

# Minutes

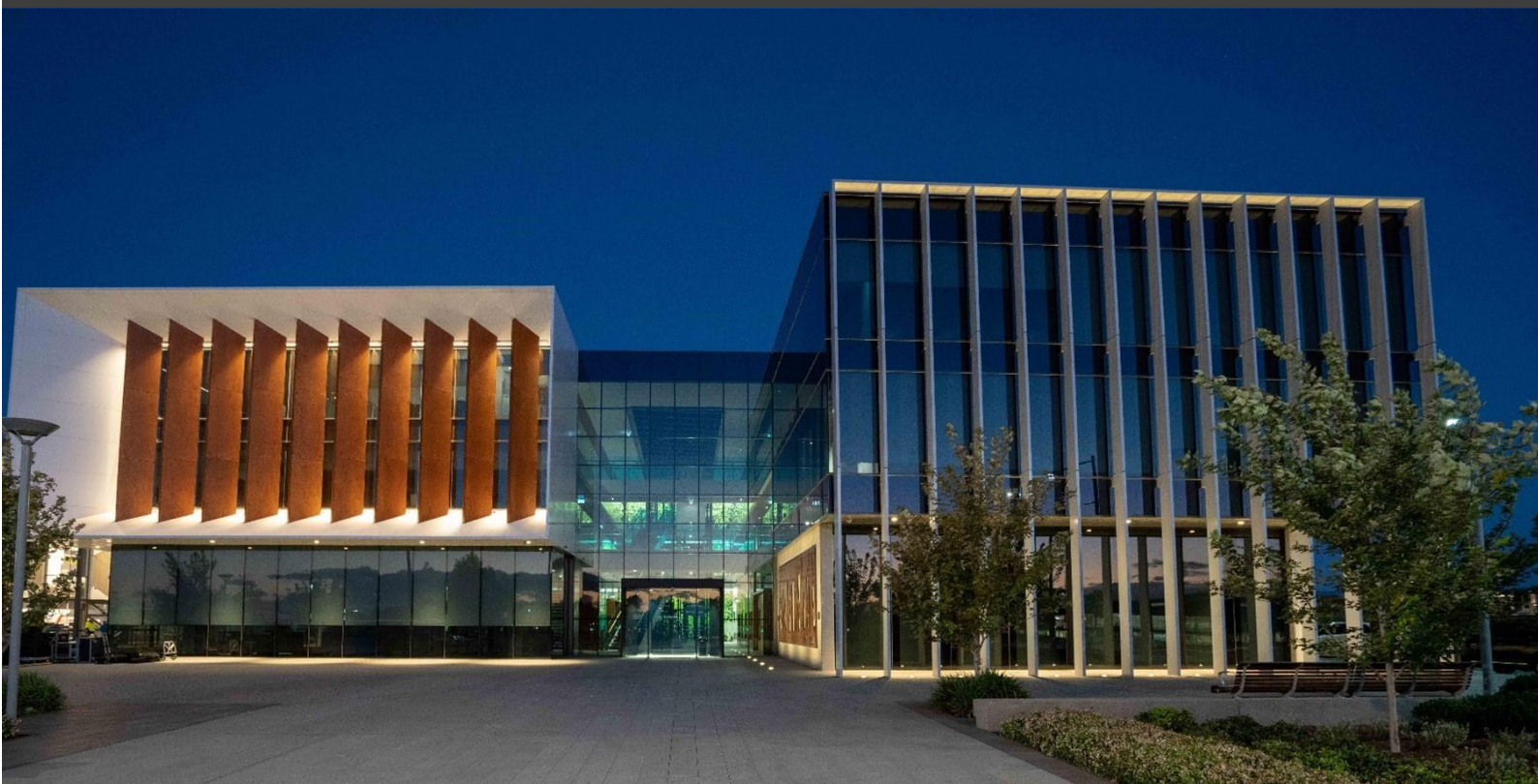
Camden Local Planning Panel

Camden Council

Administration Centre

70 Central Avenue, Oran Park

21 May 2024



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**Site Inspections Commenced:**

11:00am

**Meeting Opened:**

2:00pm

**Attendees:**

Pamela Soon (Chairperson), Glennys James (Expert Member), Mark Carlon (Expert Member) and James Davis (Community Representative).

**Also in Attendance:**

Manager Statutory Planning, Team Leader Development Assessment (West), Team Leader Development Assessment (Major), Senior Town Planner, Executive Planner, Town Planner and Governance Officer – Panel & Committees.

**Acknowledgement of Country:**

Pamela Soon (Chairperson) gave the Acknowledgement of Country.

**Apologies:**

There no apologies to be noted.

**Declarations of Interest:**

There were no declarations to be noted.

**Public Address:**

The following submissions were made in relation to CLPP01:

1. Peng Zhang and David Schofield (The University of Sydney)
2. Michael Brown

The following submissions were made in relation to CLPP02:

1. Lachlan Rodgers

The following submissions were made in relation to CLPP03:

1. Robert Del Pizzo

**CLPP01 DA/2023/710/1 - Alterations And Additions To Accommodate A Farm Gate Premises And Food And Drink Premises - 40 Cobbitty Road, Cobbitty****PANEL DETERMINATION**

The Panel refuse DA/2023/710/1 for alterations and additions to accommodate a farm gate premises and food and drink premises with associated site works including the provision of seven caravan pads to accommodate future moveable dwellings, two business identification signs, at grade car parking (to accommodate a total of 90 car parking spaces), landscaping and earthworks at 40 Cobbitty Road, Cobbitty, for the following reasons:

1. The development is appropriately characterised as a 'food and drink premises' which is listed as a prohibited land use in the RU1 Primary Production zone pursuant to the Camden Local Environmental Plan 2010.
2. The development is inconsistent with the zone objectives for the RU1 Primary Production zone of Camden Local Environmental Plan 2010 for the following reasons:
  - i. The development will compromise the rural character of the land as proposed land uses are prohibited in the zone.
  - ii. The proposed scale, bulk and form of the development is substantially larger than other rural developments in the immediate vicinity of the subject site.
  - iii. The proposal will conflict with neighbouring land uses, particularly with regards to flooding and biodiversity. No measures have been considered and/or proposed to reduce the adverse impacts to surrounding land uses.
  - iv. The development is not compatible with the existing agricultural and environmental values of the site as a commercial pump-out system is proposed in a high-risk flood area. The proposed system will likely have adverse impacts on public health and primary production on site and on surrounding land uses due to the potential contamination of flood waters.
  - v. The development application was not accompanied by relevant consultant reports, including a Biodiversity Development Assessment Report, Stormwater Management Report and Vegetation Management Plan, to demonstrate that the development is compatible with the agricultural, environmental and conservation values of the land.
3. The development is inconsistent with the following clauses of the Camden Local Environmental Plan 2010:
  - i. Clause 5.21 *Flood Planning* as the development application did not:
    - Demonstrate how the proposal will allow for the safe occupation and efficient evacuation of people on site during a flood event.
    - Consider the adverse flooding impacts to the site and surrounding land uses.
    - Incorporate appropriate measures to manage risk to human life in the event of a flood.
    - Consider the design and scale of the development and the likely impacts this would have on flood behaviours.
    - Provide sufficient evidence to demonstrate that the development is compatible with the flood function and flood behaviour on the land.
  - ii. Clause 7.4 *Earthworks* as details on the proposed cut and fill works were not provided. Consequently, it could not be determined if the development is consistent with the objectives and controls for consideration prescribed under this clause.
4. The submitted Bushfire Assessment Report did not address the unauthorised clearing of riparian vegetation identified as environmentally sensitive land. Further, as no engineering details were provided with the DA the development could not be assessed against the relevant subsections contained under Clause 6.1 of the Biodiversity Conservation Regulation 2017.

5. The Bushfire Assessment Report did not address the unauthorised removal of vegetation. In the absence of these details and engineering plans, the DA did not receive general terms of approval from Rural Fire Services as required under Section 100b of the *Rural Fires Act 1997*.
6. The development is inconsistent with *State Environmental Planning Policy (Resilience and Hazards) 2021* in that insufficient information was provided to demonstrate the development is suitable for the site with regards to contamination.
7. The development is inconsistent with *State Environmental Planning Policy (Biodiversity and Conservation) 2021* in that insufficient information was submitted with the DA to demonstrate the development will have no adverse impacts to Nepean River, surrounding flora and fauna, the site and surrounding land uses.
8. The development is inconsistent with Camden Council's Flood Risk Management Policy as the proposed land uses are prohibited in high-risk flood areas.
9. The development is inconsistent with Camden Council's On-Site Sewage Management Policy in the following respects:
  - i. Section 5.1 – The development site is located within a high flood risk area and therefore is likely to have adverse health impacts on residents/patrons on site and surrounding land uses.
  - ii. Section 8.2 – The site is not suitable due to the adverse impacts on the nearby water catchment and the surrounding environment.
  - iii. Section 8.7 – The development proposes a pressure dosed bed of 25sqm with 100% reserve per dwelling (for the dual occupancy). Council calculations for transpiration beds equate to 63m<sup>2</sup> per dwelling (plus 63m<sup>2</sup> reserve). The Related Effluent Application Areas (REAA's) are positioned within the 1% and 5% Annual Exceedance Probable (AEP) and 10m from the children's playground. This is not permitted under the Policy.
  - iv. Section 8.10 – The buffer distances of the proposed transpiration beds for the dwelling(s) and the commercial treatment tanks are within flood zones.
  - v. Section 8.12 – The proposed location (as per wastewater report) of the Aerated Wastewater Treatment Systems (AWTS) for the dual occupancy development is within the 1% AEP.
10. Inadequate information has been provided to allow a full and proper assessment of the proposal in accordance with Section 4.15 of the Environmental Planning and Assessment Act. To this extent, the following information was lacking from the development application:
  - i. The Building Code of Australia (BCA) Report and Access Report was not prepared by a suitably qualified (Building Surveyor – Unrestricted) consultant (i.e. with no restrictions on their registrations for working on Class 2 – 9 buildings, pursuant to the *National Construction Code 2022*).
  - ii. The BCA Report did not consider the entire building, detailing the non-compliances and recommendations for upgrading the building in terms of fire safety and access for people with disabilities. It could therefore



- not be determined if the proposal has and/or will be capable of being compliant with the BCA and the relevant Australian Standards.
- iii. The BCA and Access Report did not cover the following issues (as a minimum):
- Separation of the ground floor cellar door from the Class 2 – residences above and the adjoining breezeway.
  - Separation of the Class 6 food and drink premises from the existing Class 8 portion.
  - The fire rating of the existing wall along the eastern property boundary and protection required to the openings contained within the wall.
  - Section D4 of the National Construction Code (NCC) 2022 and access for people with disabilities including access from the proposed car park and principal pedestrian entrance and throughout the building.
  - Fire hydrants that are required to serve a building of this size.
  - Fire hose reels that are required to serve a building of this size.
  - Smoke detection and alarm system.
  - Sanitary facilities required for the restaurant.
  - Section J – Energy Efficiency.
- iv. With regards the making and serving of wine, the following information was noted to be outstanding:
- Details of the proposed wine making process including layout plans detailing equipment and finishes, specific construction requirements to accommodate the process, equipment, storage, bottling process and location, process outputs and controls, and waste products management (including liquid and solid waste).
  - Plans that detail compliance with the Food Act, Food Standards Code and AS4674: Design, construction and fit out of food premises.
- v. With regards to the proposed brewery, the following information was noted to be outstanding:
- Details of the proposed process of brewing including schematic diagrams and description of the proposed brewing processes together with details of specific construction requirements to accommodate the process, equipment, ingredients, storage, bottling/kegging process and location, process outputs and controls and waste products management (including liquid and solid wastes).
  - Layout plans to show equipment and finishes, detailing compliance with the Food Act, Food Standards Code and AS4674: Design, construction and fit out of food premises.
  - Plans to detail that the brewing process area is suitably bunded and drained.
  - Details of odour control equipment and processes including trade waste requirements and disposal process.
- vi. With regards to the distilling process, the following information was noted to be outstanding:
- An overview of the proposed distilling process, including layout plans, detailing equipment and finishes detailing compliance with the Food Act, Food Standards Code and AS4674: Design, construction and fit out of food premises.
  - Plans that detail how the distillery process area will be suitably bunded and drained.

- vii. No details were provided regarding the activities, construction and fit out of the kitchen and bar areas to demonstrate compliance with the Food Act, Food Standards Code and AS4674: Design, construction and fit out of food premises. Further, the plans did not specify whether any solid fuel cooking equipment is proposed.
- viii. No details were provided on the proposed mechanical exhaust and any air treatment systems.
- ix. Facilities for premise cleaning and maintenance (both indoor and outdoor) was not identified.
- x. The following non-compliances and/or outstanding information have been identified to demonstrate compliance with the Camden Development Control Plan 2019 (Camden DCP):
  - A salinity assessment to understand the soil salinity and aggressive of soils to determine their impact on concrete and steel material (Section 2.2 Salinity Management).
  - Detailed engineering plans, Stormwater Management Report and DRAINS and MUSIC Model (Section 2.3 Water Management).
  - The DA was not accompanied with an Arboricultural Report and Tree Management Plan, which is required as the development is likely to impact existing trees on site, which are sought to be protected (Section 2.4 Trees and Vegetation).
  - An assessment of the adverse acoustic impacts on the existing dwellings located on the upper floor of the proposed food and drink tenancy (Section 2.12 Acoustic Amenity).
  - Details of proposed waste storage areas across the development site (Section 2.14 Waste Management).
  - Car parking, in accordance with the minimum requirements (Section 2.18.2 Traffic Management and Off-Street Parking).
  - The Landscape Plan did not provide/denote an indicative planting plan and planting schedule, site dimensions and existing and proposed levels (Section 2.19 Landscape Design).
- xi. The development application was not prepared in the approved form, pursuant to Part 3 *Development Applications* of the *Environmental Planning and Assessment Regulations 2021* for the following reasons:
  - The proposed landscaping and treatment were not specified on the Landscape Plan.
  - Existing and proposed levels of the land were not provided on any of the relevant architectural plans.
  - Engineering plans, detailing the full extent of civil engineering works required to accommodate the proposed development were not submitted.
  - A schedule of finishes was not provided.
  - The existing ground level of proposed built forms within the development site were not provided on the relevant plans.
  - A full breakdown of the estimated cost of the development was not submitted with the development application.
- xii. The development does not provide disabled parking in accordance with AS 2890.6 and the *Commonwealth Disability Discrimination Act (1992)*.
- xiii. A detailed plan of all car parking and vehicle manoeuvring areas (such as the delivery and/or waste collection points) was not provided. Consequently, it could not be determined if the development has been designed in accordance with the relevant Australian Standards. In addition, no turn paths were provided for internal manoeuvring areas of the car park to demonstrate that all proposed spaces would work.

- xiv. The provided Wastewater Report and Statement of Environmental Effects provides inconsistent information regarding the proposed Wastewater Plan and maximum number of patrons on site.
11. The DA did not receive General Terms of Approval from Rural Fire Services, pursuant to Section 100B of the Rural Fires Act 1997.
12. The layout and location of the kids gaming room is closed off and located directly near the brewery. The proposed layout will not allow for easy supervision for parents and is not supported.
13. The application has not demonstrated that the site can adequately support the development.
14. For the above reasons, and considering the substantiated issues raised in the public submission, the development is not a suitable use of the site, and its approval is not in the public interest.

In making this determination the Panel took into consideration a briefing by the Council Officers on the additional information submitted by the applicant on 14 April 2024. While the applicants representative requested that the Panel defer consideration of the item, given the number and significance of the issues outlined in the Officers' report, the Panel saw no utility in deferring this item.

### VOTING NUMBERS

The Panel voted 4-0 in favour of the determination.

### **CLPP02 DA/2024/18/1 - Use Of Land For Temporary Events - 75 John Street, Camden**

### PANEL DETERMINATION

The Panel approve DA/2024/18/1 for the use of land for temporary events at 75 John Street, Camden subject to the conditions attached to the report for the following reasons:

1. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021 and Camden Local Environmental Plan 2010.
2. The development is consistent with the objectives of Camden Development Control Plan 2019.
3. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
4. Subject to the recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environments.
5. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.

**Note:** While the Panel is supportive of the application for a 3 year trial period, the Panel recommends that the applicant look to review the acoustic assessment with the view to simplifying the acoustic and management controls on the basis of actual noise levels.

### VOTING NUMBERS

The Panel voted 4-0 in favour of the determination.

### **CLPP03 DA/2023/603/1 - Construction Of A Single Storey 80-Place Centre-Based Child Care Facility - 39 & 41 Woodland Crescent, Narellan**

### PANEL DETERMINATION

The Panel approve DA/2023/603/1 for a single storey 80-place centre-based child care facility with basement car parking and associated site works at 39 and 41 Woodland Crescent, Narellan subject to the conditions attached to the report and with an additional condition requiring a pram ramp and entry path being provided to both the accessible entry ramp and the primary entrance to the childcare centre on Eastlewood Street. The determination is made based on the following reasons:


1. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021; State Environmental Planning Policy (Transport and Infrastructure) 2021; and Camden Local Environmental Plan 2010.
2. The development is consistent with the objectives of the Camden Development Control Plan 2019.
3. The development is of an appropriate scale and form for the site and the character of the locality.
4. Subject to recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.


### VOTING NUMBERS

The Panel voted 4-0 in favour of the determination.



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