



Camden Council

Business Paper

Ordinary Council Meeting
23 May 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 Services
David Reynolds

Director Planning and Environmental Services
Nicole Magurren

Manager Governance and Corporate
Services
Charles Weber

Director Community Infrastructure
Vince Capaldi

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

Public Address

Public Seating

Media





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 9 May 2017 and the Minutes of the Local Traffic Committee Meeting held 17 April 2017.

RECOMMENDED

That the Minutes of the Ordinary Council Meeting held 9 May 2017 and the Minutes of the Local Traffic Committee Meeting held 17 April 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: DRAFT SUBMISSION ON PROPOSED DESIGNATED DEVELOPMENT APPLICATION FOR POULTRY FARM - 440 CAWDOR ROAD, CAWDOR

FROM: Director Planning & Environmental Services

TRIM #: 17/132507

PURPOSE OF REPORT

The purpose of this report is to seek Council's endorsement of a draft submission on a Designated Development application (DA) currently being assessed by Wollondilly Shire Council. The DA proposes the operation of an intensive livestock industry (poultry) and the construction of eight sheds, two machinery sheds, composting and litter sheds, an office, workers amenities, bulk earthworks and associated infrastructure at 440 Cawdor Road, Cawdor.

BACKGROUND

Camden Council has been notified of a DA lodged with Wollondilly Shire Council for the operation of an intensive livestock industry (poultry) at 440 Cawdor Road, Cawdor.

A DA (DA 125/2012) was approved by Wollondilly Shire Council on 9 February 2015 for an intensive livestock agriculture, poultry farm with seven small sheds on the subject site. The approved DA can accommodate 81,000 birds.

Camden Council was notified of the above DA and provided a submission to Wollondilly Shire Council on 20 April 2012 raising odour and noise concerns.

A copy of that submission is attached.

Works associated with the approved poultry operation have commenced, including bulk earthworks and the construction of three sheds. The three sheds that have been built are larger than that approved.

A section 96 modification has been lodged with Wollondilly Shire Council for the three larger sheds and an increase in the number of chickens. The modification has yet to be approved and is currently the subject of a Land and Environment Court appeal.

Subsequent to the Section 96 modification application, a Designated DA has been lodged, the subject of this report, which seeks approval for an intensive livestock agriculture – poultry farm with eight large sheds, associated infrastructure and the right to use any of the previously constructed (unauthorised) infrastructure. The proposed DA would accommodate approximately 360,000 birds.

SITE

The site is located at 440 Cawdor Road, Cawdor and is legally described as Lot 11 DP 664430.

The site is located within the Wollondilly Shire Local Government Area (LGA) but adjoins the Camden Council LGA.

The site is currently used as a market garden.

The site has an area of approximately 24ha with a frontage to Cawdor Road and a secondary frontage to Westbrook Road.

The site has a single driveway from Cawdor Road and two driveways from Westbrook Road.

The site is located within a rural area with an existing poultry farm operating at 90 Westbrook Road Bickley Vale (northwest of the subject site) within the Camden LGA.

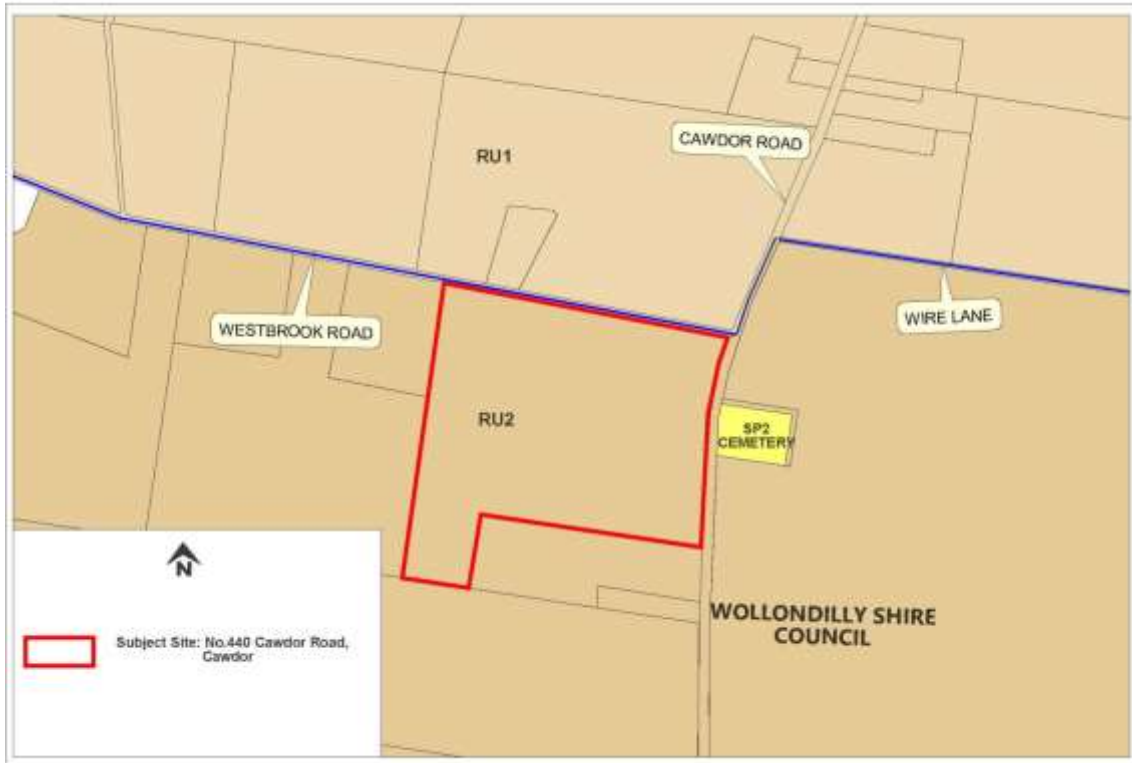
The site is zoned RU2 – Rural Landscape under Wollondilly Local Environmental Plan 2011 with the allotments to the east being zoned SP2 – Infrastructure (Cemetery) and RU1 – Primary Production.

The allotments to the north of the site are zoned RU1 – Primary Production under the Camden Local Environmental Plan 2010.

An aerial photo is provided below.



A zoning plan is provided below.



MAIN REPORT

Proposal

According to Environmental Impact Statement (EIS) submitted by the applicant with the DA, the proposed intensive livestock industry (poultry) will involve the following works:

- Construction of eight sheds for the housing poultry each measuring 3,800 square metres with a height of 4.64m;
- Construction of two machinery sheds, one composting shed and one clean/used litter shed. The proposed machinery sheds are 800 square metres with a height of 6.5m;
- Bulk earthworks including the expansion of two existing dams and associated infrastructure;
- Planting of vegetative screens on the northern, eastern, western and southern sides of the operations as well as around each shed;
- Installation of ten 375,000 litre reservoirs to supplement the existing dam supply;
- Construction of a four metre earth mound surrounding the site (previously approved and constructed).

The proposed operation of the farm is detailed below:

- Up to 360,000 birds to be housed in the eight sheds;



-
- Birds are grown on an approximate 54 day cycle. The flock is thinned (birds removed during the evenings) in two trucks between days 32 to 34. Approximately five batches of birds are grown per year.
 - Feed trucks making deliveries two to three times per week normally during daylight hours.
 - Bird delivery facilitated during daylight hours and over several days.

The farm will employ four full time farm staff, two labourers, two full time transport workers and 12 full time processing staff.

The proposal is to be staged, with Stage 1 including the dam upgrades, construction of the noise and mounds, machinery sheds and construction of poultry sheds 1-3.

The cost of work for the development is \$5,300,000.

A copy of the plans and elevations for the intensive livestock agricultural land use is attached.

Assessment

Council officers have undertaken a review of the EIS and have concerns with the proposed development.

It is recommended that Council object to the proposed development as detailed in the draft submission attached to this report.

While Camden Council supports agriculture uses in rural areas, those uses need to be managed and operated so as to not result in unreasonable amenity impacts to the surrounding residents. A summary of the key issues is provided below:

- Potential air quality and odour impacts from the proposed development upon residential properties and Camden High School;
- Noise impacts;
- Traffic concerns; and
- Public interest.

This is discussed in more detail below.

Air Quality/ Odour

Council staff have concerns regarding the potential air quality and odour impacts from the proposed development upon surrounding development, including Camden High School. These concerns are detailed below:

1. The odour modelling appears to underestimate the cumulative impacts the proposed poultry facility and the existing poultry farm at 90 Westbrook Road will have on the surrounding area.

Based on previous odour modelling of other poultry facilities assessed by Camden Council, it is common to have a 5 odour unit (OU), 6OU or 7OU contour (or worse in some cases) immediately surrounding a poultry facility.



The predicted odour concentration at Cawdor Uniting Church of 2.9 OU is low considering that the Church is only approximately 220m away from the proposal.

2. Concerns are raised that the use of point source emissions in the modelling may underestimate the potential impact of air emissions. Justification for this methodology should be provided.
3. The odour modelling of the previously approved DA at 440 Cawdor Road, Cawdor revealed a larger predicted area of impact compared to the proposed DA. As the proposed DA is an intensification of the use, a justification for this difference should be provided.
4. The EIS report notes that there will be a composting shed included as part of the proposal. These activities are likely to generate odours and/or other pollutants. They must be included in the air quality assessment. Any other aspects of the proposal that are likely to generate odours also need to be included in the assessment.
5. Bio-aerosols have not been included in the assessment. For a facility of the type and size proposed, the potential impact of bio-aerosols needs to be assessed and the air quality report updated to include the results.

Noise

The proposal includes the use of mechanical plant for generating electricity and pumping water from the dams to service the poultry farm.

Noise impacts from the operation of the new farm require assessment in accordance with the 'NSW EPA – Industrial Noise Policy' to ensure operational activities occurring during the day, evening and night are compliant at the closest sensitive noise receivers.

Traffic

A section of Westbrook Road was widened to seven metres in early 2016 as part of the previously approved DA. The widening extends for 280 metres from Cawdor Road to a wide heavy vehicle access.

The proposed facility is likely to have minimal impact on the intersection capacity and traffic flow on Westbrook Road and Cawdor Road.

However, it is recommended that heavy vehicle access be prohibited from a secondary access off Westbrook Road, 520 metres from Cawdor Road, as the additional length of road, including a culvert crossing, has not been widened and strengthened.

Public Interest

Council has received a submission from a resident raising concern with the proposal. The resident's concerns are summarised below:

- The proposed operator currently operates a poultry farm on Westbrook Road which has had a history of complaints and non-compliances.
- The proposal will exacerbate the existing issues experienced from the existing poultry farm on Westbrook Road.



-
- The proposed DA is an intensification of the previously approved DA at the site. That application has been abused and has created massive problems amongst all local residents.
 - Camden, its residents, businesses and infrastructure will be greatly affected by traffic movements and odours as a result of the development.

A copy of the submission is attached to this report.

Having regard to the outstanding concerns discussed above, and noting the concerns raised in the submission, the proposal is not considered to be in the public interest.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

Wollondilly Shire Council has publicly exhibited the Designated DA for the construction and operation of an intensive livestock industry (poultry) at 440 Cawdor Road, Cawdor. Council staff have prepared a draft submission for Councillors' consideration and endorsement.

RECOMMENDED

That Council:

- i. endorse the draft submission objecting to the intensive livestock industry (poultry) Designated Development DA; and**
- ii. forward the submission to Wollondilly Shire Council for consideration as part of its assessment of the DA.**

ATTACHMENTS

1. Draft Submission
2. Previous Camden Council Submission (2012)
3. Proposed Plans
4. Resident Submission - *Supporting Document*



ORDINARY COUNCIL

ORD02

SUBJECT: SECTION 82A REVIEW - ERECTION OF SINGLE STOREY SHED - 280 OLD HUME HIGHWAY, CAMDEN SOUTH.

FROM: Director Planning & Environmental Services

TRIM #: 17/119201

APPLICATION NO: DA 831/2016
PROPERTY ADDRESS: 280 Old Hume Highway, Camden South
APPLICANT: Mr T C Lia
OWNER: Mr T C Lia

PURPOSE OF REPORT

The purpose of this report is to allow Council to consider a Section 82A application that seeks a review of Council's determination to refuse a development application (DA) for the construction of a Colorbond shed and associated site works.

The DA is referred to Council for determination as there remains one unresolved submission objecting to the proposed development.

SUMMARY OF RECOMMENDATION

That Council determine DA 831/2016 for the construction of a Colorbond shed and associated site works 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 DA 831/2016.

Under Section 82A of the *Environmental Planning and Assessment Act 1979*, an applicant may request that Council review a determination of an application.

DA 831/2016 seeks approval for the construction of a Colorbond shed in the rear yard for the storage of the owner's classic and vintage cars collection.

Specifically the proposed development involves:

- Construction of a 120m² Colorbond shed;
- Installation of a 5,000L rain water tank;
- Extension of the existing driveway to the proposed shed; and
- Associated site and drainage works.

The cost of works for the development is \$30,000.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development tab, by clicking on 'Check/Find a Development Application Online'.

THE SITE

The site is commonly known as 280 Old Hume Highway, Camden South and is legally described as Lot 1414 DP 713173.

The site is located on the eastern side of the Old Hume Highway within an established residential area. To the west of the site is a service station and medium density housing. To the north, south and east of the site are single storey and two storey dwellings currently occupied.

Within the vicinity of the site are a variety of approved development types consisting of single storey dwellings, two storey dwellings and detached outbuildings.



HISTORY

On 8 December 2016, Council refused the Development Application 2016/831 for the construction of the Colorbond shed under delegated authority. The proposal was refused as the shed was not compliant with the DCP height control and would have an unacceptable visual impact.

Subsequent to the refusal notice, the applicant has amended the plans, reducing the height from 5.2m to 4.658m, and has lodged a Section 82A review, the subject of this report.

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.



	Standard	Proposed	Compliance
Camden Local Environmental Plan 2010			
4.3 Height of Buildings	Maximum of 9.5m	4.658m	Yes
Camden Development Control Plan 2011			
D2.1.11 Front Setback	Located behind building line	The proposed shed is located behind front building line.	Yes
D2.1.11 Side Setback	Compliance with the side setbacks of the Code SEPP being: - For any part of the building with a height of more than 4.5m - 1.5m plus one-quarter of the height of the building above 4.5m. Based on height of 4.658m the required side setback is 1.54m.	Northern side setback is 1.6m. Southern side setback is 10.3m.	Yes
D2.1.11 Rear Setback	Compliance with the side setbacks of the Code SEPP being: - For any part of the outbuilding with a height greater than 3.8m - 1.5m plus one-quarter of the height of the outbuilding above 3.8m. Based on height of 4.658m, the required rear setback is 1.71m.	Rear setback is 1.8m.	Yes
D2.1.11 Height	Maximum height of 4.8m above ground level (existing).	The proposed shed height is 4.658m.	Yes
D2.1.11 Stormwater Disposal	Stormwater to be collected and adequately disposed.	The proposal includes a 5,000L rainwater tank with an overflow that is to drain to the street.	Yes



	Standard	Proposed	Compliance
D2.1.11 Building Design	Maximum roof pitch 36 degrees.	Eleven degree pitch	Yes
	External cladding compatible with surrounding development.	A Colorbond shed is proposed which is compatible in form to other development within the area	
	Colours and finishes low reflective natural earth and vegetation tones	A condition is recommended requiring low reflective and natural colours and finishes.	
D2.1.11 Usage	The outbuilding is to be used for domestic use only.	Applicant has proposed hobby use for storage of historic and classic vehicles collection.	Yes
D2.1.11 Vehicle Access	Access via existing driveway.	The new driveway to the proposed shed is proposed on northern boundary via the existing driveway.	Yes
D2.1.4 Private open space (POS)	POS to exceed 20% of site area.	Greater than 20% of POS is provided.	Yes
D2.1.4 Principal private open space (PPOS) solar access	At least three hrs solar access between 9am to 3pm on 21 June to at least 50% of PPOS and adjoining dwelling PPOS.	At least 50% of the PPOS of the subject and adjoining dwellings will receive at least three hrs of solar access between 9am and 3pm on 21 June.	Yes
D2.1.4 Landscape Area	Minimum 30% of site area.	Greater than 30% of the site is landscaped.	Yes



ASSESSMENT

Zoning and Permissibility

Zoning:	R2 Low Density Residential
Permissibility:	Outbuilding ancillary to dwelling house permitted with consent

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 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)	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)	<u>Camden Development Control Plan 2011 (DCP)</u> Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	Imposed prescribed conditions.
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 are discussed in the Submissions 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 Section 82A review application was publicly exhibited for 14 days from 28 March 2017 to 10 April 2017. One submission was received objecting to the proposed development.

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

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



1. *Height of shed resulting in a loss of views*

Officer comment:

As detailed in the table above, the amended plans comply with the relevant LEP and DCP requirements. The proposed development is not considered to have an unreasonable view impact.

2. *Solar access impacts as a result of the shed*

Officer comment:

Solar access has been assessed against the solar access controls within the Camden DCP. The adjoining properties' Principal Private Open Space (PPOS) is required to receive a minimum of 50% solar access for no less than three hours between 9am and 3pm on 21 June.

The shadow diagrams demonstrate that the adjoining property will receive a minimum of three hours solar access between 9am and 3pm on 21 June, satisfying the DCP controls.

The development will cast a shadow over part of the adjoining property to the east during the afternoon however, due to the site's orientation the morning and daytime, shadow will be cast over the subject site of the proposed shed.

A copy of the shadow diagrams are attached to this report.

3. *Bulk and scale concerns*

Officer comment:

As detailed in the table above, the proposed development complies with the relevant LEP and DCP requirements in relation to building height, site coverage and building setbacks.

The visual impact of the proposal is considered reasonable noting compliance with the relevant controls.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Sections 82A and 79C(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. Accordingly, DA 831/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approved DA 831/2016 for the construction of a Colorbond shed at 280 Old Hume Highway, Camden South, subject to conditions listed in Attachment 1.



ATTACHMENTS

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



ORDINARY COUNCIL

ORD03

SUBJECT: SECTION 96 MODIFICATION - ALTERATIONS AND ADDITIONS TO A PART TWO STOREY DWELLING - 37 FORREST CRESCENT, CAMDEN

FROM: Director Planning & Environmental Services

TRIM #: 17/112792

APPLICATION NO: 280(2)/2016

PROPERTY ADDRESS: 37 Forrest Crescent Camden

APPLICANT: Devine Drafting

OWNER: Mr David D'Nofrio and Ms Jackie Childs

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a Section 96(1A) Modification application for alterations and additions to a part two storey dwelling at 37 Forrest Crescent, Camden.

The DA is referred to Council for determination as there remains one unresolved submission objecting to the proposed development.

SUMMARY OF RECOMMENDATION

That Council determine Section 96(1A) Modification Application 280(2)/2016 for alterations and additions to a part two storey dwelling pursuant to Section 96 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the modified conditions attached to this report.

THE PROPOSAL

Section 96(1A) Modification 280/2016(2) seeks approval for amendments relating to alterations and additions to a part two storey dwelling.

Specifically the modifications include:

- Amending the internal staircase;
- Increasing the lower ground floor by 14m² and reconfiguring the garage area (as built);
- Construction of a powder room and cupboard on the lower ground floor;
- Addition of a window to the front façade;
- Replacing lower ground floor door on the southern façade with a window;
- Amending the front garage door to include double panel lift door in lieu of two single panel lift doors.

There are no proposed changes to setbacks, the height of the building and overall building footprint.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development tab, by clicking on 'Check/Find a Development Application Online'.



THE SITE

The site is commonly known as 37 Forrest Crescent, Camden and is legally described as Lot 8 DP 239467.

The site is located on the western side of Forrest Crescent, Camden. The site has a cross fall from northwest to southeast of approximately 3.9m.

Existing on site is a part two storey/part single storey dwelling and swimming pool. Due to the topography of the site, the dwelling appears as two storeys from the street and transitions to a single storey towards the rear of the site.

Adjoining the allotment to the north and south are dwellings of varying bulk and scale. Opposite the east is a two storey dwelling house. The dwellings at the rear are also two storey forms.



HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
13 December 2016	DA 280/2016 for alterations and additions to a part two storey dwelling was approved at the Council meeting of 13 December 2016.

The section 96 application, the subject of this report, seeks approval for unauthorised works that have commenced on the lower ground floor level. These works include the creation of additional floor area, changes to openings and additional framework to create a bathroom and cupboard.



KEY DEVELOPMENT STATISTICS

Below is a summary of the relevant development statistics associated with the Section 96(1A) Modification, which is compliant with relevant controls.

Control	Requirement	Provided	Compliance
D2.1.4 Visual and Acoustic Privacy	Windows of habitable rooms (not bedrooms) of first floor must not overlook unless window treatment provided. First floor balcony or deck not permitted unless demonstrated no adverse impact on privacy	The lower ground floor southern façade proposes a window to replace a door (to service the new powder room). This window is proposed to be obscure glazed and is not considered to present additional impact with regard to overlooking or privacy. A new opening is proposed to the lower level along the front façade that services a circulation area between the garage and stairs. The balcony to the front façade remains unchanged as a result of this modification application.	Yes
D2.1.5 Site Coverage	<u>Site Cover – Two Storey</u> Maximum 50% Ground Floor. Maximum 30% Upper Floor.	There is no change to the site coverage as a result of this modification application.	Yes
D2.1.5 Landscaped Area	Minimum 30% Site.	There is no change to the landscaped area as a result of this modification application.	Yes
D2.1.6 Garages, Site Access and Parking	Minimum dimensions of a double garage to be 5.4m wide by 5.4m deep (as prescribed by Australian Standard 2890).	Double garage provided with internal dimensions of 6.18m wide x 6.2m deep.	Yes
D2.1.6 Garages, Site Access and Parking	Garage door to be no greater than 50% of front façade.	40% garage door width of the front façade.	Yes



ASSESSMENT

Zoning and Permissibility

Zoning:	R2 Low Density Residential.
Permissibility:	The proposed development is defined as a ' Dwelling House ' 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)	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and Deemed State Environmental Planning Policy No 20- Hawkesbury-Nepean River both apply to this site. The development is 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 Development Control Plan 2011 - Compliant with conditions recommended.
Planning Agreement(s) - S79C(1)(a)(iiiia)	None.
The Regulations - S79C(1)(a)(iv)	Imposed prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts 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)	One submission was received which have been discussed in the 'Submissions' section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Section 96 Modification (1A)

Under Section 96(1A) of the *Environmental Planning and Assessment Act 1979*, Council may consider an application to amend development consent provided that:

- (a) *it is satisfied that the proposed modification is of minimal environmental impact, and*
- (b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all),*
- (c) *it has notified the application in accordance with:*
 - (i) *the regulations, if the regulations so require, or*
 - (ii) *a development control plan, if the consent authority is a council that has made a development control plan that requires the*



notification or advertising of applications for modification of a development consent, and

(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

The amended plans are considered not to result in an adverse impact on the locality and surrounding environment. The development, as amended, is considered to be substantially the same as the development originally approved. The application was notified for a 14 day period in accordance with Camden DCP. One submission was received which has been considered in the assessment of the application.

In accordance with section 96 of the *Environmental Planning and Assessment Act 1979* only conditions which are of relevance to the proposed modification can be varied. The following table outlines the conditions to be modified together with commentary by the assessing officer.

Condition No.	Condition Requires	Proposed Change	Officer Comment
1.0 (1) Approved Plans and Documents	Development in accordance with the approved plans and documents.	The condition has been amended to reflect the latest plans which relate to the proposed development as modified and the revised BASIX Certificate.	An assessment of the amended plans against the relevant planning provisions has been completed. The condition has been updated to reflect the latest edition of plans and BASIX Certificate.

Additional conditions have been added and are numbered:

Condition No.	Condition Requires
6.0 (2) – Prevention of the lower ground floor being used as a separate dwelling	The plans forming the subject of this application have been considered on the basis that they are an extension of the existing dwelling. A condition is recommended to state that approval is not granted for the purpose of providing an additional self-contained dwelling on the site.

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 22 March 2017 to 4 April 2017. One submission was received (objecting to the proposed development).

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



-
1. *The applicant proposes a powder room within a double garage. What has been constructed to date appears to be living spaces and an inadequate amount of space is available for what was previously a double garage.*

Officer comment:

The modified development converts the approved storage area into a rumpus room with an associated powder room and extends this area into part of the approved garage area.

The double garage is being retained albeit with reduced dimensions. The double garage complies with the minimum dimensions required by the DCP and the Australian Standards.

2. *Concerned the development creates a living area resulting in additional noise impacts.*

Officer comment:

The modified development converts the approved storage area into a rumpus room with an associated powder room and extends this area into part of the approved garage area.

A condition is recommended that states that approval has not been granted for the purpose of an additional self-contained dwelling on the site.

The use of the lower ground floor as a living area is not expected to have an unreasonable impact on adjoining allotments with respect to acoustic and visual amenity.

3. *The single storey to double storey floor space ratio in the application is not accurate as the excavation and slab on the lower storey extend much further to the northern boundary than is depicted by the cross hatch area on the notification plans.*

Officer comment:

Council staff have reviewed the proposed plans and have undertaken a site inspection to determine the extent of the as-built lower ground floor and excavation.

Council staff are satisfied the proposed floor plans reflect the as-built lower ground floor dimensions.

Council staff have inspected the excavated area and are satisfied that this area is unable to be used as additional habitable space.

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, Section 96(1A) Modification Application 280(2)/2016 is recommended for approval subject to the amended conditions attached to this report.



RECOMMENDED

That Council approve DA 280/2016(2) for amendments relating to alterations and additions to a part two storey dwelling at 37 Forrest Crescent, Camden, subject to the attached conditions.

ATTACHMENTS

1. Recommended Conditions
2. Previous Council Report
3. Proposed Plans
4. Approved Stamped Plans
5. Floor Plans - *Supporting Document*
6. Approved Stamped Floor Plans - *Supporting Document*
7. Public Exhibition and Submissions Map - *Supporting Document*
8. Submission - *Supporting Document*



ORDINARY COUNCIL

ORD04

SUBJECT: USE OF THE REAR UPPER OUTDOOR AREA AS PART OF THE EXISTING RESTAURANT AND ASSOCIATED SITE WORKS AT THE WHITEMAN'S BUILDING - 76-100 ARGYLE STREET, CAMDEN

FROM: Director Planning & Environmental Services

TRIM #: 17/92723

APPLICATION NO: 1190/2016
PROPERTY ADDRESS: Whiteman's building - 76-100 Argyle Street, Camden
APPLICANT: Mr Steve Wisbey
OWNER: Wolin Investments Pty Ltd

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the use of the rear upper outdoor area as part of the existing restaurant and associated site works at the Whiteman's building located at 76-100 Argyle Street, Camden.

The DA is referred to Council for determination as there remain unresolved issues contained in one submission received objecting to the application and as there is a DCP variation in relation to car parking.

SUMMARY OF RECOMMENDATION

That Council determine DA 1190/2016 for the use of the rear upper outdoor area as part of the existing restaurant 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.

THE PROPOSAL

DA 1190/2016 seeks approval for the use of the rear upper outdoor area as part of the existing restaurant.

Specifically the proposed development involves:

- Use of the rear, unroofed upper deck area to accommodate 100 patrons associated with the existing restaurant;
- Installation of 1.8m high acoustic screens around the southern, eastern and western sides of the outdoor area behind the existing timber fencing and signage;
- Fit-out of the existing building accommodating amenities, including replacement of a window with a door, blocking access to an internal door and installing a two metre high privacy screen separating the amenities from the patron space;
- Provision of fixed outdoor speakers; and
- Use of a mobile drinks cart.

The application proposes hours of operation of the deck be consistent with the existing restaurant, being:



-
- 5.30pm to 10.00pm Monday to Wednesday;
 - 5.30pm to 11.00pm Thursday and Friday;
 - 9.00am to 11.00pm Saturday and Public Holidays; and
 - 7.00am to 9.30pm Sundays.

The cost of works for the development is \$60,000.

A copy of the proposed plans is provided as an attachment to this report. Further information on the DA is publicly available on Council's website under the Development tab, by clicking on 'Check/Find a Development Application Online'.

HISTORY

The existing restaurant on the upper floor was approved via DA 1186/2014, which occupied the same gross floor area as a previous restaurant approved via DA 231/2005.

The existing restaurant did not include the outdoor area as part of the gross floor area.

THE SITE

The site is commonly known as 76-100 Argyle Street, Camden and is legally described as Lot 1 DP 1027952.

The site is located within the Camden Town Centre and is a corner block with a 60m frontage to Argyle Street to the north and 54m frontage to Hill Street to the east.

The site is located within the Camden Heritage Conservation Area and comprises a local heritage item identified as 'Whiteman's' in the Camden Local Environmental Plan 2010 (LEP).

The Whiteman's building comprises five retail tenancies on the ground floor and a restaurant on the first floor.

A public car park is located to the rear of the site comprising 103 parking spaces.

Surrounding land uses include various retail, business, community and residential uses as part of the B2 Local Centre zone to the north, south and west, and business, office, retail and residential uses as part of the B4 Mixed Use zone to the east.

The nearest residential uses include an aged care facility (65-69 John Street, Camden) located approximately 100m to the southwest of the proposed restaurant outdoor area and dwellings located in View Street to the southeast approximately 120m from the outdoor area.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is compliant with the exception of a variation to car parking as noted below.

The table below contains a summary of the key development statistics associated with the DA and any variations.

Clause	Standard	Proposed	Compliance
Camden Local Environmental Plan 2010			
5.10 Heritage Conservation	Aboriginal and European Heritage to be protected.	The site is identified as a local heritage item ('Whiteman's'). The site is also within the Camden Heritage Conservation Area. The proposed changes to the building fabric are minor and are considered acceptable by Council's Heritage Officer having regard to other contemporary structures at the rear of the building and	Yes



		<p>considering key views from public places will not be impacted.</p> <p>A condition is recommended to ensure the colour of the acoustic screen is sympathetic to the heritage conservation area.</p>	
Camden Development Control Plan 2011			
B5.1 Car Parking	Restaurants and cafes require 1 car parking space per 30m ² of gross floor area (GFA).	<p>An additional 413m² of GFA is proposed (excluding the cool room given this was previously approved as part of existing restaurant), which requires 14 parking spaces.</p> <p>No additional car parking is proposed to be provided.</p>	DCP Variation 1

ASSESSMENT

Zoning and Permissibility

Zoning:	B2 Local Centre
Permissibility:	The proposed development is defined as a food and drink premises 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)	<u>Deemed SEPP Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (No 2 - 1997)</u> - Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	<u>Camden LEP 2010</u> - Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Camden DCP 2011</u> - Generally compliant with one variation proposed to car parking as discussed below.
Planning Agreement(s) - S79C(1)(a)(iiia)	None.
The Regulations - S79C(1)(a)(iv)	Impose prescribed conditions.
Likely Impacts - S79C(1)(b)	The likely impacts are discussed in the Key Issues and Submissions 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)	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.

Compliance with Plans or Policies

DCP Variation 1 – Car Parking

DCP Control

The DCP requires one car parking space to be provided per 30m² of gross floor area (GFA) for restaurants and cafes. Council may consider variations to parking rates in certain circumstances where it can be demonstrated via a traffic and parking study that additional parking is not warranted.

An additional 413m² of GFA is proposed (excluding the cool room given this was previously approved as part of existing restaurant), which requires 14 parking spaces.

The outdoor dining area is considered to be additional GFA given the acoustic screens effectively enclose the outdoor space in accordance with the definition of GFA within the Camden LEP.

Variation Request

The applicant has requested the variation be supported based on the following:

- There is sufficient parking available to service the proposed development as part of the public car park to the rear of the site, as demonstrated by a Traffic and Parking Survey.

Council Staff Assessment

Two traffic and parking surveys were provided that demonstrate that the public car park at the rear of the building has sufficient capacity to service the additional floor area of the restaurant.

The surveys were undertaken on Friday 24 June 2016, Saturday 25 June 2016 and Friday 1 July 2016 and between Thursday 2 February 2017 and Sunday 5 February 2017. The parking surveys found:

- From 5:30pm on a Friday* more than 41 vacant parking spaces were available.
- Between 11:30am and 1:30pm on a Saturday more than 28 spaces were available.
- From 6:00pm on a Saturday more than 25 spaces were available.
- From 6:00pm Sunday more than 82 spaces were available.

** Friday is considered to be the peak week night compared to Thursday, noting the nature of the uses within the vicinity does not result in significant Thursday night shopping activities.*

The surveys concluded sufficient parking is available in the public car park having regard to proposed hours of trade that do not conflict with peak times of surrounding businesses.

The surveys have been reviewed by Council's Traffic Engineers who advise there is surplus parking available to service the proposed development during the proposed hours of trade.

No section 94 contribution is applicable as it has been demonstrated through the traffic and parking surveys that there is no requirement to provide additional parking.

Council staff are satisfied with the traffic and parking studies and support the variation.

Key Issues

The key issues associated with the DA are the car parking variation noted above, acoustic impacts, heritage and the submission issues discussed in this report.

Acoustics

An acoustic report was submitted with the DA demonstrating the proposed development will comply with noise guidelines and criteria specified by Council's Environmental Noise Policy and the NSW Environmental Protection Authority Industrial Noise Policy.

The applicant's acoustic report notes that amplified music as a form of soft background music will be played in the proposed outdoor dining area. No live entertainment or loud music will be played in the outdoor dining area.

Council's Environmental Health Officer has assessed the acoustic report and recommends approval subject to conditions to ensure that:

- Acoustic screens are installed in accordance with the acoustic report;
- Acoustic panels are installed on the facades of the building to reduce reflective noise;
- Hours of operation are enforced;
- No outdoor live music entertainment is permitted (including live instruments and/or vocal performances);
- A frequency limiting device is installed to ensure the background music/announcements in the outdoor dining area is limited to levels set out in the acoustic assessment and regular monitoring is recorded;
- External speakers (permanently fixed) are directed downwards into the outdoor space;
- Notices are installed to remind patrons to restrict noise levels;
- A Noise Management Plan is prepared in accordance with Council's Environmental Noise Policy; and
- The development does not give rise to offensive noise as measured from the site boundary.

Heritage

The site is identified as a Heritage Item ('Whiteman's') by the Camden LEP and is within the Camden Heritage Conservation Area. Heritage impacts have been assessed based on proposed physical changes to the building.



The most significant change to the building fabric relates to the 1.8m high acoustic screens around the southern, eastern and western edges of the outdoor area. The applicant is proposing a 'VogueWall' system, which imitates the appearance of a single brick pier rendered masonry wall.

Council's Heritage Officer advises this material is acceptable as it will be located amongst other contemporary structures at the rear of the building and will be discernable from the original fabric of the building. The proposed amenities fitout will not impact significant heritage fabric and is also supported.

A condition is recommended to ensure the colour of the acoustic screen is sympathetic to the heritage conservation area.

Submissions

The DA was publicly exhibited for 14 days in accordance with the Camden DCP. The exhibition periods were from 25 October 2016 to 7 November 2016 and 18 January 2017 to 31 January 2017. One submission was received objecting to the proposed development.

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

- 1. The acoustic report should address the seniors living in John Street and the Hill Street area. There are already noise complaints from residents associated with the existing restaurant. Hours of operation cannot be reasonably controlled by Council.*

Officer comment:

Council staff requested a revised acoustic report that assessed acoustic impacts on all adjoining commercial receivers and the seniors living development located at 65-69 John Street, Camden.

The acoustic report demonstrates the proposed development will comply with the noise guidelines and criteria specified by Council's Environmental Noise Policy and the NSW Environmental Protection Authority Industrial Noise Policy, subject to the provision of 1.8m acoustic screens around the perimeter of the outdoor deck and conditions that control noise output and enforce hours of operation.

Amplified music in the form of background music will be played in the proposed outdoor dining area. No live entertainment is proposed.

A condition is recommended requiring the external speakers to be directed downwards and into the outdoor dining area and not facing out towards any residential premises.

A further condition is recommended requiring an electronic frequency dependant limiting device to be installed to the sound system to ensure that the background music/any vocal announcements do not exceed the limits recommended by the acoustic assessment.

A review of Council compliance records does not reveal any previous noise complaints associated with the current restaurant premises.



2. *Section 94 Contributions should be charged for the additional floor area.*

Officer comment:

A section 94 contribution is not applicable where it can be demonstrated there is no requirement to provide additional parking.

As discussed in the DCP variation section of this report, traffic and parking surveys were submitted that demonstrate sufficient surplus car parking is available to service the proposed development during proposed hours of trade.

No section 94 contribution is applicable as it has been demonstrated through the traffic and parking surveys that there is no requirement to provide additional parking.

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 1190/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA 1190/2016 for the use of the rear outdoor area as part of the existing restaurant and associated site works at the Whiteman's building located at 76-100 Argyle Street, Camden.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Traffic Survey 1
4. Traffic Survey 2
5. Acoustic Report
6. Camden Contributions Plan 2011
7. Public Exhibition and Submissions Map - *Supporting Document*
8. Submission - *Supporting Document*



ORDINARY COUNCIL

ORD05

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

FROM: Director Planning & Environmental Services
TRIM #: 17/92192

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 as there remain unresolved issues contained in 14 submissions received from 13 property addresses in objection to the DA and a variation to the height control in the Camden LEP.

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.

THE PROPOSAL

DA 578/2016 seeks approval for the construction and operation of a mobile concrete batching plant and associated site works.

Specifically the proposed development involves:

- Construction and operation of a mobile concrete batching plant with a production capacity of up to 125,000 tonnes of concrete per annum;
- Removal of 46 trees and their replacement with 46 new trees;
- Erection of business identification signage;
- Construction of a new access from Greendale Road including turning lanes;
- Construction of three storage silos (21m high);
- Construction of a control room, amenities building, workshop, lunchroom and toilet;
- Construction of a four metre high acoustic mound/wall;
- Construction of a 24 space car park and separate truck parking;
- Operation of four hoppers, one enclosed agitator load bay, two enclosed slump stands, four open aggregate stockpiles, one electricity generator, and one front-end loader;



-
- Installation of one concrete admixtures container, two water management pits, water tanks and a sediment pit;
 - Provision of services, drainage and associated site works;
 - Concrete production using standard agitator trucks (up to 86 loads of concrete per day); and
 - Material deliveries (up to 20 loads of aggregate per day and up to seven loads of cement powder per day).

Hours of operation / staff

- 7:00 am to 10:00pm Monday to Saturday;
- 8:00am to 10:00pm Sundays and public holidays;
- No raw material deliveries after 6:00pm; and
- 13 full time staff (three plant staff and 10 drivers).

The cost of work for the development is \$1,155,000.

The applicant advises that the development will service the upgrade of Bringelly Road and other future road and infrastructure projects in the local and regional area.

A copy of the proposed plans is provided as an attachment to this 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 60 Greendale Road, Bringelly and is legally described as Lot 100 DP 1203966.

The site area is approximately 104 hectares and has a 1km road frontage to Greendale Road. The proposed development is located towards the western side of the site with a development area of approximately 1.7 hectares.

The development area is elevated above the road level and comprises scattered vegetation. A watercourse (Bardwell Gully) is located to the east and an electricity easement (owned by Endeavour Energy) is located to the south. The proposed development area is currently used for stock agistment and grazing.

An extractive industry is also located on the site known as the Boral CSR Bringelly Brickworks (now trading as PGH Bricks), which undertakes extraction activities and manufactures bricks.

Land on the northern side of Greendale Road is within the Liverpool LGA and is zoned RU4 Primary Production Small Lots subject to the Liverpool Local Environmental Plan (LEP) 2008. This zone permits primary industry production with some residential land uses.

The subject site is zoned RU1 Primary Production subject to the Camden Local Environment Plan (LEP), which permits similar land uses. The surrounding character is largely rural in nature.

The site is located within the South West Growth Centre.



The nearest residential dwelling being 31 Greendale Road, Bringelly is approximately 120m north of the development on the northern side of Greendale Road. Bringelly Reserve is approximately 900m to the northeast and is adjacent to the Bringelly Community Centre.



An additional aerial image identifying surrounding sensitive land uses is provided as an attachment to this report.

Road Upgrades / Maintenance

An upgrade to the Greendale/Bringelly/The Northern Road intersection adjacent to the Bringelly Public School is to be completed by NSW Roads and Maritime Services (RMS) by 2020. The upgrades include the following works in proximity to the project area:

- Realigning The Northern Road approximately 300m east of the existing alignment at the Bringelly Road intersection;
- Widening of The Northern Road and Bringelly Road from two to four lanes with a central median to allow for six lanes in the future; and
- A grade separated interchange at the intersection to Bringelly Road/Greendale Road/The Northern Road.

An insert from the RMS upgrade plan is as an attachment to this report.

KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is compliant with the exception of the variations noted below. Below is a summary of the



key development statistics associated with the DA, and variations are discussed at the end of the table.

Camden Local Environmental Plan 2010			
Clause	Standard	Proposed	Compliance
4.3 Height of Buildings	Maximum 9.5m.	The three silos will be 21m above natural ground level.	LEP Variation 1
5.9 Trees / Vegetation	Development consent is required for the removal of tree species prescribed by the Camden DCP.	46 trees are proposed to be removed. The tree species being removed include Grey Box and Forest Red Gum. These will be replaced with 46 trees of the same species within the environmentally sensitive land along the street frontage. Council's Vegetation Management Officer supports the application subject to conditions.	Yes

Camden Development Control Plan 2011			
Clause	Standard	Proposed	Compliance
B4 Advertising and Signage	No greater than one 0.7m ² business identification sign is permitted in rural zones.	A 2m ² business identification sign is proposed.	DCP Variation 1
B5.1 Car Parking	For an Industry/Light Industry use, a minimum of one parking space per 70m ² of Gross Floor Area (GFA) is required.	The total GFA is 160m ² ; three parking spaces are required. 24 parking spaces are proposed including an additional dedicated truck parking area.	Yes
D1.1 Rural Accommodations, Dwellings and Outbuildings	A 20m minimum front building setback.	33m to the nearest building.	Yes
	5m minimum side and rear building setback.	93m to the western side boundary and 33m to the rear boundary (the lunchroom).	Yes



ASSESSMENT

Designated Development

Pursuant to Schedule 3 of the NSW *Environmental Planning and Assessment Regulation 2000* (the Regulation), the proposed development is classified 'designated development' as the facility will produce more than 30,000 tonnes of concrete per year.

As a result, an Environmental Impact Statement (EIS) is required to support the DA. The EIS was reviewed by Council staff together with the supporting documents and the documentation is considered to be adequate.

The DA was publically exhibited in accordance with the requirements for designated development outlined by the Regulations.

Zoning and Permissibility

Zoning:	RU1 Primary Production
Permissibility:	<p>The proposed development is defined as an 'Industry by the LEP, which is a prohibited land use in this zone.</p> <p>However the development has established its permissibility under Part 2 Clause 7 (4) of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 as it is located within the site of an approved extractive industry being the Boral CSR Bringelly Brickworks. (State Significant Development Application 5684 approved 3 March 2015).</p>

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<p><u>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy No 33 - Hazardous and Offensive Development</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy No 55- Remediation of Land</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy No 64- Advertising and Signage</u> - Compliant with conditions recommended where necessary.</p> <p><u>State Environmental Planning Policy (Infrastructure) 2007</u> - Compliant with conditions recommended where necessary.</p> <p><u>Sydney Regional Environmental Plan No 9- Extractive Industry (No 2-1995)</u> - Compliant with conditions recommended where necessary.</p> <p><u>Deemed SEPP Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River (No 2-1997)</u> -</p>
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	Compliant with conditions recommended where necessary. <u>State Environmental Planning Policy (Sydney Region Growth Centres) 2005</u> - Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	<u>Camden LEP 2010</u> - Generally compliant with one variation proposed as discussed below.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	<u>Draft Infrastructure State Environmental Planning Policy (Infrastructure) Amendment (Review) 2016</u> - Compliant with conditions recommended where necessary.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Camden DCP 2011</u> - Generally compliant with one variation proposed as discussed below.
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 are discussed in the Key Issues and Submissions 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)	Fourteen submissions were received from 13 property addresses, which are discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.

Compliance with Plans or Policies

LEP Variation 1 – Maximum building height

LEP Development Standard

Clause 4.3 of the Camden LEP requires the height of a building on the site to not exceed 9.5m.

The three cement storage silos will be 21m above natural ground level.

Variation Request

The applicant has requested a height variation be supported based on the following:

- The height of the silos is required in order to allow dry cement materials to be gravity fed.
- The project area is designated as future industrial/employment lands and is adjacent to the Boral CSR Bringelly Brickworks, which has a 17.5m building height.
- It is considered that maintaining the development standard would have little public benefit, namely elimination of some minor adverse visual impacts.
- The project’s public benefits are considered to substantially outweigh the benefit of maintaining the development standard.
- The project is considered to be consistent with the objectives of the height control and the RU1 Primary Production zone.



Council Staff Assessment

The submitted Clause 4.6 variation request to Clause 4.3 (Height of buildings) development standard is supported by Council staff and, there are sufficient environmental planning grounds to vary the standard as outlined below:

- 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, which is considered to have public benefit.
- 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. Further, the development is temporary and the rural lands can be restored once the use ceases.

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 interests 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.

DCP Variation 1 – Signage

DCP Control

The Camden DCP permits one business identification sign within rural zones to a maximum area of 0.7m². One 2m² business identification sign is proposed (1m high x 2m wide).

Variation Request

The applicant has requested the variation be supported based on the following:

- The sign is compatible with the amenity and character of the area.
- The sign is considered in keeping with the future industrial use of the land.



Council Staff Assessment

The proposed variation is supported based on the following:

- 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.

Key Issues

Traffic Impacts

A traffic and transport assessment report was submitted with the application. **This report is provided under separate cover.**

The report found that the average daily traffic movement on Greendale Road will increase by 13% to 15% and concludes 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.
- Future truck movements within the site 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.

Council's Traffic Engineer has assessed the proposal and raised no objection on traffic grounds, subject to conditions.

As noted above, the RMS is currently upgrading the Greendale/Bringelly/The Northern Road intersection with works expected to be completed by 2020. This work will improve traffic movement within the surrounding road network.

Camden Council's Contribution Plan No. 7 – Extractive Industry applies to the site. The applicant will be required to contribute to the upkeep and maintenance of Greendale Road via a condition of consent, requiring a monetary contribution per tonnage of material transported to and from the site.

Acoustic Impacts

An acoustic report was submitted with the application. **This report is provided under separate cover.**

The acoustic report considered the impacts to the residential properties located on the opposite side of Greendale Road, Bringelly Primary School and the adjoining brickworks site.

The proposed development is consistent with the EPA Industrial Noise Policy.

While the most sensitive noise criteria is not met at one residential property (being the closet residence), 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 applicant has offered upgrade works to the closet residence to mitigate potential noise impacts.

Council staff contacted the closest resident to discuss the applicant's proposed upgrade works. The owner has advised that they object to the development and upgrade works do not satisfactorily address their concerns.

Council staff are satisfied that the proposal is acceptable having regard to the Industrial Noise Policy and noting compliance with the Recommended Acceptable Noise Level and Recommended Maximum Noise Level for this type of industrial development.

Conditions are recommended to ensure the hours of operation and the recommendations of the acoustic report are enforced, and that the maximum permitted tonnage of concrete production per annum and offensive noise is not exceeded.

Air Quality

An air quality assessment report was submitted with the application. **(This report is provided under separate cover).**

Existing air quality and meteorological conditions were analysed with respect to the potential increase in air pollutants resulting from the dust / cement materials associated with the proposed development. The emissions are to be controlled by the use of paved roads, sweeping of roads, use of water sprays, cement supplements and mixer additives. The results determined it was unlikely there would be exceedances of the relevant emissions standards.

Conditions have been recommended to enforce the proposed dust mitigation measures, which include:

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

The DA was referred to the NSW Environment Protection Authority (EPA) given they are the Appropriate Regulatory Authority for the proposed concrete works.

The EPA provided a series of conditions related to the control of noise, dust, air, water and waste. A condition is recommended to ensure compliance with the EPA conditions, which will be provided as an attachment to the development consent.

A copy of the EPA's advice is attached.

Siting of the Development

Future Zoning

Bringelly is located within the South West Growth Centre. The South West Growth Centre Structure Plan (Edition 3) prepared by the Department of Planning and Environment indicates the site will likely be zoned 'Industrial', with industrial land located immediately north, 'transitional land' located to the south, and walkable neighbourhoods' located to the east.



The South West Growth Centre Structure Plan is provided as an attachment to this report.

In the future, the development will likely be sited amongst similar industrial land uses. The subject site is considered an appropriate location for the proposed development given it is co-located with the Boral CSR Bringelly Brickworks site.

Siting within the existing lot

Council officers requested the development be setback as far as possible from Greendale Road to mitigate visual and acoustic impacts.

The applicant has advised that the location of the development has been selected taking into consideration site topography, the location of the watercourse, the preservation of the existing vegetation and an Endeavour Energy easement, which is located across the rear boundary of the development area.

In addition, the applicant notes that the site layout has been designed to maximise the operation's efficiency and functionality and to ensure compliance with relevant site operation criteria.

The proposed siting is considered acceptable noting the constraints of the site. The development exceeds the required 20m setback as prescribed by the DCP and will have no unacceptable impacts on the locality.

Heritage Impacts

The Bringelly Road/Greendale Road corridor is listed as a potential heritage item in the Camden DCP. The majority of the proposed development is less than 5m in height and will be screened on approach along Greendale Road via the proposed earth mound and acoustic fence together with the existing and proposed vegetation. The acoustic fence will be painted a natural colour to ensure it blends into its setting. The development is not considered to adversely impact the potential heritage item.

The site is not within a Heritage Conservation Area nor is it located within proximity to any local or state heritage items. Council's Heritage Officer contacted Liverpool City Council to determine whether any heritage items/conservation areas exist in proximity to the proposed development. The nearest local heritage item is within the Liverpool City Council LGA and relates to the Bringelly Public School. Given there is a separation distance of 1.2km, there will be no heritage impacts.

Flora and Fauna Impacts

Environmentally sensitive land is located along the Greendale Road frontage of the development area, comprising Cumberland Plain Woodland (CPW). Forty seven new trees (Forest Red Gum and Grey Box) are proposed within the environmentally sensitive land along the street frontage. The additional planting will embellish the environmentally sensitive land and provide an improved landscape outcome.

Submissions

The DA was publically advertised in accordance with the requirements for designated development pursuant to the *Environmental Planning and Assessment Regulation 2000*. The DA was advertised for 30 days with the exhibition periods being 29 June 2016 to 28 July 2016 and 25 January 2017 to 23 February 2017.



Fourteen submissions were received from 14 property addresses objecting to the proposed development. Five submissions were received from addresses within the Camden LGA and eight submissions were received from addresses within the Liverpool LGA. The address of one submission could not be identified.

One submission was received from Liverpool City Council, however the concerns raised were addressed and the submission was withdrawn.

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

1. *Excessive plant operation hours. Suggested hours: 7.00am to 5.00pm Monday to Friday.*

Officer Comment:

The proposed hours of operation are 7.00 am to 10.00pm Monday to Saturday and 8.00am to 10.00pm Sundays and public holidays.

The applicant has advised the proposed hours of operation are required to ensure economic viability of the development.

The proposed development will not operate during sensitive residential hours being before 7.00am or after 10.00pm. Further, the noise generated by the operation is below the acceptable limits of the NSW EPA Industrial Noise Policy.

Noting the above, the proposed hours of operation are considered acceptable.

2. *Built form incompatible with existing rural landscape.*

Officer Comment:

The built form is comparable to the existing extractive industry on the site (Boral CSR Bringelly Brickworks), which has a stack height of 17.5m.

Impacts on the existing character are reduced through setbacks greater than required by the Camden DCP, neutral and recessive colours and materials and landscape screening.

3. *Poor state of roads to be worsened by proposed development. Traffic report states B-Doubles approved to the current Boral CSR Bringelly Brickworks entrance and this is to be extended.*

Officer Comment:

A B-Double vehicle access route currently ends at the site entrance to the brickworks. The applicant can apply to the National Heavy Vehicle Regulator, Camden Council and Liverpool City Councils to extend the existing B-Double vehicle access route as part of a separate process after the DA is determined.

The applicant has advised that the proposed development can rely on semi-trailers. A condition is recommended that restricts access to the site to vehicles no greater than 19m in length (semi-trailer) unless otherwise approved by the appropriate authorities.

Contribution Plan No. 7 – Extractive Industry applies to the site. The applicant will be required to contribute to the upkeep and maintenance of Greendale Road via a condition of consent, which will require a monetary contribution per tonnage of material transported to and from the site.

4. *80km/hr speed limit near proposed site entrance likely to result in accidents.*

Officer Comment:

The proposed entrance complies with the required sight lines. The construction of the entrance will be conditioned to comply with relevant Australian Standards. Subject to these conditions, the proposed entrance is considered satisfactory.

5. *Safety concerns for the existing school during peak pick-up and drop-off times. Concerns for trucks turning left onto The Northern Road that currently occupy the adjacent lane to make the turn. Traffic light timing at the intersection is not sufficient to allow trucks to turn.*

Officer Comment:

The proposed development has been assessed and is not considered to result in increased safety concerns during peak school drop off and pick up times.

The turning paths at the Greendale/Bringelly/The Northern Road intersection are considered adequate.

An upgrade to the Greendale/Bringelly/The Northern Road intersection adjacent to the Bringelly Public School is scheduled for completion by the NSW Roads and Maritime Services (RMS) by 2020. This work will improve traffic movement within the surrounding network.

6. *The traffic report did not take account future traffic on Greendale Road from recently approved cemeteries at 41 Greendale Road, Bringelly, 321 Greendale Road, Greendale, and the crematorium at 992 Greendale Road, Greendale, and the Vietnamese St Joseph Convention Centre at Tyson Road, Bringelly, or the increased production of the Boral CSR Bringelly Brickworks, or the new airport. Also potential for water delivery trucks should other water sources not be available.*

Officer Comment:

The traffic report concludes there is sufficient capacity in the current road network to accommodate the proposed development.

This is discussed in more detail within the 'Key Issues' section of the report.

7. *Generation of dust, which will exacerbate health problems and affect quality of tank water supply to surrounding dwellings. A dust report that takes account simultaneous operation of the proposed batching plant and existing brick works should be carried out.*

Officer Comment:

An air quality assessment, which concluded the development will not exceed NSW Environment Protection Authority criteria, was submitted with the DA. Council's



Environmental Health Officer has reviewed the report and raised no objection, subject to conditions.

This is discussed in more detail within the 'Key Issues' section of the report.

8. *Vehicle emissions will affect health.*

Officer Comment:

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

9. *Generation of noise. An acoustic report that takes account simultaneous operation of the proposed batching plant and existing brick works should be carried out. Noise generation from the electricity generator also of concern. Noise concerns for 33 Greendale Road, Bringelly and the existing school due to passing trucks.*

Officer Comment:

An acoustic assessment was submitted with the DA that assessed the operations of the proposed development, including the generator and other operational facilities within the immediate locality.

The noise generated by the operation is below the acceptable limits of the NSW EPA Industrial Noise Policy at 33 Greendale Road.

This is discussed in more detail within the 'Key Issues' section of the report.

10. *Water supply is ambiguous. No certainty of water supply for dust suppressions and for bush fire protection.*

Officer Comment:

Water supply will be provided by the first flush pit, which will collect natural water runoff from the site. The sedimentation basin is also available for water supply. Water can also be sourced from the Boral CSR Bringelly Brickworks water management dam.

11. *Watercourses are said to have no name; however on a report map Bardwell Gully is marked.*

Officer Comment:

Council staff have assessed the likely impacts on the existing watercourse to the east, identified as Bardwell Gully, and consider there will be no detrimental impacts to the watercourse or water quality.

The NSW Department of Primary Industries – Water (DPI – Water) raised no concern with the proposed works.

12. *Proposed water flow under the road to 33 Greendale Road might impede placement of a future dwelling on this property. The change in natural surface flow is likely to increase flooding of the existing driveway.*



Officer Comment:

There will be no increased water flow from the site as a result of the development.

A stormwater detention pit is proposed to ensure the post development flow from the site meets pre-development flows in accordance with Council's Engineering Specifications.

13. Impacts to native flora and fauna.

Officer Comment:

A biodiversity assessment was submitted with the application, which concludes there will be no significant impact on the threatened biodiversity recorded or predicted to occur within the project area.

This is discussed in more detail within the 'Key Issues' section of the report.

14. Proximity to heritage properties.

Officer Comment:

The site is not within a Heritage Conservation Area or within proximity to any local or state heritage items.

The nearest local heritage item is within the Liverpool City Council LGA and relates to the Bringelly Public School. Given the distance to the school from the development (1.2km), there will be no heritage impacts.

This is discussed in more detail within the 'Key Issues' section of the report.

15. Impacts on a potential future heritage listed property at 33 Greendale Road (not currently heritage listed).

Officer Comment:

According to the Liverpool City Council LEP, 33 Greendale Road is not identified as a local heritage item nor is it within a heritage conservation area.

The proposed development is not expected to have a significant impact upon any future local heritage status of the dwelling given visual impacts will be reduced through the proposed earth mound and acoustic fence and existing and proposed vegetation screening.

16. Inconsistent with the RU1 zone and surrounding RU4 zone.

Officer Comment:

A concrete batching plant is permissible under the Mining, Petroleum Production and Extractive Industries SEPP. Concrete works may be carried out on land that is subject to an already existing, approved extractive industry.

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. Further, the development is temporary and the rural lands can be restored once the use ceases.

17. Liverpool City Council requires a 50m setback to Greendale Road. The proposed development should have at least the same setback as the existing Boral CSR Bringelly Brickworks (approximately 250m).

Officer Comment:

The Camden DCP requires a 20m front boundary setback. The majority of the development is set back greater than 40m, which includes the three cement silos.

The front boundary setback cannot be increased given an existing Endeavour Energy easement straddles the rear boundary of the development area.

This is discussed in more detail within the 'Key Issues' section of the report.

18. Life expectancy of the development has not been specified.

Officer Comment:

The applicant has indicated this is a temporary batching plant however an end date cannot be provided at this point as it is being constructed to service the development of the south west growth areas.

Noting the site is located within the South West Growth Centre and is identified for future industrial land, the operation of the plant is not considered to result in future land use conflicts.

19. Evacuation plan for the site not specified.

Officer Comment:

The applicant has advised the proposed development will operate in accordance with all SafeWork NSW health and safety regulations.

20. The vegetation screening is insufficient. Landscape screening will likely perish and will not become established quickly enough to provide screening.

Officer Comment:

The proposed vegetation screening has been assessed by Council staff and is considered the most appropriate species for inclusion with the existing environmentally sensitive area (Forest Red Gum and Grey Box). A condition is recommended requiring a 12 month maintenance and establishment period.

While the trees are being established, the existing vegetation along with the proposed setbacks, and earth mound/acoustic fence are considered sufficient to limit visual impacts.

21. Concerns with the number of signs.



Officer Comment:

The number of signs proposed has been reduced from 11 to one business identification sign. The one sign is considered acceptable and reasonable for site identification purposes.

22. *The proposed development may dictate what adjacent properties will be zoned into the future as part of the future growth centre precinct. An industrial zone is not desirable.*

Officer Comment:

Any future rezoning of the land will be carried out by the Department of Planning and Environment, which will undertake community consultation to inform the rezoning.

23. *The existing Boral CSR Bringelly Brickworks will have no need for the proposed development.*

Officer Comment:

The existing Boral CSR Bringelly Brickworks will operate independently of the proposed development.

24. *Boral may make applications for future plants adjacent to the subject site.*

Officer Comment:

Depending on the viability of any future proposal, any use that is permitted via the Camden LEP or SEPP may be considered on the site and will be assessed on merit.

25. *Loss of property values.*

Officer Comment:

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

EXTERNAL REFERRALS

NSW Rural Fire Service (RFS)

In accordance with the Planning for Bushfire Protection (2006), any DA that does not comply with the local LEP must be referred to the RFS.

The DA was referred to the RFS and a response was received with the General Terms of Approval (GTA) of the RFS. A condition is recommended to ensure compliance with the GTAs, which will be provided as an attachment to the development consent.

Office of Environment and Heritage (OEH)

The DA was referred to the OEH as Integrated Development in that it requires the grant of an Aboriginal heritage impact permit pursuant to the *National Parks and Wildlife Act 1974* given known Aboriginal artefacts are located within proximity to the proposed development on the subject site.



A response was received from OEH containing its GTAs, which require an application be submitted to OEH for an Aboriginal Heritage Impact Permit should any artefacts be required to be removed. A condition is recommended to ensure compliance with the OEH GTAs, which will be provided as an attachment to any development consent issued.

Department of Primary Industries – Water (DPI – Water)

The DA was referred to the DPI – Water. A response was received from the DPI – Water advising that, for the purpose of the *Water Management Act 2000*, a controlled activity approval is not required and no further assessment by the DPI - Water is necessary.

NSW Roads and Maritime Services (RMS)

The DA was referred to the RMS as the applicant requested that the speed limit be reduced from 80kmh to 60kmh along Greendale Road. The RMS advised a speed limit reduction would not be supported.

Noting the above, the applicant undertook a sight distance assessment for an 80kmh speed limit in accordance with the Austroad Guidelines. The assessment showed that the proposed site access will comply with the required sight lines for vehicles entering and exiting the site.

Council's Traffic Engineers have reviewed the sight distance assessment submitted by the applicant and advised that the proposed access is adequate and acceptable.

Endeavour Energy

The DA was referred to Endeavour Energy given various easements exist across the site benefiting Endeavour Energy.

A response was received from Endeavour Energy, noting the southern boundary of the project area is within close proximity to an easement. Endeavour Energy provided a list of conditions, which are recommended for inclusion as part of the development consent, to ensure protection of the easement

NSW Environment Protection Authority (EPA)

The DA was referred to the EPA. The EPA has confirmed it will be the Appropriate Regulatory Authority for the development under the *Protection of the Environment Operations Act 1997*.

The EPA has provided a series of conditions related to the control of noise, dust, air, water and waste. A condition is recommended to ensure compliance with the EPA conditions, which will be provided as an attachment to the development consent.

Department of Trade and Investment (DTI)

The DA was referred to the DTI for general comment as to the likely impacts the proposed development might have upon trade and investment within the wider community. The DTI raised no objection to the proposed development.



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 578/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council:

- i. supports 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 which is considered to be of public benefit.**
 - b) The silos are setback 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 DA 578/2016 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. Structure Plan
4. Surrounding Land Uses Map
5. RMS Road Upgrade Map
6. Endeavour Energy response and conditions
7. EPA Response and conditions
8. Office of Environment & Heritage response and conditions
9. NSW RFS response and conditions
10. Public Exhibition and Submissions Map - *Supporting Document*
11. Submissions - *Supporting Document*



ORDINARY COUNCIL

ORD06

SUBJECT: CONSTRUCTION OF AN INDUSTRIAL BUILDING AND ASSOCIATED SITE WORKS - 18A LITTLE STREET, CAMDEN

FROM: Director Planning & Environmental Services

TRIM #: 16/276968

APPLICATION NO: DA 139/2016
PROPERTY ADDRESS: 18A Little Street, Camden
APPLICANT: Jeremy Swan
OWNER: Mr & Mrs Trautsch

PURPOSE OF REPORT

The purpose of this report is to seek Council's determination of a development application (DA) for the construction of an industrial building and associated site works at 18A Little Street, Camden.

The DA is referred to Council for determination as five submissions including one submission containing 34 signatures have been lodged objecting to the proposed development.

SUMMARY OF RECOMMENDATION

That Council determine DA 139/2016 for the construction of an industrial building 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.

THE PROPOSAL

DA 139/2016 seeks approval for the construction of an industrial building and associated site works.

Specifically the proposed development involves:

- Construction of an industrial unit with a total floor area of 190m² (gross floor area (GFA) of 175m²);
- Removal of one Jacaranda tree;
- Provision of three on site car parking spaces;
- Creation of a 1.5m stormwater easement along the southern boundary of the site; and
- Associated landscaping and site works.

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

THE SITE

The site is known as 18A Little Street, Camden and is legally described as Lot 2 DP 369966.

The site is located on the eastern side of Little Street and has an area of 474.2m², a depth of approximately 34m and a frontage of 13.8m to Little Street.



The site is vacant with the exception of an existing carport structure. Access to the site is via an existing driveway off Little Street.

The site is located within the IN2 Light Industrial zoned land and sits within an area which comprises a mix of light industrial uses including car repair workshops, catering companies, warehouses and residential dwellings.

Residential accommodation is prohibited in the IN2 Light Industrial zone. The existing dwellings within the IN2 land have existing use rights.

The site adjoins residential lots to the east which are zoned R2 Low Density Residential and are accessed from, and front Broughton Street. A zoning map is provided below.



KEY DEVELOPMENT STATISTICS

The development has been assessed against the relevant planning controls and is generally compliant, with the exception of two variations discussed in this report. Below is a summary of the key development statistics associated with the DA and any variations.

	Requirement	Proposed	Compliance
Camden LEP 2010			
4.3 Height	Maximum 9.5m	9.5m	Yes
4.4 Floor Space Ratio	Maximum 1:1	0.36:1	Yes
Camden DCP 2011			
B5.1 Car Parking	One car space per 70m ² of GFA for Industry or Light Industry	Three car spaces including one accessible space	Yes
D4.2.1 Front Setback	Minimum 7.5m	15.23m	Yes
D4.2.3 Minimum Floor Area	Minimum 140m ²	175m ²	Yes
D4.4	Medium Rigid Vehicle	Small Rigid	No – See



Minimum Size Service Vehicle for GFA <300m ²		Vehicle	DCP Variation 1
D4.4 Driveway Width for Industrial Development	Minimum 9m	4m	No – See DCP Variation 2

ASSESSMENT

Zoning and Permissibility

Zoning:	IN2 Light Industrial.
Permissibility:	The proposed development includes the construction of an industrial building only. No use is proposed as part of this application. Any future use will require either development consent or a complying development certificate to be approved prior to the unit being occupied.

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

State Environmental Planning Policy(s) - S79C(1)(a)(i)	<u>Deemed State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River</u> Compliant with conditions recommended where necessary. <u>State Environmental Planning Policy No. 55 – Remediation</u> Compliant with conditions recommended where necessary.
Local Environmental Plan - S79C(1)(a)(i)	<u>Camden LEP 2010</u> Compliant with conditions recommended where necessary.
Draft Environmental Planning Instrument(s) - S79C(1)(a)(ii)	None applicable.
Development Control Plan(s) - S79C(1)(a)(iii)	<u>Camden DCP 2011</u> Generally compliant with two variations proposed as discussed in detail below.
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 are discussed in the key issues and submissions 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)	Five submissions, including one submission containing 34 signatures, have been received all objecting to the proposal; this is discussed in the Submissions section of this report.
Public Interest - S79C(1)(e)	The development is in the public interest.



Compliance with Plans or Policies

Two variations are proposed to the Camden DCP 2011.

DCP Variation 1 - Minimum Design for Service Vehicle

DCP Control

The Camden DCP (Section D4.4) requires the minimum size service vehicle for development with a GFA less than 300m², to be a medium rigid vehicle.

Variation Request

The applicant proposes that the development will require a small rigid vehicle (SRV) only to service the future use. The following justification has been provided:

- There are no specific objectives for the control.
- The smaller size of vehicle will result in less of an impact on both residential neighbours within the street.
- Council can impose a condition to the effect that the site is restricted to the size of a SRV, which ensures that any future operator and use will need to comply with.

Council Staff Assessment

Council staff are satisfied with the justification and support the variation for the following reasons:

- The site is restricted in size and it is not feasible to accommodate a reasonable sized building and an adequate on-site turning area for a medium rigid vehicle.
- The zoning of land (IN2 Light Industrial) and the floor area of the building will restrict the type of uses that can occur on the site.
- It is not anticipated that medium rigid vehicles would be required to service a building of its size.
- A condition is recommended restricting vehicles larger than small rigid vehicles from servicing the site.
- Conditions are recommended requiring loading and unloading to occur within the building and no unloading from the street.

DCP Variation 2 – Driveway Width

DCP Control

Section D4.4 of the Camden DCP requires access driveways to be designed in accordance with AS2890.2 which necessitates a 9m wide driveway crossover.

Variation Request

A four metre wide driveway is proposed which is adequate for a small rigid vehicle. The subject site is 13.87m wide. If a nine metre crossover is required it would result in a greater impact on the streetscape and would not allow for suitable landscaping to be provided within the front setback area.

Council Staff Assessment

Council staff support the variation for the following reasons:

- The nine metre wide driveway is only required to accommodate medium rigid vehicles. The site will not be serviced by vehicles of this size as discussed earlier in this report.
- The four metre wide driveway is acceptable to accommodate small rigid vehicles.
- The provision of a nine metre wide driveway would remove one on-street car parking space and would reduce the amount of landscaping that can be provided within the front setback.

Key Issues

During the assessment of this DA, Council staff met with some of the submitters to discuss their issues with the proposed development and to discuss their broader concerns with the existing zoning of Little Street. The IN2 Light Industrial zoning is an ongoing concern for some residents.

As part of the comprehensive review of the Camden Local Environmental Plan (LEP) 2010, Council's Strategic Planning Branch will review the industrial land within the Camden Local Government Area.

The LEP review process is a three phase program, with Phase 1 having commenced in July of 2016. Phase 2 of the review will include higher level investigations such as a review of industrial lands (inclusive of Little Street) and will investigate aligning the Camden LEP to the adopted District Plan.

Studies to inform Phase 2 are underway. However Phase 2 will not be formally considered by Council until the District Plan process is finalised as any changes to the Camden LEP must be consistent with the vision and priorities of the adopted District Plan.

The other key issues associated with the DA are limited to the variations and 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 18 February 2016 to 2 March 2016. Five submissions, including one submission containing 34 signatures, have been received (all objecting to the proposed development).

During the assessment of the DA, the applicant submitted amended plans at the request of Council officers. The DA was amended to remove one of the industrial units. A copy of the amended plans was provided to all submitters for review.

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

1. Inappropriateness of industry in Little Street



Officer comment:

The site is zoned IN2 Light Industrial. The DA proposes an industrial building which is permissible and consistent with the objectives of the IN2 zone. The DA must be assessed against the current zoning and applicable controls.

It is acknowledged the surrounding area contains a range of land uses including residential properties. The development has been assessed against all relevant planning policies and is not considered to have any unacceptable impacts upon the surrounding area. Consequently it is considered to be an appropriate development for this site and area.

2. Non-compliance with the DCP minimum lot size and lot width for industrial buildings

Officer comment:

The DCP controls (Section D4.2.1) relating to lot size and lot width are not applicable to this DA. The DCP details the controls that are required when creating an industrial allotment via subdivision, however this is an existing allotment.

The DA is seeking to construct an industrial building which is permissible in the IN2 zone.

3. Inadequate carparking and traffic issues

Officer comment:

Three car parking spaces are being provided on site, which complies with the DCP requirement for light industry (one space per 70m² of GFA). A condition is recommended requiring any future use to retain the three car parking spaces on site to ensure the development satisfies the car parking requirement of the DCP.

The car park has been designed in accordance with the relevant Australian Standards to accommodate a small rigid vehicle. The proposal demonstrates that vehicles will be able to enter and exit the site in a forward direction should the car park be full.

The site will be restricted to the use of small rigid service vehicles as detailed previously. There will be no additional heavy vehicles accessing Little Street as a result of this development.

4. Overdevelopment of the site

Officer comment:

The applicant amended the design during the assessment of the DA at the request of Council officers as the two units originally proposed did not comply with the minimum floor area for industrial units specified in the DCP.

As part of the amended proposal, one unit was removed from the proposal. The removal of the unit enabled increased setbacks for the building and incorporation of additional landscaping between the building and the allotment boundaries. The development complies with the Camden LEP floor space ratio requirement and does not exceed the maximum building height.

The DCP requirement for car parking has been achieved, however a variation is proposed with respect to the size of the vehicle accessing the site and the width of the access driveway.

Council staff are satisfied that the amended development is suitable for the site.

5. Concern with 9.5m building height and the impact on the Heritage Conservation Area

Officer comment:

The development complies with the building height specified by the Camden LEP 2010. The height proposed is appropriate for an industrial building.

The site is not a heritage item and is not located within a heritage conservation area (HCA). Council's Heritage Advisor is satisfied the proposed development will not be intrusive upon the HCA of Broughton Street which adjoins the site to the east.

6. Building with large blank unattractive concrete walls will block views and reduce natural sunlight to adjoining properties.

Officer comment:

Following discussions with Council officers the applicant made a number of amendments to the development including increasing the rear setback to one metre, amending the building design by providing greater articulation and the provision of additional landscaping. The design of the amended development is considered acceptable.

It is acknowledged that the proposed building will be visible from the residential properties in Broughton Street however this is unavoidable at the interface of different zonings. There will be no unacceptable overshadowing impacts on the Broughton Street properties from the development.

7. No on-site detention proposed

Officer comment:

Council's Engineer is satisfied that the proposed 4,000 litre rainwater tank will adequately cater for on-site detention given the size of the site and that the development will not result in any significant increase in stormwater runoff. Conditions are recommended that will require compliance with Council's Engineering Specifications.

8. Effect the value of our property

Officer comment:

The loss of property values is not a matter for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*.

9. No uses nominated for the proposed building



Officer comment:

There is no requirement to nominate a use as part of the DA. Any future use will need to comply with the conditions of consent. A condition is recommended which limits the hours of operation for any future use to Monday to Friday 8.00am-6.00pm and Saturday 8.00am-1.00pm only.

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 139/2016 is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That Council approve DA139/2016 for the construction of an industrial building and associated site works at 18A Little Street, Camden, subject to the recommended conditions.

ATTACHMENTS

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



ORDINARY COUNCIL

ORD07

SUBJECT: DRAFT CAMDEN RURAL LANDS STRATEGY AND STUDY

FROM: Director Planning & Environmental Services

TRIM #: 17/98883

PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of the draft Camden Rural Lands Strategy (provided as **Attachment 1 to this report**) for the purpose of public exhibition.

BACKGROUND

The Camden Local Government Area (LGA) has historically been known for its productive rural land and agricultural activities.

The connection of the Camden community to its rural land is clear through the draft Camden Community Strategic Plan (draft CSP). The draft CSP identifies the need to effectively manage urban development and population growth while protecting the rural and heritage character of the Camden LGA.

In considering a number of planning proposals to rezone rural land, Council has reinforced the importance of protecting our rural land. Major infrastructure projects, including the Western Sydney Airport and the M9 Orbital may have implications for our rural land and rural identity.

To address these issues, Council commissioned a rural land use planning specialist to prepare a Rural Lands Study (provided as **Attachment 2 to this report**). The rural Lands Study has informed the draft Rural Lands Strategy (the draft Strategy) (provided as **Attachment 1 to this report**).

The draft Strategy provides a strategic framework that will inform Council's decision-making with regards to the protection of rural land and identifies priority actions to proactively manage rural land and its interface with non-rural land uses.

The draft Strategy aims to protect rural lands at the rezoning stage and to ensure that development controls provide sufficient guidance on matters such as land use conflict and scenic protection.

A Councillor briefing on this matter was held on 7 February 2017.

MAIN REPORT

Draft Camden Rural Lands Strategy

The draft Strategy has been prepared by Council officers taking into account the findings of the Rural Lands Study. The draft Strategy largely reflects the recommendations of the Rural Lands Study.

The draft Strategy includes seven broad planning principles to inform future land use decision-making and an action plan for implementing the principles.



Key Planning Principles

- P1. Protect Camden's remaining rural lands;
- Camden's rural land is important, not only because of its role in providing Sydney with fresh food, but because of other benefits which arise through the protection of rural land. These benefits include tourism and scenic and cultural landscape values which provide a positive contribution to Camden's identity and social fabric.
- P2. Retain Camden's valued scenic and cultural landscapes;
- The rural heartland of Camden is composed of landscapes which clearly demonstrate historic settlement patterns and associations. The main components of Camden's landscape are hills and ridges, flood plains and remnant native vegetation. These are prominent in the visual gateways and routes in the area and deserve special consideration and protection.
- P3. Provide certainty and avoid rural land fragmentation;
- Agricultural productivity relies upon land use planning controls to protect land from inappropriate development and speculation. The existing minimum lot sizes are an effective tool to avoid further land fragmentation and manage land use conflict.
- P4. Minimise and manage rural land use conflict;
- Land use conflicts between rural producers and residents surrounding them can be an impediment to agricultural production.
- P5. Enhance Camden's Rural Economy;
- There is a need to identify potential activities through which Camden Council can support and promote viable and sustainable agriculture.
- P6. Minimise unplanned non-agricultural development; and
- This principle is in line with the draft South West District Plan which highlights the need to discourage urban development in the metropolitan rural area and to carefully consider environmental, social and economic values.
- P7. Maximise opportunities for relocation of rural enterprises.
- There is a need to maximise the opportunities for the relocation of rural enterprises displaced by the South West Priority Growth Area (SWPGA).

Draft Actions

The planning principles have a corresponding set of actions which will be linked to Council's Operational Plan. The draft actions are outlined below.

Table 1 – Strategy Actions

Principle/s	Proposed Action
P1	Provide an advocacy role that the preferred M9 corridor option minimises impact on rural zoned land.
P1, P4	Investigate the potential introduction of appropriate zones within the South West Priority Growth Area to provide a long term buffer between rural land uses and urban development.
P2	Undertake a detailed visual study of Camden's rural lands (excluding SWPGA) in conjunction with key stakeholders.



Principle/s	Proposed Action
P2	Investigate options to incorporate scenic protection controls in Camden Local Environmental Plan 2010.
P2	Review existing development controls to provide additional guidance on scenic protection.
P3, P7	Retain the existing 40ha minimum lot size (Camden LEP 2010) for rural land to avoid further land ownership fragmentation.
P4	Review existing development controls to provide additional guidance on land use conflict.
P4	Prepare informative / educational material for the community about farming impacts and conflicts.
P5	Investigate potential activities to support and promote viable and sustainable agriculture.
P6	Monitor the implementation of the criteria for planning proposals seeking rezonings on rural land (excluding SWPGA).

Criteria for Assessment of Rezoning Proposals

The draft Strategy includes criteria (see Table 2) to assist in the assessment of rezoning proposals for non-agricultural development in rural zones outside of the South West Priority Growth Area.

The assessment criteria are intended as a guide and proponents will still be subject to the assessment processes that apply to all planning proposals under NSW planning legislation and guidelines.

Table 2 – Criteria for Rezoning Proposals

ID	Assessment Criteria	Key considerations (Pre-Gateway)
1	Proposals must be consistent with state and local strategic plans.	<ul style="list-style-type: none"> Improvement /ongoing maintenance of biodiversity, ecological, scenic and productive values; Agricultural land production value; Rural economic benefit; Net community benefit;
2	Proposals must not adversely impact on the operation of existing rural enterprises.	<ul style="list-style-type: none"> Existing intensive agricultural land uses. Land use conflict – utilisation of the Land Use Conflict Risk Assessment (LUCRA) tool developed by the NSW Department of Primary Industries.
3	Proposals must be a logical extension to existing urban areas.	<ul style="list-style-type: none"> Proximity to public transport and other community services.; Essential services availability (including cost of extending services or upgrading roads and other infrastructure).



ID	Assessment Criteria	Key considerations (Pre-Gateway)
4	Proposals must not reduce the quality of scenic landscapes, vistas, ridgelines, or heritage values.	<ul style="list-style-type: none"> • Siting and design impacts. • Natural and physical constraints and opportunity of rural land, including high value vegetation, bushfire and flooding.

Relationship to Council plans and policies

The draft Strategy has been informed by the Rural Lands Study and links to Council's CSP as well as Council's Delivery and Operational Plans.

The draft Strategy will also inform future reviews of the Camden Local Environmental Plan 2010 (Camden LEP 2010) and Camden Development Control Plan 2011 (Camden DCP 2011).

Rural Lands Study

Undertaken in 2016, the Rural Lands Study considered our existing rural lands, the potential impacts to their future viability, and opportunities to preserve and protect them.

In summary, the Rural Lands Study found:

- Camden's rural scenic amenity and character is significant and should be protected.
- Agriculture is a significant industry for the Camden LGA with the value of production in 2010 being \$43.5M.
- The majority of agricultural value arises from intensive agriculture including poultry at 50% and nurseries, cut flowers, turf and vegetables at 42%.
- Intensive agriculture accounts for only 3% of rural land use area in the Camden LGA, a significant portion of which is located in the SWPGA.
- In order to minimise further loss of agricultural production in light of the SWPGA, protection of the remaining rural land in the Camden LGA is necessary.

Draft South West District Plan

The draft District Plan includes a 20-year vision that promotes the South West District as Greater Sydney's urban parkland, where urban lifestyles meet rural living and residents enjoy the best of both worlds. The vision highlights a strong and progressive rural sector will continue to help feed greater Sydney while leveraging the export opportunities from the new Western Sydney Airport.

The draft Strategy aligns with the draft South West District Plan. The draft District Plan uses the term 'Metropolitan Rural Area' to describe the non-urban areas at the periphery of Greater Sydney. The draft District Plan has three priorities for the Metropolitan Rural Area:

- Sustainability Priority 6 – Discourage urban development in the Metropolitan Rural Area;
- Sustainability Priority 7 – Consider environmental, social and economic values when planning for the Metropolitan Rural Area; and



-
- Sustainability Priority 8 – Provide for rural-residential development while protecting the values of the Metropolitan Rural Area.

Draft Camden Community Strategic Plan (CSP)

The draft Strategy aligns with the draft CSP which includes the following objectives:

- Urban development is managed effectively.
- Rural land is adequately administered.

The actions identified in the draft Strategy will provide a framework to achieve these objectives.

Public Exhibition and Way Forward

There is no legislative requirement to publicly exhibit the draft Strategy. However, given it provides strategic direction for the future management of Camden's rural lands and will inform future planning instrument (Camden LEP 2010) reviews, it is recommended that the draft Strategy be publically exhibited for a period of 28 days.

During the exhibition, a notification will be placed in the local newspaper and the exhibition material will be available at Council's Administration Centre, website, and libraries.

A copy of the draft Strategy will be forwarded to the Greater Sydney Commission, NSW Department of Planning and Environment, NSW Department of Primary Industries and adjoining councils.

If submissions are received, a further report will be provided to Council that outlines the results of the public exhibition. If no submissions are received during the exhibition period, it is recommended that Council adopt the draft Rural Lands Strategy.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report. However, if adopted, the implementation of some of the actions, such as the preparation of a detailed visual study, may require a future budget allocation.

CONCLUSION

The draft Rural Lands Strategy seeks to protect Camden's remaining rural lands and address emerging pressures and land use conflicts. The draft Strategy is in line with the draft South West District Plan which highlights the need to discourage urban development in the Metropolitan Rural Area and to carefully consider environmental, social and economic values.



RECOMMENDED

That Council:

- i. endorse the draft Rural Lands Strategy for public exhibition; and**
- ii. if submissions are received, consider a further report that outlines the results of the public exhibition; or**
- iii. if no submissions are received, adopt the Rural Lands Strategy.**

ATTACHMENTS

- 1. Draft Rural Lands Strategy**
- 2. Camden Rural Lands Study (Prepared by Booth Associates)**



ORDINARY COUNCIL

ORD08**SUBJECT: DETERMINATION OF COUNCILLOR FEES - 2017/18 LOCAL GOVERNMENT REMUNERATION TRIBUNAL****FROM:** Director Customer & Corporate Services**TRIM #:** 17/134686

PURPOSE OF REPORT

To advise Councillors of a determination by the Local Government Remuneration Tribunal (the Tribunal) for the range of councillors' and mayors' fees payable for the 2017/18 financial year, and to request Council to determine the fees for the Councillors and the Mayor for the 2017/18 financial year.

BACKGROUND

The Tribunal sets the range of annual fees payable to councillors and mayors in NSW each year. Under the *Local Government Act 1993* (the Act), Council may fix the annual fees paid to the Councillors and the Mayor. The annual fees must be in accordance with the range determined by the Tribunal. Under section 249 of the Act, the Mayor must be paid an annual fee in addition to the fee paid to the Mayor as a Councillor. Section 249 also provides that Council may pay the Deputy Mayor a fee for such time as the Deputy Mayor acts in the office of the Mayor. The amount of the fee so paid, which is determined by Council, must be deducted from the Mayor's annual fee.

Should Council decide not to fix the annual fees payable to the Councillors and the Mayor, it must pay the appropriate minimum fee determined by the Tribunal.

Council, at its Ordinary meeting held on 28 June, 2016, resolved that the fees payable to the Councillors and the Mayor for the 2016/17 financial year remain unchanged.

MAIN REPORT

The Tribunal's decision

The Tribunal has concluded its annual review and, having regard to the 2016 determination to have a number of councils amalgamated, that a majority of councils will receive an increase of 2.5% in fees for councillors. The increases are effective on and from 1 July 2017, subject to Council's adoption.

A copy of the full decision is **attached**.

Section 239 of the Act requires the Tribunal to determine the categories of councils and to place each council in a category at least every three years. Since the making of the 2016 determination to amalgamate a number of councils, 20 new councils have been created and the number of NSW councils has been reduced from 152 to 128. This significant change prompted the review of the existing categories. In November 2016, the Tribunal called for submissions regarding this review and Council responded on 30 January 2017. A copy of this submission was provided to Councillors on 3 February 2017.



After considering submissions, the Tribunal determined a categorisation model on the basis of geographic location, population, sphere of economic influence and degree of regional servicing. For metropolitan councils, the Tribunal has adopted the following five categories:

- Principal CBD;
- Major CBD;
- Metropolitan Large;
- Metropolitan Medium;
- Metropolitan Small.

Although the Tribunal specifically acknowledges in their decision that Camden is expected to experience significant development, population growth and additional responsibilities now and in the future, the initial categorisation has been primarily on the basis of the current population as set out in the extract below from the Tribunal's report.

*In determining the allocation of councils into these categories the Tribunal found that that there were certain councils that could warrant categorisation into another category based on additional criteria. The Tribunal notes that a number of metropolitan and non-metropolitan councils have or are expected to experience significant development and population growth in the future. A number of these local government areas have been identified in the State Government's key planning strategies and include **Camden** and The Hills councils. The Tribunal acknowledges the additional responsibilities these and other councils may face now and in the future, however for the initial categorisation these councils have been categorised primarily on the basis of their population. The Tribunal will continue to monitor these and other councils to determine the appropriateness of the allocation of councils and the categorisation model for future determinations.*

It is pleasing to note that the Tribunal has now deliberately included content acknowledging the role that growth plays in the assessing the nature of a Council's classification.

Camden's Classification

Camden Council has been categorised as a Metropolitan Small council, which is described as having a typical population less than 100,000 and total operating revenue less than \$150M per annum.

The revised fees payable for a Metropolitan Small council for 2017/18 are as follows:

COUNCILLORS	MAYOR
Minimum \$8,750 - Maximum \$19,310	Minimum \$18,630 - Maximum \$42,120

The current fees are \$15,573.60 per annum for Councillors and \$34,000.20 per annum for the Mayor.

Based on the present level of fees payable to the Mayor and Councillors, a 2.5% increase would amount to an increase of \$389.34 per annum for each Councillor, bringing the total to \$15,962.94 per annum, and an increase of \$850.01 for the Mayor, bringing the total to \$34,850.21 per annum. Alternatively, Council could adopt an amount up to the maximum amount payable in each case which would result in increases of up to \$3,736.40 and \$8,119.80 respectively.



FINANCIAL IMPLICATIONS

A 2.5% increase to Councillors' and Mayor's fees would result in additional expenditure totalling \$4,354.07. The 2017/18 Operational Plan (including budget) includes a provision for an increase of expenditure of 3.0%, which represents an amount of \$5,224.88. If Council elects to increase Councillor fees by 2.5%, this will represent a saving to the 2017/18 Operational Plan of \$870.81 which could be adjusted at the September Quarterly Budget Review.

RECOMMENDED

That Council determine the level of fees payable to Councillors and the Mayor for the 2017/18 financial year.

ATTACHMENTS

1. Local Government Remuneration Tribunal Annual Determination 2017



ORDINARY COUNCIL

ORD09

SUBJECT: INVESTMENT MONIES - MARCH 2017
FROM: Director Customer & Corporate Services
TRIM #: 17/133031

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 31 March 2017 is provided.

MAIN REPORT

The weighted average return on all investments was 3.28% p.a. for the month of March 2017. The industry benchmark for this period was 1.78% (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 Manager Finance & Corporate Planning.

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 March 2017 and;**
- iii. note the weighted average interest rate return of 3.28% p.a. for the month of March 2017.**

ATTACHMENTS

1. Investment Report - March 2017



ORDINARY COUNCIL

ORD10

SUBJECT: BANKING TENDER
FROM: Director Customer & Corporate Services
TRIM #: 17/139777

PURPOSE OF REPORT

To advise Council of the outcome of the tender to provide Council with banking services for the next five years.

MAIN REPORT

On the 23 January 2017 Council issued a request for tenders to supply banking services for the next five years. The last assessment took place in 2012.

Council's current bank is the Commonwealth Bank. Banking services cost Council approximately \$120,000 per year. The cost of banking services will increase as we grow due to an increasing volume of transactions. It is important that council continues to employ the most cost effective/efficient banking services and user friendly environments for customers to process monetary transactions with Council.

A comprehensive tender document was prepared and the following evaluation criteria were used to assess each tender.

- Price;
- Quality of Service;
- Information Systems;
- Services Tendered;
- Contract;
- Service Levels ;
- Relationship Management.

The following four banks submitted tenders:

- Australian and New Zealand Banking Corp (ANZ);
- Commonwealth Bank of Australia (CBA);
- National Australia Bank (NAB);
- Westpac Banking Corporation (Westpac).

All banks that submitted tenders complied with the tender specifications which allowed each tender to be assessed against the tender evaluation criteria.

The tender evaluation panel has recommended that the Commonwealth Bank continue to provide banking services to Council for the next five years. The price tendered by the Commonwealth Bank will result in a saving to Council of approximately \$4,000 per year or \$20,000 over the life of the contract. The savings are identified at a point in time and will be impacted by the amount of growth in Council's banking transactions. As part the assessment process Council also utilised the expertise of an independent consultant.



It should be noted that the Commonwealth Bank was not the cheapest option but still scored highly on all criteria and is considered by the tender assessment panel to represent the best value for Council, which considered the cost of conversion, time and system changes required for a new provider.

Due to the 'commercial-in-confidence' nature of the information provided by each bank, a summary of the tender panel's assessment is provided in **supporting documents**.

Subject to Council accepting the Commonwealth Bank's tender, it is expected that the term of the contract will commence 3 July 2017.

Following the banking tender process, a review of the current payment methods offered by Council has commenced and further information will be provided to Council once the review is completed.

CONCLUSION

The banking tender has resulted in Camden Council realising savings of approximately \$20,000 over the life of the contract. These savings are always contingent on growth which is difficult to estimate, however this does not impact the assessment of the tender. The Commonwealth Bank ranked highly when all aspects of the evaluation criteria were considered. On this basis, the tender evaluation panel has recommended that Council accept the Commonwealth Bank's tender to provide banking services for the next five years.

RECOMMENDED

That Council:

- i. accept the tender from the Commonwealth Bank to provide banking services to Camden Council for the next five years commencing on 3 July 2017; and**
- ii. authorise the relevant documentation to be finalised and signed under delegation.**

ATTACHMENTS

1. Banking Tender Assessment Information - *Supporting Document*