

**MINUTES OF THE DEVELOPMENT COMMITTEE MEETING  
HELD 8 SEPTEMBER, 2003, CIVIC CENTRE, OXLEY STREET  
CAMDEN – 5.30PM**

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**ORDER OF BUSINESS – DEVELOPMENT COMMITTEE**

DECLARATION OF PECUNIARY OR CONFLICT OF INTEREST.....2

DEVELOPMENT COMMITTEE PUBLIC ADDRESSES.....2

1. Demolition of Two Existing Dwellings and Outbuildings, Construction of Two Detached Two Storey Dwellings and Three Attached Two Storey Dwellings each with Attached Double Garages, the Removal of eight Trees and a Strata Subdivision, 19 Murrandah Avenue, Camden .....3

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**Present:** Cr Anderson (Mayor/Chairperson), Cr Patterson, Cr Corrigan,  
Cr Winn, Cr Fekete, Cr Batros.

**Staff:** Acting General Manager (Director Governance & Outcomes),  
Director Works & Services, Director Development &  
Environment, Manager Development, Manager Employee  
Relations, Senior Governance Officer.

**Apologies:** An apology was received from Cr Senise, Cr Campbell and Cr  
McFadden from this meeting.

*Resolved on the Motion of Cr Corrigan, seconded Cr Winn that  
leave of absence be granted to Cr Senise, Cr Campbell and Cr  
McFadden for this meeting.*

DC082/03 THE MOTION WAS **CARRIED.**  
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**DECLARATION OF PECUNIARY OR CONFLICT OF  
INTEREST**

There were no declarations.

**DEVELOPMENT COMMITTEE PUBLIC ADDRESSES**

Mr Ross Newport addressed the Committee in relation to Item 1  
of the Development Committee.

**MOTION**

*Moved Cr Corrigan, seconded Cr Batros that an extension of two  
(2) minutes be granted.*

DC083/03 THE MOTION WAS **CARRIED.**  
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**1. Demolition of Two Existing Dwellings and Outbuildings, Construction of Two Detached Two Storey Dwellings and Three Attached Two Storey Dwellings each with Attached Double Garages, the Removal of eight Trees and a Strata Subdivision, 19 Murrandah Avenue, Camden**

**File No:** DA5735.180-2 (Director, Development & Environment Division)

**DA No:** 380/2003

**Applicant:** Sandstock Homes

**Zone:** Residential 2(b) pursuant to LEP 46

**Introduction**

Council is in receipt of an application for the proposal described above.

The application is referred to Council for determination. The proposal is non-complying in regard to overshadowing, front setbacks, open space/landscaping provision and building character. In addition, there are also unresolved issues with respect to internal garage dimensions, on-site vehicle manoeuvring areas, vehicle movement blind spots and poor internal solar access. Objections have been lodged against the proposal.

**Summary of Recommendation**

It is recommended that Council refuse Development Application No 380/2003 as it does not comply with several requirements of Council's Development Control Plan (DCP) No 58 and has unresolved issues related to amenity and functionality.

**The Site**

The site comprises two allotments which front Murrandah Avenue. The two equal sized lots have a total area of 1449.40m<sup>2</sup>, combined frontage of 36.58m and depth of 39.63m. The site rises from RL 78.4 at the front north eastern corner to RL 82.7 at the south western corner, resulting in a change in level over the site of approximately 4.3m.

The site contains two existing dwellings and outbuildings, trees including a significant Lilly Pilly and a number of shrubs.

The site is flanked on the north and south by existing single storey dwellings and on the east by a row of single storey detached dwellings. A SEPP 5 development has been approved however not commenced on the allotments at the rear of the site, this land having frontage to The Old Hume Highway.

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A locality plan showing the subject site forms **Tabled Document “DC 1“**.

**Description of Proposal**

The application proposes the removal of the two existing dwellings, associated outbuildings and trees in the rear yard and the construction of two detached two storey dwellings and three attached two storey dwellings which each contain an attached double garage. The development is proposed to be Strata subdivided.

A plan of the proposed development forms **Tabled Document “DC 2“**.

Each of the proposed dwellings contain 3 bedrooms, a study (shown with built-in wardrobes), a kitchen, a living room, a family room, a dining room, two bathrooms, a laundry, a store area and a double garage.

Each dwelling contains a screened private courtyard which is located to the rear of each building.

The proposed development faces Murrandah Avenue. The front setback, being 5.5m, is less than the setback of the existing houses on either side of the site which are erected on an approximate alignment of 10.0m. A carport in front of the dwelling to the south however does extend to within 5m of the boundary. This structure is erected at street level is open with a flat roof and therefore has minimal impact on the streetscape.

It is proposed that eight trees on the site be removed. Further discussion in relation to the removal of the trees will be provided later in the report.

**Notification**

The application was notified to adjoining residents from 23 June until 8 July 2003. Two (2) submissions were received in response to the notification process. **A copy of these submissions were handed out separately with the Business Paper.**

**Planning Controls**

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

- Camden 2025
- Camden Local Environmental Plan No 46 (CLEP 46)
- Environmental Planning and Assessment Act

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- Development Control Plan No 58 (DCP 58)
- Sydney Regional Environmental Plan No 20 Hawkesbury-Nepean River (SREP 20).

**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.

The proposal was initially discussed with the applicant in a prelodgement meeting on 7 February 2003, where areas of non-compliance with Council's codes were highlighted. The proposal, which was lodged on 21 March 2003, was subsequently found to have not satisfactorily resolved many of the problematic issues discussed in the prelodgement meeting. The applicant was advised by letter on 22 April 2003 of the problems and the need to address them. Revised plans were subsequently submitted to Council and found to retain some of the major problems identified in the prelodgement meeting.

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

Camden 2025

Council has identified five [5] key areas for the purpose of achieving the vision of Camden by the year 2025. Aspects of the development relate to managing urban growth and environmental systems. The proposed development is not supportive of the planning document, which encourages 'growth in a planned and orderly way' with appropriate 'service infrastructure provisions'. Council seeks to ensure that infill development will suit the existing streetscape and it is this issue that has been highlighted in discussions with the applicant and raised by objectors to the development.

Camden LEP No 46

The subject site is zoned 2(b) Residential wherein the proposed development type is permissible with Council consent.

The relevant zone objectives are reproduced as follows:

- *to provide for all forms of residential development to be carried out in a functional, aesthetic and environmentally sensitive manner; and*

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- *to encourage redevelopment of land for medium density housing, including town houses, villas, cluster housing, semi-detached housing, small lots and the like, in locations close to main activity centres within the Camden local government area.*

The proposed development is inconsistent with the first objective of the zone in a number of respects. In regard to the aesthetic of the building, the design of the facades and the form of the buildings are not compatible with the character of the area, which is one of more conservative design, set by the 1950s buildings on the opposite side of the street. These will remain because they are not zoned for redevelopment for medium density housing. The buildings on the opposite side of the street establish the context in which the proposal should be assessed. Dwellings on the same side of the street as the subject site are also of similar design.

In regard to the environmental aspect, the massing and height of the structure in the vicinity of the southern boundary of the subject lot will cause significant overshadowing of the property to the south.

The proposal shows that each unit has three (3) rooms and one (1) study. As each study adjoins the majority of the bedrooms in each unit and contains built-in wardrobes, they are readily useable as a fourth bedroom. Each of the units have been assessed as having 4 bedrooms which provides a total of 20 bedrooms on the site. The development therefore proposes only four bedroom units on the site and does not provide a range of housing types or add to the diversity of dwelling sizes in the local housing market.

Development Control Plan No 58

The standards for residential development in the Camden local government area are outlined in DCP No 58. The requirements applicable to this particular development are discussed below:

***Open Space – Landscaping***

DCP 58 requires landscaping to be provided at a rate of 140m<sup>2</sup> per 3 bedroom (or greater) residential unit. As the proposal contains 5 units, a total of 700m<sup>2</sup> of landscaping is required.

The application does not comply with this requirement of the DCP as only 520m<sup>2</sup> of land is not covered by

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buildings or driveways and thus potentially useable as landscaped open space.

***Private Open Space***

DCP 58 requires the provision of 400m<sup>2</sup> (80m<sup>2</sup> per residential unit) of private open space. The proposed development complies with the minimum requirement because it provides for a total of 406.63m<sup>2</sup> private open space.

***Overshadowing***

The massing of the buildings and their height in the vicinity of the southern boundary will create an unacceptable level of overshadowing of the property to the south. The degree of overshadowing is not considered to be within the acceptable guidelines for overshadowing as outlined in DCP 58 and DCP 94.

The extent of overshadowing will significantly impact on any future medium density development on that site. The shadow diagram confirms that the private open space area of the property to the south will be reduced from that currently enjoyed however approximately half of the yard will receive sun in mid winter. Living room windows at the front of the house will be overshadowed from 9am onwards which will severely impact on the amenity of that residence.

***Building Character and Scale***

DCP 58 has a number of objectives relating to design criteria including the following:

- *To maintain and enhance the features that create local character and sense of place.*

The aesthetics of the building design do not reflect the conservative local character of the area and thus cannot maintain or enhance the local character of the place. The proposal introduces design elements that are not typical or related to the surrounding development and therefore will not positively contribute to the sense of place.

- *Development should enhance the existing or planned town character and streetscape.*

The design of the buildings does not possess a contextual relationship with the town character or streetscape as required by 7.2.1 (a) of DCP 58.

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- *The form, scale and siting of buildings, the materials and colours shall be appropriate to the character of the area.*

The form of the rear buildings, and their aggregation is inappropriate for the character of the street. The majority of the dwellings in the street are either weatherboard or fibro and single storey on varied setbacks. Because of the slope of the allotments, some of the dwellings have garages under which have resulted in minimal disturbance of site levels at boundaries because of the construction techniques employed. The proposed development relies on cut and fill to achieve finished levels and this requires the construction of perimeter retaining walls in some locations of a height of up to 1.4m. this exceeds the maximum cut and fill allowance of 0.5m.

- *Building heights are regulated to maintain the low-rise residential character of the Camden area and to minimise the impact on existing residential development.*

While the height of the buildings is compliant with DCP 58, their close proximity to the southern boundary poses unacceptable overshadowing of the property to the south.

The proposed development is expected to have an impact upon the streetscape due to the front setback which is less than that established by existing houses in the street. The design does not aesthetically accord with the character of the buildings in this section of the street.

### ***Drainage***

The submitted drainage plan has currently left the following matters unresolved. It is noted that these issues could be addressed at the Construction Certificate stage by imposing appropriate conditions.

The overland flow from upslope land appears likely to be redirected by the proposed retaining walls and the perimeter fencing with adverse impacts expected for the properties to the south and north of the subject site.

The overland flow path from the on-site detention (OSD) near the drainage easement is not clearly defined as draining directly to Council's gutter. An underground pipe is to be installed by the developers in the

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carriageway to receive stormwater from this and upstream development. This could be a condition of consent.

The layout of the buildings depicted on the drainage plan differs from that on the architectural plan thus introducing some uncertainty in the assessment process.

***Carparking***

DCP 58 requires the provision of two (2) car parking spaces per unit, plus 1 visitor car parking space per four (4) dwellings. The proposed development complies numerically with DCP 58 in that it provides 2 carparking spaces in each garage and two visitor spaces, in front of Units 3 and 5 respectively.

The openings for the garages do not provide the minimum 2.7m width required for easy vehicle entry and exit. Steps encroach one of the parking spaces within garages 1, 2 and 3 thereby reducing the effective length of these spaces to less than 5.5m. Further, a doorway swings into garage 5 which limits the usability of that parking space. Due to the limited lengths of the garage spaces, parking required does not satisfy DCP requirements.

The proposed driveway of width of 4.9m will generally allow vehicles to pass.

The resident and visitor parking spaces have been acceptably provided behind the front building line.

***Privacy***

DCP 58 provides that development should:

- *Avoid overlooking of main internal living areas or courtyards or the northern aspect of adjacent development.*
- *Provide screening where overlooking is unavoidable.*

The proposed development has potential for overlooking of the private courtyards of Units 1 and 2 from the rear units.

***Solar access Provision***

The siting of the living areas on the southern side of the buildings, within Units 1 and 2 will result in poor solar

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access within these units and accordingly reduces the amenity for the occupiers. The living areas of dwellings 3 and 4 would not receive the necessary 3 hours sunlight per day.

Evidence has not been provided that the 25m<sup>2</sup> of principle private open space has the minimum required 3 hours sunlight exposure. Solar access measures have not been described as required under 7.1.2 (a) of DCP 58.

***Garage Sizes***

The double garages do not provide an unobstructed width of 5.6m and length of 5.5m because they are intruded upon by internal staircases.

***Blind Spot***

The configuration of the fencing that encloses the rear courtyards of Units 1 and 2 is problematic because it creates blind spots at the intersection of the internal driveway. This poses potential risks to pedestrian and motorist safety.

***Shadow Diagram***

The revised shadow diagram has not included the shadow cast by the new multi unit building being constructed on the lot to the rear (west) of the subject site and Council is unable to appropriately assess the impact of the overshadowing of the subject site without this information.

***Tree Removal***

The proposal seeks the removal of a number of trees and shrubs including a significant Lilly Pilly tree in the rear yard to facilitate the construction of the development.

Council's Vegetation Management Officer has inspected the site. The Lilly Pilly is located midway along the existing dividing fence between 19 and 21 Murrandah Avenue and is thus currently located within the proposed driveway. The tree is a mature specimen showing a reasonably health and vigour, a crown approximately 5m x 5m and is structurally sound.

Safe useful life expectancy of this tree is estimated at between 15-40 years. The overall condition of this tree and the known performance of this species in Camden suggest that it would be resilient to minor root

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disturbance associated with any proposed development, however, stringent protection measures would need to be adhered to during any construction stage.

This tree is a viable landscape component with instant amenity value for sensitive site development. Hence, it is recommended that extraordinary efforts are made to secure the long-term retention of this tree. Its retention would require redesign of the development however the tree could form a focal point within the centre of the development for enjoyment of residents.

The proposed development makes no compensation for the removal of vegetation from the site other than planting two Lilli Pilli trees in the front setback area. Minimal planting is proposed internally with small shrubs around the perimeter of the driveway the only internal planting. No planting other than turf is proposed within the courtyards.

***Building Setback***

The front walls of the new buildings are setback at 5.5m from the front boundary and are not compliant with the requirements of 7.2.3 (b) of DCP 58 which requires consistency with the setback of the existing houses in Murrandah Avenue. The existing houses to the north and south of the proposal establishes the front setback to be applied to this development.

***Building Height***

While the new buildings are compliant with DCP 58 in terms of wall and roof ridge heights, the buildings that are proposed to be sited close to the southern boundary will cause unacceptable overshadowing of the property to the south.

***Subdivision***

Consolidation of the two subject lots into a single lot has not been sought by the application but would be a requirement, should approval be given for the proposal.

Consolidation of the two lots into a single 1449m<sup>2</sup> lot would be compliant with DCP 58 because it would exceed the minimum area requirement of 600m<sup>2</sup>. The consolidation would produce a single lot with a 39.625m frontage to Murrandah Avenue. Vehicular access would not be impeded by the Consolidation.

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Regional Environmental Plan No 20

SREP 20 provides that Council shall not grant consent to any application to carry out development which drains to the Hawkesbury-Nepean River system, unless it has taken into account the effect that development will have on the river system.

The development would be connected to Sydney Water's sewerage system and the Council stormwater system by way of detention basins and as such is expected to have no significant impact on the Hawkesbury-Nepean River.

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

The application proposes the removal of a number of trees from the site, which is shown on the plan. Council's Vegetation Management Officer sought the retention of one of these trees due to its value and the impact the loss of the tree would have on the visual appearance of the area.

The incompatibility of the building design with the existing streetscape is expected to adversely affect the theme of the streetscape and detract from the existing visual amenity of the area.

**(c) Suitability of the site**

The site is fully serviced [ie water, electricity, sewer and telephone) and is located in close proximity to Camden town centre.

The proposed development is located in Murrandah Avenue which is a local road and is considered to be capable of catering for the modest increased traffic movements generated by the proposal. The entrance and egress path at its interface with the roadway has acceptable sight distances available on both sides.

**[d] Any submission made in accordance with the Act**

As stated elsewhere in this report Council received two submissions as a consequence of the notification process. **Copies of these submissions were provided separately to Councillors.**

The submissions raised the following issues:

***Incompatible design***

The proposed design is believed to be out of character with the existing streetscape.

***Open space***

The amount of open space is believed to be insufficient for children to play.

***Overshadowing***

The development is believed to create overshadowing of the immediate neighbours.

***Solar access***

The development is believed to provide poor solar access for the occupants.

***Traffic and pedestrian safety***

The development is believed to compromise the safety of vehicle and pedestrian traffic.

The issues raised by the objectors are relevant and have been addressed earlier in the report.

**(e) Public Interest**

The site is within an area identified by Council's planning instruments as being suitable for redevelopment for medium density residential purposes.

The concept of multi-unit housing in this area is acceptable to the community, however the shortcomings of this proposal render it not being in the public interest, in its present form.

**Conclusion**

The proposed development does not comply with important aspects of DCP 58 for development of this type. The development is not consistent with the objectives of the Local Environmental Plan and the particular zone. The resulting development, in its present form, will detract from the amenity of the area.

Recommended: That consent to Development Application No 380/2003 at No 19 (Lots 15 & 16, DP 24039) Murrandah Avenue, Camden, be refused on the following grounds:

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- (i)* The development is inconsistent with the design criteria required under clause 7.2 of DCP 58.
- (ii)* The proposed setbacks do not maintain the setbacks of existing development and therefore do not comply with the provisions of clause 7.2.3(b) of DCP 58.
- (iii)* Inadequate provision has been made for the landscaping of the site and the proposal will result in the loss of a well-established tree which will alter the aesthetics of the area.
- (iv)* The design of the development does not meet the solar access requirements of DCP 94 for the subject property and the adjacent property particularly in relation to solar access to living areas and courtyards.
- (v)* The proposal will result in overlooking of private open space areas which is contrary to the provisions of clause 7.3.5 of DCP 58.
- (vi)* Carparking spaces do not meet the requirements of clause 7.4 of DCP 58.
- (vii)* The areas of landscaped open space does not satisfy the requirements of clause 5.3.3 of DCP 58.
- (viii)* The driveway layout does not allow for adequate sight distances for effective internal vehicle movements.

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**MOTION**

*Moved Cr Patterson, seconded Cr Corrigan that Development Application No. 380/2003 at No 19 (Lots 15 & 16, DP 24039) Murrandah Avenue, Camden, be approved subject to standard conditions that would usually be incorporated in any development consent for multi unit housing as determined by the Director Development & Environment with the following additional conditions being imposed:*

- (i) Carparking spaces meet the requirements of Clause 7.4 of DCP 58.*
- (ii) Garages provide an unobstructed width and length as required by the DCP.*
- (iii) Driveway layout to allow adequate sight distances for internal vehicle movements.*

DC084/03 THE MOTION ON BEING PUT WAS **CARRIED** ON THE CASTING  
\*\*\*\*\* VOTE OF THE MAYOR.

*(Cr Winn, Cr Batros and Cr Fekete voted against the Motion).*

The Meeting closed at 6.10pm.