

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING  
HELD 29 JANUARY, 2002, CIVIC CENTRE, OXLEY STREET  
CAMDEN – 5.30PM**

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**Present:** Cr S Winn (Acting Chairperson/Deputy Mayor), Cr C Patterson, Cr B Batros, Cr S Fekete, Cr N McFadden, Cr S Senise.

**Staff:** General Manager, Director Governance & Outcomes, Director Works & Services, Director Development & Environment, Senior Governance Officer, Acting Manager Outcomes (Camden Place Manager)

**Apologies:** An apology for leave of absence was received from Cr F Anderson and Cr E Campbell.

*Resolved on the Motion of Cr Fekete, seconded Cr Batros that leave of absence be granted to Cr Anderson and Cr Campbell for this meeting.*

DC001/02 THE MOTION WAS **CARRIED.**  
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**DEVELOPMENT COMMITTEE PUBLIC ADDRESSES**

Marjetica McAuley addressed the Committee in relation to Item 4 & 5. Mr Don Hayes addressed the Committee in relation to Item 5.

**CHAIR OF MEETING**

Cr Corrigan arrived in the Chamber, the time being 5.47pm. Cr Winn vacated the Chair. Cr Corrigan assumed the Chair.

**DEVELOPMENT COMMITTEE PUBLIC ADDRESSES -  
(CONTINUED)**

Mrs C Carr addressed the Committee in relation to Item 2.

1. **Development Applications Approved by the Mayor under Delegated Authority during the Christmas Break**  
(PF4550.160) (Director, Development & Environment Division)

Council, at the meeting of 10 December, 2001, resolved to delegate to the Mayor authority to approve development applications usually referred to Council for determination.

During this period, the Mayor exercised this delegation in relation to one application as follows: -

Development Application No 1329/2001 for the construction of a shed at 14 Lerida Ave, Camden.

This application involved the development on flood-prone land and therefore required Council's consent. The application was notified to adjoining owners and no objections were received.

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Recommended: That Council note the action of the Mayor.

Resolved on the Motion of Cr Winn, seconded Cr Batros that  
Council note the action of the Mayor.

DC002/02 THE MOTION WAS **CARRIED**.  
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2. **Companion Animals** (TC576/9) (Director, Development & Environment Division)

**Purpose of the Report**

To recommend that Council instigate legal proceedings, due to a breach of a Nuisance Order (regarding barking) of Section 21(2) of the Companion Animals Act 1998, against the occupants of the premises located at 8 Watkins Crescent, Currans Hill.

**Background**

Council first received complaints regarding excessive barking from the subject property on 18 April, 2001 and further complaints lodged on the 31 May, 2001 and 4 June, 2001.

Council Officers have spoken with the owners of the subject dogs on a number of occasions. However, this has not prevented further complaints being made against the dogs.

**Current Situation**

Council Officers conducted a Nuisance Barking Survey to determine the extent and duration of the alleged barking in the area surrounding the concerned premises. Of the ten (10) surveys sent out, three were returned and of the three returned, three (3) indicated a problem did exist. A further complainant has also indicated being affected by the dogs barking.

Three residents affected by the nuisance barking have completed registers containing times, dates and duration of nuisance barking and, furthermore, supplied a letter stating they are prepared to attend Court as a witness for the prosecution.

On 24 September, 2001, Council Officers placed a Nuisance Order upon the owners of the dogs in an attempt to have them reduce or control their dogs barking to a reasonable level. Further complaints have been received since the application of this Order.

The owner of the dogs has expressed that they control their dogs in a reasonable and responsible manner and do not consider that their dogs create excessive barking.

**Summary**

Sufficient evidence has been collected to prove a prima facie case before the Local Court and it is recommended that Council instigate legal proceedings to have this matter dealt with before

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the Courts for a breach of Section 21(2) of the Companion Animals Act 1998.

Recommended: That Council resolve to instigate legal proceedings against the occupants of 8 Watkins Crescent, Currans Hill for breach of Section 21(2) of the Companion Animals Act 1998.

Resolved on the Motion of Cr Fekete, seconded Cr Winn that Council resolve to instigate legal proceedings against the occupants of 8 Watkins Crescent, Currans Hill for breach of Section 21(2) of the Companion Animals Act 1998.

DC003/02 THE MOTION WAS **CARRIED**.

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(Cr Patterson, Cr McFadden & Cr Senise voted against the Motion).

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3.       **File No:**       **DA1500.1140-2** (Director, Development & Environment Division)  
          **DA No:**       **S71/2001**  
          **Property:**   **No 114 (Lot 21 DP 833274 and Lot 3 DP 544863) Cawdor Road, Cawdor**  
          **Owner:**       **V Currao and L & D Furiglio**  
          **Proposal:**   **Subdivision of Two [2] Existing Lots Into Three (3) Allotments to Provide a Lot for Public Road Purposes and Two Housing Lots**  
          **Zoning:**     **1(a) Rural (40ha) - Camden LEP 48**

**Purpose of Report**

The application seeks approval for a three-lot subdivision. The area of the lots are below the minimum allotment area for the erection of a dwelling which is permissible under the Camden LEP 48 for the subject zone [ie 40ha]. The application is accompanied by a State Environmental Planning Policy No 1 (SEPP1) objection, which requires support of the Council prior to the application being submitted to Planning NSW for the concurrence of the Director. A portion of the land is also affected by flooding.

**Recommendation**

It is recommended that the application be approved subject to standard conditions of consent, following concurrence being sought and gained from the Director, Planning NSW.

**The Proposal**

The applicant seeks approval for the subdivision of existing Lot 3 [having an area of 4.01ha] and Lot 21 [having an area of 30.85ha] into 3 lots. The proposed Lots 101, 102 and 103 have an area of 5.103ha, 28.654ha and 1.118ha, respectively.

The proposed subdivision will achieve the following:

- (a) The smaller of the two existing lots [Lot 3] will be increased in size improving the agricultural productivity of the rural holding.
- (b) The subdivision will facilitate the construction of a dwelling outside the odour buffer zone created by the existing Sewerage Treatment Plant.
- (c) It is intended that Lot 103 be set aside by Council for road construction purposes. The realignment of the road will improve commuter safety.

Council is currently negotiating with the owner for acquisition of proposed Lot 103. The acquired property will be used for the future realignment of The Oaks Road with a new intersection at Sheathers Lane. It should be noted that, as a result of the

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acquisition, there will be no net increase in the number of rural/residential lots.

The existing and proposed lots form **Tabled Document “DC 1”**.

**The Site**

The existing Lot 3 is located at the south-western corner of the intersection of Sheathers Lane and The Oaks Road and Lot 21 has frontage to Cawdor Road, Sheathers Lane and The Oaks Road.

There is an existing fibro cottage and two disused poultry sheds on Lot 21. There are no improvements on existing Lot 3. Currently both properties are used for grazing purposes.

The site is affected by the 1% AEP flooding of the Matahil Creek. Existing Lot 3 has a very minor affectation by the 1% AEP flood. However, 65% of the area of existing Lot 21 is affected by the 1% AEP.

All of Lot 3, and a significant proportion of Lot 21, are affected by the Sydney Water’s “Sewerage Treatment Plant (STP) Odour Buffer Zone Policy” adopted in March 1997. No extension of this buffer is envisaged in the EIS for the extension of the plant.

The Buffer Zone restriction essentially prohibits the construction of dwelling on existing Lot 3. The existing fibro cottage on Lot 21 is located just outside the STP Buffer Zone in the subject allotment.

**Notification**

The subject proposal was notified to the adjoining property owners. No submissions were received during the course of the notification process.

**Planning Controls**

The following documentation has been considered with respect to Council’s assessment of the subject application.

- Camden 2025
- Camden LEP 48
- Upper Nepean River Floodplain Management Study and Plan
- SREP 20 – Hawkesbury – Nepean River
- State Environmental Planning Policy No 1
- Sydney Water – Sewerage Treatment Plant Buffer Zone Policy.

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**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.

**Camden 2025**

Council has identified five [5] key areas for the purposes of achieving the vision for Camden by the year 2025. Aspects of the vision relate to managing urban growth and environmental systems. The proposed development is generally consistent with the aims of the strategy.

**Camden LEP 48**

The subject land is zoned 1(a) – 40ha under the provision of Camden LEP No 48. Subdivision is permissible within the zone. The objectives of the planning instrument seek to 'maintain agricultural productivity' and the 'rural character of the locality is maintained with minimum disturbance of the landscape'. It is also desirable to 'promote development that does not unreasonably increase demand for services'.

The objectives of the planning instrument relating to agricultural productivity should be considered in association with Clause 12 of the LEP. Clause 12(2) of Camden LEP 48 provides that:

*"The Council shall not consent to the subdivision of land to which this clause applies unless each separate allotment created by the subdivision will have an area not less than 40ha."*

The applicant has lodged a SEPP 1 objection to this particular provision of the planning instrument. The justification for variance of this requirement is discussed in the following section of this report.

Clause 21 of the LEP also has particular relevance to this proposal. The clause states that:

*"The Council shall not consent to the subdivision of land to which this clause applies within Zone No 1(a), 1(b), 1(c) and 1(v) unless there is, in the opinion of the Council, sufficient land within each allotment in the subdivision, for the purpose of erecting a dwelling-house above the 1% probability flood line the flood free access provided to the dwelling-house site."*

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The suitability of the site for development, given the level of flood inundation, is discussed else where in this report.

**State Environmental Planning Policy No 1 (SEPP1)**

SEPP1 provides flexibility in the application of planning controls where it is considered that strict compliance with the development standards in any particular case would be unreasonable or unnecessary.

Where the consent authority is satisfied that the objective is well founded and is of the opinion that granting the consent is consistent with the objections of the LEP, it may, with the concurrence of the Director, grant consent to the development.

The applicant has argued in his submission that variation of the development standard is justified given:

**(a) *The proposed development complies with the objectives of the LEP and the Rural 1 [a] zone.***

*The applicant has argued, in very brief terms, that the objectives of the planning instrument will not be compromised.*

Comments:

Given that proposed Lot 103 has been earmarked for road improvement purposes the question relating to compliance with the objectives is only applicable to proposed Lots 101 and 102.

Camden LEP 48 seeks to 'maintain the agricultural productivity of the municipality'. As suggested elsewhere in this report the existing properties are currently used for agricultural purposes. The proposed increase in size for Lot 3 will improve the productivity of that particular parcel of land. It is considered that both proposed allotments [101 and 102] will maintain if not improve the current level of agricultural productivity / viability associated with the Camden area.

The proposal does not alter the 'rural character' of the existing parcels of land. The subdivision is consistent with the emerging subdivision patterns in the locality.

The lot re-configuration can be serviced by the existing infrastructure provided by Camden Council and other service authorities. The development will not result in any unreasonable 'demand for services'.

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The proposed subdivision does not result in development, which would have a detrimental impact on the local environment nor the amenity of the area.

**(b) Compliance with the development standard relating to 40ha minimum allotment size is not necessary.**

*The applicant has argued that the change to the existing situation is minor in nature. The boundary of two existing allotments is being amended to allow a building envelope on each allotment that is outside the STP Buffer Zone and the affects of the 1 in 100 year flood event. As no new lots are to be created, other than the road allotment, and the proposed subdivision will actually improve the agricultural viability of the site, compliance with the subject development standard is not necessary .*

Comment: Despite the adjusted lots being under the 40ha requirement, the development will result in a number of improvements to the current situation.

In particular, the area of existing Lot 3 will be increased by 27.3% to form the proposed Lot 101 hence improving the land's agricultural viability. This particular lot will be afforded with a building envelope, which is outside the Odour Buffer Zone. Furthermore the improved traffic arrangement will benefit the community in terms of road safety.

State Regional Environment Policy (SREP)

The land is affected by SREP 20 Hawkesbury-Nepean River. SREP provides that Council shall not grant consent to any application to carry out development, which drains to the Hawkesbury-Nepean River, unless it has taken into account the effect the proposed development will have on:

- (a) the water quality in the river;
- (b) the recreational opportunities of the river;
- (c) the economy of the river;
- (d) the agricultural potential of the river;
- (e) the significant vegetation and wildlife habitats of the river valley;
- (f) the farmland character of the agricultural part of the river valley;
- (g) the environmental heritage of the river valley;
- (h) the scenic quality of the river and the river valley;
- (i) whether the proposed development will be capable of connection to a Sydney Water Corporation Limited or Council sewage system either now or in the future.

The development on each allotment will be subject to further approval from the Council to effectively manage effluent disposal from the future dwellings and also stormwater discharges from any developments and future road works. Conditions will be imposed to ensure that environmental control measures are in place during the construction phase of the development.

**(c) *The likely impact of the development including environmental, social and economic impacts.***

The proposed development is not expected to generate any significant air, water or noise pollution. Nor is it expected to have any major impact in terms of traffic generation. As suggested elsewhere in this report, there will be no increase in the net number of rural/residential lots resulting from the subdivision. Re-configuration of existing Lot 3 may result in the erection of a new dwelling. The impact upon the road network is expected to be negligible.

**(d) *The suitability of the site for the development.***

Odour

Sydney Water has produced a policy with respect to Sewerage Treatment Plant Buffer Zones. Clause 6.3 of the policy essentially states that Sydney Water would prefer to maintain a buffer zone of 400m around STP. As previously suggested, the subdivision will create building envelopes for each lot outside of the buffer zone.

Flooding

The proposed subdivision will create two allotments (Lot 101 and 102) with flood free building areas and flood free access. The alignment of Lot 103 for the future upgrade of The Oaks Road has also been designed to be completely flood free.

Given that Lot 101 and 102 has flood free access to the future road improvements, the application satisfies the requirement for flood free area and access under Clause 21 of the CLEP 48.

Natural Topography

The proposed development will not result in any alteration to the land's natural topography with the exception of the works undertaken in association with

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the road construction. Nor should the development result in the removal of any trees.

Utilities

The proposed subdivision will have little impact on the existing utilities. Effluent disposal, however, will be treated and contained on site in accordance with Council's guidelines.

**(e) *Any submissions made in accordance with this Act or the regulations/public interest.***

Council did not receive any submissions as a consequence of the notification process. Given the benefits associated with the proposed improvements to The Old Oaks Road/Sheathers Lane intersection, the development is considered to be in the interest of the public.

**Summary**

The proposed development complies with the objectives of Camden LEP 48. The requirement, that each lot created by the subdivision to comply with the minimum numerical standard of 40ha in the area is, unreasonable and unnecessary given the circumstances of this particular case. A SEPP1 objection has been submitted and it is considered to be well founded.

Recommended: That Council

- (i) Support the SEPP1 objection to the development standard contained in Clause 12 of CLEP 48 to permit the subdivision into 3 allotments of No 114 (Lot 21 DP 833274 and Lot 3 DP 544863) Cawdor Road, Cawdor.
- (ii) Refer the matter to Planning NSW seeking the concurrence of the Director.
- (iii) Upon the granting of concurrence by Planning NSW, issue consent for the development subject to standard conditions as detailed in **Tabled Document "DC 2"**.

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*Resolved on the Motion of Cr Batros, seconded Cr Patterson that Council*

- (i) Support the SEPP1 objection to the development standard contained in Clause 12 of CLEP 48 to permit the subdivision into 3 allotments of No 114 (Lot 21 DP 833274 and Lot 3 DP 544863) Cawdor Road, Cawdor.*
- (ii) Refer the matter to Planning NSW seeking the concurrence of the Director.*
- (iii) Upon the granting of concurrence by Planning NSW, issue consent for the development subject to standard conditions as detailed in **Tabled Document "DC 2"**.*

DC004/02 THE MOTION WAS **CARRIED**.  
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4. **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)

**Purpose of Report**

The purpose of this report is to advise Council of the recent exhibition of the Draft Grasmere Masterplan, which has been prepared for the subject land, and to recommend its adoption, subject to some amendments.

**Background**

The subject land was rezoned on 26 November 2001 to permit development for residential purposes on allotments with an average lot size of 0.4ha (and a minimum lot size of 0.2 ha). The Local Environmental Plan (LEP) required the preparation of a masterplan before Council can grant consent to subdivision.

The purpose of the masterplan is to provide a framework for the transition of the land from its current “broad acre grazing” land use to that of “low density urban”, having regard to the strategy principles promoted in the Grasmere Local Environmental Study (LES).

**Exhibition**

The Draft Grasmere Masterplan, which forms **Tabled Document “DC 3”**, was exhibited from Tuesday November 20 to Friday 21 December 2001.

**Submissions received**

Four submissions were received. A schedule of the submissions with comments has been prepared and forms **Tabled Document “DC 4”**.

The issues covered in the submissions deal with such matters as fencing, affect on views and timing and staging of development. Other issues concerning a number of design elements were raised and have been addressed in the schedule. It is considered that all of the matters raised can be adequately dealt with either by clarification of existing Council policies or by minor alterations to the Masterplan.

In addition to the public submissions received, the plan has been further reviewed by Council staff. Such critique has led to the following conclusions.

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Section 2.5 Building Guidelines and height Restrictions

The words “*where possible*” be deleted from the references to the maximum cut and fill being 500mm in this section and also where it appears in Section 2.6 Energy Efficiency.

Section 2.6 Energy Efficiency

A reference is to be made to Council’s DCP 94.1 – Building Energy Conservation.

Harben Vale

Harben Vale is the existing residence on Lot 14. The proposed road, shown on the Masterplan Map, is located between the house and the tennis court. The road needs to be moved away from the house to allow for a suitable setback.

Access

The headings 2.3 Access, 3.3 Roads and 4.1 Pedestrian Pathways/Cycleway Link, to be moved to appear under a new heading entitled Traffic and Transport.

Road layout generally

The road layout on Lot 102 cuts through a number of the contours and will need to be redesigned to ensure that the alignment follows the topography.

The road, on Lot 100, to the land to the west, will now connect to a cycleway/pedestrian access 5 metres wide. This was as a result of discussions held with adjoining owners and Council in relation to the proposed amendments to Development Control Plan No. 47 which is being reported elsewhere in this business paper. The road will provide an alternative connection when the adjoining land is fully developed, and one of the recommended amendments to DCP 47 is the establishment of a pedestrian/cycleway linkage.

The future deviation of The Old Oaks Road, as referred to in Camden Contributions Plan No. 16, should be shown on the Masterplan Map.

**Open Space Provision and Contributions for district level facilities**

Deeds of agreement have been forwarded to all owners requiring an undertaking that contributions be made for district level facilities. Deeds of Agreement have also been forwarded for each of the owners with proposed open space provision on their land. These Agreements will ensure a

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continuing commitment to the respective elements if any on-selling of the land prior to development occurs.

It was originally indicated that Council will not formally adopt the masterplan until all agreements have been completed. A total of 5 Agreements were prepared and all have now been returned, signed by each of the owners. The next step is for Council to affix its seal to each of the Agreements and effect registration.

**Conclusion**

The Grasmere Masterplan will ensure that the principal elements identified in the Grasmere LES are taken into account when the land is developed. It is expected that a development application to subdivide the land will be lodged shortly.

Recommended: That

- (i) Council adopt the Grasmere Masterplan as exhibited subject to the amendments outlined above.
- (ii) Council advise each of the submitters of its decision
- (iii) Council affix its seal to the Deeds of Agreement in relation to both the provision of open space and the contribution towards district level community/recreational facilities.

*Moved Cr Batros, seconded Cr McFadden that further consideration of this matter be deferred to the next meeting in order to seek clarification of the points raised by the speaker in Public Addresses.*

DC005/02 THE MOTION ON BEING PUT WAS **CARRIED.**  
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5. **Amendment to Development Control Plan No. 47 - Grasmere** (3128/38) (Director Governance & Outcomes)

**Purpose of Report**

The purpose of this report is to advise Council of the recent exhibition of the amendments to Development Control Plan (DCP) No. 47 and to recommend that the amendments, with some alterations, be adopted.

**Background**

Development Control Plan No. 47 provides development guidelines for the low density urban area within Grasmere and is bounded by Sickles Creek, Smalls Road then linking across to The Old Oaks Road. The amendments to the DCP relate to the future locations of roads.

One of the factors in reviewing DCP 47 was the development of the land on the corner of the Old Oaks Road and Werombi Roads. The Draft Grasmere Masterplan for that land, which includes a road layout, was exhibited concurrently and is the subject of a separate report appearing in this business paper.

**Exhibition**

The amendment to DCP No. 47, which forms **Tabled Document “DC 5”**, was exhibited together with the Draft Grasmere Masterplan, from Tuesday November 20 to Friday December 21, 2001.

**Submissions**

Three submissions were received.

- (a) The Carrington Trust owns the large undeveloped parcel of land to the north fronting Smalls Road and Werombi Road. At this stage the Carrington Trust is uncertain whether the land will be developed as low density urban or housing associated with aged or disabled persons. Regardless of which form of development takes place, Carrington has outlined some development principles it would seek Council’s planning framework to provide. These are:

- Seek to preserve access from Benwerrin Crescent.
- Denote a major point of access off Smalls Road. (No such point is shown on the Amended DCP)

They are not supportive of the road connection linking the proposed development to the east with the proposed road connecting to Benwerrin Road, however would

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support a pedestrian connection. They have advised that the construction of a road would not be necessary to their development and would place an unfair financial burden on them. They further contend that access could be equally achieved by a cycleway/pedestrian pathway which they believe should be shared equally between themselves and the adjoining owner.

- (b) The second submission was from Mr Ken Francis, a resident from Ellis Lane, who raises two issues. The first relating to the future road layout on the Carrington land and the other on the future relocation of The Old Oaks Road.

On the Carrington land it was originally proposed to have road access points from Grasmere Grove and from a road connecting the land to be subdivided to the east. However the road connecting to the east was not proceeded with due to the steepness of the land. The land at the end of Grasmere Grove has experienced significant vegetation regrowth and any future road connection will need to accommodate this. In fact throughout the Carrington's land there are heavily treed areas which will determine future development patterns. Until it is established what type of development will occur it is not appropriate to establish an internal road pattern but rather identify connection points with adjoining lands.

The other issue raised concerned the proposed deviation of The Old Oaks Road. This was shown on the original DCP 47 map. Acquisition of the road reserve is currently being negotiated with the landowner. The road deviation is covered by Council Contribution Plan No. 16 and is actually outside of the area covered by the DCP No. 47.

The two other affected landowners (Mr J. Southwell and Mr & Mrs Bolko) have contacted Council individually and a joint meeting, involving them and the Carrington Hospital was held on 11 January 2002.

There is now general agreement to the amendments, which differ slightly from those exhibited.

**Amendments to DCP No. 47**

It was originally proposed to continue a road from the land to the east covered by the Draft Grasmere Masterplan. It is now proposed to instead provide a cycleway/pedestrian link 5 metres wide. This is to be located on the centreline of the boundary between the two landowners. The road connecting Benwerrin Crescent to the Carrington land will revert to its original position. The original intent of the road connection

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was to provide a linkage with the land, soon to be developed to the east. It is felt that a cycle/pedestrian linkage will fulfil the connectivity objective.

The proposed road location on Southwell's land will remain as exhibited.

On the original plan a notation appeared on the Carrington land advising that vehicular access be denied on to Werombi Road. It is recommended that this notation also appear on the amended plan. In addition the Carrington's request that a reference be made to a future major access point onto Smalls Road is also agreed with. It should be noted that the exact location of the entrance would be determined at the development application stage.

The above amendments have all been agreed to by the affected landowners and are shown on **Tabled Document "DC 6"**.

**Conclusion**

The amendments proposed above will ensure that the principles are in place to enable adequate connectivity to the existing road network and to achieve a workable cycle/pedestrian linkage.

Recommended: That

- (i) Council adopt to the amendments to DCP No. 47 as outlined above and shown on the Tabled Document.
- (ii) The amendment to DCP No. 47 be publicly notified in accordance with the provisions of the Environmental Planning and Assessment Act, 1979.
- (iii) All affected landowners and submitters be notified of Council's decision.

*Moved Cr Batros, seconded Cr Winn that further consideration of this matter be deferred to the next meeting in order to seek clarification of the points raised by the speaker in Public Addresses.*

DC006/02 THE MOTION ON BEING PUT WAS **CARRIED.**  
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The Meeting Closed at 6.02pm.