

GYDE

INDEPENDENT REPORT TO COUNCIL

PLANNING PROPOSAL

55 TOPHAM ROAD, SMEATON GRANGE

submitted to Camden Council

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1. PURPOSE OF REPORT

The purpose of this report is to seek Council endorsement of a draft planning proposal for Council Owned Land at Lot 3513 in DP830128, No. 55 Topham Road, Smeaton Grange and to resolve to forward the draft planning proposal to the Department of Planning and Environment (DPE) for Gateway determination.

The planning proposal seeks to permit '*animal boarding and training establishments*' as an additional permitted land use under cl2.5 and Schedule 1 of Camden Local Environment Plan 2010 on the site.

For reference a copy of the planning proposal application documentation is provided at **Attachment 1** to this report.

2. BACKGROUND

Under the Companion Animals Act 1998, the Local Council has numerous requirements in relation to the management and welfare of companion animals within its LGA including registration, education, dealing with abandoned, rescue or impounded animals.

Each Local Council will have slightly varying methods in approaching the management of companion animals in their LGA's. This can include the outsourcing of pound functions to private facilities such as vets, using a shared pound facility with other local Councils or managing its own facility.

From identified records, in 2016, Council resolved to operate a 'no kill' animal care facility whereby all attempts are made to re-home or rescue animals considered suitable for rehoming. This is supported by Council's Companion Animal Policy and Program.

Since 2017, Council has sub-contracted the services of Rossmore Veterinary Hospital as an animal care facility. However, given the planning future growth within the Camden LGA and anticipated consequential growth in companion animals, Council has determined to construct a purpose-built, centrally located facility to be operated by Council.

On 8 June 2021, Council considered a report on the draft masterplan for land at The Crest in Gledswood Hills. Following consideration of feedback received from the community, Council resolved to remove the proposed future animal care facility from the draft masterplan. At the same time, Council resolved to '*identify a new site for an animal care facility and provide a briefing and report back to Council as soon as possible*'.

On 13 July 2021 Council resolved to endorse the site at 55 Topham Rd, Smeaton Grange for the purpose of Camden's future animal care facility (**Attachment 2**).

The draft planning proposal was prepared by Planning Ingenuity on behalf of Council (being the subject application) which seeks to amend Schedule 1 of the Camden Local Environmental Plan 2010 (CLEP 2010) to permit '*animal boarding and training establishments*' as a use permitted on the site.

The site is zoned IN1 General Industrial under the CLEP 2010. Animal boarding and training establishments are currently prohibited within the IN1 General Industrial zone. It is currently owned and operated by Council and is operated as a low scale maintenance depot primarily for the storage of vehicles such as garbage truck and use by staff in temporary demountable office buildings.

3. SITE AND LOCALITY

This site known as 55 Topham Road, Smeaton Grant is located on the northern side of Topham Road between the intersections of Orielton Road and Anzac Avenue as shown in **Figure 1** below. The site is legally identified as Lot 3513 in DP830128. The site area is approximately 8,620m².



Figure 1: Aerial photo of the site (outlined red) (Source: Planning proposal dated October 2022)

The site is owned by Council and currently used as a Council depot which was established in 2020 which provides for parking for Council operational vehicles and staff parking. The site also contains a number of buildings for amenities and offices for the operational staff and administration support of several relocatable site office buildings. Open parts of the site are also used for storage of some equipment and materials. A visual representation of the site is shown in the Figures below:



Figure 2: Oblique photo of site – Photo looking north-east from southern side of Topham Road adjacent to No 53 (Source: GYDE August 2022)



Figure 3: Oblique photo of site – Photo looking north from southern side of Topham Road adjacent to site eastern vehicle access point (Source: GYDE August 2022)



Figure 4: Oblique photo of site – Photo looking north and northeast from within site from the western side of eastern vehicle access point from Topham Road (Source: GYDE August 2022)



Figure 5: Oblique photo of site – Photo looking northeast from within site from the western side of eastern vehicle access point from Topham Road (Source: GYDE August 2022)



*Figure 6: Oblique photo of site – Photo looking south and south west from within site from the north eastern boundary corner
(Source: GYDE August 2022)*

Along the rear northern boundary, the site is adjacent to an open drainage channel which is part of Narellan Creek. The northern boundary of the site incorporates a landscaped/deep soil area, which falls to the fence line and drainage channel.

A visual representation of the channel is shown in the **Figure 7** below:



Figure 7: Oblique photo of Environmental Swale and Creek Line located adjacent to the site to the north – photo view looking west from Anzac Avenue (Source: GYDE August 2022)

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The site is located within the Smeaton Grange industrial area which contains a diverse range of industrial uses. These include warehouse, manufacturing and wholesale distribution centre for bulk fencing products to the west, multipurpose industrial units to the east and a pallet restoration, recycling facility and multipurpose industrial units opposite the site.

A visual representation of the surrounding locality within the industrial estate is shown in the Figures below:



Figure 8: Oblique photo of Topham Road view looking east adjacent site (Source: GYDE August 2022)



Figure 9: Oblique photo of 53 Topham Road (adjacent to the west of the subject site) (Source: GYDE August 2022)



Figure 10: Oblique photo of 63 Topham Road (adjacent to the east of the subject site) (Source: GYDE August 2022)

4. DEVELOPMENT HISTORY

The site has historically been vacant. However, in 2020, Council began to use the premises as a low scale maintenance depot.

To enable the facility to commence operations, Council prepared a Review of Environmental Effects (REF) under Part 5 of the Environmental Planning and Assessment Act 1979 in March 2020. The REF concluded that there are no known threatened species, endangered ecological communities or critical habitat impacting the site, neither was the site identified as bushfire prone land (see mapping extracts in Figure 11 and Figure 12 below).



ENV Sensitive and BIO Cert Land in Intramaps

Figure 11: Environmentally Sensitive Land and Bio Certified Land in proximity to the site, edged red (Source: Camden Council)



BPL in Intramaps

Figure 12: Bushfire Prone Land in proximity to the site, edged red (Source: Camden Council)

Accordingly, based on the determination of the REF, Council has commenced use of the premises. These facilities will subsequently be transferred to a new Council facility at an alternative location when construction is completed.

5. INITIAL NOTIFICATION

The Planning proposal was placed on initial notification from Monday 4 April to Wednesday 20 April 2022.

As a result of the initial notification of the proposal, Council advised that no submissions were received.

6. SUMMARY OF PROPOSAL

At its ordinary meeting of 13 July 2021 Council resolved to endorse the site at 55 Topham Rd, Smeaton Grange for the purpose of Camden's future animal care facility.

Under CLEP2010 an **"animal boarding or training establishment"** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

It is proposed that through enabling **animal boarding or training establishment** to be a permissible development form and the obtaining of a subsequent Development Consent, the site will enable Council to meet its obligations under the Companion Animals Act 1998 and to provide animal care, impoundment, re-homing and community education, with services provided on site which would include:

- Impoundment and animal care (including veterinary treatment) for lost, seized and surrendered animals
- Microchipping and de-sexing
- Working with rescue organisations for re-homing
- Based for Enforcement Rangers for regulating nuisance, menacing, dangerous and stray animals
- Administration related to the above and to registration of animals
- Community education and special events.

To facilitate the previously identified Council resolutions and achieve the above intended use of the site, the subject planning proposal seeks to amend:

- a) The wording of Schedule 1 to list the subject site as permitting **animal boarding or training establishment** with consent; and
- b) Amending the Camden Local Environmental Plan 2010 (CLEP 2010) Additional Permitted Uses Map (APU_17) to identify the site and proposes a corresponding new Additional Permitted Use (APU)

Specifically, it should be noted that Clause 2.5 of the CLEP 2010 provides that development on particular land described or referred to in Schedule 1 may be carried out with development consent. The Clause relevant provides:

"2.5 Additional permitted uses for particular land

- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out—*
 - (a) *with development consent, or*

- (b) *if the Schedule so provides—without development consent,*

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

- (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan."*

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The planning proposal provides the following suggested clause to be included in Schedule 1 as follows:

29 Use of certain land at 55 Topham Road, Smeaton Grange

(1) This clause applies to land at 55 Topham Road, Smeaton Grange, being Lot 3513 in DP 830128, identified as Clause 29 on sheet 017 of the Additional Permitted Uses Map.

(2) Development for the purposes of an animal boarding or training establishment is permitted with development consent.

The 'Additional Permitted Uses Map – Sheet APU_017' will be amended to identify the site as being affected by proposed APU Clause 29 as shown in **Figure 13** below.

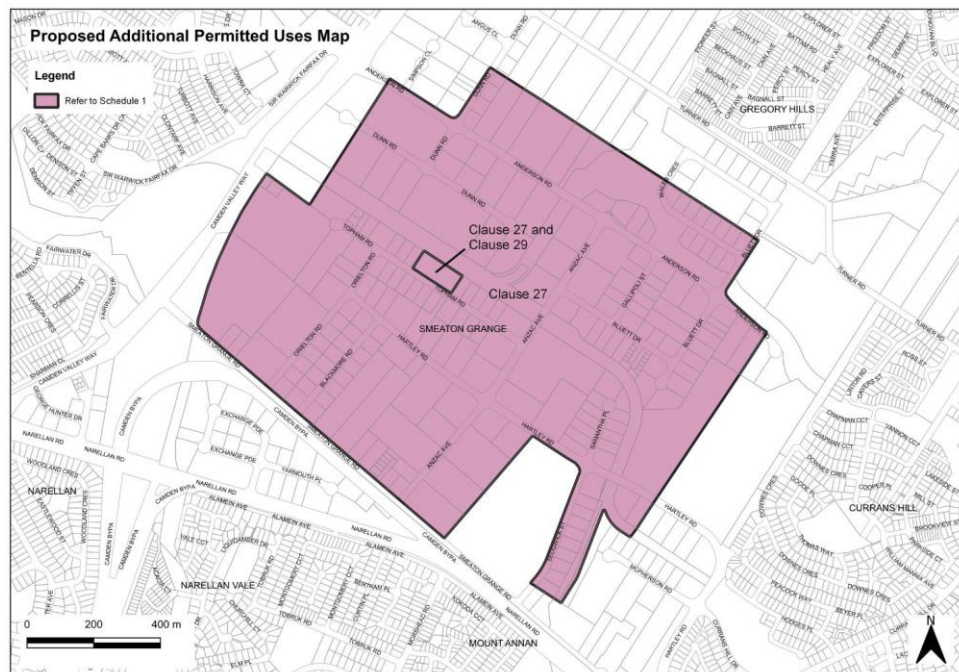


Figure 13: Proposed amended Additional Permitted Use Map (Source: Planning proposal October 2022)

The planning proposal does not propose any other changes to the LEP mapping or controls affecting the site.

7. ZONING AND PERMISSIBILITY

As shown in **Figure 14**, the site is zoned IN1 General Industrial. An additional permitted use clause already applies to the site, Clause 27 of Schedule 1 of the CLEP 2010. Clause 27 allows an additional permitted use as sex service premises with development consent on all land in Smeaton Grange within the IN1 General Industrial zone. The planning proposal does not propose to amend the application of Clause 27, which will remain applicable to the site.

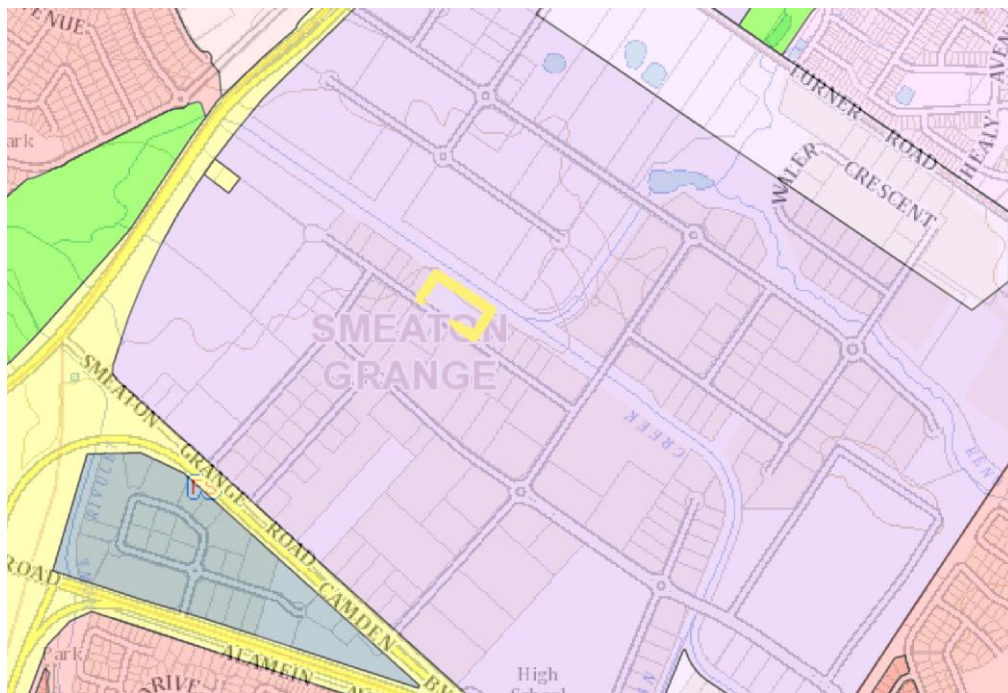


Figure 14: Land Zone Map, site edged yellow (Source: NSW Legislation/Eplanning)

Animal boarding or training establishments are prohibited within the IN1 zone. It is proposed that the Camden LEP 2010 be amended to include animal boarding or training facility as a permissible use on the site by inclusion of an additional use clause is proposed to apply to the land. It is considered that the additional permitted use is compatible with the existing permitted uses with development consent, including sex service premises provided under the CLEP 2010.

The objectives of the IN1 General Industrial zone under the CLEP 2010 are as follows:

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To enable non-industrial land uses that are compatible with and do not detract from the surrounding industrial and warehouse land uses.

The proposed additional permitted use as an animal boarding or training facility is considered to be consistent with the objectives of the IN1 General Industrial zone as it will encourage additional employment opportunities, have no adverse impacts on other industrial uses and will not detract from the surrounding industrial and warehouse land uses.

8. STRATEGIC MERIT ASSESSMENT

The proposed amendment is deemed to have strategic merit as outlined within the planning proposal (Attachment 1) and is aligned with the Council's strategic vision for the site. The proposal will facilitate a valued and important piece of community infrastructure in an appropriate location. It will enable Council to meet its obligations under the Companion Animals Act 1998 and the use as an animal boarding or training facility will support the planned strategic growth within the Camden local government area and ensure adequate facilities are available to the growing population.

The operational need for an animal care facility is identified by Council in its resolution of the 13 July 2021 and is in accordance with Council's operational and community-based services priorities in accordance with:

- The Local Government Act, 1993 (LG Act) and Companion Animals Act, 1998 (CA Act), Companion Animals Regulation 2018 and Impounding Act, 1993
- The Camden Council (Revised) Delivery Program 2017-'18 to 2021-'22
- The Camden Council 2021-'22 Operational Plan (Budget)
- 2021-'22 to 2024-'25 Camden Council Capital Works Program which allocates \$150,000 to the project in 2022-'23
- 2021-'22 Fees and Charges Schedule
- 2021-'22 to 2030-'31 Long Term Financial Plan which includes future income and expenditure at the new depot site at No.55 Topham Road, Smeaton Grange
- Council's adopted Companion Animal Policy P.2.0065.1 and Companion Animal Program

The proposal gives effect to the Metropolitan and District Plan, as well as the Camden Local Strategic Planning Statement and is considered to be consistent with the following Local Priorities:

- *Local Priority I1* - Aligning infrastructure delivery with growth
- *Local Priority I4* - Working in partnership to deliver a more liveable, productive and sustainable Camden
- *Local Priority L3* - Providing services and facilities to foster a healthy and socially connected community
- *Local Priority P1* - Increasing the quantity and diversity of local jobs, and improving access to jobs across the Western City District
- *Local Priority P4* - Ensuring a suitable supply of industrial and urban services land

The proposed amendment has been assessed against the current zoning objectives and is compatible with the strategic objectives of the IN1 General Industrial zone.

The planning proposal is consistent with Connecting Camden Community Strategic Plan adopted by Council on 14 June 2022. The planning proposals addresses the following objectives and strategies by providing a service facility to support the community's needs:

- W3.3 Address community needs through the provision of services and facilities targeting specific user groups
- L2.2 Council builds opportunities for continuous improvement through service delivery, reflective of need

Finally, consideration has been given to the relevant Local Planning Directions and State Environmental Planning Policies (SEPPs) to confirm consistency (see **Appendix 1**).

9. SITE SPECIFIC ASSESSMENT

The planning proposal has been assessed and a summary of the key considerations are outlined below.

Location

The site is located within an industrial area, away from residential areas. This will enable any acoustic impacts on residents of the Camden LGA to be prevented. Given the usual operating hours and nature of industrial activities within the area, no adverse impacts are anticipated to the surrounding uses.

The site has no natural features, risks or hazards which would impact or constrain the proposed additional permitted use.

Infrastructure

The site is located within a well-connected area, serviced by the regional and local road system, many which are targeted for upgrades, e.g., Spring Farm Parkway. The site is already developed and therefore is connected to the relevant service infrastructure which will accommodate the proposed additional use. It is therefore considered the adequate infrastructure is in place to support the use as an animal boarding and training facility.

Employment

The proposed use will not reduce employment opportunities provided by the site. The proposed use will enable a wider diversity of employment and training opportunities within the area and is complementary to the surrounding industrial land uses which are existing or permissible within the IN1 General Industrial zone.

Environmental

The use of the site as an animal boarding or training facility does not introduce an activity that is more sensitive to potential environmental constraints of the site than the currently permitted uses within the IN1 General Industrial zone.

10. CAMDEN LOCAL PLANNING PANEL RECOMMENDATIONS

On 18 October 2022, the Camden Local Planning Panel (Panel) inspected the site and considered the draft planning proposal in a closed session. The Panel were of the opinion the Planning Proposal demonstrates strategic and site specific merit.

The Panel supported the draft planning proposal for forwarding to DPE to seek a Gateway determination. A copy of the minutes is provided at **Attachment 3** to this report.

11. FINANCIAL IMPLICATIONS

Council has funding available for the initial design and planning works.

Capital and ongoing operation funds will need to be allocated as part of future budgets and will be identified in Council's Capital Works Programme.

12. CONCLUSION

It is recommended that the planning proposal proceeds to a Gateway determination as the proposal has demonstrated strategic and site specific merit and is consistent with Council's resolution of the 13 July 2021.

13. RECOMMENDATION

That Council:

- i. Endorse the draft Planning Proposal that seeks to introduce an Additional Permitted Use of an 'animal boarding and training establishment' to Council owned land at 55 Topham Road, Smeaton Grange (Lot 3513 DP 830128) to be forwarded to the Department of Planning and Environment for Gateway Determination;
- ii. Subject to receiving a favourable response from the Department of Planning and Environment, proceed to public exhibition for the draft Planning Proposal in accordance with the requirements of the Gateway Determination and the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021;
- iii. Subject to no unresolved submissions being received, forward the draft Planning Proposal to the Department of Planning and Environment for the plan to be made; or
- iv. If unresolved submissions are received, consider a further report to Council outlining the results of the public exhibition period.

Appendix 1

Local Planning Directions & State Environmental Planning Policies Consistency

Table 1: Summary of consistency with the relevant Local Planning Directions

Direction Title	Consistency	Comment
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	✓	The planning proposal is considered to be consistent with the Greater Sydney Region Plan “A Metropolis of Three Cities”
1.2 Development of Aboriginal Land Council land	N/A	
1.3 Approval and Referral Requirements	✓	The planning proposal is consistent with this Direction as it does not introduce any additional concurrences or identify development as designated development.
1.4 Site Specific Provisions	✓	The planning proposal proposes a site-specific provision; however, it is considered that it is consistent with this Direction as it does not apply any additional development standards, nor does it refer to drawings that show details of the proposed development.
Focus Area 1: Planning Systems – Place based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	N/A	
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	
1.10 Implementation of Western Sydney Aerotropolis Plan	N/A	
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	

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Direction Title	Consistency	Comment
1.14 Implementation of Greater Macarthur 2040	N/A	
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A	
1.16 North West Rail Link Corridor Strategy	N/A	
1.17 Implementation of the Bays West Place Strategy	N/A	
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	✓	The planning proposal is consistent with this Direction.
3.2 Heritage Conservation	N/A	
3.3 Sydney Drinking Water catchments	N/A	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	
3.5 Recreation Vehicle Areas	N/A	
3.6 Strategic Conservation Planning		
Focus Area 4: Resilience and Hazards		
4.1 Flooding	N/A	The proposal site is located within the Narellan Catchment area however is not currently subject to flood planning controls under the Camden LEP.
4.2 Coastal Management	N/A	
4.3 Planning for Bushfire Protection	N/A	
4.4 Remediation of Contaminated Land	N/A	The planning proposal does not enable development to be carried out for the purposes of this Direction.
4.5 Acid Sulfate Soils	N/A	
4.6 Mine Subsidence and Unstable Land	N/A	
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	✓	The planning proposal is consistent with this Direction, located in a well-connected area which is well serviced by the local and regional transport network.
5.2 Reserving Land For Public Purposes	N/A	
5.3 Development Near regulated Airports and Defence Airfields	N/A	

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Direction Title	Consistency	Comment
5.4 Shooting Ranges	N/A	
6.2 Caravan Parks and Manufactured Home Estates	N/A	
Focus Area 7: Industry and Employment		
7.1 Business and Industrial Zones	✓	The planning proposal is consistent with this Direction as it does not reduce the development potential for industrial uses and gives effect to the objective of the Direction.
7.2 Reduction in non-hosted short term rental accommodation period	N/A	
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	N/A	
Focus Area 9: Primary Production		
9.1 Rural Zones	N/A	
9.2 Rural Lands	N/A	
9.3 Oyster Aquaculture	N/A	
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	

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Table 2: Summary of Consistency with the relevant State Environmental Planning Policies

SEPP Title	Consistency	Comment
SEPP (Biodiversity and Conservation) 2021	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	N/A	
SEPP (Exempt and Complying Development Codes) 2008	Yes	The objective and proposed provisions of the proposal are consistent with this SEPP.
SEPP (Housing) 2021	N/A	
SEPP (Industry and Employment) 2021	N/A	
SEPP No 65. Design Quality of Residential Apartment Development	N/A	
SEPP (Planning Systems) 2021	YES	The objective and proposed provisions of the proposal are consistent with this SEPP.
SEPP (Precincts – Central River City) 2021	N/A	
SEPP (Precincts – Eastern Harbour City) 2021	N/A	
SEPP (Precincts – Regional) 2021	N/A	
SEPP (Precincts – Western Parkland City) 2021	N/A	
SEPP (Primary Production) 2021	N/A	
SEPP (Resilience and Hazards) 2021	YES	The proposal is consistent with this SEPP and does not rezone the land for a sensitive use. Any future development application will need to comply with the requirements of Chapter 4.
SEPP (Resources and Energy) 2021	N/A	
SEPP (Transport and Infrastructure) 2021	YES	The objective and proposed provisions of the proposal are consistent with this SEPP.

Attachment 1

Planning Proposal October 2022

Attachment 2

Council Resolution 13 July 2021

Attachment 3

CLPP Minutes 18 October 2022