

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 26 MAY, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

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

Staff: Acting General Manager (Director Development & Environment), Director Works & Services, Acting Director Governance & Outcomes (Manager Employee & Community Relations), Acting Director Development & Environment (Manager Environment & Health), Acting Manager Development (Team Leader – Specialist Administration), Senior Governance Officer.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

Mr John Cranfield addressed the Committee in relation to Item 4.

MOTION

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

DC052/03 THE MOTION WAS **CARRIED.**

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1. Proposed Addition to an Existing Dwelling at No 5 (Lot 104 DP 31406) Pindari Avenue, Camden

File No: DA6325.70 (Director, Development & Environment Division)
DA No: 409/2003
Owner: B & J Cooley
Zoning: Residential 2(a) 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, for Council to make a determination on an application for an addition to a dwelling.

Summary of Recommendation

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

The Site

The property is located on the western side of Pindari Avenue. The site is approximately 917m² in area and slopes down from the road to the rear of the land. A copy of the locality plan forms **Tabled Document “DC 1”**.

A single storey brick veneer dwelling currently occupies the site. Pindari Avenue consists predominantly of residential development with the properties adjoining the northern and southern boundaries of the site containing similar brick veneer dwellings. The land behind No 5 Pindari Avenue is open, undeveloped rural land.

The property is affected by the 1% AEP flood event [flood level at RL 71.2m AHD]. The impact of flooding and the level of inundation is assessed and discussed further in this report under the section entitled Upper Nepean River Floodplain Management Study and Plan.

The Proposal

The application proposes a two storey, brick veneer addition to the rear of the dwelling. On the first floor, the new work will include the provision of a master bedroom with an ensuite and walk-in wardrobe. The ground floor area below the addition will accommodate a laundry but otherwise maintains an open area for the unrestricted ebb and flow of floodwater.

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The owners of the property intend to convert the smallest of the existing bedrooms to an office/computer room. The master bedroom is required to maintain adequate space for their family. A copy of the plans form **Tabled Document “DC 2”**.

The habitable floor level of the proposed addition will be raised above the existing floor level of the dwelling to meet the requirements of the Upper Nepean River Floodplain Management Study and Plan. The provisions for evacuation and the flood compatible construction of the addition are discussed further in this report.

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

Notification

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 Strategic Plan – 2025

The proposed development is consistent with the traditional and social characteristics of the locality. The proposal complies with the objectives for the planned and orderly growth of Camden.

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Camden Local Environmental Plan No 46

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

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

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

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

Upper Nepean River Floodplain Management Study and Plan

The site is affected by the 1% AEP flood event located at RL 71.2m AHD and, due to the depth of inundation on part of the land exceeding 800mm, is categorised in accordance with the Upper Nepean River Floodplain Management Study and Plan (FMP) as high-hazard flood fringe. However the velocity of the floodwater is negligible. The plan suggests that the depth of inundation, flow velocity impacts and evacuation provisions do not warrant inclusion of the property in any possible acquisition or house-raising scheme.

The 1% AEP flood affects the major proportion of the site with an area of unaffected land, varying from approximately 700mm to 3m in width, located across the front of the property (refer to **Tabled Document "DC 3"**). The 1% AEP flood is located between the dwelling and Pindari Avenue, affecting passage from the front of the dwelling to the street by floodwater to a maximum depth of approximately 500mm. However, this

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depth is not considered to restrict safe evacuation for occupants or access for emergency services if required.

The floor level of the existing building is located at RL 71.45m AHD which is 250mm above the 1% AEP. To achieve compliance with the Flood Management Plan, the floor level of the new work will be higher than that of the existing dwelling and will be constructed 600mm above the flood level. The proposed addition to the rear of the dwelling is not anticipated to increase or detrimentally affect the current level of access or evacuation from the site.

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.

Sydney Regional Environmental Plan No 20

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

Development Control Plan No 58

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

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

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

(c) The suitability of the site for the development

Despite the level of flood affectation, the management plan adopted by Council suggests that the risk to occupants does not warrant inclusion of the property in any acquisition or house-raising program. The site is fully serviced (i.e. water, electricity, sewer and phone)

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and is in close proximity to the Camden town centre.
Similar development can be found in the general area.

Conclusion

The proposed 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.

The applicant does not propose to increase the current number of bedrooms and therefore will not raise the occupancy rate of the existing building. The potential for the development to increase the hazard for evacuation of occupants is negligible. Nor is the development expected to increase any burden on emergency services.

It is considered that the merits of the proposal will make a positive contribution to the residential characteristics of the area and is therefore recommended for approval.

Recommended: That Development Application 409/2003 for a proposed addition to an existing dwelling at No. 5 (Lot 104 DP 31406) Pindari Avenue, Camden be approved subject to the conditions which form **Tabled Document “DC 4”**.

*Resolved on the Motion of Cr McFadden, seconded Cr Winn that Development Application 409/2003 for a proposed addition to an existing dwelling at No. 5 (Lot 104 DP 31406) Pindari Avenue, Camden be approved subject to the conditions which form **Tabled Document “DC 4”**.*

DC053/03 THE MOTION WAS **CARRIED**.

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2. Five Lot Rural Subdivision (Four Additional Lots), No 220 (Lot 1, DP 776002) Kirkham Lane, Kirkham

File No: DA5125.260-2 (Director, Development & Environment Division)

DA No: 4/2003

Applicant/

Owner: Mr & Mrs Gimellaro

Zoning: Rural "A" (40ha) Zone – CLEP 48

Purpose of Report

Council is in receipt of an application to create five rural residential lots from the subject site. The average proposed lot area is 1.121ha which is considerably below the required minimum 40ha lot area. This report addresses such application in accordance with all relevant statutes and Council policies.

The application is referred to Council for consideration as the proposal does not comply with the development standard contained within CLEP 48, in that the new lots do not have minimum lot sizes of 40 hectares as required. Also, all the proposed four new dwellings will be substantially above RL90, which is inconsistent with adjoining rural residential development to the south, east and north-east. This includes the rural residential estates of Camelot (DCP 30) and Kirkham Meadows (DCP 83). The applicant has submitted a SEPP 1 application request with the application seeking Council support to the variation of the minimum lot area standard in CLEP 48.

The application was lodged in January and the applicant has lodged an appeal in the Land and Environment Court against Council's deemed refusal of the application. The matter has been listed for callover on May 29, 2003.

Summary of Recommendation

Because of the impact of the proposed development will have on the surrounding area with the four proposed new dwellings being located on significantly high land within Kirkham and the major non-compliance with development standards, the application is recommended for refusal.

Background

The site was rezoned in 1986, pursuant to LEP 38, to 1(d) (Rural Restricted). The adjacent lower land formed the Camelot rural residential subdivision allowing 4,000m² lots. The plan identifies RL 90 as being the control line for not allowing the resubdivision of rural land for 4,000m² lots.

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A 'Rural Residential Local Environmental Study' (LES) was undertaken by PPK consultants for Council in September 1992. The LES sought to examine the need and scope for further rural residential development in the areas of Cobbitty, Grasmere and Kirkham. Mr Mrs Gimellaro's land was included in this LES. The LES' recommendation was not to allow the subdivision of Mr & Mrs Gimellaro's land. A more detailed report of the LES' findings are provided latter in this report.

Council resolved 9 November 1992, resolution 545/92 "That the Minutes of the Rural Residential Study Steering Committee Meeting held October, 1992, be adopted."

These Minutes indicated that "The exclusion of the 'Gimellaro' holding from rezoning was endorsed given its prominent location in respect of the 'scenic ridge' and the affectation of the airport."

Council also recently resolved on 11 November 2002 (resolution DC117/02) in relation to the nearby Kirkham Meadows rural residential estate "That DA 36/2002 to subdivide Lot 1 DP 882365 Kirkham into two (2) rural residential lots be refused."

This DA proposed the creation of a new lot with an area of 8259m² adjacent to the existing 4,000m² lots, but above the RL 90 contour.

The Proposal

The subject site has an area of 5.605ha and it is proposed to create 5 lots having areas of three 1ha lots and two 1.3ha lots. An existing dwelling is currently on the site, which probably dates back to the historic 'Camelot' (built 1885), although now considerably altered following recent renovations.

A plan of the proposal forms **Tabled Document "DC 5"**.

The Site

The site is situated on the corner of Kirkham Lane and Macquarie Grove Road. The land falls from a high point of just over RL 100 at the above intersection to RL 88 at the north-east corner of the site with the lowest part of the site being about 87.5 approximately midway on the southern boundary (refer to the locality plan which forms **Tabled Document "DC 6"**).

A natural drainage course starts from the existing house and flows south-southeast to Narellan Creek. It has been piped through 3 lots and under Camelot Close within the Camelot estate. A secondary water catchment flows to Kirkham Lane.

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Notification

The application has been advertised in accordance with Council's Policy, however the period for receipt of submissions had not closed at the time of finalising this report and one submission had been received thus far. **A copy of the submission was provided separately for the information of Councillors.** Such objections are summarised below in this report.

Land and Environment Court

The applicant has placed an appeal for a 'deemed refusal' of the development application before the Land and Environment Court. The Registrar has made the following directions:

- Council is to file and serve notice of appearance by its solicitors by 20 May 2003;
- Council to file and serve statement of issues by 27 May 2003;

The proceedings are listed for further callover before the Registrar on 29 May, 2003.

Planning Controls

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

- Camden LEP 48
- SREP 20 Hawkesbury-Nepean River system
- Camden Scenic and Cultural Landscape Plan
- Camden 2025

Section 79C Consideration

(a) The Provision of Any Environmental Planning Instrument

The application is not inconsistent with any SEPP.

Sydney Regional Environmental Plan

The land is affected by Sydney Regional Environmental Plan No 20 (No 2 –1997) which states that Council shall not grant consent to an application to carry out development which drains to the Hawkesbury/Nepean River, unless it has taken into account the effect the proposed development will have on:

- the water quality of the river;
- the recreational opportunities of the river;

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- the economy of the river;
- the agricultural potential of the river;
- the significant vegetation and wildlife habitats of the river valley;
- the environmental heritage of the river valley;
- the scenic quality of the river and river valley;
- whether the proposed development will be capable of connection to a Sydney Water Corporation or Council sewerage system, either now or in the future.

Implementation of appropriate erosion controls during construction, together with water quality management, has resulted in the impact of the proposed development on the river system not being an issue. The issue of on-site septic disposal does, however, impact on the river system contrary to the provision of SREP 20.

Camden Local Environmental Plan No 48

The subject land is zoned Rural “A” (40ha) and is immediately adjoining to land (Camelot Estate) which is zoned Rural “C” with a minimum subdivision area of 4000m². Within the Rural “A” zoning of LEP 48, a minimum subdivision area of 40ha is specified. Clause 10 of LEP 48 permits a minor variation between the Rural “A” and Rural “C” zone boundaries.

The relevant zone objectives are as follows:

- (a) to provide suitable land for agricultural use;
- (b) to promote the conservation of economic units of productive agricultural land, particularly those areas designated as having prime crop and pasture potential, by regulating subdivision to prevent the fragmentation of actual or potentially productive rural holdings;
- (c) to enable compatible forms of development, including recreation and tourist orientated uses to be carried out, if they are in keeping with the rural character of the locality, and carried out in an environmentally sensitive manner;
- (d) to permit the development of extractive industries to occur in an environmentally acceptable manner; and
- (e) to ensure that development does not detract from the existing rural character of the area or create unreasonable or uneconomic demands for provision or extension of public amenities and services.

Whilst the site is already below the minimum lot area for a 1(a) zone. the proposal as submitted does not satisfy

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the relevant objectives of this zone because of the further the fragmentation of the site.

Clause 10 of the LEP 48 provides for subdivision of land...

- “10. (1) ... which is within 50 metres of a boundary between any two of Zones Nos. 1(a), 1(b), 1(c), 1(v), 5(a), 5(c), 6(a) and 7(d).
- (2) Subject to subclause (3), development may, with the consent of the Council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone.
- (3) The Council shall not consent to the carrying out of development referred to in subclause (2) unless, in the opinion of the Council, the carrying out of the development is desirable due to planning, design, ownership, servicing or similar criteria relating to the most appropriate development of the land.”

Whilst part of the development proposed is within 50m of the boundary between the zones 1(a) and 1(c) the provisions of this clause are not meant to facilitate or permit the construction of additional development outside the zone boundaries as proposed. The clause is to allow flexibility of approach in relation to complementary development and its siting rather than to extend the zone across additional land holdings. An example would be a large rural land holding of say 50ha which adjoins land zoned residential a. The provisions of the clause would not allow the development of the 50ha as housing estate. The application of clause 10 is therefore not appropriate for this reason. It is also considered that the proposal is not desirable because of its impact to adjoining lower land and the general visual impact from Elderslie and Camden, and the more direct impact from the adjoining roads Kirkham Lane and Macquarie Grove Road, which bound this significant ridge.

Clause 12 of the plan provides that..

- “(2) The Council shall not consent to the subdivision of land to which this clause applies unless each separate allotment created by the subdivision will have an area of not less than:
- (a) in the case of land within Zone No 1(a) or 7(d) - 40 hectares;”

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As the lot sizes proposed do not achieve the 40ha minimum required by the LEP, an objection made under the provisions of *SEPP 1 – Development Standards* application has been lodged for Council's consideration. SEPP 1 provides that where a development standard does not allow the carrying out of a development, which but for the standard could be carried out, written application may be made objecting to the development standard on the basis that the development standard is unreasonable or unnecessary in the circumstances of the case and specifying the grounds of that objection.

A summary of the grounds as presented by the applicant for this proposal is as follows:

“Clause 12(2) of Camden LEP 48 states that each allotment will have an area not less than forty (40) hectares for land zoned Rural 1(a). This proposal to subdivide the land into five (5) allotments each at least 1ha in area is an infill development between Kirkham Meadows, Camelot and Caenarvon subdivisions. The subdivision proposal achieves the relevant objectives of the EP&A Act 1979 and Camden LEP 48. The proposed allotment sizes also achieve the underlying objectives of Clause 12(2).

The forty (40) hectares allotments size requirement is unreasonable and unnecessary as the proposed allotment size is consistent with all the relevant objectives and planning instruments and the proposed allotments are larger than the allotments created in subdivision surrounding this parcel of land.”

The full SEPP 1 objection as submitted by the applicant forms **Tabled Document “DC 7“**.

It is considered that the grounds of objection to the development standard are not justified given the circumstances of the surrounding existing rural residential estates ie keeping the ridge heights of the dwellings at a level that minimises their impact on the surrounding landscape using RL 90 as a height restriction, the history of the Kirkham area ie Camden LEP 38, gazetted 16 May 1986 that defined the majority of this site as Rural 1(d) (Rural Restricted) 40ha minimum lot area. Concurrence from PlanningNSW is required to the variation should Council support the application as Council does not have the delegations to approve the SEPP 1 variation.

Development Control Plan No 83 as it applies to the nearby rural residential estate of Kirkham Meadows.

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Relevant objectives are as follows:

- To **ensure that development is responsive to the natural and cultural characteristics of the site, the surrounding land and its use.**
- To ensure that development is adequately serviced by public utilities.
- To ensure that development considers the heritage significance of the site.
- To ensure that the scenic rural landscape is preserved and embellished where possible. **Building ridge heights shall be suppressed in respect of RL 90.**
- To develop a stormwater strategy, having regard to natural drainage paths so as to minimise the impacts of stormwater drainage upon development and the natural environment.
- To **ensure that buildings are sited with due regard to the surrounding environment so as to ensure minimum visual impact**, optimum energy efficiency and access to views and privacy.
- To ensure that the impacts resulting from the current and future use Camden Airport fall within acceptable environmental tolerance and that the current and long-term functioning of the airport is not impeded by development.

The proposal would be considered to be in conflict with this DCP for the nearby rural residential estate of Kirkham Meadows with those matters as highlighted in bold above. Whilst the DCP does not apply to the land, Council's planning considerations for the area have initially excluded the land from having any further residential development potential and subsequently clearly articulated the Council's position in relation to development being restricted to below the ridgeline.

Camden 2025

The application is inconsistent with the following objectives identified in the Camden 2025 Plan and strategies proposed by the Camden Structure Plan:

Urban Development Objective

- Camden's landscape setting is retained and enhanced;

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Environmental Systems

- The unique cultural and visual landscapes which characterise Camden are threatened by both urban and rural development pressures. The vulnerability of these landscapes requires innovative management strategies.

Environmental Systems Objective

- To preserve and enhance the visual, cultural and scenic landscape qualities.

Economic and Community Development

- The rural landscape is an important factor in the lifestyle of the Camden community. Camden offers the opportunity for a wide variety of rural pursuits including rural residential living. The challenge is to manage rural lands and agricultural pursuits with due regard to the environment and neighbouring residential uses.

Draft Cultural and Scenic Landscape Study

The draft Camden and Scenic Landscape Study identifies the corner at Kirkham Lane and Macquarie Grove Road as a prominent element in the landscape with panoramic views to the surrounding areas of Elderslie and Camden. The development proposed prejudices this vista.

Draft Camden Local Plan

The desired future character statement for Kirkham states *“Important cultural views from Camden Valley Way in the adjoining place will be protected by limiting all development to well below the adjacent ridgeline and hill-slopes.”*

Clearly, the proposal, which would establish dwellings along the ridge, is contrary to the provisions of the draft plan.

(b) Likely Impact on Both Natural and Built Environment

Overall Impact

The overall impact of the development is not consistent with the existing and desired character of the built environment. There would be a significant impact on the natural environment because the four new houses being proposed are on an elevated ridge with crossfalls of up to

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20%. The houses, even restricted to single storey, would dominate the current rural residential development below this site.

RL 90

In order to minimise the visual impact of previous rural residential development on the ridgeline and the protection of views in this general area, building ridge heights in the vicinity of RL 90 were conditioned in the earlier developments as a height restriction.

Heritage Issues

Whilst the existing house is not listed as a heritage item there is a strong heritage link between the original simple cottage (recently renovated) as it would have been built about the same time as Camelot. The house is believed to have been used by the Camelot coachmen.

Acoustic

The proposed lots appear to be immediately adjacent to the 20 ANEF contour resulting from Camden Airport. This noise contour is not a precise definition for aircraft noise as aircraft deviate from the regulated flight path that sets this noise contour and therefore there is a reasonable expectation that these elevated lots would be adversely impacted with aircraft noise. Specific additional requirements would be required for adequate sound insulation in the roof and windows and a height restriction of only single storey construction. The lots would require a 'restriction as to user' that the dwellings be designed and constructed to conform with the requirements of AS 2021-2000 "Acoustics-Aircraft noise intrusion - Building siting and construction". The issue of noise was a reason that the site was initially not considered for rezoning.

Landscape and Scenic Quality

The prominence of the site when viewed from a distance from surrounding roads is acknowledged. The proposed development would have an impact on the existing scenic quality of the area.

Council's Draft Scenic and Cultural Landscape Study recommends that the site retain its backdrop and visual character. Further, the study recommends that no development encroach onto ridgelines or highly visible slopes and that vegetation management conserve the visual character and heritage plantings. Council has

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consistently followed the recommendations of this to date, the most recent being in relation to developments at Kirkham Meadows and Harrington Park.

The development application was advertised for a period of 14 days from 14 May 2003 to 27 May 2003. Whilst the exhibition has not concluded, it is considered necessary for Council to make a determination because of the impending court case that the applicant is instigating in the Land and Environment Court. So far one submission has been received in respect of the development proposal. The following provides a summary and commentary of issues raised in the submission.

The objection refers to the following points:

- Is inconsistent with DCP 83 in particular concerning the requirement that building ridge heights be suppressed in respect of RL 90
- Would have an undesirable impact on the scenic quality of the elevated land and ridge
- Is inconsistent with the Cultural and Scenic Landscape Study which recommends that no development encroach onto ridgelines or highly visible slopes
- Is inconsistent with Council's Strategic Plan Camden 2025

"The maintenance of the rural character of the Camden Municipality is a well-documented philosophy and existing policy of Council. We expect Council to observe its own guidelines and reject any compromise to the RL 90 boundary of development.

Such compromise ... also sets a dangerous precedent. The longer-term conservation of our scenic and rural landscape is at stake and we request Council dismiss completely such applications."

Summary

The proposal is considered not to have sufficient merit for it to proceed, as well as it being against the objection which is seeking to ensure Council is consistent in preserving this significant ridge.

The impact of the proposed four additional dwellings on the surrounding area and distant view considerations, effluent and stormwater disposal, and noise impacts from the nearby airport are too significant to consider variation of the development standards that apply to the land.

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

Recommended: That Development Application No 4/2003 to subdivide No 22 (Lot 1, DP 776002) Kirkham Lane, Kirkham into five rural residential lots be refused. The basis for refusal is that:

- (i) The proposal is inconsistent with clause 10 of Camden LEP 48; "... Council shall not consent ... unless, in the opinion of Council ... the development is desirable due to planning, design, ... or similar criteria relating to the most appropriate development of the land."
- (ii) The proposal is not desirable because of its impact to the adjoining land and the scenic quality of the ridge (elevated land) where the development is located.

Resolved on the Motion of Cr Batros, seconded Cr Campbell that Development Application No 4/2003 to subdivide No 22 (Lot 1, DP 776002) Kirkham Lane, Kirkham into five rural residential lots be refused. The basis for refusal is that:

- (i) *The proposal is inconsistent with clause 10 of Camden LEP 48; "... Council shall not consent ... unless, in the opinion of Council ... the development is desirable due to planning, design, ... or similar criteria relating to the most appropriate development of the land."*
- (ii) *The proposal is not desirable because of its impact to the adjoining land and the scenic quality of the ridge (elevated land) where the development is located.*

DC054/03 THE MOTION WAS **CARRIED.**

(Cr McFadden voted against the Motion).

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3. Review of Fencing Standards and Landscaping in the Industrial Areas of Narellan and Smeaton Grange

File No: **3128/3** (Director, Development & Environment Division)

Purpose of Report

This report is submitted to Council for consideration in response to a resolution of Council on 28 January 03, which read in part:

“(v) The DCP be reviewed to assess and set future standards of fencing.”

The resolution was in relation to a development application seeking permission to erect a fence at No 52 Topham Road, Smeaton Grange.

Summary of Recommendation

That Council place on public exhibition amendments to DCP 57, 80, 82 and 121 to facilitate a flexible approach to the location of front fencing in the Smeaton Grange/Narellan industrial areas and amend a number of landscaping matters.

Main Report

DCP 121 Smeaton Grange Industrial Area provides:

- Security fencing is to be erected behind the landscaping where it fronts a public road.

DCP 57 Industrial Code, which relates to the old part of the Narellan industrial area provides:

- If the front boundary is to be provided with security fencing, such fencing should be screened externally by appropriate planting. Wherever possible, frontage fencing should be on the building line rather than the property boundary.

DCP 82 Narellan Industrial Extension (that area to the west of the old industrial area provides:

- All security fencing shall be located behind the landscape setback and shall be open form, ie decorative metal or black/green cyclone wire.

It can be seen from the above that each industrial area has different requirements for fencing. However, generally the requirement is for fencing to be provided behind the landscaping.

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The requirement to have fencing located behind the landscaping has become unpopular with developers and property owners in more recent times because of the increase in vandalism and thefts in the area, including the theft of plants and irrigation systems.

In accordance with Council's resolution, an investigation of the existing fences within the industrial area was undertaken. The investigation involved the photographing of a selection of the variety of fences within the industrial areas. **Copies of these photos were provided to Councillors under separate cover.**

These photographs were then assessed taking into account the concerns of the developers and landowners, safer by design principles and a perceived idea of how the streetscape should be developed.

It was noted that the fences fell into a number of categories.

The following observations were made in relation to each of the categories:

Galvanised chain wire or metal fencing – this form of fencing is considered most unattractive and should not be permitted in the area.

Black and green plastic coated chain wire fence – this form of fencing is considered to be the minimal standard that should be applied as the colour of the material is not considered intrusive, however, it is considered appropriate only for fencing behind the landscaping.

Coloured metal fencing or a combination of coloured metal fencing and masonry – this form of fencing is considered to be attractive, and suitable for the front of the property.

Fences with a small amount of landscaping in front and the majority behind the fencing – this is considered to be the most attractive form of fencing and one that should be encouraged.

It can be noted from the above that different forms of fencing are considered acceptable in different locations. This would indicate that a more flexible approach to fencing is required based on the style of fencing.

As part of this investigation gates were also observed and it was noted that gates that swing into the landscape area or across the footpath area were considered to have an adverse impact on both the streetscape and the ability of landscaping to grow

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to mature height. For this reason gates should, in the future, be prohibited from opening into these areas.

In addition to the above fencing matters, a number of other changes are sought to the said DCPs to clarify a number of matters.

At the moment there is no requirement within the appropriate DCPs for the planting of street trees or the turfing of the footpath areas.

Street trees and a turfed footpath area are considered to be two of the most important ingredients in an attractive streetscape, however there are presently no requirements for the provision of same within the existing DCPs.

It is to be recommended that the footpath area in front of all development be turfed and street trees provided at the rate of 1 tree per 7m of frontage in accordance with the list of native species from Council's Landscape Masterplan.

The Smeaton Grange Industrial Estate Landscape Master Plan (SGIELMP) provides for that part of Smeaton Grange Road between Narellan Road and Anzac Road to have a landscaping setback of 7.5m. A plan showing the affected portions of roads forms **Tabled Document "DC 8"**.

This requirement is not reflected in DCP 121 (Smeaton Grange Industrial Area) and it is to be recommended that DCP 121 be amended to reflect the requirements of the SGIELMP.

DCP 121 contains no requirements for compliance with Safer by Design guidelines, and once again it is to be recommended that the DCP be amended to require developers to consider the location of entrance/exits, windows and general surrounds in the design to provided for security rather than total reliance of fences.

Conclusion

As a result of the above mentioned investigation, it is to be recommended that the following forms of fencing be adopted.

Black or green metal fences of an open form or black or green metal fences of an open form incorporating some decorative masonry components be permitted to be erected to within 1 metre of the front property boundary.

The mix of masonry to metal fencing must not exceed a masonry plinth of not more than 600 mm in height, and columns which occupy between 1:6 and 1:7.5 of the overall length of the fence, with no metal section exceeding 3m in

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length or less than 1.8 m in length. Typical detail forms **Tabled Document “DC 9”**.

The area in front of the fence must be planted with low shrubs.

Black or green cyclone fencing will be permitted on or behind the designated landscape setback.

The maximum height of all fences must not exceed 2.1m.

Galvanised chain wire fencing or galvanised metal fences will not be permitted in any new developments within the industrial areas.

No gates be permitted to swing into the landscape setback or footpath area.

It is to be recommended that all DCPs relating to industrial areas and the Narellan Business Park be amended to incorporate the abovementioned recommendations.

Recommended: That:

- (i) DCP 57, DCP 80, DCP 82 and DCP 121 be amended in accordance with the following:
 - (a) Galvanised chain wire or metal fencing be prohibited in Industrial areas.
 - (b) Black and green plastic coated chain wire fencing be permitted behind the designated landscaping setback
 - (c) Coloured metal fencing or a combination of coloured metal fencing and masonry be permitted not less than 1 metre from the property boundary, with small plantings in front of the fence.
 - (d) Gates must not swing into the landscaping area or across the footpath area.
 - (e) Site landscaping must include the planting of street trees at the rate of 1 tree per 7 m of street frontage, and the turfing of the footpath
 - (f) Properties fronting Smeaton Grange Road between Narellan Road and Anzac Road must provide a landscaping strip of not less than 7.5 m.
 - (g) Applicants must give consideration to Safer by Design principles when placing doors and windows in a building.

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- (ii) The amended Development Control plans be placed on public exhibition, in accordance with the requirements of the Environmental Planning and Assessment Act 1979 as amended.

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

- (i) *DCP 57, DCP 80, DCP 82 and DCP 121 be amended in accordance with the following:*
- (a) *Galvanised chain wire or metal fencing be prohibited in Industrial areas.*
 - (b) *Black and green plastic coated chain wire fencing be permitted behind the designated landscaping setback*
 - (c) *Coloured metal fencing or a combination of coloured metal fencing and masonry be permitted not less than 1 metre from the property boundary, with small plantings in front of the fence.*
 - (d) *Gates must not swing into the landscaping area or across the footpath area.*
 - (e) *Site landscaping must include the planting of street trees at the rate of 1 tree per 7 m of street frontage, and the turfing of the footpath*
 - (f) *Properties fronting Smeaton Grange Road between Narellan Road and Anzac Road must provide a landscaping strip of not less than 7.5 m.*
 - (g) *Applicants must give consideration to Safer by Design principles when placing doors and windows in a building.*
- (ii) *The amended Development Control plans be placed on public exhibition, in accordance with the requirements of the Environmental Planning and Assessment Act 1979 as amended and mailed to all property owners in the Smeaton Grange and Narellan Industrial Estates.*

DC055/03 THE MOTION WAS **CARRIED.**

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4. Draft Development Control Plan – Narellan Township
(File 4371/3)(Director Governance & Outcomes)

Purpose of Report

The report seeks to provide an overview of the Draft Development Control Plan prepared for the Narellan Township and secure a Council resolution to publicly exhibit and pursue an extensive consultation process in respect of the DDCP.

Background

The strategic planning and development control background to the Narellan Township has been the subject of numerous planning initiatives over recent decades. The desire for a clearer vision and controls to assist in delivering that vision culminated in the receipt of a grant under the state planning administered Urban Improvement Program in 2001.

An initial action pursued in accordance with the grant was the preparation of a Strategic Plan for the Narellan Township. This plan was developed with the assistance of a Community Reference Group and consultants. The plan comprised an overarching vision, a series of strategies and actions and a notional development plan.

Given the inter-related nature of many of the strategies and actions and not wishing to turn realisation of the Strategic Plan outcomes into a protracted serial process (ie step by step for years) Council embarked upon an “Enquiry by Design” process. The “Enquiry by Design” workshop was conducted in late November 2002.

“Enquiry by Design” Workshop

An intensive workshop was conducted over a 3-day period extending from 11th to 13th November 2002. The workshop was facilitated by an experienced consultant team covering a broad range of backgrounds, including land economics and retail dynamics, employment, traffic and transport planning, urban design and architecture. The team was supported by senior Council staff and involved consultation with the owners of key sites in Narellan. Different scenarios were tested by design and have been further “road tested” to varying degrees in the intervening period.

Two “report back sessions” to Council occurred during the workshop.

The “Enquiry by Design” process was entered into under the clear pretext that we were not “starting again” and that we were building upon the recently adopted Strategic Plan and indeed

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seeking to deliver on many of the identified strategies and actions or at least create the framework for the realisation of many.

The “vision” was “massaged” slightly. However, it clearly remains founded upon the principle that Camden and Narellan townships should be seen as complementary centres performing complementary and compatible functions and that Narellan should not seek to imitate Camden architecturally. Narellan is viewed as a contemporary centre, with the capacity to draw upon certain country town elements in a contemporary fashion.

The amended vision is accompanied by an indicative Development Plan (refer **Tabled Document “DC 10“**). The plan details conceptually design principles for the places which comprise the Narellan Township.

Narellan Township and its Commercial Underpinning

It is clearly acknowledged from a variety of professional sources that Narellan is currently oversupplied with retail floorspace given the nature and extent of its catchment and notwithstanding it being a centre of deliberate choice for many.

The strategy arrived at to “grow Narellan” out of this current situation and reinforce and stabilise the centre is predicated upon the provision of commercial, business “start up” and home business opportunities supporting the immediate core and supporting the centre generally with medium density residential opportunities. The demand for alternative housing opportunities close to the town centre is an evolving trend which is consistent with this general strategy.

Medium Density Housing

Medium density residential development typically accompanies the development and maturity of centres. It reinforces the immediate catchment of retail/commercial centres, brings further natural mass to viable public transport options and above all it caters for different housing aspirations in our community. In certain circumstances it also brings life to centres at night with attendant positive social impacts.

The key is where, how much, how quickly and in what form such housing occurs. There has been a deliberate initial action of restricting proposed medium density residential opportunities to a relatively compact band surrounding the Narellan core. This includes areas most accessible to the centre by pedestrians and most accessible to public transport.

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There exists significant redevelopment capacity within the area identified at this stage. The aim is not to transform the whole of Narellan over night. Clearly this would be unacceptable to the majority of the Narellan community. Nor do we wish to see such form of housing so dispersed that it can't be appropriately serviced.

Generally this form of housing will be restricted to two (2) storeys. Although some sites with individual qualities may be capable of three (3) storeys and very unique sites some four (4) storey elements.

It should be noted that identification of medium density residential opportunities in support of the Narellan Centre was an important element in the Council's adopted and State Government endorsed Residential Strategy. The strategy gained Council exemption from compliance with SEPP No. 53 – a policy which provides the random ability of developers to build medium density housing in any residential zone.

This SEPP allows medium density housing to be built in any residential zone. Whereas Council has expressly identified locations for such housing or areas to be investigated for such form of housing in its Residential Strategy, an extract of which may be found in **Tabled Document "DC 11"**. The State Government monitors Council's application and commitment to its Residential Strategy to ensure the objectives are being met. Failure to deliver on the Strategy exposes Council to having the exemption from SEPP No. 53 removed and random non coordinated medium density housing dispersed through all residential areas.

Accessibility/Public Transport

Narellan Township is clearly at the confluence of a number of major traffic arteries, is characterised by "missing links" and "network blockers" on these arteries. Further, limited access is available from the arteries into the township proper and traffic management generally is barely coping at present.

Public transport is limited and generally poorly integrated with the functionality of the township. Pedestrian and cycle movements to and through the town are particularly limited and generally "inhospitable".

A central plank in the "Enquiry by Design" process was to review this existing situation and develop a strategy which delivered the vision established in the Indicative Development Plan (Masterplan). Some of the proposed actions are at the extreme end of the visionary scale. Nonetheless a comprehensive and somewhat radical system is perhaps the remedy Narellan requires. Tokenistic traffic management

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schemes will only provide short-term gains which are quickly eroded.

Reproduced at **Tabled Document “DC 12”** is a “Traffic Engineering Assessment” prepared to support implementation of the Narellan vision. Clearly the RTA, bus proprietors and community will wish to make extensive comment on the suggestions. However, at the day’s end vision (and courage over time) will be required. Minor modifications to the strategy may be capable of being accommodated, however, the strategy will collapse and become dysfunctional if major “tinkering” occurs. It is after all largely an interconnected package.

The salient elements of the strategy advanced include, in summary:

- Narellan Road Extension to The Northern Road
- Camden ByPass Extension to Camden Valley Way
- Harrington Park Connection to Camden Valley Way
- Queen Street Extension and Connection to Camden ByPass
- Richardson Road Ramp Connections to Camden ByPass
- Somerset Avenue Extension to Connect with Narellan Road Extension
- Northern Road / Narellan Road Intersection

Draft Development Control Plan

A Draft Development Control Plan (refer to **Tabled Document “DC 13”**) has been prepared as an interim measure to provide guidance to the development of Narellan Township. The DDCP is stylised so that the bulk of the material can be directly “transported” into the comprehensive Local Plan. It is not proposed to frustrate the passage of the Local Plan by awaiting the extensive Narellan consultation exercise detailed elsewhere in this report.

Principal Elements of the DDCP include:

(a) The Narellan Township Strategic Vision

This section of the plan contains a statement of Desired Future Character and general Design Principles for the whole of the Narellan Township. It comprises an “overarching” statement that draws upon the vision established for smaller places/precincts and provides a general set of controls to deliver the general vision avoiding constant repetition in each individual place statement.

The General Design Principles seek to outline a generic framework for realising the established vision for the township and its constituent places. The principal areas addressed in the General Design Principles include:

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- Built Form
- Setbacks
- Building Footprint
- Building Height
- Roof Forms
- Street Frontage Design
- Landmark Features
- Character
- Heritage
- Carparking
- Signage

(b) The Individual Places of the Narellan Township

The township has been divided into 10 places which have certain unifying elements and a degree of individual character. The nature of place boundaries can clearly be debated at length. However, at some stage a decision has to be made in order that progress can be made. Notwithstanding this statement there exist opportunities for minor adjustments should a substantive case exist.

A Statement of Desired Future Character (DFC) has been crafted for each place. Each statement is founded upon the principles contained in the previously mentioned Indicative Development Plan produced as a result of the “Enquiry by Design” workshop (and contained in **Tabled Document “DC 13”**).

Development standards unique to each place build upon the previously mentioned General Development Principles where a specific outcome is sought. Landuse activities consistent with the DFC are detailed and heritage items listed.

It should be noted that in some instances the identified landuses vary from those in the prevailing LEP (ie. LEP 46) and cannot be acted upon until embraced in the Local Plan or individually rezoned in the short term, should Council consider that to be desirable.

The DCP as such can detail intent and document principles and standards. It can't vary landuse provisions contained in an LEP. This DCP is, however, an interim measure as previously detailed.

Consultation Process

A comprehensive public consultation will be critical to the successful implementation of the DDCP and realisation of the Narellan Strategic Plan. To ensure that the community is broadly aware of the draft plan and its intent it is proposed to:

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- (a) Exhibit the DDCP for a minimum period of six (6) weeks.
- (b) Establish and man a shopfront exhibition.
(Maps and supporting material would be on display and the Narellan Place Manager on hand to answer enquiries and assist with the making of submissions.)
- (c) Conduct meetings for each place.
- (d) Distribute a leaflet or postcard to each property and business in the plan area.
(Advising of the plan and means of becoming better informed and responding.)
- (e) Issue media releases.
(Detailing the exhibition and means of responding.)

Conclusion

The DDCP draws together the recent planning initiatives for the Narellan Township and represents an important step in implementing the Narellan Strategic Plan and importantly realising the vision for the township and its constituent places. The plan documents Desired Future Character Statements, outlines development principles including an indicative development plan and details development standards.

The plan represents an interim step prior to embracing the provisions in the Local Plan.

It is imperative that extensive consultation occurs with both the local and broader community. To this end a comprehensive strategy is proposed.

Accordingly, it is appropriate that Council resolve to exhibit the DDCP.

Recommended: That

- (i) Council resolve to exhibit Camden Draft DCP No.126 for a period of six (6) weeks and pursue consultation as detailed in the preceding report.
- (ii) A further report be considered by Council upon conclusion of the exhibition period and assessment of submissions received.

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

- (i) Council resolve to exhibit Camden Draft DCP No.126 for a period of twelve (12) weeks and pursue consultation as detailed in the preceding report.

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- (ii) *A further report be considered by Council upon conclusion of the exhibition period and assessment of submissions received.*
- (iii) *Community groups, such as RAG be notified of further pre-arranged meetings after the exhibition period in order to arrange a further meeting with the community groups to report the findings.*

DC056/03 THE MOTION WAS **CARRIED.**

The Meeting closed at 6.32pm.