

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 26 JULY, 2004, CIVIC CENTRE, OXLEY STREET, CAMDEN
5.30PM**

ORDER OF BUSINESS - DEVELOPMENT COMMITTEE

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Present: Cr Anderson (Mayor/Chairperson), Cr Dewbery, Cr Elliott, Cr Kernohan, Cr Whiteman, Cr Cagney, Cr Funnell, Cr Johnson, Cr Campbell.

Staff: General Manager, Acting Director Works & Services (Manager Community Services), Director Development & Environment, Director Governance & Outcomes, Acting Manager Outcomes (Senior Project Officer), Manager Engineering, Manager Development, Acting Senior Governance Officer (Administration Officer).

APOLOGIES

There were no apologies.

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST

There were no declarations.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

There were no public addresses.

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**1. Two Dwelling Development at No 23 (Lot 33 DP
230494) Dobroyd Avenue, Camden**

File No: DA2325.260(Director, Development &
Environment Division)
DA No: 465/2004
Owner: GA & JA McGrath
Zoning: 2(a) pursuant to Camden LEP 46

Purpose of Report

The matter is referred to Council to make a determination on an application for a two-dwelling development on a site affected by flooding from the Nepean River.

Summary of Recommendation

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

The Site

The land is located in a cul-de-sac at the western end of Dobroyd Avenue, Camden, within close proximity to the intersection of Engesta Avenue. The property currently contains a small two-storey dwelling and a substantial number of well-developed trees and shrubs. Dobroyd Avenue is near the town centre and primarily contains traditional residential development (refer to Locality Plan which forms **Tabled Document "DC1"**).

The land slopes down from the road and is affected by the 1% AEP, located at RL71.2m AHD, together with more frequent flood events.

The impact of flooding and the provision for access and evacuation is assessed and discussed further in this report under the section entitled Upper Nepean River Floodplain Management Study and Plan.

The Proposal

The application proposes a two-dwelling development by attaching a new four bedroom dwelling to an existing dwelling. The dwellings would be attached under the one roof with the appearance of a single residence (refer to plans of proposal which form **Tabled Document "DC2"**).

The first floor of the existing dwelling is intended to contain a living room, kitchen/dining area, a single bedroom, a rear deck and a front verandah. The ground floor would retain the current use as a garage.

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The first floor of the new dwelling is intended to contain four bedrooms, a dining/family area adjacent to the kitchen, a bathroom, ensuite, a rear deck and the shared use of a front verandah. The ground floor is intended for use as a garage including a workshop and a laundry.

The provision of the front verandah with a single stairway enhances the impression of a single dwelling and also aims to augment the provision for safe access and evacuation during a 1%AEP flood event.

The development is designed to maintain all habitable floor areas a minimum 600mm above the 1% AEP in accordance with the requirements of the Upper Nepean River Floodplain Management Study and Plan.

Notification

Following notification in accordance with Council's Development Control Plan No 116 'Notification, Advertisements and Mediation', one submission was received. The submission raised issues which are discussed further under the section entitled Assessment. A copy of the submission forms **Tabled Document "DC3"**.

Planning Controls

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

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

Assessment

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

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

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Camden Strategic Plan – 2025

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

Camden Local Environmental Plan No 46

The land is zoned Residential 2(a) under Camden Local Environmental Plan No 46 (LEP 46). The development meets the aim of the LEP which seeks to 'promote development suitable to particular localities' and also takes into consideration the traditional, urban character of the locality. Two dwelling development, being two residential occupancies in one building that is designed to appear as one house, is permissible in the zone and meets the objectives of the LEP.

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

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

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

Upper Nepean River Floodplain Management Study and Plan

The site is affected by the 1% AEP flood event located at RL 71.2m AHD, together with more frequent flood events, and is categorised in accordance with the Upper Nepean River Floodplain Management Study and Plan (FMP) as high-hazard flood storage (refer to flood levels which form **Tabled Document "DC4"**). The plan further suggests that the depth of inundation, flow velocity impacts and evacuation provisions do not warrant inclusion of the property in any possible acquisition or house-raising scheme.

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The habitable floor level of the existing building is located at RL 72.9m AHD which is 1.7m above the 1% AEP and achieves compliance with the Flood Management Plan. The habitable floor level of the new work would be consistent with that of the existing dwelling. During a 1% AEP flood event the ground floor containing the garages may be inundated to a depth of approximately 900mm.

A survey report provided with the application demonstrates that the 1:100 year flood line may potentially reach the front of the existing dwelling. The development aims to maintain safe access and evacuation for both dwellings during a 1% flood event with the provision of the front verandah and stairs, which have been purposely designed to extend beyond the predicted flood line. Access to the property in the PMF would be cut, however the level of water would allow safe wading to higher ground and safe areas.

The proposed development is not anticipated to detrimentally impact on the current level of access or evacuation from the site.

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 would be required to be implemented during construction to minimise erosion and soil loss from the site.

Development Control Plan No 58

The proposed development complies with the DCP in terms of the design, which has the appearance of a single dwelling with the habitable floor area of one of the dwellings not exceeding 60m², nor does the development exceed 2/3 of the area of the site. One main entrance only would be visible from the street and when viewed in conjunction with the single staircase and verandah, further enhances the appearance of a single residence.

Compliance for car parking would be achieved by the proposed construction of the additional garage space on the ground floor, which would be sufficient in total for the parking of 3 vehicles.

The design of the proposal blends with the character of the locality and generally complies with the development

criteria of the residential Development Control Plan No 58.

Draft Flood Risk Management Policy

Consideration of the Draft Flood Risk Management Policy has determined that the proposal could be carried out in a reasonable and responsible manner. In accordance with the criteria of the policy, the development has been designed to be compatible with the indicated flood hazard of the land and aims to reduce any financial or personal risk to the community.

(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 would be imposed on the consent to reduce site disturbance and minimise the potential for impact on the local environment.

No significant trees will be affected by the proposal. Two (2) immature melaleucas will have to be removed from the area of the proposed additions.

(c) The suitability of the site for the development

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

Any Submissions

Following completion of the notification period, Council is in receipt of one submission expressing concerns regarding the following issues:

- (a) Removal of building materials which may contain asbestos

Comment:

Any material in the building which might contain asbestos would be required to be removed in accordance with the guidelines of the WorkCover Authority. This matter would be addressed in a condition of the consent.

- (b) Rear landing and staircase potentially impacting on privacy

Comment:

The submission requests that the rear staircase be redesigned with two flights and a central landing, with the upper flight descending south to north, away from the southern boundary. It is also requested that a privacy screen be provided to the southern side of the top landing. Following negotiations the developer has expressed no objections to providing the amendments to the staircase as requested by the neighbour. It is proposed to deal with this matter by way of a consent condition.

- (c) Provision of boundary fencing to prevent trespassing during construction

Comments:

Trespassing and boundary fences are civil matters requiring private action. However a condition will be placed on the consent requiring the provision of a fence along the boundary prior to commencement of work to ensure that activity on the site is contained within the boundaries.

Conclusion

The application satisfactorily addresses the requirements of Council's development controls and the guidelines of the Upper Nepean River Floodplain Management Study and Plan.

The proposed development affords flood safe access to the road during a 1% AEP flood event and has been designed to comply with the specific design requirements. In particular, habitable floor levels a minimum 600mm above the flood level with areas below to be used for non-habitable purposes only. The applicant has demonstrated that the development is suitable for the site while maintaining the amenity and safety of occupants and property.

Certification by the applicants' Structural Engineer confirms that the proposed development can be carried out in a structurally sound manner and not increase the flood hazard or risk to adjoining properties.

The submission satisfactorily addresses the impacts of the development associated with conservation and enhancement of the area and the amenity of neighbouring properties. It is considered that the proposed development will make a positive contribution to development in the locality and is therefore recommended for conditional approval.

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Recommended: That development Application No 465/2004 for construction of two dwelling development at No 23 (Lot 33 DP 230494) Dobroyd Avenue, Camden, be approved subject to conditions which form **Tabled Document "DC5"**.

*Resolved on the Motion of Cr Funnell, seconded Cr Johnson that development Application No 465/2004 for construction of two dwelling development at No 23 (Lot 33 DP 230494) Dobroyd Avenue, Camden, be approved subject to conditions which form **Tabled Document "DC5"**.*

DC095/04 THE MOTION WAS **CARRIED**.

(Cr Kernohan voted against the Motion).

2. Public Exhibition of Draft View Street Development

Guidelines

(File No: TC1682) (Director, Development & Environment Division)

Purpose of Report

The purpose of this report is to seek Council's endorsement of a proposal to publicly exhibit the draft guidelines.

Summary of Recommendation

That the Draft Guidelines be placed on public exhibition.

Background

Pressure for redevelopment of properties in the View Street precinct has increased over recent years. In response to this and a need to ensure View Street retains its important place in the built heritage of Camden, the Draft View Street Development Guidelines have been produced. This document will guide any development in the place and will ultimately be incorporated into the Camden Local Plan. View Street is already a place in the Draft LEP and the pressure of development has meant that the proposed guidelines need to be adopted before the Local Plan is finalised.

Discussions with owners of the workers' cottages in View Street over recent years has led to acceptance that the cottages there can be conserved and the streetscape enhanced if appropriate development controls exist to ensure an outcome acceptable to the owners and the community. There is now an accepted need to establish a form of infill development which is sympathetic to the cottage precinct, acknowledges the peripheral town centre location and doesn't overload the limited street network.

The existing planning controls fail to recognise the sensitivity of the precinct and the need for a series of unique controls to facilitate the conservation aspirations of Council and the community.

Main Report

Existing Planning Controls/Planning Issues

The precinct is zoned Town Centre Support 3(e) under Camden Local Environmental Plan (LEP) No 45. This zoning seeks to establish a range of land uses which support the commercial functions of the town centre. Multi unit housing is a permissible land use under the prevailing zoning.

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This form of housing supports the commercial functions of the town centre and provides accommodation for those desirous of a location close to town. Opportunities for mixed-use development involving studios, galleries, and home businesses also exist.

The lower side of View Street is subject to inundation by floodwaters and Council's flood policy would apply to these properties.

View Street is in an important location given its strategic relationship with the Camden Town Centre. The dominant quality of View Street is the domestic scale cottage character. The existing cottages are quite varied, although a group of humble workers' cottages create the most significant image.

View Street is a particularly narrow carriageway with modest setbacks to most cottages. Some unsympathetic developments adversely impact upon a streetscape that has significant conservation potential.

The View Street precinct on the higher side of the street occupies a prominent visual setting on the entrance to Camden from the north. The cottages can generally be observed from a significant distance. The Hill Street buildings to the south dominate the local skyline and have largely uninterrupted views to the north. This creates a visual setting that demands particular sensitivity to design.

Need for Relevant Controls

Strict compliance with the type of development controls for medium density housing established in Development Control Plan (DCP) 58 would compromise achievement of the outcomes established in the Desired Future Character statement of the Guidelines (refer to **Tabled Document "DC6"**). It would also impose site constraints that do not reflect the nature of the building form generally sought in residential settings close to town.

In assessing any Development Application relating to a site covered under the guidelines, Council will still consider the existing development controls, including LEP 45 and DCP 58. However to the extent that any inconsistency exists with DCP 58, the guidelines would prevail.

The Draft View Street Development Guidelines are made up of two components, being the Desired Future Character and a set of Development Standards. The Desired Future Character addresses issues such as scale of development, choice of building uses, built form, compatibility with existing building stock, car parking, and landscaping.

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The Development Standards are a table of numerical controls to guide the development to an outcome which is compatible with existing buildings and ensures the values of the place are maintained. They provide prescriptive control over issues such as building height, fencing and car parking.

Conclusion

To assist Council in assessing Development Applications made to it relating to historically significant sites in View Street, Camden, a set of draft development guidelines has been produced. These ensure Council is able to guide the planned and sensitive development of the street which represents the valued character of Camden.

The guidelines are a combination of desired character outcomes and prescriptive controls and have been prepared to ensure development opportunities for land-owners still exist. If ultimately adopted by Council, the guidelines will form part of the Camden Local Plan and will, until adopted, prevail over DCP 58.

It is recommended that the draft guidelines be publicly exhibited for a period of four weeks and that comments received be brought back to Council for further consideration at the conclusion of the exhibition.

Recommended: That:

- (i) Council adopt, for exhibition purposes, the Draft View Street Development Guidelines, for a period of four weeks.
- (ii) All affected property owners be advised and invited to an information session.
- (iii) CRAG, the Camden Historical Society, Camden Main Street Traders and the Camden Chamber of Commerce be advised of the proposed exhibition and be invited to comment on the draft guidelines.
- (iv) At the conclusion of the exhibition, a further report be provided to Council, detailing the results.

Resolved on the Motion of Cr Johnson, seconded Cr Elliott that:

- (i) Council adopt, for exhibition purposes, the Draft View Street Development Guidelines, for a period of four weeks.
- (ii) All affected property owners be advised and invited to an information session.

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- (iii) *CRAG, the Camden Historical Society, Camden Main Street Traders and the Camden Chamber of Commerce be advised of the proposed exhibition and be invited to comment on the draft guidelines.*
- (iv) *At the conclusion of the exhibition, a further report be provided to Council, detailing the results.*

DC096/04 THE MOTION WAS **CARRIED.**

3. External Signage for Harrington Park Shopping Centre at 23 (Lot 2 DP1048407) Fairwater Drive, Harrington Park

File No: DA2960.230 (Director, Development & Environment Division)
DA No: 336/2004
Owner: Dandaloo P/L
Applicant: W M Giles P/L
Zoning: Residential 2(d) pursuant to Camden LEP 74

Purpose of Report

The application is referred to Council for determination given that the proposal does not comply with the requirements of DCP 96 in regard to the area of the proposed signage.

Summary of Recommendation

It is recommended that Development Application No 336/2004 be approved subject to conditions of consent.

Background

Consent to construct the shopping centre on the corner of Fairwater Drive and Lakeside Circuit was granted by Council on 15 December 2003 (a locality plan forms **Tabled Document "DC7"**). The centre is nearing completion and in accordance with one of the conditions of consent, a separate application for signage has been submitted.

The Proposal

The proposal is for the erection of four (4) advertising signs for the recently approved Harrington Park shopping centre. A plan of the proposed development forms **Tabled Document "DC8"**.

Sign 1 is an externally illuminated pylon sign that is proposed to be located on private land in the south west corner of the shopping centre car park adjacent to the roundabout on Fairwater Drive and Lakeview Court.

Sign 2 is a non-illuminated wall sign proposed to be located on the face of the tower structure over the main entrance to the shopping centre building and faces the car park.

Sign 3 is an internally illuminated wall sign proposed to be located on the face of the main shopping centre building toward the eastern extremity and faces the car park.

Sign 4 is a non-illuminated direction sign located on the median strip at the roundabout on Northern Road and Fairwater Drive.

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It should be noted that an additional pole sign was proposed by the applicant. The pole sign was to be erected at the entrance of Harrington Park estate at the corner of The Northern Road and Fairwater Drive. Negotiations between Council staff and the applicant has resulted in this sign being deleted from the plans.

Notification

The application was notified to residents in the vicinity from 4 May 2004 to 21 May 2004. At the close of this period no submissions were received.

Planning Controls

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

- Environmental Planning and Assessment Act
- Camden Local Environmental Plan No 74 (CLEP 74)
- Development Control Plan No 96

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

Camden LEP No 74

The subject site is zoned Residential 2(d) wherein the proposed development, being ancillary to the shopping centre, is permissible as advertising signage.

Development Control Plan No 96

The pylon sign (Sign 1) has a maximum height of 6m which is compliant with DCP 96 and the underside of the sign exceeds the 2.1m limit above the ground. The dark green colour of the sign frame is deemed to be acceptable and compatible with other elements within the shopping centre site.

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Sign No	Area Proposed	Area Permitted	Complies Yes/No
1 (pole)	4.9m ²	4.5m ²	No – exceeds by .4m ²
2 (wall)	6.65m ²	4.5m ²	No – exceeds by 2.1m ²
3 (wall)	12.56m ²	4.5m ²	No – exceeds by 8.06m ²
4 (directional)	0.4m ²	4.5m ²	Yes

The package of four signs has a total assessable area of 24.5m² . Whilst this exceeds the areas allowed under DCP 96, when considering the size of the site the variation to the code is considered reasonable.

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

While the total area of signage is non-compliant with DCP 96 the following points seek to justify the non-compliance:

- signs 2 and 3 are setback approximately 90m from Fairwater Drive which diminishes the visual impact of the signage from the road
- the replacement of the initially proposed internal illumination of the pylon sign with an external illumination source diminishes the visual impact at night
- the proposal has a distinct community benefit
- the proposal has generated no objections from the community in its original form
- is not expected to have any further external signage added to the building that will be visible from the street.

(c) Suitability of the site

The signage is suitable for this shopping centre site and the road reserve.

(d) Any submissions made in accordance with the Act

The notification process did not generate any objections to the proposal in its original form. The notification process which was conducted prior to the issue of

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consent for the shopping centre revealed very wide
community support for the shopping centre.

Conclusion

Three (3) of the signs are to be located on the Harrington Park shopping centre site which is at the corner of Fairwater Drive and Lakeview Court at Harrington Park. The remaining sign is to be located on a median strip to the east of the roundabout at Northern Road and Fairwater Drive at Harrington Park.

While the proposed development does not comply with the requirements of DCP 96, the merits of the case warrant variation of the guidelines in this particular case. The proposal complies with DCP 96 in all other aspects.

Recommended: That Development Application No 336/2004 at 23 Fairwater Drive Harrington Park, for the erection of four (4) advertising signs be approved subject to conditions of consent contained in **Tabled Document "DC9"**.

*Resolved on the Motion of Cr Campbell, seconded Cr Johnson that Development Application No 336/2004 at 23 Fairwater Drive Harrington Park, for the erection of four (4) advertising signs be approved subject to conditions of consent contained in **Tabled Document "DC9"**.*

DC097/04 THE MOTION WAS **CARRIED.**

**4. Release Of Restriction On Use Of Land - Lot 332
(No80) Welling Drive Narellan Vale
(8075/800) (Director Governance and Outcomes)**

Council has been approached by the Solicitors acting for the owner of the above property requesting that the restriction on the particular lot be released.

The restriction, which was lodged at the time of registration of the Deposited Plan, requires vehicular access from the property at a particular nominated location on the front boundary. However, Council records reveal that approval has been given for the vehicular access to be allowed at a different point on the front boundary. At the time, vehicle laybacks were constructed and a restriction registered on the titles to ensure that access and garage construction was located on the right hand side of each block. A location plan is attached as **Tabled Document "DC10"**.

However, an inspection of the lot and Council records confirms approval has been given for the vehicular access to be allowed at a different point on the front boundary, that is, on the other side of the lot. This has made the restriction redundant and may be released. The land owner wishes to sell the property and requests a clear title.

Council officers have investigated the matter and have no objection to the release of the restriction. The Solicitors for the owner have undertaken to pay all costs in relation preparation of documents and lodgement.

Recommended That

- (i) Council consent to the release and extinguishment of the Restriction on the use of land, being Lot 332 Deposited Plan 830474 Welling Drive, Narellan Vale
- (ii) the Council seal be affixed to any documents in relation to the release.
- (iii) the owner be responsible for any costs incurred.

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Resolved on the Motion of Cr Johnson, seconded Cr Funnell that

- (i) Council consent to the release and extinguishment of the Restriction on the use of land, being Lot 332 Deposited Plan 830474 Welling Drive, Narellan Vale*
- (ii) the Council seal be affixed to any documents in relation to the release.*
- (iii) the owner be responsible for any costs incurred.*

DC098/04 THE MOTION WAS **CARRIED.**

The Meeting closed at 6.50pm.