

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 27 OCTOBER, 2003, CIVIC CENTRE, OXLEY STREET,
CAMDEN – 5.30PM**

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Present: Cr Anderson (Mayor/Chairman), Cr Corrigan, Cr Patterson, Cr Winn, Cr Fekete, Cr McFadden, Cr Batros, Cr Campbell arrived at 6.15pm

Staff: General Manager, Director Works & Services, Director Development & Environment, Manager Development, Manager Environment & Health, Administration Officer.

Apologies: An apology was received from Cr Senise from this meeting.

Resolved on the Motion of Cr Fekete, seconded Cr Winn that leave of absence be granted to Cr Senise for this meeting.

DC091/03 THE MOTION WAS **CARRIED.**

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

There were no declarations.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

Mr David Funnell addressed the Committee in relation to Item 2.

Mr Mick Owens addressed the Committee in relation to Item 3

Mrs Dianne Burton addressed the Committee in relation to Item 3.

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1. Construction of an Addition and Deck to an Existing Dwelling, No 6 (Lot 57 DP 29251) Hawkey Crescent, Camden

File No: 3800.60 (Director, Development & Environment Division)
DA No: 1234/2003
Owner: PH & BL Buchanan
Zoning: Residential 2(A) CLEP 46

Purpose of Report

To enable Council to make a determination on an application for the construction an addition and a deck to the rear of a dwelling on a site affected by flooding from the Nepean River.

Summary of Recommendation

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

The Site

The site fronts the road and is located on the north side of Hawkey Crescent, Camden. A three(3) bedroom, fibro dwelling currently occupies the land, which is surrounded by similar, traditional residential development.

The rear half of the land is affected by the 1% AEP flood event, located at RL 72.0m AHD. The impact of flooding and the level of inundation is assessed and discussed further in this report. A copy of the locality plan forms **Tabled Document “DC 1”**.

The Proposal

The applicant seeks approval to construct a family room and a deck with an awning, to the rear of the dwelling. The proposed addition is designed to be consistent with the existing dwelling and will be constructed on piers with fibro clad walls and a flat, metal roof. A copy of the plans form **Tabled Document “DC 2”**.

The 1% flood line, which is located at RL 72.00m AHD, affects the deck and part of the south-eastern corner of the family room. The habitable floor area of the addition will be located at RL 72.87m AHD, to match the existing floor level and to meet the criteria of the Upper Nepean River Floodplain Management Study and Plan, which requires a minimum 600mm above the 1% flood level.

The plans propose construction on steel posts to maintain an open, unimpeded area under the building for the flow of flood waters.

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The provisions for evacuation and the flood compatible construction of the addition are discussed further in this report under the section entitled Upper Nepean River Floodplain Management Study and Plan.

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

Notification

Notification was not required given that the owners of the adjoining properties have submitted documentation advising that they have no objections to the proposed development.

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
- Upper Nepean River Floodplain Management Study and Plan
- Sydney Regional Environmental Plan 20 - Hawkesbury-Nepean River
- Development Control Plan No 58
- Draft Flood Risk Management Policy

Assessment

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

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

Camden 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

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The site is zoned 2(a) Residential under the provisions of Camden Local Environmental Plan 46 (LEP 46). The development is permissible with Council consent under this zoning.

The proposal complies with the aims of LEP 46 by maintaining the aspects of traditional lifestyle while demonstrating a regard for the quality of the surrounding environment.

Upper Nepean River Floodplain Management Study and Plan

The site is affected by the 1% AEP flood event located at RL 72.0m AHD and is categorised in accordance with the Upper Nepean River Floodplain Management Study and Plan as Low Hazard - Flood Fringe (see **Tabled Document “DC 3”**). Velocity of the floodwater is considered to be minimal.

The 1% flood impacts on the rear half of the land, affecting the proposed addition and deck. The floor level of the new work will be located at RL 72.87m AHD, which provides 870mm clearance above the 1% AEP.

Flood free access is available from the dwelling to the street, which further ascends to Macquarie Ave or alternatively to Murrandah Avenue.

During a 1% flood event it is predicted that at the extremity of the addition floodwaters may rise to a depth of approximately 500mm at ground level at the rear of the dwelling.

The management plan adopted by Council makes reference to several strategies in order to ‘minimise adverse economic impacts on the commercial centre of Camden and to foster flood compatible development’. A key strategy of the plan relates to house raising and flood proofing of residential development. The subject property is not identified for inclusion in any House-Raising Scheme. 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 scheme.

Draft Flood Risk Management Policy

The submission has been assessed with regard to the Draft Flood Risk Management Policy and demonstrates compliance with the criteria of the policy while improving the use of the building.

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Technical investigation has determined that the proposed development can be carried out in a structurally sound manner and not increase the flood hazard or risk to occupants or adjoining neighbours.

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 complies with the development standards of the Residential Development Control Plan No.58 and achieves the aims of the DCP in terms of efficient use of the land while maintaining the character of the locality.

(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 flood affectation the management plan adopted by Council suggests that the risk to occupants does not warrant inclusion of the property in any acquisition program.

The site is fully serviced (ie water, electricity, sewer and phone) and is in close proximity to the Camden town centre. Similar development can be found in the general area.

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

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

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Summary

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 proposed additions have been designed to comply with the specific design requirements, in particular, habitable floor levels a minimum 600mm above the flood level. The applicant has engaged a Structural Engineer to certify that the building has been designed to withstand the impact of floodwater, debris and buoyancy.

The addition is not anticipated to increase the hazard for evacuation of occupants nor is the development expected to increase any burden on emergency services.

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

Recommended: That Development Application 1234/2003 for a proposed addition and alterations to an existing dwelling at No 6 (Lot 57 DP 29251) Hawkey Crescent, Camden be approved subject to the conditions which form **Tabled Document "DC 4"**.

*Resolved on the Motion of Cr Batros, seconded Cr Winn that Development Application 1234/2003 for a proposed addition and alterations to an existing dwelling at No 6 (Lot 57 DP 29251) Hawkey Crescent, Camden be approved subject to the conditions which form **Tabled Document "DC 4"**.*

DC092/03 THE MOTION WAS **CARRIED.**

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2. Modification to Development Consent No 58/2001 to Vary a Restriction on the Use of the Land at No 5 (Lot 351 DP 717448) Tarcoola Place, Ellis Lane

File No: 7625.30 (Director, Development & Environment Division)
DA No: 58/2001
Owner/
Applicant: D Funnell & C Sheehan
Zoning: 1 (c) Rural C pursuant to Camden LEP 48

Purpose of Report

To enable Council to determine an application to modify Development Consent No 58/2001. The proposal seeks to modify Condition 20 and therefore seeks to vary a 'restriction on the use of land', relating to the maximum permissible ridge height of any future dwelling on Lot 1 DP 1042726.

Summary of Recommendation

It is recommended that the application to modify Condition 20 of Development Consent No 58/2001 for the variation of the restriction on the use of land be approved.

Background

A two (2) lot subdivision application (DA 58/2001) was lodged by the owners on 25 May 2001. This application sought approval to subdivide Lot 351 in Deposited Plan 717448 (5 Tarcoola Place, Ellis Lane) into two lots. The proposal was to divide the lot into No 5 (where the existing dwelling would remain), and No 5a (where the existing shed is located). The application was notified to adjoining owners and subsequently one submission was received. That submission raised concern and objection to the proposed building envelope and uncertainty in terms of any future loss of views from the adjoining property. As a result of that submission being received by Council, a meeting was held between Council staff and the objectors on 17 July 2001. At the meeting it was agreed that Council would proceed with the approval of the application, subject to a condition being placed on the consent requiring a restriction on that land in relation to a maximum ridge height of RL 73.2m AHD and that the location of any future dwelling be determined so as to create a minimum impact on view corridors of adjoining dwellings.

On 17 August 2001, approval was given under delegated authority to Development Application 58/2001, with condition 20 reading as follows:

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“Condition 20

EASEMENTS/RESTRICTIONS/COVENANTS – An instrument setting out Terms of Easement, Restrictions on the use of Land and Positive Covenant intended to be created pursuant to Section 88B of the Conveyancing Act 1919, shall be submitted in a form acceptable to Council indicating that any dwelling erected on proposed Lot 1 shall only be of single storey construction, rooms in the roof space shall not be permitted and maximum height to the ridge shall be RL 73.2 AHD. The location of the future dwelling shall be determined so as to create a minimum impact on the view corridors to the adjoining dwellings by notification.”

A copy of the approved subdivision plan creating Lots 1 and 2 DP 1042726 forms **Tabled Documents “DC 5”**.

On 10 September 2001, Council received a request from R & J Approvals to modify Condition 20 of the consent. The modification sought a variation to the ‘restriction on the use of land’, with an increase in the maximum ridge height from 73.2m AHD to 74.5m AHD. It should be noted that the proposed modification was not notified to adjoining neighbours, however a site meeting was held between the applicant, Council staff and one adjoining landowner. At the site meeting, it was agreed between all parties that the proposed increase in ridge height would have little impact on the view from adjoining properties.

On 3 October 2001, approval was granted under delegated authority to the requested variation to the ‘restriction on the use of land’. Condition 20 then read as follows:

“Condition 20

EASEMENTS/RESTRICTIONS/COVENANTS – An instrument setting out Terms of Easements, Restrictions on the use of Land and Positive Covenant intended to be created pursuant to Section 88B of the Conveyancing Act 1919, shall be submitted in a form acceptable to Council indicating that any dwelling erected on proposed Lot 1 shall only be of a single storey construction, rooms in the roof space shall not be permitted and maximum height to the ridge shall be at RL 74.5 AHD. The location of the future dwelling shall be determined so as to create a minimum impact on the view corridors to the adjoining dwellings by notification.”

On 26 August 2002, the owner requested in writing a variation to the ridge height restriction. The request forms **Tabled Document “DC 6”**. The requests sought a ridge height of 76.8m AHD, 2.3m above the 74.5m AHD as specified in the modified consent. In addition, the owner’s calculations equate

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to a ridge height of 76.94m AHD and not 76.8m AHD. Consequently the owner was verbally advised that a modified application to Development Consent No 58/2001 would be required, and that the proposed variation would be notified and possibly reported to Council.

On 9 September 2002, a modification application was lodged with Council from the owner to increase the ridge height restriction. The modification application was notified to adjoining neighbours and was accompanied by the owner's letter dated 26 August 2002 (with incorrect calculations) with one submission being received from an adjoining owner. This submission objected to the proposed modifications due to the adverse impact of the increased ridge height upon the views from that property.

On 4 November 2002 the applicant withdrew the application to modify Condition 20.

On 25 February 2003, an application was submitted to Council to enlarge the building envelope. The application was notified with no submissions being received by Council. Approval was granted under delegated authority on 15 April 2003.

On 29 July 2003, the applicants submitted the current application to increase the height of the building by 1.1 metres to a total ridge height of 75.6 AHD. Following a lengthy and unresolved consultation process with the adjoining residents, on 16 September 2003, the applicants submitted an amended request to reduce the variation from 76.5 AHD to 75.18 AHD.

Council is now also in receipt of a development application for the construction of a dwelling on this site. Consideration of the design of the dwelling. The amount of cut and fill required to ensure the dwelling is above the FPL and on-site septic disposal can occur has prompted the application to further vary the height restriction.

The Proposal

The applicant seeks approval to modify the current 'restriction on the use of land' to increase the maximum ridge height from 74.5 AHD to 75.18 AHD. This is an increase of 0.68 metres and 1.98m above the original approval. The anticipated single storey dwelling structure will contain three bedrooms, a bathroom, two ensuites, a study, a double garage, a kitchen & pantry, a lounge and dining area as well as two outdoor entertainment areas joined by a verandah. The applicant proposes a colorbond roof with a pitch of 27.5°.

The applicants' submission justifying the proposed variation states in part that "*the finished floor level will be only a bit over*

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one metre higher than the 1:100 flood level. I feel it only prudent to maximise a floor level above possible flooding...Significant water flows affect the building envelope from a large upstream catchment. Over excavating the house building platform will only result in long term severe drainage problems...The floor level of the house cannot be practically lowered below this point and get fall to the existing septic tank.” The proposed elevations forming part of the applicants’ submission forms **Tabled Document “DC 7”**.

The Site

The land is a vacant site (Lot 1) with an approximate area of 30,150m² (3.015ha), located on the western side of Tarcoola Place, Ellis Lane. The land falls west to Sickles Creek, which forms the rear boundary. The site is subject to flooding although the building platform is expected to be flood free in the 1% AEP storm event. A large shed exists at the rear of the property located on Lot 1. Septic tanks are located adjacent to the shed and the dwelling has been sited to ensure sufficient fall to the tanks. The tanks are located above the 1 in 100 flood level.

Notification

The proposed modification was notified to those residents originally notified of the subdivision application in accordance with Section 96 of the Environmental Planning & Assessment Act 1979, and Council’s adopted Development Control Plan No 116 Notification, Advertising & Mediation Policy. At the conclusion of the exhibition period three objections were received expressing concern regarding loss of view. **A copy of the submissions was handed out separately with the Business Paper.** Mediation was conducted with the neighbours but the issue could not be resolved. The submissions will be detailed further in this report.

Planning Controls

The following planning instrument applies to the subject land.

- Camden Local Environmental Plan (CLEP) No 48
- Development Control Plan No 106 – Landforming Operations

Camden Local Environmental Plan No 48

Pursuant to LEP 48 the development of a dwelling is permissible in this locality. The plan aims *‘to preserve the lifestyles of the people living in the Municipality of Camden by controlling the type and magnitude of development within the rural areas.’*

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The proposal meets the aim of the plan because the recent request for a further variation to the restrictive covenant will not adversely impact on the existing view corridors and therefore on the lifestyles of the people in the vicinity.

The land is currently zoned 1(c) Rural “C” pursuant to CLEP 48. The relevant zone objectives are:

- To provide for small holding rural residential living opportunities on land not being of prime crop or pasture potential and having ready access to urban areas and facilities;
- To control by means of a development control plan the density of development for land within the zone considering access, natural hazards, landscape quality and physical environment;
- To provide for such community uses as are necessary to meet community needs generated in this zone;
- To ensure development is carried out in a manner that minimises risk from natural hazards, particularly bushfires and flooding, and does not detract from the scenic quality of the rural area; and
- 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.

The proposed variation achieves these objectives. The scenic quality of the rural area will be maintained.

Clause 21 of CLEP 48 states that:

- (1) Development for the purposes of a landforming operation may be carried out on land to which this plan applies only with the consent of the Council.

In this clause, landforming operations means the carrying out of any work or other activity that affects an area of land greater than 100 square metres and that:

- (a) alters a drainage pattern or a flood level, or
- (b) raises or lowers the surface of the land at any point so as to alter the natural ground level by more than one metre, or

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- (c) raises or lowers by more than one metre at any point any level of the land that has been created by previous excavation or filling.

Given the area and depth of the fill proposed, the building platform works are landforming operations, to be assessed under this clause.

Development Control Plan No 106 – Landforming Operations

The relevant aims and objectives of Council's adopted DCP 106 are:

- To allow landforming only where it enhances the use and character of the land;
- To ensure landforming operations do not silt or pollute waterways, drainage lines and wetlands, damage topography or adversely affect bushland;
- To protect and enhance the aesthetic quality of the area by controlling the form, bulk and scale of landforming operations to appropriate levels;
- To ensure that filling material is satisfactory and does not adversely affect the fertility or salinity of soil, or surface water or groundwater;
- To ensure that the amenity of adjoining residents is not adversely affected by any landforming operation.

The proposed formed building platform will enhance the use of the land, while protecting the aesthetic quality of the area and will not adversely affect adjoining residents. To achieve a level building platform without fill on this site, excessive cut would be required which would detract from the site and may result in drainage problems.

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.

Draft Scenic and Cultural Landscapes Study

Council's Scenic and Cultural Landscapes study, in reference to the Carrington/Ellis Lane precinct states:

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“This area occupies a low ridge between Sickles Creek, which forms the western boundary, and the Nepean River and is partly surrounded by a meander of the river. It is diverse visually because of a mixture of agricultural land uses and residential development. The latter dominates the western half of the precinct. This contrasts with development in nearby Wollondilly Shire on the other side of Sickles Creek.

The character of this precinct is in a process of rapid change. The underlying pattern of the majority of this precinct relates to the system of leaseholds established by the Macarthurs and the later 1885 subdivision – Cawdor Estate”.

The proposed increase in the ridge height of any future dwelling within the approved building envelope will not adversely impact on the views received from adjoining properties.

The Suitability Of The Site For The Development

The site has been identified as being suitable for the purpose of a residential dwelling. This has been indicated through the conditions of Development Consent No 58/2001. Condition 20 of this consent has been applied and subsequently amended in 2002 with the agreement of Council, the owners and one adjoining resident.

The proposed variation to the height restriction will result in a dwelling that is appropriately designed for the identified site constraints.

Submissions made in accordance with the Act and Regulations

The proposed modifications were notified to adjoining neighbours. Three submissions were received by Council. Copies of these submissions are provided separately to Councillors. Each of the submissions objects to the proposed height increase of the ridgeline. The main issues within the submissions can be summarised as follows:

- The existing covenant, with a maximum ridge height of 74.5 AHD was formulated by Council and agreed to by the owners in order to protect the best interests of all parties in the area. This should be upheld.
- The size and elevation of the existing shed and the proposed residence severely impact on the adjoining properties, particularly in relation to loss of views and will therefore devalue them and the lifestyle of their owners.

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- The proposed building with the greatest wall – to – wall width of 12 metres could abide by the covenant if the pitch of the sheet covered main roof is reduced from 27.5° to 18.5°.

Following the applicant's submission on the 16th September 2003, the amended reduction in the total ridge height was again notified to the adjoining residents. Whilst formal written notification was not undertaken, verbal discussions were held with each of the adjoining neighbours and site meetings were undertaken with two of the adjoining owners. The three original adjoining residents maintain their objections to the proposed ridge height of 75.18 AHD. It is considered that the suggested reduction in roof pitch would detract from the architectural merit of the proposed dwelling. The siting of the proposed dwelling in relation to the objector's premises will have little if any impact on their primary view lines.

Flooding

A portion of the subject site is affected by inundation of floodwaters from the Nepean River in a 1% AEP flood event. It is estimated that the proposed finished floor level of 69.18 AHD will result in a dwelling being 1.58 above the 1% AEP flood level. An historic site plan forms **Tabled Documents "DC 8"**. The current siting of the proposed dwelling is 5 metres from the eastern boundary and not 7.365 metres as is indicated on this site plan.

Conclusion

The proposed modification involves the variation of a restriction on the use of the land as detailed in Condition 20. Council has previously agreed to vary this restriction from its original 73.2m AHD to 74.5m AHD. The applicant now seeks to increase the level of 74.5m AHD by 0.68 metres to 75.18m AHD, which is 1.98m above the originally agreed platform. Following notification of the proposed modification to the restriction on the use of the land, three submissions were received, that raised concern over loss of views from adjoining properties and the subsequent impact on the amenity and value of those properties.

The proposed height variation will result in a dwelling that is designed sympathetically with the existing site constraints, will not adversely affect the existing views to the west received from adjoining properties and has been adequately justified by the applicant.

On this basis, the proposed modification to vary the previously amended 'restriction on the use of the land' to increase the

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maximum ridge height from 74.5m AHD to 75.18m AHD is considered acceptable.

Recommended: That the proposed Modification to Development Consent No 58/2003 to vary the 'restriction on the use of the land' to increase the total ridge height from 74.5 AHD to 75.18 AHD be approved, with Condition 20 to now read as:

“EASEMENTS/RESTRICTIONS/COVENANTS – An instrument setting out Terms of Easements, Restrictions on the use of Land and Positive Covenant intended to be created pursuant to Section 88B of the Conveyancing Act 1919, shall be submitted in a form acceptable to Council indicating that any dwelling erected on Proposed Lot 1 shall only be of a single storey construction, rooms in the roof space shall not be permitted and maximum height to ridge shall be at RL 75.18 AHD”.

Resolved on the Motion of Cr Patterson, seconded Cr Winn that the proposed Modification to Development Consent No 58/2003 to vary the 'restriction on the use of the land' to increase the total ridge height from 74.5 AHD to 75.18 AHD be approved, with Condition 20 to now read as:

“EASEMENTS/RESTRICTIONS/COVENANTS – An instrument setting out Terms of Easements, Restrictions on the use of Land and Positive Covenant intended to be created pursuant to Section 88B of the Conveyancing Act 1919, shall be submitted in a form acceptable to Council indicating that any dwelling erected on Proposed Lot 1 shall only be of a single storey construction, rooms in the roof space shall not be permitted and maximum height to ridge shall be at RL 75.18 AHD”.

DC093/03 THE MOTION WAS **CARRIED.**

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**3. 625 Lot Subdivision- Mount Annan South, No 151E
(Lot 2768 DP 1021879) Welling Drive, Mount Annan**

File No: DA8075.1514-2 & PF6525.930

DA No: 17/2002

Owner: Landcom

Zoning: Residential 2(d) Res 2 - LEP 47

Purpose of Report

This application is reported to Council on the basis of the cost of the subdivision works, receipt of a number of unresolved objections and several non-compliances with Council policy.

Summary of Recommendation

This report recommends a staged conditional approval of the proposed 625 lot subdivision on the basis of deferred commencement to ensure that the issue of odour impacts from the Jacks Gully Waste Management Facility are satisfactorily addressed.

Background

Mount Annan was initially designated for urban development under the Three Cities Plan and has been incrementally developed since the mid-1980's

Mount Annan South represents the final Landcom holding in the urban release area of Mount Annan. The area has been zoned for residential purposes since the early 1980's and is identified on the Urban Development Program. The land is shown on **Tabled Document "DC 9"**.

In October 2000 Council considered a draft Structure Plan for the site which proposed to provide a vision for the development of the site and to identify a range of outcomes underpinning delivery of the vision.

The current status of the Structure Plan is discussed further in this report.

The Proposal

The subject application proposes the creation of 625 residential allotments. The development is proposed in 14 precincts (stages) as shown in **Tabled Document "DC 10"**.

The 'break-up' of the lot creation is detailed in the table below:

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	Area (ha)	- 400 m ²	+ 400m ²	+500 m ²	+600 m ²			
						Total Lots	Single Dwellings	Multi unit Dwellings
30	4.6	0	0	12	26	38	37	3
31	2.9	0	0	2	30	32	32	
32	4.3	0	3	20	25	48	48	
33	4.8	0	0	37	25	62	61	3
34	9.8	13	1	5	18	37	36	3
35	3.8	7	2	2	24	35	32	21
36	3.8	18	5	4	9	36	36	
37	3.1	6	18	4	7	35	35	20
38	7.5	0	0	21	38	59	58	3
39	3.2	0	6	18	18	42	42	
40	5.9	5	6	21	13	45	45	
41	5.0	0	0	45	17	62	62	
42	2.6	1	4	26	8	39	39	
43	6.8	0	16	19	20	55	55	
Total	68.9	50	61	236	278	625	618	84 (including 31 dual occupancies)

The total number of dwellings to be provided is 702, with an estimated future population of 2123. The development proposes 11.5 hectares of open space, much of which will also serve a drainage function, and provides a residential density of 12.62 dwellings per hectare.

The development proposal also provides for the creation of a lot (proposed lot 3535) to be used for the purpose of a community centre. Such development would be the subject of a further development application to Council. Likely inclusions within the community centre could be 300m² of retail floor space, additional specialty facilities such as a bakery, take-away, coffee shop, hairdresser and chemist; shop-top housing (15 dwellings); provision for car parking; multi-use court and walkway systems connecting to the residential areas.

The Site

The subject site is located to the immediate south of the existing Mount Annan release area. Future development of the site will complete the construction of Mount Annan Drive from Welling Drive to Narellan Road. The site is currently vacant and is adjoined by the Sydney Water Mount Annan Water Reservoir; William Howe Regional Park; Mount Annan Botanic Gardens and Jacks Gully Waste Emplacement Area. The subject site is located at the headwaters of a creek, which drains directly to Narellan Creek.

The site also adjoins Part Lot 501 in DP 869561 owned by Waste Services NSW. The subject application seeks to make

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provision for road service connections to enable future development of this land. A concept subdivision layout is indicated on the Master Plan for the subject site, however does not form part of this application (refer to **Tabled Document “DC 11”**).

The subject land is known as Part Lot 2768 DP 1021879 and has a total site area of 68.91 hectares. The site is characterised by a series of ridgelines and drainage lines in conjunction with an existing water body in the form of a traditional farm dam. The dam occupies an area of around 5 hectares, is poorly constructed and badly eroded. The site is a broad, shallow valley with a north-northeasterly aspect overlooking the existing areas of Mount Annan. It is bounded on its southern and western flanks by elevated vegetated ridgetops. The land is gently undulating with slopes ranging from generally flat to 1 in 6 on the side slopes. The site is largely devoid of vegetation, except for a number of small pockets of weed-infested exotic and native species.

Notification

The subject application was publicly advertised and notified to adjoining property owners, and those considered by Council likely to be impacted by the development. At the close of the notification period a total of six (6) submissions were received by private landowners. The issues raised in their submission are listed below and addressed further in this report.

- Odours from Jacks Gully
- Traffic at Mount Annan Drive and Narellan Road intersection
- Impact of additional traffic on Mount Annan Drive residents: noise, pollution
- Impact of additional vehicles on operation of M5
- Detrimental impact on wildlife in Mount Annan Botanic Gardens
- Impact of dam removal on bird wildlife
- Impact on current services: schools, public transport, medical, police etc.
- Number of integrated housing and multiple dwelling sites
- Need for community centre
- No aged care facilities

Copies of these submissions have been provided to Councillors separately.

Planning Controls

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

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- Camden 2025
- SEPP 11- Traffic Generating Development
- SREP 20- Hawkesbury Nepean River
- Camden LEP 47
- DCP 58- Residential Development
- *Draft* Mount Annan South Structure Plan

Section 79 C Assessment

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

(a)(i) The provision of any Environmental Planning instrument

SEPP 11- Traffic Generating Development

Pursuant to Schedule 2(g) of SEPP11, being a subdivision of land into 200 or more allotments where the subdivision includes the opening of a road, the application was referred to the Roads and Traffic Authority - Regional Traffic Committee.

The committee raised issues regarding the cumulative impact of development on the operation of the Narellan Road and Mount Annan Drive intersections, the proposed 'bus-only' link to Spring Farm and subsequently the M5, the passage of pedestrians and cyclists throughout the proposed development and the issue of public transport generally.

An assessment of these issues is provided later in this report.

LEP 47

It is considered that the subject proposal complies with the provisions of this plan and specifically the objectives of the Residential 2(d) zone.

The development promotes the retention of the character and amenity of the locality, strengthens the landscape and heritage features of the area and encourages innovative and attractive forms of housing and patterns of residential subdivision.

(a)(ii) The provisions of any draft environmental planning instrument

Draft SEPP 66 - Integration of Land Use and Transport

This draft policy applies to the subject site by virtue of Clause 7(g), as a residential subdivision with more than 500 lots.

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The proposed subdivision is considered to be consistent with the provisions of this draft plan in that it proposes an urban form which encourages walking, cycling and public transport use and achieves a residential density which strives towards the required 15 lots per hectare.

(a)(iii) Any Development Control Plans

Draft Mount Annan South Structure Plan

The Draft Mount Annan South Structure Plan was originally drafted as a DCP but was subsequently changed to a Structure Plan in November 1999.

On 23 October, 2000 Council resolved to place the Draft Mount Annan South Structure Plan on public exhibition. The structure planning process was subsequently suspended given the emergence and consequent search for resolution of the odour issue in Mount Annan generally. The subject application is considered to be consistent with the provisions of the draft structure plan.

Given the suspension of the planning process the applicant prepared a draft Development Control Plan which specifically set development controls for the site. A copy of the draft DCP forms **Tabled Document “DC 12”**.

DCP 58 - Residential Development requires that Council adopt a specific DCP for the subject site prior to consenting to its subdivision. As previously mentioned the applicant has since completed a draft DCP for the site, which was, exhibited with the subject development application. None of the submissions received stated objections to the DCP.

Separate adoption of the draft DCP would be superfluous in this instance as the application relates to the whole of the land and conforms to the original masterplanning for the area. Conditions of consent would set the development controls for the entire site. The site is held in one ownership, and will be developed as one development containing several stages. This report therefore seeks Council's endorsement of the variation of this requirement in DCP 58 to permit the subject DA to effectively control development on the site via conditions of development consent. The newly adopted DCP 58 will apply to all development on the land when subdivided.

DCP 58 - Residential Development

The proposed development has been assessed in accordance with the provisions of DCP 58. The aspects of the plan critical to the subject development are discussed below.

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Lot Size and Dimension

The DCP requires that Residential-lots have a minimum area of 500m² and minimum dimensions of 15m x 27m. The majority of lots proposed within the subdivision comply with this requirement, however, where lots do not achieve these minimum requirements amended lot layout plans are required to be submitted prior to the release of the subdivision certificate. These plans would indicate building envelopes for each lot that achieve the setback, orientation, solar access and over shadowing requirements of the plan.

Where lots are proposed below 450m² they are to be developed as if they were zoned Residential (2) pursuant to the DCP- which requires that the development consist of alternate housing forms to provide a higher residential density in the form of multi-unit or integrated housing development. Such lots are listed in the table below:

Precinct	Lots to be developed as Res(2)
30	-
31	-
32	3236-3238
33	-
34	3409-3422
35	3525-3533
36	3608-3611; 3620-3627; 3628-3636; 3605-3606
37	3730-3734; 3717-3721; 3723-3728; 3706-3713
38	-
39	3919-3924
40	4042-4041; 4020-4024; 4034-4037
41	-
42	4201-4202; 4211-4213
43	-

Corner Lots

Corner lots are required to achieve lot areas and widths 20% greater than the median lot size in the area, or the size of lots within 400m of the site, which ever is the greater. The majority of corner lots proposed within the subdivision comply with this requirement, however, where lots do not achieve these minimum requirements amended lot layout plans are to be required to be submitted prior to the release of the subdivision certificate which indicate building envelopes that achieve the setback, orientation, amenity, solar access and over shadowing requirements of the plan.

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Lot Orientation

The DCP requires that lots be orientated to ensure the northerly aspect of living and private open space areas of all lots. Where lots are not orientated to within 10° of North, building envelopes are to be nominated on the lot layout plans which demonstrate the ability of the future dwelling to receive a minimum of 4 hours sunlight a day between 9am and 3pm in mid-winter and also to comply with the setback and overshadowing requirements of the plan. Subdivision plans, which demonstrate the building envelopes are to be submitted to Council prior to the release of the subdivision, certificate for each precinct.

Public Open Space

The proposed subdivision provides open space for both active and passive recreation, retains the existing drainage reserves, and ensures that open space buffers integrate with surrounding bush corridors. The open space utilises the existing drainage reserve to establish an area characterised by waterways that link together into the wider catchment. The open space areas of the site enhance the environmental values of the site by integrating the stormwater management regime into the existing natural creek system.

The extent of public open space in the subdivision proposal is substantial and includes an extensive wet basin and stormwater management system. This area provides some level of passive dual use but cannot be fully used for open space in accordance with Council's assessment criteria. Of the 11.5 hectares available, only 8.2 hectares can be considered for single use recreation. Council's current open space strategy requires a total of 3.64 hectares of open space per 1000 population. Accordingly the development site provides an open space area of 3.65ha/1000 people.

The open space component nearest to the proposed community centre includes a small sized local playing field having a nominal area of 4,000m² which can be used as a "kick-a-bout" space for local residents to conduct informal ball sports and training. More detailed designs of the playing area will be provided to Council with the Landscaping plans prior to the release of the construction certificate for that stage.

A plan nominating all proposed open space areas is provided at **Tabled Document "DC 10"**.

Road Hierarchy

The subdivision proposal indicates a road hierarchy, which complies with the requirements of DCP 58.

The Mount Annan Drive extension proposes a raised median divided carriageway and the inclusion of round-a-bout intersections. The central median is considered problematic for accessing driveways to residences along the collector road. The existing medians on Mount Annan Drive encourage dangerous vehicular manoeuvres and effectively narrow the roadway to a width, which doesn't permit efficient and safe passage for waste collection trucks, cyclists or pedestrians. Accordingly it is proposed that the medians be removed from the proposed plans.

Conditions of development consent will be required to address traffic management devices in the vicinity of the proposed local centre.

Pedestrian/Cyclist Facilities

Pedestrian and Cyclist paths are proposed throughout the development and will link with existing paths within the developed portion of Mount Annan. A plan indicating the proposed bicycle routes through the development site is provided at **Tabled Document "DC 13"**.

Services

All essential utilities and services will be provided to the proposed allotments.

(a)(iv) Any matters prescribed by the Regulation

There are no prescribed issues which effect the development proposal.

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

Adjoining Land Uses

Adjoining the site to the North and North-East are the existing urban release areas of Mount Annan and Narellan Vale. The development site is adjoined to the south-east by the Mount Annan Botanic Gardens. It is not anticipated that there is likely to be any adverse impact of the proposed development upon flora or fauna in the Botanic Gardens

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There are two major odour generating sources in the vicinity of the subject site: Jack's Gully Waste Management Facility and Camden Soil Mix. Both facilities are licensed pursuant to section 55 of the Protection of the Environment Operations Act (POEO Act), the Waste Management Centre for composting and related processing, solid waste landfilling and waste storage, transfer and separating and the Soil Mix for composting and related processing. The issue of odour from these facilities is addressed later in this report.

Access, Transport and Traffic

The linking of the two existing 'ends' of Mount Annan Drive is proposed in the subject application. Once completed this major collector road will have predicted peak hour flows in the range of 300-600 vehicles per hour (flows increasing towards Narellan Road from Stenhouse Drive- 54% of this traffic from the site will be distributed to Narellan Road). In all residential areas traffic calming measures will be adopted to signify changes in hierarchy of roads.

The new residential area will have the impact of adding incrementally to traffic volumes on both local and regional road and transportation systems. Increasing development in the local area will have a significant impact on the operation of the intersections on Narellan Road at both Mount Annan Drive and Welling Drive and would likely require upgrading to traffic signals in the future. It is also likely that the increased traffic quantity would add to the already congested traffic on the M5 Motorway.

Rezoned in the early 1980's, Mount Annan South escapes the \$15,000 State Government transport levy and accordingly will not contribute to the funding of upgrading works on Narellan Road. Payment will however be made under Section 94 for local infrastructure and facilities.

The development proposes a 'bus-only' link intended to provide future public transport links to the Spring Farm release area. Such initiative is intended as a network improvement to promote bus transport and is consistent with good local area planning providing transport linkages. A condition of development consent will therefore require the registration of a reserve for the future construction of this link.

There is a need for the two residential communities of Mount Annan and Spring Farm to be interconnected with each other. Mount Annan Drive does not have the capacity to accommodate traffic from Spring Farm to Narellan Road and subsequently to the M5.

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The bus only link between the two communities will need to ensure that it prevents usage by vehicles other than buses. Landcom, the proponents are prepared to provide a reservation for the link but will not fund its detailed design and construction. This work will be a requirement in the development of the Spring Farm release area.

Busways consider that the bus-only link to Spring Farm will assist in the provision of effective bus services to the area, but will require that Council ensure the completion of Mount Annan Drive is undertaken as part of the initial development stage. A condition of development consent will ensure that these works are completed.

Appropriate locations for bus shelters will be determined between Council and Busways in the early construction phases and that the bus-only link also be discussed to ensure that the link is suitable for the current and proposed bus fleet.

Appropriate pedestrian and cyclist facilities are to be provided throughout the proposed development site to incorporate links to surrounding areas, including Spring Farm and Mount Annan. The construction of the subdivision will initiate a change in the existing bus routes in the area. Interim route arrangements will need to be made during this time.

Heritage

There are no items of environmental heritage located within or on adjacent properties to the subject site.

Investigation carried out for the site revealed that a number of aboriginal archaeological sites are located on and adjoining the subject lands. It will be required by condition of development consent that approval be sought from the National Parks and Wildlife Service to destroy any of the sites nominated within the study and that during earthworks that the Tharawal Local Aboriginal Land Council monitor such works and retrieve artefacts to be preserved within an agreed location on the site.

Noise ,Vibration and Construction Management

Noise and vibration due to machinery operation will be created during the construction of the subdivision. It is expected that noise and vibration impacts will be short term and managed with appropriate conditions and monitoring during building and construction.

An Environmental Management Plan will be required as a condition of development consent to regulate and control the off-site impacts of construction. Such plan will address noise of earth moving equipment, dust suppression, impacts on air

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quality, erosion and sediment control and construction traffic on local streets.

All waste generated on site during construction of the subdivision, new dam and draining of the farm dam will be removed from site and transported to an appropriate waste emplacement facility.

Safety and Security

The subject development was assessed in accordance with the NSW Police Service and Planning NSW Guidelines -“Safer by Design”. The adjoining development within Mount Annan experiences some minor crimes largely in the form of break, enter and steal; domestic assaults; malicious damage and theft of motor vehicles. The crime risk assessment carried out for the proposed development resulted in Risk Score of 5 - a moderate crime risk. No amendment to the proposed development is required to be made given the risk factor. Accordingly it is considered that at Development Application stage for the proposed Community Centre a further crime risk assessment be carried out and recommendations made to ensure that the principles of ‘Safer by Design’ are implemented.

Social Impact

The development of the land will provide a range of housing types for future residents of Camden. It will provide a local convenience centre, recreation opportunities and public open space which will contribute to the creation of place identity. It is not considered that the proposed development will adversely impact upon community services in the area, but conversely that it will further support the retail and commercial businesses established in the Mount Annan District Centre and Narellan town centre.

Economic Impact

Future residents will contribute to the retail, service and commercial sectors through the purchase of goods and services in the local area and wider region. The release of the land will assist in the provision of housing sites which are currently in short supply across the Sydney region.

Site Design

The design of the subject site has had regard to the natural character of the site. All main drainage lines have been identified for retention and will be incorporated within areas of open space incorporating new riparian corridors. New roads will allow future provision of bus services to provide public transport within the locality.

(c) the suitability of the site for the development

Stormwater Management/ Hydrology

It is considered that the proposed hydrologic regime complies with Council's policy in that it provides an appropriate environmental solution to maintaining a natural ecosystem in the general vicinity of the existing farm dam and a relatively natural ecosystem between that and the existing piped drainage system.

The notable aspects of the proposed stormwater management regime for the subdivision are as follows:

- The existing farm dam will be removed and reconstructed as a detention facility immediately down stream. The facility would contain a permanent water body to improve water quality and provide flood storage capacity for the development. The dam removal would not adversely impact upon the long term viability of aquatic and bird wildlife.
- The new site dam will range in depth from 1.6-2.5m, have a 11,000m² macrophyte zone and a 6000m² habitat island, GPT's at the outlet, and a high flow spillway. The lower portion of the dam will be a wetland up to 2.7m deep with extended detention storage of 0.5m deep to allow for settlement of material picked up in the first flush of rainfall with discharge over a 2-day period.
- The original construction of the dam is considered inadequate and has resulted in current adverse impacts on ground water such as raising the water table and raising salinity levels in the soils, which has severely impacted upon local vegetation. Construction of the new dam will seek to ensure that seepage does not continue to occur and consequently potentially lower soil salinity levels.
- To make the proposed wetland off-line, flows up to 20L/s from the creek will bypass the wetland/detention basin in a 'natural' low flow swale that will connect with the downstream creek. There will also be adjustments to reinstate the earthen berm immediately upstream of the existing Welling Drive basin to provide intermittent storage.
- A specific issue raised during the preparation of the supporting studies to the application was the impact of additional development upstream of Welling Drive on flooding conditions and the potential for inundation of buildings adjacent. Significant works are proposed to mitigate increases in flows at Welling Drive to minimise the hydrologic impacts of down stream flooding.

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- Water quality within the catchment can be treated and managed within the reconstructed farm dam and through the provision of water quality control facilities at each pipe outlet. As 25ha of the development cannot be directed to the wetland, gross pollutant traps will be provided at the outlets to pipes for those areas that cannot drain into the wetland.
- The existing creeks to the southwest and downstream of the existing farm dam will be re-established and heavily vegetated to act as a filter and to provide vegetation corridors linking the new wetland to the William Howe Regional Park.
- A new grass swale will be constructed adjacent to the bus route south of Mount Annan Drive to the south to filter runoff and provide a further natural corridor to Jacks Gully WMC buffer zone.
- In addition, proposed improvements to Lake Annan will include new pollution control devices to treat runoff into the lake from the previously untreated catchments to the east and west and berms provided in the lake to assist in the water treatment process by providing additional macrophyte growth areas and ensuring that water flowing through the lake has to pass through these macrophyte zones. Works to Lake Annan will also include improvement works associated with the lake foreshore to address erosion risk to banks and public access areas in the form of edge stabilisation with rocks extending up to 3m from the edge of the bank and the application of topsoil and grass as well as the installation of pollution reduction pits. All proposed works are to be carried out in accordance with the Lake Annan Plan of Management.
- Water quality modelling for the subdivision indicates that with the associated site water controls will improve water quality over the pre-development water quality conditions.

Soils

Geotechnical and soil analysis investigations of the site were undertaken. The site soils are derived from Wianamatta Shales and generally exhibit poor drainage properties and are subject to erosion and slip as well as having a moderate to high likelihood for the occurrence of both dispersive soils and saline conditions.

Soil salinity testing for the site was carried out and revealed localised areas of elevated salinity, with highly saline potential near creek lines. Results indicated that the site soils range from non-saline to moderately saline. Notwithstanding this it is

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accepted that for urban development, in non-saline soils to slightly saline soils can produce aggressive conditions if subject to cycles of waterlogging and evaporation.

Salinity

As a part of the geotechnical investigations undertaken by the applicant, testing was carried out to determine the salinity levels in both the soils and water downstream of the dam. Salt was observed to be present at the top of the water table just below the natural ground surface. Saline surface water in the creek and groundwater seepage as well as salt encrustations, swamp marsh vegetation and dispersive erosion were observed within the creek bed below the dam and eroded gullies draining to the creek line from the west of the site.

Observations and investigations undertaken on the subject site revealed that:

- A permanent ground water table lies within the underlying bedrock. This water table is saline and is a major salt storage feature of the landscape;
- Saline groundwater is suppressed in the upper slopes, but affects the lower slopes due to the proximity of the water table to the ground surface in this area;
- The water impounded by the dam has locally raised the saline groundwater table surrounding the reservoir and downstream of the embankment.

The development of problematic saline conditions at the site is generally dependent upon the salinity of the soil and rock profile, the salinity of the groundwater and the proximity of the ground water to the surface.

Results indicated that the existing dam was contributing to downstream salinity through its leakage and consequent raising of the watertable. Testing around the dam wall indicated conductivity levels of between 957 and 232,000uS/cm. At levels greater than 2000uS/cm normal vegetation will not grow.

During assessment of the proposal Council sought amended, more comprehensive testing to be carried out given that the site covers 69 hectares and that the original tests were confined to the dam area.

Surface and ground water testing revealed saline levels in the order of 540-23,200 uS/cm (non-saline-extremely saline) and soil salinity levels in the order of 800-4,800 uS/cm(non-saline-moderately saline).

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The recommendations made in the study acknowledged that careful management and control of drainage for both surface waters and groundwater and the need to address the issue of gully and piping erosion. The following measures during subdivision works and dwelling construction are recommended to reduce/prevent any detrimental affect to future buildings and infrastructure from accumulative salt deposits.

- Dispersive clay soils, where exposed or present near the top of the soil profile in areas of sloping ground should be chemically stabilised using gypsum to enhance resistance to dispersive erosion.
- Surface and subsurface drainage up-slope of compacted fill zones
- The use of an evaporation break layer (100mm thickness of sand/silty sand) to restrict recharge of water from garden irrigation and/or the use of mulch should be adopted to reduce this depth of influence in the lower slope and alluvial areas.
- The planting of salt tolerant grasses and trees to assist in depressing the saline groundwater table.
- Drains designed with regard to geotechnical recommendations for construction in dispersive soil environments, particularly beneath buildings;
- Adopt filling rather than cutting on sloping sites, especially on the lower slopes and across alluvium. Drainage installed around and possibly beneath the fill platform to minimise groundwater rise due to the presence of the compacted fill;
- Continuous waterproof membranes directly beneath concrete slabs and footings and consideration given to suspended floor rather than slab on ground in areas of high salinity (lower slopes and alluvium);
- Damp proof course material must be carried through to the face of any applied finishes.
- Finished ground level including paving should not be higher than the base of the first course of brick work or the brick work and mortar below the damp proof course should be exposure rated.
- Use of exposure class bricks below the dam proof course in areas of salinity hazard;
- Drainage above fill areas, roadways and building platforms to intercept seepage and allow 'through-flow', thus reducing recharge to the lower 'saline' aquifer and minimise waterlogging;
- For final design the upgraded exposure category for concrete and steel should be verified on site testing. Upper and mid-slopes should provide for moderate saline conditions and 'severe' to 'very severe' on lower slopes and alluvium areas.
- A detailed geotechnical investigation combined with limited further salinity investigation (increased site coverage and inclusion of some deeper boreholes/wells up slope) is

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recommended in the proponent's Salinity Investigation Report for the final development and construction.

It is therefore considered that given the severity of the salinity problem on the subject site, and in conjunction with other known areas of salinity further down the subject catchment, that Council require:

- (a) a maintenance and replacement (risk minimisation) strategy for the provision of infrastructure to the site;
- (b) that notations be placed on section 149 certificates for all lots within the site nominating that they are potentially affected by high levels of salinity; and
- (c) that linen plans of subdivision not be released by Council for each stage until more comprehensive testing has been carried out and salinity management measures acceptable to Council are noted on the title of affected properties.

Flora and Fauna

As stated previously in this report, vegetation on the subject site is limited, and where present is largely weed-infested with a large proportion of exotic species. Vegetation communities ascribed to the site include scattered trees and grasslands and riparian/wetland vegetation, both exhibiting characteristics of degraded Grey Box/Ironbark Woodland and River Flat Forest. These remnants have not been identified as bushland remnants of conservation significance in Camden.

A number of vertebrate fauna species were recorded on the site (birds, amphibians and mammals). No evidence of habitats or features of special relevance for any threatened species were identified on the site.

Odour

The issue of odour has been the subject of submissions and due to the fact that existing residences further from the waste management facilities are affected by odour, the applicant was asked to justify release of additional housing within close proximity to the odour sources.

In this regard Landcom has prepared an Odour Reduction Plan which attempts to address the issue of odour by entering into an agreement with Waste Services NSW, the owner and operator of the waste facility, to cease putrescible landfill on the site by 31 December 2006 provided consent to this development application was granted by 30 April, 2003. The agreement allows extensions by an equal number of days beyond that date so that should Council consent to the application in September 2003, the date to cease landfill would be extended to May 2007. **A copy of the agreement between**

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Landcom and Waste Service NSW was provided separately to Councillors.

Landcom are relying on the voluntary pollution reduction plan entered into by Camden Soil Mix to address the potential odour issues associated with that facility. That plan requires that the facility be either converted to an in-vessel arrangement or cease operation by the end of 2005.

As the odour reduction plan impacts on Council's operations of its waste management branch, an independent assessment of the plan was commissioned. A Town Planning consultant, Paul Hume was asked to review the provisions of the plan and to comment on whether it satisfied the criteria of considerations under Section 79C of the EP&A Act, 1979. A copy of the report forms **Tabled Document "DC 14"**.

This report highlights the difference in timing of the release of the allotments and the proposed closure of the facility and in this regard, details of staging and land release proposed is shown in **Tabled Document "DC 15"**. Under the proposal all but 168 lots would be released before the cessation of putrescible landfilling. Whilst the linen plan of subdivision would be released, the timing would not see all lots developed within the timeframe however the earlier lots would contain houses before the closure of the putrescible landfill should Council consent to the application as proposed. The buyers of those lots would most likely experience odour problems until such time as the putrescible landfill and gas management was completed. As the agreement does not give definitive timing on the completion of the landfill closure and gas management plans, there is no certainty that cessation of landfilling alone will address the odour issue.

In relation to the uncertainty of the timing and housing releases, Landcom has provided an indicative timeframe in anticipation that Council grant consent to the application. In correspondence dated September 15, 2003, Landcom confirm that they can meet the March 2004 construction commencement as required under the agreement. This would see the sale of the first lots in August/September 2004 and following transfer and obtaining necessary consents, they anticipate the first housing would commence construction in February 2005. Their timetable suggest that the first resident would move in around September 2005 however, it is likely that some builders could complete the projects earlier and residents could be occupying the first release by June 2005. This means that the new residents would be exposed to the impacts of the Jacks Gully putrescible landfill operations for a minimum period of two (2) years presuming the timing set out in the agreement is met.

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Council must determine firstly whether if it considers that it is appropriate to allow any additional housing at Mt Annan South before there is some form of resolution of the odour issue. The Department of Health has recently conducted a survey of health impacts from the odour and the draft final report is currently on exhibition. **Copies of this report were provided separately to Councillors** and the Executive Summary forms **Tabled Document “DC 16”**.

The study has concluded that “living in odour affected areas does not appear to be associated with any ill health. This is true for both adults and children.” Living in an odour affected area did however affect how residents enjoyed their property and in this regard the study concludes “Living in an odour affected area was associated with some behavioural and lifestyle impacts. People living in odour affected areas more frequently report negative lifestyle impacts than people in the control area. Statistically significant differences between areas were noted for two negative lifestyle impacts. People living in odour affected areas were more likely to report that they slept with the windows closed because of the local environment. They were also more likely to report that local environmental conditions stopped them from inviting guests to their home.”

As there does not appear to be any health reasons to prevent the release of the land, it is necessary to assess the amenity impacts and whether it is reasonable to expose residents to the issue of odour for a period of at least two years. Whilst the odour reduction plan does not guarantee the elimination of odour, it is considered to be the most appropriate means of reducing the impact for the existing community as well as the new residents. Without the plan, the putrescible landfill operations can continue indefinitely and the only possible improvement for residents would be for the EPA (DEC) to introduce further licence conditions to the operation. It is noted that the EPA (DEC) has recently added conditions to Waste Service NSW’s licence in relation to landfill gas management requiring works to be carried out over the next two (2) years. The likely impact of the works cannot be assessed. Details of the works form **Tabled Document “DC 17”**.

To provide Council with professional advice in relation to best practice and the potential for of odour impacts Council has engaged the services of an independent specialist. His advice was based on a number of scenarios. They are:

- (a) Closure of the facility with ongoing landfill gas management;
- (b) Closure of the putrescible landfilling operation with ongoing landfill gas management and a waste transfer station;
- (c) The construction of an Alternative Waste Technology plant on the site with ongoing landfill gas management.

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The consultant, who is a specialist in air and odour issues, has, amongst other things made the following comments: -

“The European Union has developed a Directive on Landfills which requires a minimum separation distance of 500 m from residential land use, even for landfills that employ landfill gas management and other measures to control odour, dust and noise emissions. In Australia, various authorities have established guidance for the siting of landfills. For example, in South Australia the EPA requires a buffer of 500 metres between a landfill and any potentially sensitive or incompatible land use.

Overall, the analysis of AWT technology and odours indicates a low risk of adverse odour impact beyond about 500 metres from the Landfill boundary, but closer development may be exposed to moderate to high risks of such effects.

It is important to note that residents living within the recommended 500 m (Zone 2 & 3) could not, under any of the options considered, be guaranteed of a low odour impact risk. We consider it important to avoid residential development within the recommended 500 metre buffer as described until such time as it can be demonstrated that ongoing landfill operations would not give rise to more than a low risk of odour impacts in the relevant area.”

The 500 metre buffer referred to relates to the distance between houses and the nearest landfilling operations irrespective of age. Should an AWT be constructed then the chances are that it will be some further distance away from residential areas. A site for any such plant has not been identified however it is anticipated that it would be close to the 500 m distance from stages 2 & 3 of the Mount Annan subdivision but may not necessarily be that distance to the Spring Farm releases. It should be borne in mind that in the event that an AWT is constructed a landfill will still be necessary for final residual with an estimated 15 to 20% of wastes still unable to be eliminated. This material however is not considered putrescible and should not pose a significant odour source.

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Table 0.1: Summary of Odour Impact Risks

Option	Risk of Adverse Impact Causing Complaint Beyond 500 m from Boundary (0=no risk, 5=high risk)	Main Risk Factors	Comments
Current Operation	5	Active face; odorous loads; LFG leakage	Based on occurrence of complaints
AWT + LFG Collection	2	Biofilter, membrane composting system maintenance; odour and LFG leakage; combustion efficiency	Low risk of impacts from normal operation; requires tight management of AWT and LFG emissions; risk evaluation is based on analysis of Eastern Creek UR-3R design
Transfer Station + LFG Collection	2	Fugitive emissions from transfer station; LFG leakage	Some risk of rare impacts; requires tight management of fugitive and LFG emissions
Shutdown + LFG Collection	1	LFG leakage	Requires tight management of LFG emissions

In Table 0.1, the risk level of 2 may be interpreted as being low and manageable.

Provided the Agreement between Landcom and Waste Service is amended to remove the uncertainty in relation to timing and works, it is considered the Odour Reduction Plan has merit and can be seen as a means of ensuring improvement to the existing odour problem. For this reason, the release of Zone 1 (land more than 500m from the boundary of the Waste Service land) of the subdivision before the cessation of landfilling is supported. No release of land within 500 metres of the boundary of the landfill should occur until the putrescible landfill ceases and the closure plan is enacted.

Landcom has indicated that they will be advising all potential purchasers of the land of the presence of the odour. Further, Council can provide details to purchasers in the Section 149 Certificates issued. It is appropriate that Council ensure that both 149(2) and (5) certificates included information in relation to the odour.

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Contamination

State Environment Planning Policy 55 (SEPP 55) Remediation of Land requires the assessment of land proposed for residential rezoning to be assessed for land contamination. Geotechnical investigation has determined that the previous history of agriculture will require further investigation at DA stage but did not preclude the land from being rezoned.

A review of site history revealed that the use of the site has been predominantly associated with agricultural activities. In accordance with Council's recently adopted policy agricultural activities can potentially contaminate land.

Twelve (12) sites within the subject property were soil tested for contaminants and all samples revealed levels below the adopted criteria for the protection of human health and the environment.

Notwithstanding the findings of the study, Council's adopted policy for the management of contaminated lands requires that a Detailed Site Investigation be carried out.

The sampling methodology of obtaining samples from 12 test pits across the site is not considered optimum, nor representative enough to be considered statistically significant. Accordingly, prior to the release of the linen plan of subdivision for each stage of the subdivision, more detailed testing of the area will be required to be carried out.

Bushfire Management

The site vegetation, whilst limited, has been assessed and classified in accordance with *Planning for Bushfire Protection, 2001*

The bulk of the site is grassland with scattered trees, with tree and shrub foliage cover below 5%. Trees become a more dominant feature of the landscape on the adjoining ridge to the west, which comprises tree foliage cover of 40-50% and is the William Howe Regional Park.

It is proposed to rehabilitate and establish riparian vegetation along drainage line corridors throughout the site, which will moderate bushfire hazard only if a 20m separation between the vegetation and dwellings is maintained.

General requirements made by the Rural Fire Service in accordance with *Planning for Bushfire Protection 2001* were:

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- In riparian reserves the extent of tree and shrub foliage cover should be limited to below 20% with trees and shrubs scattered or in small clumps.
- Ground fuels should be kept at below 8t/ha.
- All setbacks to be contained within the development site.
- Fire hydrants points are to be marked on pavement in blue
- Temporary dead ends will have asset protection zones and fire fighting access trails.
- Perimeter roads are to have a 20m minimum width
- Dwellings will be constructed to the appropriate Australian Standard having regard to bushfire attack categories of the land on which the way are to be situated.
- The building line on any lot must be at least 32m from the tree line in William Howe Regional Park.

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

All submissions made in response to the subject application have been previously addressed in the body of this report **and were handed out separately to Councillors.**

(e) the public interest

Given the high demand for land and housing stock in western Sydney the proposed subdivision is considered to be in the public interest. The subdivision proposal appropriately responds to the environmental nature of the locality.

Conclusion

It is considered that the subdivision of the land meets the requirements of Council's planning for the completion of the Mt Annan suburb. The only issue of concern is that of odour impacts and in this regard, the Odour Reduction Plan proposed by Landcom and Waste Service, subject to amendments to timing and provision of facilities is considered to be the most satisfactory solution to both existing and future residents. No linen release should be allowed in Zones 2 and 3, ie land within 500m of the landfill until such time as the site has ceased to operate as a putrescible landfill and all gas management facilities are installed.

Landcom are a statutory authority and therefore enjoy the provisions of a Crown Application under the provisions of the EP&A Act, 1979. This means that Council cannot refuse the application without the agreement of the Minister for Planning or attach conditions without agreement of the applicant (Landcom) or the Minister. It is appropriate that Council seek agreement from Landcom to the attachment of conditions to deferred commencement consent. As each precinct will require specific conditions, an example of conditions to be negotiated

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with Landcom for one precinct are provided in **Tabled Document “DC 18”**.

Recommended: That:

- (i) Council seek Landcom’s concurrence to the conditions of a consent for the staged subdivision by way of the issue of a deferred commencement consent. In this regard, the following matters are to be satisfied before the consent operates:
- The amendment of the “Jacks Gully Odour Reduction Agreement” between Landcom and Waste Recycling and Processing Corporation in the following manner:-
 - Amendment to all timing specified to reflect the grant of consent by Camden Council in October 2003 and the cessation of putrescible landfilling by June 2007 in lieu of 31 December 2006 and the removal of all clauses which allow the termination of the agreement unless the clause includes a provision which requires the concurrence of Camden Council.
 - Amending clause 3, Conditions precedent to ensure the operation of the agreement without the provisions of clause 3.1.2 i.e. that the commencement of works by Landcom by a certain date is not a condition precedent.
 - Amendment to clause 6.3 to require all works associated with the closure plan to commence immediately on cessation of the acceptance of putrescible waste for landfilling activities and to be completed within 6 months of that date.
 - Amendment of clause 7 to guarantee the provision of a waste management facility at Jacks Gully, a minimum standard being a waste transfer station, contingent upon Waste Service obtaining a long term supply agreement with Camden Council.
 - The amendment of the precinct staging plan to ensure that no linen release takes place within the 500m buffer area of the Jacks Gully landfill until such time as the provisions of the Odour Reduction Plan are completed and the performance of the AWT or transfer static can be adequately assessed in relation to odour.

(Cr Campbell arrived at 6.15pm during discussions for this Item).

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

- (i) Council seek Landcom's concurrence to the conditions of a consent for the staged subdivision by way of the issue of a deferred commencement consent. In this regard, the following matters are to be satisfied before the consent operates:
- The amendment of the "Jacks Gully Odour Reduction Agreement" between Landcom and Waste Recycling and Processing Corporation in the following manner:-
 - Amendment to all timing specified to reflect the grant of consent by Camden Council in October 2003 and the cessation of putrescible landfilling by June 2007 in lieu of 31 December 2006 and the removal of all clauses which allow the termination of the agreement unless the clause includes a provision which requires the concurrence of Camden Council.
 - Amending clause 3, Conditions precedent to ensure the operation of the agreement without the provisions of clause 3.1.2 i.e. that the commencement of works by Landcom by a certain date is not a condition precedent.
 - Amendment to clause 6.3 to require all works associated with the closure plan to commence immediately on cessation of the acceptance of putrescible waste for landfilling activities and to be completed within 6 months of that date.
 - Amendment of clause 7 to guarantee the provision of a waste management facility at Jacks Gully, a minimum standard being a waste transfer station, contingent upon Waste Service obtaining a long term supply agreement with Camden Council.
 - The amendment of the precinct staging plan to ensure that no linen release takes place within the 500m buffer area of the Jacks Gully landfill until such time as the provisions of the Odour Reduction Plan are completed and the performance of the AWT or transfer static can be adequately assessed in relation to odour.
- ii) Landcom and Council discuss the wording to be placed on the information to be supplied regarding the sale of blocks.

DC094/03 THE MOTION WAS **CARRIED.**

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**4. Petition re Development Application No 1088/2003
for a Proposed Child Care Centre at 94 Mount Annan
Drive, Mount Annan**

(File 6879.220) (Director, Development & Environment)

Council is in receipt of a petition regarding the proposed new long day care centre located at 94 Mount Annan Drive, Mount Annan. The application proposes to care for 40 children between the hours of 7am to 6pm.

The application was placed on public exhibition from 11 September to 24 September 2003. As a result of the public exhibition period, three submissions have been submitted to Council opposing the proposal. A petition has been attached to one of these submissions.

The petition states:

“We the undersigned say that we object to DA 1088/2003 regarding a proposed Long Day Care Centre at 94 Mount Annan Drive, Mount Annan on the grounds of Traffic, Child & residents Safety.

We now ask Camden Council to consider what the Mount Annan residents want and have a meeting with all of us before this matter is taken any further”.

The petition contains 60 signatories representing 52 households from Mount Annan. The petitioners have been notified of the receipt of the petition.

Following Council assessment of the proposed Long Day Care Centre, the matter will be brought to Council for determination.

Recommended: That

- (i) The concerns expressed by the residents in relation to the proposed modifications be noted; and
- (ii) The petitioners be advised when the matter is brought to Council for determination.

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

- (i) The concerns expressed by the residents in relation to the proposed modifications be noted; and*
- (ii) The petitioners be advised when the matter is brought to Council for determination.*

DC095/03 THE MOTION WAS **CARRIED.**

The Meeting closed at 6.20pm.