

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

Meeting held at 3.30 pm on Wednesday 27 May 2015 at Camden City Council

Panel Members:, Bruce McDonald (Acting Chair), Bruce Clarke, Cr Lara Symkowiak,

Apologies: Peter Sidgreaves

Declarations of Interest: Mary-Lynne Taylor (Chair)

Determination and Statement of Reasons

2015SYW044– Camden – DA2010/1178/3 – [107 Cobbitty Road, Cobbitty] Section 96(2) Modification as described in Schedule 1.

Date of determination: 27 May 2015

Decision:

The panel determined to approve the Section 96(2) Modification as described in Schedule A pursuant to section 80 of the *Environmental Planning and Assessment Act 1979*.

Panel consideration:

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

Reasons for the panel decision:

The Panel unanimously approves the Section 96(2) modification, subject to the inclusion of two additional conditions of consent, for the following reasons

1. The Panel is satisfied that the development to which consent as modified relates is substantially the same development as the development for which consent was originally granted.
2. The proposed development adequately satisfies the relevant State Environmental Planning Policies including Deemed SEPP No.20 – Hawkesbury Nepean River and SEPP No.62 Sustainable Agriculture.
3. The proposal adequately satisfies the provisions and objectives of Camden LEP 2010 and Camden LEP 2011.
4. The proposed development as amended will have no more significant impacts on the natural or built environments, including the amenity of nearby residences and impact on views than the application earlier approved on this site. In this regard the Panel notes the measures that have been taken to avoid acoustic impacts arising from the current operation and measures being taken by Council to ensure compliance of relevant conditions of the earlier consent.
5. On consideration of conclusions 1-4, the Panel considers the proposed development is a suitable use of the subject land and approval of the proposal is in the public interest.

Conditions:

The approval is subject to the conditions attached to the council assessment report and including the following additional conditions:

1. Prior to the issue of an occupation certificate for the Stage 2 building, the following additional landscaping is required;
 - a) Twenty Nine (29) trees shall be planted four (4) metres to the west of the existing row of Casuarinas and planted at three (3) metre centres and generally aligned between gaps in the Casuarinas;
 - b) The trees must be installed up to the edge of existing driveway;
 - c) Ground preparation shall consist of three (3) continuous sub grade rip cultivation 500mm apart and minimum depth of 400mm. Followed by rotary cultivation of the top soil at a depth of 100mm;
 - d) Individual planting holes shall be excavated to the equivalent depth and twice the width of the new tree root-ball;
 - e) A 75mm layer of leaf mulch shall be applied evenly over the entire cultivated area prior to planting;
 - f) The plantings shall consist of minimum 25 litre container stock and must consist of a mix of the following species; Eucalyptus tereticornis (Forest Red Gum), Eucalyptus moluccana (Grey Box), Corymbia maculate (Spotted Gum), Angophora subvelutina (Broad Leaved Apple), Eucalyptus crebra (Narrow Leaved Ironbark) and Eucalyptus eugeniodes (Thin Leaved Stringy Bark);

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- g) The trees must be cared for and maintained until they reach a height of three (3) metres, the point at which the trees are protected by Council's tree preservation provisions. Should any of the trees die before they reach the required height of three (3) metres then they shall be replaced with another tree/s.
 - h) Once the planting is installed, the applicant shall make arrangements for a Council officer to inspect the plantings to ensure that the appropriate screening is achieved
2. Prior to the issue of an occupation certificate for the Stage 2, where agreed to by owners of 217 and 221 Cobbitty Road, the applicant must provide a 1.8m high fence along the northern and western boundaries of 217 Cobbitty Road and the southern boundary of 221 Cobbitty Road but only where solid fencing to 1.8m height does not currently exist. The colours and materials of the fence must be of Colorbond or lapped and capped construction and installed to the satisfaction of the property owner.

Panel members:



Bruce McDonald (Chair)



Cr Lara Symkowiak



Bruce Clarke

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SCHEDULE 1

1	2015SYW044 – Camden – DA/2010/1178/3
2	Proposed development: Section 96 application to modify the approved plans including reducing the size of the glasshouse in Stage 2 and construction of a Colorbond shed
3	Street address: 107 Cobbitty Road, Cobbitty
4	Applicant: Godfrey Dol, Urban Ecological Systems Australia
5	Type of Regional development: Section 96(2) Modification
6	Relevant mandatory considerations <ul style="list-style-type: none"> • State Environmental Policy (State and Regional Development) 2011 • Deemed State Environmental Planning Policy No 20 – Hawkesbury-Nepean River • State Environmental Planning Policy No. 62 – Sustainable Aquaculture • Camden Local Environmental Plan 2010 • Camden Development Control Plan 2011 • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the EPA Act or EPA Regulation. • The public interest.
7	Material considered by the panel: Council Assessment Report dated 15 May 2015 Written submissions during public exhibition: 3 Submissions Verbal submissions at the panel meeting: Godfrey Dol – Manager of Urban Ecological Systems Australia Written submission received by the panel at determination meeting: Ann Hughes, Kaija Ogala
8	Meetings and site inspections by the panel: 1 Final Briefing Meeting & 1 Determination Meeting – 27 May 2015
9	Council recommendation: Approval
10	Draft conditions: As attached to assessment report