

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

TABLE OF CONTENTS – DEVELOPMENT COMMITTEE

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES2

1. Proposed Two Storey Dwelling at No 17 (Lot 9 DP 219613) Belgenny
Avenue, Camden2

2. Modification of Development Consent for 1E [Lot 216 DP 1001823]
Springhill Circle, Currans Hill4

3. Representation to Legal Proceedings – Retain Unauthorised Building at
No 53 [Lot 69 DP 230494] Engesta Avenue, Camden7

4. Reclassification of land – Part Lot 3511 Hartley Road, Smeaton Grange 12

5. Petition re Development of Macarthur Anglican School Site, Lot 3 DP
737284 Richardson Road, Narellan 14

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

Present: Cr Anderson (Deputy Mayor/Chairman), Cr Corrigan (Mayor), Cr Patterson, Cr Winn, Cr Fekete, Cr McFadden, Cr Senise. Cr Batros arrived during Public Addresses – 5.36pm. Cr Campbell arrived during Public Addresses – 5.45pm.

Staff: General Manager, Director Works & Services, Director Development & Environment, Manager Assets, Manager Engineering, Acting Manager Development (Development Team Leader), Manager Corporate Services, Administration Officer.

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES

Mr Peter Seddon addressed the Committee in relation to Item 5. Mrs Pam Brown addressed the Committee in relation to Item 5. Mr Alan Taylor addressed the Committee in relation to Item 1.

1. Proposed Two Storey Dwelling at No 17 (Lot 9 DP 219613) Belgenny Avenue, Camden

File No: DA675.140 (Director, Development & Environment Division)
DA No: 1494/2002
Applicant: Mr M & L Hovey
Zoning: Residential 'A' 2 [a] pursuant to Camden LEP 46

Purpose of Report

The Development Committee considered the subject application at its meeting of the 24 February 2003. Determination of the matter was deferred to permit tabulation of additional information. The matter is now referred to Council for determination.

Summary of Recommendation

It is recommended that Development Application No 1494/2002 is refused.

Assessment

Tabled Document "DC 1" compares the subject site with other vacant 'flood affected' residential property in the Camden area. The identified sites are predominantly classified as 'High Hazard - Flood Storage'. In terms of flood free access and level of flood inundation, the subject site is amongst the worst affected. It should be noted that Council has previously refused three Development Applications at No 28 Milford Road, 30 Milford Road and 5 Peter Avenue. Council successfully defended an appeal to the Land & Environment Court for the development at No 30 Milford Road.

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

Consent has been issued for a site at No 8 Belgenny Ave to consolidate this allotment with the adjoining residential property, No 10 Belgenny Ave and construct a garage on the former vacant land. The consolidation of the lots will occur on completion of all works.

Conclusion

It can be seen from the attached table that the subject property is classified a high hazard flood storage which is identical to all of the other vacant lots zoned residential some of which have had applications refused recently by Council. For this reason, it is recommended that Council refuse the application.

Recommended: That

Development Application No 1494/2002 for construction of dwelling at No 17 [Lot 9 DP 219613] Belgenny Avenue, Camden be refused on the following grounds:

- (i) The applicant has not demonstrated that permanent, fail-safe, maintenance free measures are incorporated in the development, to ensure the timely, orderly and safe evacuation of people from the area, should a design flood or greater occur.
- (ii) The proposed development has the potential to cause loss of life and/or property in the event of a major flood event.
- (iii) The proposed development has the potential to impact upon State Emergency Services ability to render assistance to existing residential properties in the event of a major flood event.
- (iv) The proposed development will add to the costs and demands on emergency services in a flood event.

MOTION

Moved Cr Patterson, seconded Cr McFadden that Development Application 1494/2002 for the construction of a dwelling at No. 17 (Lot 9 DP 219613) Belgenny Avenue, Camden be approved subject to appropriate conditions.

DC020/03 THE MOTION WAS **CARRIED.**

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

**2. Modification of Development Consent for 1E [Lot 216
DP 1001823] Springhill Circle, Currans Hill**

File No: DA7297.1911-2 (Director, Development & Environment Division)

DA No: 82/2001

Owner: Landco [NSW] Pty Ltd & Wolin Investments

Zoning: Residential 'D' 2 [d] pursuant to Camden LEP 47

Purpose of Report

On the 16 December 2002 Council resolved to grant consent for a twenty-three lot subdivision of the subject property. The applicant seeks approval to delete Condition No 31 of that consent. The condition relates to the timing of the registration of the new lots with the Lands Title Office. This matter is being referred to Council for determination.

Recommendation

That Condition No 31 of Development Consent No 82/2001 be amended.

Background

It is the practise of the applicant to subdivide land and sell lots with approval for construction of a dwelling. The lots are generally sold to local builders for development of the site. Once construction is completed the lots are sold on the open market.

Condition 31 of Development Consent No 82/2001 stipulates that the subdivision certificate [which allows registration of the new lots and hence their sale] will not be issued until the buildings have been erected.

Assessment

The applicant request that condition 31 be deleted for the following reasons:

- The approved subdivision creates 22 new lots and the potential for 23 new dwellings on those lots. Envelope controls were approved as part of the application and, while there will be some modifications to these as the result of the Councillor Workshop held on 3 February, the principles will be adhered to when Development Applications for groups of dwellings are lodged;

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

- The development intent is to provide a variety of dwelling types combined into a visually consistent whole and apply the lessons learnt from “Pickets Place”;
- An additional aim is to provide good quality housing that will be more affordable in a market characterised by inexorable price rises. Integrated small lot housing such as that proposed is one way to achieve this very necessary objective;
- Requiring the engineering works, and construction of all 23 dwellings, to be completed before a Subdivision Certificate is issued has financial implications that have a significant impact on housing affordability. The interest charges on a capital exposure likely to be in excess of \$4 million, Stamp Duty and other costs would, in the end, be passed on to buyers. It is estimate that end selling prices would need to be increased in the order of \$15,000 to \$20,000 per dwelling to cover these costs;
- It is intended to break up the 22 lots into 8 separate development parcels and sell these, with Development Consent for the dwellings, to a number of builders. The aim is to spread the development risk and inform more builders how their involvement at the more affordable end of the market can be financial. Programming eight different builders to complete between one and eleven houses simultaneously and trigger release of the Subdivision Certificate and consequent sales settlements is a next-to-impossible task.

Conclusion

Council recognises most of the points raised in the above submission. Rather than delete the condition as requested by the application it is recommended that the condition be amended to read:

“SUBDIVISION CERTIFICATE – The subdivision certificate shall not be issued until Council has granted approval for the construction of individual dwellings upon each lot. An 88b Restriction to User shall be placed on each land title stipulating that the land must be developed in accordance with the relevant consent issued by Camden Council”.

The amended condition will allow the applicant to sell individual lots to property developers / builders for construction of the residences. The property developer / builder will be compelled to construct the dwelling approved by Council by virtue of the Restriction to User. Requiring development consent to be issued for the dwellings will ensure

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

that an acceptable standard of housing will be created in the area prior to the release of the plan of subdivision.

Recommended: That Condition No 31 of Development Consent No 82/2001 for subdivision of 1E [Lot 216 in Deposited Plan 1001823] Springhill Circle, Currans Hill be amended by modifying condition 31 to read as follows:

31. SUBDIVISION CERTIFICATE – The subdivision certificate shall not be issued until Council has granted approval for the construction of individual dwellings upon each lot. An 88b Restriction to User shall be placed on each land title stipulating that the land must be developed in accordance with the relevant consent issued by Camden Council.

Resolved on the Motion of Cr Patterson, seconded Cr Winn that Condition No 31 of Development Consent No 82/2001 for subdivision of 1E [Lot 216 in Deposited Plan 1001823] Springhill Circle, Currans Hill be amended by modifying condition 31 to read as follows:

32. SUBDIVISION CERTIFICATE – *The subdivision certificate shall not be issued until Council has granted approval for the construction of individual dwellings upon each lot. An 88b Restriction to User shall be placed on each land title stipulating that the land must be developed in accordance with the relevant consent issued by Camden Council.*

DC021/03 THE MOTION WAS **CARRIED.**

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

**3. Representation to Legal Proceedings – Retain
Unauthorised Building at No 53 [Lot 69 DP 230494]
Engesta Avenue, Camden**

File No: DA2850.550 (Director, Development &
Environment Division)

DA No: 1038/2002

Owner: Mr R Burnett

Zoning: Residential 2 [a] pursuant to Camden LEP 46

Purpose of Report

Council has instigated legal proceedings against the above-mentioned property owner in accordance with the resolution made by the Development Committee on the 16 December 2002. The property owner has made representation as to why legal proceedings should not be pursued by Council

Summary of Recommendation

It is recommended that the terms of the Notice / Order be modified as detailed elsewhere in this report.

Background

On the 16 December 2002 the Development Committee resolved to instigate legal proceedings against the property owner for unauthorised building works. In accordance with legislative requirements a 'Notice of Intention to Serve an Order' was served upon the property owner. A Notice must be served upon a property owner and any representation made by the owner must be heard prior to proceeding further with legal action.

The subject property owner has exercised his legislative right and made representation to Council as to why the Order should not be issued. The owner has also undertaken to make structural alterations to the detached entertainment room in an effort to alleviate the concerns of the adjoining property owner.

Representation to Legal Proceedings

On the 6 January 2003 the property owner was served with a 'Notice of Intention to Serve an Order' to carry out the following work:

1. Demolish and appropriately dispose of all materials associated with the unauthorised work constructed along the property's eastern boundary. In particular the addition to the dwelling and detached rumpus room.

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

2. Demolish and appropriately dispose of all materials associated with the masonry block wall/fence erected along the property's eastern boundary.
3. Relocate the existing metal shed within the confines of the property boundaries.

On the 22 January 2003 the owner made the following representation to the above Notice.

1. Council has previously granted approval for the construction of a pool shelter on the property's eastern boundary [BA 433/1982]. The approved plans show an existing boundary fence / wall along the common boundary. The owner contests that the subsequent approvals for the pool shelter legitimise the existing wall.

Comments: The property owner has enclosed the pool shelter without the approval of Council to form a Hobby Room [see **Tabled Document "DC 2"**]. The plans approved by Council show a block wall along the eastern property boundary. The plans indicate that the fence extends along the boundary for a distance of approximately 5.5 metres. In reality however the wall extends for a distance of approximately 14 metres. The height of the wall fluctuates between 2.6 metres to 2.4 metres.

2. In 1997 the property owner removed one row of blocks from the masonry wall. The owner contests that the works were undertaken to overcome a dispute between the adjoining property owners. Supporting documentation dated the 13 April 1987 has been provided from the Community Justice Centre that suggests the parties agreed to the retention of the wall [at a reduced height] and furthermore that the work was completed [see **Tabled Document "DC 3"**].

Comments: The adjoining property owners have no recollection of the matter being referred to the Community Justice Centre. It is their preference to retain the existing block wall at a reduced height [ie by the reduction in height of the wall by two courses of blockwork].

3. The owner has submitted detailed plans of proposed modifications to the entertainment room [see **Tabled Document "DC 4"**]. It is suggested that the reduced roofline will not protrude above the boundary fence / wall.

Comments: There appears to be some inconsistency between the statements made by the owner and the detail contained in the submitted plans. The plans indicate that only one of the end walls will be reduced in height. If this was the case it is believed that the roof would extend beyond the height of the masonry wall. An inspection of the existing structure would

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

suggest that the roof battens and roof sheeting will extend above the fence / block wall and hence be visible from the adjoining property. The extent of the encroachment above the fence is estimated to be 100 –150 mm. The only way to ensure the roof does not protrude above the fence would be to reduce the height of both end walls.

4. The property owner has agreed to relocate the metal shed in order to rectify the encroachment upon the adjoining reserve.

Comments: A recent inspection of the subject property revealed that the owner has commenced the necessary work. At this stage the shed is partially dismantled.

Notification

The adjoining property owner has been notified of the alterations proposed to the entertainment room. The adjoining property owner has indicated that their objection to the development remains the same. It is their preference to see the building demolished and the masonry wall reduced in height by two courses of block work [approximately 400mm].

Assessment

Use of the rooms

The plans prepared by the owner suggest that the space will be an 'outhouse'. The specific use of the outhouse is unclear. A recent inspection of the property would suggest that the building is used for some form of temporary domicile.

Compliance with the BCA

The detached room is unlikely to result in the spread of fire due to the separation between the room and the existing residence [approximately 3-4 metres] and the fire resistant level afforded to the existing block wall.

Whilst the ceiling height within the building is generally acceptable the building has not been provided with suitable amenities [ie washing facilities etc] to properly be considered as a separate domicile.

Loss of Views/Amenity

The block wall has been constructed at a variable height [ie 2.4 to 2.6 metres] for a distance of approximately 14 metres. The wall reduces the adjoining property owners' views of the nearby flood plains. The height of the wall also detracts from the residential nature of the property. It should be noted that a

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

standard boundary fence would be approximately 600 to 800mm less than the current height of the block wall.

Apart from the obstruction of views the adjoining property owner has suggested that they suffer from glare caused by the choice of roofing material, loss of aesthetic amenity, stormwater run off and loss of natural light / air circulation.

Structural adequacy

The structural report submitted by the owner suggests that substantial work is required to ensure the building is acceptable in terms of workmanship. The work required to the building extends to:

- Reducing the height of the end wall.
- Core filling the masonry blocks with concrete.
- Provide tie down rods to each rafter.
- Provide articulation to the existing walls.

The report does not make mention of the pool, which has been covered, and its location or impact on the structural stability of the unauthorised “outhouse”. This is further reason for requiring the demolition of the building.

Conclusion

The alterations to the detached rumpus room/out house will not result in a reduction of the wall height. It is the opinion of Council Staff that the modified roof will still be visible from the adjoining property.

The adjoining property owner has been consulted with respect to the proposed modifications to the outhouse. They have indicated a desire to retain the existing block wall but at a reduced height [ie two courses of brick work]. Given that Council has approved plans for a pool shelter [which clearly show a section of the block wall along the boundary] it would appear that retention of the structure in part is reasonable.

For reasons of structural instability, the adverse impact upon adjoining property and the potential for inappropriate use, the outhouse should be demolished.

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN - 5.30PM**

Recommended: That the legal proceedings against the owner of No 53 Engesta Avenue, Camden be modified to include the following work:

- (i) Demolish and appropriately dispose of all material associated with the detached rumpus room / outhouse constructed along the property's eastern boundary.
- (ii) Reduce the height of the block wall / fence constructed along the eastern boundary by two courses of block work.
- (iii) Relocate the existing metal shed erected over the northern boundary to within the confines of the property boundaries

MOTION

Moved Cr Winn, seconded Cr McFadden that the legal proceedings against the owner of No 53 Engesta Avenue, Camden be held over to allow the owner to supply further advice.

DC022/03 THE MOTION WAS **CARRIED.**

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

4. Reclassification of land – Part Lot 3511 Hartley Road, Smeaton Grange

(DA3700.125-2)(Director, Development and Environment)

Council resolved on 23rd July, 2001, to reclassify Part Lot 3511 Hartley Road, a drainage reserve, from community to operational land and to prepare a Local Environmental Plan to facilitate this change. The purpose of the reclassification was to enable the transfer of the land back to Business Land Group for further re-subdivision. A copy of the previous Report is attached (**Tabled Document "DC 5"**) for information. The drainage reserve, originally dedicated to Council by BLG, is unsuitable for drainage purposes, mainly as a result of the size, shape and location of the reserve. Council no longer requires the reserve for drainage. It is also noted, additional land will be dedicated as Drainage Reserve in any future subdivision.

Following the resolution, the requirements of the Local Government Act, 1993 were followed and public notice of the reclassification was given calling for submissions. As a result of the advertising, no submissions or objections were received to the reclassification.

As the land was originally dedicated to Council under Section 94 of the Environmental Planning and Assessment Act, 1979, at no cost, it has also been established the preparation of a Local Environmental Plan is not required.

Over the ensuing period since the Council resolution, Business Land Group has been preparing the subdivision plans and associated details. Advice has now been received the subdivision is now nearing completion.

In order to conclude the process, the Local Government Act requires Council to now, following the public notification period and no submissions being received, formally resolve to reclassify the land as operational.

Recommended: That

- i) Part Lot 3511 D.P. 830128 Hartley Road, Smeaton Grange be reclassified as operational land under Section 32 of the Local Government Act, 1993, as the land is unsuitable for drainage purposes due to size, shape and location;
- ii) The preparation of a Local Environmental Plan is not required.

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

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

- i) Part Lot 3511 D.P. 830128 Hartley Road, Smeaton Grange be reclassified as operational land under Section 32 of the Local Government Act, 1993, as the land is unsuitable for drainage purposes due to size, shape and location;*
- ii) The preparation of a Local Environmental Plan is not required.*

*DC023/03 THE MOTION WAS **CARRIED.***

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN – 5.30PM**

5. Petition re Development of Macarthur Anglican School Site, Lot 3 DP 737284 Richardson Road, Narellan
(File 6525.30) (Director Governance & Outcomes)

Council is in receipt of a petition regarding the possible re development of the Macarthur Anglican School site, Richardson Road Narellan. In accordance with Council policy, this report brings this petition before Council for information purposes.

The petition states:

This petition reflects the views of the residents of Wilson Crescent, Narellan of any current and future development (such as Units and Retail Outlets) on the Macarthur Anglican School site having access through Wilson Crescent.

We, the undersigned residents of Wilson Crescent, Narellan, would like to know if UNITS will be built in Wilson Crescent and; if so, the residents would like the street blocked (at Richardson Road end). This is to ensure the street maintains its tranquillity and safety to all residents.

The petition contains some 93 signatories, representing 89 people who reside in Wilson Crescent and 4 others from outside the area. These signatories represent 44 households in Wilson Crescent and 2 from outside the area.

The petitioners have been notified of the receipt of the petition and its reporting to this meeting of Council.

Whilst Council has had preliminary discussions in relation to the possible re development of the site, at this stage, no firm concept plan has been developed. Residents of Wilson Crescent will be consulted if and when Council receives an application for the subject site.

Recommended: That

- (i) The concerns expressed by residents of Wilson Crescent in relation to access from any proposed development be noted.
- (ii) Council notify residents of Wilson Crescent of the receipt of any future application for the Macarthur Anglican School site.
- (iii) The petitioner be provided with a copy of this report.

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING
HELD 10 MARCH, 2003, CIVIC CENTRE, OXLEY STREET
CAMDEN - 5.30PM**

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

- (i) The concerns expressed by residents of Wilson Crescent in relation to access from any proposed development be noted.*
- (ii) Council notify residents of Wilson Crescent of the receipt of any future application for the Macarthur Anglican School site.*
- (iii) The petitioner be provided with a copy of this report.*
- (iv) Any application for rezoning is to be accompanied by a Development Application the provisions of which would be incorporated into any Local Environmental Plan that may be made.*

DC024/03 THE MOTION WAS **CARRIED.**

The Meeting closed at 6.15pm.