



Camden Council

Business Paper

Ordinary Council Meeting
25 July 2017

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

Director Planning and Environment
Nicole Magurren

Manager Governance and Risk
Charles Weber

Chief Financial Officer
Paul Rofe

Director Community Assets
Vince Capaldi

Acting Director Sport Community
and Recreation

SEATING DIAGRAM

Camden Council Meeting

Councillor
Rob Mills

Councillor
Ashleigh Cagney

Councillor
Theresa Fedeli

Councillor
Eva Campbell

Councillor
Peter Sidgreaves

Councillor
Paul Farrow

Councillor
Michael Morrison

Councillor
Cindy Cagney

Media

Public Address

Public Seating



ORDINARY COUNCIL

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ORDINARY COUNCIL

SUBJECT: PRAYER

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

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

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

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)

ORDINARY COUNCIL

SUBJECT: ACKNOWLEDGEMENT OF COUNTRY

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

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.

ORDINARY COUNCIL

SUBJECT: APOLOGIES

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

RECOMMENDED

That leave of absence be granted.

ORDINARY COUNCIL

SUBJECT: DECLARATION OF INTEREST

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.

ORDINARY COUNCIL

SUBJECT: PUBLIC ADDRESSES

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.

ORDINARY COUNCIL

SUBJECT: CONFIRMATION OF MINUTES

Confirm and adopt Minutes of the Ordinary Council Meeting held 11 July 2017.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 11 July 2017, copies of which have been circulated, be confirmed and adopted.



ORDINARY COUNCIL

SUBJECT: MAYORAL MINUTE

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: Director Planning & Environment

TRIM #: 17/209273

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 11 July 2017 meeting to allow Council officers to address concerns raised by Council.

The Council reports and associated attachments of the 11 July and 23 May are provided as an attachment to the report.

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

The concerns raised at the 11 July 2017 Council meeting are addressed below.

1. *The site is zoned RU1 Primary Production by the Camden LEP 2010 and the proposed development is defined as industry by the LEP and is a prohibited land use in this zone.*

Officer Comment:

Permissibility is established via *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007* (SEPP), which takes precedence over the Camden LEP. The SEPP permits concrete works to be carried out on land that is subject to an already existing, approved extractive industry.

An extractive industry (Boral CSR Bringelly Brickworks) was approved on the site by the NSW Department of Planning and Environment on 3 March 2015 via State Significant Development Application 5684.

Therefore permissibility is established via the SEPP.

2. *The proposed development does not comply with the definition of a mobile batching plant under the Protection of the Environment Operations Act 1997, as the Act defines a 'mobile' plant as one that is operated temporarily for a total of no more than six months in any one year period (the application is for seven days per week for many years).*

Officer Comment:

The proposed development is defined as 'concrete works' by the *State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007*, which is the relevant definition with respect to establishing permissibility and DA assessment.

While the development is referred to as a Mobile Concrete Batching Plant, this is a descriptive term only given the mobile component refers to the modular nature of the plant and the 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.

3. *The height of the proposed silos (21m) exceeds the Camden LEP 2010 regulations (9.5m maximum).*

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.

4. *The potential adverse affect on air quality and therefore risk to the health of local residents due to cement powder and other air borne pollutants that would be used on the site to manufacture cement.*

Officer Comment:

An Air Quality Assessment was submitted with the application (with subsequent remodelling following the receipt of the EPA's revised comments dated 30 June 2017), 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.
5. *The possible contamination of residents' drinking water by cement powder and other materials when carried in the wind; all residents in this section of Bringelly rely on tank water as their only source of drinking water.*

Officer Comment:

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

In addition, as noted in this report, the expected emissions will be below the EPA criteria.

6. *The EPA has advised that the proposal may have underestimated the peak impacts of emissions from the site by a factor that could be in the order of three, and that the PM10 and PM2.5 were averaged over a 24hr period; this could impact significantly on the air quality of the area.*

Officer Comment:

Particulate matter that is 10 micrometres or less in diameter (PM10) and PM2.5 was remodelled following receipt of the revised EPA conditions to reflect peak daily throughputs. Following a paired analysis of PM10, there is not predicted to be an exceedance of the 24 hour average PM10 criterion. Paired analysis was not required for PM2.5 as compliance with the EPA *Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (2016)* was predicted under the conservative 100th percentile cumulative approach.

Conditions have been recommended to ensure compliance with the revised conditions provided by the EPA. This includes the requirement for an Air Quality Verification Report to be provided to the EPA and to Camden Council three months after operation commences to confirm the findings of the Air Quality Impact Assessment.

If the Air Quality Verification Report identifies that emissions exceed the findings of the Air Quality Impact Assessment, the proponent is required to detail additional measures to be implemented to achieve compliance (details surrounding implementation and effectiveness of these measures are to be provided to the regulatory authority, which will be the EPA).

- 7. The potential conflict with vehicles and pedestrians due to the significantly increased truck movements in and out of the site and on Greendale Road, taking into consideration the close proximity of a primary school and community centre approximately 500 metres from entrance to the site.*

Officer Comment:

A traffic and transport assessment report was submitted with the application, which advises that there will be limited pedestrian activity on Greendale Road. The report has been assessed by Council's Traffic Engineers who raise no objection to the proposed development 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.
- 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.
- A restriction on the number of truck loads of cement powder being delivered per day, being up to seven truck loads.

8. *The likely degradation of the local roads, due to the daily increase of in excess of 100 heavy vehicles; many of the local roads are of poor quality.*

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.

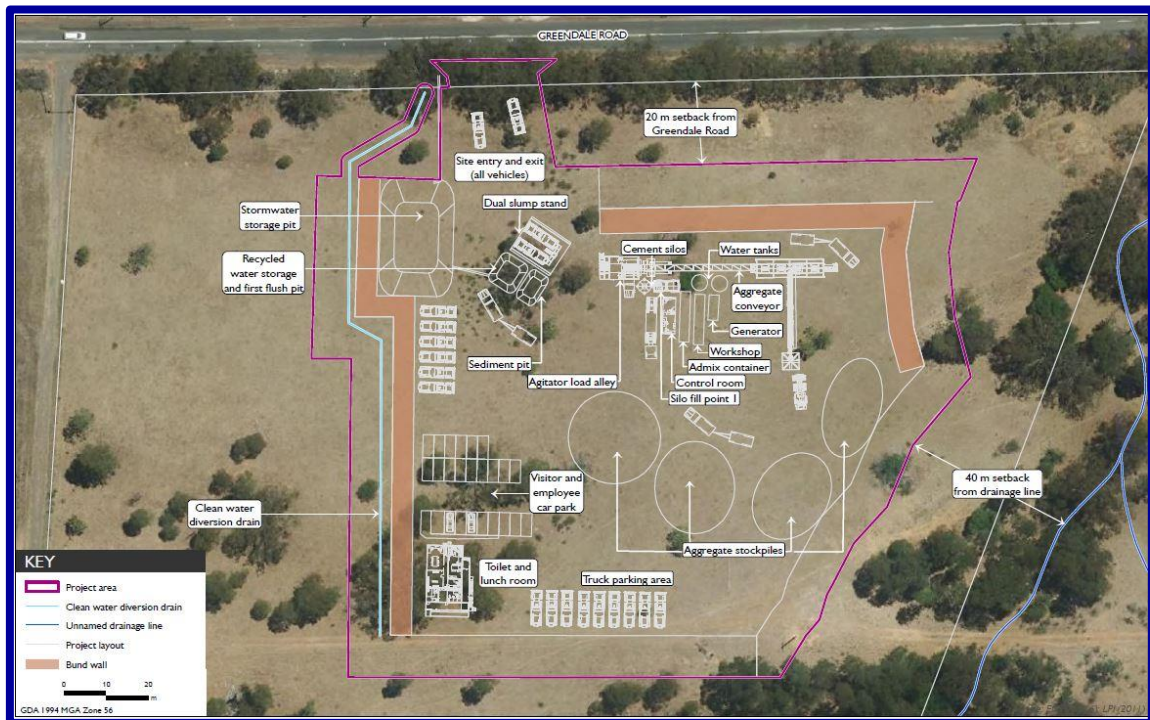
The operator is required to report this total tonnage to Camden Council each calendar year. In accordance with CP No. 7, monetary contributions are required to be paid each calendar year and are indexed in accordance with the Consumer Price Index.

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.

9. *The probable noise impact that the operation of an industrial plant would cause.*

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 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.

10. The proposed development is not in keeping with the expectations of the local community, who value their rural lands and lifestyle; the impacts of this industrial development would negatively affect the amenity of their rural area of Camden.

Officer Comment:

Impacts on the existing rural 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.

Residential amenity will be protected through the inclusion of noise mitigation works and operational restrictions that will restrict noise output, hours of operation, vehicle movements and control of dust.



Submissions

Following the deferral of the DA on 11 July 2017, two additional submissions were received.

The concerns raised in the submissions have been summarised and addressed below.

1. *Road safety concerns for the Bringelly Public School.*

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.
- 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.
- A restriction on the number of truck loads of cement powder being delivered per day, being up to seven truck loads.

-
2. *The road infrastructure is inadequate and unable to support additional vehicle movements.*

Officer Comment

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

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.

Upgrade works to Greendale Road are ongoing and are being jointly undertaken by Liverpool and Camden Councils.

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.

3. *Vehicle emissions affecting children and parents associated with the Bringelly Public School.*

Officer Comment

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

4. *Noise disturbance on the Bringelly Public School from increased vehicle movements.*

Officer Comment

Noise emissions from vehicle movements while on the roads is in accordance with noise criteria as part of the Industrial Noise Policy.

5. *Where will water be sourced for mixing cement, washing out agitators, suppressing dust, washing truck tyres and general on site use? Has such an arrangement been confirmed?*

Officer Comment:

According to the applicant's Environmental Impact Statement (EIS), water will be sourced in order of the following:

- First flush pit (where water run-off from the site is collected);
- Sedimentation basin (where water run-off from the site is collected once the first flush pit is full);
- Water from Brickworks water management dam (subject to investigation of water quality); then



-
- Mains water.

The EIS advises when water is running low in the first flush pit and the sedimentation basin after a period of no rain, water can be sourced by either the Brickworks management dam (via a piped connection or watercart), or via mains water.

According to the Applicant, a connection to mains water is available from the existing Sydney Water pipe along Greendale Road and a connection is being investigated with Sydney Water.

A standard condition is recommended to ensure evidence is provided to the Principle Certifying Authority that water supply arrangements are in place as follows:

- Services - Certificates and/or relevant documents shall be obtained from the following service providers and provided to the PCA:
 - a) Energy supplier – Evidence demonstrating that satisfactory arrangements have been made with the energy supplier to service the proposed development;
 - b) Telecommunications – Evidence demonstrating that satisfactory arrangements have been made with a telecommunications carrier to service the proposed development; and
 - c) Water supplier – Evidence demonstrating that satisfactory arrangements have been made with a water supply provider to service the proposed development.

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 provided as part of the previous addendum report, which is attached to this report.

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 [↗](#) 11 July 2017 - Council Report & Attachments
- 4 [↗](#) 23 May 2017 - Council Report & Attachments
- 5 [↗](#) Public Exhibition & Submissions Map - *Supporting Document*
- 6 [↗](#) Previous Submissions - *Supporting Document*
- 7 [↗](#) New Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: BULK EARTHWORKS, INCLUDING TREE REMOVAL - 101B, 101C & 101D RABY ROAD, LEPPINGTON

FROM: Director Planning & Environment

TRIM #: 17/195149

APPLICATION NO: DA42/2017
PROPERTY ADDRESS: 101B, 101C & 101D Raby Road, Leppington
APPLICANT: Macarthur Developments Pty Limited
OWNER: D & AI Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for bulk earthworks, including tree removal, at 101B, 101C and 101D Raby Road, Leppington.

The DA is referred to Council for determination as there remain unresolved issues raised in one submission.

SUMMARY OF RECOMMENDATION

That Council determine DA42/2017 for bulk earthworks, including tree removal, pursuant to Section 80 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached this report.

THE PROPOSAL

DA42/2017 seeks approval for bulk earthworks, including tree removal.

Specifically the proposed development involves:

- Excavation of up to 260,000m³ of material and placement of fill across the site;
- Surplus clean fill of up to 13,000m³ to be utilised in other development areas within the Emerald Hills Estate;
- Clearing of vegetation across the site; and
- Excavation and relocation of the Sydney Water water main.

The value of the works is \$2,650,000.

The proposed earthworks application, which involves the cutting and filling of the site, intends to achieve preliminary site levels for the future subdivision works within Stages 7 to 11 of the Emerald Hills Estate.

The proposed plans are provided as an attachment to the report. Further information on the DA is publicly available on Council's website under the Development tab, then click on 'Check/Find a Development Application Online'.

THE SITE

The site is known as 101B, 101C and 101D Raby Road, Leppington and is legally described as Lot 201 DP1210950, Lot 202 DP1210950 and Lot 203 DP1210950. The site has a frontage to Camden Valley Way and St Andrews Road and has an overall area of approximately 86.67 hectares.

Previously the site was used by the St Andrews Home for Boys from 1934 to 1987, with a majority of the former structures being demolished. A former cottage remains on the Emerald Hills Estate that has been converted into a sales office approved under DA525/2014.

The site was rezoned on 19 September 2014 (Amendment No. 36, Camden LEP 2010), with the Joint Regional Planning Panel (now the Sydney South West Panel) approving multiple stages of the development for the release of residential lots subject to DA439/2014 and DA993/2015.

The surrounding properties are generally characterised by rural or rural/residential land uses. Land to the north, on the northern side of St Andrews Road, is being developed for urban purposes and residential subdivision within the East Leppington precinct of the South West Growth Centre.

AERIAL PHOTO





KEY DEVELOPMENT STATISTICS

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

Camden Local Environmental Plan			
Clause	Requirement	Provided	Compliance
5.9 & 5.9AA Preservation of Trees or vegetation / Trees or vegetation not prescribed by development control plan	The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	See discussion on tree removal in the 'Key Issues' section of this report.	Yes
7.4 Earthworks	The objectives of this clause are to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, and requires consideration of matters relating to effects on drainage patterns, fill quality and amenity of adjoining properties.	<p>The DA has been submitted with an engineering report, which addresses the particular matters for consideration as listed under clause 7.4 of the Camden LEP (LEP) such as drainage patterns, catchment modelling and soil stability.</p> <p>In addition, the DA proposes erosion and sediment control measures such as sediment basins and sediment fencing to address the movement of sediment upon the site.</p> <p>It is proposed that up to 260,000m³ of material will be excavated and placed as fill across the site with 13,000m³ of excess material to be utilised on other development areas of the Emerald Hills Estate.</p> <p>An Aboriginal Heritage Impact Permit has been obtained from the NSW Office of Environment & Heritage for the site.</p>	Yes

ASSESSMENT

Zoning and Permissibility

Zoning:	R2 Low Density Residential pursuant to Camden Local Environmental Plan 2010.
Permissibility:	Proposed site works, which includes the cutting and filling of the land, are defined as 'earthworks' and are permissible with consent within the R2 Low Density Residential Zone.

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 No. 55 – Remediation of Land – Compliant with conditions recommended.</p> <p>State Environmental Planning Policy (Infrastructure) 2007 – Compliant with conditions recommended.</p> <p>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River – Compliant with conditions recommended.</p>
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)(iia)	<p>None applicable to the proposed development.</p> <p>The proposed development site is subject to the terms and conditions of the Voluntary Planning Agreement (VPA)(Emerald Hills Planning Agreement) executed between Camden Council and Hazcorp Developments Pty Ltd and Taurus Development Company Pty Ltd (trading as Emerald Hills Estate), pursuant to Section 93F of the Environmental Planning and Assessment Act, 1979, dated 1 August 2014. In this instance, the proposed development works do not trigger the provisions of the voluntary planning agreement.</p>
The Regulations – S79C(1)(a)(iv)	The proposed development is consistent with the relevant provisions of the <i>Environmental Planning and Assessment Regulation, 2000</i> .
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)	One submission was received which is discussed in the submissions section of this report.
Public Interest – S79C(1)(e)	The development is in the public interest.



Key Issues

Tree Removal

The DA proposes to remove all trees across the subject site, including those trees which run along the boundary of Camden Valley Way. The trees along Camden Valley Way between Raby Road and Dwyer Road are predominantly *Corymbia citriodora* (Lemon Scented Gum), which are not indigenous to the area. Further to the north, along Camden Valley, the vegetation comprises indigenous native vegetation.

On 4 December 2015, biodiversity certification was gazetted on the land in accordance with Section 126H of the *Threatened Species Conservation Act 1995*. After biodiversity certification is conferred on an area, development may proceed without the usual requirement under the *Environmental Planning and Assessment Act 1979* for a site specific threatened species assessment.

Biodiversity certification of land can only be conferred by the Minister of the Environment where the biodiversity certification 'improves or maintains' biodiversity outcomes. The Minister is to determine whether the biodiversity certification improves or maintains biodiversity values based on a biodiversity certification assessment.

Biodiversity losses resulting from the development of land on the biodiversity certified land is to be offset by conservation measures. Biodiversity certification allows the offsets to be protected and managed in the long term.

A biodiversity certification assessment was prepared for the Emerald Hills Estate which was reviewed and endorsed by Council and the Office of Environment and Heritage.

As part of biodiversity certification of the Emerald Hills Estate and to offset the impact upon biodiversity, a bio-banking agreement was established, which preserves an area for the preservation and conservation of Cumberland Plain Woodland within Lot 204 DP1210950, 50 St Andrews Road, Leppington being 20.1 ha in size. This environmental conservation area is shown in Figure 1 below. In addition, an off-site biobank site (56.6 ha) was created to offset the biodiversity impacts.

The Biodiversity Certification Agreement is provided as an attachment to the report.



Figure 1 – Indicative Master Plan

Previous development consents have approved the removal of vegetation from the Emerald Hills Estate outside of the conservation area with the remaining vegetation located adjacent to Camden Valley Way proposed to be removed as part of this application.

The tree removal is considered acceptable noting the biodiversity certification and associated bio-banking agreement.

Submissions

The DA was publicly exhibited for 14 days in accordance with the DCP. The exhibition period was from 3 March 2017 to 16 March 2017. Within this exhibition period, one submission was received.

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

1. *Concern by the amenity and environmental impacts of the proposal. The perimeter of lots 202 and 203 bordering Camden Valley Way contains a significant portion of the original Remembrance Driveway which bordered the road from Sydney to Canberra. The trees provide shade, act as a windbreak, provide food & accommodation for birds and small animals, absorb toxins originating from motor vehicle exhaust and are visually desirable along Camden Valley Way.*

Officer comment:

The tree removal is considered acceptable noting the biodiversity certification and associated bio-banking agreement.

The bio-certification conferred on the site does not require the retention of the trees along the Camden Valley Way boundary.

The site was rezoned in 2014 and the heritage report prepared to support the rezoning, did not note the need to preserve the trees along the Camden Valley Way boundary. The Indicative Master Plan which was prepared at the time of the rezoning does not provide for the retention of the trees. The Indicative Master Plan is shown above in Figure 1.

The former Remembrance Driveway and associated plantings along the Camden Valley Way boundary are not recognised as a local heritage item within Camden Local Environmental Plan 2010.

Having regard to the NSW Office of Environment and Heritage Criteria for assessing significance, the remnant trees would not fulfil the criteria for a local heritage listing as they have been impacted by road works. Notwithstanding this, a condition is recommended requiring photographic archiving and the preparation of an Interpretation Strategy that recognises the former alignment and story of the Remembrance Driveway.

In addition, to mitigate and offset some of the loss of the former plantation associated with the Remembrance Driveway, Council staff have requested that the developer for the Emerald Hill Estate introduce a form of Dwarf Lemon Scented Gum (mature height 6m) along the internal road and landscape bund, which will run parallel with Camden Valley Way. The developer advises that Dwarf Lemon Scented Gums can be provided for within the next residential subdivision application.

2. *The DA is contrary to the Camden DCP 2011 which requires the general features of landscape to be retained. How can a Council agree to the wholesale removal of the trees?*

Officer comment:

The ecological value of the vegetation was considered during the bio-certification process.

The conferring of the biodiversity certification of the land is subject to the NSW Minister for Environment being satisfied that the conservation measures in the biodiversity certification application would result in an overall improvement or maintenance in biodiversity values.

As part of the biodiversity certification process, a bio-banking agreement was established, which preserves an area of the Emerald Hills Estate for the preservation and conservation of Cumberland Plain Woodland and off-site biobank site was created to offset biodiversity impacts.

The tree removal is considered acceptable noting the biodiversity certification and associated bio-banking agreement.

3. *Concerned by the extent of cut and fill. The DA does not work with the natural contours of the site.*

Officer comment:

The proposed works do result in some areas of cut and fill due to the topography of the site (up to 10% grade). The earthworks are required to allow for future roads, lots and housing. The development generally responds to the natural topography of the site where possible, as per the Camden DCP.

No development controls exist within the Camden DCP for a maximum depth of cut and fill for subdivision engineering works.

A balance of cut and fill on site is proposed, which will ensure that excess materials will not be exported off the site.

4. *Hopefully, Council would make sure that hours/days of work would be precisely specified prior to any work commencing.*

Officer comment:

Construction hours will be controlled by conditions of consent, which restrict work to the hours of 7.00am to 5.00pm Monday to Saturday inclusive, with no work permitted to be carried out on Sundays or Public Holidays.

5. *The development contributes to the undesirable impact of continuous built development along Camden Valley Way, the destruction of heritage, of separate villages/towns with agricultural land between settlements.*

Officer comment:

The site was rezoned in 2014 to support residential subdivision and is part of the Emerald Hills Urban Release Area.

As discussed above, the vegetation along the Camden Valley Way boundary is not recognised as a local heritage item within Camden Local Environmental Plan 2010 and has been impacted by road works.

A condition is recommended requiring photographic archiving and the preparation of an Interpretation Strategy which recognises the former alignment and story of the Remembrance Driveway.

In addition, to mitigate and offset some of the loss of the former plantation associated with the Remembrance Driveway, the developer has advised that Dwarf Lemon Scented Gums can be provided for within the next residential subdivision application for the Estate.

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, DA42/2017 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA42/2017 for bulk earthworks, including tree removal at 101B, 101C and 101D Raby Road, Leppington.

ATTACHMENTS

1. [Recommended Conditions](#)
2. [Proposed Plans](#)
3. [Biodiversity Certification Agreement](#)
4. [Submission - *Supporting Document*](#)
5. [Public Exhibition and Submissions Map - *Supporting Document*](#)
6. [RMS Remembrance Driveway Locations](#)



ORDINARY COUNCIL

ORD03

SUBJECT: INVESTMENT MONIES - JUNE 2017
FROM: Director Customer & Corporate Strategy
TRIM #: 17/208220

PURPOSE OF REPORT

In accordance with Part 9, Division 5, Section 212 of the *Local Government (General) Regulation 2005*, a list of investments held by Council as at 30 June 2017 is provided.

MAIN REPORT

The weighted average return on all investments was 3.21% p.a. for the month of June 2017. The industry benchmark for this period was 1.76% (Ausbond Bank Bill Index).

It is certified that all investments have been made in accordance with Section 625 of the *Local Government Act 1993*, the relevant regulations and Council's Investment Policy.

The Responsible Accounting Officer is the Chief Financial Officer.

Council's Investment Report is an **attachment to this report**.

RECOMMENDED

That Council:

- i. note that the Responsible Accounting Officer has certified that all investments held by Council have been made in accordance with the *Local Government Act*, Regulations, and Council's Investment Policy;**
- ii. note the list of investments for June 2017; and**
- iii. note the weighted average interest rate return of 3.21% p.a. for the month of June 2017.**

ATTACHMENTS

- [1](#) Investment Report - June 2017



ORDINARY COUNCIL

ORD04

**SUBJECT: SCHOOL CROSSING CAMDEN SOUTH PUBLIC SCHOOL,
BELGENNY AVENUE, CAMDEN SOUTH - INFORMATION REPORT**

FROM: Director Community Assets

TRIM #: 17/213109

PURPOSE OF REPORT

To report on progress with regards to the provision of a crossing supervisor for the Belgenny Avenue crossing, serving Camden South Public School as resolved by Council through a Notice of Motion on this issue at its meeting of 13 June 2017.

BACKGROUND

In consideration of the Notice of Motion, Council resolved as follows:

That Council:

- i. refers this issue again to the Traffic Committee as a matter of urgency for resolution.*
- ii. writes to the RMS asking them to conduct a recount at the Belgenny Ave crossing and if possible notify Council as to when this can occur.*
- iii. Any progress on this issue be reported back to Council at the first opportunity.*

The matter was referred to the Traffic Committee meeting of 20 June 2017 and the minutes of the meeting were adopted at the Council meeting of 11 July 2017.

MAIN REPORT

Council is advised that Roads and Maritime Services (RMS) on 9 June 2017 had recently conducted a further count at the Camden South Public School Belgenny Avenue crossing and reported as follows:

Roads and Maritime carefully review each location to determine whether there is a need for a school crossing supervisor against specific criteria. This includes:

- The site must have an existing children's crossing or pedestrian (zebra) crossing.*
- The crossing must be used by a minimum of 50 unaccompanied children per hour across a road carrying 300 cars per hour within the morning and afternoon school zone times.*
- The site must be located within a 40km/h school zone.*
- The site must be considered a safe working environment for a school crossing supervisor.*

A count of traffic and school children using the crossing at Camden South Public School, Belgenny Avenue was conducted Friday 9 June 2017. This count was conducted to assess whether the volume of traffic and the number of children using the crossing at the school warranted a school crossing supervisor.

The total number of children using the crossing who were not accompanied by an adult was 16 in the morning and 22 in the afternoon. The number of vehicles counted in the same period was 326 in morning and 223 in the afternoon.

The minimum number of unaccompanied children using the crossing to warrant entry into the program is 50 and 300 vehicles each AM and PM. This site has also been counted previously in 2015 and 2016 and did not meet the criteria.

The site at Belgenny Avenue, Camden does not meet the requirements for a school crossing supervisor.

It is noted that separate advice from RMS indicated that an accompanied child is one who is matched with a single adult. On this basis three children crossing with an adult would be assessed as one accompanied child and two unaccompanied children.

FINANCIAL IMPLICATIONS

There are no financial implications to Council associated with this report.

CONCLUSION

RMS has undertaken a further survey of the school crossing on Belgenny Avenue, Camden South and has advised that the warrant criteria for the provision of a school crossing supervisor have not been met. This information will be reported to the next available Local Traffic Committee meeting.

RECOMMENDED

That Council note the information.



ORDINARY COUNCIL

ORD05

SUBJECT: TENDER T011/2017 - REFURBISHMENT OF MACARIA HERITAGE BUILDING TO CREATE AN ART GALLERY

FROM: Director Community Assets

TRIM #: 17/193711

PURPOSE OF REPORT

To provide details of the tenders received for contract T011/2017, being refurbishment of the Macaria heritage building to create an art gallery in Camden, and to recommend that Council accept the tender submitted by Axis Constructions Pty Ltd.

BACKGROUND

Procurement of a building contractor for the refurbishment of the Macaria heritage building to create an art gallery has been undertaken as a two-step process.

Step 1 involved an Expression of Interest (EOI). This enabled Council to select firms with the experience necessary to undertake the proposed work, to participate in the Tender. This was considered necessary given the heritage significance of the building and the nature of the work required in a heritage environment.

The EOI was issued on 21 March 2017. The closing date for submissions was 11 April 2017 with 19 firms responding. From this field, seven suitably experienced firms were selected to Tender.

The second stage of the procurement process involved the Tender T011/2017 with the pre-qualified firms. This was issued on 14 June 2017, with tender returns required by 12 July 2017. The assessment of those responses is the subject of this report.

MAIN REPORT

Invitation to Tender

The tender for T011/2017 - Refurbishment of the Macaria heritage building to create an art gallery, was issued to a pre-selected list of tenderers using the NSW e-tendering website. Tenderers were asked to provide a lump sum price for the works.

Tender Submissions

Tenders were received from companies listed below in alphabetical order:

<u>Name of Tenderer</u>	<u>Location</u>
Axis Constructions Pty Ltd	Arndell Park NSW 2148
Crossgrove Pty Ltd	Liverpool NSW 2170
John McDonald Building Services Pty Ltd	Camden NSW 2570
Murphys Construction Group	Redfern NSW 2016
Protek	Kings Park NSW 2148

Ichor Constructions and Momentum Built did not provide a tender for the project.

A summary of the submissions is provided in the **Supporting Documents**. Please note this information is Commercial-in-Confidence.

Tender Evaluation

The intention of the tender process is to appoint a contractor with proven capacity and experience in similar projects as well as providing good value and quality services to Council.

A tender evaluation panel was established and the submissions were assessed on price and non-price factors as agreed by the evaluation panel. Price was given weighting of 50% and non-price factors a weighting of 50%.

Non-Price Factors considered for this project include:

- Conformity to the specification and tender documents;
- Previous heritage experience;
- Proposed team, reliability and capacity;
- Program;
- Methodology for undertaking the works;
- WH&S.

Axis Constructions Pty Ltd has provided the most competitive tender in terms of cost and meeting all requirements of Council's tender documentation.

Axis Constructions Pty Ltd has successfully operated in Sydney since 1982, and demonstrated a proven track record in delivering projects for Local Government. Axis Constructions Pty Ltd was awarded and is currently performing well on the Narellan Sports Hub building for Council. It has recently completed major fire and building upgrade works at the historic Bondi Pavilion for Waverly Council, valued at approximately \$1 million. It has completed a major internal fitout of an early 1900's building at the city campus of the University of Technology, Sydney valued at approximately \$750,000. They have also undertaken significant works to the historic 1880's All Saints Church, Petersham valued at \$2.25 million.

The panel members all agreed that the tender by Axis Constructions Pty Ltd represented the best value to Council.

Relevant Legislation

The tender has been conducted in accordance with the *Local Government Act 1993*, the *Local Government Regulations (2005)* and Council's Purchasing and Procurement Policy.

Critical Dates / Time Frames

Axis Constructions Pty Ltd has submitted a program to complete the works in 13 weeks from commencement on site. This program does not include any allowance for wet weather or other extension of time allowed under the contract. Subject to Council's acceptance of this tender, the works are expected to be completed by December 2017.



FINANCIAL IMPLICATIONS

Council has sufficient funds currently allocated to this project in the Capital Works Program to proceed with the proposed works in accordance with the terms and conditions of this tender.

CONCLUSION

Axis Constructions Pty Ltd has provided a conforming tender. The tender assessment concludes that the offer by Axis Constructions Pty Ltd represents best value to Council and the company has a proven track record of performance in a broad range projects including projects in a heritage environment.

RECOMMENDED

That Council:

- i. accept the tender provided by Axis Constructions Pty Ltd as per the terms and conditions of Tender T011/2017 - Refurbishment of the Macaria heritage building to create an Art Gallery for the lump sum value of \$484,729.00 (GST exclusive); and**
- ii. authorise the relevant documentation to be finalised and signed under delegation.**

ATTACHMENTS

- 1**  **Tender Evaluation - T011/2017 Refurbishment of Macaria Heritage Building to Create an Art Gallery - *Supporting Document***

ORDINARY COUNCIL

ORD06

SUBJECT: DRAFT VEGETATION STATE ENVIRONMENTAL PLANNING POLICY
FROM: Acting Director Sport, Community and Recreation
TRIM #: 17/166889

PURPOSE OF REPORT

The purpose of this report is to inform Council of the exhibition of the NSW Government's State Environmental Planning Policy (draft Vegetation SEPP) – Explanation of Intended Effect (EIE), May 2017. The report seeks Council endorsement of a submission to the Department of Planning and Environment (DPE).

The draft submission is provided as **attachment 1 to the report**.

The exhibition package is provided as **attachment 2 to the report**.

BACKGROUND

On 10 May 2017, the Department of Planning and Environment released the State Environmental Planning Policy (SEPP) (Vegetation) – Explanation of Intended Effect, May 2017 for public comment. The exhibition period closed on 21 June 2017.

Council Officers, along with a number of other Councils, requested an extension to the exhibition period to enable consideration and endorsement of the submission by Council.

The DPE advised that late submissions could be considered as part of the finalisation of the proposed amendment.

The proposed draft SEPP forms part of a suite of changes to NSW legislation for land and vegetation management and biodiversity reforms.

In the Camden Local Government Area (LGA), development consent for tree/native vegetation removal is currently administered by Council by issuing a development consent following an assessment of a development application by Council against the applicable planning instrument.

Currently, under a development application, the removal of trees or vegetation is assessed as per Clause 5.9 (Preservation of trees or vegetation) and Clause 5.9AA (trees or vegetation not prescribed by development control plan) of the Camden LEP. Section 1.5 Trees and Vegetation of Camden Development Control Plan prescribes the trees or other vegetation to which Clause 5.9 of the Camden LEP applies.

The proposed draft SEPP Vegetation would amend the process for approval of the removal of vegetation.

MAIN REPORT

The exhibition package included two parts:

- Part A: The NSW land management and biodiversity conservation reforms.



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- Part B: Proposed Vegetation SEPP.

Part A

The legislative and policy framework for biodiversity conservation and native vegetation management in NSW is *Biodiversity Conservation Act 2016* (BC Act) and the *Local Land Services (Amendment Act) Act 2016* (LLSA Act). Only the BC Act is relevant to Camden Council as the LLSA Act provides a new legislative framework for clearing of native vegetation in rural areas.

The BC Act will regulate any development proposal that requires development consent under the *Environmental Planning and Assessment Act 1979* to make sure it assesses potential impacts on threatened species, ecological communities and their habitats. In support of its biodiversity impact assessment and approval function, the BC Act will introduce a biodiversity assessment method (BAM), a new biodiversity offset scheme (BOS) and an expanded biodiversity certification program. It will also establish a biodiversity conservation trust.

The BC Act replaced the *Threatened Species Conservation Act 1995* as the applicable legislation for the protection of biodiversity and vegetation management in 2016.

Part B

The proposed SEPP will form part of NSW's land use planning framework and will regulate the clearing of vegetation in urban areas and environmental conservation/management zones, where the clearing does not otherwise require development consent under the Environmental Planning & Assessment Act.

The proposed Vegetation SEPP will repeal Clauses 5.9 and 5.9AA of the Standard Instrument Local Environmental Plan (LEP) which relates to tree preservation. These clauses will be replaced with the Vegetation SEPP's new regulations for clearing vegetation in urban and other non-rural areas.

The proposed SEPP will require Council to prepare Development Control Plans (DCPs) that set out when someone needs a permit for land clearing for tree removal when that land clearing or tree removal does not exceed the Biodiversity Offset (BOS) threshold. The proposed SEPP will provide a uniform approach to the assessment of the proposed clearing of vegetation across Local Government Areas.

The proposed SEPP provides the following pathways for clearing vegetation and seeking approval. These two pathways are generally supported.

Pathway One

Pathway One involves proposed clearing that exceeds the Biodiversity Offset Scheme Threshold (Figure 1 below) which is set out in the *Biodiversity Conservation Regulation 2017* and is also in an environmental zone that is an area mapped as including sensitive biodiversity values.

Minimum Lot Size	Proposed Area of Clearing
Less than 1 hectare	0.25 hectares or more
Less than 2 hectare	0.5 hectares or more
2 to 39 hectares	0.5 hectares or more
40 to 999 hectares	1 hectare or more
1000 hectares or more	2 hectares or more

Figure 1: Proposed Biodiversity Offset Scheme thresholds

Any proposed clearing above the BOS threshold requires approval from the Native Vegetation Panel. The Native Vegetation Panel consists of three members nominated by the Minister for Primary Industries.

Officers Comment

Clearing above the Biodiversity Offset (BOS) Threshold will need to consider:

- The peri-urban (outer metropolitan) nature of Camden LGA;
- The BOS threshold across lots, rather than within single lots;
- An update of the Sensitive Biodiversity Values Lands Maps to include ‘Derived Native Grasslands’, an important component of Cumberland Plain Woodland. (the mapping is recommended to be undertaken jointly by the NSW Office of Environment and Heritage and Camden Council by their relevant officers);
- The local government role in the approval process for vegetation clearing above the BOS Threshold, such as how the Native Vegetation Panel will notify Council of submissions and how we are able make a comment.

Pathway Two

Pathway Two involves clearing below the BOS threshold, which does not require development consent (for an ancillary or incidental development) and will be regulated by local councils via a permit system.

Officers Comment

A summary of Camden Council’s submission in relation to the Draft SEPP to Pathway One and Two are as follows:

Clearing below Biodiversity Assessment Method (BAM) Threshold will need to Consider:

- The proposed removal of Clauses of 5.9 and 5.9AA from the LEP should be retained or required to be replicated in the SEPP (Vegetation).
- A more comprehensive definition of risks in respect of mandatory exemptions for certain types of clearing is required.
- The development of guidelines or criteria is required for the removal of woody weeds and dead native trees on State Protected Land.
- Further clarification on the term ‘clearing’ is required.
- There is a need to take into account landscape values when assessing the removal of native vegetation.



In order to determine the landscape values, Council would be required to undertake a Landscape and Amenity Values Study to provide a clear guide for the assessment process when considering the removal of native vegetation.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

Financial implications may occur should a Landscape and Amenity Values Study be required. It is proposed to make a budget bid to undertake the study would be included in 2018/19 budget process.

CONCLUSION

The Department of Planning and Environment has released an Explanation of Intended Effect (EIE) of the Draft State Environmental Planning Policy (Vegetation) for public review and comment.

Council Officers have reviewed the EIE and determined that whilst the proposed pathways are generally supported a submission has been developed to request that the Draft SEPP take into account the peri-urban nature of Camden Local Government Area and in the main, the following suggestions:

- The Sensitive Biodiversity Values Maps, used in assessing land clearing above the Biodiversity Offset Scheme Threshold, need to include mapped areas of Derived Native Grassland a component of Cumberland Plain Woodland.
- Council should have a role in the approval process for vegetation clearing above the BOS Threshold by being notified and being able to make a submission.
- Clarification is required on the term 'clearing' below the BAM Threshold and any vegetation clearing below the BAM Threshold should take into account Landscape Value which needs to be assessed by Camden Council and incorporated in its DCP.
- The provisions of Clause 5.9 and 5.9AA need to be retained in the LEP or replicated in the SEPP (Vegetation).

RECOMMENDED

That Council:

- endorse the attached draft submission to be forwarded to the Department of Planning and Environment; and**
- forward a copy of the submission to Mr Chris Patterson MP, State Member for Camden.**

ATTACHMENTS

- 1 ➡ State Environmental Planning Policy Vegetation Explanation of Intended Effect
- 2 ➡ Draft SEPP (Vegetation) - Submission to Department of Planning