



# Camden Local Planning Panel

## Determination and Statement of Reasons

<b>DATE OF DETERMINATION</b>	26 March 2020
<b>PANEL MEMBERS</b>	Stuart McDonald (Chairperson), Grant Christmas, Rachel Harrison, Dean Boone
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	None

Electronic meeting held between 17 March 2020 and 26 March 2020

### MATTER TO BE DETERMINED

- CLPP01 – DA/2020/38/1 – Internal and External Alterations to an Existing Shop at 76-100 Argyle Street, Camden.
- CLPP02 – DA/2019/963/1 – Detached Dual Occupancy and Strata Title Subdivision at 2 Hawkey Crescent, Camden.

### PANEL CONSIDERATION AND DECISION

#### **CLPP01      DA/2020/38/1 - INTERNAL AND EXTERNAL ALTERATIONS TO AN EXISTING SHOP AT 76-100 ARGYLE STREET, CAMDEN**

The Panel resolved to approve DA/2020/38/1 for internal and external alterations to an existing shop subject to the conditions attached to the Council officer's report.

### REASONS FOR DETERMINATION

1. The development is consistent with the objectives of the applicable environmental planning instruments, being Camden Local Environmental Plan 2010 and Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.
2. The development is consistent with the objectives of Camden Development Control Plan 2011.
3. The development is considered to be of an appropriate form for the site and the character of the locality.
4. The development is unlikely to have any unreasonable adverse impacts upon the natural or built environments.
5. In consideration of the aforementioned reasons, the development is a suitable use of the site and its approval is in the public interest.

**CLPP02      DA/2019/963/1 – FOR A DETACHED DUAL OCCUPANCY AND STRATA  
TITLE SUBDIVISION AT 2 HAWKEY CRESCENT, CAMDEN**

The Panel resolved to approve DA/2019/963/1 for the demolition of the garage/awning, construction of a two storey dwelling to create a detached dual occupancy and subsequent strata title subdivision at 2 Hawkey Crescent, Camden subject to the conditions attached to the Council officer's report and the further condition in the attached supplementary report.

**REASONS FOR DETERMINATION**

1. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy No 55 - Remediation of Land, Sydney Regional Environmental Plan No 20 - Hawkesbury- Nepean River, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 and Camden Local Environmental Plan 2010.
2. The development is consistent with the objectives of Camden Development Control Plan 2019.
3. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
4. The development is unlikely to have any unreasonable adverse impacts upon the natural or built environment.
5. In consideration of the aforementioned reasons, the development is a suitable use of the site and its approval is in the public interest.

<b>PANEL MEMBERS</b>	
 <b>Stuart McDonald</b> (Chairperson)	 <b>Grant Christmas</b> (Expert Panel Member)
 <b>Rachel Harrison</b> (Expert Panel Member)	 <b>Dean Boone</b> (Community Representative – North Ward)

## Supplementary Report

DA Number:	2019/963/1
Development:	Retention of the existing single storey dwelling, demolition of the garage and awning, construction of a two storey dwelling to create a detached dual occupancy and subsequent strata title subdivision
Estimated Cost of Development:	\$450,000
Site Address(es):	2 Hawkey Crescent, Camden

### PURPOSE OF REPORT

The purpose of this report is to provide additional information to the Camden Local Planning Panel ('the Panel') to facilitate the electronic determination of the above-described development application (DA).

### BACKGROUND

A Planning Assessment Report for the above-described DA was forwarded to the Panel seeking electronic determination of the application. It was recommended that the Panel approve the application subject to appropriate conditions.

The Panel have identified issues / matters that require further clarification to enable the determination of the application. The purpose of this supplementary report is to respond to the issues / matters raised.

### MATTERS REQUIRING CLARIFICATION

#### (i) Driveway Grade

A driveway gradient / cross section is provided on Dwg No. 5788 (Sheet 8/13). Council's Development Certification Branch have reviewed the driveway cross section and advise that it is satisfactory.

Council's Engineers have also confirmed that the driveway design across the grass verge is satisfactory subject to the imposition of appropriate conditions (as contained in the recommended conditions in the original planning assessment report).

#### (ii) Plan of Subdivision

The reference to a "two storey duplex" in the Plan of Subdivision (Reference 190181-SP) is an error and a recommended condition is proposed to ensure this is rectified (see below).

Council has also sought clarification from the applicant regarding the size of the strata lot for the new / rear dwelling. Lot 2 has an area of 3,636sqm (being a combination of the area of identified as 'R2' (438.1sqm) and 'R3' (3,198sqm)). The applicant has confirmed that the proposed strata

plan only contains two (2) Strata Lots, with Lot 1 having an area of 438.1sqm and Lot 2 having an area of 3,636sqm.

The breakdown of Lot 2 into an area marked 'R2' and 'R3' is indicative only and illustrates the final area of the lot should the land zoned RE1 Public Recreation be acquired by Council sometime in the future. An appropriate condition is recommended to ensure the strata plan only approves two strata lots (see below).

(iii) Clothesline Extending Over Zone Boundary

The proposed clothesline for the new dwelling extends over the zone boundary and a condition of consent is proposed to ensure the clothesline is wholly contained within that part of the site zoned R2 Low Density Residential (see below).

(iv) Dual Occupancy on Land Zoned R2 Low Density Residential

The portion of the site zoned R2 Low Density Residential has an area of 1,003sqm thereby satisfying the minimum site area requirements for a dual occupancy as prescribed under Camden Local Environmental Plan 2010.

(v) Impact of Strata Subdivision of Future Acquisition

As noted above the applicant seeks to strata subdivide the land into two lots, with the land zoned RE1 Public Recreation contained wholly within the rear strata lot (i.e. Lot 2). Given the land is contained wholly within the rear strata lot (Lot 2), the proposed development will not impact on Council's ability to acquire this land in the future.

It is evident that the layout and design of the proposed development allows suitable levels of amenity for both dwellings should the land zoned RE1 Public Recreation be acquired by Council in the future.

(vi) Access to and ownership of Lot 64 DP29251

Lot 64 DP29251 is owned by Council. There are no easements over the subject site to facilitate access to this lot. It is further noted that Lot 64 DP29251 also has road frontage to Macquarie Avenue and forms part of a larger linear reserve that runs parallel to the Nepean River (Camden Bike Track) which has numerous entry points.

## RECOMMENDATION

It is recommended that the Panel approved DA/2019/963/1 as per the recommended conditions contained in the original planning assessment report and subject to the following additional condition being added under the heading **"1.0 – General Conditions of Consent"**

3. **Modified Documents and Plans** - The development shall be modified as follows:

- a) The description of the rear dwelling on Plan Ref.: 190181-SP, Sheet 1 of 2, prepared by Michael Warren Basil, dated 14.12.19, must be amended from "*No. 2 Two Storey Brick Duplex*" to "*Two Storey Dwelling*";
- b) The references "*R2*" and "*R3*" with accompanying areas of 438.1sqm and 3,198sqm respectively are to be removed from Plan Ref.: 190181-SP, Sheet 2 of 2, prepared by Michael Warren Basil, dated 14.12.19. The Strata Plan is to clearly indicate the

creation of two strata lots only with Lot 1 (containing the existing dwelling) having an area of 566sqm and Lot 2 (containing the new dwelling) having an area of 3,636sqm.

- c) The clothesline provided for the new / rear dwelling is to be relocated to be wholly located within the R2 Low Density zone, with Drawing No. 5788 (Issue I) Sheets 7 and 11 being amended accordingly.

Amended plans and documentation demonstrating compliance with the above must be provided to the Certifying Authority and Council prior to the issue of a Construction Certificate and prior to the release of the Strata Plan respectively.