

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 14 OCTOBER, 2002, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

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Present: Cr G Corrigan (Mayor/Chairperson), Cr F Anderson, Cr S Winn, Cr C Patterson, Cr B Batros, Cr E Campbell, Cr S Fekete, Cr S Senise

Staff: General Manager, Director Governance & Outcomes, Director Works & Services, Acting Director Development & Environment (Manager Development), Acting Manager Development (Team Leader Development), Acting Manager Outcomes (Senior Project Officer), Manager Engineering, Consultant Outcomes, Administration Officer.

Apologies: An apology was received from Cr N McFadden from this meeting.

Resolved on the Motion of Cr Winn, seconded Cr Patterson that leave of absence be granted to Cr McFadden for this meeting.

DC104/02 THE MOTION WAS **CARRIED**.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

Mr Warren Back addressed the Committee in relation to Item 6 Resources & Services Committee. Mr Peter Neilson addressed the Committee in relation to Item 6 Resources & Services Committee. Mr Peter Costello addressed the Committee in relation to Item 1 Development Committee.

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**1. Application to Retain an Unauthorised Fence at No
65-71 (Lot 23 & 24 DP 1023085) Hartley Road,
Smeaton Grange**

File No: DA3700.670 (Director, Development &
Environment Division)
DA No: 1172/2002
Owner: DGN Investments Pty Ltd
**Zoning: General industry 4 [A] pursuant to Camden
LEP 47**

Purpose of Report

The purpose of this report is for Council to consider a request to retain the existing unauthorised fence along the Hartley Road frontage of the subject property. This request follows a site inspection by Councillors on 14 October 2002. The report recommends that Council refuse Development Application 1172/2002 and serve an Order requiring the applicant to demolish the fence.

Background

Council considered the above-mentioned application at the meeting of the 23 September 2002. The report recommended that the application be refused for a number of reasons and that an Order be served requiring the demolition of the unauthorised front fence. It was resolved at the meeting to defer determination of the matter to permit a works inspection. The inspection was carried out on the 14 October 2002. The matter is now referred to Council for determination.

Recommended: That

- (i) Development Application No 1172/2002 for erection of a front fence at No 65-71 [Lot 23 & 24 DP 1023085] be refused on the following grounds:
 - (a) The fence is inconsistent with the objectives outlined in DCP No 121 – Smeaton Grange Industrial Area;
 - (b) The fence is inconsistent with Clause 3.11 of DCP No 121 - Smeaton Grange Industrial Area, which requires fencing to be erected behind the landscaping;
 - (c) The fence is unacceptable having regard to the objections received from adjoining landowners;

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- (d) The fence is inconsistent with the existing and proposed streetscape along Hartley Road envisaged by DCP No 121;
- (ii) A Notice of intention to issue an Order be served on the owner under section 121 of the Environmental Planning & Assessment Act requiring demolition of the unauthorised fence; and
- (iii) The objectors to the above development be notified of Council's determination.

MOTION

Moved Cr Batros, seconded Cr Senise that Development Application No 1172/2002 for erection of a front fence at No 65-71 [Lot 23 & 24 DP 1023085] be approved subject to conditions including:-

- (i) *The provision of additional street tree planting along street frontage and median strip;*
- (ii) *Changes to both side fences bringing the height in line with existing fencing and providing infill metal fencing as per front fencing; and*
- (iii) *Discussions with objector regarding the increase in signage height*

DC105/02 THE MOTION WAS **CARRIED**.

(Cr Patterson and Cr Corrigan voted against the Motion).

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2. Attached Dual Occupancy Dwelling at No 48 (Lot 3 DP 1043420) Centenary Place, Catherine Field

File No: 1549.480 (Director, Development & Environment Division)
DA No: 1149/2002
Owner: Mr F & Mrs F Cavasinni
Applicant: Mr F Lagudi
Zoning: Rural "C" (0.4 HA MIN) 1 (c)
(Planning Scheme LEP 48)

Purpose of Report

The applicant seeks approval for the construction of an attached dual occupancy on the above property. The application was subject to neighbour notification, with two (2) objections received. The matter is referred to Council for determination, as the objections can not be resolved.

Summary of Recommendation

It is recommended that the application be approved subject to standard conditions of consent. The nature of the objections does not warrant refusal of the application.

The Proposal

The applicant seeks approval to construct a single storey dual occupancy. The plans of the proposed development form part of **Tabled Document 'DC 1'**.

Unit A has a total floor area is 353.02m² and will consist of a triple garage, storeroom, laundry, bathroom, four (4) bedrooms, study, kitchen, dining room, living, family room, entertainment room.

Unit B has an area of 217.1sqm and will consist of a double garage, laundry, bathroom, three (3) bedrooms, living room, kitchen, and family room.

A future shed is also shown on the submitted plans. However, it is not part of this application.

The Site

The subject property is part of a newly created subdivision, with temporary access via an easement, which runs through three (3) properties and discharges onto Catherine Fields Road. The vehicular access pathway is unsealed and runs along the western side of the access properties.

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The easement for temporary access has been created, as Centenary Road is only partially formed. Access via the temporary easement will continue until such time as the adjoining property is subdivided and the next stage of Centenary Road is formed.

The site has an area of approximately 4,700m², with the building envelope area relatively level and the land external of the envelope falling to the rear southern side of the property.

There are no trees to be removed from the site.

A locality map showing the subject site forms **Tabled Document 'DC 2'**.

Notification

The application has been notified in accordance with Council's policy. As a consequence of the notification process Council has received two (2) objections (**Copies of the submissions were handed out separately to Councillors with the Business Paper**). The submissions raise concerns with respect to the following:

- Additional traffic generated along access driveway;
- Excessive size of unit 'B';
- That the future shed not be permitted;
- Potential conflict between future development and existing businesses carried out on adjoining property.

Planning Controls

The following plans and policies were considered in assessing the proposal.

- Camden – 2025;
- Camden Local Environmental Plan No 48;
- Residential Development Control Plan No 58;
- DCP 78- Dual Occupancy Code;
- DCP 94.1-Building Energy Efficiency.

Assessment

The subject application has been assessed in accordance with section 79C of the Environmental Planning & Assessment Act 1979. The following points are provided in relation to the critical aspects of Council's assessment:

- (a) **The provision of any Environmental Planning Instrument**

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Camden 2025

The Strategic Plan for Camden seeks to ensure that growth occurs in a planned and orderly way. The proposed development has the necessary infrastructure and access arrangements required by the Plan. The natural environment will not be degraded by the development. Nor will the rural culture and lifestyle be affected by the development.

Camden Local Environmental Plan No 48

The proposed development is permissible in the rural/residential zone. The development also meets the objectives of the Camden LEP 48, which aims:

“To ensure that development maintains the rural character of the locality and minimise disturbance to the landscape, is in harmony with the environment and does not unreasonably increase demands for public services or reduce the existing levels of service “.

“To preserve the lifestyle and amenities of the people living in the Municipality of Camden by controlling the type and magnitude of development within the rural areas”.

Residential Development Control Plan No 58 (Dual Occupancy Code)

The proposed development complies with the aims of DCP No 58. The general aims are:

- To ensure that the form of dual occupancy is appropriate to its location;
- To ensure the detailed site plan layout, design and development, form the best possible living environment for the occupants, that the amenity of the occupants of a dual occupancy development and those immediately adjoining or adjacent is maximised or neighbours are not adversely affected by that development.
- To ensure that services such as roads, drainage, water, sewerage and open space are capable of absorbing additional density brought about by dual occupancy development.

It should be noted that there are no restrictions in the DCP limiting the size of dual occupancy buildings.

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(b) the likely impact of the development including environmental, social and economic

The proposed development is permissible and consistent with the zoning and relevant development control plans. Conditions will be imposed on the consent to reduce site disturbance and minimise the potential impact on the local environment.

(c) the suitability of the site for the development

The site is fully serviced except for sewer, and will be part of other new residential dwellings when the other adjoining allotments are developed. Council has received a septic tank application No 26/02 for the proposed dwellings.

(d) Any submissions made in accordance with this Act or regulations.

Adjoining property owners raised the following concerns:

1. *Additional traffic will be generated along the access driveway.*

The submission received by Council states that an “*excessive number of removalist trucks and visitors will use the access driveway in the event of the dwellings being rental properties*”.

Comments: This concern is very difficult to substantiate and is not a matter for consideration when assessing an application. There is no evidence to support the concern as family members may only occupy the dwellings.

2. *Unit B is too large and should be reduced in terms of the number of bedrooms. Furthermore only family members should be allowed to occupy the Unit.*

Comments: Unit B will contain three (3) bedrooms and is not considered excessive in size. Assessing these concerns would be similar to the above matter. There is no evidence to support this claim and furthermore is not a matter for consideration when assessing an application. It would be unreasonable to request a reduction in the number of bedrooms on these grounds.

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3. *That the proposed shed not be permitted.*

Comments: The subject application is only for the dwellings. Any future shed will be subject to a separate development application and will be assessed on its merits.

4. *That Council advise the applicant of the business activities carried out on adjoining property.*

Comments: The objector has requested that Council advise the applicant of the business activities carried out on their property in an event to avoid any future conflict / complaints. This is not a matter for consideration when assessing an application.

Conclusion

The application submitted is considered a reasonable submission and meets the aims of the relevant policies appropriate to the area.

The concerns of the two (2) objectors' have been considered, however it would be unreasonable to refuse the application on the concerns raised.

Recommended: That Development Application 1149/2002 for the construction of a dual occupancy dwelling at No 48 (Lot 3 DP 1043420) Centenary Avenue, Catherine Field, be approved subject to the standard conditions of consent which form **Tabled Document "DC 3"**.

Resolved on the Motion of Cr Anderson, seconded Cr Winn that Development Application 1149/2002 for the construction of a dual occupancy dwelling at No 48 (Lot 3 DP 1043420) Centenary Avenue, Catherine Field, be approved subject to the standard conditions of consent which form **Tabled Document "DC 3"**.

DC106/02 THE MOTION WAS **CARRIED**.

(Cr Fekete voted against the Motion).

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**3. Two-Storey Commercial/Retail Development at No
320 (Lot 21 DP 880763) Camden Valley Way, Narellan
Town Centre**

File No: 1300.1007 (Director, Development &
Environment Division)
DA No: 423/2002
Owner: Greenfield Developments
Zoning: 3(a) General Commercial

Purpose of Report

To enable Council to determine an application for the erection of a two-storey commercial/retail building with associated parking. The matter is reported to Council on the basis of the scale of the development and the fact that minimal car parking will be provided on site. This latter matter will be addressed in the report.

Background

Initial discussions took place with several Council staff and the applicant and architect in January 2002. At that meeting the applicant submitted plans of the proposed development. The plans showed a two-storey commercial building containing shops and car parking on the ground floor and commercial premises on the first floor. The first floor was linked by a pedestrian walkway from the existing decked car park.

It was agreed at this meeting that the appearance of a visible car park at the ground floor was not acceptable from an urban townscape form and that the car park should be deleted and replaced with shops.

A Development Application for the construction of a two-storey commercial/retail building with associated car parking was received by Council on 14 March 2002.

The proposed building, which is located in the Narellan Gateway complex (former fast food outlet) and faces directly on to the Camden Valley Way, is of significant importance in that other developments proposed within the Narellan Town Centre will use this high quality building as a “best practice” benchmark.

In order to ensure all Council’s expectation for a high quality development were met, the proposal was referred to consultants at Simpson Wilson Architecture Urban Design for their comments. The main issues relating to the development of the site is the relationship of pedestrian activity and urban design. The site has a number of constraints, but in particular

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the open grass drainage swale on the eastern side of the property along the road entry point. This swale somewhat alienates pedestrian activity at a Street level.

Consultation Process

A further meeting was undertaken with the applicants to negotiate a redesign that would meet all of Council's expectations as well as satisfy the needs of the Gateway Centre and Narellan Town Centre and comply with the Narellan Masterplan.

Final Determination

As a result of discussions held, a number of potential redesigns were suggested. This report addresses the revised plans. The building is now able to take on a unique and high quality appearance that encourages pedestrian activity on the Camden Valley Way frontage. The building is now also more compatible with the surrounding buildings and contributes positively to the existing and future landscape.

To overcome any perceived difficulty in gaining access to the building from the existing carpark, a pedestrian overbridge is incorporated into the design. A copy of the plans form **Tabled Document 'DC 4'**.

Notification

Adjoining owners, Narellan Chamber of Commerce and special interest groups were notified of the original proposal and no submissions were received.

Planning Controls

Reference has been made to the following planning instruments and policies as part of the assessment of the subject application:

- Camden LEP 46;
- DCP 97 – Car Parking;
- Draft Local Plan;
- Camden – 2025;
- Safer By Design Principles.

Assessment

The subject application has been assessed in accordance with section 79c of the Environmental Planning & Assessment Act. The following comments are provided with respect to the relevant aspects of Council's assessment.

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(a) the provision of any Local Environmental Plan, Development Control Plan or draft instrument.

Camden LEP 46

The subject property is zoned Business General 3 (a) under the provisions of LEP 46. The objectives of this zone are as follows:

- (a) to provide sufficient opportunities for the development of retail and commercial activities designed to satisfy the needs for the community;
- (b) to encourage the development and expansion of business activities which will contribute to the economic growth of, and the creation of employment opportunities within, Camden; and
- (c) to encourage a wide range of retail, commercial and recreational facilities.

The proposed development complies with this criteria.

Draft Camden Local Plan

The desired future character statement for Narellan, in particular Camden Valley Way has the following statement:

“Camden Valley Way, historically the link between Sydney and Cowpastures, is today a place that attracts a variety of developments. Some built remnants of its history still remain and will be preserved. Its width and volumes of trucks, buses and cars will see it remain a vital arterial road link connecting Narellan and Camden townships and broadly connecting Camden within its region.

The character of Camden Valley Way will be derived from its principal function as a physical connection between places and people. This place is point of convergence of the three main arterial roads of Narellan Road, Camden Valley Way and The Northern Road. It is and will remain a place largely dominated by the car but increasingly car-orientated uses such as car yards and car washes will be replaced with various retail, commercial and larger bulky goods stores.

New development in the place will be of a high quality reflecting the important role of Camden Valley Way as a major gateway to Narellan and a place of significant importance to residents of Camden. Such development shall be at a human scale with car parking areas located at the rear having access from service roads.

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Provision for rapid bus transport will also be a feature of the place.

The place will continue to experience significant traffic congestion until The Northern Road deviation is completed, which will reorientate the focus of the place from cars to people.

Signage shall be integrated as part of the building elevations, with limited opportunities for pole and other types of freestanding signs.”

In respect of the above, Council’s consultant has stated that the amended proposal has been designed to respond to its entry location. However, there is a concern that the development along Camden Valley Way has lacked a strategic masterplan for the entire site, which reflects the piecemeal development of the centre following an internal logic with little regard for integration with the surrounding areas.

This report will further discuss issues raised by the consultant in reviewing the amended plans.

Camden – 2025

The Strategic Plan does not specifically refer to the Narellan Town Centre, however, the key areas of Managing Urban Growth and Accessibility are relevant to the consideration of this application. Generally the proposal is consistent with these strategies.

Development Control Plan 97 – Car Parking

In accordance with the Code, the development generates the requirement for forty six (46) on-site car parking spaces.

The applicant proposes to provide eight (8) spaces within the adjoining service station site. A plan showing these car parking spaces forms **Tabled Document ‘DC 5’**.

These car parking spaces are considered unacceptable for the following reasons:

- The access way servicing these spaces is not wide enough to enable an average size car to turn into the parking spaces;

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- To enable this area to be used for car parking spaces would require the removal of the existing landscaping containing four trees.

It is to be recommended that the car parking spaces shown on the proposed plan are considered unacceptable, and that all parking associated with this development be provided on the upper level car park of the Narellan Town Centre, adjacent to the proposed walkway.

In this regard the applicant has provided a traffic report which states that the existing shopping complex has one hundred and ninety seven (197) surplus car parking spaces for stages 1 – 5 (inclusive) and therefore the car parking generated by this development can be accommodated on-site, which results in one hundred and fifty one (151) spaces in surplus. A condition of consent will require these spaces to be identified near the access to the pedestrian bridge.

Safer by Design Principles

Subsection 79C of the EP&A Act 1979 provides that Council has an obligation to ensure that a development provides safety and security to users and the community. If it is considered that a proposed development presents a crime risk:

- Council may recommend modifications be made to the proposed development to minimise the risk of crime, or
- Refuse the development on the grounds that crime risk cannot be appropriately minimised.

In relation to this development a number of potential crime risk sites have been identified, these are:

- The area between the service station and the proposed building;
- The corridor to the toilets;
- The area adjacent to the garbage storage area;
- The bridge over the access way.

The area between the service station and the proposed building is of greatest concern. This space is only 1 metre wide for the length of the service station building, with landscaping obscuring visibility, thus presenting an ideal area for someone to hide out of sight of any passing traffic. To overcome this problem it is to be recommended that a wall be provided across the openings from the adjoining service station to the proposed building.

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The corridor to the toilets is also seen as a problem because it creates an area where a person could be placed at risk.

The corridor is a necessary feature of modern developments, however it is considered that the crime risk possibility could be reduced by the removal of the door shown at the end of the corridor. By removing this door it enables the first part of the corridor to be observed, and also increases the possibility of any calls for help being heard.

The area in front of the garbage storage area is considered to be a potential risk point, because it creates a blind spot into which a person could be at risk. It is recommended that strategically placed lighting be provided within this area.

The bridge over the access way into the Narellan Town Centre between the proposed building and the Town centre car park, (may as all pedestrian bridges do over roadways), be used by persons dropping things onto cars passing under. This is considered to be of a minor risk during the day when there are many people in the vicinity, and few places to run and hide. However, of an evening when the area is used infrequently this could become a problem. To overcome this problem, it is to be recommended that gates, to be locked of an evening, be placed at the car park end of the bridge.

With these measures put in place the potential for crime risk is minimised and therefore the development is acceptable.

Built Form

The plans were forwarded to Council's consultant for assessment. The consultant has advised that the form of the building has been modified and presents a more articulated form, which is appropriate. The proposal also includes awnings and sun-shading devices. The eastern wall on the boundary is a blank wall 10m high by 21m long. This remains out of scale with buildings on Camden Valley Way. This wall will present the main built element approaching the town centre from the east. The consultant has suggested that louvres or other elements could be provided above eave height to provide relief.

The proposal has also been modified to present a more detailed window pattern to the Street. The extensive use of precast concrete does not relate to smaller buildings in

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Narellan, giving the relatively small building area. In this regard it is considered appropriate that the applicant provide details of other forms of construction methods such as brickwork to the building. The brickwork could be painted to match the building colours.

In this regard it should be noted that the adjoining service station building does reduce the impact of this wall and as suggested the applicant can provide other elements on the wall. It should also be noted that windows or other openings cannot be provided in this wall as it is on the boundary and therefore needs to comply with the Building Code of Australia requirements. All the requirements of the consultant have been included as conditions of consent.

Conclusion

By directly removing the required car parking spaces from within the development and linking existing car parking to the proposed commercial retail building, a high quality construction reflecting the important role of Camden Valley Way as a major gateway to Narellan and a place of significant importance has now been created.

Additionally, a standard of excellence has been established for future developments to achieve.

(Cr Corrigan declared a conflict of interest in Items 3 & 4, as the owners attended his recent political campaign fundraiser, and took no part in discussion or voting and left the Chamber – the time being 6.05pm)

(Cr Anderson as Deputy Mayor was invited to chair the meeting in his absence).

Recommended: That Development Application No 423/2002 for the erection of a two storey commercial retail building No 320 (Lot 21 DP 880763) Camden Valley Way be approved subject to the conditions of consent as set out in **Tabled Document 'DC 6'**.

*Resolved on the Motion of Cr Campbell, seconded Cr Winn that Development Application No 423/2002 for the erection of a two storey commercial retail building No 320 (Lot 21 DP 880763) Camden Valley Way be approved subject to the conditions of consent as set out in **Tabled Document 'DC 6'**.*

DC107/02 THE MOTION WAS **CARRIED**.

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The Mediation

Mediation took place on the subject land (where the clearing occurred) on Tuesday 1 October 2002 attended by Messrs Roy Medich (owner), Bruce Gross (leasee), Ian Perkins (Consulting Ecologist), Michael Brown (Acting Director of Development & Environment), Dominic Bruszewski and John Soldo (Vegetation Management Officers).

Some of the vegetation had been removed upon instruction from the Rural Fire Service. This consisted of African Wild Olive and Blackthorn. A number of the cleared trees were left on site to enable staff to gauge the extent of clearing that took place. Refer to **Tabled Document 'DC7'** that shows the extent of under storey clearing. On the edge of the cleared area is the beginning of a small gully and creek bed full of assorted rubbish. Refer to **Tabled Document 'DC8'** that shows the amount of dumped material.

The mediation was started by establishing the aim of the meeting by representing Council's intension to prosecute should a satisfactory outcome in terms of revegetation was not forthcoming. Mr Perkins was invited to describe the floristics of the site before the disturbance took place, the present condition and likely scenarios for recovery. It was explained that the recovery was two fold.

1. Retain - Fencing of the site from stock and further disturbance
2. Regenerate - Let nature take its course (far more efficient and effective) with minimal timed intervention for weed control and monitoring.

Various aspects/options for achieving a desired outcome were discussed. A general consensus was formed that the recovery of the vegetation is paramount and that it was more likely to occur through voluntary agreement and with some binding components as opposed to pursuing the legal option.

Mr Medich has agreed to fund the preparation and implementation of a Plan of Management for the site and has agreed to apologise to and support Council in publicising the matter as a public education campaign for raising awareness of conservation values.

The initial report and follow up Plan of Management prepared by Mr Perkins describes the processes involved in this matter (Refer to **Tabled Document 'DC9'**).

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The Plan of Management

The Aims, Restoration Tasks and Task Timetable contained in the Plan of Management have been reviewed and are largely found to be consistent with the mediation discussion, with the exception of one aspect of the revegetation process considered essential. Not included in the restoration tasks is the provision and timing of woody weed herbicide treatment. It is considered necessary for a one-off treatment of emergent weed growth towards the end of the twelve-month program. The suppression of weeds at this critical time will have the desired effect of reducing competition with native plant regeneration. It is also considered appropriate for a brief status report to be submitted at the end of the program as closure of this matter. Accordingly it is considered that the Plan of Management should be amended.

Considerations

Mr Medich has directly or indirectly caused the removal of juvenile native canopy species, removal of native shrub layer, removal of the African Olive and the disturbance of native groundcover species.

The impact of this one-off disturbance is unlikely to be permanent or significant. Provided that the site is not disturbed further and is protected from threatening processes such as grazing.

The remnant vegetation and seed bank will regenerate to a state representing its pre-disturbance state. Native groundcover diversity and density is unlikely to be permanently impacted.

Mr Medich is now prepared to make good the situation by adopting a meaningful Plan for the recovery of the site

Mr Medich is supportive of a public awareness message espousing conservation and the importance of our local vegetation.

The recovery and improvement of the site is not guaranteed if legal proceedings are entered into as the Court does not have the power to require the land to be restored, only to issue a penalty. Such penalty could be a fine or conviction or neither.

Arguably the payment of a monetary fine by Mr Medich would have less impact personally and limited potential for sending the community a message.

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A negotiated settlement in this case does not set a precedent for future clearing activities, as each case will be dealt with on the particular merits of the circumstances. In essence the penalty should fit the crime proportionally and appropriately to achieve real outcomes. In this instance a better result can be achieved by requiring Mr Medich to carry out a recovery plan for the site.

Conclusion

In this instance mediation has achieved a highly desirable vegetation recovery outcome subject to the amendment of the Plan of Management in respect to inclusion of a restoration task and timetable for a woody weed treatment and submission to Council of a final revegetation report due at the end of the program.

Recommended: That

- (i) The Plan of Management be amended to include a woody weed treatment of the subject land and submission of a final revegetation status report due at the end of the twelve month programme;
- (ii) Subject to (i), the revegetation agreement be ratified by Council, comprising primarily of the Plan of Management and its timetable schedule of works;
- (iii) Council not proceed with the prosecution of Mr Medich for the alleged removal clearing of vegetation at No 1037 (Lot 13 DP 785645 Northern Road, Bringelly for the reasons espoused in this report; and
- (iv) Council, with the cooperation from Mr Medich, publicly advertise in local newspapers a public education campaign for raising awareness of conserving trees.

Resolved on the Motion of Cr Batros, seconded Cr Fekete that

- (i) *The Plan of Management be amended to include a woody weed treatment of the subject land and submission of a final revegetation status report due at the end of the twelve month programme;*
- (ii) *Subject to (i), the revegetation agreement be ratified by Council, comprising primarily of the Plan of Management and its timetable schedule of works;*
- (iii) *Council not proceed with the prosecution of Mr Medich for the alleged removal clearing of vegetation at No 1037 (Lot 13 DP 785645 Northern Road, Bringelly for the reasons espoused in this report; and*

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- (iv) Council, with the cooperation from Mr Medich, publicly advertise in local newspapers a public education campaign for raising awareness of conserving trees.

DC108/02 THE MOTION WAS **CARRIED**.

(Cr Campbell and Cr Senise voted against the Motion).

(Cr Corrigan returned to the Chamber and resumed the Chair - the time being 6.36pm)

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Acquisition of Lot 2136 DP 1031396

Council resolved 11 February 2002 (DC009/02) to compulsorily acquire the required access from Yorkshire Close, Lot 2136 DP 1031396. This is currently with the Department of Local Government, following a submission Council made in March 2002. This matter is now awaiting ministerial approval before the process of acquisition can commence.

Summary

The Court appeal against Council's refusal of development application 53/2001 has been discontinued and no further action is required in respect of the subject property.

Recommended: That the information contained in this report be noted.

Resolved on the Motion of Cr Fekete, seconded Cr Campbell that the information contained in this report be noted.

DC109/02 THE MOTION WAS **CARRIED**.

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6. “Safer By Design” Guidelines

(File 4637) (Director, Development & Environment Division)

Purpose of Report

This report seeks Council endorsement to adopt the Safer By Design Guidelines as Council Policy in the assessment process of Development Applications. A copy of the Guidelines forms **Tabled Document ‘DC11’**.

Background

In 1993 The NSW Police Service developed the Community Safety Management Plan. The plan was a two-pronged approach to crime prevention known as Safer By Design. It focused on the relationship of crime and the built environment.

Safer By Design is a crime prevention strategy that focuses on the design, planning and structure of our cities and neighbourhoods. It aims to reduce opportunities for crime by employing well researched design and space management principles.

In April 2001, Crime Prevention Through Environmental Design (CPTED) was introduced into legislative guidelines in Section 79C of the Planning and Assessment Act.

The Safer By Design Guidelines will address Council’s CPTED responsibilities and will assist in identifying potential crime risk areas and to minimise opportunities for crime through the appropriate assessment of development proposals.

These guidelines apply to all developments within the Camden Council Area, particularly major developments and public space.

Main Report

The Safer By Design Guidelines form part of an integrated approach to crime prevention. Crime prevention broadly refers to any measure taken which attempts to address crime problems at their source – to prevent crime and anti social behaviour before it occurs. These guidelines are necessary as it is evident that in discussion with builders, developers, architects and the like, that they are not aware of these requirements in the assessment of development applications, nor that they are required to also provide details of how their development achieves Safer By Design requirements. These guidelines have important linkages to Camden 2025 in terms of Sustainable Urban Growth and Accessibility.

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Council has a central role in promoting and developing strategies which enhance community safety and well-being. The work of Council lends itself to this in a number of ways, including urban planning and design.

The main objective of the Safer By Design Guidelines, when used in the assessment process of Development Applications, is to increase safety and security in all environments in which people live, work or participate.

Certain developments due to their size, function or location may be referred to NSW Police for comment and in consultation with Council and in conjunction with relevant Control Plans, the objectives of the Safer By Design Guidelines should be met.

The four principles of Safer By Design are:

- Natural surveillance
- Access control
- Ownership/Territory Behaviour
- Maintenance

These principles are applied in both Draft DCP 58 and the Local Plan, however, these documents do not provide the detail needed to guide development and the development industry in terms of building design and subdivision layout. The principles of Safer By Design were recently taken into consideration within the Park Haven Village and Fairwater Gardens developments at Harrington Park. The requirements for creating safer communities were addressed and as a result the benefits of creating a safer built environment will be realised now and in the future.

As Councillors would be aware DCP 58 is currently on public exhibition. It is proposed that during the exhibition period to conduct a public forum with developers, architects, builders and the community in terms of the requirements of this Plan on 30 October 2002. It is proposed that should Council resolve to agree to place these guidelines on exhibition, that the forum will also address these new guidelines.

NSW Police will also be consulted in respect of these guidelines as the requirements of Safer By Design require Council to assess applications/proposals in conjunction with the Service. It should be noted that Council charges a fee for this type of assessment. This fee is only applicable to large subdivisional, multi-unit, commercial and industrial developments. However, smaller type developments will still need to have regard to these guidelines.

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Conclusion

When considered in the assessment process, the Safer By Design Guidelines should assist in identifying potential risk areas (often referred to as “hot spots”) and assist in minimising opportunities for crime in the built environment.

The primary aims of this policy are to:

- Enhance and improve community safety within the Camden Council Area;
- Achieve a high level of passive security within and surrounding buildings, parks and other facilities;
- Create an environment that discourages and prevents crime;
- Address community concerns.

Recommended: That

- (i) Council place on public exhibition the Safer By Design Guidelines for a period of twenty eight (28) days in accordance with Council’s policy; and
- (ii) Council note that a public forum will be held on 30 October 2002 to address this policy and Draft DCP 58.

Resolved on the Motion of Cr Fekete, seconded Cr Winn that

- (i) *Council place on public exhibition the Safer By Design Guidelines for a period of twenty eight (28) days in accordance with Council’s policy; and*
- (ii) *Council note that a public forum will be held on 30 October 2002 to address this policy and Draft DCP 58.*

DC110/02 THE MOTION WAS **CARRIED.**

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7. Draft Masterplan for land covered by Draft LEP 118, Lots 101 and 102, DP 841639, Lots 100 and 101, DP 803468 and Lot 14 DP 855147 located on the corner of The Old Oaks and Werombi Roads Grasmere
(4252/4) (Director Governance & Outcomes)

Council at its meeting held on 25 February resolved to adopt the Grasmere Masterplan, but deferred the date it became operative until all Deeds of Agreement were executed.

All Deeds of Agreement are now due to be received by Council. Accordingly the Masterplan can now become operative following its notification in the newspaper.

Recommended: That

- (i) the Grasmere Masterplan come into operation following its notification in the newspaper.
- (ii) Council advise each of the owners of its decision.

(Item 7 – The Director Governance & Outcomes informed the meeting this matter has not yet been completed and the matter was withdrawn).

8. Development Application/Rezoning Application - Lot 11 DP 748303 Camden Valley Way and off Raby Road, Catherine Field. Proponent: Medallist Golf Developments Pty Ltd

(File 1200.1815) (Director Governance & Outcomes)

Introduction

Council is in receipt of a Development Application/Rezoning Application for the former El Caballo holding and some adjoining lands. The extent of the consolidated holding is portrayed in **Tabled Document “DC 12”**. In brief, the holding totals some 290 hectares. Such application “builds” upon the formerly approved convention/golf focussed resort masterplan for the redevelopment of the El Caballo site.

It should be noted that this proposal includes a Council-owned property. The property in question is currently under negotiation for sale to an adjoining owner.

The Current El Caballo Masterplan

The existing (Council approved) masterplan for the El Caballo site linked with the NSW Leagues Club site, emerged from a capability assessment of the “inactive” El Caballo site and a review of Council’s objectives as enunciated in the Strategic Plan – Camden 2025 and in particular those associated with tourism and economic development.

The masterplan, recognising Council’s vision for 2025 and the obvious shortfall in accommodation and conference facilities, focussed on achieving an outcome that provided additional golf holes (creating a total of 54 holes when considered with Camden Lakeside, the NSW Leagues and El Caballo site) and a range of accommodation to meet a variety of needs.

The development proposed has not proceeded because of the feasibility attached to the limitations of a singular site and the over emphasis on size and capacity of the proposed resort (440 rooms).

The Masterplan “Revisited”

Experience with similar resorts within reasonable driving time/distance from Sydney has shown that the critical mass required to establish economic viability lay with self-containment in terms of the golf course (18 holes as distinct from 9) and appropriate levels of casual, semi-permanent and permanent accommodation.

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In order to establish economic viability, Medallist Golf Developments were invited to assess what was required to achieve that viability, and as a result, arrangements have been entered into with a number of property owners beyond (but including) the El Caballo site, for Medallist Golf Developments to secure tenure of an area of land considered sufficient in size to establish the economic viability of what is an amended Masterplan.

The Current Proposal in Broad Terms

The proposed revised Masterplan is reproduced as **Tabled Document “DC13”** and envisages the creation of a 120-180 room 4 star hotel together with some 20-30 suites, restaurant, gymnasium, pool and tennis facilities, two Greg Norman designed 18 hole championship golf courses (including re-design of NSW Leagues course), Club House, night and day driving range and Golf Academy.

The development, to achieve economic viability and deliver desired natural system outcomes, is to be packaged with several small strategically clustered urban precincts (approximately 550 clustered sites in total) and a major revegetation scheme.

The concept envisaged in the revised Masterplan focuses on the retention in part of the existing El Caballo building with the Convention Centre/Hotel located below the central ridgeline when viewed from Camden Valley Way.

Two 18 hole championship designed golf courses will occupy the bulk of the land, straddling the Sydney Water supply canal and creating 8 small urban clusters.

The Proponents

The proposed development represents a “joint venture” of Great White Shark Enterprises and the Macquarie Bank.

Great White Shark Enterprises has designed more than 40 golf courses across the world and Macquarie Bank is well recognised as a successful project financier and investment bank.

The joint venture’s current Australian developments are limited in number due to the commitment to achieve quality outcomes solidly underpinned by ESD principles. These projects include:

- The Vintage – Hunter Valley
- Schofields – Blacktown

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- Pelican Waters – Queensland
- Brookwater – Queensland
- Cape Schanck – Victoria

Preliminary Environmental Investigations

The proponents have undertaken some preliminary constraints and opportunities analyses and focussed closely on issues raised in the recent Council workshop.

The analysis has largely focussed upon:

- ❖ Land capability generally.
- ❖ Visual absorption capacity of the landscape.
- ❖ Integrity of the Central Hill Lands.
- ❖ Ecological conservation.
- ❖ Heritage impacts.
- ❖ Traffic impacts.
- ❖ Service provision.

Some of the mapping associated with the analysis was provided to **Councillors as a separate handout**.

A detailed review of the proposal under Section 79C of the Environmental Planning and Assessment Act, 1979 (as amended) as furnished by the proponents, is reproduced at **Tabled Document “DC14”**.

Camden Structure Plan

The Camden Structure Plan identified the Central Hills as an important physical barrier between Camden and Campbelltown local government areas. Such area has been identified as having important scenic landscape qualities.

The Plan also highlighted the importance of remnant vegetation in the headwaters of the South Creek Catchment and identified opportunities for the promotion of ecological corridors.

Rural residential and low density residential development were identified in the Structure Plan as desirable forms of development where there are community and/or environmental benefits and controls can be applied to mitigate against adverse environmental impacts.

Specifically, opportunities for rural cluster residential development were identified generically under the following circumstances:

- ❖ As clustered development on rural heritage properties;
- ❖ As clustered development in return for non development of environmentally sensitive areas;

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- ❖ In return for vegetated corridors; and
- ❖ Were wholly compatible with specialist forms of agricultural activity.

Structure Plan Review

The subject development proposal together with others (recently raised with Council) situated in the Central Hill Lands or contiguous with such lands warrant their broader assessment within the context of the Structure Plan and Metropolitan Planning generally. Such views have been expressed by the regional office of Planning NSW.

Preliminary comment from Planning NSW has indicated that provided the development is sensitively adding an extra dimension to the local economy and environment and is generally consistent with prevailing structure plan principles and metropolitan planning its further assessment can be countenanced.

In such context it is recommend that the proposal be further reviewed in the context of the Structure Plan. Further, the Structure plan as it applies to the Central Hills should be reviewed also. Such latter review should involve consultation with all property owners and Campbelltown City Council.

In any review of the Structure Plan as it relates to the Central Hills the following principles should remain unchallenged

- ❖ Preservation of the integrity of the Central Hill Lands as a significant buffer between Camden and Campbelltown local government areas.
- ❖ The scenic qualities of the subject lands as a generally open landscape shall be promoted with any built environment elements largely “subservient” to such landscape.
- ❖ Conservation and embellishment of prevailing biodiversity inclusive of promotion of vegetation corridors.
- ❖ Conservation of heritage qualities inclusive of sensitivity in respect of curtilages, cultural landscapes and views and vistas.
- ❖ Attempts to permanently forestall future comprehensive urbanisation of the lands.
- ❖ Appropriate management of access and impacts upon Camden Valley Way generally.
- ❖ Encouragement of development proposals which sensitively add an extra dimension to the LGA, particularly in terms of economic development/tourism.

Existing Zoning

The subject lands and other lands situated in the Central Hills are zoned Environmental Protection Scenic 7 (d) under Local

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Environmental Plan No.48. The minimum area of subdivision and minimum area for the erection of a dwelling under such zoning is generally 40 hectares. It should be noted that a rural cluster development provision at the rate of one (1) dwelling per ten (10) hectares also exists under such zoning.

The prevailing zoning expressly seeks to preserve the scenic qualities of the area and in particular the open landscape. It also identifies opportunities for sensitively integrating tourist-orientated activities in such landscape.

The objectives of the existing zoning are stated as follows:

- (a) To protect and enhance those areas of particular scenic value and ensure that the land remains a rural environment providing visual contrast to urban development.
- (b) To maintain the visual amenity of prominent ridgelines
- (c) To enable cluster housing and recreation and tourist orientated uses to be carried out if they are in keeping with the environmentally sensitive nature of the zone;

and

- (d) To prevent development in geologically hazardous areas and escarpment areas.

The Rezoning Decision/Process

Before amending the prevailing zoning it is not only important to review the structural context but also to come to a comprehensive understanding of the prevailing environmental circumstances. In this latter regard it is appropriate that Council commission the preparation of a Local Environmental Study and Draft Local Environmental Plan.

The principal areas of focus in a Local Environmental study are likely to indicate:

- ❖ Regional/sub- regional structure plan context.
- ❖ Land capability (generally).
- ❖ Landscape and visual assessment.
- ❖ Heritage Impact Assessment.
- ❖ Land use (generally).
- ❖ Total water cycle management.
- ❖ Ecological Assessment.
- ❖ Environmental considerations and application of ESD principles.
- ❖ Infrastructure provision.
- ❖ Traffic and Transport/Accessibility assessment.

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❖ Plan preparation.

Resourcing of the Rezoning Process

The proponent has undertaken to fund Council sourced planning resources to advance the rezoning and structure plan review processes. To this end appropriate personnel are available to take direct carriage of the Structure Plan review process and to manage and fulfil a peer review role in respect of the Local Environmental Study and Draft Local Environmental Plan.

Consideration of the Local Environmental Study and Local Environmental Plan and Structure Plan Review

Upon completion of the preparation of the Local Environmental Study, Draft Local Environmental Plan and Structure Plan Review all such documents will be reported to Council for endorsement prior to proceeding to public exhibition.

It should be noted that Council, in undertaking the previously mentioned planning processes, is not committed to rezone the land. At a number of stages in the rezoning process Council can amend the study area or resolve not to proceed.

Consultation

It is proposed that extensive community consultation occur during the planning process. Such consultation it is hoped will reinforce/refine the vision for the Central Hills place. Similarly, statutory authorities will be consulted during the planning process.

Council should note that further formal consultation must occur during the statutory public exhibition process attached to a rezoning.

Conclusion

The subject lands have the capacity to support an environmentally sensitive golf focussed resort/conference facility with appropriately sited and integrated residential modules. In so doing it is possible to add an extra dimension to the local environment/economy and forestall the ever present threat of full scale urbanisation of the subject lands.

Embarking on a planning process entailing Local Environmental Study, Draft Local Environmental Plan and Structure Plan review is accordingly promoted as a responsible action in the light of the proposal currently before Council.

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Recommended: That

- (i) Council resolve to prepare a Local Environmental Study and Draft Local Environmental Plan in respect of lands known as:
Lot 1 DP795836; Lot 1 DP547127; Lots 2 & 3 DP 360116;
Lot 11 DP748303; Lot 21 DP583364; Lot 184 DP260703
and Lot 3 DP260703.
- (ii) Such Study and Plan preparation occur in the context of a broader structure plan review for the lands known as the Central Hills generally.
- (iii) The resourcing of the planning process be funded by the proponents.
- (iv) The Local Environmental Study, Draft Local Environmental Plan and Structure Plan review be endorsed by Council prior to proceeding to public exhibition.
- (v) Planning NSW be advised of Council's decision, pursuant to the statutory provisions of the Environmental Planning and Assessment Act 1979 (as amended)
- (vi) Council advise all affected property owners of the preceding resolution and of the process involved with the rezoning.

Resolved on the Motion of Cr Campbell, seconded Cr Winn that

- (i) *Council resolve to prepare a Local Environmental Study and Draft Local Environmental Plan in respect of lands known as:
Lot 1 DP795836; Lot 1 DP547127; Lots 2 & 3 DP 360116;
Lot 11 DP748303; Lot 21 DP583364; Lot 184 DP260703
and Lot 3 DP260703.*
- (ii) *Such Study and Plan preparation occur in the context of a broader structure plan review for the lands known as the Central Hills generally.*
- (iii) *The resourcing of the planning process be funded by the proponents.*
- (iv) *The Local Environmental Study, Draft Local Environmental Plan and Structure Plan review be endorsed by Council prior to proceeding to public exhibition.*

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- (v) *Planning NSW be advised of Council's decision, pursuant to the statutory provisions of the Environmental Planning and Assessment Act 1979 (as amended)*
- (vi) *Council advise all affected property owners of the preceding resolution and of the process involved with the rezoning.*

DC111/02 THE MOTION WAS **CARRIED**.

**9. Spring Farm Local Environmental Study (LES) and
Draft Local Environmental Plan (LEP)**

(File 4224/9)(Director Governance & Outcomes)

Purpose of Report

The purpose of this report is to seek Council's endorsement of the Local Environmental Study, additional supporting studies and Draft Local Environmental Plan being submitted to Planning NSW (formerly the Department of Urban Affairs and Planning) to allow the issue of a Section 65 Certificate thereby permitting the public exhibition of the planning documents.

Background

The Spring Farm Urban Release Area has been identified for urban development within the State Government's Metropolitan Urban Development Program for a number of years. Council, in November 2000 considered a report on a draft LES and LEP and resolved to submit the documents to the Department of Urban Affairs and Planning (DUAP) with a letter setting out the then unresolved issues. The letter requested that a Section 65 Certificate be issued so as to allow the documents to be placed on public exhibition.

The Council also resolved to identify to DUAP its intention to seek meaningful commitments from the State Government on the Bush Corridor and public transport/accessibility before it will support the gazettal of either the Spring Farm or Elderslie rezonings. The Council further resolved to specifically seek comments on the Bush Corridor during the exhibition period.

The unresolved issues at that time included the location, extent, ownership and management of the Bush Corridor, servicing, heavy haul route, sand mining/soil extraction, Springs Road extraction and public transport

During the public exhibition of the Elderslie Release Area planning documents it became apparent that due to the level of submissions received from both private and public sources and like nature of the release areas generally, a number of areas warranted review and further detailed study. This further detailed study also provided an opportunity to pursue the concurrent preparation of a Masterplan and in so doing, better understand the nature of the urban form. A letter was forwarded to DUAP requesting the Department to defer the issue of the relevant Section 65 Certificate.

Since that time, additional, and more detailed studies covering the areas of Flora and Fauna, Aboriginal and European Heritage, Geotechnical assessment, Contamination, Traffic,

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Open Space and Social Plan, Water Cycle Management Plan and Landscaping have been completed. These studies have assisted in more precisely determining the opportunities and constraints in the preparation of the Masterplan for the area.

Three workshops and information evenings were held during the course of preparation of the Masterplan. Such consultations involved Government Agencies, service providers, Councillors, staff, various community representatives, landowners and residents. These workshops and information sessions enabled participation in the masterplanning process including the preparation of a vision for the area and the airing of issues of concern generally.

Major Issues

A number of major issues emerged in the planning and consultation process detailed above.

1. Lot Yield of 3900

The State Government's Metropolitan Development Program has raised a number of projections over the years varying from 2400 to 4680. The most recent MDP lot projections referenced a yield of between 3600 and 4000 allotments. Further, such yield is predicated upon a state government density direction of 15 dwellings per hectare. The Masterplan proposes 3,900 dwellings for Spring Farm at target density of approximately 15 dwellings per Ha. The gross dwelling yield taking into consideration the total site area and in particular the extensive areas devoted to bush corridor, open space and flood plain purposes is approximately 8.5 dwellings /Ha.

2. Bush Corridor

The flora and fauna studies and the Water Cycle Masterplan together with a comprehensive survey of the area have reinforced the ecological sensitivity of the area. This has resulted in changes being incorporated in the Masterplan to the Bush Corridor from that initially adopted by Council and suggested for modification by the Draft Local Environmental Study in 2000.

The flora and fauna studies have identified the location of important remnant vegetation of Cumberland Plain Woodland, Elderslie Banksia Scrub Forest and Sydney Coastal River-flat Forest as well as the location of a community of endangered Cumberland Plain Large Land Snail.

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The remnants of the Elderslie Banksia Scrub Forest have been identified by NPWS as being within a high conservation category of 'critically endangered and core habitat' and required the preparation of a Conservation Strategy to assist the development of the Masterplan. The proposed bush corridor provides for the protection and conservation of these important flora and fauna communities.

The bush corridor also includes land that has been required for conservation purposes by the Conservation Strategy for Elderslie Banksia Scrub Forest and a noise buffer from the Nepean Sub-station.

The reconfiguration of the corridor has also included the protection of a community of the endangered Cumberland Plain Large Land Snail.

A comparison of the currently proposed Bush Corridor from that initially proposed by the Bush Corridor Study and that proposed by the LES in 2000 forms **Tabled Document "DC 15"**. The corridor as proposed has a similar area to that presented to Council in October 2000 but is approximately 20 hectares less than that originally adopted by Council.

Consultation with NP&WS and Mount Annan Botanic Gardens has identified the opportunity for both of these authorities to have an involvement in the ongoing management of the bush corridor to ensure the outcomes of the Conservation Strategy are achieved and maintained.

The reality of getting further commitment to the bush corridor from the State Government, apart from some management input as alluded to above, is most remote.

3. Conservation Strategy for Elderslie Banksia Scrub Forest

The flora assessment of the area identified a number of fragmented remnants of Elderslie Banksia Scrub Forest (EBSF), a critically endangered ecologically community. Consultation with the National Parks and Wildlife Service identified the need for the preparation of a Conservation Strategy for the EBSF. A Conservation Strategy was prepared and formally supported by NPWS.

Central to the Conservation Strategy is the use of large volumes of sandy soil to form unfragmented EBSF patches in an undulating landscape. The outcomes of the proposed Strategy include the following:

- ◆ "14.3 ha of unfragmented EBSF south of Springs Road.

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- ◆ 7.2 ha with about 6 ha of EBSF adjoining about 1.2 ha of riparian vegetation along the drainage path/restored creekline north of Springs Road and east of Richardson Road.
- ◆ 17.8 ha with about 4 ha of EBSF and the balance comprising Cumberland Plain Woodland and Riparian vegetation north of Springs Road and west of Richardson Road.
- ◆ 3.6 ha with about 1 ha of EBSF and the remainder comprising ‘recreated’ EBSF and riparian vegetation south of Springs Road upstream of the large water body.”

To implement this strategy will require the removal of a remnant of EBSF of about 2.7ha and the use of the underlying sand to rebuild the links between the three major enhanced stands of EBSF.

The endorsement to the Conservation Strategy by the NPWS is predicated on the basis that land ownership, future management of identified conservation areas and funding mechanisms are identified and secured through a developer agreement with the Consortium of landowners. The approval of NPWS to the developer agreement will be required prior to Council’s final consideration of the LEP for Spring Farm.

4. Jacks Gully Waste Disposal Facility

The State Government together with Waste Services NSW and Landcom have committed to the resolution of all odour problems from the Waste facility by 2004. Time will, however, tell of the success of proposed remedial measures. Until that time an odour buffer of 500 metres from Jacks Gully is proposed. There are two potential ways of controlling development of the buffer area. These include;

- (a) by way of a clause inserted in the draft LEP restricting any development for dwellings within this area until Council has been satisfied that the odour problem has been addressed. The buffer distance is consistent with guidelines from the EPA for new landfill sites and advice received from Waste Services NSW after the second workshop in December 2001. Further, it would appear consistent with topographical and prevailing wind context, or
- (b) deferring the zoning of the area.

The former course of action is proposed in this instance.

In the longer term, the Masterplan provides for a buffer of 70 metres from the current boundary of Jacks Gully. A road will

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be located within the buffer adjoining Jacks Gully to provide access to the Waste Facility and Glenlee industrial area.

5. Heritage

The Heritage Study for Spring Farm has recognised both Aboriginal and European Heritage Items. A number of built and landscape items as well as important view corridors have been identified. These have been acknowledged within the draft LEP and Masterplan. The dwelling at 186 Richardson Road has been identified as a potential item, which due to the location of the link Road will require removal. Additional heritage assessment was undertaken for this item noting the impact of the road and mitigative measures to be undertaken prior to the removal of this item were recommended by the Study and are documented in the DCP/ Masterplan.

6. Integral Energy Infrastructure

Noise attenuation measures in the form of a landscaped masonry wall are required for the two existing sub-stations. In addition, a setback of 100m has been recommended by Integral Energy to any residential development adjacent to the Nepean Sub-Station. The majority of transmission lines are proposed to be relocated underground. Some lines to the south and southwest will remain overhead. Those that are to be relocated underground will be generally located under the pavement within the road reserve to ensure appropriate setbacks are provided to dwellings fronting the road.

7. Open Space and Community Facilities.

Generally the facilities identified by the Open Space and Social Plan (OSSP) report to service the area have been provided for in the draft Masterplan in accordance with Council's prevailing planning policy with the exception of playing fields. Council's requirement for playing fields in Spring Farm in accordance with its Open Space Strategy is for 7 playing fields. The OSSP Report however, recommends 5 sports fields. The report bases its recommendations on the changing demographic characteristics of new release areas, the provision of a small field being provided in the Primary School and the extent of constraints to the site. The report also notes the fact that there is a higher level of provision of sports fields within Spring Farm than in any of the surrounding release areas.

The origins of Council's base standard (the GHD Report) are also challenged. The level of field provision at the time

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of the GHD Report (1993) appears to be the fortuitous product of large tracts of floodplain having been made available to Council with little detailed nexus debate.

The draft Masterplan provides for 5 sports fields with one field to comprise 2 small junior fields as well as the primary school site offering a facility. The playing fields have been grouped together within the riparian area adjoining the dam and river. Although located within the 1% flood line, inundation will have minimal impact as the potential mine subsidence of 1.6m has been included in identifying the flood line and the fields are located high in that area. One should not lose sight of the fact that sport is most unlikely to occur in weather conditions associated with a 1% flood event. Further the proposed facilities are free of the 5% (1 in 20 year) flood event which could generally be associated with unplayable conditions. Additionally the sandy soils generally in this area will provide good drainage qualities on top of a formal drainage scheme.

Notwithstanding the recommendations of the Open Space and Social Plan, it is recommended that the Masterplan be amended to insert a further full size soccer field in the north-eastern residential precinct. The inclusion of this field is to provide an additional recreational facility outside the 1% flood line and accessible to the upper residential precincts.

8. Water Cycle Masterplan

The principles of Water Sensitive Urban Design have been adopted for Spring Farm as they were for the Elderslie Release Area. A Water Cycle Masterplan for the area has been prepared which proposes the use of bio-ribbons and sub-surface wetlands as source controls for water quantity and quality treatment, prior to discharge to the riparian corridors. Rainwater tanks have also been included as a requirement for each lot in Spring Farm.

The large farm dam at the downstream end of Springs Creek is to remain but all water treatment is to occur prior to discharge to this water body. The dam embankment will require total reconstruction.

9. Traffic

The major access for Spring Farm will be from traffic lights on Camden By-pass onto the Link Road to a roundabout on Richardson Road. The draft Masterplan has provided a reserve for the extension of the Link Rd in an easterly direction. Construction of this section of the road will partly be funded by Section 94 where it provides access to

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the release area. The arterial road standard construction and the extension to Campbelltown will be part of the Transport/Accessibility issues still to be resolved with the State Government. Alternate access to Jacks Gully and Glenlee will also be provided off this road. A bus only access from the Link Road to Mount Annan is proposed to provide a more direct public transport route to Narellan Road.

10. Regional Transport Issues

There are still some outstanding issues to resolve in relation to the exact location of the Arterial Link Road. These issues will involve liaison with National Parks and Wildlife and Landcom and discussions will be undertaken during the public exhibition of the LEP.

The issue of a meaningful commitment to Transport/Accessibility by the State Government has been the subject of much discussion. A revised strategy having regard to Council's initial input is being developed by Department of Transport and Planning NSW and will be referred to Council for its final consideration upon completion.

11. Sand and Soil Extraction

Sand and soil extraction continues in Spring Farm. Recent discussions with the extractors has identified that sand extraction could be completed in approximately 5 years while soil extraction will continue along the river for at least the next 10 years or more. The discussions have identified a strategy to complete the sand extraction process and wind up Contribution Plan No 6 and use the current funds to lower and reconstruct Springs Road, construct an urban landform and acquire land along the river in accordance with the CP 6 works schedule. The issue of sand extraction and the future of CP 6 and the use of those funds are still to be determined by Council.

12. Staging

The development of Spring Farm will be carried out in a number of stages. See **Tabled Document "DC 16"** for staging. The first stage will incorporate the implementation of the conservation strategy and establishment of the bush corridor. The second stage will be the commencement of residential development on the western side of Richardson Road and north of the bush corridor as well as the work on the dam. The lowering of Spring Road is the third stage, fourth and fifth stages will be on the eastern side of Richardson Road including the land adjoining the Jacks

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Gully odour buffer. The sixth stage will be the land between the Integral facility and the Dam and the latter stages will incorporate land between Springs Road and The By-pass and south of Springs Road.

13. Community Title

The development process may include subdivision by community title although it is proposed all development will be on individual lots with the exception of the Village Centre, which may include multi-unit development. There are no proposals for any development of a gated community in the release area.

14. Impacts Macarthur / Richardson Roads

The traffic report for Spring Farm has identified that traffic calming measures will be required in Macarthur Road to cater for the additional traffic generated from the release area. The measures proposed include roundabouts within the existing road alignment at Harrington Street, Merino Drive and River Road. Kerb blisters and marked parking lanes are also recommended for the whole length of Macarthur Road as well as a raised threshold and 40 km/h signs at the entry to this area from Camden Valley Way and the By-pass.

There have been no recommendations for traffic calming in Richardson Road with traffic having the option of using the Link Road to Camden By-pass as well as Richardson Road.

15. Integration Existing Community

Integration with the existing communities is proposed through a network of pedestrian paths and cycleways linking Spring Farm with Narellan Vale and Mount Annan. Pedestrian and cycleway access will also be provided to Elderslie through a pedestrian overbridge over Camden Bypass. A bus only link is to be provided to Mount Annan to cater for a more direct bus access to Narellan Road.

The Masterplan

The Masterplan provides for 4 compact residential precincts adjoining the bush corridor, Camden By-pass and the Link Road with a Local Centre centrally located at the intersection of Springs Road and Richardson Road. For Masterplan see **Tabled Document “DC17”**.

The Local Centre will provide the location for a multi purpose facility incorporating community and recreational facilities for Spring Farm, medium density housing and a village square.

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The community facilities will include a community centre made up of a function hall, multi-purpose room, meeting room, kitchen, office space, amenities and outdoor court yard and a children and family services centre incorporating 60 places with provision for children under 2½ years, a 40 place preschool and consulting rooms for early childhood health/specialist services. A youth facility linked or co-located with an indoor multipurpose sports facility will also be located within the local Centre.

Flexi-units, which combine housing and commercial/retail premises, are proposed around the Village Square, which forms the focus of the view corridor down Richardson Road. The proposed Primary School is located on the northern side of Springs Road two blocks removed from the local Centre as requested by the Department of Education.

The road pattern within the 4 residential precincts is largely based on a grid system to promote permeability and accessibility within and between precincts. It will also take advantage of views to the bush corridor, dam, riparian corridor and to Camden Park and Belgenny Farm and beyond. Roads adjoin the bush corridor and open space to afford public and emergency access and provide casual surveillance from dwellings fronting roads. Pedestrian and cycle networks are to be provided adjoining the bush corridor linking centres of activity as well as being provided on a hierarchical basis throughout the road network.

The road pattern and hierarchy has been designed to facilitate bus routes envisaged in the Camden Integrated Transport Study and in conjunction with consultation with Busways. Provision for a bus only access through to Mount Annan to provide a more direct access to Narellan Road together with higher residential densities as recommended in the study has been included in the Masterplan.

To maintain a sustainable development, the Masterplan has provided appropriate road and lot orientation, a diversity of lot sizes and housing types to achieve a target density of 15 dwellings per hectare. Medium density lots will be located around the Local Centre, village greens, bush corridor and close to the public transport route.

Spring Farm Draft Development Control Plan

A draft Development Control Plan (DCP) which is geared to deliver the Masterplan has been prepared for Spring Farm. The draft DCP provides the controls and guidelines to implement the Masterplan and enables a much clearer understanding of the development outcomes. Such plan will be finalised whilst Council awaits the issue of the relevant Section 65 Certificate

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and will be submitted to Council prior to concurrent exhibition with the LES (as amended) and Draft LEP.

Landscape Masterplan

The Landscape Masterplan is currently being finalised, as it will complement both the Development Control Plan and the recommendations from the Conservation Strategy for Elderslie Banksia Scrub Forest. The Landscape Masterplan will be referred to Council for adoption together with the Development Control Plan prior to the public exhibition of the documents.

Draft Local Environmental Plan 121 – Spring Farm Release Area

Draft Local Environmental Plan 121 (LEP121) has been prepared to give effect to the Spring Farm Release Area. The Draft LEP is included as **Tabled Document “DC18”**. The form and content of the LEP is similar to that adopted for the Elderslie Release Area. The major difference from the Elderslie Plan is the addition of a 7(a) Ecologically Sensitive Land zone to identify the Bush Corridor/riparian area and to include appropriate controls for that area.

A 5(b)(Special Uses - Arterial Road) zone has also been included in the Plan to identify the location of the Link Road and the acquisition authority for that part of the road that performs the Arterial role.

The Heritage Study has identified a number of built and landscape items that are of potential heritage significance and areas of archaeological sensitivity with respect to Aboriginal Heritage. These items are listed within the Draft LEP and provisions have been included for those items to be investigated to more definitively determine heritage values prior to any development being carried out.

The erection of dwellings on land within 500 metres of Jacks Gully (odour buffer) is proposed to be deferred in this plan. Such area would only be approved for development of dwellings when Council has been satisfied that the escape of odour from Jacks Gully has been addressed in a satisfactory manner.

Conclusion

The Draft Local Environmental Study, additional sub-studies and Masterplan have been prepared to support the referral of the Draft Local Environmental Plan to Planning NSW for the issue of a Section 65 Certificate in accordance with the Environmental Planning and Assessment Act, 1979 (as amended). Upon receipt of the Section 65 Certificate and subject to no major changes being required to the Plan, it is

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recommended that the suite of documents be publicly exhibited for a period of six weeks.

Recommended: That:

- (i) Council adopt Draft Local Environmental Plan No 121 – Spring Farm, Spring Farm Local Environmental Study, the additional sub-studies and Masterplan for the purposes of exhibition and refer these documents to Planning NSW with a request that a Section 65 Certificate be issued so as to allow the documents to be placed on exhibition.
- (ii) Upon receipt of the Section 65 Certificate from Planning NSW the Draft Local Environment Plan, Draft Local Environmental Study, additional sub-studies, Masterplan and endorsement of a Draft Development Control Plan and Landscape Masterplan, all documents be placed on public exhibition for a period of six weeks. Additionally, the previous bush corridor recommendation be concurrently placed on exhibition with a background explanation of its relationship to the revised corridor.
- (iii) That the Masterplan be amended to include an additional full size soccer field in the north-eastern residential precinct prior to the exhibition of the planning documents.
- (iv) That a further report be prepared for Council upon completion of the exhibition period.
- (v) Council identify to Planning NSW its intention to seek meaningful commitments to public transport and accessibility and management of the bush corridor before it will support the gazettal of the draft LEP for Spring Farm.

Resolved on the Motion of Cr Batros, seconded Cr Patterson that:

- (i) *Council adopt Draft Local Environmental Plan No 121 – Spring Farm, Spring Farm Local Environmental Study, the additional sub-studies and Masterplan for the purposes of exhibition and refer these documents to Planning NSW with a request that a Section 65 Certificate be issued so as to allow the documents to be placed on exhibition.*
- (ii) *Upon receipt of the Section 65 Certificate from Planning NSW the Draft Local Environment Plan, Draft Local Environmental Study, additional sub-studies, Masterplan and endorsement of a Draft Development Control Plan and Landscape Masterplan, all documents be placed on*

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public exhibition for a period of six weeks. Additionally, the previous bush corridor recommendation be concurrently placed on exhibition with a background explanation of its relationship to the revised corridor.

- (iii) That the Masterplan be amended to include an additional full size soccer field in the north-eastern residential precinct prior to the exhibition of the planning documents.*
- (iv) That a further report be prepared for Council upon completion of the exhibition period.*
- (v) Council identify to Planning NSW its intention to seek meaningful commitments to public transport and accessibility and management of the bush corridor before it will support the gazettal of the draft LEP for Spring Farm.*
- (vi) An information evening be held during the exhibition period to explain the proposal.*
- (vii) Should the exhibition period occur over Christmas/New Year it should be extended beyond this time.*

DC112/02 THE MOTION WAS **CARRIED**.

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**10. Draft Amended Mount Annan District Centre
Structure Plan**

(File 3731/2) (Director Governance & Outcomes)

Introduction

The Mount Annan District Centre is zoned District Centre 3(g) under Camden Local Environmental Plan No. 47. Such zoning has a commercial focus, but also permits mixed use development. The centre is also subject to the provisions of a Structure Plan; namely, Mount Annan District Centre Structure Plan No. 2 which was adopted by Council on 14 February 2000.

This plan was developed to provide a more flexible, market responsive approach to development of the site, whilst at the same time reinforcing certain basic “structural” outcomes.

Background

To date, development within the District Centre has evolved primarily in response to fluctuating market forces and has resulted in a low-density, sprawling centre which is vehicle dominated and generally pedestrian unfriendly.

The principal remaining residue parcel within the centre has been the subject of a number of enquiries to Council, seeking to develop it for residential purposes.

In order to provide meaningful responses, in a contextual sense, having regard to providing an integrated medium density residential development “package” it is proposed to amend the structure plan in the manner shown by **Tabled Document “DC19”**. Such is a response to Council’s resolution of April, 2002.

Council at its meeting of 8 April 2002 resolved to amend The Mount Annan District Centre Structure Plan to reflect the following:

- (a) Residential development, provided it is at least medium density in nature be noted as an acceptable use (with or without other land uses – mixed uses).
- (b) Any residential use must carefully integrate with surrounding land uses, natural systems and infrastructure.
- (c) Design must be of the highest order including acoustic treatment.
- (d) A masterplan (First stage development application) must accompany any proposed residential development of the site.

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Public Notification

The subject amended draft structure plan was notified to all property owners of both land within the district centre proper and all immediately adjoining land-owners. An advertisement was also placed in the local press encouraging the submission of comments to Council on the draft plan.

At the close of the exhibition period no submission had been received.

The Structure Plan

The Mount Annan District Centre Structure Plan has been amended to clearly identify that medium density, carefully integrated residential development is acceptable on the subject site, (with or without other land uses-mixed use), where it can be demonstrated that it has had regard to, natural systems and infrastructure generally. The design of future development on the site must embody best practice in innovative urban design, principally address the issue of acoustic treatment to Narellan Road and be accompanied by a masterplan as part of the development process.

Conclusion

The principal residue site is uniquely positioned to deliver a range of urban outcomes. In order for medium density residential development to proceed on the site the Structure Plan had been amended to ensure that the highest order urban design skills be utilised in the preparation of architectural and subdivision plans for any residential scheme for the site.

Recommended: That

- (i) Council endorse the amended Structure Plan as set out in **Tabled Document “DC19”**.
- (ii) All owners of the land within the District Centre be advised of the resolution and provided with a copy of the amended plan.

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Resolved on the Motion of Cr Anderson, seconded Cr Winn that

- (i) Council endorse the amended Structure Plan as set out in **Tabled Document "DC19"**.*
- (ii) All owners of the land within the District Centre be advised of the resolution and provided with a copy of the amended plan.*

DC113/02 THE MOTION WAS **CARRIED**.

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**11. Draft Development Control Plan (DCP) No. 119
Catherine Field Village**

(File 599/7) (Director Governance and Outcomes)

Land: Catherine Field Village zoned 4000m² minimum area.

Purpose of Report

The report seeks to outline the nature of recent consultations in respect of the Draft Plan and conclude with Council endorsement of the Plan, subject to minor amendments.

Background

The further development of the Catherine Field Village has been of concern to Council and the immediate community some time. In order to provide an improved planning framework a Strategy and Draft Development Control Plan were prepared.

The draft DCP was publicly exhibited from 20 November 2001 to 9 February 2002. A report in respect of the Draft Plan and the results of the exhibition was presented to Council on 25 March 2002 and forms **Tabled Document "DC20"**. Council in response to representations from same resolved to defer further consideration of the matter pending an on-site inspection.

Site Inspections

A site inspection was undertaken on 22 April 2002 involving Councillors, staff and a number of residents and their consultant, Mr Kevin Mayes. The main issue focused on the land to be developed on the northern side of Catherine Field road east of the fire shed. The creek line from Catherine Field Road, the extent of flood affectation and its impact on future subdivision was discussed.

A further inspection then took place on 26 April 2002 attended by Council staff, Mr Kevin Mayes and officers from Department of Land and Water Conservation (DLWC). The principal issue of concern involved the proposed re-engineering of the creek line near Catherine Field Road and removal of the existing dam. DLWC indicated that they would be agreeable to some reductions in the setbacks to the creek in return for the general rehabilitation of same. However, they indicated more detailed information would need to be furnished.

Proposed variation to the draft DCP

The principal concern of the residents who attended the site inspection of 22 April 2002 was the location of the proposed

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road layout, especially the access point off Catherine Field Road.

The consultant has now submitted a proposed subdivision layout which forms **Tabled Document “DC21”**. The access to Catherine Field Road has been moved further west to now cross the creek, which is to be rehabilitated. It was determined that this was the preferred location by the 5 owners (2 of the original 7 owners to the west have now dropped out)

A meeting was held between the consultant and DLWC on 6 September and there now appears to be an ‘in principle’ agreement to the road crossing of the creek.

To advance the draft DCP Council can amend the road layout map to reflect the changes outlined above. However while DLWC have given an ‘in principle’ agreement, Council has no certainty as to the precise road location and whether the owners will proceed with the proposed amendment. It should be noted that Clause 8.2 provides scope for varying the Plan (refer to page 6). Accordingly, it is recommended that the Plan not be amended and that Council rely upon the variation provisions should the amended proposal ultimately emerge, as it still has to assess the subdivision under its development application process in conjunction with DLWC.

Further amendments

A further general review of the Draft Plan in the period since exhibition has resulted in the following suggested amendments. Such amendments are not considered to be of a nature which warrant re-exhibition:

- Clause 8.1 The road layout map shown on attachment “B” has been replaced with a higher quality graphic.
- Clause 9.1 The front building setback for battleaxe lots has been reduced from 15 to 10 metres (consistent with other 4000m² areas).
- Clause 9.2 The minimum side setback has been reduced from 10 to 5 metres (consistent with other 4000m² areas).
- Clause 9.6 The maximum discharge from the OSD system has been changed from “100 litres per second per ha” to “a 50mm PVC pipe”.
- Clause 9.6 A reference has been made to ensure that stormwater disposal areas are designed so as to not impinge on effluent disposal areas. Annexure “D”, which relates to

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transpiration bed construction requirements, has been deleted, as this is contained within Council's Draft Sewerage Management Strategy.

A copy of DCP No. 119, including the amendments outlined above forms **Tabled Document "DC22"**.

Conclusion

The draft DCP will provide guidelines for the development of the remainder of the Catherine Field 1(c1) zones area, clearly focussed on achieving the outcomes presented in the Desired Future Character Statement (page 5 DCP).

The initial resident concerns were based upon a view that they would be at a disadvantage if the exhibited draft DCP was to be adopted as it would affect their ability to achieve a road layout that was acceptable to them. Clause 8.2 provides Council the flexibility to accommodate a variation to the road layout subject to it meeting standard design criteria and DLWC requirements.

It is therefore proposed that draft DCP No. 119 now be adopted with the inclusion of the abovementioned amendments.

Recommended: That:

- (i) Council adopt the DCP 119 Catherine Field Village 118 (as amended) as detailed in this report and pursue appropriate statutory proclamations.
- (ii) Those responsible for submissions be advised in writing of Council's determination.
- (iii) The owners of the land be advised of Council's decision and provided with a copy of the adopted DCP.
- (iv) Council notify the Catherine Field Progress Association of these recommendations.

Resolved on the Motion of Cr Winn, seconded Cr Patterson that:

- (i) *Council adopt the DCP 119 Catherine Field Village 118 (as amended) as detailed in this report and pursue appropriate statutory proclamations.*
- (ii) *Those responsible for submissions be advised in writing of Council's determination.*
- (iii) *The owners of the land be advised of Council's decision and provided with a copy of the adopted DCP.*

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(iv) Council notify the Catherine Field Progress Association of these recommendations.

(v) Council notify the Rural Action Group.

DC114/02 THE MOTION WAS **CARRIED**.

The Meeting closed at 7pm.