



Camden Local Planning Panel

Minutes

16 June 2020

Meeting held by Teleconference



CAMDEN LOCAL PLANNING PANEL

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PRESENT

Michael Mantei (Chairperson), Michael File (Expert Panel Member), Sue Francis (Expert Panel Member), Debby Dewbery (Community Representative – South Ward).

ALSO IN ATTENDANCE

Manager Statutory Planning, Team Leader DA Assessment, Senior Town Planner, Governance Officer.

ACKNOWLEDGEMENT OF COUNTRY

The Chair acknowledges the traditional Custodians of the land:

I would like to acknowledge the traditional custodians of this land on which we meet and pay our respect to elders both past and present.

APOLOGIES

There were no leave of absence to be granted.

DECLARATION OF INTEREST

There were no declarations to be noted.

PUBLIC ADDRESS

Mr Fletcher Joss addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Councillor Eva Campbell addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Mr Jim Davis addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Mrs Glenda Davis addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Mr Peter Usher addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Ms Sue Cross addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Ms Jo O'Brien addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Ms Jill Leemen addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Mr David Nethercote addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Councillor Cindy Cagney addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Mr Jeremy Swan addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

Mr James Phillips addressed the Panel in relation to CLPP01 - DA/2019/225/1 - Construction of a Mixed Use Development Comprising Two Commercial Tenancies and a Dwelling - 11 Mitchell Street, Camden.

CLOSURE OF THE MEETING

After hearing all of the public submissions the Chair then declared the public meeting closed at 3.23pm. The Panel then went into private deliberation to consider the item and the determination is listed below:

CLPP01 DA/2019/225/1 - CONSTRUCTION OF A MIXED USE DEVELOPMENT COMPRISING TWO COMMERCIAL TENANCIES AND A DWELLING - 11 MITCHELL STREET, CAMDEN

SUMMARY

A supplementary report containing a detailed assessment against the requirements of Clause 7.1 of Camden Local Environmental Plan 2010 was provided to the Panel and is attached to these minutes. The Panel considered the assessment report in the agenda, as well as this supplementary report, in reaching its determination.

Several late written submissions, both for and against the proposal, were also received by the Panel prior to the meeting. The Panel considered these submissions in reaching its determination.

PANEL DETERMINATION

The Panel resolved to:

1. Support the applicant's written request lodged pursuant to Clause 4.6(3) of Camden Local Environmental Plan 2010 to the contravention of the height of buildings development standard in clause 4.3 of Camden Local Environmental Plan 2010; and
2. Approve DA/2019/225/1 for construction of a mixed use development comprising of a single storey (with mezzanine) commercial building at the front of the site and a two storey building at the rear of the site containing a commercial tenancy at ground level with a two bedroom dwelling above with associated landscaping and civil works subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Camden Local Environmental Plan 2010 in relation to the height of buildings development standard. The Panel considers that the written request from the applicant adequately demonstrates that compliance with the development standard in clause 4.3 of Camden Local Environmental Plan 2010 is unreasonable and

unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The Panel is also satisfied that the development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the zone in which the development is to be carried out.

2. The Panel is satisfied that the site is suitable for the proposed development having regard to the matters in clause 7.1(3) (Flood Planning) of Camden Local Environmental Plan 2010.
3. The development is, subject to the recommended conditions, consistent with the objectives of the applicable environmental planning instruments, being Camden Local Environmental Plan 2010, State Environmental Planning Policy No 55 - Remediation of Land and State Regional Environmental Plan No 20 - Hawkesbury-Nepean River.
4. The development is, subject to the recommended conditions, consistent with the objectives of Camden Development Control Plan 2011.
5. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
6. The development is, subject to the recommended conditions, unlikely to have any unreasonable adverse impacts upon the natural or built environments.
7. In consideration of the aforementioned reasons, the development is a suitable use of the site and its approval is in the public interest.

VOTING NUMBERS

The Panel voted 4-0 in favour of the recommendation.

SUPPLEMENTARY REPORT
DA/2019/225/1 – 11 MITCHELL STREET, CAMDEN

The purpose of this supplementary report is to provide a detailed assessment of the proposed development having regard to Clause 7.1(3) of Camden Local Environmental Plan (CLEP) 2010.

7.1 Flood planning

- (1) *The objectives of this clause are as follows –*
- (a) *to minimise the flood risk to life and property associated with the use of land,*
 - (b) *to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,*
 - (c) *to avoid significant adverse impacts on flood behaviour and the environment.*
- (2) *This clause applies to land at or below the flood planning level.*
- (3) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development -*
- (a) *is compatible with the flood hazard of the land, and*

Officer Comments: The proposed development is considered to be compatible with flood hazard of the land. The land is identified within the high hazard as result of the flood depths experienced by this site during the 1% AEP flood event which are greater than 3m. The velocity of flow during this event is relative minor being 0.75 m/s. As such the site is considered to be within the flood storage area not a floodway.

The applicant submitted a Flood Risk Management Plan and Evacuation Plan prepared by Greenview consulting engineers which outlined the response of the proposal to the practical considerations for the site due to the high hazard flood storage affectation. These Plans have been reviewed by Council staff and are supported. Of particularly note are the following practical considerations:

Floor level – The habitable residential floor levels are set at 71.7m AHD being 600mm above the 1% AEP flood level. The ground floor level of the business units are set as high as practical; currently the business units are set at RL +67.90m AHD which is suitable given the site constraints a mezzanine is also provided for storage which is almost at the 1% flood level (70.9m AHD). All the outdoor parking areas are set at existing levels so there is minimal filling or alterations to ground levels onsite.

Structural Soundness - Building materials must be flood compatible with capacity to withstand floodwaters. A condition of consent will ensure they are certified by a Structural Engineer prior to the issue of a Construction Certificate.

Evacuation & Access – This particular aspect is discussed in detail in the Plans. Of note is the size of the Nepean Catchment and proximity of the Cowpasture Bridge Gauge which provides a greater degree of certainty regarding the likelihood and publication of flood warnings. The rate of rise of the 100yr ARI flood in the Nepean River is of the order of 1.7m per hour. The BOM will provide a flood warning at depth 7m (RL +62.8m AHD), this ~3 hours before the site begins to flood. The Camden SES will initiate evacuation proceedings once the trigger level at depth 9m (RL +64.8m AHD) is reached. The SES trigger level of +64.8m is a suitable trigger for site occupants / workers to evacuate, noting that there will be 1.5 hrs of elapsed time (assuming 1.7m/hr rate of rise) before the site itself begins to flood. This time is more than adequate for site occupants to prepare and move offsite.

Flood Affectation - The subject site is located in a Flood Storage area where velocities are less than 0.75m/s. Any conveyance impacts are therefore likely to be minor and highly localised. With respect to flood storage losses, it is noted that the extreme flood depths on site will cause windows and/or doors to break, thus rendering the new buildings (effectively) porous. Thus, the voids within these structures will fill slowly with the rising floodwaters. Overall, the solid material onsite (beams, slabs, etc) will be very small in volume and we cannot see that these will cause any noticeable alterations to local floodplain behaviour due to loss of storage. It is also noted that the loss of storage is insignificant compared to the overall storage available in the Nepean River floodplain in the area surrounding Camden. There is to be no filling or alterations to the ground levels onsite (the outdoor carparking will be set at existing ground levels).

- (b) *is not likely to significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and*

Officer Comments: As outlined above, the subject site is located in a Flood Storage area where velocities are less than 0.75m/s. Any conveyance impacts are therefore minor and highly localised. The extreme flood depth and low flood velocity affecting the subject site and adjoining neighbours means that any impacts on flood behaviour resulting from this development will be imperceptible during a flood event and therefore are not considered to significantly adversely affect flood behaviour.

- (c) *incorporates appropriate measures to manage risk to life from flood, and*

Officer Comments: As detailed above, there are adequate triggers which allow for adequate evacuation time by virtue of the well-researched and monitored flooding gauges in the Nepean River system. The proposed development is not considered to significantly adversely worsen flood behaviour and a structural soundness report is required by conditions of consent. As such there are appropriate measures to manage risk to life from flood.

- (d) *is not likely to significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses, and*

Officer Comments: Given the location well away from any watercourse, riverbank or riparian area, as well as the onsite detention and stormwater treatment system proposed the development will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of riverbanks or watercourses.

- (e) *is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.*

Officer Comments: The benefits of the development of land within the Camden Town Centre for a permissible land use and the lack of significant adverse impacts on flood behaviour are considered to outweigh the social costs associated with the risk of a flood event.

In terms of economic costs, the Flood Risk Management Plan Calculated Flood damage curves from the Nepean River Flood Study Appendix M. The residential component of the proposed development will be inundated (over floor level) by 3.2m in a PMF event; based on this information the expected damages will be of the order of \$160K for a PMF level event. The commercial component of the proposed development will be inundated (over floor level) by 7m in a PMF event; based on this information the expected damages will be of the order of \$120K for a PMF level event, noting that commercial premises have the lowest damage cost with a constant cost once flood depths exceed 2m. The proposed measures (such as flood compatible building materials) detailed in this report will assist with minimising the damage costs associated with an extreme flood event.

- (4) *A word or expression used in this clause has the same meaning as it has in the NSW Government's Floodplain Development Manual published in 2005, unless it is otherwise defined in this clause.*

- (5) *In this clause—*

flood planning level *means the level of a 1% AEP (annual exceedance probability) flood event plus 0.6 metre freeboard.*

Officer Comments: The 1% AEP flood level is 71.1 AHD accordingly the finished floor level for the habitable area of the shop top housing unit is set at 71.6 AHD.