

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING  
HELD 14 APRIL, 2003, CIVIC CENTRE, OXLEY STREET  
CAMDEN – 5.30PM**

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**Present:** Cr Corrigan (Mayor/Chairperson), Cr Patterson, Cr Campbell, Cr Winn, Cr Fekete, Cr McFadden, Cr Senise, Cr Batros,.

**Staff:** General Manager, Director Works & Services, Director Development & Environment, Director Governance & Outcomes, Manager Development, Manager Outcomes, Administration Officer.

**Apologies:** An apology was received from Cr Anderson from this meeting.

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

DC025/03 THE MOTION WAS **CARRIED.**

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**DEVELOPMENT COMMITTEE PUBLIC ADDRESSES**

- Gary Rhodes addressed the Committee in relation to Item 11 in Development Committee.
- Ray Moore addressed the Committee in relation to Item 7 in Resources & Services Committee.
- Phillip Gardner addressed the Committee in relation to Item 6 in the Development Committee.
- Ian Lane addressed the Committee in relation to Item 7 in the Resources & Services Committee.
- Michael Hayes addressed the Committee in relation to Item 10 in the Development Committee.
- Inspector Holmes from the NSW Police Service addressed the Committee in relation to Item 3 of the Development Committee.

**MOTION**

*Moved Cr Batros, seconded Cr Winn that a further two speakers can address the Committee.*

DC026/03 THE MOTION WAS **CARRIED.**

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- Frank Cahill addressed the Committee in relation to Item 7 in the Resources & Services Committee.
- Graham Bennett addressed the Committee in relation to Item 7 of the Resources & Services Committee.

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**1. Review of Guidelines for Development in Harrington Park – Stages 23-35**  
(File 3428/6) (Director, Development & Environment Division)

**Introduction**

Council, at a meeting held on August 27, 2001, resolved to adopt guidelines for single dwelling residential development in Harrington Park that are independent to the provisions of DCP No 58. The guidelines provide additional controls to those included in DCP 58. Since these guidelines were adopted, the form of housing has improved, however it is considered that more refinement of the guidelines is necessary thereby further contributing to the resultant built form. This report seeks the adoption of new guidelines which will be applied to all development in Stages 23-35 and therefore the completion of all land currently zoned. A map that shows the location of these stages is provided as **Tabled Document “DC 1”**.

**New Guidelines**

The changes proposed are to address areas that have been the subject to misinterpretation by landowners in preparing their applications. They also seek to clarify certain areas in relation to setbacks and in particular zero lot lines, site coverage, the need to provide eaves, private open space and colours. These issues are discussed below. To facilitate adoption of the new guidelines and to avoid confusion with owners who have acquired land but not submitted their development application, it is intended that they will only apply to land yet to be released, which is from Stage 23 on. The existing guidelines will continue to apply to prior stages and Harrington Park will clarify the appropriate guidelines with intending purchasers by way of a Section 88B instrument. A copy of the draft guidelines is provided as **Tabled Document “DC 2”**.

**Proposed Amendments**

The following list provides details of the proposed changes and reasons for the change.

**Clause 2.3 Site Coverage**

It is intended to restrict site coverage to 50% of the allotment to ensure that adequate areas remain for landscaping. With smaller sized allotments, the bulk and scale of buildings needs to be controlled and the restriction in site coverage allows this to be achieved. It is also intended to clarify that awnings are included in the calculation of site coverage.

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Clause 2.5 Building Setbacks

The diagrams included better demonstrate the objectives of the guidelines. With Zero Lot lines, it has been found necessary to require an easement for maintenance over adjoining land where it is proposed to erect a dwelling to the side boundary. This is to ensure that sufficient and unrestricted access is available to repair/maintain the wall along the boundary. Where an easement is not obtained, a setback of 400mm is required to allow access for repairs and maintenance.

Clause 2.6 Solar Access and Energy Efficiency

The guidelines have been supplemented by adding a clause advising of the need to submit the NatHERS certification with the development application. Clarification on when a shadow diagram is required has also been given.

Clause 3.1 Appearance

A requirement for approval of colour schemes has been added. This is because currently these are determined at construction certificate stage which can also be issued by a private certifier. A recently constructed dwelling has been completed in a bright blue finish which was approved by a private certifier. It is considered that this is not consistent with the objectives of the plan, however this was obviously not the opinion of the certifier who allowed the colour. For this reason and to ensure consistent application of colours, approval of finishes at development application stage is warranted.

Clause 3.3 Private Open Space

The area of private open space has been increased to 80m<sup>2</sup> and a minimum dimension of 2.5m required to be counted in the calculation. The principal private open space area of 25m<sup>2</sup> with a minimum dimension of 5m is retained.

Clause 3.4 Roofscape

The provision of eaves is clarified to be mandatory rather than 'encouraged'.

Clause 3.5 Balconies

A paragraph has been added to ensure that consideration of overlooking of private open space is made when determining the location of balconies.

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Clause 4.2 Windows

Additional wording has been added to ensure the location of windows in the rear walls of dwellings, as well as the side walls address privacy considerations.

**Conclusion**

As can be seen from the above, the amendments proposed do not alter the objectives of the guidelines, they merely seek to clarify and better define areas which were unclear. The provision of place based guidelines is consistent with Council's Strategic Plan – Camden 2025, and generally in accordance with the provisions of DCP 58.

Recommended: That Council endorse the Building Controls and Guidelines dated April 2003 to apply to Stages 23 to 35 in accordance with the details provided in **Tabled Document "DC 2"**.

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

- (i) Council endorse the Building Controls and Guidelines dated April 2003 to apply to Stages 23 to 35 in accordance with the details provided in **Tabled Document "DC 2"**.
- (ii) Council note the problems caused by the deciduous trees close to the lake.

DC027/03 THE MOTION WAS **CARRIED.**  
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**2. Proposed Additions To An Existing Development at  
Lot 37 DP 21178 (No 10) Lerida Avenue, Camden**

**File No:** 4850.110 (Director, Development & Environment  
Division)  
**DA No:** 147/2003  
**Owner:** Mr M & Mrs RL Petris  
**Zoning:** 2(a) Residential pursuant to Camden LEP 46

**Purpose of Report**

The matter is referred to Council for determination given that the site is affected by flooding from the Nepean River. An objection to the development has also been received from an adjoining property owner.

**Summary of Recommendation**

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

**The Site**

The site is approximately 820m<sup>2</sup> in area and slopes down from the road towards the rear of the land. The property is located on the eastern side of Lerida Avenue and has direct frontage to the road. A single storey, vinyl clad dwelling currently occupies the site. A copy of the site plan forms **Tabled Document “DC 3”**. The adjoining properties contain a similar single storey dwelling to the south. A 20m wide driveway to the north providing access to a ‘battle axe’ property located at the rear which contains a two storey dwelling.

The 1% AEP flood affects the entire site with a current flood level at RL 71.9m AHD. The street level in front of the site is approximately 300mm below the flood level and therefore flood free access is not available to the site, however the depth would allow emergency access. In accordance with the Upper Nepean River Floodplain Management Study and Plan the property is categorised High Hazard – Flood Fringe. Due to the level of inundation and the location of the property within a high hazard area the dwelling is nominated in Council’s Floodplain Management plan for inclusion in a possible House-Raising Scheme for Camden. To date Council has not determined whether it will proceed with this recommendation.

**The Proposal**

The application proposes construction of additions and alterations to the existing dwelling, comprising of lounge/family room, rumpus room, relocation of main bedroom with ensuite, retreat, store room and porch. The ground floor area below the

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addition will be used to accommodate the laundry and maintains an open, unrestricted area proposed for entertainment. Alterations to the area within the existing dwelling include relocating the kitchen and bathroom, a foyer and a TV room. Plans of the proposal form **Tabled Document “DC 4”**.

The floor level of the new addition is raised above the existing floor level of the dwelling to meet the requirements of the Upper Nepean River Floodplain Management Study and Plan. This is discussed further in this report.

The applicant does not propose an increase in the number of bedrooms nor does the proposal seek to increase the current occupancy rate. Given the level of flood affectation, concerns were initially raised regarding the potential for the rumpus/retreat area to be used as a dual occupancy.

Following further assessment, these concerns were dispelled due to the lack of provision for a separate bathroom, laundry or toilet. The applicant has further provided a declaration stating that the area will be used solely as indicated on the plans.

A condition can be imposed specifically stipulating compliance with the consent regarding the use of the rooms. In addition, Council has the capability to commence legal action for failure to comply with the conditions of the development consent, should the use of the building change without prior consent from Council.

**Notification**

Following notification, in accordance with Council’s Development Control Plan No 116 ‘Notification, Advertisements and Mediation’, one submission was received expressing concern regarding solar access. Mediation was conducted with the applicant and the neighbour but the issue could not be resolved. **A copy of the submission has been provided to the Councillors separately with the business paper.**

**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

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- Development Control Plan No 94.1 'Building Energy Conservation'

**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 2025

Camden 2025 seeks to manage urban growth to ensure that 'growth occurs in a planned and orderly way' and conserves the traditional qualities of the Camden area. The proposed development achieves the intent of the strategic plan for Camden by effectively utilising the site while maintaining the established aspect of the locality. The construction of the additions above the 1 in 100 year flood event seeks to minimise the impact of the works in time of flood and therefore the need for evacuation of residents.

Camden Local Environmental Plan No 46

The land is zoned Residential 2(a) under Camden Local Environmental Plan 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 generally 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.

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

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.

Residential Development Control Plan 58

The proposed development complies with the DCP in terms of scale, height and vehicle accommodation. An assessment of the application has determined that the first floor windows, servicing the rumpus room and retreat, have the potential to impact upon the privacy of the adjoining neighbour. Changing the windows to highlight windows substantially reduces this potential.

A condition would be placed on the consent requiring that the window sill of the windows be located a minimum distance of 1500 mm above the finished floor level, or alternatively, the portion of the windows less than 1500 mm above floor level be fixed, opaque glass.

Upper Nepean River Floodplain Management Study and Plan

The site is affected by the 1% flood event, located at RL 71.9m AHD. The velocity may reach 0.8m/s. The site is categorised in accordance with the Upper Nepean River Floodplain Management Study and Plan (FMP) as high hazard – flood fringe. The application was assessed with consideration to the management measures provided in the FMP (see **Tabled Document “DC 5”**).

The FMP has recommended that the dwelling at No10 Lerida Avenue be included in the implementation of any House Raising Scheme due to the location of the dwelling being within a high hazard area and the potential inundation and flow velocity.

During the 1% flood event the entire site is affected by flooding from a depth of approximately 2.4m at the rear to 500 mm at the front of the land. The floor level of the

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existing dwelling is 71.17 AHD. In the event of a 1 % flood the existing building will be inundated by approximately 730 mm of floodwater. The upper floor level of the new works/additions will be constructed 600mm above the 1 % AEP.

During preliminary discussions, the applicant was advised of the guiding principles of the FMP and was recommended to consider raising the existing dwelling. However, the applicant has indicated that the proposed additions are necessary to provide additional space for his family and that he could not afford the extra cost of raising the existing building. He further stated that he has given careful consideration to the flooding impact on the property and has subsequently designed the proposed development so that the main living areas are located within the new extension and located above the flood level.

Should sufficient funding become available the possibility for raising the existing building remains. However, the design and setback of the proposed addition is considered to be a practical approach to the flooding constraints of the site. This is opposed to the potentially adverse impact on the streetscape created by the bulk and height of raising the front part of the building.

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.

Thorough evaluation of the proposal has determined that the development complies with the objectives of the Floodplain Management Plan, which are:

- (a) to reduce the social and economic impact of flooding on individual owners and occupiers of flood prone property; and
- (b) to reduce private and public losses resulting from floods,

while allowing the continuation of the locality as a residential area. Further improvement would result from the raising of the existing portion of the dwelling if and when funds became available.

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Development Control Plan No 94.1 'Building Energy Conservation'

The Development Control Plan for Building Energy Conservation requires that development provide a minimum of 3 hours sunlight between 9am and 3pm on 21 June to the windows of living zones and to the main private open spaces of adjoining property.

To achieve compliance with the Upper Nepean River Floodplain Management Study and Plan, the proposed floor level of the habitable section of the addition is elevated approximately 2.3m above natural ground level. Accordingly, the overall height of the building is increased and, for that reason, the potential for overshadowing is also greater than before.

Following neighbour notification, a submission was received expressing concern regarding loss of solar access. With a view to mediation, an inspection of the building site and the adjoining property was carried out in the company of the applicant and the neighbour. The inspection established that the longest period of overshadowing, experienced by the neighbouring property, was cast over an area occupied by a garage and a large tree (conifer spp.) situated on the neighbour's land (see **Tabled Document "DC 6"**). Further, the size and location of the tree compounds the potential for overshadowing. However, irrespective of mediation, the issue could not be resolved.

With fair regard for the neighbour's concern, the potential for overshadowing was thoroughly assessed. Examination of shadow diagrams and inspections of the relevant properties has determined that solar access to the adjoining dwelling and the private open space area resulting from the proposed development is within acceptable limits and complies with the DCP in that the yard area will receive 4 hours sun at June 21.

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

The proposed development is consistent with the zoning and amenity of the locality. The application demonstrates that the proposal is consistent with the contemporary development of the local area. Conditions should be imposed on the consent to reduce site disturbance and minimise the potential for impact on the environment.

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**Summary**

Given the constraints of the site, the proposed development was subject to evaluation with particular regard to the impact of flooding and the affect on adjoining property.

In accordance with the guidelines of the Upper River Floodplain Management Study and Plan, the flood compatible design and the provision of adequate flood proofing measures mitigate the likely damage or risk. Certification by the applicant's Structural Engineer confirms that the proposed development can be carried out in a structurally sound manner and not increase the flood hazard or risk to adjoining properties.

When determining the effect on adjoining property Council is required to fairly balance the rights of a person to reasonably develop their property and the expectations of surrounding neighbours. With careful regard to the neighbour's submission, assessment of the proposal has determined that unreasonable overshadowing of the windows, private open space or the clothes drying facilities of the adjoining property will not occur.

It is considered that the proposed development will make a positive contribution to development in the locality and is therefore recommended for conditional approval.

Recommended: That Development Application 147/2003 for additions and alterations at No 10 Lerida Avenue, Camden, be approved subject to the conditions included in **Tabled Document "DC 7"**.

Resolved on the Motion of Cr Batros, seconded Cr McFadden that Development Application 147/2003 for additions and alterations at No 10 Lerida Avenue, Camden, be approved subject to the conditions included in **Tabled Document "DC 7"**.

DC028/03 THE MOTION WAS **CARRIED**.

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(Cr Senise voted against the Motion).

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**3. Extension of Trading Hours - Narellan Hotel, Lot A DP  
393370 (No 279) Camden Valley Way, Narellan**

**File No:** DA1300.800-7 (Director, Development & Environment Division)

**DA No:** 53/2003

**Owner:** Jimnie Pty Ltd & Batasty Pty Ltd

**Zoning:** Business Support 3 (b1) – CLEP No 46

**Purpose of Report**

Council is in receipt of an application to extend the trading hours of the Narellan Hotel to operate 24 hours per day, Monday to Saturday, and 10.00am to 12 midnight on Sundays. The application was advertised and adjoining owners notified of the proposal. Several submissions have been received, including an objection from the NSW Police Service.

**Summary of Recommendation**

It is recommended that Development Application 53/2003 be refused for reasons outlined in this report.

**Background**

On 26 May 1997 Council considered a report in respect of an application lodged with the Licensing Court of NSW to vary the hours of operation of the hotel. The proposed hours of operation were to extend closing time to 3am from Monday to Saturday and to midnight on Sundays. The Council resolved to engage an acoustic consultant to prepare a noise assessment and to publicly exhibit the application to gauge community concerns.

As a result of the above, several submissions were received, including a petition. The acoustic report revealed that the premises did not comply with the guidelines specified in the EPA and the Liquor Administration Board and as a result a Notice was served on the owner to require the premises to comply. At the same time Council lodged a submission to the Licensing Court of NSW objecting to the application.

The matter was set down for hearing on 16 and 17 December 1997. The matter was stood over to enable the owner to carry out certain acoustical works to the premises and as such was re-list for hearing on 19 January 1998. The matter was again adjourned for Mention on 23 March 1998. At the Mention the application was withdrawn. The Hotel also changed ownership.

Since that time Council has worked with the new owner to bring the premises into compliance. This is evidenced by the new work being currently undertaken.

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On 26 February 2003 Council was requested by a consultant acting on behalf of the owners, that from 1 May 2003, and pursuant to Gaming Machines Act, for Council to provide a letter indicating its (Council) agreement for operating gaming machines for three hours between the hours of 4am and 6am, Monday to Saturday, and 9am and 10am, Sunday or Public Holidays only. This request is a result of the State Government's restriction to have gaming machines cease trading for 6 hours per day. This request was denied, which has resulted in the subject application before Council for consideration. The applicant was also requested to provide additional information in respect of the operation of the hotel. A copy of the response forms **Tabled Document "DC 8"**.

**The Proposal**

In accordance with Council records, the current approved hours of operation are 10am to midnight, Monday to Saturday, and 10am to 10pm on Sundays.

The application proposes to operate 24 hours per day, Monday to Saturday, and 10am to 10pm on Sundays. In order to meet issues relating to behaviour of patrons and noise issues, the applicant has submitted a Plan of Management (POM), a copy of which forms **Tabled Document "DC 9"**. The POM addresses issues relating to the above as well as security staff, fire safety, house policy, footpaths and amenity of the neighbourhood. The POM is in essence a statement as to how licensed premises should be operated and to comply with the requirements imposed by the Liquor Administration Board.

The application is not accompanied by a submission which would address the need for the extended hours, an acoustic report, details on the number of gaming machines to be installed, whether there is to be entertainment, or a social impact statement.

**Notification**

The application was notified to adjoining and potentially affected persons within the vicinity of the premises. An advertisement was also placed in the local newspaper from 22 January 2003 to 5 February 2003, in accordance with Council policy. The NSW Police Service was also requested to make comment in accordance with the Memorandum of Understanding relating to Licensed Premises.

At the expiration of the notification period Council received two submissions, a petition containing 99 signatures and two

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submissions from the NSW Police Service. The grounds of objection relate to the following:

- Oppose 24 hour hotel trading (petition);
- Availability of public transport during extended hours;
- Disturbance to the amenity of the area;
- Conflicting approved operating hours in application;
- Not in the public interest;
- Impact on Police resources; and
- Statement of Environmental Effects does not have sufficient information.

These matters will be addressed in the report. **Copies of the submissions were handed out separately to Councillors with the business paper.**

**Planning Controls**

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

Local Environmental Plan No 46

*The Building Code of Australia*

The subject property is zoned Business Support 3 (b1) under the provisions of CLEP No 46. Hotels are permissible with development consent. The relevant objectives of the zone are:

- (a) To set aside land for land uses requiring extensive areas or a large area for handling, storage and display of goods on a relatively free-standing location with adequate space for on-site vehicular movement, parking and loading and unloading and which is conveniently located with a high level of exposure and accessibility; and
- (b) To provide for appropriate forms of commercial development and light industry which will contribute to the economic and social growth of the area and increase employment opportunities in the area.

The development meets the objectives of the zone and therefore it is not prohibited.

In respect of the Building Code of Australia, the owner is currently carrying out works which will bring the building into compliance with fire regulations requirements. The applicant has not, however, provided details on acoustic impacts, if any, from activities within the premises except to refer to the Plan of Management. No details have been provided in respect of impacts external to the premises when patrons leave the premises late at night, except to engage security staff in the

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vicinity of the hotel. The previous acoustic report prepared by Challis and Associates for Council in 1997 identified certain internal works that needed to be carried out in order for the premises to comply with EPA guidelines. It is not certain whether these works will meet these acoustic report recommendations.

**Section 79C Consideration**

The following relevant comments are provided with respect to the Heads of Consideration under the Environmental Planning and Assessment Act.

**(b) likely impacts of the development on both natural and built environments**

As stated above, the applicant has not submitted an acoustic report addressing internal and external impacts of the development on the amenity of the area. In view of the submissions received, the previous acoustic study and objections from the Police, the applicant was not asked to go to the expense of providing one. The Plan of Management (part 6) makes a statement that *'The use of the premises shall not result in the LA10 noise level emitted from the premises exceeding the background noise level in any octave band from 31.5Hz to 8000Hz centre frequencies inclusive by more than 5dB between 7am and 12 midnight at the boundary of any affected residential property'*.

The POM then states that the LA10 noise level shall not be audible within any habitable room in any residential premises between the hours of 12 midnight and 7am.

An assessment has been carried out by Council officers of the potential impacts from noise emissions on nearby residences and the land currently being considered for future medium density development along Camden Valley Way (adjacent to Council's Works Depot) and from the information provided with the POM. The POM references the LA10 noise level not being audible within any residential premises between 12midnight and 7am. These hours are considered inappropriate as the EPA guidelines refer to evening hours being 10pm to 7am. During these hours sleep disturbance may result to adjoining and nearby residents, however without an acoustic report this cannot be determined. The applicant has not submitted an acoustic report justifying the proposed hours.

Challis and Associates prepared a report for Council in 1997 to examine the acoustical impact of the proposed

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extension to 3am. Of relevance to this application are the following comments made in that report '*Council has received complaints from nearby residents from music, voices, rowdy behaviour and patrons use of motor vehicles in the unpaved area to the rear of the hotel, which has been cited as occurring prior to and after closing time*'. The Challis report also observed these allegations whilst taking noise measurements.

The report confirmed that the then levels emanating from the hotel and patrons leaving the hotel on foot or in vehicles did not conform to the noise goals.

The Challis report recommended that several works be carried out in order for the premises to comply with the current approved hours, namely the installation of air locks to the front and rear doors and be fitted with acoustic seals. The plans do not indicate an airlock to the rear door. A playground is also shown on the plans and this could also be a source of noise.

It is difficult for Council to gauge the effectiveness of the hotel alterations/additions to attenuate noise levels generated by patrons and amplified sound within the building. It is clear however from the finding of the Challis report that noise generated by patrons leaving the premises will impact adversely upon the background noise levels and is likely to cause sleep disturbance.

**(c) Suitability of the site**

The subject premises are located between residential and industrial areas. The applicant has not submitted any details that would justify the proposed hours. It is noted that there are few industrial uses that work at night. Therefore it is considered that the proposal is unacceptable as it will not serve any need and will cause unsatisfactory impacts to residents in the vicinity of the site.

**(d) Submissions**

The application was notified to adjoining residents and the NSW Police Service. Several submissions were received, including a petition containing 99 signatures. The submissions raise the following issues.

Oppose 24 hour hotel trading

The petition raises the concerns with the proposed hours of operation. As stated above, the applicant has not submitted any details to justify these hours. The hours

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are excessive given that the subject premises are located adjoining a residential area.

Whilst there are no record of complaints since 1997, obviously residents are concerned that the proposed hours will have an impact on their lifestyle.

Availability of public transport during extended hours

The applicant has indicated that the hotel currently runs a shuttle bus which drives through the local area for the convenience of customers. This service is provided free of charge and on certain times as required. Any other times when transport from the hotel is required, staff, on request and as a courtesy, will arrange for a taxi. It would be noted that taxi service in the Camden area in the early hours of the morning is very sporadic and not readily available.

This service is similar to most licensed premises and is considered reasonable and would not be grounds for Council to refuse the application.

Disturbance to the amenity of the area

This matter can be typically referred to as anti-social behaviour. As stated before there is no record of complaints since 1997, when that application was notified to adjoining residents. That is not to say that residents may be concerned with the operation of the hotel. The Police are concerned that due to the unavailability of public transport in the early hours of the morning, that they are of the opinion that the peace and good order of the neighbourhood would be disturbed by patrons leaving and arriving at the premises. Further vehicles arriving and leaving the premises may cause the same problems.

There is a potential for anti-social behaviour to occur from any licensed premises when alcohol is served for long periods of time, and regardless of what plans of management are employed, once patrons leave the premises the publican is not responsible for actions away from the premises. Council therefore has a 'duty of care' to protect residents from such behaviour and this can be achieved by restricting the hours of operation.

Conflicting approved operating hours in application

As stated in this report the approved hours of operation are 10am to 12midnight, Monday to Saturday, and 10am to 10pm Sundays. The applicant has stated that

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the existing hours are 5am to 3am, Monday to Saturday, and 10am to 10pm Sundays.

The Police have raised this matter, but Council records do not indicate that these hours were ever approved, and certainly the application to the Liquor Administration Board in 1997 was withdrawn. This conflict on the application will need to be followed up with that authority to ensure that they have not approved hours without Council approval.

Not in public interest and impact on police resources

The Service objected to the proposed hours due to the likelihood that there may be an impact on peace and good order of the neighbourhood and the impact that this may cause on police resources. The Service states that currently no licensed premises with the Camden LGA opens past 2am. The objection further states that:

“It is likely based upon observations made at other 24 hour venues in other local government areas, that a portion of patrons in various stages of intoxication leave other venues, which close at 2am and move on to 24 hours trading venues. Statistics show late trading venues have a higher incident of anti-social and violent behaviour than standard hour trading premises”.

Obviously the concern from the Police is that if anti-social behaviour occurs, that this will impact on the limited resources of the Police. Whilst this is not a matter that Council can consider under Section 79C of the Act, Council cannot dismiss the social impacts of the proposal.

Statement of Environmental Effects does not have sufficient information

The Police have raised a number of issues of concern, mainly in respect of security. The POM does not adequately address this issue except to make statements as to what procedures will be in place for particular incidents.

**Conclusion**

The application before Council has resulted in a number of objections to the proposed 24-hour opening of the hotel for 6 days per week. Whilst there is no record of complaint on Council's file, it would appear that the immediate community is concerned with the potential impacts on their lifestyle.

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The Police have also raised questions as to the likelihood of anti-social behaviour occurring, the impacts on police resources and insufficient information to support the application.

As stated in this report, the applicant has not submitted details which would support the application to operate 24 hours, particularly given the location of the hotel in close proximity to residential properties.

Given the matters raised in this report, it is recommended that the application be refused.

***(Cr Patterson declared a pecuniary interest in this Item, being an owner of a hotel in the Camden LGA, and took no part in discussion or voting and left the Chamber – the time being 6.15pm)***

Recommended: That Development Application No 53/2003 for the extension of operating hours of the Narellan Hotel located at Lot A DP 393370 (No 279) Camden Valley Way, Narellan be refused for the following reasons:

- (i) The adverse impact upon existing and future amenity of the neighbourhood arising from noise generated by hotel activities and patrons.
- (ii) The likely increase in spread throughout the morning of anti-social behaviour, due to the presence of intoxicated persons, in the vicinity of nearby residences and residential streets.
- (iii) The public interest and the number and nature of submissions lodged in response to the public notification process.
- (iv) No information has been submitted justifying the operation of the hotel for the hours submitted.
- (v) No acoustic report has been submitted addressing likely impacts on the residential amenity of the area.
- (vi) Council pursue with the Hotel and Licensing Court that the licence is restricted to those hours approved by Council.

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*Resolved on the Motion of Cr Batros, seconded Cr Winn that Development Application No 53/2003 for the extension of operating hours of the Narellan Hotel located at Lot A DP 393370 (No 279) Camden Valley Way, Narellan be refused for the following reasons:*

- (i) The adverse impact upon existing and future amenity of the neighbourhood arising from noise generated by hotel activities and patrons.*
- (ii) The likely increase in spread throughout the morning of anti-social behaviour, due to the presence of intoxicated persons, in the vicinity of nearby residences and residential streets.*
- (iii) The public interest and the number and nature of submissions lodged in response to the public notification process.*
- (iv) No information has been submitted justifying the operation of the hotel for the hours submitted.*
- (v) No acoustic report has been submitted addressing likely impacts on the residential amenity of the area.*
- (vi) Council pursue with the Hotel and Licensing Court that the licence is restricted to those hours approved by Council.*

DC029/03 THE MOTION WAS **CARRIED.**

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**(Cr Patterson returned to the Chamber - the time being 6.20pm).**

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**4. Freestanding Garage - No 7 (Lot 14 DP 29126)  
Christopher Avenue, Camden**

**File No:** DA1700.70 (Director, Development &  
Environment Division)

**DA No:** 201/2003

**Owner:** Mr GR & Mrs HE Wright

**Zoning:** 2(a) Residential pursuant to Camden LEP 46

**Purpose of Report**

To enable Council to make a determination on an application for a freestanding garage. The matter is referred to Council for determination given that the site is affected by flooding from the Nepean River and that Council staff do not have the authority to approve minor structures on flood affected land.

**Summary of Recommendation**

This report recommends that the application be approved subject to compliance with appropriate conditions of consent.

**The Site**

The site is located on the northern side of Christopher Avenue and has direct frontage to the road. The land is rectangular in shape and is adjoined by allotments with similar dimensions. The property is occupied by a single storey dwelling and is surrounded by similar residential development.

The land is affected by the 1% AEP flood with a current flood level at RL 72.1m AHD. A copy of the site plan forms **Tabled Document "DC 10"**.

**The Proposal**

The applicant proposes to construct a freestanding garage, 10.5m long and 9m wide, in the rear western corner of the property. The garage is intended for the accommodation of the owner's two cars, a boat and storage for swimming pool equipment. It is proposed to construct the building with a colorbond roof and hardiplank clad walls to complement the appearance of the existing dwelling.

The proposed development does not require the removal of any trees and will not reduce the level of safety to the swimming pool barrier. A copy of the plans form **Tabled Document "DC 11"**.

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**Notification**

In accordance with Council's Development Control Plan No 116 'Notification, Advertisements and Mediation', notification of the application was not required. An assessment of the impacts to adjacent premises has been made and it is considered that no adverse impacts will occur.

**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
- Development Control Plan No 58
- Upper Nepean River Floodplain Management Study and Plan

**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 2025

Camden 2025 seeks to manage urban growth to ensure that 'growth occurs in a planned and orderly way' and conserves the traditional qualities of the Camden area. The proposed development achieves the intent of the strategic plan for Camden by effectively utilising the site while maintaining the established aspect of the locality.

Camden Local Environmental Plan No 46

The land is zoned Residential 2(a) under Camden Local Environmental Plan 46 (LEP 46). The proposed development is permissible in the zone and meets the objectives of the LEP.

Clause 21 states that Council may refuse an application to carry out any development that is subject to flooding, if in their opinion it will:

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- 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 river bank stability.

The proposed development will not impact on the matters Council must take into consideration under this clause.

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 58

The proposal maintains the character of the locality and generally complies with the development standards of the Residential Development Control Plan 58.

Upper Nepean River Floodplain Management Study and Plan

The site is affected by the 1% flood event, located at RL 72.1m 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 12”**). The velocity of the floodwater in the vicinity is considered minimal and is determined as ‘still water’. The 1% AEP flood line traverses the land along the western boundary from the front to the rear and affects the proposed location of the garage. A minimum distance of 2m flood free land is maintained from the dwelling to the south west corner of the land. In the event of flood this permits access to Christopher Avenue, and then on to Murrundah Avenue.

A survey report submitted by the applicant indicates that the ground level in the location of the garage varies from RL 71.63 AHD to RL 71.88 AHD. This creates a

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level of inundation which ranges in depth from 200mm to 470mm.

The potential impact of flooding to the garage may be considerably reduced by raising the floor level of the garage to 300mm above finished ground level however this would require filling of the land which is not encouraged.

The applicant has engaged a Structural Engineer to certify that the building has been designed to withstand the impact of floodwater, debris and buoyancy.

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

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

**Summary**

The Upper Nepean River Floodplain Management Study and Plan requires development to be compatible with the flooding characteristics of the locality and not increase the flood hazard or risk to adjoining properties. The proposed garage has been designed to comply with the specific design requirements of the Study, in particular any areas in a building below the flood level to be used for non-habitable purposes only. The proposed development has been certified to be structurally adequate in the event of flood and will not be detrimental to the flooding effects experienced in the locality.

Recommended: That Development Application 201/2003 for a free standing garage at No 7 Christopher Avenue, Camden, be approved subject to the conditions included in **Tabled Document “DC 13”**.

*Resolved on the Motion of Cr Winn, seconded Cr McFadden that Development Application 201/2003 for a free standing garage at No 7 Christopher Avenue, Camden, be approved subject to the conditions included in **Tabled Document “DC 13”**.*

DC030/03 THE MOTION WAS **CARRIED**.  
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**5. Additions to Dwelling - Lot 56 DP 24039 (No 46)  
Lerida Avenue, Camden**

**File No:** 4850.450 (Director, Development & Environment  
Division)

**DA No:** 1800/2002

**Owner:** Mr A & Mrs LM MacNaughton

**Zoning:** 2(a) Residential pursuant to Camden LEP 46

**Purpose of Report**

The purpose of this report is to enable Council to determine an application for a dwelling addition on land affected by flooding from the Nepean River. The addition has been constructed without the prior consent from Council.

**Summary of Recommendation**

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

**Background**

On 13 December 2002, an application was submitted for the construction of an addition to a dwelling at No 46 Lerida Avenue, Camden. A subsequent site inspection established that construction of the building was practically completed. Further assessment of the application also established that the site was affected by flooding from the Nepean River. As a result the applicant was advised to provide justification for the construction of the addition without prior consent.

In response the applicant submitted an account detailing the chain of events leading to the construction of the building. A summary of the account is detailed as following:

In June/July, 2002, the owners of the property entered into a contract with a building company to construct a dwelling addition. The company prepared a set of plans and lodged them with a private certifier. Shortly after lodging the plans the building company declared that they were unable to obtain Home Warranty Insurance and therefore could not proceed with the work.

On the 4 of August 2002, the owners entered into a new contract with Homestyle Improvements to carry out the work.

On 22 August 2002, the owners of the property received a letter from the private certifier stating that an approval for the proposed work had been issued and would be released subject to the provision of a copy of the Home Owners Warranty insurance and the payment of an invoice. As part of the

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contract agreement Homestyle Improvements forwarded the relevant documentation to the private certifier on 13 September 2002, and in return received a copy of the approved plans, see **Tabled Document “DC 14”**. Soon after, the owners wished to include a deck in the additions and consequently amended plans were forwarded to the certifying authority (private certifier).

In late November 2002, following commencement of construction, the private certifier attended Council and established that the property was flood affected. As a result the builder was advised to contact a structural engineer who certified that the building as a whole and the footings are capable of withstanding the effect of flood and debris. The applicant has stated that, as a result of the structural certification, he believed he could proceed with work, which was then constructed to practical completion. Meanwhile, however, the builder submitted a development application for the construction of the addition.

**The Site**

The site is located on the eastern side of Lerida Avenue and has direct frontage to the road. A single storey, vinyl clad dwelling currently occupies the site. The adjoining properties contain a fibro single storey dwelling to the south and a two storey brick veneer dwelling to the north. Dwellings located at the rear of the site are predominantly single storey, weatherboard buildings. The addition did not require the removal of any trees.

The land is affected by the 1% AEP flood with a current flood level at RL 71.9m 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. A copy of the site plan forms **Tabled Document “DC 15”**.

**The Proposal**

The applicant seeks approval to retain an addition constructed without prior consent from Council at No 46 Lerida Avenue, Camden. Due to the land being affected by flooding the development does not meet the predetermined standards of Development Control Plan 112 ‘Exempt and Complying Development’ and for this reason development consent is required from Council as opposed to a private certifier.

The addition consists of a family room, study, laundry/toilet and timber deck. The construction has a flat colorbond roof and vinyl clad exterior walls to match the walls of the dwelling.

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The addition is constructed on steel posts, which maintain an open, unimpeded area under the building.

The applicant's structural engineer has provided a certificate confirming that the addition can withstand the effects of flooding and debris, and that the floor level is located 800mm above the 1% AEP.

**Notification**

The proposal was notified to affected residents in accordance with Council's Development Control Plan 116 'Notification, Advertisements and Mediation'. At the conclusion of the exhibition period no submissions were received.

**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

**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 2025

Camden 2025 seeks to manage urban growth to ensure that 'growth occurs in a planned and orderly way' and conserves the traditional qualities of the Camden area. The proposed development achieves the intent of the Strategic Plan for Camden by effectively utilising the site while maintaining the established aspect of the locality and ensuring the works are above the flood planning level.

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Camden Local Environmental Plan No 46

The land is zoned Residential 2(a) under Camden Local Environmental Plan 46.

Clause 21 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 river bank stability.

Assessment of the application, with consideration to Clause 21 in the LEP, is discussed further in this report under the Upper Nepean River Floodplain Management Study and Plan.

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.

Residential Development Control Plan 58

The design of the proposal maintains the 'sense of place' in the locality and complies with the development standards of the residential Development Control Plan No.58.

Upper Nepean River Floodplain Management Study and Plan

The site is affected by the 1% flood event, located at RL 71.9m AHD, and is categorised in accordance with the Upper Nepean River Floodplain Management Study and Plan (FMP) as low hazard – flood fringe. The 1% AEP flood line passes through the centre of the land from the front boundary to the rear and affects the northern half

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of the property. The level of inundation to the site is less than 800mm and is determined as 'still water'. Flood free access is maintained to Lerida Avenue and then onto Macquarie Avenue, see **Tabled Document "DC 16"**.

The FMP suggests that the level of inundation and flow velocity does not warrant inclusion in any possible house-raising or acquisition scheme.

The applicant has engaged a Structural Engineer to certify that the building has been designed to withstand the impact of floodwater, debris and buoyancy.

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

The development is consistent with the 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 environment.

**(d) any submissions**

No submissions were received from owners or occupants of surrounding properties.

**Summary**

The addition achieves the objectives of the relevant planning instruments and meets the vision for Camden by maintaining the traditional qualities of the 'place'. The application demonstrates that the addition improves the use of the building and is not considered to have a detrimental impact on the likely effects associated with the flooding experienced in the immediate locality.

The incorrect issue of the complying certificate by the private certifier is being addressed as a separate matter and will be referred to PlanningNSW for comment.

Recommended: That Development Application 1800/2002 for the consent of an unauthorised addition at No 46 Lerida Avenue, Camden, be approved subject to the inclusion of the appropriate conditions, which form **Tabled Document "DC 17"**.

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*Resolved* on the Motion of Cr Batros, seconded Cr Winn that Development Application 1800/2002 for the consent of an unauthorised addition at No 46 Lerida Avenue, Camden, be approved subject to the inclusion of the appropriate conditions, which form **Tabled Document "DC 17"**.

DC031/03 THE MOTION WAS **CARRIED**.  
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**6. Proposed 30 Lot Subdivision at Lot 9 in Deposited  
Plan 210326 (No 43) Morshead Rd, Mount Annan**

**File No:** 5650.430-2 (Director, Development &  
Environment Division)

**DA No:** 60/2002

**Owner:** Morshead Developments Pty Ltd

**Zoning:** 2(d) Residential pursuant to Camden LEP 47

**Purpose of Report**

The application seeks approval to subdivide one lot into thirty lots. The matter is referred to Council given the departures from DCP 59 sought by the applicant.

**Summary of recommendations**

It is recommended that the application be approved subject to standard conditions of development consent, see **Tabled Document “DC 18”**.

**The Site**

The 2.023 hectare site is bound by Holdsworth Drive to the north, Morshead Road to the west, Chappel Court to the south and vacant property to the east, which forms part of the Mount Annan District Centre. A copy of the site plan forms **Tabled Document “DC 19”**.

The land is characterised by a ridgeline located approximately 60m east of Morshead Road. The land falls easterly, northerly and westerly of the ridgeline at moderate gradients. Elevations vary from RL 108.05 AHD at the high point of the ridgeline and RL 93.9 AHD at the north east corner of the site. The soil has been tested for contamination and salinity and has been determined as suitable for residential use.

The majority of the land has been cleared over time for agricultural purposes. Some trees remain, however these are located on the western portion of the land.

The land is occupied by a cottage located near the corner of Holdsworth Drive and Morshead Road intersection and a brick residence situated near the corner of Morshead Road and Chappel Court.

**The Proposal**

The application seeks Council approval to carry out the following:

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- Retain the dwelling on the corner of Chappel Court and Morshead Road.
- Demolish the existing dwelling on the corner of Holdsworth Drive and Morshead Road.
- Construct half road and drainage in Morshead Road and Chappel Court to complete the road formation in this location.
- Construct an interallotment drainage system.
- Subdivide one lot into thirty lots of varying size [between 580m<sup>2</sup> and 910m<sup>2</sup>].

The submitted plans of the proposed subdivision form **Tabled Document “DC 20“**.

**Notification**

The subject application was notified to adjacent and adjoining property owners. No submissions were received.

**Planning Controls**

The following planning instruments relate to the proposed development and the assessment undertaken by Council.

- Camden 2025
- Camden LEP 47
- DCP 58 Residential development
- Safer by Design principles.
- DCP 59 Narellan Vale/Mount Annan

**Assessment**

The subject application has been assessed in accordance with section 79C of the environmental Planning and assessment Act. The following comments are provided with respect to the critical aspects of Councils assessment.

**(a) the provisions of any Local Environmental Plan, Development Control Plan or Draft instrument**

Camden 2025

The strategic plan for Camden seeks to ensure that growth occurs in a planned and orderly way. The proposed development has the necessary infrastructure and access arrangements required by that plan. The natural environment will not be degraded by the development.

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Camden LEP 47

The proposed subdivision is permissible development. The planning instrument seeks 'to provide for a wide range of housing needs by:

- (i) allowing a choice of housing options in each town;
- (ii) satisfying the housing needs of the community, including socially and physically disadvantaged people; and
- (iii) increasing the density of residential development near commercial and community facilities where satisfactory transport services are available; and
- (iv) promoting more affordable housing.'

The development is consistent with these objectives.

DCP 59

DCP 59 relates specifically to the Mount Annan/Narellan Vale Release area. The application seeks approval to depart from the subdivision pattern outlined in the DCP. In particular the following variations are sought:

*Dedication of Open Space*

The DCP requires the dedication of an area of open space on the corner of Holdsworth Drive and Morshead Road. The applicant believes that this is unreasonable given that Council did not enforce a similar requirement for dedication of open space on the northern side of Holdsworth Drive, ie the land on the northern side of Holdsworth Drive has been developed without the dedication of open space nominated in DCP 59. A map from DCP 59 forms **Tabled Document "DC 21"**. The applicant has also argued that the land is too small to serve any useful open space use and has potential for injury of users because of its the location adjacent to a roundabout on a collector road. As an alternative to the dedication of land the applicant intends to construct a masonry feature wall similar to that constructed on the northern side of Holdsworth Drive.

Comments: The dedication of this parcel of land by the developer is inconsistent with Council's Open Space Strategy in that the strategy does not encourage the establishment of "pocket" parks. From a practicality point of view the subject land is inappropriate given its inefficient size, ongoing maintenance demands and proximity to a roundabout on a collector road. It should be noted that Council's Contribution Plan does not

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require the provision of open space in the area of the proposed subdivision.

It should also be noted that this land was shown on the DCP for the purpose of having an “entry” estate name, in this case Mount Annan, similar to other estate entrance names in the area. The land is not needed for open space and will only be a maintenance issue for Council in the future. A condition of consent will require the owner of this parcel of land to maintain the wall and signage by way of an 88b Instrument.

Having regard to the above, no objection is raised to the deletion of the open space.

*Pathway*

The DCP requires the construction of a pathway from the head of Chappel Court to Holdsworth Drive. The applicant has argued that this is an inappropriate requirement given long pathway connections between streets without direct casual surveillance are no longer considered appropriate in terms of residential planning. It should be noted that previous development of adjoining land has resulted in the provision of a pathway connecting the eastern end of Chappel Court with the future Mt Annan District Centre pathway network. The subject path also acts as an overland flow path for water from Chappel Court.

Comments: The pathway shown in the DCP is approximately 80m in length. In terms of public safety, a pathway of this length is a serious risk and should be discouraged. Council’s policy does not promote pathways unless they are required for drainage purposes and should be at least 10m wide so that public safety is not compromised. In this regard, as the pathway is not required for drainage purposes, it is considered appropriate to delete.

DCP 58

DCP 58 requires that residential subdivision in the 2(d) Residential 2 zone maintain a sense of place by ensuring that development density and scale is in harmony with the existing or planned character of the area and that lot sizes provide for adequate setbacks, maintain site features and provide a useable building space and a pleasant living environment. The proposal complies with the requirement of the DCP in terms of lot size, width, depth.

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Safer by Design Guidelines

The applicant has incorporated safer by design principles into the overall development. Conditions have been placed on the development consent requiring lots fronting the existing laneway to have open style fencing adjacent to the laneway to provide guardianship to such an area. In addition to the above, certain lot boundaries have been splayed at the corners in order to eliminate concealment opportunities.

**(b) likely impact of the development on both the natural and built environment**

The impact upon the environment will be minimised by incorporating suitable controls during the road construction and building phase of the development. The development will also assist with the efficient utilisation of services afforded to the area.

**(c) Suitability of the site**

The subject site is fully serviced for residential development. It also has good access to public transport (bus) and the road network. The majority of the site to be developed in terms of road construction and residential subdivision is devoid of native vegetation and is considered to be suitable for residential development. The lot layout allows for the retention of the significant trees on site.

**(d) Traffic and transport**

The current subdivision layout has 14 lots fronting Holdsworth Drive, however proposed Lot 17 will have access denied to Holdsworth Drive, which totals 13 driveways directly accessing this road. The number of driveways having direct access to this road is of concern given the steepness of the road and the speed of traffic.

An option of providing an access way off Chapel Court running along the rear boundaries of the proposed allotments and providing garages/access off such accessway to all lots was considered. This accessway would be some 14m wide and would reduce the size of the lots as proposed and result in two road frontages. This would result in an internalised lot layout. This option was not preferred under Safer by Design principals which considers issues relating to security and vandalism, as the resultant accessway would be some 200m long with no casual surveillance from one end to the other.

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A second option of having lots front the accessway was assessed, however this option was also not preferred due to the rear boundary having to be fenced along the length of Holdsworth Drive. Such an option would not present a satisfactory streetscape to Holdsworth Drive traffic and residences. This would have the same appearance as the rear fence along the Cascades development, which does not present a desirable streetscape.

With the above in mind the current proposal was assessed to be the best option.

**(e) Housing Design and site grading**

The subject site falls steeply from Morshead Road to Holdsworth Drive. Proposed Lot 24 has the steepest crossfall of some 12.4% across the lot. The applicant has submitted a conceptual housing design (refer **Tabled Document “DC 22”** across these lots indicating that houses can be sited on the proposed lots fronting Holdsworth Drive, taking into account such objectives as overshadowing, vista and cut and fill.

**Conclusion**

The proposed development will complete the road network in Chappel Court and Morshead Road, and pedestrian access is maintained to the Mount Annan District Centre pathway network. The subject site is highly visible from the eastern approach and careful consideration will need to be given to future house designs to maintain the setting of this area.

The proposal does not comply with DCP 59 in terms of the provision of a small area on the corner of Holdsworth Drive and Morshead Road for open space purposes. This open space was shown on the DCP to be area set aside for an “entry” statement to the suburb of Mount Annan. The entry statement will still be provided as part of Lot 17 and will require the owner of this lot to maintain rather than Council. Conversely the pathway linking Chappel Court and Holdsworth Drive is unnecessary as it does not convey drainage, and again is a safety issue.

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Recommended: That:

- (i) Development Application 60/2002 for a 30 lot residential subdivision at Lot 9 DP 210326 (No 43) Morshead Road, Mount Annan be approved subject to the conditions of consent which form **Tabled Document "DC 18"**.
- (ii) Council amend Development Control Plan No 59 to reflect the proposed subdivision.

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

- (i) Development Application 60/2002 for a 30 lot residential subdivision at Lot 9 DP 210326 (No 43) Morshead Road, Mount Annan be approved subject to the conditions of consent which form **Tabled Document "DC 18"**.*
- (ii) Council amend Development Control Plan No 59 to reflect the proposed subdivision.*

DC32/03      *THE MOTION WAS **CARRIED.***  
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**7. Draft DCP 112 (Amendment No 2) and Amending LEP 131 – Exempt and Complying Development**

(File: 4271/4 & 4280/1) (Director, Development & Environment Division)

**Purpose of Report**

To refer both the draft Amending LEP 131 and draft DCP 112 (Amendment No 2) – Exempt and Complying Development to Council for adoption, following the LEP's review by Parliamentary Counsel.

**Background**

DCP 112 – Exempt and Complying Development was adopted by Council on 22 May 2000. At the same time, an amending Local Environmental Plan (LEP 114) was prepared to amend LEP's 45, 46, 47, 48 and 74 in order to give effect to DCP 112. The amending LEP was gazetted on 28 July 2000.

After two years of operation DCP 112 was reviewed with Council resolving 22 July 2002 to exhibit the draft DCP 112 (Amendment No 2) and to prepare the required amending LEP 131 – Exempt and Complying Development.

**Exhibition and Review of Draft DCP 112 (Amendment No 2)**

Draft DCP 112 (Amendment No 2) was exhibited with 180 letters sent out to the building and development industry in August 2002 with the exhibition closing 23 September 2002. One submission was received which was reviewed, as well as a further internal review by staff. The following amendments were made to the draft DCP.

- (a) Complete list in the contents of all items covered by exempt and complying development.
- (b) Clause 5.2(m) added (as in original DCP) to cover the situation of adjoining vacant land in residential areas.
- (c) Clause 5.3(a) – bushfire prone areas clarified to minimise restricted development.
- (d) Clause 5.9 and Complying Development Process flow chart have been amended from 5 years to 2 years for the Complying Development Certificate.
- (e) Schedule 1 – Exempt Development

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- Addition of 'public notices' as required by Council;
- 'Air conditioning' returned from complying development for reasons of general practicality and cost savings for home owners;
- All references to 'private open space' has been refined to refer to 'principal' private open space to avoid any misinterpretation;
- 'Fences' for corner lots has been updated to reflect draft DCP 58 – Residential Code;
- 'Filming' is a new category reflecting the recent gazettal of a SEPP 4 amendment;
- 'Home Based Child Care' was an omission from the tabled draft document and also from the exhibition;
- 'Sunblinds' is a new category to cover a specific common addition to a house;
- 'Temporary signs' emphasises that balloons are not exempt development;
- 'Water tanks' have been amended to reflect the recent gazettal of a SEPP 4 amendment.

(f) Schedule 2 – Complying Development

- 'Air conditioning' relocated back to exempt development;
- 'Bed and breakfast' have 2 new standards to reflect Council's DCP 81 – Bed and Breakfast;
- 'Detached dwellings' – a new standard to pick up Harrington Park's specific development guidelines;
- Extra standards included to reflect 'safer by design' considerations;
- Clarification of 'private open space' to reflect DCP 58;
- Driveway crossings changed from 5.5m to 4.5m to minimise impact on street car parking;
- 'Fill' issue added as well as a minimum 450mm wide eaves and 6m rear setback for dwellings to reflect draft DCP 58;
- Insulation in rural dwellings clarified;
- Carports and garages setbacks clarified;
- 'Minor boundary adjustments' additions for greater clarification;
- 'Swimming pools' updated.

(g) New appendix for Harrington Park special guidelines

(h) An addition to condition 26 in schedule 3 - Complying Development Certificate Conditions to provide certainty in what is required.

(i) New appendix to include 'bushfire prone plan' which is expected to be finalised shortly.

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- (j) New appendix to include advise from Mine Subsidence Board for their deemed approvals which cover minor items of building and ancillary development.

**A copy of the submission including a summary has been handed out to Councillors separately to the Business Paper.**

PlanningNSW advised Council on 9 December 2002 of the gazettal of an amendment to SEPP No 4 – Development Without Consent and Miscellaneous Complying Development, which related to two items in draft DCP 112, ie filming and rainwater tanks, as exempt development. These two items have been added as a new item for the filming and a revision to the rainwater tanks section.

The reviewed draft DCP 112 (Amendment No 2) - Exempt and Complying Development forms **Tabled Document “DC 23”**. All the amendments made following the exhibition are highlighted in italics.

**Draft LEP 131 - Exempt and Complying Development**

Draft LEP 131 has been prepared and has been reviewed by Parliamentary Counsel and is now awaiting Council's adoption date for DCP 112 (Amendment No 2) to finalise the LEP for gazettal.

**Conclusion**

Both LEP 131 and DCP 112 (Amendment No 2) were prepared to meet Council's requirements under EP&A Act 1979, following a full review of the DCP to ensure that the Plan meets the latest requirements of planningNSW and the community.

The changes are generally of a minor nature or relate to other Plans to ensure consistency of Council's policies.

These Plans are being resubmitted to Council for adoption to enable the Plan to be submitted to the Minister in accordance with the EP&A Act 1979, so that the plan may be formally made and gazetted.

Recommended: That:

- (i) Council resolve to adopt LEP 131 – Exempt and Complying Development, a copy which forms **Tabled Document “DC 24”**, and submit it to the Director General of PlanningNSW in accordance with s.68 of the EP&A Act 1979.
- (ii) Council resolve to adopt the amended DCP 112 (Amendment No 2) – Exempt and Complying Development,

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which forms **Tabled Document “DC 23”** in accordance with c.21 of the EP&A Regulation 2000, and also submit it to planningNSW in conjunction with LEP 131.

- (iii) The individual who made a submission be thanked and advised of the proposed amendments.

*Resolved on the Motion of Cr McFadden, seconded Cr Batros, that:*

- (i) *Council resolve to adopt LEP 131 – Exempt and Complying Development, a copy which forms **Tabled Document “DC 24”**, and submit it to the Director General of PlanningNSW in accordance with s.68 of the EP&A Act 1979.*
- (ii) *Council resolve to adopt the amended DCP 112 (Amendment No 2) – Exempt and Complying Development, which forms **Tabled Document “DC 23”** in accordance with c.21 of the EP&A Regulation 2000, and also submit it to planningNSW in conjunction with LEP 131.*
- (iii) *The individual who made a submission be thanked and advised of the proposed amendments.*

DC033/03 THE MOTION WAS **CARRIED.**  
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**8. Bushfire Prone Land Mapping and Planning for  
Bushfire Protection**

(File: 4690) (Director, Development & Environment Division)

**Purpose of Report**

To advise Council of the latest position in the mapping of bushfire prone lands and planning for bushfire protection in the Camden LGA.

**Summary of Recommendation**

It is recommended that Council adopt the draft bushfire prone land map as prepared by NSW Rural Fire Services and note the information on planning for bushfire protection.

**Background**

On 1 August 2002, the *Rural Fires and Environmental Assessment Legislation Amendment Act 2002* (Amendment Act) came into effect. The Act amends both the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Rural Fires Act 1997* to ensure that people, property and the environment are more fully protected against the dangers that may arise from bushfires.

The Amendment Act requires Councils to map bush fire prone land within their local government area, which becomes the basis for planning for bushfire protection. Currently the bushfire hazard map prepared as part of a Bushfire Risk Management Plan 2001 is being used as an interim measure as required by the Amendment Act.

The longer-term requirement of the Amendment Act is for Council to request the Commissioner for Rural Fire Service to designate land which is bushfire prone within the Camden LGA.

**Current Position**

As an interim position, Council is required to use the approved Camden Bush Fire Risk Management Plan. This plan was adopted by the NSW Bush Fire Coordinating Committee in 2001, following its public exhibition in 2000.

There is a distinction between 'bushfire risk' and 'bushfire-prone area', which is described as follows:

**Bushfire risk** - is the chance of a bushfire igniting, spreading and causing damage to assets of value to the community. Risk may be related as being extreme,

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major, moderate, minor or insignificant and is related to the vulnerability of the asset.

**Bushfire-prone area** - is an area that can support a bushfire or is likely to be subject to a bushfire attack. In general, a bushfire-prone area is an area occurring within, or within 100m (ie the prescribed buffer) of a high or medium bushfire hazard, within or within 30m of a low bushfire hazard but are not existing urban areas or waterbodies (other than wetland vegetation) as identified by a bushfire hazard map produced under a Bush Fire Risk Management Plan, or such other map (*Bushfire Prone Land Map as proposed*) certified by the NSW Rural Fire Service for this purpose.

**Bushfire Prone Land Map**

Council has received the final Bushfire Prone Land Map as prepared by the NSW Rural Fire Services after being reviewed by Council officers. The map forms **Tabled Document “DC 25”**.

The bushfire prone land map is determined by using vegetation mapping, principally identifying forests, woodlands, heaths and wetlands as 'Bushfire Vegetation Category 1', and shrubland, open woodlands and grasslands as 'Bushfire Vegetation Category 2', all with areas greater than 1ha.

Vegetation excluded from the above categories are those vegetation groups generally less than 1ha in area; areas of managed grassland; areas of managed gardens and lawns within curtilage of buildings; agricultural lands used for annual and/or perennial cropping, orchard, market gardens and the like.

Once areas of vegetation have been defined, the application of buffering to these produces the bush fire prone land map. Around a 'Bushfire Vegetation Category 1' a 100m external buffer is applied, while a 30m external buffer is applied around 'Bushfire Vegetation Category 2'.

**Bushfire Prone Property Map**

This is a supplementary map that defines each parcel of land that is within, or partially within the Bushfire Prone Land Map. This map is significant as it clearly defines all properties affected by bushfire prone designation whether partially or completely. This map will be prepared by the NSW Rural Fire Services after the adoption of the Bushfire Prone Land Map.

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**Planning for Bushfire Protection**

Planning for Bushfire Protection - A Guide for Councils, Planners, Fire Authorities, Developers and Home Owners 2001, was developed by the NSW Rural Fire Service in close consultation and collaboration with planningNSW. The document can be accessed on the NSW Rural Fire Services' web site [www.bushfire.nsw.gov.au](http://www.bushfire.nsw.gov.au).

The document outlines the bushfire planning matters, which need to be considered at various stages of the planning process. This includes the preparation of LEPs, subdivision design and building construction. It links the bushfire hazard for a site with the implementation of appropriate bushfire related planning and development controls. These controls include: land use planning, siting and access considerations, vegetation management, water supply provisions and building construction requirements.

The objectives adopted by 'Planning for Bushfire Protection' to meet the overall purpose of bushfire protection of human life (including firefighters) and property, include the following:

- consider bushfire protection and management issues in land use planning and development decisions, to provide a safe environment for the community;
- manage vegetation to reduce potential bushfire attack in the vicinity of habitable buildings;
- design and siting of habitable buildings to improve the survivability of the building and the protection of life during the passage of the firefront;
- provide safe access for emergency and other vehicles at all times;
- ensure water is available to landholders and emergency services to enable the defence of habitable buildings against bushfire attack;
- establish a maintenance regime for fire protection for the life of the habitable building.

**Bushfire Protection and the Planning System**

Consultation and development consent - certain bush fire prone land. Section 79BA EP&A Act as amended August 2002, now requires that the consent authority must be satisfied that the development conforms to the specifications and requirements of Planning for Bushfire Protection 2001, or the consent authority has consulted with the Commissioner of the NSW Rural Fire Service. Depending on the bushfire rating,

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some development applications are now Integrated Development.

Planning for Bushfire Protection 2001 has a specific chapter on assessing residential subdivision, rural-residential subdivision and development, rural dwellings, infill development and special protection development.

DCP 112 - Exempt and Complying Development provides that complying development is not permitted in land identified by Council as bushfire prone.

The BCA and AS 3959 - Construction of buildings in bushfire-prone areas. The BCA contains both Performance Requirements and Deemed-to-Satisfy Provisions relating to construction of buildings in bushfire-prone areas, while AS 3959 is referenced by the BCA as the Deemed-to-Satisfy construction standard for buildings in designated bushfire-prone areas. Therefore the application of the above relies on the identification of 'designated bushfire-prone areas'.

Planning Certificates (section 149 EP&A Act and Schedule 4 EP&A Regulation). The Regulation now requires for Council to include on a Planning Certificate a statement to the effect that a property has been identified as bushfire-prone land.

### **Training**

Several Council officers have already been trained in implementing the provisions of the Planning for Bushfire Protection 2001, while an in house training programme has been organised for early April for the remaining officers who need to be trained. The proposed training is being provided by a senior officer from the NSW Rural Fire Service.

### **Summary**

The recent amendment to the EP&A Act requires Council adopt a Bushfire Prone Land Map and undertake detailed assessments during its consideration of a development application if the property has been identified by the Bushfire Prone Land Map.

Council also has to include on a Planning Certificate a statement to the effect that a property has been identified as bushfire-prone land.

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Recommended: That:

- (i) The Bushfire Prone Land Map as prepared by NSW Rural Fire Services which forms **Tabled Document “DC 25”** be adopted for referral to the NSW Commissioner of Rural Fire Services for his approval.
- (ii) The information on Planning for Bushfire Protection be noted.

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

- (i) The Bushfire Prone Land Map as prepared by NSW Rural Fire Services which forms **Tabled Document “DC 25”** be adopted for referral to the NSW Commissioner of Rural Fire Services for his approval.*
- (ii) The information on Planning for Bushfire Protection be noted.*

DC034/03 THE MOTION WAS **CARRIED.**  
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**9. Demolition Of Existing Buildings And Removal Of Trees To Permit Construction Of A Multi – Unit Residential Development For Torrens And Strata Subdivision Purposes, No 1-7 [Lots 161 to 164 in DP 1020427] Barsden Street, Camden**

**File No:** DA575.60 (Director, Development & Environment Division)  
**DA No:** 1904/2000  
**Owner:** Edwards Management Services Pty Ltd  
**Zone:** Town Centre Support 3f pursuant to Camden LEP 45

**Purpose of the Report**

Council is in receipt of an application for the development of the above-mentioned site. The application is referred for Council's determination given the degree of flood affectation to the site that has frontage to Cawdor Road and non-complying aspects of the development with DCP 58.

**Summary of Recommendation**

It is recommended that Council approve the development subject to conditions.

**Background**

The application as originally submitted proposed the construction of 5 separate residential flat buildings, which contained a total of 38 units, a swimming pool and a communal building. One of the residential buildings, the pool and communal building were to be constructed upon a portion of the site affected by the 1% AEP. The original proposal has been revised to delete these buildings / structures. This effectively reduced the total number of units to 30 and allowed many of the issues raised in objections made to the initial advertising period to be overcome.

**Subject Site**

The subject site consists of four (4) allotments and has a total area of 4500m<sup>2</sup>. Three of the lots have access to Barsden Street. The fourth lot has dual access provisions from Barsden Street and Cawdor Road, the latter via a Right of Way (ROW).

The site has a frontage of 57.9m and depth of approximately 61.4m. It rises from RL70.9 at the north-west corner of the development to RL75.9 at the south-eastern corner fronting Barsden Street resulting in a change in level over the area to be developed of approximately 5.0.

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The remainder of the property (not to be developed) is affected by flooding. The AHD for the 1% flood event is 71.3. The site contains approximately 4 trees and numerous shrubs that need to be felled to allow the proposed development to proceed.

The site is bound by residential development to the west and north and a car park to the east. A locality plan showing the subject site forms **Tabled Document “DC 26”**.

**Description of Proposal**

The applicant seeks approval to carry out the following work:

- Demolition of the existing three (3) fibro and timber cottages and a number of associated outbuildings.
- Remove 4 established trees and numerous shrubs.
- Construction of four (4) separate two-storey residential buildings which contain a total of 30 units (14 x two bedroom units and 16 x three bedroom units).
- Construct two underground car parks. Each car park accommodates 31 car spaces.
- Excise [subdivide] the unoccupied portion of Lot 161 from the remainder of the developed site.
- Strata subdivide the units for residential tenancy.

The proposed development will occupy the majority of the combined Barsden Street site areas. The unoccupied residue of Lot 161 is to be excised [subdivided]. The excised lot will be accessible via a ROW from Cawdor Road. It is envisaged that the excised land will be developed at some later date possibly in the form of an office complex. The remaining lots will be consolidated to form one allotment. The consolidated site will have a total area of 3558m<sup>2</sup>.

The underground car parks will run almost the entire depth of the allotments. Built upon each basement will be two residential apartment blocks. The buildings will be flanked by communal open space.

A plan of the proposed development forms **Tabled Document “DC 27”**.

**Notification**

The initial neighbour notification exercise culminated in the receipt of 23 submissions. A mediation session was held on 19 April 2002 with the residents and applicant. The proposal was subsequently redesigned and reduced in size to overcome the neighbours' concerns.

The redesigned proposal was renotified to the original residents

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from 8 October to 22 October 2002. At the close of the exhibition period no submissions were received.

**Planning Controls**

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

- Camden 2025
- Camden Local Environmental Plan No 45 (CLEP 45)
- Development Control Plan No 58 (DCP 58)
- Sydney Regional Environmental Plan No 20 Hawkesbury-Nepean River (SREP 20).
- NSW Flood Plain Management Manual.

**Assessment**

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

- (a) The provision of any environmental planning instrument, development control plan [DCP] or matter prescribed in the regulations**

Camden 2025

Council has identified five [5] key areas for the purpose of achieving the vision of Camden by the year 2025. Aspects of the plan 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'. The proposed development meets these criteria. Additional, residential development in close proximity to the town will provide, not only an increase in people using the services provided by shops and other services, but provide vitality to this part of town.

Camden LEP No 45

The subject site is zoned 3(f) Town Centre Support wherein the proposed development is permissible as multi-unit housing.

The relevant zone objectives are reproduced as follows:

- to provide for all forms of residential development to be carried out in a functional, aesthetic and environmental sensitive manner; and

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- to encourage redevelopment of land for medium density housing, including town houses, villas, cluster housing, semi-detached housing, small lots and the like, in locations close to main activity centres within the Camden local government area.

The proposed development is consistent with the objectives of the zone. The planning instrument also contains development standards relating to urban design principles, overall height of the buildings and flooding. Each of these matters will be dealt with separately elsewhere in this report.

Development Control Plan No 58

**The standards for residential development in the Camden local government area are outlined in DCP 58. The proposal has been assessed as a residential flat building. The requirements applicable to this particular development are discussed below.**

*Development Density*

DCP 58 states that higher densities should be located in designated areas, either close to commercial and community facilities and transport facilities. Density controls are intended to limit the intensity of development to allow for adequate landscaping, open space, and manoeuvring on-site.

The proposal has a density of 1 dwelling per 118m<sup>2</sup> of site area. The density of the proposal can be considered acceptable because it is in close proximity to the CBD and has transport access available. The consideration is reinforced by the fact that the proposal is compliant with DCP 58 in terms of landscaping, open space and vehicle accommodation.

*Building Setback*

DCP 58 states that the setbacks are intended to maintain existing streetscapes, provide space for enhancing or creating landscape features and for visual and acoustic privacy. DCP 58 requires that the front setback to be 5.5m for buildings that address access streets or are setback commensurate with existing setbacks in the immediate vicinity. The applicant seeks to vary the setback requirement.

The proposed buildings are oriented parallel with the side boundaries rather than the front boundary

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resulting in a variable setback. The setback ranges from 4.3m at the closest point to a maximum setback of 7.6m from the front boundary. The minor variation in setback is not expected to impact adversely upon the streetscape given that 5 out of 6 of the existing residential properties on the northern side of Barsden Street have a setback of 4 metres or less. The proposed landscaping will also assist in mitigating the impact of the building encroachment.

The rear and side setbacks are not specifically addressed in DCP 58. The side setbacks are 3.0m, which accord with Building Code requirements. The buildings have a rear setback varying from 2.78m to 4.2m.

*Landscaping*

DCP 58 requires landscaping to be provided at a rate of not less than 35% of the site area. The application complies with this requirement of the DCP.

*Communal Open Space*

DCP 58 requires the provision of at least 100m<sup>2</sup> of communal open space. The proposed development nominates three separate areas as communal open space (2 x 40m<sup>2</sup> and 1 x 20m<sup>2</sup>) on the submitted landscape plan. See **Tabled Document “DC 28”**.

These nominated communal open space areas are near the bedrooms of adjoining units. This has potential to intrude upon the privacy of the residents. Hence these areas will be required to be effectively screened [both visually and acoustically] by way of condition of consent.

*Open Space – Private*

Ground floor units enjoy direct access to a verandah. The proposal affords the first floor units with 2 balconies each which have a floor area in excess of the minimum 8m<sup>2</sup> required by DCP 58. Council must ensure that future development of the adjoining site does not adversely impact upon the solar access afforded to the rear units / balconies.

*Garbage*

Each basement contains a ventilated garbage room that is able to accommodate the required 17 bins. Two garbage bin pads are to be constructed on the footpath [to accommodate 17 bins each]. The bins will be placed on the pads for the weekly collection by a private

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contractor. The grade of the basement ramp is acceptable for the wheeling of garbage bins.

*Car Parking*

DCP 58 requires the provision of 61 car parking spaces for the development. Of these spaces 53 will be required for the residents and 8 spaces for visitors to the site.

The car parking arrangement for the proposed development complies with DCP 58. The basements will accommodate 31 each with a total of 62 spaces provided on site [54 residential and 8 visitor spaces]. One visitor car space in each basement doubles as a car wash bay.

A condition has been placed upon the consent requiring minor alterations to the car parking area. The changes are designed to improve the turning of vehicles in the basement and ensure all vehicles using these spaces are able to enter and leave the site in a forward direction.

The driveway has a width of 8.0m at the front boundary, which forms a passing area that will allow vehicles to pass on the ramp connecting the basement. The traffic island on the front boundary alignment divides the traffic flow and houses the intercom system to permit visitor entry to the basement area. Residents of the development will gain entry via a remote control system. The corrugated treatment of the driveway surface will afford responsible service and safety to its users.

*Visual Privacy*

DCP 58 provides that development should:

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

The external windows in each of the buildings are separated by more than the 9m as required by the DCP. Overlooking of adjacent units is therefore not considered to be an issue.

The proposed development contains first floor balconies, which have the potential to promote overlooking problems for the adjoining household premises. This problem has been addressed by requiring the installation of timber screens to the affected balconies as a condition of approval.

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*Building Character and Scale*

DCP 58 has a number of objectives relating to design criteria. These objectives are as follows:

- To maintain and enhance the features that creates local character and sense of place.
- Development should enhance the existing or planned town character and streetscape.
- The form, scale and siting of buildings, the materials and colours shall be appropriate to the character of the area.
- Building heights are regulated to maintain the low-rise residential character of the Camden area and to minimise the impact on existing residential development.

Considerable consultation between the applicant and Council staff has provided a building, which has greater aesthetic appeal and functionality than the original design. The proposal now exhibits elevations that make a positive contribution to the streetscape and serve to reduce the buildings' bulk and scale. This outcome is consistent with the development standards outlined in LEP 45.

DCP 58 states that for large buildings in particular, appearance in terms of the building itself and its suitability to local character is a critical issue for consideration. The applicant has reduced the scale and visual bulk of the building by simplifying the roofline, incorporating dark roofing material (grey colour roof tiles) into the design, introducing a striated colour scheme by using light coloured external face bricks on the first floor and darker painted rendered external walls of the ground floor and the basement. The applicant has provided Council with a number of options in terms of treatment of the gable ends. Revised plans have been received, which depict the preferred gable treatment.

The rear pair of buildings will be generally obscured from the street by the front pair of buildings. The front buildings will be screened to a limited extent by the proposed planting in the front yard and a timber picket front fence.

*Fencing*

DCP 58 states that front fencing in the older town areas is to maintain or create a streetscape character and to contribute to urban character. The applicant has also provided Council with a number of options in terms of the type/style of front fencing. The agreed fencing arrangement [1.2m high timber picket] will assist in reinforcing the streetscape character.

The existing perimeter fences are to be replaced with 1800mm high lapped and capped timber fences. All fences are considered to be compliant with DCP 58.

*Building Height*

DCP 58 requires that building heights are regulated to maintain the low-rise (one or two floors) residential character of Camden and minimise the impact on existing residential development. All dwellings are 2 storey in height. The basement car park and attic space [incorporated into the roof space of each unit] are not 'storeys' by definition.

The proposal complies with the requirements for wall height and roof ridge height in that the buildings are no greater than 9.5m above natural ground level and the highest point to the eaves is 5.0m, which is less than the 7.0m allowed under Council's DCP. The building has a roof pitch of 29° which is less than the 45° maximum stipulated in DCP 58.

*Overshadowing*

The most significant overshadowing by the proposal is upon the existing dwelling to the west in the morning period. The degree of overshadowing to this lot is within the acceptable guidelines as stipulated in the DCP in that more than 3 hours of sunlight will be afforded to the private open space.

*Drainage*

The drainage concept plan indicates that stormwater is able to be collected and conveyed to the existing stormwater system in Cawdor Road via an easement over the intervening land. Key features of the drainage concept plan include:

- Collection of all roof water, surface water and basement water.

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- Connection of the above to an on-site detention system constructed on the north western corner of the development.
- Construction of a gravity drained pipe to convey water from the on site detention system to the existing stormwater system in Cawdor Road.
- Provision of a reflux valve to ensure any rising flood waters above the 1% AEP do not surcharge in the basement area.

The pipe laid over private land will be controlled by the creation of an easement in favour of Council and the subject premises for maintenance purposes

It should be noted however, that the finished floor level of the basement [RL 69.75] is beneath the 1% flood level. Consequently the basement may be subject to flooding due to rising waters spilling into the basement via the ventilation grilles. Full details of the measures to ensure the basement will be flood proof are required as a condition of consent. It is also proposed to require the applicant to establish a 1.5 m wide easement along the entire length of the northern and eastern boundary. The easement will afford inter-allotment drainage provisions to those lots fronting Broughton Street that may be further developed in the future. The creation of this easement will be a condition of the consent.

Camden Scenic and Cultural Landscape Study

There is a three metre drop in the landform along the length of Barsden Street. The street, particularly at its higher section, provides a viewing corridor to the rural land beyond. There is also a viewing point from Macarthur Park looking westwards down the Barsden Street corridor. The Study suggests that the hills to the west are prominent but undramatic. To the east the mature trees of Macarthur Park are bold, attractive landmarks. Given the degree of compliance in terms of height limitations the development is not expected to reduce the view corridors referred to above. The Study suggests that attention should be given to future development in order to improve street tree planting and fencing quality in an effort to unify and harmonise the street's diverse elements. These issues have been addressed by the applicant in consultation with Council staff.

Regional Environmental Plan No 20

SREP 20 provides that Council shall not grant consent to any application to carry out development which

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drains to the Hawkesbury-Nepean River system, unless it has taken into account the effect that development will have on the river system.

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

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

Natural Environment

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 application proposes the removal of 4 trees from the site, which are shown on the plan. No objection is raised to the removal of these trees and shrubs.

Built Environment

The development complies with DCP 58 requirements in enhancing the existing or planned town character and streetscape. The form and scale of the buildings, the materials and colours are deemed appropriate to the character of the area.

Traffic Impact

The proposed development is located on Barsden Street, which the neighbours have identified as having a problem in relation to excessive speed and noise. The excessive speed issue relates to the width of Barsden Street and gradient. Noise issues relate again to vehicular speed and trucks using this road late at night servicing the service station.

In response to this problem, a traffic management strategy has been developed which is expected to mitigate these problems. The strategy is to introduce traffic line-marking in the street to reduce its perceived width and thus reduce vehicle speed in the street. This form of line marking has been successful on roads such as Welling Drive. It also includes the erection of 'No Stopping' signage and designated kerb parking bays to improve traffic safety. A plan of the work forms **Tabled Document "DC 29"**.

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The proposed works were referred to the Local Traffic Committee for endorsement and then to the Ordinary Council meeting held on the 24 February 2003. The applicant is required to finance the new works. The works however, will be undertaken by Council. Whilst the works will assist in the slowing of traffic and address the concerns of the residents, Council must determine whether it desires this form of traffic management in the residential streets adjacent to the Camden Town and whether it believes that this best reflects the “country town’ image it wishes to portray.

Barsden Street is a busy street, carrying many heavy vehicles associated with the service station at the corner of Cawdor Road and also servicing the industrial premise in Little Street. Coupled with the increased traffic generated by the proposed 30 dwellings that are replacing four, it is considered appropriate to implement the approved linemarking.

The driveways leading from the basement car parks have acceptable sight distances available up and down the street when approaching the front boundary from the basement.

**(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.

While the north-western corner of the building marginally intercepts the 1% AEP flood contour, the affectation is at ground level along the wall of the basement car park. The impact is minimal and will not prejudice the building, its operation or the safety of the residents. The floor level of the residential unit is 72.35, which is approximately 0.8m above the flood level. Flood free access is available to the site.

**(d) any submission made in accordance with the Act**

As stated elsewhere in this report, Council did not receive any submissions in the notification of the final development proposal. The lack of opposition to the redesigned proposal suggests that the problems that beset the original proposal are no longer an issue This is mainly a result of the on-going negotiations with the applicant and the mediation that successfully resolved the residents’ concerns.

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**(e) public interest**

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

**Conclusion**

The proposed development complies with the critical aspects of DCP 58 for development of this type namely, car parking, communal open space and landscaping. The development is consistent with the objectives of the Local Environmental Plan and the particular zone. The applicant has addressed the original concerns raised by Council and the community in relation to streetscape, traffic impact and over-development of the site. The resulting development will not detract from the amenity of the area.

Recommended: That

- (i) Development Application No 1904/2000 [No 7 Barsden Street, Camden] be approved subject to the conditions which form **Tabled Document “DC 30”**.
- (ii) The objectors to the initial proposal be notified of Council’s determination.

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

- (i) *Development Application No 1904/2000 [No 7 Barsden Street, Camden] be approved subject to the conditions which form **Tabled Document “DC 30”**.*
- (ii) *The objectors to the initial proposal be notified of Council’s determination.*

DC035/03 THE MOTION WAS **CARRIED.**  
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**10. Representation to Legal Proceedings – Retain  
Unauthorised Building at No 53 [Lot 69 DP 230494]  
Engesta Avenue, Camden and determination of  
Development Application No 345/2003**

**File No:** DA2850.550 (Director, Development &  
Environment Division)  
**DA No:** 1038/2002  
**Owner:** Mr R Burnett  
**Zoning:** Residential 2 [a] pursuant to Camden LEP 46

**Purpose of Report**

Council has instigated legal action against the above-mentioned property owner in accordance with the resolution made by Council on the 16 December 2002. The property owner has made representation requesting that the legal process should not be pursued by Council and outlining the reasons why this process should cease. A new development application proposing modified works to the structures that the order relates to has also been submitted and is addressed in the report. A copy of the site plan forms **Tabled Document “DC 31”**.

**Summary of Recommendation**

It is recommended that the development application be approved subject to conditions that address the majority of concerns of the neighbours and that legal action not be pursued at this stage. The reasons for requesting Council's original decision to be rescinded are outlined in this report.

**Background**

On the 16 December 2002 Council resolved to instigate legal proceedings against the property owner for unauthorised building works. In accordance with legislative requirements, a 'Notice of Intention to Serve an Order' was served upon the property owner. Once a Notice is served upon a property owner, that person is entitled to make representation to Council prior to a decision to proceed further with legal action.

The subject property owner has exercised his legislative right and made representation to Council as to why the Order should not be issued. The owner has also undertaken to make structural alterations to the detached out building in an effort to alleviate the concerns of the adjoining property owner. These details are included in a new development application proposing alterations to the unauthorised structure.

An application has also been made for a Section 149 – Building Certificate. The certificate, if approved, will give the owner an

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assurance that Council will not order demolition or repair of the structure for a seven year period. Consideration of the building certificate should be deferred pending determination of the development application and if approved, completion of the building works.

**Representation to Legal Proceedings**

On the 6 January 2003 the property owner was served with a 'Notice of Intention to Serve an Order' to carry out the following work:

- (a) Demolish and appropriately dispose of all materials associated with the unauthorised work constructed along the property's eastern boundary, in particular the addition to the dwelling and detached rumpus room.
- (b) Demolish and appropriately dispose of all materials associated with the masonry block wall/fence erected along the property's eastern boundary.
- (c) Relocate the existing metal shed within the confines of the property boundaries.

On the 22 January 2003, the owner made the following representation to the above Notice.

- (a) Council has previously granted approval for the construction of a pool shelter on the property's eastern boundary [BA 433/1982]. The approved plans show an existing boundary fence/wall along the common boundary. The owner contests that the subsequent approvals for the pool shelter legitimise at least part of the existing wall.

Comments: The property owner has enclosed the pool shelter without the approval of Council to form a hobby room [see **Tabled Document "DC 32"**]. The plans approved by Council [BA 433/1982] show an existing block wall along the eastern property boundary to be incorporated into the pool shelter. The plans indicate that the fence extends along the boundary for a distance of at least 5.5 metres. It is questionable whether the approval granted by Council has the effect of legitimising the entire masonry fence [approximately 14 metres in length].

- (b) In 1987 the property owner removed one row of blocks from a portion of the masonry wall. The owner contests that the works were undertaken to overcome a dispute between the adjoining property owners. Supporting documentation dated the 13 April 1987 has been

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provided from the Community Justice Centre that states the parties agreed to the retention of the wall [at a reduced height] and furthermore that the work was completed [see **Tabled Document “DC 33”**]. The owner therefore believes that the matter was resolved in 1987.

Comments: The adjoining property owners have no recollection of the matter being referred to the Community Justice Centre. It is their preference to retain the existing block wall at a reduced height [ie by the reduction in height of the wall by two courses of block work.

- (c) The owner has submitted detailed plans of proposed modifications to the entertainment room/outbuilding [see **Tabled Document “DC 34”**]. The owner has indicated that it is his intention to reduce the roof line so that it does not extend above the fence line.

Comments: There appears to be some inconsistency between the statements made by the owner and the detail contained in the submitted plans. The plans indicate that only one of the end walls will be reduced in height. If this was the case it is believed that the roof would extend beyond the height of the masonry wall. This matter has been raised with the owner and discussions held with respect to how the reduction in height can be achieved. Council is satisfied that by employing certain construction methods the roofline can be reduced in height so that it does not extend above the fence. The owner submitted revised plans, which detail the modifications to be made to the roof structure.

- (d) The property owner has agreed to relocate the metal shed in order to rectify the encroachment upon the adjoining reserve.

**Comments: A recent inspection of the subject property revealed that the owner has commenced the necessary work. At this stage the shed is partially dismantled.**

**Notification**

In addition to the issues raised above, the plans submitted have been incorporated in a fresh development application. Identical plans were notified to the adjoining owner on February 4, 2003 **and a submission received which was provided separately to Councillors.** The adjoining property owners have indicated that their objection to the development remains the same. It is their preference to see the building

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demolished and the masonry wall reduced in height by two courses of block work [approximately 400mm].

**Assessment**

*Use of the rooms*

The plans prepared by the owner suggest that the space will be an 'outbuilding'. Should Council grant approval for retention of the structure, a condition will be placed on the consent stipulating that the structure shall not be used for habitable purposes.

*Compliance with the BCA*

The detached room is unlikely to result in the spread of fire due to the separation between the room and the existing residence [approximately 3-4 metres] and the fire resistant level afforded to the existing block wall.

*Loss of Views/Amenity*

The block wall has been constructed at a variable height [ie 1.8 to 2.2 metres] for a distance of approximately 14 metres. The wall reduces the adjoining property owners' views of the nearby flood plains. The height of the wall also detracts from the residential nature of the property. It should be noted that a standard boundary fence would be approximately 400 mm less than parts of the current block wall.

Apart from the obstruction of views, the adjoining property owner has suggested that they suffer from glare caused by the choice of roofing material, loss of aesthetic amenity, stormwater run off and loss of natural light/air circulation. The issue of glare from the roof will partly be addressed by the change of roof pitch proposed and a condition of consent can be included in any consent requiring the roofing material to be non-reflective. Stormwater run off from the structure would be collected in gutters and discharged via downpipes to flow away from the neighbouring property. It is apparent that the adjoining site would experience stormwater problems, however this is as much the result of fill placed on the land by the owners as it is the location of the masonry wall. The existing awnings around the objector's property would have more impact on light and ventilation than the subject building.

*Structural alterations/adequacy*

The owner has undertaken to carry out the following works:

- Reducing the height of the roofline beneath the masonry fence.

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- Core filling the masonry blocks [end walls only] with concrete.
- Provide tie down rods to each rafter.
- Provide articulation to the existing walls.

The structural report submitted by a qualified engineer states that the above works will ensure that the 'structure will be adequate for normal design loads'.

**Conclusion**

The adjoining property owner has been consulted with respect to the proposed modifications to the outhouse. They have indicated a desire to have the outbuilding demolished, whilst retaining the existing block fence/wall at a reduced height [ie two courses of brickwork].

Given that Council has approved plans for a pool shelter [which clearly show a section of the block fence/wall along the boundary] it would appear that retention of at least part of the wall structure is reasonable.

The owner has also demonstrated that the roof line of the out building can be reduced in height so that it will not be visible from the adjoining property. Certain rectification works will ensure that the structure can withstand normal loads.

Recommended: That

- [i] Legal action against the owner of No 53 Engesta Avenue, Camden be suspended.
- [ii] Development Application No 345/2002 for the use of the structure as a non-habitable room be approved. The conditions contained in consent relate to the use of the building and rectification works to be undertaken by the owner [see **Tabled Document "DC 35"**].
- [iii] Council issue a Section 149 - Building Certificate upon satisfactory completion of the rectification works to the outbuilding.

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**MOTION**

*Moved Cr Winn, seconded Cr McFadden that*

- [i] Legal action against the owner of No 53 Engesta Avenue, Camden be suspended.*
- [ii] Development Application No 345/2002 for the use of the structure as a non-habitable room be approved. The conditions contained in consent relate to the use of the building and rectification works to be undertaken by the owner [see **Tabled Document “DC 35”**].*
- [iii] Council issue a Section 149 - Building Certificate upon satisfactory completion of the rectification works to the outbuilding.*

*THE MOTION ON BEING PUT WAS **LOST**.*

*(Cr Patterson, Cr Campbell, Cr Batros, Cr Corrigan, Cr Senise and Cr Fekete voted against the Motion).*

*The effect of the Motion being lost was that the original Motion of 16 December, 2002 (DC131/02) to instigate legal proceedings remains in effect and the legal proceedings against the property owner will be continued.*

*DC036/03 THE MOTION WAS **CARRIED**.*  
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**11. Child Care Centre at Lot B, DP4072234 (No 1435)  
Camden Valley Way, Leppington**

**File No:** DA1300.2480-2 (Director, Development & Environment Division)

**DA No:** 1368/2002

**Owner/**

**Applicant:** G & D Goorkis

**Zoning:** LEP 48 Rural B 1(b)

**Purpose of the Report**

The purpose of this report is for Council to consider an application to establish a 56-place childcare centre at the subject site. The application is referred to Council as the proposal falls within the requirements of State Environmental Planning Policy No 11 – Traffic Generating Developments, and subsequent comments from the Roads and Traffic Authority do not generally support the proposal.

The report recommends that Council refuse Development Application 1368/2002.

It should be noted that Council is in receipt of an appeal to the Land and Environment Court against Council's "Deemed Refusal" of the application. A Deemed Refusal is one where the Council has not determined the application within the 40 day statutory provisions of the Act. A call-over has been set down for 16<sup>th</sup> April 2003. Council's solicitor has been requested to attend the call-over and advise the Court of Council's decision in this matter.

**Subject Site**

The site is known as Lot B in DP 407234 No 1435 Camden Valley Way, Leppington. The site is on the western side of Camden Valley Way, comprising a total of 9035 square metres. The site is vacant, but a dwelling was previously located on-site and has subsequently been demolished. The property has a slight fall to the road. It is surrounded by various uses ranging from rural residential to commercial uses, being bounded on the northern side by the existing Shell service station. A locality plan forms **Tabled Document "DC 36"**.

**Proposed Development**

The proposal involves the construction and establishment of a Child Care Centre for the care of 56 children. Care would be provided between the hours of 7am and 6pm on weekdays and (subject to demand) 8am to 12 noon Saturdays.

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The proposed building is 580m<sup>2</sup> in size and is to be erected to within 3 metres of the northern boundary of the site. A site plan forms **Tabled Document “DC 37”**. The northern setback is proposed to be secured as an 80m<sup>2</sup> outdoor area. The front setback varies from 15 to 22 metres. The building is to consist of a single storey brick structure, colour bond roofing and aluminium windows. The car park is to be located 3 metres from the front boundary with this area available for landscaping. At the southern side of the site, a 500m<sup>2</sup> outdoor area is available for child outdoor play. The plans submitted show the area being enclosed by a 1.8m high colorbond fence, which will present a poor elevation to the premises when viewed from Camden Valley Way. The plans submitted show four offices at the rear of the building which are in addition to the manager’s office. No details of the use of these areas has been provided.

**Zoning**

The current zoning of the land is Rural “B” 1(b) under Camden Local Environmental Plan 48. The use as a Child Care Centre can be defined within LEP 48 as:

“Child Care Centre” means fixed premises at which a child care service is provided by a person for the purpose of educating, minding, or caring (but without providing residential care) for 4 or more children (disregarding any children who are related to the person providing the service) who are under the age of 6 years of age and who do not ordinarily attend school”.

Child Care Centres are not a prohibited use within the zone. It could be argued that the proposal complies with several of the zone objectives. This will be addressed in detail under Section 79C consideration of this report.

**Notification**

In accordance with Council’s Development Control Plan 116 – Notification, Advertisements and Mediation, the application was notified to all potentially affected residents. At the conclusion of the exhibition period, no submissions were received. Notification was not provided to those residents within the Liverpool Local Government Area.

**Consideration of the Proposal**

In accordance with the EP& A Act 1979, the proposal has been assessed under Section 79C, with the following issues being relevant:

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**(a) Traffic**

The application seeks to gain direct vehicular access from Camden Valley Way, and has been accompanied by a Traffic Impact Statement prepared by Rhodes Haskew Associates. The statement indicates that the proposed use will generate at total of 101 vehicle movements per day, of the following break up.

7am to 9am =	45 movements
2.30pm to 4pm =	17 movements
4pm to 6pm =	39 movements

The consultant has indicated that parents accessing the centre from the north of the site would traverse Bringelly Road, Rickard Road, Ingleburn Road and Camden Valley Way. When exiting the site, these vehicles would return to the north via Camden Valley Way. Vehicles exiting the site to the south would be instructed to leave the site via Camden Valley Way proceeding north to Bringelly Road, Rickard Road, Ingleburn Road and thence onto Camden Valley Way.

This means of access involves an additional travel distance of approximately 5.2 kilometres and therefore, concern is expressed at users performing illegal manoeuvres in order to gain access to the site in a quicker time. This could involve the use of the adjacent driveways which service the Shell Service Station or some other similar manoeuvre. As Councillors would be aware, traffic flow along Camden Valley Way is heavy in peak times and therefore, any use which will contribute additional volumes and entry/exit manoeuvres is not encouraged. Similarly, the channelling of additional traffic into the Ingleburn/Camden Valley Way intersection is also not supported.

Child Care Centres are identified in the Guide to Traffic Generating Developments published by the RTA. The Guidelines specify that Child Care Centres can be classed as Educational Establishments under the current Schedules of SEPP11.

In this regard the application was referred to the RTA for comment. The RTA response is attached as **Tabled Document “DC 38”** and is summarised as follows:

- RTA is concerned regarding the site suitability for the intended use.
- RTA does not support the proposed dual access arrangement.

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- RTA would require an extension of the existing raised central concrete median strip past the proposed common driveway.
- Consideration by Council for a temporary access arrangement off Camden Valley Way (subject to future road widening).
- Direct vehicular access to Camden Valley Way is not favoured by the RTA.

The RTA's comments and recommendations are generally supported, however the necessity to extend the existing raised central median strip would restrict private vehicular access to and from those properties opposite the site. The site most affected by such a proposal is a residence and the adjacent commercial flower business and it is anticipated that much objection would be raised by the owners of these sites should their access be restricted to enable the RTA to accept the childcare centre's proposed traffic management scheme.

The subject land has been affected by road widening in the past. The land has been vested with the RTA and the submitted plans acknowledge the road widening.

It should be noted that the applicants have consulted with the RTA following their initial comments. This resulted in the RTA agreeing to an amended common access driveway as was previously requested by the RTA. The approximate distance from the amended egress point of the centre to the northern boundary is 14 metres, at which point, access for the service station commences. A copy of the letter forms **Tabled Document "DC 39"**.

Whilst Council encourages the development of child related services within the region, the need for such services to be located in safe locations that are extremely proximate to existing residential populations is important.

**(b) Built Form**

The proposed building is of a large and obtrusive nature that reflects very little architectural detail. The building would consist of single storey, brick veneer construction, colour bond roofing and aluminium windows. It is noted from the plans that the total roof height at the ridgeline would be 7 metres.

A 3 metre wide landscaped area is proposed along the front of the carpark which would provide limited opportunity for planting to reduce the impact of the proposed carpark when viewed from Camden Valley

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Way. Ideally, the carpark should be setback up to 15 metres from the road, which would allow for additional landscaping.

The centre could be relocated to the rear of the site. This would significantly reduce the impact of likely or potential effects from the service station and Camden Valley Way, in particular, vehicle noise/emissions and the general safety of the centre occupants. This would also allow the centre to be erected on an area identified by the applicant's consultant as having lower levels of lead than those that exist at the proposed location. An amended setback would not eliminate the concerns over traffic generation and vehicle access, nor the suitability of the site in relation to the residential population.

**(c) Contamination**

A search of Council's records has revealed that the land was originally in the same ownership as that land belonging to the adjoining service station. In the past that land contained a fibro dwelling and garage located close to the northern vicinity of the existing undersized allotment, where the centre is proposed.

As required by Council's Management of Contaminated Lands Policy and State Environmental Planning Policy No 55, the applicant has submitted a contamination report. The report initially identified high levels of lead. Of the composite soil samples taken, at least one of these samples was taken from the proposed children's play area to the south of the proposed building.

Further assessment and testing of the soil samples within the vicinity of the southern outdoor play area were undertaken by the consultant. This confirmed that the levels of lead within the samples did not exceed the soil quality and health based criteria adopted by the EPA of 300mg/kg for urban redevelopment and childcare uses.

**(d) Noise**

The application was not supported by an acoustic report, as is required by Development Control Plan 101 – Child Care Centres. Potential exists for the site to be affected by road traffic noise from vehicles using Camden Valley Way and possibly from the adjoining service station. In addition, there may be potential for noise from the children's play area to cause a noise nuisance to the adjoining residences.

**(e) Environmental Health**

In addition to those emissions created from traffic travelling along Camden Valley Way, there is concern over the impact of emissions from the existing service station adjoining the land. The proposed centre is to be located 5 metres from the service station boundary. The station stores both leaded and unleaded petrol and diesel. Council has recently approved a 7.5kl aboveground LPG tank. It should be noted that this is to be constructed to the northern extremity of the site, and that the 55m radius for the sensitive use exclusion zone does not encroach onto the site of the proposed child care centre.

The extent of concern not only encompasses emissions but also the safety of the occupants of the centre in the case of an emergency or hazardous incident. Concern is reinforced as the proposed toddler's playground immediately adjoins the service station boundary. Should Council wish to support the application, a risk assessment study must be submitted to Council for assessment prior to any consent being issued.

As previously mentioned, the existing service station holds large quantities of potentially hazardous substances, the existing storage facilities are generally located off the southern boundary bordering the proposed centre site. One underground tank holding approximately 50 000 litres of petrol is located four (4) metres from the boundary. Essentially this is four (4) metres from the toddler's play area.

The location of the site adjacent to a service station is not considered appropriate in view of the potential risks.

**(f) Waste water**

As the proposed development does not have access to a Sydney Water sewerage connection, on-site treatment is required.

The proposed treatment system was reviewed and was also referred to an independent consultant for peer review. It was concluded that the proposed system is inadequate to cater for the number of persons within the centre. A commercial system is required to be installed as greater than 2000 litres of effluent per day will be generated. If the application was to be supported by Council, an amended waste water report must be submitted to Council indicating that the site can accommodate the required commercial system. This

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would need to be submitted to Council for approval prior to any consent being issued.

**(g) Precedent**

The proposed development is likely to create an undesirable precedent with the proliferation of unnecessary commercial uses on an arterial road. Ribbon development is poor planning practice and should not be encouraged. The current business centre already contributes to traffic conflicts and it is inappropriate to site an additional development that will contribute to the deterioration of the immediate amenity. The locality already suffers from the adverse effects of Camden Valley Way, in particular through the emission of noise and fumes and high traffic volume.

**(h) Camden 2025 – Strategic Plan**

Of paramount importance to the strategic vision of Camden is that of accessibility to a range of services and facilities within places to all members of the community. The proposal, whilst being available to nearby residents of the rural area, is likely to draw custom further afield and therefore relies heavily on the surrounding catchment population, and subsequently contributes to private vehicle use. The Strategic Plan aims at reducing the incidence of private motor vehicle commuting. This will be achieved through an improved public transport network integrated land use planning and ensuring services are appropriately located.

The establishment of a childcare centre away from concentrated residential populations is not considered appropriate and whilst there is demand for such facilities within the rural community, it is better to locate these away from major traffic routes.

**(i) Camden Scenic And Cultural Landscape Study**

The land is identified within the study maps as having local scenic/landscape significance typified by mixed small holdings, rural residential and suburban uses. Detracting elements are:

- Over scale residences of suburban form, which do not complement the rural form.
- Urban treatment of the streetscape including formal gates, security entrances and high fences that interrupt or restrict district views.

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- Loss of visual complexity of the landscape by clearing of native vegetation and conversion to grassy and manicured surfaces both of property and road verges.
- Lack of native vegetation to provide screening and reduce the visual scale of buildings.

The proposed child care centre would indeed contribute to a deterioration of the scenic and landscape quality of the locality. The proposed building is considerably larger than a dwelling house and therefore does not complement the rural form. Further unattractive features of the development are the proposed 1800mm high colorbond fences proposed to be located around both outdoor areas in line with the building.

The erection of such a fence would create both a physical and visual barrier that is not encouraged. The expanse of a concrete car park running two thirds the length of the road frontage is also a detracting element. Overall, the proposal will significantly alter the existing landscape and scenic quality of the locality.

**(j) The Provisions of any Environmental Planning Instruments**

State Environmental Planning Policy No 11 – Traffic Generating Developments

The RTA has made comment on the proposed Child Care Centre in accordance with the requirements of SEPP 11.

Camden Valley Way provides a north/east and south/west link between Liverpool and Camden, is an undivided two lane roadway that operates at a poor level of service during peak hours which are those times during which the Child Care Centre will be accessed. The suggested traffic management strategies, which require circuitous access routes and the construction of an extended median, are not supported as they impact on existing land uses in the vicinity of the site.

Based on the above concerns and in light of the fact that the RTA does not favour direct access onto Camden Valley Way, the application is not supported.

LEP 48

The aims and objectives of LEP 48 that the proposal would be inconsistent with include the following:

- To maintain the rural atmosphere of Camden.

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- To ensure that development maintains the rural character of the locality and minimises disturbances to the landscape, is in harmony with the environment and does not unreasonably increase demands for public services or reduce the existing levels of services.
- To enable certain non-agricultural activities to be carried out within a particular zone if they are in keeping with the objectives of that zone and compatible with development of adjoining and adjacent lands.
- To preserve the lifestyles and amenities of the people living in the municipality by controlling the type and magnitude of development within the rural areas.

The objectives of the 1 (b) Rural zone of LEP 48 are:

- (a) to provide for rural residential living opportunities on land having ready access to urban areas and facilities;
- (b) to ensure that development maintains and contributes to the rural character of the locality and minimises disturbances to the landscape and agricultural productivity.;
- (c) to ensure that development does not adversely affect rural and residential amenity and does not create unreasonable or uneconomic demands for provision or extension of public amenities and services;
- (d) to make provision for a reasonable range of suitable activities associated with rural residential occupations of the land; and
- (e) to permit alternative forms of accommodation which do not imperil the rural productivity of the area and which are consistent with the environmental quality of the immediate area.

It can be strongly argued that the proposed child care centre is not consistent with, and does not maintain or assist in achieving several of the 1 (b) Rural zone objectives. It is considered that the proposal will not maintain the rural and residential amenity of the area as the commercial nature of the proposed centre will generate increased traffic and the possibility of excessive noise.

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DCP 101 – Child Care Centre Policy

The application has been assessed against Council's adopted policy for Child Care Centres, with the following comments.

The general aims and objectives of the policy are:

- (a) To provide guidelines for the establishment of child care centres.
- (b) To ensure that child care centres do not adversely impact upon the amenity or character of the area in which they are established.
- (c) To provide locational preferences for child care centres.
- (d) To ensure an acceptable standard of design, open space, landscaping and carparking.
- (e) To ensure child care centres are of a scale which, having regard to their operation, do not detrimentally impact on the amenity of the adjoining neighbours by means of noise or traffic generation.
- (f) To encourage a range of quality children's services to meet identified community needs for child care.

It is evident that the proposed child care centre has potential to impact on the amenity and character of the area. It can also be argued that the scale of the proposed centre will have a negative operational impact on the amenity of the area in particular with regard to traffic generation.

Clause 5.1 of the Policy states that:

*“Although child care centres are a permitted use in many land use zones throughout Camden, some sites will have the potential to be considered unsuitable due to possible impacts on the amenity of adjoining residents and the effect of the surrounding environment on the health and safety of children.”*

Whilst clause 5.2 indicates further locational parameters:

*“Council will not consider the siting of child care centres in the following locations unless the applicant provides a detailed submission justifying the reason or circumstances for the selection of the particular site:*

- *sites fronting arterial or regional roads*

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- *any location where additional vehicle movement may cause traffic conflict or adverse impact on the amenity of the area.”*

Clearly, the proposed location of the child care centre on Camden Valley Way is inconsistent with both of these clauses. As previously detailed, the applicant has submitted a traffic impact statement that was forwarded to the RTA for comment. The application is not supported by the RTA on the basis of those comments and the potential impact of noise, emissions and safety from road traffic and the adjoining service station.

DOCS Requirements - Clause 16 of DCP 101 specifies that any application for a child care centre must be accompanied by a support letter from the NSW Department of Community Services. This was not initially provided by the applicant, and was then upon request sent through from the relevant Children’s Services Advisor. The letter indicates that support is based only upon an assessment of the plans.

Council’s Community Services Section has also provided comments in relation to the application and believes the siting of the facility is inappropriate, the design of the play areas unacceptable and that the facility is not located to best serve the needs of the rural community.

A number of issues relating to the internal layout of the building and its functionality have also been raised which suggest the proposal would not meet licensing requirements despite the preliminary advice received from DOCS.

Landscaping – The proposed landscaping to the centre has been assessed by Council’s Landscape Officer. Planting to the road frontage are considered inadequate. The submitted landscape plans indicate the unacceptable colour bond fencing for both the northern and southern boundaries, with all other fencing to be of open pool type fencing.

Outdoor Areas – Clause 12.3 states that outdoor play areas should, where possible, be located to maximise solar orientation. Essentially, play areas should be located to the north of buildings to gain solar access. The location of the main play area does not meet this requirement and the enclosure of the area by a 1.8m high colorbond fence will further reduce solar access to such an extent that the area will receive limited sunlight throughout the day. In addition, the visual impact of the fence is inappropriate in the rural environment.

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Car Parking – Council’s DCP indicates that parking shall be provided on site at a rate of one space per four children. The application initially proposed a drive through, drop off and pick up arrangement, as is encouraged under Council’s DCP. This allowed for thirteen (13) car spaces and one disabled car space. However, this was not to the satisfaction of the RTA and a new plan has been reviewed by the RTA that provides a total of 16 car spaces. The new arrangement allows for a common entry point into the centre with the car parking located to the southern portion of the front setback. This is indicated in the attached plan to **Tabled Documents “DC 40”**. The approval of these plans is dependent on the extension of the existing median across the front of the property, which will adversely impact on the ability of adjacent landowners to access their property. This is a further unsatisfactory aspect of the application.

Building Code of Australia – In relation to fire safety requirements and access for people with a disability, the proposed building complies with the Building Code of Australia.

**Conclusion**

The proposal involves the establishment of a 56 place child care centre at 1435 Camden Valley Way, Leppington. The land lies directly south of the existing service station and fronts Camden Valley Way. The proposal seeks approval to gain direct access onto Camden Valley Way. In accordance with the requirements of SEPP 11, the application was forwarded to the RTA for comment. The application is not supported on the basis that the RTA does not favour direct access onto Camden Valley Way. Similarly, the effects of existing constraints such as the service station and Camden Valley Way are also of concern due to the effect that road traffic noise, emission and fuel storage/dispensing will have on the health and safety of the centres occupants. The impact the centre would have on the amenity and character of the locality, in particular the impacts of noise and traffic generation are also of serious concern. The proposal also does not comply with DCP 101 in respect of location and impacts from noise. Based on the above it is recommended that the application be refused.

Recommended: That Development Application No. 1368/2002 to establish a Child Care Centre at No 1435 Camden Valley Way, Leppington (Lot B, DP 407234) be refused for the following reasons:

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- (i) The proposed child care centre is inconsistent with several of the 1(b) Rural zone objectives of Camden Local Environmental Plan 48. Those being:
  - to ensure that development maintains and contributes to the rural character of the locality and minimise disturbances to the landscape and agricultural productivity.
  - to ensure that development does not adversely affect rural and residential amenity and does not create unreasonable or uneconomic demands on for the provision or extension of public amenities and services.
- (ii) The proposed access arrangements for the Child Care Centre are not favoured by the RTA or Council as it does not provide safe and efficient access for its occupants and will contribute to unnecessary traffic generation on Camden Valley Way. The suggested traffic routes of persons accessing the centre will adversely impact on the functionality of the Camden Valley Way/Ingleburn Road intersection.
- (iii) The proposal will contribute to the deterioration of the amenity and character of the location through increased traffic and will have potential to contribute additional noise.
- (iv) The proposal necessitates the extension of the existing median across the site, which will adversely affect access to adjacent premises.
- (v) The location of the proposed child care centre on Camden Valley Way and adjoining the existing service station is inappropriate due to the impacts of road traffic noise, vehicle emissions and hazardous substance storage, therefore allowing potential for adverse impact on the health and safety of the centres occupants.
- (vi) The proposed child care centre is inconsistent with the aims and objectives of Camden 2025 – Strategic Plan, as increased traffic will contribute to already unacceptable levels of private motor vehicle use on Camden’s road infrastructure.
- (vii) The proposed child care centre does not comply with Council’s Development Control Plan No 101 – Child Care Centres, as the location of the centre is on a main road, and the application has not been supported by an acoustic report and the orientation and enclosure of the major play area receives insufficient sunlight.

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- (viii) The proposed enclosure of the play areas with a 1.8m high colorbond fence results in poor internal amenity to users of the facility, presents a poor appearance when viewed from adjacent areas and is inconsistent with the rural character of the area.
- (ix) Proposed site landscaping is unsatisfactory.

*Resolved on the Motion of Cr Fekete, seconded Cr Winn that Development Application No. 1368/2002 to establish a Child Care Centre at No 1435 Camden Valley Way, Leppington (Lot B, DP 407234) be refused for the following reasons:*

- (i) *The proposed child care centre is inconsistent with several of the 1(b) Rural zone objectives of Camden Local Environmental Plan 48. Those being:*
- *to ensure that development maintains and contributes to the rural character of the locality and minimise disturbances to the landscape and agricultural productivity.*
  - *to ensure that development does not adversely affect rural and residential amenity and does not create unreasonable or uneconomic demands on for the provision or extension of public amenities and services.*
- (ii) *The proposed access arrangements for the Child Care Centre are not favoured by the RTA or Council as it does not provide safe and efficient access for its occupants and will contribute to unnecessary traffic generation on Camden Valley Way. The suggested traffic routes of persons accessing the centre will adversely impact on the functionality of the Camden Valley Way/Ingleburn Road intersection.*
- (iii) *The proposal will contribute to the deterioration of the amenity and character of the location through increased traffic and will have potential to contribute additional noise.*
- (iv) *The proposal necessitates the extension of the existing median across the site, which will adversely affect access to adjacent premises.*
- (v) *The location of the proposed child care centre on Camden Valley Way and adjoining the existing service station is inappropriate due to the impacts of road traffic noise, vehicle emissions and hazardous substance storage, therefore allowing potential for adverse impact on the health and safety of the centres occupants.*

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- (vi) *The proposed child care centre is inconsistent with the aims and objectives of Camden 2025 – Strategic Plan, as increased traffic will contribute to already unacceptable levels of private motor vehicle use on Camden’s road infrastructure.*
- (vii) *The proposed child care centre does not comply with Council’s Development Control Plan No 101 – Child Care Centres, as the location of the centre is on a main road, and the application has not been supported by an acoustic report and the orientation and enclosure of the major play area receives insufficient sunlight.*
- (viii) *The proposed enclosure of the play areas with a 1.8m high colorbond fence results in poor internal amenity to users of the facility, presents a poor appearance when viewed from adjacent areas and is inconsistent with the rural character of the area.*
- (ix) *Proposed site landscaping is unsatisfactory.*

DC037/03 THE MOTION WAS **CARRIED.**  
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- 12. Review of Camden Structure Plan for the land generally known as the Central Hill Lands bounded by Camden Valley Way, the Local Government boundary with Campbelltown City Council and Turner Road.**  
(4638 & 1200.1815) (Director Governance & Outcomes)

**Purpose of Report**

The purpose of this report is to advise Council of the recent exhibition of the amended Camden Structure Plan, which incorporates a series of planning principles for the Central Hill Lands, and to recommend its adoption.

**Background**

Council at its meeting held on 10 February 2003 considered a report on the review of the Camden Structure Plan in relation to the Central Hill lands. A number of planning principles were developed which will provide the basis for any local environmental study undertaken for rezoning of land within the Central Hills. These principles also reflect the broader regional structure plan area and regional planning framework.

In addition the proposed amendment sought to further document the circumstances in which limited residential clusters of development may occur.

**Exhibition**

The amended Camden Structure Plan, which forms **Tabled Document “DC 41”**, was exhibited from Tuesday 18 February to Tuesday 18 March 2003.

All affected owners, CRAG, TROT and Campbelltown City Council were notified of the exhibition.

**Submissions received**

Submissions were received from The Camden Historical Society Inc., Campbelltown City Council and Sydney Water. A schedule outlining the matters raised in the submissions and staff comments forms **Tabled Document “DC 42”**. Copies of each of the submissions will be forwarded to **Councillors under separate cover.**

The Camden Historical Society supports Council in protecting the Central Hills area however sought reassurance that the new principles would not “water down” the controls.

It is considered that the planning principles contained in the amendment clearly detail the limited circumstances in which more comprehensive development would be acceptable.

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Further, comprehensive environmental (natural, economic, social) investigations would need to underpin and justify any development proposal/rezoning.

Council specifically resolved that this matter be referred to Campbelltown Council. Campbelltown Council responded with its submission advising that it has no objection to the proposed amendment and wishes to be kept informed of future developments.

Officers from both Councils met during the initial stages of the review and this liaison will continue.

**Conclusion**

The amendments to the Camden Structure Plan more clearly identify the nature of development opportunities possible and reinforce the strategic role of the Central Hills. The amendments provide Council with a platform to consider and progress future development opportunities that comply with those principles.

Recommended: That

- (i) Council adopt the amended Camden Structure Plan as exhibited.
- (ii) Council advise Campbelltown Council, all affected owners, CRAG, TROT, Camden Historical Society and PlanningNSW and Sydney Water of its decision.
- (iii) The amendment of the Camden Structure Plan be notified in the local press.

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

- (i) Council adopt the amended Camden Structure Plan as exhibited.
- (ii) Council advise Campbelltown Council, all affected owners, CRAG, TROT, Camden Historical Society and PlanningNSW and Sydney Water of its decision.
- (iii) The amendment of the Camden Structure Plan be notified in the local press.

DC038/03 THE MOTION WAS **CARRIED.**  
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**13. Proposed rezoning of Mater Dei and Harrington Park II to permit limited residential development and to secure natural systems and cultural conservation outcomes**

(File 5125.280-14)(Director Governance & Outcomes)

**Background**

Council has over the past six months considered reports in respect of the potential rezoning of Harrington Park II and Mater Dei for limited residential purposes. Specifically, on 26 August 2002, Council resolved to note the listing of Harrington Park II on the Metropolitan Development Program and to further consider the rezoning process. More recently Council, at its meeting of 28 January 2003, resolved to note the limited development opportunities on Mater Dei and to link the rezoning of both parcels in one planning exercise.

**Meeting of Proponents**

The proponents formally met with Council staff on 5 March 2003 to discuss the level and nature of existing environmental investigations and a process for co-operatively ensuring an efficient and transparent Local Environmental Study and rezoning process. The suggested process to be followed is summarised below:

- Comprehensive specification, including specialist sub-studies, for a Local Environmental Study and Structure Plan to be prepared and endorsed by Council.
- Draft LEP to be prepared.
- Independent consultant to oversee compilation of LES and DLEP (funded by proponents but engaged by Council).
- Professional peer review to be undertaken in respect of planning documents.

**General Development Aspirations of Proponents**

Council has previously intimated to the Mater Dei proponents that its concept plan was considered to be too intensive for the site. Harpak (the proponents for Harrington Park II) in the submission of a summary planning document have likewise presented a scheme which is considered to be too ambitious and somewhat inconsistent with the opportunities “flagged” in Council’s Structure Plan.

**Underlying Development Principles**

Not wishing to pre-empt the findings of further environmental investigations, it is, however, considered appropriate that a framework of development principles be established at the

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outset. These principles should ensure a clear understanding of the nature and form of development and associated conservation outcomes sought by Council.

The major issues concerning Council are:

- Environmental Sustainability
- Ecological Corridor
- Cultural and Indigenous Heritage
- Traffic Management/Accessibility
- Social Sustainability
- Bushfire Management
- Housing/Urban Form
- Public Ownership/Public Access
- General Land Tenure
- Entrance Treatments/General Landscape
- Management of Noise Impacts
- Establishment of a vision

The relevant principles are summarised below:

Environmental Sustainability

The following sustainability principles should underpin planning, development and management of the area:

- in the absence of comprehensive knowledge the precautionary principle shall apply.
- the principles of total catchment management and water sensitive urban design shall underpin all development scenarios.
- public transport and means of alternative movement shall be central to any development scenario.
- principles of sustainable land management generally shall underpin all development scenarios.
- passive solar design principles shall be broadly embraced in the layout and design of dwellings, urban spaces and subdivisions generally.
- strategies shall be developed for the long term conservation of significant elements of European and Indigenous heritage.
- effective management mechanisms for identified sensitive precincts shall be developed.

Ecological Corridor

A substantial ecological corridor that maximises biodiversity shall be the central and dominant element of any development scheme.

Development and management strategies shall ensure the long term conservation of the corridor and its inherent natural system functions.

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Opportunities for sensitive housing forms which are compatible with the ecological functions of the corridor and assist in its management shall be optimised.

The precautionary principle and principle of zero net loss shall underpin all corridor considerations.

Cultural and Indigenous Heritage

Strategies shall be developed for the long term conservation of significant elements of European and Indigenous heritage.

Long term conservation strategies for “Harrington Park”, “Orierton” and “Wivenhoe”, their curtilages and relevant view corridors will be fundamental to any planning considerations for both Harrington Park II and Mater Dei.

Traffic Management/Accessibility

The number of connections to the arterial road system shall ensure maximum efficiency and shall be coordinated with the upgrade of existing intersections where possible and desirable.

Appropriate and sustainable long term intersection treatments shall be designed, funded and implemented progressively at appropriate demand threshold levels.

Vehicle and pedestrian conflicts shall be minimised.

Alternative means of movement shall be optimised within any development scenario and shall be integrated with external opportunities.

Appropriate funding mechanisms shall ensure reasonable levels of contribution to local, district and regional transport infrastructure.

Opportunities for efficient public transport shall be maximised.

Social Sustainability

The following sustainability principles should underpin any development scenario and include relevant funding mechanisms.

Relevant principles include the following:

- provision of access to recreational and community spaces, both unstructured and structured,
- opportunities to articulate the history and the new community through public art,

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- provision of a range of spaces that are appropriate for all members of the community, including children and young people,
- provision of family friendly and accessible spaces and places, in terms of footpaths, parks, playgrounds etc.
- design to encourage opportunities for the formal and informal interaction,
- designed space to promote inclusive and safer communities,
- community and recreation facilities provided to be flexible, multipurpose and co-located so that use can evolve and adapt over time to meet changing needs and expectations.

Bushfire Management

Development shall be planned so that exposure to bushfire threats, whilst achieving a general woodland character, meets contemporary bushfire planning standards.

Housing/Urban Form

Urban development/housing form shall be sensitive to and integrate with its general woodland context. It shall be of a nature that provides a diversity of urban forms which are responsive to the landscape while capitalising on infrastructure provision.

More intense urban modules shall generally be located in areas or precincts where vegetation is not recognised as a sensitive issue, and sight lines are such that any urban development would be largely obscured.

Housing forms, materials, colours and construction techniques must be sensitive and integrated with the landscape.

Cut and fill shall be minimised to accepted standards in subdivisional works and dwelling construction.

Footings and foundations of dwellings shall be responsive to the prevailing topography.

Public Ownership/Public Access

Large tracts of steep and/or heavily wooded land shall generally be maintained in private ownership, unless substantive reasons dictate otherwise.

Limited strategic areas which form a vegetated continuum pedestrian/cycle network shall be retained in public ownership with appropriate access and management regimes in place.

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Tenure Generally

A variety of land title systems will be considered by Council. Maximum advantage shall be taken of Community Title legislation, particularly where large tracts of woodland are to be managed in a private ownership scheme.

Entrance Treatments/General Landscape

The significant points of entrance to the “Camden Basin” from the Northern Road and Camden Valley Way shall be accentuated as woodland entrance statements supplemented by more formalised plantings.

The existing roads; namely Macquarie Grove Road, The Northern Road and Camden Valley Way shall retain their generally woodland character.

Open/cleared landscapes shall provide an appropriate setting for new housing in a selectively revegetated context.

Limited opportunities for housing against a backdrop of vegetation may exist.

The primary horizon line shall not be dominated by housing/urban development.

Management of Noise Impacts

The noise impacts of both Oran Park Raceway and Camden Airport shall be the subject of both short and long term management strategies.

Housing is to be designed and located to ensure that traffic noise is kept to acceptable levels.

A Vision

A clear vision for the land shall be established which provides for a sustainable residential community in a generally woodland environment. Such vision shall also ensure that conservation and management outcomes are also central. Indeed, the previously documented principles shall inform the vision.

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**Conclusion**

It is appropriate that Council adopt these development principles and advise both proponents of their adoption. The draft specification for preparation of a Local Environmental Study and Draft Local Environmental Plan will be finalised and reported to Council for adoption, in due course.

Recommended: That

- (i) Council note the preparedness of both proponents to work co-operatively in the preparation of a Local Environmental Study and Draft Local Environmental Plan, so as to permit limited residential development and secure certain natural system and cultural conservation outcomes.
- (ii) Council endorse the development principles framework documented in the report as the platform for ultimately preparing an LES and DLEP.
- (iii) Upon completion of a specification for the preparation of a relevant LES and DLEP a report be considered by Council for its adoption and a formal resolution in respect of commencing the rezoning process.
- (iv) The proponents be advised of the above decision.

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

- (i) Council note the preparedness of both proponents to work co-operatively in the preparation of a Local Environmental Study and Draft Local Environmental Plan, so as to permit limited residential development and secure certain natural system and cultural conservation outcomes.
- (ii) Council endorse the development principles framework documented in the report as the platform for ultimately preparing an LES and DLEP.
- (iii) Upon completion of a specification for the preparation of a relevant LES and DLEP a report be considered by Council for its adoption and a formal resolution in respect of commencing the rezoning process.
- (iv) The proponents be advised of the above decision.

DC039/03 THE MOTION WAS **CARRIED.**  
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**14. South West Investigation Area Workshop**

(File 4683)(Director Governance & Outcomes)

PlanningNSW is conducting a one week “Enquiry by Design” workshop on Regional Structure Planning for the South West Sydney study area, otherwise known as the Bringelly investigation area.

The workshop is to be held from Monday 28 April to Friday 2 May, 2003 at Liverpool. The aim of the workshop is to design, draw and evaluate a number of alternative scenarios for the South West study area to allow options of urban potential to be developed balanced with needs such as conservation, public transport, transit oriented neighbourhoods and town centres, employment and retail. Councillors were provided with a briefing on this matter by PlanningNSW’s Director – Sydney Strategy on 7 April, 2003.

In addition to a number of staff, an invitation has been extended for three councillors to participate in the key sessions on Monday 28 April, Wednesday 30 April and Friday 2 May. Councillor Winn is currently Council’s delegate to the WSROC Regional Planning Advisory Committee and Councillor Campbell is the alternate.

Recommended: That Council nominate three Councillors to participate in the Regional Structure Planning workshop on 28 and 30 April and 2 May, 2003.

Recommended: *That the three Councillors to participate in the Regional Structure Planning workshop on 28 and 30 April and 2 May, 2003 be Cr Campbell, Cr Winn and Cr Fekete.*

DC040/03 THE MOTION WAS **CARRIED.**

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The Meeting closed at 7.05pm