

**MINUTES OF THE DEVELOPMENT COMMITTEE HELD
27 MAY, 2002, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

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Present: Cr Corrigan (Mayor/Chairperson), Cr Anderson, Cr Patterson, Cr Winn, Cr Batros, Cr Fekete, Cr McFadden. Cr Campbell arrived at 5.43pm during Item 1.

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

Apology: An apology was received from Cr S Senise from this meeting.

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

DC054/02 THE MOTION WAS **CARRIED**.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

Mr Dennis Flack addressed the Committee in relation to Item 3.

1. Construction of a Retail/Commercial Development Comprising 1 Large and 22 Small Shops and Associated Carparking, and the Erection of a Community Hall for Use by the CWA, Nos 1, 13, 15 and part 17 Murray Street and 13, 13A & 13B Cawdor Road, Camden (Lot 1 DP 979451, Lot H DP 37921 and Lots W, X, Y, and Z DP159121 and Lot 1 DP979451)

File No: DA5750.10-3 (Director, Development & Environment Division)
DA No: 231/2001
Owner: CMPH Pty Ltd, the Country Women's Association of NSW and Sandwick Pty Ltd (Coles Site)
Zoning: Town Centre 3(e) and Town Centre Support 3(f) under LEP 45

Purpose of Report

This report addresses an amended proposal for the construction of a commercial/retail development on the corner of Murray Street and Cawdor Road. The amendments have been necessitated because of the failure of the developer to acquire land and rights of carriageway over the adjacent Coles Supermarket site to comply with the conditions of the original consent granted by Council. The inability to acquire the land and rights of way has resulted in amended building, carparking and access arrangements.

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Summary of Recommendation

The report recommends that the application should only be approved if there is a boundary adjustment registered to ensure proper internal and external traffic flow. Any approval issued would be on the basis of a deferred commencement requiring registration in the Land Titles Office of all necessary transfers.

Background

Council, at the meeting of 8 October, 2001 granted consent for a similar development by the applicant which was to be integrated with the adjoining Coles development (Development Consent No 170/2001). The two developments were to share the car park, the existing access from Murray St and proposed access from Cawdor Road, and pedestrian movement between the two sites was encouraged.

The agreement between the developer and the owner of the adjoining Coles development to integrate the two developments has since broken down. As a result this new 'stand alone' application has been submitted for Council approval.

The development is substantially the same as the previous approval. The floor area, numbers of shops and elevations along Murray Street and Cawdor Road have not basically changed. The main difference is that there is no vehicle circulation between this and the Coles site and the building has been redesigned to reflect this change, with the building extending more along the Murray Street frontage. The development contains its own parking area and sole vehicular access is from a proposed roundabout in Cawdor Road.

The Proposal

A site and floor plan of the main buildings **was provided separately to Councillors.**

The development proposes the erection of a shopping complex comprising one large shop to be tenanted by a mini-discount department store (DDS) and 22 specialty shops for retail or business tenants. The complex proposes 3900m² of gross floor area, with the DDS taking up 2000m² of this floor area. The development contains on site parking, with access from a new roundabout from Cawdor Road.

The complex proposes a single storey building built along the Murray St frontage, which increases around the Cawdor Road frontage where a loading dock and a small underground carpark is proposed. Small shop fronts will face Murray Street, and a rear courtyard. The DDS will be positioned toward

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Cawdor Road, but will be oriented to the rear courtyard. In consequence the Cawdor Road frontage will principally provide truck loading facilities to the complex. The building will be elevated and mechanisms used so that it will be protected from the 1% AEP (1-in-100 year) flood line.

The development incorporates the construction of a new purpose built single storey detached building for use by the Country Women's Association (CWA). This is proposed on the triangular portion of the site, adjoining the Camden RSL club.

The Site

A locality plan forms **Tabled Document “DC 1”**. The site is on the western extremity of the Argyle Street commercial strip, and is considered a gateway site to the town centre. It is adjoined by a variety of uses, including businesses and offices on the eastern side of Murray Street, the Coles supermarket to the south, the Camden RSL and a car repair business to the west. The Showground, Onslow Park reserve and the Camden Bowling Club are located to the north.

Some work has been undertaken on the site in accordance with the DA170/2001 approval.

The property has a number of constraints that need to be addressed. These include flood affectation and being on a gateway site. The perceived parking shortage in the town centre and traffic management must also be addressed. These issues are further discussed in this report.

Notification

In accordance with Council policy, adjoining property owners, tenants, business and organisations that Council considered could be affected or interested in the proposed development were notified of the application.

Council received one objection. The concerns of the objector are discussed in the Section 79 (C)(1)(d) of the report under the heading of ‘Public Submissions’.

A copy of the submission was handed out separately with the Business Paper.

Assessment

The development is substantially the same as that approved by Council under DA170/2001. As such, much of the assessment under DA170/2001 is therefore still relevant and discussed in detail in the Council reports on that application.

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Section 79(C)(1) heads of consideration under the EP&A Act

(a) The provisions of any Environmental Planning Instrument, any draft instrument and / or relevant DCP or any prescribed matters in the Regulations

Planning Instruments and Strategic Policy

The majority of the site is zoned Town Centre 3(e), with the triangular shaped lot (proposed to contain the new CWA building) being zoned Town Centre Support 3(f) under the provisions of LEP 45.

The development, which comprises shops, commercial premises and a community hall, is permitted in the zone subject to obtaining Council consent. The development also complies with the objectives of the LEP and zone objectives and the design principles, which include retaining the town centre's hierarchy, heritage values, vistas, and designing for pedestrians, vehicle access, flooding, tourism, safety, energy efficiency and vitality. The development also achieves the vision of Camden 2025 – Strategic Plan and the principles of Camden Structure Plan, Camden Town Centre Masterplan and the Draft Camden Scenic and Landscape Study.

The LEP requires flooding to be addressed. This is discussed in section 79(c)(1)(b and c) under the heading 'Flooding' in the report.

State Environmental Planning Policy No 11 (SEPP11)

The development was considered at a Regional Development Committee meeting, which comprises representatives from Council, RTA and Police.

The major issues that arose from this meeting were that trucks must be able to access the loading dock in Cawdor Road, sufficient parking must be provided on site, conflicts must be addressed at the existing Murray Street access point, and that internal circulation must be efficient. These matters are discussed in s79(c)(1)(b and c) under the headings 'Traffic' and 'On-site Car parking'.

Sydney Regional Environmental Plan No 20 (SREP20)

SREP20 requires any development, which drains to the Hawkesbury-Nepean River, to take into consideration the effect of this development upon the river.

A concept stormwater drainage plan has been submitted that indicates that the buildings and the car park will be drained through an on-site detention facility to Cawdor Road. The

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stormwater system in the car park will be required to incorporate an oil/water separator in order to improve the quality of the stormwater leaving the site.

To avoid contamination of floodwaters, no hazardous materials will be permitted to be stored on site and the garbage storage area must be secured.

In addition conditions will be imposed to ensure that environmental measures are employed during construction to prevent sediment from finding its way off the site.

**(b) Section 79(c)(1)(b) the impact of the development upon the natural and built environment, and social and economic impacts in the locality, and
(c) the suitability of the site for the proposed development**

The following issues are relevant to the development and cover the (b) and (c) heads of consideration under section 79(c)(1) of the Environmental Planning and Assessment Act, 1979.

Pedestrian Movement and Safety/Safety by Design

A crime assessment of the development has been conducted in association with the Police and the main area of concern is a proposal to erect fencing between the development site and the Coles site.

Even though the development is no longer integrated with the Coles site, it is important that pedestrians can move freely between both developments, and thus no fence should be erected between the sites. This will avoid unnecessary vehicle movements, improve patronage as well as improve surveillance and activity and therefore the safety of the area. Fencing would create an alleyway between the Murray Street shops and the common boundary, which is undesirable. Fencing off the CWA site would result in the building being enclosed on all side which has the potential to create entrapment areas and does not allow casual surveillance of the area.

Should Council approve the application, a condition should be imposed requiring that no fence be erected between the Coles supermarket and subject site.

Access to the proposed basement would be restricted for use by staff/tenants and would be keyed access only. This would ensure the area is not accessible to unauthorised persons.

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Car Parking

The development, which incorporates the new shopping centre, the new CWA building and part of the existing Coles supermarket land generates a demand for 120 on-site car spaces, allowing for site credits accommodating the 3 lost on-street spaces in Cawdor Road adjacent to the site entrances. Provision has been made on site for this number of spaces.

The Coles site requires 138 spaces and the amended layout provides 144 spaces. Parking proposed meets the requirements of Council's DCP 97 – Carparking. The proposed changes to boundaries facilitate the increased parking spaces around the CWA building. These are shown on the plan which forms **Tabled Document "DC 2"**.

Traffic

The original consent was issued on the basis of the subject site being incorporated with the Coles Supermarket site for the purpose of access and vehicular circulation. To ensure that this circulation remained available to the users of both sites, a condition of the consent required the registration of reciprocal rights of way over both sites. The applicant has been unable to achieve this and has submitted an amended proposal, which has the following changes:

- All vehicular access to the site from Cawdor Road.
- A boundary adjustment between Lot H (the triangular allotment) and the Coles site to widen the width of the handle servicing the CWA premises to allow two way movement of vehicles and the provision of three additional parking spaces for the Coles development adjacent to the driveway servicing their loading dock.
- No vehicular links between the development site and the Coles site.
- Parking for 13 vehicles in a basement carpark to be allocated to tenants of the development.
- Extension of the shops fronting Murray Street in a south-easterly direction and the provision of a pedestrian access point adjacent to the boundary with the Coles site.

The internal aisle adjacent to the existing Murray Street entry and exit point has been adjusted to reduce existing conflicts. This has addressed the concerns of the Regional Traffic Development Committee.

At the new access point to Cawdor Road, a 'fried egg' roundabout is required. This will resolve conflict between through traffic, traffic accessing the new shopping centre, and traffic accessing the showground (especially during show time

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and on market days). A roundabout is also in accordance with the Camden Masterplan which prefers this treatment to traffic lights.

The roundabout is not required for any reason other than as a result of the increased traffic movements associated with the development and primarily as a result of the potential conflict between the proposed development and the existing access to the showground. As this development creates a four-way intersection, it generates the need for the roundabout, and thus should be funded by the applicant.

The proposed loading dock along Cawdor Road provides loading facilities for the DDS in the northern end, and a shared dock for all the specialty shops in the southern end. Another loading bay for vans or small trucks is provided within the car park on-site.

Without the boundary adjustment, the parking layout would not function in a satisfactory manner as there would be only one-way access to the CWA building and carpark and this would cause conflicts in the main circulation area adjacent to the only site entrance and exit. It is therefore necessary to ensure that the development does not proceed any further without the additional land being incorporated into the development site. This will ensure that no conflicts to traffic flow along Cawdor Road occur and can be achieved by the issue of deferred commencement consent.

Whilst the failure to provide access between the two sites is disappointing, it is considered that with the boundary adjustments proposed and with adequate internal directional signage, the parking and vehicle arrangements for the site are satisfactory.

Arrangements for loading are similar to that approved under the original development consent and are also adequate to service the needs of the development. A condition has been imposed to ensure that the operator of the DDS schedules deliveries and there is an on-site loading bay in addition to the specialty dock available to ensure no vehicle conflicts occur.

Development of Flood Affected Land within the Camden Town Centre

This policy contains the following guidelines:

- A risk assessment and assessment of flood hazard must be carried out;
- The building must not be significantly higher than the footpath level;
- Building levels must be determined by balancing flood risk with access and streetscape;

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- storey height limit is to be maintained;
- flood-free storage is to be provided;
- buildings must be constructed from flood compatible materials, be able to withstand flood and have all services flood proofed;
- all parking must be gravity drained;
- storage of hazardous materials is not permitted;
- a flood evacuation strategy is required for each business;
- A signature building is required to be erected on the subject site;
- Regard to the provisions of the NSW Floodplain Manual.

Proposed filling of the site will displace floodwaters elsewhere which may detrimentally affect adjoining property. This matter must be addressed.

Clause 21 - flood prone land

Under this clause the following must be considered:

- the affect on the flood level;
- whether the development substantially increases the flood on adjoining property;
- whether it will cause erosion and siltation;
- whether it will affect the water table;
- whether it will affect river stability.

The site is severely affected by flooding from the Matahil Creek. The hazard and hydraulic category of the site is defined as 'high hazard flood storage/fringe' under the NSW Floodplain Manual. The 1% AEP (1 in 100 year) flood level reaches a level of RL 71.3m AHD, which varies between 1 and 4.3m above existing ground levels. The 5% AEP (1 in 20 year) flood also affects the site. This flood reaches a level of RL 69.4m AHD, which varies between 0 and 2.4m above ground level. Plans showing the extent of flooding and height of 1% AEP form **Tabled Document "DC 3"**.

On flood prone land Council must have regard to the provisions of clause 21 of LEP 45 and the provisions of Council's Flood Policy ("Development of Flood Affected Land within the Camden Town Centre"). Compliance is discussed below.

The applicant's consultant, Roz Engineering Pty Ltd, has conducted a flood risk assessment for the development. This assessment concludes that the development will result in a minor loss of flood storage area on the site. This loss is insignificant in relation to the extent of the flood plain. As such, the development will have a negligible effect on flood levels, and negligible effect on flooding on adjoining properties as the existing levels are maintained at the downstream property boundary. However, as parking is provided under the building, this will improve the loss of flood storage on the site.

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Due to limited tree removal it is considered that the development will have negligible affect on the water table. As the site is at a distance to the creek, and with the installation of erosion and sedimentation controls during the construction phase, the development will have minimal environmental impact on the river system.

Most of the proposed development will be built at a floor level of RL70.3m AHD. This level is 1m below the 1% AEP flood level, but above the 5% AEP flood level. The only exception is the smaller shops along Murray Street, which will step down to a RL level of 69.7m and 69.4m, which is just above or at the 5% year flood level.

The applicant has chosen this floor level to balance the need to protect the development from floodwaters and to ensure that the building is not excessively high, which would adversely impact on the streetscape and character of the Town Centre. As a result the development meets the height requirement (except for a portion along Cawdor Road, which is discussed elsewhere) and shopfronts still have relation to the footpath levels.

While most of the shops have floor levels 1m below the 1% flood level, the development will be designed so that windowsill levels will be at the 1% flood level. It is proposed that shutters will be fitted over the door openings during flood events (5% AEP) to prevent floodwaters entering the building.

In addition, conditions can be imposed in accordance with Council's policy requiring:

- the draft flood emergency plan to be finalised in consultation with the State Emergency Service. A separate plan must be prepared for each shop and be put into practice to remove people, valuable goods, flood sensitive equipment from the building, and secure the building during flood events;
- the development must be constructed from flood compatible materials, with all services being flood proofed, and the structure being capable of withstanding the forces of floodwaters;
- no hazardous materials will be permitted to be stored on the site to avoid contamination of floodwaters.

Such basement parking is possible, as the floor level of the building will be elevated by between 1 and 3.3 metres above existing ground levels to minimise the affect of flooding. As the site falls to Cawdor Road it will also be possible to drain this basement area by gravity. Such parking will have no affect on

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the appearance of the building, and will be able to be secured after hours to comply with Safety by Design principles.

Urban Design

Council engaged Godden Mackay Logan Pty Ltd to advise the applicant on the best urban design principles to ensure the development complemented the heritage and streetscape of Camden and the prominence of the site. These design principles have been carried through to this application. **Tabled Document “DC 4”** provides elevations of the proposed main building of the development.

Economic Viability

For DA170/2001, Council engaged Leyshon consultants to advise on the economic viability of the development. The consultant concluded that the Camden town centre could support the additional floorspace of the development, and that it would help maintain the status of centre. As this development is substantially the same in terms of floor space, this advice is still relevant.

The social impact of the development is addressed in s79(c)(1) e below.

(d) Section 79(c)(1)(d) Public Submissions

Further to the section on ‘Public Notification’, Council received a submission in relation to the development. The concerns raised related to the affect the roundabout would have on the adjoining property.

Further concern was raised that the proximity of the new Cawdor Road roundabout, accessing the shopping centre, would create traffic conflict, making access to the adjoining site difficult.

Council staff have considered this concern and the issue of traffic management. It is considered that the installation of a ‘fried egg’ roundabout is the best solution to reduce conflict between traffic on Cawdor Road, traffic accessing the shopping centre and traffic accessing the showground. The roundabout will assist in reducing vehicle speed along Cawdor Road. It is considered that the speed of vehicles leaving the roundabout will be slow enough to prevent conflict for vehicles entering and leaving the adjoining site. As there is no requirement for the installation of a median adjacent to the objector’s site, vehicular access to that site will be unaltered.

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(e) Section 79(c)(1)(e) Public Interest

It is considered in the public's interest that a high quality development that is in character with Camden, provides employment, additional services and shopping opportunities, provides sufficient parking, access and improved streetscape, be developed on the site.

The development goes a long way to achieving these requirements. With attention to detail the development will achieve these requirements.

Conclusion

The development has due regard to the constraints of the site, including flooding, the significance of the site and the impact of the development on the character of Camden. It will have beneficial economic and social effects for Camden. Subject to the alterations to the existing site boundaries, internal and external traffic issues can be satisfactorily addressed however, without these changes, the application could not be supported. For this reason it is appropriate to approve the application by way of issuing a deferred commencement consent which is conditional on completion of the boundary changes before the consent becomes operative.

Recommended: That:

- (i) The proposal for the construction of a retail/commercial development comprising one large and 22 small shops and associated car parking, and the erection of a community hall for use by the CWA; at Nos. 1, 15 and 17 Murray Street and 13, 13A and 13B Cawdor Rd, Camden (Lot 1 DP 775337, Lot 1 DP 979451, Lot H DP 37921 and Lots W, X, Y, and Z DP159121 be approved on the basis of a deferred commencement consent which would become operative after satisfying the following condition:
 - (a) the registration in the Land Titles Office of a boundary adjustment between Lots H DP 979451 and Lot 1 DP 775337 so as to provide two-way vehicular access to the carparking areas to be constructed on Lot H and to provide additional parking on Lot 1 in accordance with the details shown on Drawing No 0083 DA2.01G. The minimum width of the accessway is to be 5.695m.
- (ii) The consent to be subject to the conditions included in **Tabled Document "DC 5"**.
- (iii) The objector be notified of Council's decision.

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(Cr Campbell arrived during discussion of this Item – the time being 5.43pm).

Resolved on the Motion of Cr McFadden, seconded Cr Fekete that:

- (i) The proposal for the construction of a retail/commercial development comprising one large and 22 small shops and associated car parking, and the erection of a community hall for use by the CWA; at Nos. 1, 15 and 17 Murray Street and 13, 13A and 13B Cawdor Rd, Camden (Lot 1 DP 775337, Lot 1 DP 979451, Lot H DP 37921 and Lots W, X, Y, and Z DP159121 be approved on the basis of a deferred commencement consent which would become operative after satisfying the following condition:
 - (a) the registration in the Land Titles Office of a boundary adjustment between Lots H DP 979451 and Lot 1 DP 775337 so as to provide two-way vehicular access to the carparking areas to be constructed on Lot H and to provide additional parking on Lot 1 in accordance with the details shown on Drawing No 0083 DA2.01G. The minimum width of the accessway is to be 5.695m.**
- (ii) The consent be subject to the conditions included in **Tabled Document “DC 5”** with an additional condition that baby changing facilities be incorporated into the disabled toilets in the Main Shopping Centre.*
- (iii) The objector be notified of Council’s decision.*

DC055/02 THE MOTION WAS **CARRIED**.

(Cr Campbell voted against the Motion).

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2. 42 Lot Rural Residential Subdivision and 1 Residue Lot (Proposed Open Space), No 135 (Lot 4 DP 786413) and No 151 (Lot 22 DP 736618) Werombi Road, Grasmere

File No: DA8125.240 (Director, Development & Environment Division)
DA No: 78/2001
Owner: S Richardson Holdings Pty Ltd
Zoning: 1(c) Rural 'C' (4000m²)

Purpose of Report

Council has received a development application for a 42 lot rural/residential subdivision and public reserve at the end of Sickles Drive, Grasmere. The land is generally bounded by Werombi Road and Sickles Creek. The proposal was advertised in the paper and notification sent to sixty-four (64) adjoining property owners. At the conclusion of the exhibition period eight (8) objections were received, including a petition with 14 signatures.

The purpose of the report is for Council to consider the subdivision and recommends approval of the application subject to conditions.

Background

The subject site is comprised of two separate parcels having a combined area of 26.335ha. The site was previously used for cattle grazing and is surrounded by 4000m² rural lots within Camden Council and rural lots on the Wollondilly Council side of Sickles Creek.

The Proposal

The development proposal is for the subdivision of the subject land to create 42 rural/residential lots and for the creation of new roads and public reserve lands. All lots comply with the minimum lot size requirements of CLEP 48 which is 4000m².

The subdivision is to be staged in six stages of varying amounts of lots due to extent of works required for each stage.

A plan of the proposed subdivision forms **Tabled Document "DC 6"**.

The Site

The site is currently vacant with the exception of a dwelling erected on one of the lots fronting Werombi Road. The vacant portion of the site has been predominantly used for grazing.

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Sickles Creek and minor tributaries that flow into Sickles Creek are the dominant constraints to the site. The Department of Land and Water Conservation (DLWC) has placed conditions upon the development in respect of development adjoining these creek lines. A part 3A licence will need to be obtained from DLWC for any works within or adjoining the creeks. The land has a gentle slope towards the existing dams, one of which is to be filled. The grades are suitable for dwelling construction. A site plan forms **Tabled Document "DC 7"**.

Notification

The development application was placed on public exhibition from the 30th November 2001 to the 14th December 2002. Sixty-four (64) adjoining owners/occupiers were notified by letter and invited to comment on the application. From this notification eight (8) submissions were received including a petition with 14 signatures. The grounds of objection will be addressed in this report. Copies of the submissions have been provided to **Councillors separately with the business paper.**

Planning Controls

The site is subject to Camden Local Environmental Plan No 48 (LEP 48) and is zoned 1(c) rural 4000m². The relevant aims of the zone are:

- To provide for small holding rural residential living opportunities on land not being prime crop or pasture potential and having ready access to urban areas;
- To ensure development is carried out in a manner that minimises risk from natural hazards, particularly bushfires and flooding, and does not detract from the scenic quality of the rural area.

The proposed development satisfies the aims of the LEP and therefore is permissible with the consent of Council. No Development Control Plan (DCP) applies to the land. The land was not included in DCP 41 which applies to land south of the subject land. However, there were previous discussions concerning the connection of Sickles Drive to Werombi Road. This connection was shown indicatively on plans and was subject to further investigations in respect of safe intersection access, given sight distances and the speed regime of Werombi Road. This matter will be discussed under the heading of Access and Traffic matters below. The application is also defined as Integrated Development under the EP&A Act and requires the approval of other authorities.

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Desired Future Character

The proposed Desired Future Character (DFC) statement for the Grasmere area states in part that “the area will continue to provide a low-density residential environment that accommodates detached housing. Further development will occur in a manner that is consistent with the existing road layout. It will also allow for the provision of pedestrian and bicycle linkages to Sickles Creek, and the broader open space networks.

The water features are a critical part of the character and amenity of the place, however, their primary function will be that of water treatment. Parts of the place are affected by flooding. These areas will remain generally free of built structures”.

The proposed subdivision complies with the DFC statement.

Contributions Plan 16 – Ellis Lane and Grasmere

The Contributions Plan (CP) requires the payment of monies towards certain facilities and improvements. The Plan also identifies the installation of a wet basin on Sickles Creek, the size, location and the functionality to be determined subject to design. Existing on the site are two dams situated on the prolongation of Willoughby Circuit. These dams are to be incorporated within the stormwater system. Such works are not included within the CP. Upstream of these two dams is a drainage reserve. Council has collected monies to carry out works within the area and it is envisaged that these works may be undertaken at the same time, subject to negotiation with the developer.

Rural Land Study

The Rural Land Study does not impact on the subject land.

Camden 2025

Camden 2025 has a number of key areas for Council to consider in the development of the Camden LGA. The strategies applicable to this development are Managing Urban Growth, Accessibility and Environmental Systems. Each strategy has outcomes and actions.

In terms of Managing Urban Growth, the proposed development meets the objectives in terms of development occurring in a planned and orderly way, including appropriate service infrastructure provision and that stresses on the natural environment are minimised.

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The Accessibility strategy requires issues of public transport and connectivity to existing areas to be provided and maintained. The subdivision provides for access to Werombi Road for public transport services. Busways were consulted as part of the consultation process and raised no objections to the development, including the issue of the possible extension of Sickles Creek Drive to Werombi Road.

The Environment strategy considers such matters as protecting and restoring water quality of creeks and rivers; introduce rainwater tanks; protect riparian zones and minimise the impacts of salinity. The applicant will undertake certain works to meet these requirements, including a requirement on the 88B Instrument for rainwater tanks. A landscape plan will be submitted to Council detailing works to be carried within the riparian zones. This will also involve approval from DLWC. DLWC have provided their general terms of approval.

Draft Scenic and Cultural Study

The draft Scenic and Cultural Study does not refer to this particular land, as the main aspects of the study are views from various vantage points, particularly along the Werombi Road ridgeline near Carrington Hospital. The Study also refers to the need to maintain the low-density rural streetscape character; retain rural character of land in views and the retention of traditional grid Street patterns. The proposed subdivision complies with these requirements.

SREP No 20

SREP No 20 – Hawkesbury-Nepean River provides that Council shall not grant consent to any application to carry out development, which drains to the Hawkesbury-Nepean River system, unless it has taken into account the effect that development will have on the river system.

This matter is addressed under Water in the section 79c assessment of this report.

Section 79 Assessment

Context and Setting

The land was mainly used for cattle grazing however, this ceased approximately 9 months ago. This has allowed non-native grasses to cover the site, and has reduced the chance of native vegetation regeneration.

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Access and Traffic Matters

Werombi Road and Smalls Road are classified as Local Roads under the control of Council. As discussed above, a proposed draft DCP was once created over the land but never adopted because of rejection by owners. The draft DCP included access to Werombi Road and community facilities such as a tennis court and community hall. The draft DCP was then amended to exclude the subject site and to further develop the existing Sickles Drive. Any possible access to Werombi Road was to be considered subject to further details, including a traffic study.

Council officers, during liaison with the applicant, inspected the initially proposed access and deemed that this was not a favourable location having regard to sight distance problems and thereby creating a possible dangerous intersection and extensive removal of vegetation. The traffic study does not support the intersection being created. The current roundabout at the intersection of Smalls Road and Werombi Road has sufficient capacity to cope with the extra traffic without overloading the intersection and allowing the required level of service to be obtained without reducing the safety of the existing road system.

The internal road and pedestrian network will allow easy access to each lot within the subdivision and to Werombi Road.

Discussions have been held with the Busways. Busways would prefer access to Werombi Road to provide a better bus service, however acknowledge Council officer's and the traffic study concerns as to the traffic safety. A second option was given through lots 39 & 40, however this location is between Ellis Lane and Centennial Lane, which would also create traffic conflicts being on the bend in the road and opposite another intersection.

The third alternative proposed by Busways was to investigate the provision of bus stops and a pedestrian facility on Werombi Road in the vicinity of the end of the Sickles Drive extension to access the existing bus service on Werombi Road. A paved footpath will also be essential to ensure that bus passengers can easily and safely access (any possible future) pedestrian facility from the proposed walkway. At this stage it is too dangerous to put in a formal bus stop at the end of the walkway. Wollondilly Council is redeveloping land up to Mayfarm Road. A formal bus stop might be possible in a better location within easy walking distance. Further negotiation will be held with Busways to address this matter. Currently a bus stop is located at the Ellis Lane intersection and this is within walking distance to this subdivision, although the road shoulder along Werombi Road is uneven. It is appropriate to amend the boundaries between proposed Lots 36, 37, 39 and 40 to incorporate a pathway for pedestrians to the existing bus stop. The siting of the bus stop

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location would be determined in association with Busways and the Local Traffic Committee.

Public Domain

The proposed development will provide the dedication of significant additional public open space land to the existing public reserve along the banks of Sickles Creek and walkways between adjoining roads.

Public Interest/Submissions

The application was advertised in accordance with Council's policy. Submissions were also sought from residents of Wollondilly Council and from various authorities. Below is a summary of main points and Council's comments.

- (a) Submission supports the cul-de-sacing of Sickles Drive and opposes a gravel walking track.

Council Comment: Gravel walking tracks are not accepted by Council. An all-weather surface will need to be provided for bush fire fighting and will also allow pedestrian movement through the reserve. Council officers have indicated that all paths shown on the landscaping plan are to be concrete and 2.0m wide.

- (b) Submission supports not continuing Willoughby Circuit and cul-de-sacing of Sickles Drive and for a walkway to Werombi Road. Suggestions – similar covenants to existing lots in Sickles Drive and Willoughby Circuit. Re-align road to avoid trees at the end of Sickles Drive

Council Comment: Covenants imposed on building form are at the discretion of the developer. Council will check prior to issue of subdivision certificate being issued, however a high standard of development is proposed. Road are to be realigned to avoid damage to trees.

- (c) Submission requests drainage problem affecting resident in Willoughby Circuit to be undertaken as part of this proposal.

Council Comment: Easements will be provided to drain water at the rear of the proposed lots within the proposed subdivision. This may reduce some of the water directed to affected property. Water from adjoining properties cannot be dealt with by this development and the dish drain proposed by the resident would concentrate flows rather than improve the natural runoff from adjacent properties.

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- (d) Submission – Objects to loss of trees at current end of Sickles Drive. Council is requested to implement native street tree planting. Development should make provision for some artificial nesting sites for birds. Restrictions as to user to retain as much of the vegetation as possible. Requests wider entrance to Willoughby Circuit Reserve. Council should investigate traffic more along Werombi Road and adjust speed limits and should look at roundabouts and the provision of pedestrian access. There is a need to reinstate the existing cul-de-sac head on extension of Sickles Drive and to relocate existing telephone lines. The developer to provide new fencing along the existing boundaries. Construction site entrance should be from Werombi Road and not Sickles Drive.

Council Comment: Some lot boundaries have been changed to save as many trees as possible. The removal of the tree at the end of Sickles Drive is unavoidable for the safety of traffic. This tree is in poor condition and is located in the middle of the Sickles Drive. The other trees will be saved with a slight realignment of the road, and this is proposed. Council will impose a condition on the consent requiring native street tree planting. The majority of remaining trees are not located within set building envelopes, so no restriction will be required. Any request for tree removal within these lots will be subject to a separate application and assessment.

Willoughby Circuit entrance to the reserve has been set by a previous subdivision, which cannot be modified. However, the width of the channel in the proposed subdivision has been widened. The existing cul-de-sac head in Sickles Drive will be removed and the surrounding area reinstated. It is likely that construction vehicles will access the development site via Sickles Drive as other access points would be considered dangerous and would disrupt traffic flows along Werombi Road.

Fencing of the development is to be carried out under the Dividing Fences Act. Council will require a uniform approach to the fencing of lots with a boundary to the public reserve.

- (e) The petition is to create a cul-de-sac on each side of the small tributary instead of providing a bridge and in addition providing access to Werombi Road via a roundabout, to reduce traffic on Sickles Drive.

Council comment: As stated previously, an entrance point to Werombi Road is not safe and the current road

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system of Sickles Drive and Small Road is capable of accommodating the additional traffic generated by this subdivision.

Whilst there are concerns from residents of the area, as evidenced in the submissions, it is considered that apart from the request to provide access to Werombi Road, all other matters can be dealt with by either conditions of consent or have been addressed in this report.

Utilities

- Water supply is available for reticulation.
- Sewage and waste water management are to be addressed by way of approved aerated wastewater treatment systems.
- Telecommunications services are available to the site.
- Stormwater drainage to Sickles Creek and constructed wetlands will be provided.
- Electricity supply is available from the existing reticulation mains in Werombi Road and Sickles Drive and is to be located underground with street lighting to Council the Australian Standards.

Water

The water needs of the development will be reduced by the introduction of rainwater tanks. Stormwater runoff shall be treated by wetlands as part of Contribution Plan No.16

Flora and Fauna

The site is covered with a mix of exotic grasses and remnant trees. No significant or threatened habitat is known to exist on the site in its present state.

Energy

The development has been designed to support housing orientation to incorporate energy smart building design. With the introduction of rainwater tanks, the development will be made more efficient.

Noise and Vibration

The proposed development will not impose excessive noise levels on the surrounding environment. The two adjoining noise influences on the development are Camden Airport and Werombi Road.

Council has not required a noise report as the development is outside the zone of influence delineated by the 25 ANEF associated with the operation of the Camden Airport. Whilst the

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property is outside the 25 ANEF, aircraft do fly over the property. A Restriction to User (88B Instrument) will be required to be placed on the properties drawing to the attention of any prospective purchaser that they should consider insulating the dwelling from aircraft noise.

A height restriction of 107.6 to 115m Australian Height Datum (AHD) has also been placed as an obstacle limitation stating that no structure (eg. building, aerial) shall exceed this height. This is a requirement of the FAC.

Adjoining residents will be affected by construction noise during the subdivision and building stages. However, conditions will be imposed stipulating construction hours to minimise this impact.

Natural Hazards

The NSW Rural Fire Service has carried out an on-site assessment of bushfire threat in relation to the proposed development. The assessment was based on the Camden District Bush Fire Risk Management Plan and the document “Planning for Bush Fire Protection” (2001).

The Rural Fire Service raises no objection to this proposal and has provided comments in relation to this development. All suggestions of the Rural Fire Service can be addressed as conditions of any consent issued and incorporated as Restrictions as to User on the titles of the land.

Environmental Systems

This strategy establishes a number of environmental outcomes, particularly in respect of water quality, drainage systems and water usage.

Discussions have been held with the applicant and every dwelling in the estate will be required to install rainwater tanks. One of the existing dams on-site will be retained and enhanced to provide water quality treatment for the immediate catchment. A second water quality pond is required under Contribution Plan No.16. Council will approve details of this design prior to a construction certificate being issued. The subdivision has also been designed to retain existing trees on-site.

Drainage design will be in accordance with Council’s standards. Further design consideration will be undertaken on submission of engineering plans.

It is considered that the proposed subdivision meets the objectives of the Strategic Plan for Camden – 2025 and is supported.

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Landscaping

Full landscape plans are to be prepared to the satisfaction of Council. The subject site is relatively clear of vegetation. Council staff have been working closely with the applicant to ensure that the landscaping of the site re-establishes, enhances and maintains the Cumberland Plain Woodland (CPW) within the development and blends in with the existing CPW of the immediate area. The applicant will be required to obtain seed stock from the existing riparian zones and site to re-establish on-site.

Conclusion

The site has been zoned for rural/residential development. The subdivision is sympathetic to the inherent qualities of the surrounding estates and buildings. The land can adequately accommodate the subdivision subject to the appropriate conditions with regard to buildings and their design, siting, landscaping, stormwater management, water quality and road construction.

The dedication of the open space corridor will complete this section of Sickles Creek for the preservation of an important creek that flows into the Nepean River and will prove to be a valuable asset for the future use of the larger community. The development meets the aims and objectives of the desired Future Character statement and Camden 2025.

On this basis, approval of the Development Application No 78/2001 for 42 rural/residential lots, and creation of open space is recommended, subject to appropriate conditions of development consent.

Recommended: That:

- (i) Development Application No 78/2001 to create a staged Torrens Title subdivision comprising of 42 rural/residential lots, road and open space at No 135 (Lot 4 DP 786413) and No 151 (Lot 22 DP 736618) Werombi Road, Grasmere be approved, subject to conditions as detailed in **Tabled Document “DC 8”**.
- (ii) Those persons who made submissions be advised of Council’s decision.

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

- (i) *Development Application No 78/2001 to create a staged Torrens Title subdivision comprising of 42 rural/residential lots, road and open space at No 135 (Lot*

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*4 DP 786413) and No 151 (Lot 22 DP 736618) Werombi Road, Grasmere be approved, subject to conditions as detailed in **Tabled Document "DC 8"**.*

- (ii) *Those persons who made submissions be advised of Council's decision.*

DC056/02 THE MOTION WAS **CARRIED**.

3. Demolition of the Existing Dwelling and Outbuildings, Removal Of 5 Trees, the Construction of a Semi-Detached House and a Torrens Title Subdivision, 27 Murrandah Avenue, Camden South

File No: DA5735.260 (Director, Development & Environment Division)
DA No: 399/2002
Applicant: Mr J Williams
Zone: Residential “B” 2(b) pursuant to LEP 46

Introduction

Council is in receipt of an application for the demolition of an existing cottage and associated buildings and removal of five trees on the subject land and the construction of one (1) semi-detached building containing two (2) residential units and the Torrens title subdivision of the building.

The application is referred to Council for determination given the minor departure from the standards contained in Council’s residential guidelines in respect of setbacks. A number of objections against the proposal have also been received.

Summary of Recommendation

It is recommended that Council conditionally approve Development Application No 399/2002.

Subject Site

The lot has an area of 746.1 m² with a frontage of 18.92 metres and depth of approximately 39.6 metres. The site rises from the front northeastern corner of the lot to the southwestern corner, resulting in a change in level over the site of approximately 4 metres or 10 %.

The site contains 10 trees, 7 in the rear of the site and 3 in the front plus a number of shrubs. Five (5) trees are to be felled, three (3) in the rear yard and two (2) in the front yard to allow the proposed development to proceed. No objection is raised to the removal of these trees.

Description of Proposal

The proposed development fronts the street. The front setback for unit 2 is consistent with the setback of the existing development to the south, ie 8.4m. The front setback for unit 1, at 7.8m is marginally less (0.6m) than the setback of the existing development to the north. A first floor balcony is proposed at the front of unit 1 extending to within 6.0m of the front boundary. Existing dwellings on either side of the

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proposed development consist of part single storey and part two-storey construction. Development to the south is a multi-unit development comprising three units.

A locality plan showing the subject site forms **Tabled Document “DC 9”**.

Application is made for the demolition of the existing weatherboard cottage, associated outbuildings and five [5] established trees and the construction of semi-detached residential building, which contains a 2 storey component and a 3 storey component. Each semi contains three bedrooms. A plan of the proposed development forms **Tabled Document “DC 10”**. The existing lot is proposed to be subdivided into two (2) lots by Torrens Title subdivision.

The proposed development is not expected to dominate the streetscape given the orientation of the units, which addresses the street. While the building is sited on land that falls toward the street, its modest scale abates the impact of the building on the streetscape. The lower level garages are cut into the rising slope of the land to reduce the overall building height and maximise the use of the site. This is similar to the construction technique used for the house immediately to the north of the property. **Tabled Document “DC 11”** shows the relationship of the proposed building to adjacent development.

Unit 2 is a 2-storey building. Unit 1 is a split-level 2-storey building that has a small area of overlap that produces a third storey in the middle of the building.

The lower floor front portion of Unit 1 contains a garage and storage area. The upper floor at the front of unit 1 has a bedroom, study and front balcony. The lower floor at the rear of Unit 1 has a kitchen, living, meals and barbecue area. The upper floor at the rear of unit 1 contains two (2) bedrooms, bathroom and playroom.

The lower floor of unit 2 has a garage, study and rumpus. The upper floor of unit 2 has 3 bedrooms, kitchen, meals, bathroom, lounge, laundry, rear patio and front balcony.

Each unit contains a private courtyard on the western side of the building.

Notification

The application was notified to adjoining residents. At the close of this period three (3) submissions were received. The grounds of objection relate to the following:

- Loss of trees

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- Dwelling has heritage values
- Height of building
- Loss of views
- Loss of privacy
- Traffic speed
- Noise impacts

These matters will be addressed in the report. Copies of the submissions are provided to Councillors **separately with the business paper.**

Planning Controls

The following planning provisions have been considered in the assessment of this application:

- Camden 2025
- Camden Local Environmental Plan No 46 (CLEP 46)
- Environmental Planning and Assessment Act
- Development Control Plan No 58 (DCP 58)
- Sydney Regional Environmental Plan No 20 Hawkesbury-Nepean River (SREP 20).

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, development control plan [DCP] or matter prescribed in the regulations.

Camden 2025

Council has identified five [5] key areas for the purpose of achieving the vision of Camden by the year 2025. Aspects of the development relate to managing urban growth and environmental systems. The proposed development is consistent with the planning document, which encourages 'growth in a planned and orderly way' with appropriate 'service infrastructure provisions'.

Camden LEP No 46

The subject site is zoned 2(b) Residential Medium Density wherein the proposed development is permissible with Council consent.

The relevant zone objectives are as follows:

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- to provide for all forms of residential development to be carried out in a functional, aesthetic and environmentally sensitive manner; and
- to encourage redevelopment of land for medium density housing, including town houses, villas, cluster housing, semi-detached housing, small lots and the like, in locations close to main activity centres within the Camden local government area.

The proposed development is consistent with the objectives of the zone.

Development Control Plan No 58

The design criteria for multi-unit housing is as follows:

- Development should enhance the existing or planned town character and streetscape.
- The form, scale and siting of buildings, the materials and colours shall be appropriate to the character of the area.
- Design should enhance any heritage buildings or landscape features, particularly when viewed from the Street
- Building heights are regulated to maintain the low-rise residential character of Camden and to minimise the impact on existing residential development.
- Setbacks are intended to maintain existing streetscapes, provide space for visual and acoustic privacy. Setback will vary according to circumstance.

The proposed development complies with these criteria. In terms of definitions, the proposal is defined as a town house development.

The standards for residential development in the Camden local government area are outlined in DCP No 58. The requirements applicable to this particular development are discussed below.

Private Open Space

DCP 58 requires the provision of 160m² (80m² per residential unit) of private open space. The proposed development provides for a total of 250m² for this purpose, with unit 1 providing 149m² and unit 2 providing 99.5m² in the rear courtyards.

Carparking

DCP 58 requires the provision of two (2) car parking spaces per unit, plus 1 visitor car parking space per two (2) units. The proposed development complies with DCP 58 in this regard, as

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it provides double carparking spaces for each unit (a double width garage for Unit 1 and a double length garage for Unit 2.

Visitor carparking has been provided as stacked spaces in front of the respective garage doors. The stacked parking space for Unit 2 is immediately in front of the single garage door. The stacked parking space for Unit 1 is angled toward the northern (side) boundary to allow unimpeded access to one of the garages. This configuration will allow the driveway crossover to be limited to 5m in width. A reciprocal Right of Way (ROW) will be established over the driveway areas.

Resident parking has been provided behind the front building line but visitor carparking is forward of the building line. This is satisfactory given that the development is for only two units.

The proposed driveway of width 5m will generally allow the single entry or exit of vehicular traffic at a time. The width of the driveway will ensure that the domestic scale of the driveway is retained and it will minimise the amount of hard surface. The surface treatment of the driveway will assist in improving the streetscape.

Privacy

DCP 58 provides that development should:

- Avoid overlooking of main internal living areas or courtyards or the northern aspect of adjacent development.
- Provide screening where overlooking is unavoidable.

The proposed development contains first floor balconies for each unit. The balconies are on the front elevation and address the street, which minimises overlooking impacts. The units are abutting along the common boundary, which minimises overlooking.

The upper floor rear windows of unit 1 have the potential to overlook the rear yards of the adjoining properties, but the impact is minimised by the fact that these windows serve private internal spaces such as bedrooms and bathrooms that tend to be frequented less than other living spaces.

The upper floor playroom in Unit 1 has the potential for overlooking due to its more intensive use, but this is mitigated by the fact that the windows overlook the roof of the house to the north and awnings that protect the windows of the adjacent dwelling.

The development has been designed to minimise its impact on adjacent premises.

Building Character and Scale

DCP 58 has a number of objectives relating to design criteria and were listed above.

Consultation between the applicant and Council staff has resulted in the attainment of considerable modification to the original street front elevation to overcome its original appearance of an expansive front roof section. The proposal now exhibits a front elevation that makes a more positive contribution to the streetscape. This outcome is consistent with the objective of LEP 46, which “is looking for innovative development and a good quality of design”. The applicant has revised the front elevation to produce a design that is more sympathetic to the site.

Building Setback

The front wall of the building (Unit 1) is setback at 7.8m which is marginally in front of the front wall and porch of the house to the north, but is behind the front staircase leading to this dwelling. The upper floor balcony on the front elevation of Unit 1 is setback 6 metres. These setbacks do not comply with the requirements imposed by the DCP. The front balcony to Unit 1 serves to improve the streetscape by breaking up the mass of the front facade of the building and complements the front balcony of Unit 2, which lessen the impact of the garage door. The front wall of the building (unit 2) is setback at 8.4m, which is consistent with the front of the front wall of the house to the south. This is compliant with the setback requirement imposed by the DCP.

Whilst there is a small encroachment to the setback requirement, this is at an upper level and is not inconsistent with other buildings in the street that have other encroachments such as steps.

Building Height

The building does not exceed the numerical height limitation stipulated in the DCP. The building is generally 2 storey and the highest point to the eaves is less than the 7.0m allowed under Council’s DCP and height to ridge is a maximum of 8.8m which is less than the 9.5m maximum.

Number of storeys

A small portion of the upper floor of Unit 1 exceeds that 2-storey limit imposed by the DCP, extending to 3 storeys in height in one small section in the middle of the building. This area is small approximately 18m² and occupied by the stairwell leading from the lower level garage to the middle level

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living room and proceeding to the upper level. The variation affects a 3m length of the building only. The area also includes the lower level storage area and the middle level porch/entry and an upper level void over the entry. The void structure was included as a design change to improve the front facade. In this regard the minor exceedance is acceptable.

Overshadowing

The design of the building is such that it utilises the topography of the land and reduces the overshadowing of the development to the south to an acceptable level. The degree of overshadowing is within the acceptable guidelines as stipulated in the DCP. The overshadowing impacts the dwelling to the south mainly mid-morning. This impact is on the dwelling and part of the rear yard area. No windows are located in the affected wall of the adjacent dwelling. The reduced rearward extension of Unit 1 has assisted in reducing the overshadowing on Unit 2 to an acceptable level. No objections have been received in regard to overshadowing.

Drainage

The applicant has not provided a drainage concept plan for the site. A condition requiring an on-site detention system and overland flow path will be imposed should Council consent to the application.

Subdivision

The existing 746.1 m² lot is proposed to be subdivided into two equal sized lots under Torrens Title. This will yield two (2) 373.05 m² lots, which exceed the 232m² minimum required by DCP 58 and is therefore compliant. Vehicular access will not be impeded by the subdivision and a reciprocal ROW will be established for vehicular access.

Regional Environmental Plan No 20

SREP 20 provides that Council shall not grant consent to any application to carry out development which drains to the Hawkesbury-Nepean River system, unless it has taken into account the effect that development will have on the river system.

The development will be connected to Sydney Water's sewerage system and the Council stormwater system by way of detention basins and as such will have no significant impact on the Hawkesbury-Nepean River.

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(b) Likely impacts of the development, including impacts on both natural and built environment including social and economic impacts.

The impact on the natural environment has been assessed and is considered to be acceptable. It is proposed to include conditions on the consent relating to the abatement of water pollution.

The final design has architectural merit and is not expected to detract from the existing amenity of the area.

The application proposes the removal of five (5) trees from the site, which are shown on the plan.

Five (5) trees are proposed to be felled. The trees in question are Eucalyptus Nicholii and Melaleuca Armillaris located in the front of the property and a conifer and immature golden elm and a Eucalyptus Citridora (Lemon Scented Gum) located in the rear yard area. An assessment has been carried out in respect of these trees in accordance with Safe and Useful Life Expectancy (SULE) guidelines. The remaining trees in the rear section of the private open space area are to remain, including the Golden Elm (front yard) to compliment the existing landscape setting.

The SULE assessment has found that the Citridora, in particular, is in poor condition and structurally unsound. This tree is co-dominant and extremely dangerous. The tree is also not recommended for any small to medium lot as proposed by this development. The removal of this tree, whilst it is a very large specimen, will only have a short-term loss on the streetscape amenity, as the surrounding 10 excellent mature trees are enhancing the streetscape and will have more growth and less competition following the removal of the Lemon Scented Gum. The surrounding trees are already providing screening for the neighbouring properties, therefore privacy and overlooking are not significant issues.

The Golden Elm in the front yard will be required to be protected during the construction phase.

(c) Suitability of the site

The site is fully serviced [ie water, electricity, sewer and telephone] and is located in close proximity to Camden town centre. Development of a similar nature can be found in the general area.

The proposed development is located in Murrandah Avenue, which is a local road and is considered to be capable of catering for the modest increased traffic movements generated

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by the proposal. The entrance and egress path has reasonably good sight distance available on both sides at the access point.

[d] any submission made in accordance with the Act

As stated elsewhere in this report Council received submissions as a consequence of the notification process. The concerns raised in the submissions relate to the following matters:

Loss of trees on site

This is addressed above.

Loss of an example of a mid fifties architectural style dwelling

The dwelling is not the only example left in the Street. Whilst there is a concern from the objectors in respect of the loss of this form of style of early period dwelling stock, the property has been “earmarked” for a number of years for medium density development and therefore this would not be a reason to refuse the application. The dwelling is not listed as an item of heritage or within a conservation zone. The design of the building is considered an appropriate style taking on many of the architectural elements of the existing housing stock.

Height of the proposed building

This matter was addressed in the report under the DCP provisions.

Loss of view

The proposed development will not affect views from the objector’s property.

Proximity of garage to the bedroom of the adjoining dwelling

The garage is at ground level and approximately 2.5m from the side boundary. A visitor carparking space will be extended to the side fence line. The objection to the impact is not supported in this instance, given the fact that the existing driveway and garage are located on the northern side of the subject property and currently use of the driveway would provide significantly more noise from vehicles moving down the side of the house.

Loss of privacy from the three storey dwelling

The upper floor windows serving rooms of low frequency mitigate the loss of privacy from overlooking. The more frequently used upper floor playroom overlooks the roofed area and awnings over the windows of the dwelling immediately to the north.

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Excessive traffic speed

It is considered that the development of this nature will not lead to excessive vehicular speeds. It is apparent that there may be an existing problem in the area due to the width of the road and that it could be used as a short cut. The proposed development will not alter either fact and therefore is not a reason whereby Council would refuse the application.

(e) Public Interest

The site is within an area identified by Council's planning instruments as being suitable for redevelopment for medium density residential purposes. There appears to be a need within the community for this type of development and the convenience that it provides in terms of cost, maintenance and proximity to the town centre.

Conclusion

The proposed development complies with the critical aspects of DCP 58 for development of this type with the exception of the setbacks. The development is consistent with the objectives of the LEP and the particular zone. The applicant has addressed the original concerns raised by Council staff in relation to streetscape and design issues. The resulting development will not detract from the amenity of the area.

Recommended: That consent to Development Application No 399/2002 at No 27 Murrandah Avenue, Camden South, being Lot 12 in DP 24039, for the construction of a semi-detached dwelling containing two (2) residential units, be approved subject to conditions as set out in **Tabled Document "DC 12"**.

MOTION

Moved Cr Winn, seconded Cr Batros that further consideration of this Item be deferred to a Works Inspection.

DC057/02 THE MOTION WAS **CARRIED** ON THE CASTING VOTE OF THE
***** MAYOR.

(Crs Anderson, Patterson, McFadden & Fekete voted against the Motion).

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4. Energy Smart Homes Program

File No: 3853/2 (Director, Development & Environment Division)

Purpose of Report

To advise Council of an invitation from the Sustainable Development Authority (SEDA) to join the Energy Smart Homes Program (refer **Tabled Document “DC 13”**).

Introduction

Camden 2025 has a number of key strategy areas and one of these areas is to promote and foster a sustainable community. The key element in the achievement of sustainability is in the area of energy. The community must reduce its reliance on the consumption of fossil fuels, which contribute to global warming, and embrace renewable forms of energy.

One of the ways Council can lead the way in promoting a sustainable community is through an initiative to assist in the promotion and encouragement of renewable energy through the use of solar hot water heaters and heat pumps. The SEDA program will assist Council in this endeavour by making available to the community financial incentives to install such systems in new development.

The Energy Smart Homes Program contains a state wide Energy Efficiency Policy that has been adopted by many Councils in NSW covering approx 80% of the population. Council's Building Energy Conservation Program (DCP 94.1) preceded the SEDA Policy by some 12 months and is similar in concept. Joining the SEDA program would benefit Council's residents by allowing them to apply for subsidies for installing energy efficient Hot Water Heaters and heat pumps. Council would also benefit by having access to publicity material and media support to promote the use of renewable energy.

Summary of Recommendation

That Council resolve to accept the invitation to join the Energy Smart Homes Program and to amend Council's Building Energy Conservation Policy (DCP 94.1) and Residential Development Policy (DCP 58) to facilitate the agreement.

Background

Camden Council was a pioneer in the field of energy efficiency and was the first Council in NSW to require all residential development to achieve a minimum energy efficiency standard before approval to build was granted. The Council was also the

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first to use the Nationwide House Energy Rating Software (NatHERS) as an assessment tool to ensure all dwellings achieved the minimum 3.5 star rating.

Council's Policy was implemented in 1997. The Sustainable Development Authority came into existence in 1998, approximately 12 months after the introduction of Council's Policy. One of SEDA's first policies was the Energy Smart Homes Program, which is similar in concept to Council's Policy. To date 45 Councils in NSW, covering approximately 80% of the population, have adopted the SEDA program.

In the past the Energy Smart Homes energy efficiency policy had been reviewed by Council but was not pursued as it was considered that Council's own Policy was superior in terms of simplicity and application. SEDA has now accepted that Council does not have to adopt SEDA's model Policy, but can carry out amendments to DCP 94.1 and DCP 58, which are of a minor nature.

Comment

Joining the SEDA program would have the following benefits:

- Camden Residents would be eligible to apply for the \$500-\$700 grant for the installation of solar hot water heaters and heat pumps and receive a further subsidy of around \$800 from the Federal Government and so encourage the use of renewable energy.
- Council would have access to display information, publication and media support to promote renewable energy. This would enable council to erect a display in the foyer, supported by brochures and articles in the local newspapers. In addition information could be placed on council's web site with links to SEDA and the Australian Greenhouse Office web sites.
- Builders and developers would have a more uniform approach to an energy efficiency policy.

Joining the Program would require no financial outlay by Council.

Policy Development

The SEDA invitation indicates 4 areas where Council's Policy does not accord with the Energy Smart Homes Policy and would require amendment to enable the agreement to proceed. They are as follows:

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Hot Water Heaters

SEDA requires that **all** new homes be fitted with a hot water heater that achieves a 3.5 star **greenhouse rating**. (This greenhouse rating is different to the standard star rating for residential buildings). Council's Policy is similar, but only applies where natural gas is available.

This requirement means that approximately 95% of all new homes have energy efficient hot water heaters installed.

The homes that are not required to install an energy efficient hot water heater are located in the rural- residential and rural areas, being areas where natural gas is unavailable. The residential development in these areas tends to be in the middle and higher end of the housing market. Amending Council's Policy to require all new homes to install an energy efficient hot water heater would not place an unreasonable burden on the homeowners in these areas. It has been determined by SEDA that over a five (5) year assessment period, a typical solar hot water heater or heat pump is cheaper to install and operate than an equivalent off peak electrical storage system. Refer **Tabled Document "DC 14"** for an example of a cost comparison. In addition the SEDA Policy has a provision that Council could adopt, that states that "if an applicant can prove that it is uneconomical to install an energy efficient hot water heater then an exemption may be granted".

The normal retail purchase price of a solar hot water heater or heat pump is reduced by the creation of Renewable Energy Certificates and the SEDA grant.

Renewable Energy Certificates (REC's) are a new form of "currency" created by the Renewable Energy (Electrical) Act 2000 and are used to demonstrate compliance with the requirements of the Federal's Governments mandatory renewable energy target. Purchasers of solar hot water heaters and heat pumps are eligible to receive REC's. In this climate zone a REC has a value of \$26 and a typical system would attract approx. 30 REC's. Therefore a purchaser would receive a reduction in the purchase price of around \$780 from the retailer. The exact amount would depend on the type and size of the system purchased. On completion of the installation of the system the homeowner can apply for the SEDA grant of between \$500 and \$700 depending on the system installed.

Subdivision Design

The intent of the Energy Smart Home Policy in regard to subdivision is "to maximise the number of dwelling allotments

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which have good solar access and therefore optimise the design performance of Energy Smart Homes”.

Recent developments approved by Council incorporate these requirements for subdivision design and it is proposed to reflect these in the current review of DCP58 which will be duplicated in DCP 94.1.

Building Envelope Concessional Standard

Council’s Policy has a provision which requires that if a solar hot water system or heat pump is installed, then only a minimum 3 star rating to the building is required (3.5 stars the standard minimum). This provision is to allow dwellings that are constructed of lightweight materials to achieve a minimum energy efficiency level without the addition of ‘heavy mass’ materials to control temperature variations. In the time that Council’s Policy has been in operation, only two projects have made use of this provision. The deletion of this provision would not cause undue hardship. The grant offered by SEDA for solar hot water heaters and heat pumps would retain the incentive to install such units.

Conclusion

The variations required to Council’s Building Energy Conservation Policy to facilitate the proposed agreement are relatively minor and would produce no unreasonable hardship. However, it would assist in promoting the use of renewable energy by enabling the home owner to access the grants for installing a solar hot water system or heat pump.

Recommended: That:

- (i) Council accept the invitation to join The Energy Smart Homes Program.
- (ii) Action be taken to amend the Building Energy Conservation Policy (DCP 94.1) and Residential Development Policy (DCP 58) by requiring :
 - (a) All new dwellings to install an energy efficient Hot Water Heater that achieves a 3.5 star **greenhouse rating**.
 - (b) Delete the concessional standard that permits a dwelling that installs a solar hot water heater or heat pump to achieve only 3 stars.(residential rating)
- (iii) That action be taken to promote energy efficiency and the use of renewable energy.

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Resolved on the Motion of Cr Fekete, seconded Cr Campbell that:

- (i) Council accept the invitation to join The Energy Smart Homes Program.*
- (ii) Action be taken to amend the Building Energy Conservation Policy (DCP 94.1) and Residential Development Policy (DCP 58) by requiring :*
 - (c) All new dwellings to install an energy efficient Hot Water Heater that achieves a 3.5 star **greenhouse rating**.*
 - (d) Delete the concessional standard that permits a dwelling that installs a solar hot water heater or heat pump to achieve only 3 stars.(residential rating)*
- (iii) That action be taken to promote energy efficiency and the use of renewable energy.*

*DC058/02 THE MOTION WAS **CARRIED**.*

The Meeting closed at 6.13pm.