

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

ORDER OF BUSINESS – DEVELOPMENT COMMITTEE

APOLOGIES.....	2
DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST.....	2
DEVELOPMENT COMMITTEE AND RESOURCES & SERVICES COMMITTEE PUBLIC ADDRESSES	2
1. Notification of Development Applications Over the Christmas Period	4
2. Proposed Addition to an Existing Dwelling at No 1 (Lot 69 DP 24039) Macquarie Avenue, Camden	6
3. Three Lot Residential Subdivision (Two Additional Lots), No 24 (Lot 640, DP 224250) Araluen Place, Camden South.....	12
4. Three Applications for Two Lot Subdivisions (Excision of Existing Houses) SEPP 1 Applications, Nos 125, 141 & 147 Lodges Road, Elderslie	23
5. Unauthorised Building Works at No 53 [Lot 69 DP 230494] Engesta Avenue, Camden	31
6. State Heritage Listings.....	34

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

Present: Cr Patterson (Deputy Mayor/Chairman), Cr Corrigan, Cr Campbell (arrived at 5.50pm), Cr Winn, Cr Fekete, Cr McFadden.

Staff: Acting General Manager (Director Development & Environment), Director Works & Services, Director Governance & Outcomes, Acting Director Development & Environment (Manager Development), Manager Environment & Health, Manager Outcomes, Manager Corporate Services, Administration Officer.

APOLOGIES

An apology was received from Cr Senise, Cr Batros, Cr Anderson, and the General Manager from this meeting.

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

DC096/03 THE MOTION WAS **CARRIED.**

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

Cr Campbell under legal advice declared a Pecuniary Interest in Item 4 – Lodges Rd, Elderslie Subdivision application.

DEVELOPMENT COMMITTEE AND RESOURCES & SERVICES COMMITTEE PUBLIC ADDRESSES

Peter Ryan addressed the Council in relation to Item 6 of the Resources & Services Committee

Moved Cr Winn, seconded Cr Corrigan that an extension of two minutes be granted.

DC097/03 THE MOTION WAS **CARRIED.**

Stephen Tiffett addressed the Council in relation to Item 3 of the Development Committee.

Moved Cr Winn, seconded Cr McFadden that an extension of two minutes be granted.

DC098/03 THE MOTION WAS **CARRIED.**

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

Michael Haynes addressed the Council in relation to Item 5 of the Development Committee.

Ross Newport addressed the Council in relation to Item 5 of the Development Committee.

Moved Cr Winn, seconded Cr Corrigan that an extension of two minutes be granted.

DC099/03 THE MOTION WAS **CARRIED.**

Warren Eggins addressed the Council in relation to Item 3 Development Committee.

Moved Cr Winn, seconded Cr Corrigan that an extension of two minutes be granted.

DC100/03 THE MOTION WAS **CARRIED.**

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

1. Notification of Development Applications Over the Christmas Period

(File No 3888/1) (Director, Development & Environment Division)

Purpose of Report

The purpose of the report is to suspend notification of Development Applications for a four-week period over the Christmas/New Year holiday period.

Consideration

Development Control Plan No 116 – Notification, Advertisements and Mediation stipulates the types of Development Applications which require notification, the form in which that notification is to take place and the exhibition period for the range of applications received.

The majority of development applications received are notified for fourteen (14) days and these days are taken into account when assessing whether Council has met its statutory obligation of determining all applications within forty (40) days of receipt.

Council has suspended notification of applications for a four-week period over the Christmas/New Year holiday period for the past few years and this was found to be acceptable to both residents and applicants.

It is suggested that Council again ensure being away from home and not receiving notification of applications over the holiday period does not prejudice its residents. In this regard, it is appropriate that the final date for newspaper and neighbour notifications be December 10, 2003 and that the period of exhibition for those applications notified on that day be extended until January 5, 2004. Notification of applications would recommence on January 5, 2004 with the first newspaper notice on January 7, 2004. For applications advertised during the week of January 5-9, 2004, a period of twenty-one (21) days in lieu of the usual fourteen (14) days could be allowed to address the likely absence of affected parties during the holiday period.

Recommended: That:

- (i) Council suspend notification of development applications from December 10, 2003 until January 5, 2004; and
- (ii) Council allows a twenty-eight (28) day exhibition period for those applications notified on December 10, 2003

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

and twenty-one (21) day period for those applications notified from January 5-9, 2004.

- (iii) This procedure be adopted as a policy of Council for all future Christmas periods.

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

- (i) *Council suspend notification of development applications from December 10, 2003 until January 5, 2004; and*
- (ii) *Council allows a twenty-eight (28) day exhibition period for those applications notified on December 10, 2003 and twenty-one (21) day period for those applications notified from January 5-9, 2004.*
- (iii) *This procedure be adopted as a policy of Council for all future Christmas periods.*

DC101/03 THE MOTION WAS **CARRIED.**

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

2. Proposed Addition to an Existing Dwelling at No 1 (Lot 69 DP 24039) Macquarie Avenue, Camden

File No: DA5100.10 (Director, Development & Environment Division)
DA No: 1111/2003
Owner: EA & SL Leighton
Zoning: Residential 2(a) pursuant to Camden LEP 46

Purpose of Report

To enable Council to make a determination on an application for additions to a dwelling on a site affected by flooding from the Nepean River.

Summary of Recommendation

That the application be approved subject to appropriate conditions of consent.

The Site

The property is located at the northern end of Macquarie Avenue and is situated on the western side of the street. The site is approximately 1557m² in area and slopes down from the road to the rear of the land. A copy of the locality plan forms **Tabled Document “DC 1”**.

A single storey brick veneer dwelling currently occupies the site. Macquarie Avenue consists predominantly of residential development with the properties adjoining the southern and western boundaries of the site containing similar dwellings. A laneway along the northern boundary separates the property from rural land to the north.

The rear north-western portion of the land is affected by the 1% AEP flood event, located at RL 72.0m 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.

The Proposal

The applicant proposes to convert an existing garage to a rumpus room and construct a new addition to the rear of the dwelling consisting of a study, a deck and a master bedroom with en-suite and walk in wardrobe. A copy of the plans form **Tabled Document “DC 2”**.

An inspection of the site has established that, following conversion of the garage to a habitable room and removal of the

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

existing carport, adequate provision remains for the parking of two vehicles behind the building line.

The north-western corner of the existing dwelling, the deck and a portion of the master bedroom are affected by the 1% flood line. To meet the requirements of the Upper Nepean River Floodplain Management Study and Plan the habitable floor areas will be located a minimum 600mm above the 1% flood level. The provisions for evacuation and the flood compatible construction of the addition are discussed further in this report.

The proposed addition does not require the removal of any trees.

Notification

In accordance with the guidelines of Council's Development Control Plan 116 'Notification, Advertisements and Mediation' notification was not required

Planning Controls

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

- Camden 2025
- Camden Local Environmental Plan No 46
- Sydney Regional Environmental Plan 20 – Hawkesbury–Nepean River
- Residential Development Control Plan No 58
- Upper Nepean River Floodplain Management Study and Plan
- Draft Flood Risk Management Policy

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 planning instrument, development control plan or matter prescribed by the regulations**

Camden Strategic Plan – 2025

The proposed development is consistent with the traditional and social characteristics of the locality. The

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

proposal complies with the objectives for the planned and orderly growth of Camden.

Camden Local Environmental Plan No 46

The land is zoned Residential 2(a) under Camden Local Environmental Plan No 46 (LEP 46). The development meets the aim of the LEP, which seeks to 'promote development suitable to particular localities' and also takes into consideration the traditional, urban character of the locality. The proposed development is permissible in the zone and meets the objectives of the LEP.

Clause 21 in the LEP, which refers to flood prone land, states that Council may refuse an application to carry out any development that is subject to flooding if in the opinion it will:

- affect the flood level at any point above or below the development;
- increase, to a substantial degree, the flow of water on any adjoining flood liable lands;
- cause soil erosion, siltation or destruction of river bank vegetation;
- affect the water table of any adjoining land; or
- adversely affect riverbank stability.

Clause 21 is discussed further in this report under the heading Upper Nepean River Floodplain Management Study and Plan.

Upper Nepean River Floodplain Management Study and Plan

The site is affected by the 1% AEP flood event located at RL 72.0m AHD and is categorised in accordance with the Upper Nepean River Floodplain Management Study and Plan as Low Hazard - Flood Fringe (see **Tabled Document "DC 3"**). The 1% flood line traverses the land from the northern boundary, midway through the site to the south western corner, affecting a portion of the existing dwelling, the proposed deck and the master bedroom.

The floor level of the proposed addition steps down from the existing floor level of the dwelling, which is RL72.93m AHD, to match with the laundry floor level located at RL72.81m AHD. The floor level of the converted garage (rumpus room) would be raised to be consistent with the floor level of the existing dwelling. Overall, the flood affected section of the development

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

achieves a minimum clearance of 810mm above the 1% AEP.

Assessment of the site suggests that during a 1% flood event the dwelling may be affected by floodwaters to a depth of approximately 300mm. However, the velocity of the floodwater is negligible.

With consideration to the depth of inundation, flow velocity impacts and evacuation provisions, the plan indicates that the dwelling does not warrant inclusion of the property in any possible acquisition or house-raising scheme.

The proposed addition to the rear of the dwelling is not anticipated to increase or detrimentally affect the current safe level of access or evacuation from the site, nor is it likely to create an additional burden on emergency services.

The applicant has engaged a Structural Engineer to certify that the existing house and the design of the new building work is capable of withstanding the impact of floodwater, debris and buoyancy.

Draft Flood Risk Management Policy

Consideration of the Draft Flood Risk Management Policy has determined that the proposal can be carried out in a reasonable and responsible manner. In accordance with the criteria of the policy, the development is considered to be compatible with the indicated flood hazard of the land and minimises financial and personal risk to the community.

Sydney Regional Environmental Plan No 20

The provisions of Sydney Regional Environmental Plan No 20 (SREP 20) apply to the property as it falls within the Hawkesbury-Nepean River Catchment. The SREP provides an overall direction for the protection of the environment of the river. Sediment and erosion control measures shall be implemented during construction to minimise erosion and soil loss from the site.

Development Control Plan No 58

The design of the proposal blends with the character of the locality and complies with the development criteria of the residential Development Control Plan No.58 [ie height, setbacks, vehicle accommodation etc].

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

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

The proposed development is consistent with the residential zoning and amenity of the locality. Conditions shall be imposed on the consent to reduce site disturbance and minimise the potential for impact on the local environment.

(c) The suitability of the site for the development

In view of the level of flood affectation, the management plan adopted by Council suggests that the risk to occupants is minimal and does not warrant inclusion of the property in any acquisition or house-raising program. The site is fully serviced (i.e. water, electricity, sewer and phone) and is in close proximity to the Camden town centre. Similar development can be found in the general area.

Conclusion

The adequacy of the submission rests with its ability to satisfactorily demonstrate compliance with the objectives of the Upper Nepean River Floodplain Management Study and Plan.

The proposed addition complies with the criteria of the Floodplain Management Plan, in particular, safe evacuation and habitable floor levels a minimum 600mm above the flood level. The proposal also demonstrates compatibility with the flooding characteristics of the locality and has been certified by a Structural Engineer to be able to withstand the impact of floodwater, debris and buoyancy.

Consideration of the application has established that the development can be carried out in a structurally sound manner and not increase the flood hazard or risk to the occupants or adjoining properties.

Recommended: That Development Application 1111/2003 for a proposed addition and alterations to an existing dwelling at No 1 (Lot 69 DP 24039) Macquarie Avenue, Camden be approved subject to the conditions which form **Tabled Document “DC 4”**.

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

*Resolved on the Motion of Cr McFadden, seconded Cr Campbell that Development Application 1111/2003 for a proposed addition and alterations to an existing dwelling at No 1 (Lot 69 DP 24039) Macquarie Avenue, Camden be approved subject to the conditions which form **Tabled Document "DC 4"**.*

DC102/03 THE MOTION WAS CARRIED.

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

3. Three Lot Residential Subdivision (Two Additional Lots), No 24 (Lot 640, DP 224250) Araluen Place, Camden South

File No: DA325.210-2 (Director, Development & Environment Division)
DA No: DAS 22/2003
Applicant: S N Triffett & Associates
Owner: A R A Moushigian
Zoning: Residential "A" & Rural "A" (40ha) Zone – CLEP 46

Purpose of Report

Council is in receipt of an application to create two additional lots from the subject site. This report addresses the application in accordance with relevant statutes and Council policies.

The application is referred to Council for consideration as it is recommended that the application be refused. The refusal is necessary as the proposed development fails to justify a State Environmental Planning Policy (SEPP) 1 objection and also the issue of flooding and the effect of this on the access to the proposed subdivision is not able to be addressed. All lots within Araluen Place are affected by their road access being cut off by the Probable Maximum Flood (PMF) and are also affected in a 1% AEP storm event flood at the intersection of Araluen Place and Elizabeth Macarthur Avenue (refer to **Tabled Document "DC 5"**).

Summary of Recommendation

It is recommended that Council refuse Development Application 22/2003 to subdivide Lot 640 DP224250, into three lots.

Background

The original subdivision, which resulted in the creation of Araluen Place, was registered in 1960 (lot 35 DP31361) with an area of approximately 0.527ha.

Lot 35 was subsequently consolidated in 1965 with the addition of land that fronted the Nepean River, which created the current Lot 640 DP224250 with the new area of 3.862ha. Another 5 re-subdivisions were approved in the 60's in Araluen Place, which created smaller lots ranging in area approximately from 1000m² to 2500m².

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

The Proposal

The subject site has an area of 3.862ha and it is proposed to create 3 lots having areas of 3.499ha, 1413m² and 2215m². The larger lot is within a Rural 1(a) zone and the two smaller lots are within a Residential 2(a) zone. Access to the 3 lots is proposed from a 6m wide right of way, which incorporates the existing 4m wide bitumen driveway with concrete edging.

The Site

The site is situated at the end of Araluen Place with the lot having a road frontage of 20.12m. The majority of the site is flood affected by the 1% AEP storm event flood level (refer to **Tabled Document “DC 5”**). The whole site is affected in the PMF storm event.

The current house, approved in 1973, is located on a mound that is above the 1% AEP storm event flood level. Council formally developed its flood policy in 1978, which was re-evaluated in 1995 utilising more accurate data.

The two new proposed lots slope away from Araluen Place from RL 74.5m to RL 69-70m AHD at the lowest part of their rear boundary. The 1% AEP flood level on these lots is RL 72.6m AHD. The PMF level at this location is approximately RL 76.3m AHD, which is 1.8m above the highest part of the site.

As the area proposed to be subdivided is currently the entrance to the existing house there has been extensive landscaping along the driveway at the street frontage. Two significant large eucalyptus (Grey Box) dominate the proposed new lots (refer to **Tabled Document “DC 6”**). These trees would require reduction (trimming of their crowns) to make them appropriate for a residential backyard.

Notification

The application was advertised in accordance with Council’s Policy and at the close of the notification period three submissions were received. Also a petition was received, which was reported to Council on 28 July 2003. **Copies of the submissions were provided separately for the information of Councillors.** The objections are summarised later in this report.

Planning Controls

The following plans and policies have been considered in the assessment of this application.

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

- SREP 20 Hawkesbury-Nepean River System
- Camden LEP 46
- SEPP No.1 – Development Standards
- DCP 58 - Residential Development Control Plan
- Draft Camden Scenic and Cultural Landscape Plan
- Camden 2025
- Floodplain Management Manual: the management of flood liable land January 2001

Assessment

Section 79C Consideration

(a) The Provision of Any Environmental Planning Instrument

Sydney Regional Environmental Plan No 20

The land is affected by Sydney Regional Environmental Plan No 20 (No 2 – 1997) which states that Council shall not grant consent to an 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 of 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 environmental heritage of the river valley;
- (g) the scenic quality of the river and river valley;
- (h) whether the proposed development will be capable of connection to a Sydney Water Corporation or Council sewerage system, either now or in the future.

The impact of the proposed development on the river system in respect of SREP 20 has been considered and on its own, is able to be managed.

Camden Local Environmental Plan No 46

The subject land is principally zoned Rural “A” (40ha) and the area fronting Araluen Place is zoned Residential “A” (the zoning boundary is just past the proposed rear boundary of the 2 smaller lots - refer to **Tabled Document “DC 6”**). Within the Rural “A” zoning of LEP 46, a minimum subdivision area of 40ha is specified. A SEPP 1 objection has been lodged seeking a variation to

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

this minimum area planning standard in a Rural "A" zone (refer to **Tabled Document "DC 7"**).

The relevant rural zone objectives are as follows:

- "(b) to discourage fragmentation of landholdings into areas which are inadequate to support viable commercial agricultural practices;
- (f) to ensure that the development does not detract from the existing rural character or create unreasonable or uneconomic demands for the provision or extension of public amenities and services."

The other two lots in the Residential "A" zone are a permitted use.

The relevant residential zone objective is as follows:

"The objective of this zone is to set aside sufficient land for detached housing within suitable living areas of the Camden local government area."

The proposal is not located within suitable living areas of Camden, given the extent of flood affectation in both the 1% AEP and PMF storm events. The latter is considered further in this report. The subdivision would create additional resource demand for the provision of services provided by the State Emergency Service (SES).

SEPP No 1 – Development Standards

Where the consent authority is satisfied that a SEPP 1 objection is well founded and is of the opinion that granting the consent is consistent with the objectives of the LEP, it may, with the concurrence of the Director-General of Planning, grant consent to the development.

The applicant has argued in his submission that variation of the development standard is justified (refer to **Tabled Document "DC 7"**). However, the proposal is considered to be inconsistent with the objectives of the zoning and it is considered the SEPP 1 objection has not been adequately justified.

Development Control Plan No 58 - Residential
Development Control Plan

The objectives of DCP 58:

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

- "To maintain and enhance the features that create local character and sense of place.
- To achieve a high quality of development, sited in appropriate locations.
- To achieve development that is sustainable in terms of efficient use of land, resources and community facilities, maintenance of adequate services and facilities and development that reflects land capability and other constraints."

The third objective has not been met. In a PMF event, 1.8m of water is expected over the highest part of the site. Section 1.9.1 of the NSW Floodplain Management Manual (FMM) states: "*water depths generally in excess of 0.3m...may result in danger to personal safety and damage to property*". The proposed development is not sustainable with respect to the use of SES resources. The development does not reflect the current constraints on the site presented by possible flooding regimes.

Camden 2025

The application is considered to be inconsistent with the Camden 2025 Strategic Plan to the extent that appropriate service infrastructure, by way of safe egress routes in flooding scenarios has not been provided.

Draft Camden Cultural and Scenic Landscape Study

The Draft Camden and Scenic Landscape Study does not identify the subject site as having any specific cultural or scenic significance.

(b) Likely Impact on Both Natural and Built Environment

Overall Impacts

There would be minor impacts on the natural and built environment should the development proceed.

Landscape and Scenic Quality

The two significant Grey Box will be required to undergo reduction to their crowns to make them suitable for retention adjacent to the proposed houses.

Suitability of the Site for the Development

In consideration of the 1% AEP storm event, an area is available that is free of the 1% AEP storm event flood to

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

erect a dwelling on each lot (refer to **Tabled Document “DC 6”**). The two new lots are proposed to have their vehicular access off the existing driveway that will still service the dwelling on the rural residential lot. This access arrangement provides no change to the turning head of Araluen Place.

In consideration of egress from the site and evacuation during a PMF storm event, the site is not suitable for the proposed development. The new lots together with the existing 19 homes do not have any vehicular access in a PMF storm event (refer to **Tabled Document “DC 5”**). This is discussed further below.

The NSW Government's 'Floodplain Management Manual: the management of flood liable land January 2001 (FMM)

The FMM requires the economic and social consequences of all events up to and including the PMF to be considered when assessing flood hazards. Further, the consequences of such events on the ability of emergency services to function needs to be considered.

The manual describes 'Effective Flood Access' as *"... an exit route that remains trafficable for sufficient time to evacuate people and possessions, or any other appropriate boat or air based means of evacuation"*.

In a PMF storm event, the site which contains the proposed lots will be totally isolated at the intersection of Araluen Place and Elizabeth Macarthur Drive by flood water. This flood water is expected to be approximately 4.3m deep and travelling at approximately 1.2m/s. Such conditions will not provide for effective flood access for any emergency services.

Even in a 1% AEP storm event, the flood levels will be approximately RL 72.6m AHD, and between 600-800mm travelling at 0.8m/s.

Access routes need to offer a level of flood protection that, in combination with effective warning time, development type and flood duration, provide adequate time for evacuation reducing risk to acceptable levels. Without such access, the risk to personal safety of the entrapped and their rescuers may be unacceptable. Such access is not available for this site.

Section 1.6 of the FMM sets an aim of floodplain management as being *"reducing the social and financial*

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

cost resulting from the risks of occupying the floodplain".
By proposing to place additional people and assets in the floodplain, this proposal does not achieve this aim.

Council is currently preparing a draft Flood Risk Management Policy based on the FMM. Section 2.3 – Reliable Safe Flood Access, of the draft policy states:

"Every development application on flood prone land, within the PMF, must demonstrate that effective warning time and reliable safe flood access for the evacuation of people to a communal refuge is available in the event of a flood event."

It is considered this requirement cannot be met on this site and that an additional two lots within Araluen Place will add significant further burden on the local emergency services. During the PMF storm event, no reliable evacuation from the street could be effected if required.

The FMM also requires the cumulative affect of developing in flood prone areas to be taken into account by determining authorities. The consideration of approving two additional lots needs to include the effect of approving other similar developments in the Local Government Area, which are located on flood prone land. Such a consideration leads to the conclusion that the associated cumulative risk is too great.

(d) Submissions Received Following Notification

The development application was advertised for a period of 14 days from 3 June 2003 to 16 June 2003. Three submissions were received in respect of the development proposal. The following provides a summary and commentary of issues raised in the submissions. In addition, a petition was received which objects to the proposal. The petition (29 signatories) raises similar concerns to those made in the submissions.

General loss of ambience, privacy and overshadowing.

Comment: This is not considered significant and would be a matter for consideration in a development application to erect a dwelling house should the subdivision be approved.

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

Danger to indigenous trees

Comment: Pruning existing trees would be necessary to allow the erection of a dwelling on the land to which the application relates.

Small area for building will necessitate a 2 storey house - out of keeping with existing development.

Comment: Council's policy DCP 58 allows 2 storey dwellings in this area.

Shared driveway for 3 residences, lead to access problems during possible flood/fire emergencies.

Comment: Emergency vehicles will not be able to drive into Araluen Place during a PMF storm event. The risk associated with this will be exacerbated by the proposed three lot subdivision.

Increased traffic movements and noise in tight cul-de-sac, also guest parking and narrow street make difficult access for emergencies.

Comment: The cul-de-sac has a reservation width of 20m and a carriageway width of 8m, which allows cars to park opposite each other and have a 3m wide travelling lane in the middle, suitable for emergency vehicles. The road widths would not be altered as a result of the proposed subdivision.

Low water pressure will become a greater problem especially in emergency fire situations.

Comment: Sydney Water has been contacted and their records show there is no evidence of water pressure problems in this area. The servicing of two additional lots is not considered to be problematic and service availability and suitability would need to be considered as part of Sydney Water's assessment should Council consent to the subdivision.

The 1:100 flood line cuts off the only access to Araluen Place.

Comment: The applicant was requested to provide more accurate levels at the intersection of Elizabeth Macarthur Avenue and Araluen Place to allow a detailed assessment of the flood impact on the residents of Araluen Place. From Council's plans, the 1% AEP storm event flood level would inundate the intersection to a

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

depth of approximately 600 to 800 mm, with the water travelling at 0.8 m/s.

During a PMF storm event, the water level will be approximately RL 76.3m AHD, with water depths exceeding 4.3m, with storm water velocity at approximately 1.2 m/s at the intersection of Araluen Place and Elizabeth Macarthur Avenue.

Existing use rights ie in keeping thoroughbred horses without having an unsympathetic neighbour with an aggressive barking dog.

Comment: This issue is not able to be considered for a subdivision assessment.

Garbage collection from new houses on the cul-de-sac head.

Comment: Some bins would need to be placed in front of other adjacent properties on Council's road verge if the application were to be approved.

(e) The Public Interest

As a result of the hazards associated with flooding, the proposal is generally not in the public interest. Both proposed lots are extensively flood affected in a PMF storm event. Emergency services would be further burdened by the approval of the development proposal.

The FMM requires the cumulative effects of development in flood prone areas to be considered. Individually, sites may have little effect on flooding or be only slightly affected by flooding. This site is significantly affected. The cumulative effect of these increases in risk across the LGA need to be assessed. Section F10.2, Appendix F of the FMM gives an example of the cumulative effect: *“increase over time in the at-risk population living and working on flood prone land and their impacts on emergency management resources or the capacity of evacuation routes”*.

Further, section 2.5.1 of the Manual states: *“In assessing the impact of proposed developments on flooding behaviour elsewhere, it is incorrect to consider the impacts of individual developments on an ad hoc basis. Their effects should be considered on a cumulative basis...this includes...the number of people who may require evacuation, particularly in rare flood events”*

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

On this criteria, the public interest is not being served by approving this development.

Conclusion

The proposed development, without the issue of flooding and lots size, has some merit. The submitted SEPP 1 objection cannot be accepted as providing sufficient justification for the proposed variation of the minimum lot area of 40ha planning standard within LEP 46.

The impact of the PMF storm event on Araluen Place is very significant. On balance, refusal of the application is warranted. The potential social impacts of approving the development are considered too great.

In accordance with the above report, it is recommended that Council refuse the application.

Recommended: That:

- (i) Development Application No DAS22/2003 to subdivide No 24 (Lot 640 DP 224250) Araluen Place, Camden South into two residential lots and one rural residential lot be refused. The basis for refusal is that::
 - a) the proposed subdivision does not have a safe flood free access out of Araluen Place;
 - b) any additional dwellings within Araluen Place will be a further burden to all emergency services in times of flood.
- (ii) Those who made a submission be advised of Council's determination of the application.

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

- (i) *Development Application No DAS22/2003 to subdivide No 24 (Lot 640 DP 224250) Araluen Place, Camden South into two residential lots and one rural residential lot be refused. The basis for refusal is that::*
 - a) the proposed subdivision does not have a safe flood free access out of Araluen Place;*
 - b) any additional dwellings within Araluen Place will be a further burden to all emergency services in times of flood.*

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

- (ii) *Those who made a submission be advised of Council's determination of the application.*

DC103/03 THE MOTION WAS CARRIED.

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

(Cr Campbell having previously declared a Pecuniary Interest in Item 4 took no part in discussions or voting on this matter and left the Chamber – the time being 6.15pm).

4. Three Applications for Two Lot Subdivisions (Excision of Existing Houses) SEPP 1 Applications, Nos 125, 141 & 147 Lodges Road, Elderslie

File Nos: DA4950.235, DA4950.260, DA4950.270
(Director, Development & Environment Division)
DA Nos: 66/2002, 910/2003, 955/2003
Applicants: McKinlay Morgan & Associates Pty Ltd (No 125);
Proust & Gardner Consulting Pty Ltd (No.s 141 & 147)
Owners: Mrs H M Grugeon (No. 125), Lodges Road (Lot 42 DP 1028061)
Mr & Mrs J & H Powell (No. 141), Lodges Road (Lot 2 DP 227489)
Mr & Mrs D & D Percival (No. 147) Lodges Road (Lot 1 DP 227489)
Zone: 1(a) Rural "A"

Reason for Report

The proposals are to create two lot subdivisions for the purpose of excising an existing dwelling from each property. The proposal is not in accordance with the provisions of LEP 46, in that the lots to be created are less than the minimum lot size, ie 40ha. The applications are accompanied by State Environmental Planning Policy No 1 (SEPP 1) objections, which requires the support of Council prior to the applications being submitted to the Department of Infrastructure, Planning and Natural Resources (DIPNR) for the concurrence of the Director-General.

Summary of Recommendation

The applications are recommended to be referred to DIPNR for concurrence and if this is granted, for consent.

Background

Council resolved on 27 May 2002 in regard to the Elderslie Release Area that:

- (i) *Council advise Planning NSW that Council considers the amended Draft Local Environmental Plan which forms Tabled Document "BPA7" is capable of adoption by Council, however, Council will not adopt the plan until*

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

such time as a meaningful commitment to public transport and accessibility is obtained from the State Government.

- (ii) Council endorse the principles and amendments to the Draft Development Control Plan and Masterplan as outlined in the report and amend the documents accordingly. Further, upon amendment the Draft Development Control Plan and Masterplan be resubmitted to Council for adoption.*
- (iii) Consideration of the connection of the Elderslie Release area to Bicentennial Estate be deferred for further consultation with Sirius Circuit residents.*
- (iv) Council resolve to prepare a Draft LEP for the corner of Kirkham Park to allow a change of use from Community Land to Operational Land to facilitate the provision of the Link Road.*
- (v) Council further investigate options for the future use of Lot 3 DP 859872 Lodges Road (land in Council ownership adjacent to the Golf Club).*
- (vi) Council not hold a public meeting to further debate the issues relating to the Elderslie Release Area. But a further information session will be held, if required.*

Council further resolved on 13 October 2003 that:

- (i) Council adopt the amended Draft LEP 117 Elderslie Release Area, (subject to technical and legal drafting amendments required by Parliamentary Counsel) amended Draft DCP 124 Elderslie Release Area and place on public exhibition for a period of 28 Days in accordance with Section 66 of the Environmental Planning and Assessment Act 1979.*
- (ii) Council exhibit the Interim Land Release Contribution Policy and the MOU for the implementation of the Contribution Policy for the Elderslie and Spring Farm areas in conjunction with the public exhibition of the amended Draft LEP 117 Elderslie Release Area and amended Draft DCP 124 Elderslie Release Area.*
- (iii) That a report be prepared and referred to Council upon the completion of the exhibition process for DLEP 117 and DDCP 124.*
- (iv) Council request the State Government to indemnify it in the event of any challenge being made to the provisions of the LEP relating to the Transport Levy.*

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

Proposals

Council is in receipt of three development applications within the Elderslie Infill Release Area to excise existing dwellings from large lots suitable for future urban development. In each case a SEPP 1 objection has been received to achieve the necessary variation to the LEP 46 minimum lot area standard. As each application has the same purpose they have been combined within the one Council report.

No 1 - 125 Lodges Road (Lot 42 DP 1028061)

It is proposed to excise a 4497m² parcel of land, which will include the existing dwelling, from an existing 4.1087ha lot.

No 2 - 141 Lodges Road (Lot 2 DP 227489)

It is proposed to excise a 1810m² parcel of land, which will include the existing dwelling, from an existing 2.833ha lot.

No 3 - 147 Lodges Road (Lot 1 DP 227489)

It is proposed to excise a 4488m² parcel of land, which will include the existing dwelling, from an existing 2.472ha lot.

These subdivisions are proposed to enable the owners of each property to remain living in their houses, which has been an undertaking given to the residents in this release area by Council, allowing them to sell the remainder of their properties to a developer for residential development. The identified excised lot areas may vary to a minor amount due to possible minor adjustments to the draft DCP 124 - Elderslie Infill Release Area, which is currently on public exhibition.

Subject Sites

No 1 - 125 Lodges Road (Lot 42 DP 1028061)

This site is located on the south-eastern side of Lodges Road on a rise that has been identified as the area's future village centre to the north-west of the house. The land is the subject of draft LEP 117 that is intended to zone the land for residential purposes. A location plan forms **Tabled Document "DC 8"** and the proposed subdivision forms **Tabled Document "DC 9"**.

The current lot has a 100.71m frontage to Lodges Road, while the proposed excised lot will have a frontage of 61.4m and depth of 73.25m. A number of old sheds remain on the larger parcel, which may be, with a variation to the excised lot, be

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

included with the existing house or demolished if they are not of any use to the dwelling.

Council's heritage adviser has indicated that the dwelling does not have any heritage value as the house was considerably renovated some years ago.

No 2 - 141 Lodges Road (Lot 2 DP 227489)

This site is located on the same side as No 1, but further towards Hilder Street. The land is also the subject of draft LEP 117 that is intended to zone the land for residential purposes. A location plan forms **Tabled Document "DC 8"** and the proposed subdivision forms **Tabled Document "DC 10"**.

The current lot has a 69.86m frontage to Lodges Road. The excised lot is proposed to have new roads on either side, resulting in a road frontage of 49.86m plus road splays.

Council's heritage adviser has identified the dwelling as having heritage value. A larger curtilage was also identified to ensure that the dwelling can be used by the current owners as a residence or have sufficient area for a new dwelling to be erected adjacent to it, enabling the heritage dwelling to either be used in conjunction with the new dwelling or for it to have a community use with adequate room for on-site car parking. The basis for this requirement is that the existing house is erected on a zero lot line to Lodges Road, which may make the house impractical for occupation as a residence in the long term.

No 3 - 147 Lodges Road (Lot 1 DP 227489)

This site is located adjacent to and on the lower side of the property described in No 2 above. The land is also the subject of draft LEP 117 that is intended to zone the land for residential purposes. A location plan forms **Tabled Document "DC 8"** and the proposed subdivision forms **Tabled Document "DC 11"**.

The current lot has a 61.58m frontage to Lodges Road. The excised lot is proposed to have full frontage to Lodges Road and a depth of 73.0m. This site has no heritage issues.

Environmental Planning & Assessment Act (EP&A Act)

Section 79C 1(a) of the EP&A Act provides that a consent authority in determining a development application must take into consideration the provisions of:

- any local environmental planning instrument, and

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

- any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority.

Statutory Controls

The site is currently zoned 1(a) Rural (40 hectares) under the provisions of Camden Local Environmental Plan No 46 (CLEP 46) wherein the proposed subdivision is not permissible.

CLEP 46 provides that each lot created within a 1(a) zone must contain an area of not less than 40ha. The three proposals do not meet the objectives of the zone, which generally promotes the retention of land in large parcels for agricultural purposes.

Draft Local Environmental Plan No 117

Council has recently prepared Draft Local Environmental Plan No 117 (DLEP 117) which proposes to rezone the Land 2(d) Residential "D" wherein the proposal would be permitted. The objectives of this zone are to promote a distinctive character and quality of development and to allow for a range of housing types.

The draft LEP for Elderslie is currently on exhibition.

State Environmental Planning Policy No 1

SEPP 1 provides flexibility in the application of planning controls where it is considered that strict compliance with a development standard in any particular case would be unreasonable or unnecessary or tend to hinder the attainment of the objectives of the zone.

Where Council is satisfied that the objection is well founded and is of the opinion that consent should be granted to the proposed development, it may, after obtaining the concurrence of the Director-General of DIPNR, grant consent to the development. The applicants in their submissions have demonstrated that the development standard of 40ha is unreasonable in this particular circumstance, given that the land is to be rezoned for residential purposes and the fact that the agricultural viability of the land will be lost as a result of this residential zoning. Therefore Council should support such objection.

Discussions with DIPNR officers have indicated that they will accept the three applications together to provide an efficient response to these SEPP 1 objections.

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

Regional Environmental Plan No 20

The land is affected by Regional Environmental Plan No 20 (REP 20) Hawkesbury-Nepean River. REP 20 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 that development will have on the river system.

As this proposal will involve no development other than the creation of an additional property boundary, the application will have no impact on the Hawkesbury-Nepean River system.

Notification

The application has not been notified as all land owners have been part of past extensive public exhibitions with the Elderslie masterplan and draft DCP 124 and have been participating as a consortium to have the land rezoned for residential development. These proposals have no impact on the area as no physical change is proposed apart from the residue lots being made available for future residential development once the land is rezoned.

Consideration

Draft Local Environmental Plan No 117

DLEP 117 proposes to rezone the locality to Residential 2(d), which provides for the development of the site into a mainstream residential area.

It is with this future development in mind, that the owners wish to divest themselves of the majority of their land so that it can be developed in accordance with the DDCP 124 and in conjunction with adjoining lands.

Future Development

The proposed subdivision will not interfere with the future subdivision pattern of the area. All subdivision proposals generally comply with the draft DCP 124 and will therefore not compromise future comprehensive subdivision opportunities. A plan which provides boundary locations in relation to the draft DCP is provided as **Tabled Document “DC 12”**.

State Environmental Planning Policy No 1 Submission

The applicants have provided information demonstrating that the proposed subdivision complies with the objective of the

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

zone, in accordance with the requirements for SEPP 1 objections.

However, in this instance it is considered that more importance should be given to the impact that the proposed subdivision will have on the future development pattern of the area.

As has been demonstrated previously in this report, the proposed subdivisions are capable of being implemented into a future subdivision pattern without impacting on the future planning of the locality.

In view of the pending rezoning of the land and the reason expressed for the subdivisions, it is considered unreasonable and unnecessary that the development standard of 40ha be adhered to.

Summary

A draft local environmental plan has been exhibited and is being currently re-exhibited, showing the area to be rezoned to provide for residential development, which would permit the proposed subdivision.

It is essential in considering any subdivision in an area, which is to be released for future residential development, that the lots created are of such a size and shape that will not interfere with the future subdivision of the area. In this regard the lots to be created will not compromise future subdivision patterns.

Recommended: That

- (i) Council supports the SEPP 1 Objection to the development standards contained in Clause 12 of CLEP 16 to permit the subdivision into 2 allotments at Nos 125, 141 and 147 Lodges Road Elderslie. The standard is unnecessary and unreasonable in the circumstances of this case.
- (ii) The applications be referred to DIPNR for concurrence and on receipt of this, development consent be granted to the applications.

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

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

- (i) Council supports the SEPP 1 Objection to the development standards contained in Clause 12 of CLEP 16 to permit the subdivision into 2 allotments at Nos 125, 141 and 147 Lodges Road Elderslie. The standard is unnecessary and unreasonable in the circumstances of this case.*
- (ii) The applications be referred to DIPNR for concurrence and on receipt of this, development consent be granted to the applications.*

DC104/03 THE MOTION WAS **CARRIED.**

(Cr Eva Campbell returned to the chamber – the time being 6.16pm).

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

**5. Unauthorised Building Works at No 53 [Lot 69 DP
230494] Engesta Avenue, Camden**

File No: DA2850.550 (Director, Development &
Environment Division)
Owner: Mr R & Mrs P Burnett
Zoning: Residential 2 [a] pursuant to Camden LEP 46

Purpose of Report

To advise Council that the Order issued 14 May 2003 in respect to unauthorised building works has not been complied with. The order required the demolition of certain structures including an unauthorised out building and reduction in height of an existing concrete block fence.

Summary of Recommendation

It is to be recommended that the matter of non-compliance with the Order [dated 14 May, 2003] be referred to Council's solicitors to instigate court proceedings.

Background

On the 6 January, 2003, Council issued upon the owners of the subject property a Notice of Proposed Order under section 121B of the Environmental Planning & Assessment Act. The owners made representation as to why the Order should not be served on the 22 January, 2003. The matter was referred to Council on the 10 March, 2003 and again on the 14 April, 2003. It was resolved at both of these meetings to proceed with legal action.

On the 5 May, 2003 Council issued upon the owner of the subject property an Order pursuant to section 121B of the Environmental Planning & Assessment Act.

On the 10 October, 2003 Council received correspondence from the owner of the subject property. The letter outlines an alternative solution to the proposed demolition of the 'outbuilding' constructed along the property's eastern boundary.

Submission by Owners

The correspondence received by Council on the 10 October, 2003 contains the following points:

- The metal garden shed, which encroached upon the adjoining reserve, has now been demolished.

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

- The height of the concrete block fence should not be reduced in height given that the fence has been erected for some time, appears structurally sound and has previously been the subject of dispute resolution via the Community Justice Centre.
- Rather than demolish the 'outbuilding' in its entire form the owner has suggested that only a portion of the structure be demolished so that the building is set back 900 mm from the side boundary.

Assessment

The following comments are provided with respect to the latest points raised by the property owners.

Dividing Wall/Fence

The block wall has been constructed at a variable height [ie 1.8 to 2.2 metres] for a distance of 14 metres. The wall reduces the adjoining property owners' views of the nearby flood plain. The height of the wall also detracts from the residential nature of the property.

The adjoining property owner has no recollection of the matter being referred to the Community Justice Centre. It is their preference to retain the fence at a reduced height. The Order issued by Council stipulates that the fence be reduced in height by no more than two courses of masonry block work to achieve an effective height of approximately 1.8 metres. This height would then be consistent with general fencing standards in residential areas.

Outbuilding

The correspondence received by Council does not outline what will be achieved in terms of the partial demolition of the structure. Whilst the structure will comply with Building Code requirements, the additional setback to the side boundary is not expected to improve visual access to the flood plain from the adjoining property.

Conclusion

The property owners have failed to comply with the Order issued by Council. The latest proposal put forward by them involves some modification to the unauthorised outbuilding, however the modifications are unlikely to improve the visual access previously enjoyed from the adjoining premises. The property owner does not intend to change the height of the concrete dividing fence.

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

Legal advice has been sought in relation to the status of the alternative proposal put forward by the subject property owners. Council's solicitors have indicated that the property owners have two options in terms of the Order issued 5 May, 2003. They can either comply with the Order or lodge an appeal with the Court against the terms of the Order.

Their opportunity to make representations in relation to the Notice of Order has occurred and Council resolved to proceed with the action. The alternative proposal put forward by the owners does not frustrate Council's right to have the matter dealt with in a court of law. It should be noted that the offence [non compliance with the Order] occurred on the 12 July, 2003. The matter must be heard by the Court before the 12 January, 2004.

Recommended: That the matter be referred to Council's solicitors so that court proceedings can be instigated against Mr Raymond & Mrs Patricia Ann Burnett of 53 Engesta Avenue, Camden [Lot 69 DP 230494]. The proceedings relate to an offence committed by the above persons pursuant to Section 125 of the Environmental Planning & Assessment Act 1979.

MOTION

Moved Cr Corrigan, seconded Cr Winn that a works inspection be carried out on the site and the item be brought back to 24th November 2003 Development Committee Meeting.

DC105/03 THE MOTION WAS **CARRIED.**

(Cr Campbell voted against the Motion).

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

6. State Heritage Listings

(File 3081/8) (Director Governance & Outcomes)

Purpose of the Report

This report formally notifies Council of the intention of the NSW Heritage Office to consider listing seven local colonial estates and associated landscapes and seeks Council endorsement of a submission of support to the NSW Heritage Office relating to this matter.

Background

The proposal to consider listing these places stems from a study commissioned by the NSW Heritage Office in 1997 and subsequent work undertaken by the Heritage Office to identify cultural landscapes that demonstrate the heritage significance of early European settlement of the Cumberland Plain.

Council has for some time been aware of the level of significance of the subject properties and has been advocating their appropriate listing to the Heritage Office. Council has involved the Heritage Office in the various issues pertaining to these properties that have arisen over recent years as their listing was considered to be imminent.

Recent announcements on new urban investigation areas highlight the need to come to terms with the estates and their landscapes and to “consider listing them” and ensure planning permits/facilitates their long term conservation and integration with broader planning initiatives.

Criteria for Listing on the State Heritage Register

The State Heritage Register (SHR) comprises a list of places and items of particular importance to the people of New South Wales, which meet the criteria for listing as outlined in the Heritage Act 1977. The criteria established by the NSW Heritage Office are cited in **Tabled Document “DC13”**. In brief, a state item is of such significance that it is important to the people of the State, not just local and regional populations. It should be noted the following properties are nominated for listing on the SHR:

Listing Nominations

- Denbigh 421 The Northern Road, Cobbitty
- Maryland 773 The Northern Road, Bringelly
- Raby 1025 Camden Valley Way, Leppington
- Gledswood Camden Valley Way, Catherine Field
- Orielton 179 The Northern Road, Narellan
- Oran Park 931 Cobbitty Road, Oran Park

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

- Belgenny Farm, Camden Park Estate, Elizabeth Macarthur Agricultural Institute (Large parts in Wollondilly LGA)

It should be noted that the proposed listing of nominations does not include Harrington Park homestead and its immediate landscape setting.

Notification

All property owners and the Camden Historical Society have been notified by the Heritage Office and advertisements have been placed in both Sydney and local papers. Written submissions have been invited by the Heritage Office and will be received until 16 December 2003.

Council Submission

It is considered that the items and their landscape settings are of such significance that Council should support their State Listing.

It should be noted that listing does not preclude Council, together with the Heritage Office, pursuing sensitive development options with owners, aimed at securing the long term conservation of the significant elements of the place and their respective landscape settings.

Council has for some time advocated the preparation of Conservation Management Plans (CMP) as the mechanism for identifying the significance of a site and subsequent development opportunities that may exist in order to facilitate the long term conservation of the significant elements of the site. The preparation of CMP's should be encouraged as a means of initially establishing a curtilage and framework for conservation.

Council staff have had discussions with a representative of the Camden Historical Society which will be preparing its own submission to the Heritage Office. It would appear that the Society is generally in favour of the listings.

Harrington Park homestead is considered an equally significant homestead, the State Listing of which should be pursued. Accordingly, Council should pursue this suggestion in its submission.

Conclusion

The subject items and their landscapes are considered of major significance, locally and regionally and indeed at a state level and should be state listed. In supporting such listing Council

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

should flag that it believes sensitive development opportunities are likely to exist on each property and are likely to be critical to long term conservation. Council should also indicate that the sensitivity of such properties is of utmost importance and should be afforded such significance in any current/future State Government “sponsored” regional planning initiatives.

Recommended: That

- (i) Council support the nominations of the seven properties on the State Heritage Register.
- (ii) Council seek the inclusion of Harrington Park homestead on the State Heritage Register.

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

- (i) Council support the nominations of the seven properties on the State Heritage Register.
- (ii) Council seek the inclusion of Harrington Park homestead on the State Heritage Register.

DC106/03 THE MOTION WAS **CARRIED.**

The Meeting closed at 6.24pm.