

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD 10
JUNE, 2003, CIVIC CENTRE, OXLEY STREET, CAMDEN – 5.30 PM**

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Present: Cr. Anderson (Mayor/Chairperson), Cr. Corrigan, Cr. Patterson,
Cr Campbell, Cr Winn, Cr Batros.

Staff: General Manager, Director Development and Environment,
Director, Works and Services, Director Governance and
Outcomes, Manager Outcomes, Acting Manager Development
(Team Leader Specialist Administration Team), Manager
Environment, Manager Engineering, Manager Corporate
Services, Manager Community Services, Administration Officer.

Apologies: An apology was received from Councillors Senise, Fekete and
McFadden from this meeting.

*Resolved on the Motion of Cr Winn, seconded Cr Campbell that
leave of absence be granted to Crs Senise, Fekete and McFadden
from this meeting.*

DC 057/03 **THE MOTION WAS CARRIED.**

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

Harold Pollard addressed the Committee in relation to Item 3 of
Resources and Services

MOTION

Moved Cr Batros, seconded Cr Campbell that an extension of
time for 2 minutes be granted.

DC 058/03 **THE MOTION WAS CARRIED.**

Mrs. Patricia Johnston addressed the Committee relating to
Item 2 of Development Committee. Donald Howard addressed
the Committee relating to Item 3 of Resources and Services
Committee. Keith Hamer addressed the Committee relating to
Item 1 of Development Committee.

MOTION

Moved Cr Winn, seconded Cr Campbell that an extension of
time for 2 minutes be granted.

DC 059/03 **THE MOTION WAS CARRIED.**

1. Demolition of the Existing Dwelling, Garage and Outbuildings, Removal of Trees and the Construction of a Single-Storey Addition to the Existing Church Hall and a Car Park, No 81 Old Hume Highway and No 90 Pindari Avenue, (Lot 3 DP 419404 & Lot 1 DP 832529) Camden South

File No: DA5950.770 & PF6325.950 (Director,
Development & Environment Division)
DA No: 995/2001
Zone: Residential 2(a) Under LEP 46
Applicant: Mr J Robson
Owner: The Baptist Union of NSW

Purpose of the Report

The application is submitted for Council's consideration regarding the objections submitted against the proposal and the unconventional approach to the provision of the required car parking spaces.

Summary of Recommendation

It is recommended that Council conditionally approve Development Application No 995/2001.

The Proposal

Application is made for:

- (a) The demolition of the existing brick veneer cottage, a detached garage and a small outbuilding;
- (b) Removal of several trees;
- (c) The construction of a single storey addition to the existing church hall. The addition contains four (4) study rooms, a youth person's room, a playgroup room, toilets, a cleaner's room, a shower room, two (2) storerooms and a covered play area; and
- (d) Construction of a car park.

A plan of the proposed development forms **Tabled Document "DC 1"**

The existing building (church hall) and existing carpark are located on Lot 1, which faces Pindari Avenue. The new building (addition) occupies a small portion of the above lot and the balance of the building is located on a lot that faces Old Hume

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Highway. The new carpark is also located on Lot 3, which faces Old Hume Highway.

The proposed addition will be located at the rear of Lot 3 facing the Old Hume Highway and be connected to the existing building by an enclosed pedestrian linkage. The pedestrian linkage will straddle the present boundary and therefore require the consolidation of the two lots, which will be included as a condition of approval. Disabled access has been provided to the old church hall and will be provided to the new building. The pedestrian linkage is favourably graded (1:14) to facilitate disabled access between the two buildings.

The current proposal represents a 60% increase in the total floor area over the original. Despite the increase in the floor area, the church officials claim that the new building will not immediately result in a significant increase in the number of people using the site, as the congregation numbers are relatively stable at this time. The new building is being constructed to provide a more equitable distribution of space for the existing users.

The Site

Lot 3 facing the Old Hume Highway has an area of 1467 m² with a frontage of approximately 23.2 metres and depth of approximately 48.8 metres. The site has an RL of 48.1 at the north-western corner of the lot and an RL of 48.8 at the south-eastern corner fronting Old Hume Highway, with a shallow depression across the centre of the site. It is bounded on the north and south by single storey residential buildings and the west by a public reserve.

The site contains an existing brick veneer dwelling and a detached garage and a small fibro outbuilding, which need to be demolished to permit the development to proceed. An assortment of trees and shrubs need to be removed to permit the proposed development to proceed.

The site contains a significant oak tree located behind the garage, which is worthy of retention. A group of shrubs on the side boundary will also be retained to enhance the landscaping. Council's Vegetation Management Officer has inspected the site and agreed to the above proposal with specific measures to be taken to protect the oak tree. These measures include the exclusion of car parking spaces around the base of the tree. These measures will be included as a condition of approval.

The church use of the public reserve for carparking purposes appears not to have been formally agreed by Council. Use of a public reserve for unrelated parking is inconsistent with Council's Plan of Management.

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A locality plan showing the subject site forms **Tabled Document “DC 2“**

Notification

The application was notified to adjoining residents from 20 June 2001 until 4 July 2001. At the close of this period three (3) submissions were received. The concerns raised in the submissions relate to noise, privacy, car parking and stormwater run off and have taken some time to be addressed by the applicant. These issues are discussed elsewhere in the report. **A copy of the submissions will be handed out 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)
- Development Control Plan No 58 (DCP 58)
- Development Control Plan No 97 (DCP 97)
- 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

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 Residential 2(a) wherein the proposed development is permissible with Council consent. The proposal is consistent with the objective of LEP 46, which “is looking for innovative development and a good quality of design”.

Development Control Plan No 58

While the proposal is not residential development, it is located in a residential zone and has the potential to impact adversely upon the existing amenity of the area. Thus the provisions of DCP 58 have been considered, however do not apply to the application. The requirements applicable to this particular development are discussed below:

Open Space – Landscaping

The proposed landscaping plan satisfies the requirements of Council's landscape Assessment Officer.

Privacy

The proposed development is single storey and has a 3.0 m side setback, which minimises overlooking problems to the adjoining properties.

Building Character and Scale

The low rise and sensitive design of the new building ensure that the proposal will not detract from the streetscape. The proposed building will be compatible with the existing church in terms of external colours and finishes, bulk and scale and also with adjoining residential development.

Building Setback

The front wall of the building is setback approximately 44 m from the front boundary and therefore will not impact on the streetscape of the Old Hume Highway.

Building Height

The proposed building has a height of approximately 5.5m which is similar to that of a single storey house.

Overshadowing

The deliberate placement of the building toward the north west corner of the lot and its single storey height, have assisted in reducing the overshadowing of the development to the south to an absolute minimum. The degree of overshadowing of adjacent dwellings is within the acceptable guidelines for residential development.

Drainage

The applicant has provided a drainage plan for the site. A detention basin system has been provided within the new car park to manage the increase in run off from the developed site. The discharge from the on site detention system will be via a piped conduit to discharge to Council's stormwater system. The drainage plans are acceptable to Council's development engineer.

Disabled Access

Disabled access has been provided to the existing church hall and will be provided to the new building via the ramp in the pedestrian linkage.

Development Control Plan No 97

DCP 97 requires the provision of eighteen (18) additional car parking spaces based on the 1 space per 9 m² of net floor area of the new building. The twenty (20) additional car-parking spaces provided in the proposal satisfy this requirement. All vehicles using these spaces are capable of entering and leaving the site in a forward direction.

The current car park has a capacity of 28 spaces. With the new development there will be a total of 48 spaces.

The proposed car park is not interlinked with the existing car park given that each is accessed from a different street. This measure will allow the present overflow of vehicles in Pindari Ave to be dispersed to a second car park via an alternate street (Old Hume Highway).

As previously discussed, the use of the new building will not increase the number of patrons and therefore will not add to the existing demand for carparking space.

Camden Scenic and Cultural Landscape Study

The low rise, sensitively designed building is not considered to impinge on any scenic or cultural landscape as identified in the study.

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 via a detention system and as such will have no significant impact on the Hawkesbury-Nepean River. Suitable controls will be required at construction phase to prevent erosion and sedimentation of the waterways.

(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 noise, air and water pollution. The oak tree which is at risk from the construction of the car park will be protected by limiting the proximity of the car parking bays from the root zone and providing an exclusion zone by permanent barrier around the base of the tree to ensure this.

(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. The proposed development is located on a road which connects to the Old Hume Highway which, as a main collector road, is considered to be capable of catering for the existing traffic movements arising from the use of the site. The entrance and egress path has good sight distance available on both sides at the access point.

(d) Any submission made in accordance with the Act or the Regulation

As stated elsewhere in this report Council received 3 submissions as a consequence of the notification process. The submissions raised issue with respect to the following.

- ***Increased noise from youths attending youth group meetings on weekday evenings.***

The church conducts a range of activities through the week including Sunday school, youth groups, study groups and playgroups. These operations have potential to inflict noise impacts, particularly when conducted in the evening. The potential noise problem will be addressed by limiting the hours of operation to 9.00 am to 10.00 pm every day of the week. The applicant has addressed the issue of noise by the implementation of a Management Plan for the control of patron activities, within the

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buildings and outside the buildings during the hours of operation and immediately after (see **Tabled Document “DC 3”** (page 9)).

- ***Overlooking from the new building which will be used as a public meeting place***

The potential for overlooking from the building is not considered to be problematic as the building is single storey and has high windows on the side nearest to the boundary. It should be noted that a 1.8m high perimeter fence divides the site from the surrounding properties.

- ***Patrons of the church walking over the front gardens of the neighbouring properties.***

The Management Plan for the control of patron activities has addressed this concern. The Church will raise awareness of the neighbours concerns via the Church Newsletter and announcements made during services.

- ***The use of the public reserve adjoining the church for parking for the attendees of the church. The use of the public footpath for parking for the attendees of the church. Attendees of the church parking across driveways of neighbouring residents. The inherent danger for local residents in reversing out of their private driveways when church activities are being conducted. Increased traffic on the local streets from the church activities.***

The construction of the new car park and the implementation of a Management Plan to control the patron's activities will address these issues.

The church presently utilises the adjoining public reserve for the parking of overflow vehicles on an unofficial basis, and has been mowing the area. The Church has agreed to cease use of the public reserve for overflow car parking purposes. As an alternative, the Church has obtained the consent of the Camden South Public School to use their car park to accommodate any extra vehicles. The use of the school car park is likely to occur on Sunday mornings, over the Christmas and Easter period and when larger wedding ceremonies are held at the Church. The school principal has agreed to the church use of their car park for 20 additional vehicles on Sunday mornings in the peak period between 9.30 am and 11.00 am.

The school car park has an all weather seal, is level and sited close to the Old Hume Highway frontage. The car park entrance has good sight distances in both directions,

a flat grade and is adequately wide to allow passing of vehicles. The crossing of the Old Hume Highway by pedestrians is facilitated by the presence of a formal pedestrian crossing directly opposite the car park entrance.

The proposed use of the school car park is considered to be an acceptable alternative to the use of the public reserve and will alleviate many of the concerns raised by residents.

- ***The impact of increased run off from the new building on the downstream properties.***

The runoff will be adequately controlled by the on-site detention system and therefore not expected to be problematic for the residents.

It should be noted that the Church has been able to address the concerns of each objector and the matter was thus not referred to mediation. Each objector has been personally contacted and has not expressed any lingering concern with the solutions proposed to address their concerns.

(e) Public interest

The proposal is in the public interest because it serves the need within the community for this type of development and affords a social benefit to the wider community.

Conclusion

The proposed development will satisfy community needs while addressing community concerns. The scale of the proposal is appropriate to the residential location. The development is consistent with the objectives of the Local Environmental Plan and the particular zone. The resulting development will not detract from the amenity of the area while it would add a social benefit for the community.

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Recommended: That

- (i) Consent to Development Application No 995/2001 at No 81 Old Hume Highway, Camden South, being Lot 3 in DP 419404 and Lot 1 in DP 832529, for the construction of an addition to the existing church and car park, be approved subject to the conditions of development consent which form **Tabled Document “DC 4”**;
- (ii) Those persons who made submissions in relation to the application be advised of Council’s decision.

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

- (i) *Consent to Development Application No 995/2001 at No 81 Old Hume Highway, Camden South, being Lot 3 in DP 419404 and Lot 1 in DP 832529, for the construction of an addition to the existing church and car park, be approved subject to the conditions of development consent which form **Tabled Document “DC 4”**;*
- (ii) *Those persons who made submissions in relation to the application be advised of Council’s decision.*

DC 060/03 THE MOTION WAS **CARRIED.**

2. Adjustment of Common Boundary between Two Existing Residential Lots at 22 (Lots 221 and 222 DP 1041410) River Road Elderslie

File No: 6625.225 (Director, Development & Environment Division)
DA No: DAS50/2003
Owner: Mrs P Johnson
Zoning: 2(a) pursuant to Camden LEP 46

Purpose of Report

The above application seeks Council approval for an adjustment of the common boundary between two existing lots. Several objections were received as part of the notification process and these objections will be addressed in the report. Each of the objectors agreed to withdraw their objections as a result of a mediation meeting facilitated by Council.

Recommendation

It is recommended that Development Application Subdivision No 50/2003 be approved subject to conditions of consent.

The Site

The site consists of two existing lots in River Road Elderslie, having areas of 1007m² and 1151m² respectively. The subject lots are currently used for residential purposes, the larger lot has a residential dwelling constructed upon it while the smaller lot is vacant. The site has a northerly aspect and a significant cross-fall to the south west. A copy of the site plan forms **Tabled Document "DC 5"**.

The Proposal

The applicant proposes to adjust the common boundary between the two existing lots. As a result the lot with the existing dwelling constructed upon it will be increased in area, with an increased frontage to the street. The vacant parcel of land will be reduced in terms of area and frontage. The larger lot will have an area of 1267m² and the smaller lot will have an area of 890.9 m². Both lots will retain their frontage to River Road.

The owner of the vacant lot intends to place an 88b instrument over the vacant lot that will:

- restrict the future building to single storey;
- prohibit the use of reflective roofing material; and
- prohibit the external use of colorbond material for fencing.

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The purpose of the boundary adjustment is to allow the applicant to conserve the integrity of the existing vegetation in the front yard of the lot that contains the house. The owner considers the increased width necessary to retain the status of the existing house designed by local architect Richard Stringer. The increased frontage will also facilitate access to the rear yard area, which due to a large embankment would not be possible with the existing lot layout. A plan of the subdivision layout forms **Tabled Document “DC 6”**.

Notification

All adjoining residents were notified of the proposed subdivision. Council received three (3) submissions. The concerns raised in the submissions relate to:

- The removal of trees from the subject lots.
- The potential loss of the wooded area on the vacant lot.
- The potential runoff from the future building on the vacant lot.
- The potential height of the future building on the vacant lot arising from the slope of the site and the related privacy issues for the neighbours.
- The potentially modest rear setback that may be created by the future building on the vacant lot.
- The inappropriateness of the existing fencing at the rear of the vacant lot.
- The density of the future development on the vacant lot.
- The expected construction noise associated with the future building on the vacant lot. **A copy of the submissions will be handed out separately with the Business Paper.**

Planning Controls

The relevant planning instruments and development control plans are:

- Camden 2025
- Camden Local Environmental Plan No. 46
- Camden DCP58
- Safer By Design Guidelines.

Assessment

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

- (a) The provisions of any environmental planning instrument/ development control plan**

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.

In terms of Managing Urban Growth, the proposed development meets these objectives by having already provided development in a planned and orderly way, as exemplified by the presence of appropriate service infrastructure.

The Accessibility strategy requires issues of public transport and connectivity to existing areas to be provided and maintained. The subdivision enjoys access to River Road for public transport services.

The Environment strategy considers such matters as protecting and restoring water quality of creeks and rivers; introducing rainwater tanks; protection of riparian zones and minimising the impacts of salinity. The proposal involves the relocation of a common boundary in an existing subdivision and therefore this activity will not adversely impact on the environment.

Camden Local Environment Plan No 46

The site is subject to Camden Local Environmental Plan No 46. The relevant aim of this zone is:

- *To set aside sufficient land for detached housing within suitable living areas of the Camden local government area.*

The proposed development satisfies the aims of LEP 46 and therefore is permissible with the consent of Council.

DCP 58

- Setback

The existing dwelling on the larger lot has a front setback of 26.5 metres, which exceeds the minimum requirement of 5.5 metres under DCP 58. The existing dwelling on the lot to the west of the proposal has a front setback of 15 metres. Any new development on the smaller lot will be setback at least 26.5 metres to preserve the streetscape and the future dwelling will be required to have a front facade that addresses the street. These requirements can be assured through an 88B instrument.

- Width of frontage

The larger lot has a frontage of 22.654 metres, which exceeds the 15 metre minimum required under DCP 58. The smaller lot has a frontage of 13.11 metres which does not comply with the DCP. This lot retains its 13.11 metre width for a distance of 30.735 metres back from the front boundary. The lot retains a 17.88 metre width for a distance of 12.11 metres from the rear boundary.

While the frontage of the smaller lot is 1.89 metres narrower than required by DCP 58, this shortcoming is not expected to have an adverse impact on the streetscape because no building will be permitted on the land forward of the building line established by the existing dwelling on the larger lot. The existing planting in the front portion of the lots will also be retained. Any future building on the vacant lot will be setback at least 26.5 metres.

- Site area

The areas of both the larger lot [1267 m²] and the smaller lot [890.9 m²] exceed the minimum requirement of 600 m² stipulated under DCP 58.

- Landscaping

Both the larger lot and the smaller lot have adequate landscaping in the front yards. The visual appearance of the streetscape will be maintained by the imposition of a condition requiring the retention of the existing mature vegetation in the front yards of the subject lots. Vegetation that is to be retained will be identified in the 88b restriction to user. Any vegetation sought for removal will be subject to the discretion of Council's Vegetation Management Officer.

(b) The impact of the development on the natural and built environment

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.

The lots are already served by the sewer and stormwater infrastructure. Hence the development is not expected to impact upon the Hawkesbury – Nepean River.

Access and Traffic Matters

Both lots have direct access to River Road, which is a local road under the control of Council. As the proposal is for an adjustment of the common boundary, there will be no net increase in traffic over that initially planned for and thus the impact on traffic is considered to be negligible.

Noise and Vibration

The proposed adjustment of the common boundary will not involve any works that impose excessive noise levels on the surrounding environment. Stipulating construction hours in the condition of consent for any future building to minimise this impact will control the future construction of a building on the smaller lot.

Future development

The significant rearward slope of the vacant lot has potential to result in the construction of a future building which may possess a significantly elevated floor level at the rear, that may in turn impact upon surrounding development. The applicant intends to place restrictions upon the title of the land in order to overcome these issues. The types of restrictions proposed by the applicant are discussed elsewhere in this report.

(c) The suitability of the site

Context and Setting

The site has a significant fall to the south west and is located on the periphery of the river flat. The older River Road subdivisions, of which the proposal is a part, were developed decades ago and the area is characterised by older style low rise residential development in tree studded lots. Newer residential development abuts at the rear. The proposal is compatible with the setting.

Utilities

Both sites are afforded with the following services:

- Town water supply.
- Waste water drainage to Sydney Water's sewer.
- Telecommunication service.
- Electricity services.
- Street lighting is available.
- A roof water drainage system is available to both lots via the existing inter allotment drainage line located immediately behind the rear boundaries.

Natural Hazards

The site is not within an area classified as a bushfire hazard under the Camden LGA - Bush Fire Prone Land Map nor is it subject to flooding.

(d) Any submissions

The application was advertised in accordance with Council's policy and a mediation meeting was held to discuss the relevant issues of concern. At the conclusion of the mediation meeting, the objectors unanimously agreed to withdraw their objections subject to the imposition of conditions and 88b restrictions as discussed in the report. The following comments are provided with respect to the matter raised by the adjoining property owners.

(i) *The removal of trees from the vacant lot to accommodate a future dwelling*

Comments: Council's Vegetation Management Officer has identified a Liquidambar and a Cape Chestnut as worthy of retention on the vacant lot. The remainder of the vegetation has not been considered as needing immediate protection. This issue will be subject to assessment during the processing of the application for any future building.

(ii) *The potential runoff from the construction of a future dwelling on the vacant lot*

Comments: The runoff from the construction site will be controlled by erosion and sediment measures and the need to connect downpipes to the existing stormwater drainage system early in construction of the dwelling. These are standard requirements for all new building work and would be imposed as conditions of approval for the future dwelling construction.

(iii) *The privacy issues for existing/adjoining residences arising from the construction of a dwelling on the vacant lot*

Comments: The potential for overlooking of the adjoining properties will be addressed by restricting the floor levels and overall height of any future building [i.e. single storey]. The retention of the existing screening vegetation or its suitable replacement will be subject to the assessment of the application for the construction of a future building on the vacant lot.

(iv) The modest rear setback proposed for the future dwelling

Comments: The size of the rear setback will be considered in the assessment of the application for future development on the vacant lot.

(v) The expected height of a future dwelling on the sloping vacant lot

Comments: The height of the future building on the vacant lot will be constrained by the restriction referred to above. The single storey limitation will be imposed on the site by the 88b instrument.

(vi) The inappropriateness of the existing fencing bordering the vacant lot

Comments: The erection of a suitable rear fence is a private matter to be resolved between the respective landowners. The nature of the fencing material will be controlled by the 88b instrument, which prohibits the use of colorbond material.

(vii) The density of housing on the vacant lot

Comments: The density on the vacant lot is expected to be 1 dwelling per 890.9 m² which is well below the minimum imposed by DCP 58.

(viii) The potential noise associated with the construction of a future dwelling

Comments: The construction noise will be addressed by a condition of approval for the future dwelling that limits the hours of construction.

Conclusion

The site is zoned for residential development. Both lots are already provided with water, sewer, telephone and electricity. The proposed adjustment of the common boundary will not increase the number of lots over those existing at present. It will provide lots that are sympathetic to the inherent qualities of the surrounding estates and buildings.

Recommended: That

- (i) Development Application No 50/2003 to create a Torrens Title subdivision comprised of 2 residential lots at Lot 221 DP 1041410 and Lot 222 DP 1041410 River Road, Elderslie be approved, subject to conditions as detailed in **Tabled Document "DC 7"**; and

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

Resolved Cr Winn, seconded Cr Campbell that

- (i) *Development Application No 50/2003 to create a Torrens Title subdivision comprised of 2 residential lots at Lot 221 DP 1041410 and Lot 222 DP 1041410 River Road, Elderslie be approved, subject to conditions as detailed in **Tabled Document "DC 7"** ; and*

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

DC 061/03 THE MOTION WAS **CARRIED.**

**3. Proposed Modification to Development Consent
15/2002 – 63 Lot Subdivision – The Old Oaks Road,
Grasmere (Lot 100 & 101 DP 803468 & Lot 14 DP
855147)**

File No: 7700.30 (Director, Development &
Environment Division)
DA No: 15/2002
Owner: Mr J Sievewright, Vaste Developments P/L, Mr
M T Slater and Mrs JM Slater
Zoning: 1(c) Rural LEP 48

Purpose of Report

Development Consent No 15/2002 was determined by Council at the meeting of 28 January 2003. The applicant now seeks modification to the conditions of consent. The matter is referred to Council for subsequent determination.

Summary of Recommendation

It is recommended that Condition 1, 5, 27, 33, 36, 69, 70, 73 of Development Consent No 15/2002 be amended. The Modified Consent is annexed as **Tabled Document “DC 8”**.

Background

Council issued consent for a three into 63 lot subdivision on the 30 January 2003. The consent issued by Council forms **Tabled Document “DC 9”**. The applicant has lodged revised plans that show the main entry to the estate located further south along the Old Oaks Road. Plans of the approved and proposed subdivision layout form **Tabled Document “DC 10”**. The revised access arrangement have necessitated minor changes with respect to certain lot sizes and the terms of the proposed 88b restriction to user. The applicant has also asked that Council review the following aspects of the determination:

- The provision of natural gas to the proposed lots;
- The monetary contribution to be made by the developer for the provision of public amenities and services;
- The type of intersection treatment to be afforded to the intersection between the Old Oaks Road and the new estate; and
- The maintenance bond arrangements for the water quality basin.

Notification

The amendment application was notified to adjoining neighbours. One submission was received. The submission did not however raise any objection to the proposed modifications. **A copy of the submissions will be handed out separately with the Business Paper.**

Assessment

The following comments are provided with respect to the modifications requested by the applicant.

Relocate the estate entrance

The position of the estate entrance consented to by Council has proven to be problematic for the applicant given:

- The new road works will be constructed to the current alignment with the Old Oaks Road and then extended at some future point in time to intersect with the proposed re-alignment of the Old Oaks Road.
- Given the change in topography much of the initial work will need to be ripped up to allow for the extension of the entry road referred to above. In a sense the estate entrance will have to be constructed twice resulting in considerable disruption to occupants of the new estate.
- The extension of the entry road in order to intersect with the re-aligned Old Oaks Road will require the establishment of an easement across an adjoining property, which is under separate ownership.

The proposed relocation provides a safer site distance for vehicles entering and exiting the site. Furthermore the road can be constructed with longitudinal grades that are consistent with Council's Engineering Design Specification. In this regard the development will be improved.

Type of intersection

Development Consent No 15/2002 required the applicant to construct a "roundabout or similar traffic facility" at the intersection of the proposed alignment with the Old Oaks Road. The applicant has asked that Council consider the construction of a type B intersection [see **Tabled Document "DC 11"** at the entrance road to the subdivision. The Traffic committee has raised no objections to the changes.

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Provision of natural gas

Condition 27 of Development Consent No 15/2002 relates to the provision of Natural Gas to the proposed allotments. The applicant has requested that Council modify this condition to only require the provision of gas if the service is available in the immediate area. This request would seem reasonable. The amended condition has been worded however to require documentary evidence from AGL stating it is not practical to supply gas to the subdivision.

Monetary Contribution

Condition 5 of Development Consent No 15/2002 required the applicant to contribute to the provision of public amenities and services. The contribution is based upon a deed of agreement struck between Council and previous landowners. The applicant has rightly indicated that Lot 101 [one of the three lots to be subdivided] was not subject to a deed of agreement. The condition has been modified to reflect the adjusted contribution.

Maintenance bond

Condition 73 of Development Consent No 15/2002 relates to maintenance of the proposed water quality basin. The applicant has requested that the bond amount be decreased and that the time for maintenance be reduced from 5 years to 3 years.

In hindsight the \$1,000,000.00 bond would seem excessive. The management plan submitted with the modified application also suggests that such a figure is unwarranted. It is suggested however that a maintenance period of 5 years is standard practice in terms of a development of this nature. Hence it is recommended that the amount be reduced to reflect the annual maintenance cost which will be determined after final design and that the time period remains unchanged. Condition 73 should be amended accordingly.

Conclusion

The proposed changes are minor considering the scale of the development. Such changes will not adversely effect Council's road network or the intent of the previously approved subdivision.

Recommended: That Modified Development Application 29/2003 be approved subject to the modified conditions detailed in Tabled Document "DC 8".

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*Resolved Cr Batros, seconded Cr Winn That Modified
Development Application 29/2003 be approved subject to the
modified conditions detailed in Tabled Document "DC 8".*

DC 062/03 THE MOTION WAS **CARRIED.**

4. Refurbishment and Extension of Existing Hardware Store and Construction of New Storage Shed at No 6 (Lots 1-4 DP 160539) Exeter Street, Camden

File No: 2925.40 (Director, Development &
Environment Division)
DA No: 1222/2002
Owner/
Applicant: Mr MJ Williams
Zoning: Town Centre Support 3(f) pursuant to Camden
LEP 45

Purpose of Report

The matter is referred to Council to enable determination of an application for the redevelopment of the existing hardware and joinery shop in a flood affected area. The application was subject to neighbour notification, with one (1) objection received at the conclusion of the notification period.

Summary of Recommendation

It is recommended that the application be approved subject to appropriate conditions.

Background

A hardware and joinery shop has been erected on three of the four lots for a number of years with additions approved in 1968 and 1971, which form the existing site development. The company recently acquired the adjoining allotment, which previously contained a dwelling house. This has since been demolished and the site is currently vacant. The applicant proposes to redevelop the across the four lots.

The Proposal

It is proposed to construct a new hardware store in the centre of the site, which would be setback 15.8m from Exeter St, and between 2 and 7 metres to Macquarie Grove Rd. The building has dimensions of 30m x 20 m and would be a steel framed structure with a covered storage and display area proposed to the rear of the building. The building would have a height of 9.5m at ridge height and a finished floor level of RL 68.76, which is approx. 1.2m above existing ground level. The walls of the building are proposed to be concrete panel finished in a painted finish, beige in colour. Roof, fascia, guttering and downpipes would be off white and structural posts and beams designed for contrast in yellow. Signage would be corporate signage with a blue background.

In addition to the main building, a smaller joinery building is to be constructed in the northern corner of the site. It is 2 storey

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with covered parking for 6 vehicles and a flood free storage area on the upper level.

Parking for a total of 19 vehicles is available on site, which is consistent with Council's code requirement apart from the need for a courier parking space. Adequate area is however available on the site for temporary courier parking without obstructing access or vehicle manoeuvring. All vehicular access to the site would be via a 6m wide driveway off Exeter St and egress to Macquarie Grove Road. It is proposed to erect chain wire securing fencing around the perimeter of the site. Such fencing should be either black or green to minimise its impact and this could be a condition of any consent granted. Plans of the proposal form **Tabled Document "DC 12"**.

Whilst the scale and bulk of the building is considered appropriate, further improvements to the architectural appearance of the building are suggested and a condition of consent requiring façade improvement is recommended.

The Site

The site is comprised of four allotments located on the north-eastern corner of the intersection of Macquarie Grove Road and Exeter Street. A long established commercial building, for the sale of hardware, currently occupies the site. The existing construction is an assembly of additions and alterations carried out over a long period of years resulting in a building constructed from a mixture of brick, corrugated steel sheeting and timber. Sheds and various racks for the storage of building materials are located throughout the property.

Residential properties are located to the east of the site with commercial land to the south. Land to the north and west of the site is open, rural land. A copy of the locality plan forms **Tabled Document "DC 13"**.

The property is affected by the 1% AEP flood event [flood level at RL 71.4m AHD]. The impact of flooding and the level of inundation is assessed and discussed further in this report under the section entitled Upper Nepean River Floodplain Management Study and Plan.

Notification

Following notification, in accordance with Council's Development Control Plan No 116 'Notification, Advertisements and Mediation', one submission was received expressing concern regarding noise. Mediation was conducted with the applicant and the neighbour who has requested the provision of an acoustic fence. **A copy of the submission is provided separately to Councillors.**

Planning Controls

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

- Camden Strategic Plan – 2025
- Camden LEP 45
- Upper Nepean River Floodplain Management Study and Plan
- Sydney Regional Environmental Plan 20 – Hawkesbury–Nepean River
- Safer by Design Principles
- Draft Development Control Plan 96 – Guidelines for Outdoor Advertising
- Development Control Plan 97 – Car Parking Code
- Development Control Plan No 116 – Notification, Advertisements and Mediation

Assessment

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

(a) The provision of any planning instrument, development control plan or matter prescribed by the regulations

Camden Strategic Plan – 2025

The proposed redevelopment preserves the vision for Camden by providing to the immediate needs of the community and contributing to the local economy in a manner which maintains Camden's high quality of built environment. The refurbishment of the existing building contributes to enhancing and improving the 'gateway' aspect to Camden Town Centre.

Camden Local Environmental Plan 45

The site is zoned Town Centre Support 3 (f) under the provisions of the Camden Local Environmental Plan 45 (LEP 45). The use of the premises for commercial purposes is permissible with consent of Council. The relevant objectives of the zone that apply are as follows:

- promote the Camden Town Centre as the primary sub-regional business centre in the area;

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- encourage new retail and commercial development which will reinforce the town centre while retaining it's historic character;
- encourage the retention of existing uses which provide a service to the rural community
- ensure that development is carried out in a manner which appropriately responds to the flood risk affecting the site of the development.

The proposed use is consistent with these objectives.

Height of Building

The building exceeds the height limitation of 7m imposed by Clause 14 of LEP 45 by 2.5m. This is because of the ramping around the building, which is used to provide a floor level above lower frequency floods. The proposed finished floor level of RL68.76 is still 2.64m below the 1 in 100 year flood level. The provisions of clause 14 allow variation to the height restriction provided the proposed building will not unnecessarily or unreasonably intrude upon an item of environmental heritage, the existing character of buildings in the locality or significant streetscapes or vistas. The setbacks and small footprint of the building are considered appropriate for a site of this size and warrant variation to the height requirement.

Upper Nepean River Floodplain Management Study and Plan

The subject property is located in the High Hazard Flood Way in accordance with the “ Upper Nepean Floodplain Management Plan”. The flood heights at the subject property are 71.4 AHD and 69.6 AHD for 1% AEP and 5% AEP flood events respectively.

The current Policy on “Development of Flood Affected Land within the Camden Town Centre” doesn't address developments outside the flood fringe areas. However the applicant has submitted a “Flood Report” by a Consulting Engineer outlining the assessment of the development in accordance with the requirement based on the “ NSW Floodplain Development Manual” published by the former Department of Public Works. The following considerations indicate that the submitted Flood Report is consistent with the “draft Flood Risk Management Policy” prepared by the Council.

Flood Compatible Material/Flood Free Storage

The proposed main building has a ground floor and a mezzanine floor. The lower floor is completely below the 1%AEP flood level (71.4AHD) but the mezzanine floor is located at 71.90 AHD thus giving flood free storage area of 107.sq m 500mm above 1% AEP. The walls of the proposed building will be constructed with precast concrete panels, the floor will be concrete and the doors will be roller doors. Thus the development complies with the requirements of the use of the flood compatible material (Flood Proofing) and it is a substantial improvement to the existing brick and corrugated iron building.

Structural Consideration

The proposed structure has to be designed to withstand the inundation by floodwaters, flood velocity of 1.2m(max), impact of debris and buoyancy forces. Further the applicant has reduced the outbuilding to one, which is to be used as a “Joinery Shed” and the proposed orientation such building is compatible with the direction of flood flows thus reducing the potential damage the building in a major flood event.

The primary consideration with regard to the buoyancy of the timber in the timber storage has been addressed. There is a potential for timber to dislodge from the racks and float away in major flood events. The applicant has proposed to install a mesh screen to prevent timber being dislodged and floating away from the racks.

Emergency Response Plan

A detailed Emergency Response Plan indicating the process of evacuation of personnel, material and other action before flood emergency has to be submitted by the applicant as a part of a Condition of Development . The evacuation of the material to the flood free storage area or off-the- site following the flood warning is be properly addressed.

The Flood Report indicates that the majority of the computers and other office equipment will be located in the mezzanine floor and others will be moved when the flood warning is given.

It is proposed that all electrical equipment such as meter boxes and fuse boxes will be located above 1% AEP flood level. Also an appropriate method will be utilised to

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easily disconnect the building from the main power supply in a flood event.

Post-flood management of the building will form a part of this Plan so that appropriate methods will be employed to address the safety, health and cleaning issues of the site.

The Development is consistent with the objectives of the Upper Nepean Floodplain Management Study and the NSW Floodplain Management Manual(2001).

Sydney Regional Plan 20

The provisions of Sydney Regional Environmental Plan No 20 (SREP 20) apply to the land as it falls within the Hawkesbury-Nepean River Catchment.

The SREP provides an overall direction for the preservation of the environment of the river. Measures maintaining sediment and erosion controls shall be provided and maintained during construction. The proposal is consistent with the provisions of the plan.

Safer by Design Principles

The Safer by Design Guideline was used to identify crime risks and to reduce opportunity for criminal activity by applying crime prevention through environmental design. The proposed design is consistent with Council's DCP and a great improvement on the existing site layout.

Development Control Plan 97 – Car Parking Code

The proposal is affected by the provisions of Development Control Plan 97 (DCP 97) which provides guidelines to ensure adequate parking is available relevant to the land use.

As stated above, the proposal provides on site parking for 19 vehicles and adequate areas for loading and unloading of vehicles.

Development Control Plan 96 – Guidelines for Outdoor Advertising

Consideration of proposed advertising shall require compliance with the DCP. The applicant does not propose the provision of illuminated signs. Signage is to be restricted to corporate advertising panels, one located above the main entry door and the second as an architectural feature in the centre of the Macquarie Grove Road façade of the building. The proposed signs

will be primarily blue. The signs accord with the requirements of DCP 96.

Development Control Plan No 116 - Notification, Advertisements and Mediation

In accordance with Council's policy, the application was notified to adjoining owners. One submission was received which objects to the potential noise from the premises and requests that the boundary fence incorporate acoustic attenuation to reduce this impact. This could be incorporated in a condition of consent being mindful that any fencing would also need to allow the freeflow of water in a flood event so the design of such fence would need to address this requirement.

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

The development is consistent with the zoning of the locality and is not considered to have an adverse social or economic impact.

(c) The suitability of the site for the development

The existing building is similar to existing construction in the area. The applicant proposes to upgrade the premises with the provision of facilities for persons with disabilities.

Consideration of the suitability of the site for the development is the purpose of this report.

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

As a consequence of neighbour notification one (1) submission was received. The following comments are provided with respect to the relevant concern raised by the neighbour:

Noise

As the site adjoins a property containing a dwelling house, the proposal has the potential to impact on this premises due to noise associated with vehicle movements. This is different to the existing situation because of the inclusion of an additional block of land and the proximity of the driveway access along the common boundary with the dwelling. The provision of a suitably designed acoustic fence will assist in mitigating this impact.

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Conclusion

The proposed development will improve the built form of the existing site, provided cosmetic enhancements occur, and also vehicular access and parking on a site that is an important entry point to the Camden Town Centre. The issue of flooding impacts has been satisfactorily addressed and the proposal makes provision for flood-free storage areas.

Recommended: That

- (i) Development application No 1222/2002 which proposes the redevelopment of an existing hardware and joinery premises be approved subject to conditions detailed in **Tabled Document “DC 14”**.
- (ii) Those persons making submissions in relation to the application be advised of Council’s decision.

Resolved Cr Corrigan, *Seconded* Cr Patterson that

- (i) *Development application No 1222/2002 which proposes the redevelopment of an existing hardware and joinery premises be approved subject to conditions detailed in **Tabled Document “DC 14”**.*
- (ii) *Those persons making submissions in relation to the application be advised of Council’s decision.*

DC 064/03 THE MOTION WAS **CARRIED.**

**5. Petition re Application for Modification of
Development Application No. 6023/98 for an
Extension of Trading Hours at Mt Annan Club Hotel**
(File 8025.2230/3) (Director, Development & Environment)

Council is in receipt of a petition regarding the proposed modification to DA 6023/98 to extend the trading hours for Wednesday to Saturday nights to 8.00 am to 1.00 am and to permit live music in the form of a two piece combination. In accordance with Council policy, this report brings this petition before Council for information purposes.

The petition states:

We the undersigned object to the following proposed development:-

“Mount Annan Club Hotel – Extension of Trading Hours, Wednesday to Saturday nights, 8am to 1am and to permit live music in the form of a two piece combination”(DA MOD 37/2003).

The petition contains some 81 signatories representing 54 households from Mount Annan, Narellan Vale and Currans Hill.

The petitioners have been notified of the receipt of the petition and its reporting to this meeting of Council.

Following Council assessment of the proposed modifications, the matter will be brought to Council for determination.

(Cr Patterson declared a pecuniary interest in this matter due to the possibility of financial gain as the Manager of a Hotel in the Camden C.B.D and left the Chamber at 6.10pm and did not take part in discussions or voting on this matter.)

Recommended: That

- (i) The concerns expressed by the residents in relation to the proposed modifications be noted; and
- (ii) The petitioners be provided with a copy of this report.

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Resolved Cr Campbell, seconded Cr Batros that

- (i) The concerns expressed by the residents in relation to the proposed modifications be noted; and*
- (ii) The petitioners be provided with a copy of this report.*

*DC 064/03 THE MOTION WAS **CARRIED.***

(Cr Patterson returned to the Chamber the time being 6.11pm)

**6. Elderslie Release Area – Reclassification of land at
Kirkham Park for Sewerage Pumping Station**

(3345/18)

(Director Governance and Outcomes)

Purpose of Report

This report concerns the need to reclassify land to accommodate a Sydney Water sewerage pumping station on land near the southern boundary of Kirkham Park.

Background

Council has previously resolved to prepare a draft Local Environmental Plan (LEP) to facilitate a Link Road through the Elderslie release area. This will ultimately connect Kirkham Lane with the Camden Bypass. This draft LEP has been placed on public exhibition and is being reported elsewhere in this business paper.

Proposal

The Elderslie Land Owners Consortium has written to Council advising that Sydney Water will require an area of land, approximately 20 X 20 metres, for a proposed sewerage pumping station. The pumping station will be underground with an electrical kiosk above ground level. The location of the pumping station is determined by the need to establish the lowest point capable of draining the development and also being outside the 1% flood zone.

Following extensive survey by Sydney Water and discussions with Council staff a site has been selected near the southern boundary of Kirkham Park in the vicinity of the gate to the rugby league ground. This site will not interfere with any of the current users of the park and will be discretely located from general view behind a row of trees. A plan showing the location of the proposed pump station forms **Tabled Document “DC 15”**.

Temporary access to the site will be provided by the existing bitumen road, which services the rugby league football ground. A small section of road will need to be constructed from the existing access to the proposed pumping station. A permanent access will be provided when the land adjoining the park to the south is developed. This will entail a new road being constructed along the boundary, which will provide direct access.

Discussion

The proposed location of the pumping station is within the section of land located along the southern boundary of Kirkham Park near the southwestern boundary fence of the

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rugby league football field. There are a total of 5 trees which are located within the area to be acquired which will no doubt need to be removed. Screening trees will then need to be planted along the existing access road in front of the site to continue the avenue of existing trees.

The land will need to be reclassified from “Community” to “Operational Land” to enable Council to sell the land for use as a pumping station. Only an area of land 20 X 20 metres will be required together with a licence agreement for the temporary access. Any income derived from the sale of the land and access will be required to be spent within Kirkham Park.

Council is required to prepare a local environment plan to undertake the above reclassification.

The Department of Urban and Transport Planning has advised that Council can issue a Section 65 certificate, which enables the draft LEP to be placed on public exhibition, subject to the Best Practice Guideline 1997 being adhered to. The guidelines are applicable in cases where Councils undertake rezoning of land, which they own. Council is required to provide additional information during exhibition such as;

- Statement of Council’s interest
- Purpose of the draft LEP
- Anticipated development and
- Financial implications

Council is also required to hold a public hearing during the exhibition period.

(Cr Campbell informed Council that although she did not feel there was any conflict or pecuniary interest on her behalf in Items 6 & 7 she would leave the Chamber as this situation was at present under review by the Department of Local Government. Cr Campbell then left the Chamber at 6.14pm and did not take part in discussions or vote on these matters.)

Recommended: That Council resolve to:

- (i) Prepare a draft LEP for land located at the southern boundary of Kirkham Park to allow its reclassification from Community to Operational Land to accommodate a sewerage pumping station.
- (ii) Exhibit the draft LEP. Such exhibition is to incorporate the requirements detailed in the Best Practice Guideline 1997 issued by The Department of Urban and Transport Planning and to include a public hearing.

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(iii) Write to all users of Kirkham Park advising of the exhibition and public hearing.

(iv) That following the exhibition a report come back to Council.

Resolved Cr Corrigan, seconded Cr Winn That Council resolve to:

(i) *Prepare a draft LEP for land located at the southern boundary of Kirkham Park to allow its reclassification from Community to Operational Land to accommodate a sewerage pumping station.*

(ii) *Exhibit the draft LEP. Such exhibition is to incorporate the requirements detailed in the Best Practice Guideline 1997 issued by The Department of Urban and Transport Planning and to include a public hearing.*

(iii) *Write to all users of Kirkham Park advising of the exhibition and public hearing.*

(iv) *That following the exhibition a report come back to Council.*

DC065/03 THE MOTION WAS **CARRIED.**

**7. Elderslie Release Area Link Road draft Local
Environmental Plan No. 130**

(3345/18)

(Director Governance and Outcomes)

Purpose of Report

The purpose of this report is to advise Council of the recent exhibition of the subject draft plan and to proceed with the rezoning process.

Background

The purpose of the draft Local Environmental Plan (LEP) is to reclassify a portion of land situated on Kirkham Park from “community” to “operational” and to rezone the land to 5(d) Special Uses Proposed Local Roads Reservation. This will facilitate a Link Road through the Elderslie release area. This will ultimately connect Kirkham Lane with the Camden Bypass. Part of this road will pass through the northwestern section of Kirkham Park.

Discussion

The Draft Local Environmental Plan which forms **Tabled Document “DC 16”**, was placed on public exhibition for a 28 day period from 15 April to 13 May 2003. A Public Hearing was also conducted on Wednesday 7 May 2003 at the Camden Civic Centre. Letters advising of the exhibition and Public Hearing were forwarded to all Kirkham Park users.

No submissions were received.

Conclusion

It is recommended that Council proceed with the making of the Local Environmental Plan.

Recommended: That Council resolve to:

- (i) Forward Draft Local Environmental Plan No. 130 to the Minister accompanied by a request that the plan be made.
- (ii) Advise the users of Kirkham Park of Council’s decision.

Resolved Cr Corrigan seconded Cr Winn_That Council resolve to:

- (iii) Forward Draft Local Environmental Plan No. 130 to the Minister accompanied by a request that the plan be made.

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(iv) Advise the users of Kirkham Park of Council's decision.

DC 066/03 THE MOTION WAS **CARRIED.**

**(Cr Campbell returned to the Chamber the time being
6.15pm.)**

**8. Section 94 Plan No. 6 – Rehabilitation and
Management: Elderslie Sand Deposits**

(File 3424/2)(Director Governance and Outcomes)

Purpose of Report

This report describes the investigations and negotiations that have been carried out to identify the appropriate process for the completion of the repeal of Contribution Plan No 6 having regard to the consultations with the extractors and the consideration of probity issues.

Background

Council at its meeting held on the 16 December 2002 considered a report on the Section 94 Contribution Plan No. 6 and resolved in principle to the repeal of the Plan subject to satisfactory negotiations for the finalisation of the Plan in the context of the final Spring Farm Masterplan and agreement with the extractors. Council also identified the priority of uses for the remaining funds of the Contribution Plan and resolved that a further report is prepared for Council on the results of negotiations with the extractors for the finalisation of the Plan and use of the funds. A copy of the previous report to Council has been **circulated under separate cover to Councillors.**

Contributions Plan No. 6

The previous report to Council identified that due to the limited sand and soil resource available the extraction of the sand resource could be completed within 5 years. It also noted that the pressure for this area to be released for residential development also has impacted on the future of the Contribution Plan. The income from CP 6 was reliant on the collection of levies and income from interest on the funds to be accrued over 19 years. It is evident that the income to complete the schedule of works contained within the Contributions Plan will not be collected, hence Council's in principle resolution to repeal the Plan.

The process to repeal the Plan will require a public notice to be placed in a local newspaper advising of Council's intention to repeal the Plan and setting out the reasons for the repeal. After a minimum period of 14 days public exhibition, Council must publish in a local newspaper its decision to repeal the Plan.

Submission from Extractors

The submission from the Extractors has been the subject of further discussions and clarification. Advice from a probity auditor and an independent extractive industry expert was received regarding the offer for the purchase of the sand from within the Springs Road reserve. The conclusions and

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recommendations from the extractive industry expert's report is as follows:

“Conclusions and Recommendations can be simply summarised as follows:

- *The offer put forward by the consortium of local quarry operators and landowners is considered fair and reasonable to both parties;*
- *There is no apparent benefit to be derived from calling for alternative offers from outside tenderers;*
- *Any decision to do so will only hold up the preparation and lodgment of a development application for sand extraction and movement;*
- *Such application should be made as soon as possible so as not to jeopardise the operational, commercial and (possible) environmental viability of the current offer.”*

The probity expert has reviewed this advice and concluded; *“Based on the report from a recognised extractive industry expert, as Probity Auditor I concur with the advice, conclusions and recommendations contained therein.”*

A copy of the advice from the probity auditor and advice from the extractive industry expert has also been **circulated under separate cover to Councillors.**

The statutory process for this work was originally identified as not requiring development consent but requiring a statement of environmental effects. Recent consultation with the Department of Urban and Transport Planning has confirmed their previous advice that “Council may wish to consider the reconstruction of Springs Road as a Part 5 activity under the Environmental Planning and Assessment Act and any associated activities as ancillary to the road reconstruction” continues to apply. A Part 5 activity is work that does not require development consent. The preparation of a statement of environmental effects is required to ensure all of the environmental issues are addressed and taken into account in carrying out the work.

Use of Contribution Plan No 6 Funds

Council, when it previously considered this matter, identified the following priorities for the use of remaining funds:

- (i) Costs associated to re-design Springs Road.
- (ii) Reconstruction costs incurred to rebuild Springs Road to an equivalent standard.
- (iii) Construction costs involved to form access roads and temporary road diversions for staged completion of Springs Road.
- (iv) Costs incurred to relocate existing water, telephone and electricity on the new Springs Road alignment.

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- (v) Land purchases for open space, conservation and bush corridors, playing fields and ovals within the Elderslie Land Management Area.
- (vi) Costs incurred to design, rehabilitate and construct open space, conservation and bush corridors, playing fields and ovals within the Elderslie Sand and Soil: Land Management Study.
- (vii) Costs incurred to revegetate and landscape areas for land within the Elderslie Sand and Soil: Land Management Study not covered by existing conditions of consent.

A review of the uses for the remaining funds from CP 6 has confirmed (i) to (iv) above as a high priority and should be commenced as soon as possible. Quotations will be called to prepare the documentation required for the work to be carried out. With regard to the sand, as advised by the extractive industry expert *“the option of inviting ‘outside’ contractors and/or quarry operators to extract and/or process the sand can be logically ruled out due to a range of factors”*. Upon the completion of the documentation for the lowering of the road, construction of temporary diversion road, relocation of services and reconstruction of Springs Road tenders could be called for this work.

The use of the remaining funds from CP 6 will need to be reviewed once the costs to carry out the work for Springs Road have been determined.

Conclusion

The advice received from the Probity Auditor and an independent extractive industry expert has identified that the offer from the Extractors for the sand to be removed in the lowering of Springs Road is considered fair and reasonable to both Council and the extractors and that there is no apparent benefit to be derived by Council from calling for alternative offers from outside tenderers. Section 55 of the Local Government Act 1993 provides Council where because of extenuating circumstances or the unavailability of competitive or reliable tenderers Council can decide by resolution that a satisfactory result would not be achieved by inviting tenders.

The extractive industry expert has also indicated that the necessary documentation for this work to be carried out should be commenced as soon as possible so as not to jeopardise the operational, commercial and (possible) environmental viability of the current offer.

The documentation to proceed with the lowering, construction of temporary road, relocation of services and the reconstruction of Springs Road including the statement of environmental effects should commence immediately. On the completion of this documentation an understanding of the costs for this work

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will be required to assist in the determination of the use of the remaining CP 6 funds.

The use of the remaining funds from CP 6 will need to be reviewed after all the costs to carry out this work are identified.

Contribution Plan No 6 should now be repealed and the use of the remaining funds be the subject of further reports to Council.

Recommended: That:

- (i) Having regard to the advice from the independent Extractive Industry Consultant and Council's Probity Auditor, Council not call tenders for the sale of sand from the lowering of Springs Road.
- (ii) Council accept the offer of \$200,000 from Nepean Quarries Pty Ltd And M. Collins & Sons (Contractors) Pty Ltd to purchase the sand located within the Springs Road Reserve between Springs Creek and the entrance to Camden Zone Substation subject to the following conditions:
 - (a) Preparatory works to provide access to the sand are carried out by others;
 - (b) The extraction is carried out in conjunction with the lowering of the road;
 - (c) Sand removed from the Road Reserve and associated batters can be stockpiled, processed and sold from currently approved sites in accordance with existing conditions of consent for a period of five years from commencement of work;
 - (d) The extraction is completed to create a final landform in accordance with the masterplan submitted to the Extractors by Lean and Hayward.
- (iii) Council repeal Contribution Plan No. 6 Rehabilitation and Management: Elderslie Sand and Soil Deposits.
- (iv) Council advertise the Repeal of the Contribution Plan in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
- (v) Council review the use of the remaining funds from CP No 6 upon the determination of the costs to prepare the design and necessary approval documents for the lowering, extraction of sand, design and construction of temporary road diversions, relocation of services and reconstruction of the road.

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- (vi) Council authorise the preparation of the documentation to:
- (a) re-design Springs Road and prepare the statement of environmental effect of the proposed work;
 - (b) prepare the site for the extraction of the sand;
 - (c) the construction of the temporary diversion road or roads;
 - (d) the relocation of services; and
 - (e) the construction of the road.
- (vii) Council affix its common seal to the appropriate documentation in relation to this matter.

Resolved Cr Corrigan, seconded Cr Patterson that further consideration of this report be deferred to the next Council Meeting subject to the provision of answers being supplied to Cr. Batros's questions.

DC 067/03 THE MOTION WAS **CARRIED.**

The Meeting closed at 6.23pm.