regards to traffic and parking. Clients will be parking out the front of adjoining properties, in the street and on the nature strip.*

Officer comment:

Car parking associated with a home business is based upon the number of people working for the business. The applicant confirmed there will be only one person operating the business and they live in the dwelling.

The dwelling requires two car parking spaces and three have been provided.

The car parking is compliant with the controls of the Camden DCP.

The business operates via appointments, which are staggered given the room needs to be prepared for the next client, as such there will be no overlapping appointments.

The operation of business is not considered to result in an adverse impact on the locality with respect to vehicle movements and parking impacts.



3. *The home business is a commercial venture which should not be permitted within a residential zone.*

Officer comment:

A home business is permitted with consent within the R2 Residential Zone under the Camden LEP 2010. The development satisfies the definition of a Home Business and would ordinarily be an Exempt Development form (not requiring Council Consent) except that the use will involve skin penetration (waxing).

4. *People visiting the home business will use the side door, adjacent to the boundary, which will create an unreasonable noise impact from people movement and the slamming of doors, gates closing and cars. Noise will also be generated from within the property given the nature of the use.*

Officer comment:

The applicant has confirmed access to the business is via the front door of the dwelling not the side door.

The business operates with one employee who resides in the dwelling, with only one client on the premises at a time. There will be no movement of the public along the side of the dwelling. The front entrance is recessed, buffering noise impacts on the adjoining allotment.

The use of the beauty salon is not considered a use that will result in excessive noise from occupants or clientele. The development is considered to be an acceptable use for a home business.

A condition of consent is recommended requiring clients to use the front entrance.

5. *Objection is raised in regards to the hours of operation.*

Officer comment:

The proposed hours of operation, as detailed in the SOEE provided to council proposed the following:

- Monday to Friday – 9:30am - 7pm;
- Saturday 9:30am – 5pm;
- Sunday – Closed.

Council staff have advised the applicant that the hours of operation shall be consistent with the hours prescribed for a home business within the Camden DCP, which alters those proposed in the SOEE.

A condition is recommended requiring the use to be restricted to the following hours of operation:

- Monday to Friday – 8:30am to 5:30pm;
- Saturday – 8:30am to 12pm;
- Sunday and Public Holidays – Closed.

6. *Lighting as a result of clients entering/leaving the property will have an unreasonable impact.*



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Officer comment:

The hours of operation are recommended to be restricted to 8:30am to 5:30pm. As such the need for lighting will be limited.

As detailed previously, access will be via the front entrance of the dwelling therefore there will be no adverse impact on the adjoining allotments with respect to light spill. A condition regarding light spill has been recommended.

7. *Concern is raised in regard to clients waiting for appointments which may have an impact on privacy and acoustic amenity. Clients waiting at the side of the property is also of concern.*

Officer comment:

The use is an appointment-based business with only one beautician operating the business who resides within the dwelling. The applicant has indicated the appointments will be booked with an interval between clients to enable cleaning of the area and preparation time for the next client. It is not anticipated that there will be a situation where an unreasonable impact with regards to acoustics or privacy will arise from clients waiting.

Entrance to the beauty salon will be via the front door and there will be no clientele entering the business from the side door. Use of the front door has been recommended as a condition of consent.

8. *There will be a loss of property value due to the home business.*

Officer comment:

The loss of property value is not a matter for consideration under the *Environmental Planning and Assessment Act 1979*.

9. *There will be additional waste generated as result.*

Officer comment:

The waste management plan submitted with the application was reviewed and considered to be acceptable given the use is not expected to produce excessive waste.

10. *Concern is raised in regards to additional smell and fumes generated as a result of the exhaust fan facing my property.*

Officer comment:

There is an existing exhaust fan on site, which ventilates the existing residential facilities. The room that will accommodate the beauty salon has available natural light and ventilation therefore not requiring the need for mechanical plant.

11. *The use of chemicals in the business.*

Officer comment

The chemicals used in a beauty salon do not require a licence. The chemicals are suitable for use within a residential dwelling.



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12. *Concern regarding smoking whilst waiting.*

Officer comment

It is not envisaged there will be any adverse impact on the adjoining allotments given there will be no congregation of clients adjacent to the side boundaries of the adjoining dwellings. A condition has been recommended which does not permit clients to wait in areas directly adjacent to the side boundary.

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

**CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA297/2017 is recommended for approval subject to the conditions attached to this report.

**RECOMMENDED**

**That Council approve DA297/20167 for a home business for a home beauty salon at 10 Peisley Court Harrington Park, subject to the conditions attached.**

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Floor Plans - *Supporting Document*
4. Public Exhibition & Submissions Map - *Supporting Document*
5. Submissions - *Supporting Document*

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## ORDINARY COUNCIL

ORD05

**SUBJECT: TWELVE DEVELOPMENT APPLICATIONS FOR THE CONSTRUCTION OF 12 TWO STOREY DWELLING AND ASSOCIATED SITE WORKS - 2 LONGVIEW ROAD, GLEDSDOOD HILLS**

**FROM:** Acting Director Planning and Environment

**TRIM #:** 17/148204

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**APPLICATION NO:** 287/2017, 288/2017, 289/2017, 290/2017, 292/2017, 294/2017, 295/2017, 296/2017, 300/2017, 303/2017, 304/2017, 313/2017

**PROPERTY ADDRESS:** 2 Longview Road, Gledswood Hills

**APPLICANT:** Sekisui House Camden Valley Pty Ltd

**OWNER:** Sekisui House Camden Valley Pty Ltd

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### PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of 12 development applications (DA) for the construction of 12 two storey dwellings and associated site works at 2 Longview Road, Gledswood Hills as follows:

- Proposed lot 251;
- Proposed lot 252;
- Proposed lot 254;
- Proposed lot 242;
- Proposed lot 241;
- Proposed lot 253;
- Proposed lot 249;
- Proposed lot 256;
- Proposed lot 258;
- Proposed lot 257;
- Proposed lot 255; and
- Proposed lot 259.

The DA is referred to Council for determination as there remain unresolved issues, raised in one submission, affecting all 12 applications.

### SUMMARY OF RECOMMENDATION

That Council determine the following DAs for the construction of 12 two storey dwellings and associated site works pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report:

- DA 287/2017 (proposed Lot 251);
- DA 288/2017 (proposed Lot 252);
- DA 289/2017 (proposed Lot 254);
- DA 290/2017 (proposed Lot 242);
- DA 292/2017 (proposed Lot 241);
- DA 294/2017 (proposed Lot 253);

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- DA 295/2017 (proposed Lot 249);
  - DA 296/2017 (proposed Lot 256);
  - DA 300/2017 (proposed Lot 258);
  - DA 303/2017 (proposed Lot 257);
  - DA 304/2017 (proposed Lot 255); and
  - DA 313/2017 (proposed Lot 259).

### **THE PROPOSAL**

The 12 DA's seek approval for the following:

- DA 287/2017 (proposed Lot 251) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 288/2017 (proposed Lot 252) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 289/2017 (proposed Lot 254) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 290/2017 (proposed Lot 242) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 292/2017 (proposed Lot 241) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 294/2017 (proposed Lot 253) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 295/2017 (proposed Lot 249) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 296/2017 (proposed Lot 256) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 300/2017 (proposed Lot 258) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 303/2017 (proposed Lot 257) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works;
- DA 304/2017 (proposed Lot 255) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works; and,
- DA 313/2017 (proposed Lot 259) – construction of a two storey dwelling consisting of four bedrooms and a double garage, and associated site works.

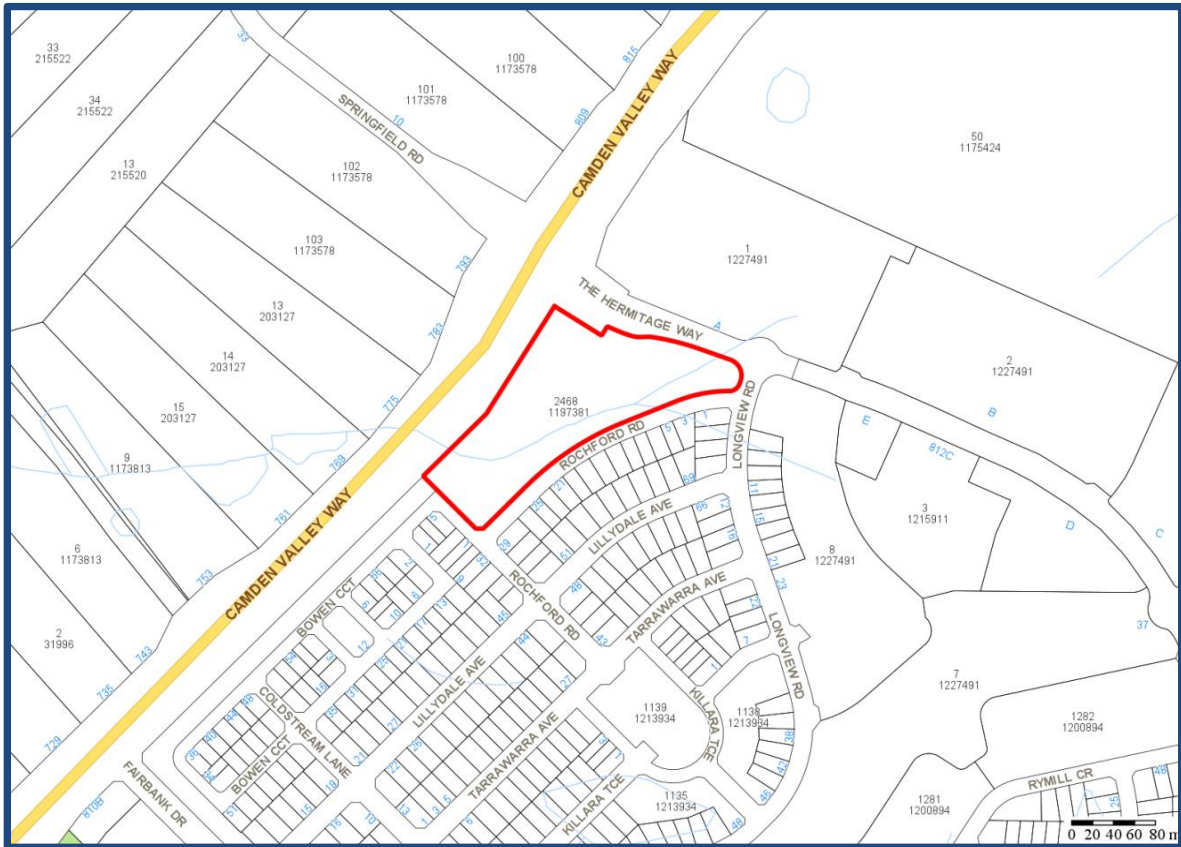
**A copy of the proposed plans is provided as an attachment to this report.**

## THE SITE

The site is commonly known as 2 Longview Road, Gledswood Hills, part of The Hermitage Estate and is located within the Turner Road Precinct of the South West Priority Growth Area.

The land is legally described as Lot 2468 in DP 1197381 and is the subject of a previous Development Consent to subdivide the land into 19 Torrens title lots. The subdivision works have been completed and the Subdivision Certificate has been lodged with Council.

Following the release of the Subdivision Certificate, the proposed lots will be registered with NSW Land and Property Information (LPI). A condition is recommended requiring the registration of the proposed lots prior to the issue of Occupation Certificates for the dwellings.





**KEY DEVELOPMENT STATISTICS**

The development has been assessed against the relevant planning controls and is compliant with relevant controls. Below is a summary of the key development statistics.

	Standard	Proposed	Compliance
<b>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>			
<b>4.3 Height of Building</b>	9.5m.	Minimum 9.5m achieved for all dwellings.	Yes
<b>Turner Road Development Control Plan 2007 (Amended 2016) Dwellings with a frontage of ≥ 9m - ≤15m (Table 17) Lots 241, 242, 251, 252, 253, 257, 258 &amp; 259</b>			
<b>7.4.3 Front Setback</b>	4.5m to building façade line or 3.5m if fronting open space.	Minimum of 4.5m achieved.	Yes
<b>7.4.3 Front Articulation Setback</b>	3m to articulation zone or 2m if fronting open space.	Minimum of 3m achieved.	Yes
<b>7.4.3 Garage Line Setback</b>	≥ 5.5m to garage line & ≥ 1m behind building.	Minimum of 5.5m & ≥ 1m behind building achieved.	Yes



<b>7.4.4 Rear Setback</b>	≥ 4m (ground) & ≥ 6m (upper).	Minimum of 4m (ground) & 6m (upper) achieved.	Yes
<b>7.4.4 Side Setbacks</b>	≥ 0.9m.	Minimum of 0.9m achieved.	Yes
<b>7.4.5 Site Coverage</b>	Two storey dwellings ≤ 50% at ground.  Lots ≤375sqm, upper level no more than 40% of lot area.  Lots >375sqm, upper level no more than 35% of lot area.	Minimum of 50% at ground achieved.  Minimum of 40% at upper floor achieved for lots less than 375sqm.  Minimum of 35% at upper floor achieved for lots greater than 375sqm.	Yes
<b>7.4.6 Landscaped Area</b>	≥ 30% of lot area.	Minimum of 30% achieved.	Yes
<b>7.4.8 Car parking</b>	1 to 2 bedroom dwelling – 1 space > 2 bedroom dwelling – 2 spaces.	Each dwelling has 4 bedrooms and a double garage.	Yes
<b>7.4.7 Private Open Space</b>	24m <sup>2</sup> & min dimensions of 4m & gradient ≤ 1:10.	All dwellings achieve a 20m <sup>2</sup> & min dimensions of 4m & gradient ≤ 1:10.	Yes
<b>7.4.7 Principal private open space solar Access</b>	≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS and adjoining dwelling PPOS.	The shadow diagrams indicate that the dwellings and adjoining dwellings will receive solar access to 50% of the POS area between 9am and 12pm.	Yes
<b>Turner Road Development Control Plan 2007 (Amended 2016) Dwellings with a frontage of &gt;15m (Table 18) Lots 249, 254, 255 &amp; 256</b>			
<b>7.4.3 Front Setback</b>	4.5m to building façade line or 3.5m if fronting open space.	Minimum of 4.5m achieved.	Yes



<b>7.4.3 Front Articulation Setback</b>	3m to articulation zone or 2m if fronting open space.	Minimum of 3m achieved.	Yes
<b>7.4.3 Garage Line Setback</b>	≥ 5.5m to garage line & ≥ 1m behind building.	Minimum of 5.5m & ≥ 1m behind building achieved.	Yes
<b>7.4.4 Rear Setback</b>	≥ 4m (ground) & ≥ 6m (upper).	Minimum of 4m (ground) & 6m (upper) achieved.	Yes
<b>7.4.4 Side Setbacks</b>	≥ 0.9m (ground) & ≥ 0.9m (side A) upper level and ≥ 1.5m (side B) upper level.	Minimum 0.9m (ground) & 0.9m (side A) upper level and 1.5m (side B) upper level achieved.	Yes
<b>7.4.5 Site Coverage</b>	Two storey dwellings ≤ 50% at ground.  ≤ 30% at upper floor.	Minimum of 50% at ground achieved.  Minimum of 40% at upper floor achieved.	Yes
<b>7.4.6 Landscaped Area</b>	≥ 30% of lot area.	Minimum of 30% achieved.	Yes
<b>7.4.8 Car parking</b>	1 to 2 bedroom dwelling – 1 space > 2 bedroom dwelling – 2 spaces.	Each dwelling has 4 bedrooms and a double garage.	Yes
<b>7.4.7 Private Open Space</b>	24m <sup>2</sup> & min dimensions of 4m & gradient ≤ 1:10.	All dwellings achieve a 20m <sup>2</sup> & min dimensions of 4m & gradient ≤ 1:10.	Yes
<b>7.4.7 Principal private open space solar Access</b>	≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS and adjoining dwelling PPOS.	The shadow diagrams indicate that the dwellings and adjoining dwellings will receive solar access to 50% of the POS area between 9am and 12pm.	Yes

**ASSESSMENT**

***Zoning and Permissibility***

Zoning:	R1 General Residential
Permissibility:	The proposed development is defined as a "dwelling house" by the SEPP which is a permissible land use in this zone.

***Environmental Planning and Assessment Act 1979 – Section 79(C) Matters for Consideration***

State Environmental Planning Policy(s) - S79C(1)(a)(i)	State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Compliant with conditions recommended.  Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.  State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 – Compliant with conditions recommended.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable
Development Control Plan(s) - S79C(1)(a)(iii)	Camden Development Control Plan 2011 – Compliant with conditions recommended.  Turner Road Development Control Plan 2007 (Adopted 2015) – Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iia)	None applicable.
The Regulations - S79C(1)(a)(iv)	None applicable.
Likely Impacts - S79C(1)(b)	No significant impacts.
Site Suitability - S79C(1)(c)	The site is suitable for development and the site attributes are conducive to development.
Submissions - S79C(1)(d)	1 submission for was received for all DA's which is discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

***Submissions***

The DA was publicly exhibited for 14 days in accordance with the Camden DCP. The exhibition period was from 23 March 2017 to 5 April 2017. One submission was received for all DAs (objecting to the proposed developments). The issues raised in the submission relate to an existing sediment basin and subdivision related drainage matters. While these issues are being investigated and pursued by Council officers, they are not considered relevant to these applications.

Council staff contacted the submission writer to discuss their concerns however were unsuccessful in resolving the issues raised in the submission.

**A copy of the submission is provided within supporting documents.**



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The following discussion addresses the issues and concerns raised in the submission.

1. *Concerns that the stormwater from the detention/sediment basin within the Hermitage is being directed through a culvert under Camden Valley Way and into a dam located on the private property.*

Officer comment:

A detention and sediment basin adjacent to the western boundary of the site was previously approved under DA 268/2014. The basin manages and controls stormwater flows from the subdivision and development of the land, and addresses water quality of these flows through the provision of bio-retention measures such as a rain garden. The basin manages stormwater flows from the subject site as well as other adjoining lots within Stage 24B of The Hermitage Estate.

The basin is currently a sedimentation basin however, once it is converted to a bio-retention (water quality) basin, it will drain to the adjacent culvert crossing under Camden Valley Way, which has been recently constructed as part of the road upgrades. The culvert conveys water from east to west and is a legal point of discharge for the subject site. Upon completion, the bio-retention basin will ensure water released to the culvert meets the appropriate environmental standard that the flow rate from the development is less than or equal to pre-developed flow rates.

During the assessment of the subdivision DA (1438/2015) that created the subject lots within Stage 24B, Council's development engineers assessed the capacity of the basin. It was confirmed that the basin has an adequate stormwater capacity for the lots created as part of the residential subdivision as well as the future dwellings that would be created on these lots. The proposals will therefore have no further impact on the existing basin.

2. *Concerns that the dam on the private property on the opposite side of Camden Valley Way is being polluted from the stormwater being redirected from the basin within The Hermitage.*

Officer comment:

The inundation of sediment-laden water into the private dam has previously been inspected and investigated by Council officers following alleged pollution events from the submission writer.

An inspection was undertaken by Council staff on 5 February 2016 on the subject site following a pollution event in January 2016. Observations indicated that water had escaped the basin through a pipe, within the acoustic mound, which was required to be capped, however the cap appeared to have been removed. The pipe is for future connection of the basin outlet to the culvert once converted from a sediment basin to a bio-retention basin. A Prevention Notice was issued by Council requiring that no further pollution events occur, including ensuring that the pipe remained blocked off from the basin and restricting untreated water from being released from the sediment basin.

Upon completion, the bio-retention basin will ensure water released to the culvert meets the appropriate environmental standards that the flow rate from the development is less than or equal to pre-developed flow rates.

On 1 March 2017, Council officers undertook another inspection of the site in response to further complaints of sediment-laden water leaving the subject site. The inspection

confirmed that sediment-laden water was being discharged from the sediment basin into the dams on the opposite side of Camden Valley Way. It was also revealed that the discharge structures of the basin had been constructed and connected to the existing pipe within the acoustic mound. The connection should not have been completed until the sediment basin was converted to a bio-retention basin, and has allowed untreated water from the sediment basin to discharge into the culvert under Camden Valley Way and into the dams.

As a result of the investigation on 1 March 2017, Council issued a clean-up notice under the *Protection of the Environment Operations Act 1997* to the owner of the subject site to block the pipes and immediately stop polluted water from leaving the premises. A Penalty Infringement Notice (PIN) was issued to the contractor. Council officers also directed the outlet pipes to be blocked. This work was completed and inspected on 29 March 2017.

Council continues to monitor the management of the basin and the discharge of water to Camden Valley Way and has recently requested the basin to be drained so that the integrity of the blocked off outlets can be checked. An inspection by Council officers on the 3 July 2017 indicated that the outlets were still appropriately blocked.

### **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

### **CONCLUSION**

The DA has been assessed in accordance with Section 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 287/2017, DA 288/2017, DA 289/2017, DA 290/2017, DA 292/2017, DA 294/2017, DA 295/2017, DA 296/2017, DA 300/2017, DA 303/2017, DA 304/2017 and DA 313/2017 are recommended for approval subject to the conditions attached to this report.

### **RECOMMENDED**

**That Council:**

- i. approve DA 287/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 251 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached;**
- ii. approve DA 288/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 252 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached;**
- iii. approve DA 289/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 254 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached;**
- iv. approve DA 290/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 242 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the**



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conditions attached;

- v. approve DA 292/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 241 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached;
- vi. approve DA 294/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 253 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached;
- vii. approve DA 295/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 249 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached;
- viii. approve DA 296/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 256 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached;
- ix. approve DA 300/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 258 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached;
- x. approve DA 303/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 257 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached;
- xi. approve DA 304/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 255 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached; and
- xii. approve DA 313/2017 for the construction of a two storey dwelling and associated site works at proposed Lot 259 Longview Road, Gledswood Hills registered as 2 Longview Road, Gledswood Hills, subject to the conditions attached.

#### ATTACHMENTS

- 1. DA 287/2017 - Recommended Conditions
- 2. DA 288/2017 - Recommended Conditions
- 3. DA 289/2017 - Recommended Conditions
- 4. DA 290/2017 - Recommended Conditions
- 5. DA 292/2017 - Recommended Conditions
- 6. DA 294/2017 - Recommended Conditions
- 7. DA 295/2017 - Recommended Conditions
- 8. DA 296/2017 - Recommended Conditions
- 9. DA 303/2017 - Recommended Conditions
- 10. DA 300/2017 - Recommended Conditions

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11. DA 304/2017 - Recommended Conditions
  12. DA 313/2017 - Recommended Conditions
  13. DA 287/2017 - Proposed Plans
  14. DA 288/2017 - Proposed Plans
  15. DA 289/2017 - Proposed Plans
  16. DA 290/2017 - Proposed Plans
  17. DA 292/2017 - Proposed Plans
  18. DA 294/2017 - Proposed Plans
  19. DA 295/2017 - Proposed Plans
  20. DA 296/2017 - Proposed Plans
  21. DA 300/2017 - Proposed Plans
  22. DA 303/2017 - Proposed Plans
  23. DA 304/2017 - Proposed Plans
  24. DA 313/2017 - Proposed Plans
  25. DA 287/2017 - Floor Plans - *Supporting Document*
  26. DA 288/2017 - Floor Plans - *Supporting Document*
  27. DA 289/2017 - Floor Plans - *Supporting Document*
  28. DA 290/2017 - Floor Plans - *Supporting Document*
  29. DA 292/2017 - Floor Plans - *Supporting Document*
  30. DA 294/2017 - Floor Plans - *Supporting Document*
  31. DA 295/2017 - Floor Plans - *Supporting Document*
  32. DA 296/2017 - Floor Plans - *Supporting Document*
  33. DA 300/2017 - Floor Plans - *Supporting Document*
  34. DA 303/2017 - Floor Plans - *Supporting Document*
  35. DA 304/2017 - Floor Plans - *Supporting Document*
  36. DA 313/2017 - Floor Plans - *Supporting Document*
  37. Public Exhibition and Submissions Map - *Supporting Document*
  38. Submission - *Supporting Document*



## ORDINARY COUNCIL

ORD06

**SUBJECT: TENDER T008/2017 - PROVISION OF PLUMBING, ELECTRICAL AND GENERAL BUILDING MAINTENANCE SERVICES**

**FROM:** Director Community Assets

**TRIM #:** 17/169360

### PURPOSE OF REPORT

To provide details of the tenders received for Contract T008/2017, being the Provision of Plumbing, Electrical and General Building Maintenance Services, and to recommend that Council accept the Panel of Tenderers as outlined in the report.

### BACKGROUND

Council called tenders for the provision of plumbing, electrical and general building services. The works covered by this contract include electrical repairs, plumbing repairs and varied building works.

### MAIN REPORT

#### Invitation to Tender

The Tender for the Provision of Plumbing, Electrical and General Building Services T008/2017 was advertised in the Sydney Morning Herald and the local newspaper and the NSW e-tendering website. The contract was advertised for three years with the provision for Council to extend the contract for up to two one-year extensions. Prices submitted are subject to annual CPI adjustment.

#### Tender Submissions

At the close of tender, 19 plumbing, 24 electrical and 15 general building maintenance submissions were received. A total of five submissions were deemed non-conforming.

Tenders were received from companies listed below in alphabetical order:

#### **Plumbing Services**

#### **Location**

Aidens Plumbing Services	Minto
Axis Maintenance Services Pty Ltd	Padstow
B & G Enterprises (NSW) P/L	Mulgoa
CC Consulting Services (NSW) Pty Ltd	Condell Park
Cecam Projects	Parramatta
CRG Plumbing & Maintenance Pty Ltd	Oran Park
Exquisite Group Services Pty Ltd	Cranebrook
GKB Holdings Pty Ltd	Bargo
Jordans NSW	Camden
Lasimar Pty Ltd T/A Royal Flush Plumbing	Orangeville
Macarthur Gas	Wetherill Park
Matrix Group Co Pty Ltd	Lilyfield
PJC Plumbing Services Pty Ltd	Georges Hall
Planet FM Pty Ltd	Taren Point



Roseville Plumbing  
T & C Services Pty Ltd  
TJS Services Group Pty Ltd  
Trilla Group Pty Ltd  
Watertight Group Pty Ltd

Rydalmere  
Unanderra  
Alexandria  
Cawdor  
Milperra

**Electrical Services**

**Location**

B & G Enterprises (NSW) P/L  
CC Consulting Services (NSW) Pty Ltd  
Cecam Projects  
DJ Saniforth & CO  
ElectriQuality Pty Ltd  
Elfcom Pty Ltd  
Exquisite Group Services Pty Ltd  
Funnells Electrical Pty Ltd  
Jordans NSW  
Kerfoot Pty Ltd  
Matrix Group Co Pty Ltd  
Platinum Electricians Camden  
Power Protect Pty Ltd  
Ram Electrical Services  
Randall Electrics & Trade Services Pty Ltd  
Rike Electrical Pty Ltd  
Runnymede Group  
Starr Electrical  
Sydney Electrical & Data Pty Ltd  
Sydney Emergency Lighting Specialists  
T & C Services Pty Ltd  
TJS Services Group Pty Ltd  
Watertight Group Pty Ltd  
Wollondilly Electrical Contracting and Sales Pty Ltd

Mulgoa  
Condell Park  
Parramatta  
Auburn  
Caringbah  
Dapto  
Cranebrook  
Narellan  
Camden  
Seven Hills  
Lilyfield  
Grassmere  
Fyshwick, ACT  
Homebush West  
Seven Hills  
Seven Hills  
Smeaton Grange  
Wollongong  
Marrickville  
Pheasants Nest  
Unanderra  
Alexandria  
Milperra  
Picton

**General Building Maintenance Services**

**Location**

CC Consulting Services (NSW) Pty Ltd  
Cecam Projects  
Civilbuilt Pty Ltd  
Combined Building Improvements  
Coverit Building Group  
ElectriQuality Pty Ltd  
Exquisite Group Services Pty Ltd  
Interlink Carpentry  
Jordans NSW  
Matrix Group Co Pty Ltd  
Progroup Management Pty Ltd  
T & C Services Pty Ltd  
TJS Services Group Pty Ltd  
Trilla Group Pty Ltd  
Watertight Group Pty Ltd

Condell Park  
Parramatta  
Oyster Bay  
Minto  
Penrith  
Caringbah  
Cranebrook  
Harrington Park  
Camden  
Lilyfield  
Macquarie Park  
Unanderra  
Alexandria  
Cawdor  
Milperra



## Tender Evaluation

The intention of the tender evaluation process is to assess the capability of the tenderer and make a recommendation to provide the best value and quality services to Council.

A tender evaluation panel was established and submissions were assessed on price and non-price factors, as agreed by the evaluation panel. Price was given a weighting of 65% and non-price factors a weighting of 35% due to the submissions being based on hourly rates and an unknown scope of future works.

Non-price factors considered include:

- Work Health and Safety;
- Environmental practices;
- Conformity to the tender documents; and
- Quality assurance of works.

An assessment of the tenders was undertaken in line with the Tender Evaluation Plan. A summary of this assessment is provided in the **Supporting Documents**. Please note this information is Commercial-in-Confidence.

The tender evaluation panel agreed on a minimum acceptable weighting score (refer **Supporting Documents**). As a result, a number of preferred contractors are available, enabling Council to meet current and future demands more effectively in the delivery of building construction and maintenance programs.

For each trade, the contractors listed below provided the most competitive tender based on both price and non-price factors.

### **Plumbing Services Preferred Contractor Panel**

- |  |                |
|--|----------------|
| • Axis Maintenance Services Pty Ltd        | Padstow        |
| • B & G Enterprises (NSW) Pty Ltd          | Mulgoa         |
| • CC Consulting Services (NSW) Pty Ltd     | Condell Park   |
| • Cecam Projects                           | Parramatta     |
| • CRG Plumbing & Maintenance Pty Ltd       | Oran Park      |
| • GKB Holdings Pty Ltd                     | Bargo          |
| • Jordans NSW                              | Camden         |
| • Lasimar Pty Ltd T/A Royal Flush Plumbing | Orangeville    |
| • Macarthur Gas                            | Wetherill Park |
| • PJC Plumbing Services Pty Ltd            | Georges Hall   |
| • Roseville Plumbing                       | Rydalmere      |
| • T & C Services Pty Ltd                   | Unanderra      |
| • TJS Services Group Pty Ltd               | Alexandria     |
| • Trilla Group Pty Ltd, and                | Cawdor         |
| • Watertight Group Pty Ltd                 | Milperra       |

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### **Electrical Services Preferred Contractor Panel**

- |   |                |
|---|----------------|
| • B & G Enterprises (NSW) Pty Ltd                       | Mulgoa         |
| • CC Consulting Services (NSW) Pty Ltd                  | Condell Park   |
| • Cecam Projects  | Parramatta     |
| • DJ Saniforth & Co.                                    | Auburn         |
| • Exquisite Group Services Pty Ltd                      | Cranebrook     |
| • Funnells Electrical Pty Ltd                           | Narellan       |
| • Jordans NSW   | Camden         |
| • Ram Electrical Services                               | Homebush West  |
| • Randall Electrics & Trade Services Pty Ltd            | Seven Hills    |
| • Runnymede Group                                       | Smeaton Grange |
| • Starr Electrical                                      | Wollongong     |
| • Sydney Electrical & Data Pty Ltd                      | Marrickville   |
| • T & C Services Pty Ltd                                | Unanderra      |
| • TJS Services Group Pty Ltd                            | Alexandria     |
| • Watertight Group Pty Ltd; and                         | Milperra       |
| • Wollondilly Electrical Contracting and Sales Pty Ltd. | Picton         |

### **General Building Services Preferred Contractor Panel**

- |  |                |
|--|----------------|
| • CC Consulting Services (NSW) Pty Ltd | Condell Park   |
| • Cecam Projects                       | Parramatta     |
| • Combined Building Improvements       | Minto          |
| • Coverit Building Group               | Penrith        |
| • Exquisite Group Services Pty Ltd     | Cranebrook     |
| • Progroup Management Pty Ltd          | Macquarie Park |
| • T & C Services                       | Unanderra      |
| • TJS Services Group Pty Ltd; and      | Alexandria     |
| • Watertight Group Pty Ltd.            | Milperra       |

### **Relevant Legislation**

The Tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government Regulation 2005* and Council's Purchasing and Procurement Policy.

### **FINANCIAL IMPLICATIONS**

Council has sufficient funds currently allocated in maintenance budgets and projects to proceed with the proposed works in accordance with the terms and conditions of the tenders.

### **CONCLUSION**

The panel members' assessment identified that the preferred contractors listed above represented the best value to Council and are capable of providing the services required.

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## **RECOMMENDED**

### **That Council:**

- i. accept the tenders of the recommended companies as per the terms and conditions of Tender T008/2017 for provision of Plumbing, Electrical and/or General Building Maintenance Services:**

#### **Plumbing Services Preferred Contractor Panel**

- Axis Maintenance Services Pty Ltd;
- B &G Enterprises (NSW) Pty Ltd;
- CC Consulting Services (NSW) Pty Ltd;
- Cecam Projects;
- CRG Plumbing & Maintenance Pty Ltd;
- GKB Holdings Pty Ltd;
- Jordans NSW;
- Lasimar Pty Ltd T/A Royal Flush Plumbing;
- Macarthur Gas;
- PJC Plumbing Services Pty Ltd;
- Roseville Plumbing;
- T & C Services Pty Ltd;
- TJS Services Group Pty Ltd;
- Trilla Group Pty Ltd; and
- Watertight Group Pty Ltd.

#### **Electrical Services Preferred Contractor Panel**

- B & G Enterprises (NSW) Pty Ltd;
- CC Consulting Services (NSW) Pty Ltd;
- Cecam Projects;
- DJ Saniforth & Co.;
- Exquisite Group Services Pty Ltd;
- Funnells Electrical Pty Ltd;
- Jordans NSW;
- Ram Electrical Services;
- Randall Electrics & Trade Services Pty Ltd;
- Runnymede Group;
- Starr Electrical;
- Sydney Electrical & Data Pty Ltd;
- T & C Services Pty Ltd;
- TJS Services Group Pty Ltd;
- Watertight Group Pty Ltd; and
- Wollondilly Electrical Contracting and Sales Pty Ltd.

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### **General Building Services Preferred Contractor Panel**

- CC Consulting Services (NSW) Pty Ltd;
- Cecam Projects;
- Combined Building Improvements;
- Coverit Building Group;
- Exquisite Group Services Pty Ltd;
- Progroup Management Pty Ltd;
- T & C Services;
- TJS Services Group Pty Ltd; and
- Watertight Group Pty Ltd.

### ATTACHMENTS

1. Tender T008/2017 - Provision of Electrical Services - *Supporting Document*
2. Tender T008/2017 - Provision of General Building Services - *Supporting Document*
3. Tender T008/2017 - Provision of Plumbing Services - *Supporting Document*



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## ORDINARY COUNCIL

**ORD07**

**SUBJECT: MINUTES TO THE 17 MAY 2017 BUSINESS ASSURANCE AND RISK COMMITTEE MEETING**

**FROM:** General Manager

**TRIM #:** 17/175929

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### PURPOSE OF REPORT

The purpose of this report is to provide Council with the minutes of the 17 May 2017 Business Assurance and Risk Committee meeting.

### BACKGROUND

Council endorsed the implementation of a Business Assurance and Risk Management framework in June 2014 and as part this framework, a Business Assurance and Risk Committee was established.

The objective of the Business Assurance and Risk Committee is to provide independent assurance and assistance to Camden Council on risk management, control, governance and external accountability responsibilities.

The Business Assurance and Risk Committee membership includes both independent external members and Councillors. The Committee is required to meet a minimum of four times per year.

Council resolved to adopt the Committee's current Business Assurance and Risk Committee Charter on 13 October 2015. The Charter includes a requirement to report to Council the minutes of the Business Assurance and Risk Committee meetings for noting.

### MAIN REPORT

The Business Assurance and Risk Committee met on 17 May 2017. The agenda discussed at the meeting included consideration of the following:

- Development Applications Internal Audit Report.
- Review of Process for Maintaining Supplier Master Files and Payments to Suppliers.
- Payroll and Leave Management Internal Audit Report.
- Audit Report Recommendations – Implementation Status Update – March 2017.
- Internal Audit Plan Status Update.
- External Audit – Client Service Plan for year ended 30 June 2017.
- Enterprise Risk Management Update.
- Fit for the Future Progress Update.

The minutes for the Business Assurance and Risk Committee meeting of 17 May 2017 are attached.

### FINANCIAL IMPLICATIONS

There are no financial implications arising from this report.



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## **CONCLUSION**

The Business Assurance and Risk Committee plays an important role in supporting the governance framework of Council. Reporting the minutes from Committee meetings keeps Council informed of the outcomes from those meetings and are submitted for information.

## **RECOMMENDED**

**That Council note the Minutes to the Business Assurance and Risk Committee meeting of 17 May 2017.**

## **ATTACHMENTS**

1. Minutes to the 17 May 2017 Business Assurance and Risk Committee meeting



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## ORDINARY COUNCIL

**ORD08**

**SUBJECT: CLOSURE OF THE MEETING TO THE PUBLIC**  
**FROM:** General Manager  
**TRIM #:** 17/200295

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In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, the following business:

- Appointment of Independent Member to Business Assurance and Risk Committee

Is, in the opinion of the General Manager, of a kind referred to in Section 10A(2) of the Act, being:

- Personnel matters under (Section 10A(2)(a)) of the *Local Government Act 1993*.

and should be dealt with in a part of the meeting closed to the media and public.

Members of the public may make representations as to whether the meeting should be closed before any part of the meeting is closed to the public. A representation can only be made by a member of the public as to whether a part of the meeting should be closed, in writing, to the General Manager prior to the commencement of the meeting or a fixed period immediately after the motion to close the part of the meeting is moved and seconded. That period would be limited to four minutes, in line with Council's Public Address Policy.

The meeting will only be closed during discussion of the matters directly the subject of the report and no other matters will be discussed in the closed section of the meeting.

Members of the public will be readmitted to the meeting immediately after the closed section is completed and, if the Council passes a resolution during that part of the meeting that is closed to the public, the Chairperson will make the resolution public as soon as practicable after that closed part of the meeting has ended.

### **RECOMMENDED**

**That Council:**

- hear any objection or submission by a member of the public, limited to a period of four minutes, concerning the closure of the meeting; and**
- close the meeting to the media and public to discuss a report about information dealing with a personnel matter in accordance with the provisions of Sections 10A(2)(a), of the *Local Government Act, 1993*.**