

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD 28
JULY, 2003 CIVIC CENTRE, OXLEY STREET, CAMDEN AT 5.30PM**

TABLE OF CONTENTS - DEVELOPMENT COMMITTEE

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST.....2
DEVELOPMENT COMMITTEE PUBLIC ADDRESSES2
1. Application to Amend Camden Local Environmental Plan No 74 –
Harrington Park.....3
2. Petition Re: Application for a Three Lot Residential Subdivision at No 24
(Lot 640 DP224250) Araluen Place, Camden South7
3. Elderslie Release Area - draft Local Environmental Plan No. 132.
Reclassification of Land at Kirkham Park for Sewerage Pumping Station.....8

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD 28
JULY, 2003 CIVIC CENTRE, OXLEY STREET, CAMDEN AT 5.30PM**

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

Staff: General Manager, Director, Works and Services, Director Development and Environment, Director Governance and Outcomes, Manager, Development, Environmental Systems Officer - Outcomes (Jeff Bell), Senior Governance Officer.

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

There were no Declarations of Pecuniary or Conflicts of Interest.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES
(30 MINS)

There were no Public Addresses.

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD 28
JULY, 2003 CIVIC CENTRE, OXLEY STREET, CAMDEN AT 5.30PM**

**1. Application to Amend Camden Local Environmental
Plan No 74 – Harrington Park**

(File 3623/3) (Director, Development and Environment)

Purpose of Report

This report considers an application which seeks to vary the Harrington Park LEP in relation to curtilage provisions, in particular building height restrictions imposed on lots which front the Homestead.

Background

LEP 74 was gazetted on March 1, 1996 and details the planning controls for development at Harrington Park. The plan has been amended on seven occasions, the most recent by way of LEP 110 which, when gazetted on June 15, 2001, introduced additional residentially zoned land and protected the homestead and heritage curtilage of that property.

Proposal

The application seeks to vary the provisions of Clause 25 as they relate to building height. Clause 25 applies to lots around the homestead curtilage as shown on the map shown as **Tabled Document “DC 1”**. The clause currently states:

25 Control of materials used on buildings and amenity in certain zones

(1) In this clause:

external surfaces, in relation to a building, includes external walls and any cladding on those walls, doors, door and window frames, columns, roofs, fences and any other surfaces of the building visible from the exterior.

prescribed materials, in relation to a building, means materials or coloured finishes that are consistent with the landscape and heritage qualities of the site and its surroundings and ensure that the building merges with the background and does not dominate the landscape.

site means the area of land to which a development application relates.

storey does not include space within a roof void.

(2) This clause applies to land shown hatched by heavy black lines on the map.

(3) Notwithstanding any other provision of this plan, development shall not be carried out on land to

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD 28
JULY, 2003 CIVIC CENTRE, OXLEY STREET, CAMDEN AT 5.30PM**

which this clause applies, and any such land shall not be cleared of trees or other vegetation, without the consent of the Council.

- (4) A building may be erected on land to which this clause applies only if:
- (a) it has a maximum height above natural ground level of no more than 5 metres, and
 - (b) it has a height of less than 3 metres above natural ground level when measured at the eaves, gutter line or equivalent building element, and
 - (c) it does not have more than 1 storey, and
 - (d) the external surfaces of the building are composed of prescribed materials, and
 - (e) the Council is satisfied that the building will not interfere to an unacceptable degree with the amenity of the locality by detracting from the visual or scenic quality of any ridgeline.
- (5) In determining an application for consent to the carrying out of development on land to which this clause applies, the Council must (in addition to the other matters which it is required to consider under any other provision of the Act and this plan) consider the adequacy of the landscaping of the site, and may, as a condition of its consent, require the retention of existing vegetation, trees or shrubs or the planting of additional trees and shrubs.
- (6) The Council must not consent to the carrying out of development on land within Zone No 1 (e) unless it has considered plans and details showing the existing vegetation (including tree heights) and showing what landscaping of the site is proposed and the number and types of any trees and shrubs proposed to be planted.

The applicant seeks to amend subclause 4 as detailed in their correspondence included as **Tabled Document "DC 2"**.

The reasons given for the request are the inability to construct appropriate dwellings on those lots which front the homestead that comply with the LEP guidelines. When developed, the lots have resulted in considerably more slope than was apparent at the undeveloped stage and therefore, it has proved difficult to construct a dwelling on the land that meets the height requirements, Council's maximum cut and fill rules and provides an effective layout that is visually attractive and appropriate in relation to heritage considerations. Council, pursuant to clause

29 of the LEP must take into account the effect of the development on the heritage significance of the heritage item, in this case the Homestead. This clause states:

29 Development in the vicinity of heritage items and archaeological sites

The Council must consider the likely effect the proposed development will have on the heritage significance of a heritage item, archaeological site or potential archaeological site, when determining an application for consent to carry out development on land in its vicinity.

The height restrictions were imposed in response to the need to preserve view corridors from and to the Homestead and its curtilage. In particular, views to the Narellan Creek tree canopy, St Johns Church, Razorback Range, Camden Village, the Scenic Hills, Mt Prudhoe and Crear Hills escarpment. They were also intended to maintain view lines of hills to the west and ridgelines, the dominance of the Crear Hills escarpment and to ensure that development would be recessive (non-intrusive) on the arrival approach to the Homestead complex.

Now that development has been completed up to the curtilage lots to the west of the Homestead and the subdivision is occurring to the east, it is apparent that the construction of two storey dwellings on the curtilage lots would not affect the objectives of the plan. This will be apparent at the site inspection to be held prior to this meeting and has been demonstrated on the photomontage to be tabled at the meeting. This photographic representation shows the maximum height of ridgelines when viewed from the lower portion of the Homestead curtilage. The suggested location of dwellings is diagrammatic and in reality, there would be considerably more building however the height would not exceed the line drawn. Similar results would be evident on the opposite side of the Homestead.

The proposal was forwarded to the Heritage Office for comment and they advise that they raise no objection to the proposed amendment to the LEP. A copy of their response is provided as **Tabled Document "DC 3"**.

There are a number of issues in the draft plan that require clarification as follows:

- Which Harrington Park Guidelines will apply to the development of these lots.

In this regard, Councillors will recall that different guidelines apply to different stages of the estate. The most recently adopted guidelines apply to Stages 23-35 which are all located on the eastern side of the Homestead. As the

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD 28
JULY, 2003 CIVIC CENTRE, OXLEY STREET, CAMDEN AT 5.30PM**

proposal will apply to stages on either side of the heritage property, it is appropriate that consistent guidelines apply and therefore the most recently adopted controls are the ones discussed with the officers of the Heritage Council and should apply to all curtilage lots.

- The maximum height of buildings other than those to be defined by ridge height.

In this regard, it is appropriate to allow 2 storey buildings with a maximum ridge height of 9.5m and 7.0m to the topmost ceiling which accords with both the Harrington Park guidelines and DCP No 58.

Provided these clarifications are made to the proposed amendment, it is considered that the proposal has merit and will allow more appropriate dwellings to be constructed around the perimeter of the Homestead.

Recommended: That

- (i) Council resolve to amend LEP No 74 to allow the construction of 2 storey dwellings around the curtilage of the Harrington Park Homestead.
- (ii) The draft LEP as detailed in **Tabled Document "DC 4"** be adopted and referred to the Minister for Planning for consideration and exhibited in accordance with the provisions of the EP&A Act.
- (iii) The draft plan be referred back to Council for further consideration at the completion of the exhibition period.

Resolved on the Motion of Cr. Corrigan Seconded Cr. Winn that

- (i) *Council resolve to amend LEP No 74 to allow the construction of 2 storey dwellings around the curtilage of the Harrington Park Homestead.*
- (ii) *The draft LEP as detailed in **Tabled Document "DC 4"** be adopted and referred to the Minister for Planning for consideration and exhibited in accordance with the provisions of the EP&A Act.*
- (iii) *The draft plan be referred back to Council for further consideration at the completion of the exhibition period.*

DC074/03 THE MOTION WAS **CARRIED.**

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD 28
JULY, 2003 CIVIC CENTRE, OXLEY STREET, CAMDEN AT 5.30PM**

**2. Petition Re: Application for a Three Lot Residential
Subdivision at No 24 (Lot 640 DP224250) Araluen
Place, Camden South**

(File DA325.210-2) (Director, Development & Environment)

Council is in receipt of a petition regarding a proposed three (3) lot subdivision at 24 Araluen Place, Camden South. In accordance with Council policy, this report brings the petition before Council for information purposes.

The petition states:

“There is concern that two more building blocks at that end of the street, will further reduce water pressure, especially in summer (unsatisfactory already for many of the residents), increase parking congestion (already very difficult when families have visitors or parties) and this parking congestion could make it impossible for a fire engine to drive down Araluen Place if we have a fire emergency in one of our homes, or a fire in the reserve. There were a couple of scares over Christmas and New Year when fire bugs were caught attempting to set fire to the reserve”.

The petition contains 29 signatories and following staff's assessment of the proposed development application the matter will be brought to Council for determination.

Recommended: That:

- (i) the concerns expressed by the residents in relation to the proposed 3 lot residential subdivision be noted.
- (ii) the petitioners be provided with a copy of this report.

Resolved on the Motion of Cr. Winn Seconded Cr. Campbell that:

- (i) the concerns expressed by the residents in relation to the proposed 3 lot residential subdivision be noted.
- (ii) the petitioners be provided with a copy of this report.

DC 075/03 THE MOTION WAS **CARRIED.**

**3. Elderslie Release Area - draft Local Environmental
Plan No. 132. Reclassification of Land at Kirkham
Park for Sewerage Pumping Station**

(3345/19) (Director Governance & Outcomes)

Purpose of Report

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

Background

The purpose of the draft Local Environmental Plan (LEP) is to reclassify a portion of land situated on Kirkham Park from “community” to “operational”. This will then enable the land to be sold to Sydney Water who will construct a sewerage pumping station, which will service the Elderslie Infill Release.

Discussion

The Draft LEP which forms **Tabled Document “DC 5”**, was placed on public exhibition for a 28 day period from 17 June to 15 July 2003. A Public Hearing was also conducted on Wednesday 2 July 2003 at the Camden Civic Centre. Letters advising of the exhibition and Public Hearing were forwarded to all Kirkham Park users.

No submissions were received.

Conclusion

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

Recommended: That Council resolve to:

- (i) Forward Draft Local Environmental Plan No. 132 to the Minister accompanied by a request that the plan be made.
- (ii) Advise the users of Kirkham Park of Council’s decision.

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING HELD 28
JULY, 2003 CIVIC CENTRE, OXLEY STREET, CAMDEN AT 5.30PM**

*Resolved on the Motion of Cr. Corrigan Seconded Cr. Winn that
Council resolve to:*

- (i) Forward Draft Local Environmental Plan No. 132 to the
Minister accompanied by a request that the plan be made.*
- (ii) Advise the users of Kirkham Park of Council's decision.*

*DC076/03 THE MOTION WAS **CARRIED.***

The Meeting Closed at 5.45pm.