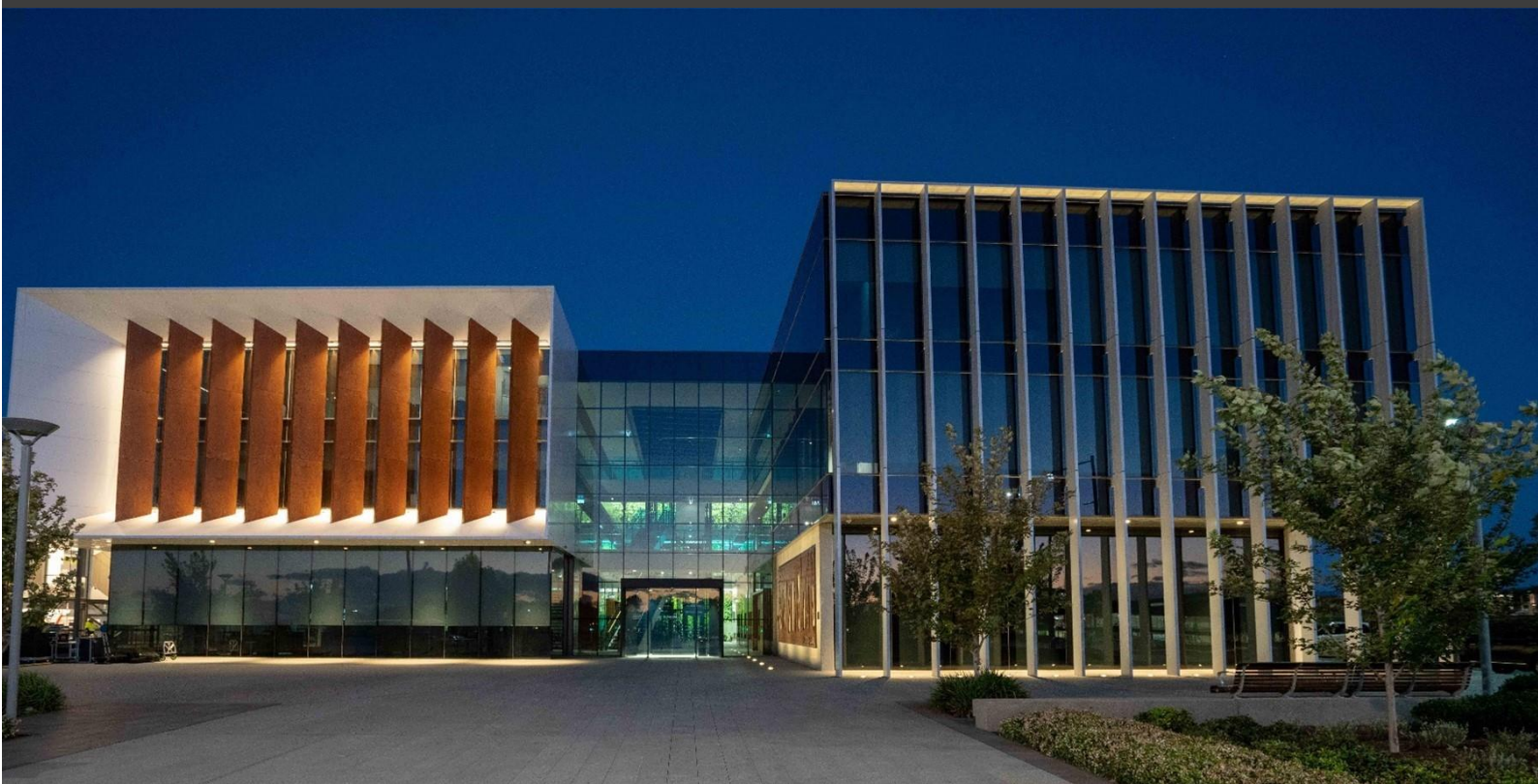


Business Paper

Camden Local Planning Panel
Electronic Determination

21 March 2023



camden
council

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CLPP01

SUBJECT: DA/2022/1000/1 - ALTERATIONS AND ADDITIONS TO EXISTING LICENCED PREMISES (CAMDEN HOTEL) - 105 ARGYLE STREET, CAMDEN

FROM: Manager Statutory Planning

EDMS #: 23/130047

DA Number:	2022/253/1
Development:	Alterations and additions to a licenced premises (Camden Hotel) involving modification to existing accommodation rooms and provision of a lift.
Estimated Cost of Development:	\$1,008,700
Site Address(es):	105 Argyle Street, Camden.
Applicant:	Mr Paul Camkin.
Owner(s):	Mr Paul Camkin. Mrs Estelle Kremer.
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 – Height of Buildings – Camden Local Environmental Plan 2010.
Classification:	Local development.
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Departure from a development standard greater than 10%.
Report Prepared By:	Mr Lachlan Hutton – DA Assessment (West).

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for alterations and additions to a licenced premises (Camden Hotel) involving modification to existing accommodation rooms and provision of a lift at 105 Argyle Street, Camden.

The Panel is to exercise Council’s consent authority functions for this DA as pursuant to the Minister for Planning’s Section 9.1 Direction, it proposes a contravention to the height of buildings development standard greater than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/1000/1 for alterations and additions to the Camden Hotel pursuant to Section 4.16 of the *Environmental Planning and Assessment Act, 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for alterations and additions to a licenced premises (Camden Hotel) involving modification to existing accommodation rooms and provision of a lift at 105 Argyle Street, Camden.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 5 December to 19 December 2022 and no submissions were received.

The subject site is zoned B2 Local Centre and development for the purposes of a “pub” and “hotel or motel accommodation” are permitted with consent under the Camden Local Environmental Plan (CLEP) 2010. The proposal seeks to contravene the height of buildings development standard prescribed under clause 4.3 of CLEP 2010 (7m) as the proposed development has a maximum height of 11.035m. The applicant has submitted a Clause 4.6 written request seeking to justify this contravention. The contravention is assessed in detail in this report and is supported by Council staff.

The proposed development otherwise complies with the objectives and controls contained in the relevant planning instruments.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

KEY PLANNING CONTROL VARIATIONS

Development Standard	Proposed	Variation
4.3 – Height of Buildings (7m)	11.035m	4.035m / 57.64%

AERIAL PHOTO



THE SITE

The site is commonly known as 105 Argyle Street, Camden and is legally described as Lot 11 in DP838964. The site contains a three-storey Tudor Style building which prominently presents to the south along Argyle Street. Pedestrian access to the site is provided from Argyle Street, with vehicular and secondary pedestrian access provided from Larkin Place at the rear (north) where (5) at-grade car parking spaces exist (refer images 1-3).

Since its establishment, minor additions have occurred mainly contained internally and to the rear of the building. These relate to minor alterations and additions to internal ground floor entertainment rooms and outdoor dining areas.

Situated within the Camden Town Centre Heritage Conservation Area (HCA), the site is located on the northern side of Argyle Street and is within proximity to several local heritage items, namely (I8) – Plough and Harrow Inn; (I9) – Commercial Building “Whitemans”; (I11) – NAB Bank; (I47) – Camden Library / Former Fire Station; and (I48) – St Andrews Church. The surrounding locality is characterised by a mixture of attached single and two storey face-brick commercial buildings containing retail premises, offices, cafes and pubs.

The site is bound by Argyle Street to the south with a frontage of approximately 20 metres, and adjoins a small café along the eastern boundary, a vacant commercial tenancy to the western boundary and a Council car park to the northern rear frontage.



Image 1: Primary elevation of site viewed from southern-most side of Argyle Street.



Image 2: Rear northern elevation viewed from Council car park / Larkin Place.

CLPP01



Image 3: Observing Council car park / Larkin Place facing north.

HERITAGE MAP

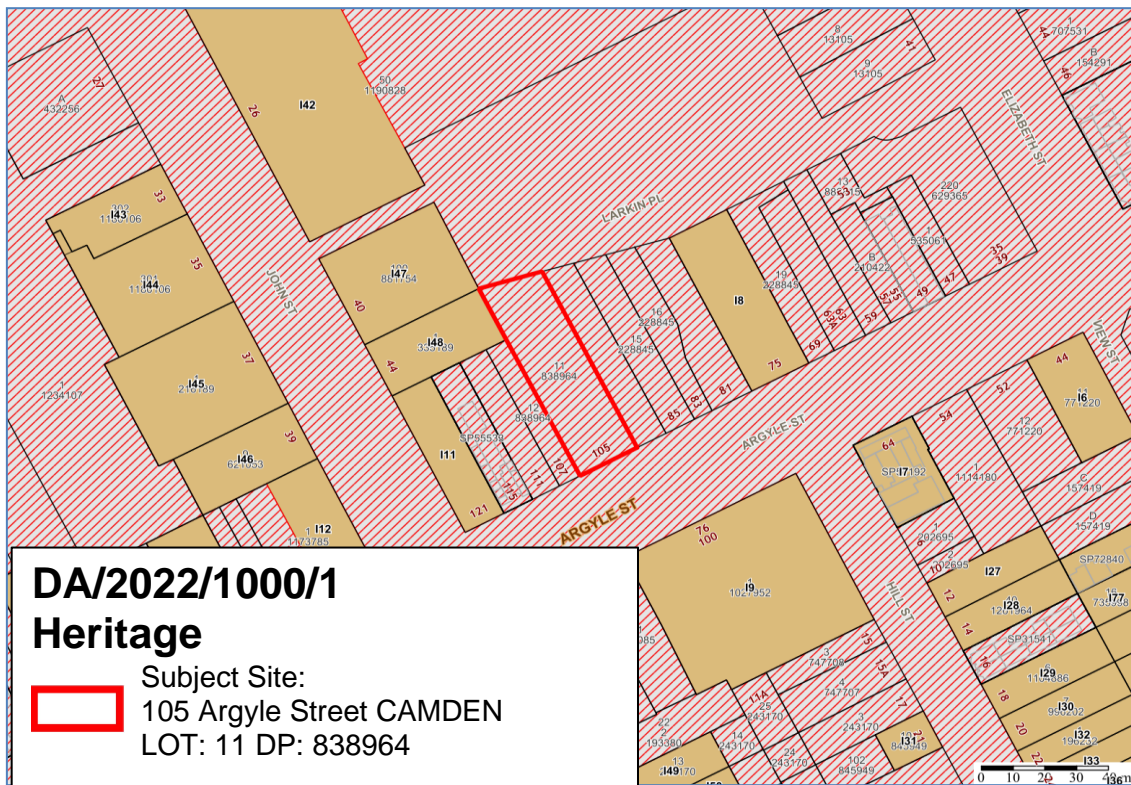


Figure 2: Heritage map with site outlined in red (nearby heritage items indicated in ...)

ZONING PLAN

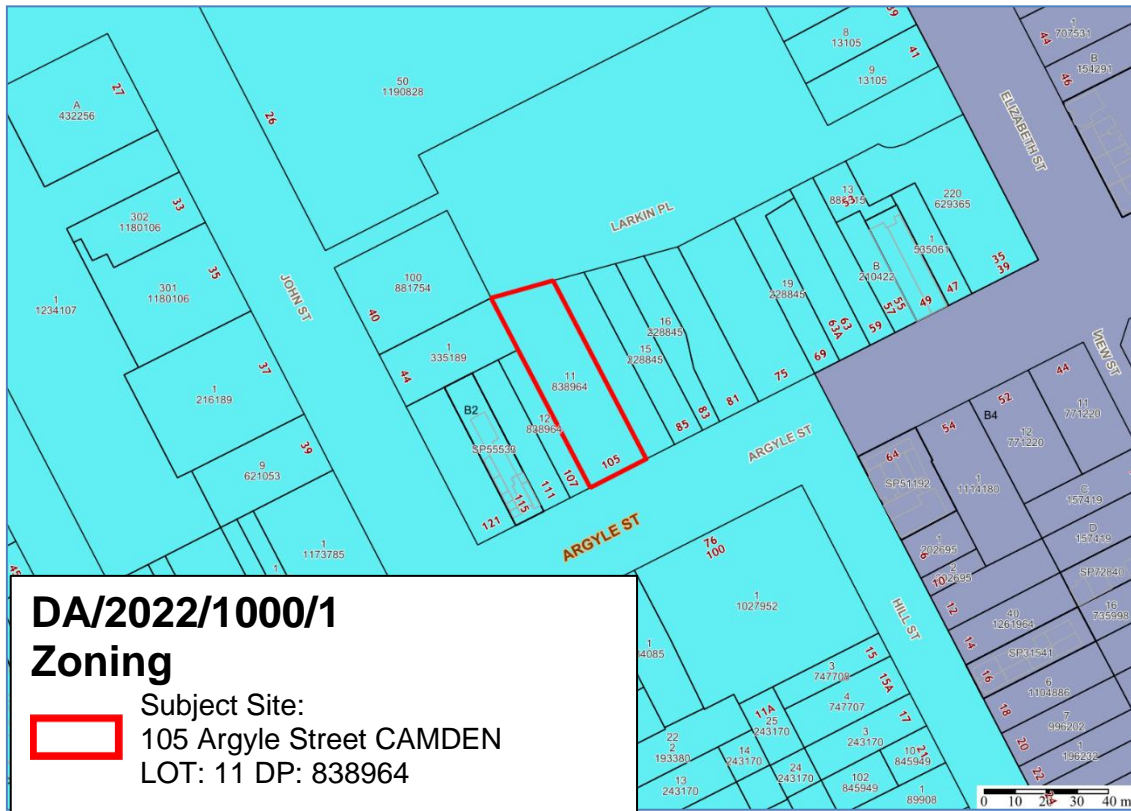


Figure 3: Zoning map of the site (zoned B2 Local Centre).

HISTORY

The relevant development history of the site is summarised in the following table:

DA / Determination Date.	Development.
DA/2006/825/1 - 1 September 2006.	Development consent granted for a screened external rear deck.
DA/2010/842/1 - 6 September 2010.	Development consent granted for the extension of hours of use of the external deck area.
DA/2012/1043/1 - 31 May 2013.	Development consent granted for the extension of the existing outdoor deck/terrace area and associated fencing at the rear of the Hotel, removal of two existing on-site car parking spaces, removal of false Tudor windows and terracotta tiles at the rear of the Hotel and the replacement of the roof tiles with a modern Colorbond roof and construction of a solid shade sale over the extended deck, a fence above the deck area and the provision of a new pedestrian exit at the rear of the deck.
DA/2016/497/1 - 17 August 2016.	Development consent granted for alterations and additions to the existing hotel to relocate games room and pool room.

THE PROPOSAL

DA/2022/1000/1 seeks approval for alterations and additions to a licenced premises (Camden Hotel) involving modification to existing accommodation rooms and provision of a lift.

Specifically, the application seeks approval for the:

- Construction of a new passage from existing accommodation entry from Argyle Street to location of new passenger lift.
- Construction of new passenger lift from ground floor to the second floor.
- Modification to provide ensuites within beds 1-7.
- Modification of two existing accommodation rooms on second floor.
- Construction of new storage space within roof cavity adjacent existing stairs.
- Extension to existing flat dormer roof to accommodate modification for bed 8 and 9 ensuite.

The estimated cost of the development is \$1,008,700.



Figure 4: Proposed primary (southern) frontage to Argyle Street.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.

- State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4.
- Camden Local Environmental Plan (2010).

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring impacts of future land uses are considered in a regional context. Council staff have considered the general planning considerations outlined by the Biodiversity and Conservation SEPP and are satisfied there will be no detrimental impact on the Hawkesbury-Nepean River system as a result of the development.

State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4

The Resilience and Hazards SEPP aims to provide a State-wide approach to the remediation of contaminated land. The site is not identified as an area of environmental concern. The proposal was considered by Council's Specialist Support Environmental Health Officer who concurs that the site is suitable for the proposed development. As such, based on all the information submitted, previous approvals and the current operation of site, the consent authority can be satisfied that the site is suitable for the proposed development.

Camden Local Environmental Plan 2010 (Camden LEP)

Camden LEP aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under Section 3.20 of the *Environmental Planning and Assessment Act, 1979*.

Site Zoning

The site is zoned B2 Local Centre pursuant to Clause 2.2 of the Camden LEP.

Land Use/Development Definitions

The development is characterised as a “pub” and “hotel or motel accommodation” by the Camden LEP.

Permissibility

The proposed works are permissible with consent in the B2 Local Centre zone pursuant to Clause 2.3 and the land use table within Camden LEP.

Planning Controls

An assessment table in which the development is considered against the Camden LEP's planning controls is provided as an attachment to this report.

Proposed Contravention – Clause 4.3 – Height of Buildings.

The applicant proposes a contravention to the height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 7m.

The proposed development has a maximum building height of 11.035m measured to the top of the lift shaft, with two dormer's also contravening the development standard. The existing development already contravenes the maximum building height standard, with the addition of the lift shaft exceeding the maximum building height standard by 4.035m. Whilst the lift shaft contravenes the maximum building height standard, it does not exceed the height of the main roof line and chimneys of the existing development.

Contravention Assessment

Pursuant to clause 4.6(3) of the CLEP 2010, the applicant has submitted a written request that seeks to justify the contravention of the development standard.

The applicant's written request provides the following justification for the contravention:

- *The passenger lift is necessary for compliance with the DDA, BCA and relevant Australian Standards for equitable access to all parts of the building. The lift shaft needs to extend through the existing roof line and a minimum over run is necessary for the operation of the lift and this is determined by measurement from the top floor level that the lift services. There is no other option to provide a compliant alternate form of disabled access to the first and second floors. The location of the lift shaft has been carefully considered to be set back from the frontage and behind the existing main ridge line. The location is further restricted by needing to be in a position that allows use when the ground floor pub is closed as the accommodation rooms are a 24hr operation of business. Hence near the existing external and separated accommodation stair access is the logical position. It is considered that the lift shaft will not be predominately obscured when viewing from Argyle Street. As such, the proposed contravention is considered compatible with the character of the locality.*
- *The passenger lift will not impact any views or create any loss of privacy. It will only create a small shadow over the neighbouring retail building to the south which has no windows facing the common boundary and therefore has no impact.*
- *The proposed lift shaft will have no impact to the nearest heritage items as it's shadows will not reach them nor will it be likely visible. Should it be visible from upper levels of surrounding and nearby heritage buildings the impact is considered very minor that it has no affect.*
- *The passenger lift serves the needs of the community by providing equitable access to the accommodation rooms on the first and second floors.*
- *The passenger lift allows for greater employment opportunities at the hotel by providing equitable access to the accommodation rooms on the first and second floors.*
- *The passenger lift allows for the continued viability of the hotel accommodation by providing equitable access to the accommodation rooms on the first and second floors.*
- *The existing building already exceeds the relevant maximum height of building standard and the proposed lift shaft while exceeding the height limit by 4.035m it is still 2.05m below the existing height of the building and the lift shaft has a*

small footprint which is inset to the bulk and scale of the existing building making unnoticeable from the streetscape.

A copy of the applicant's written request is provided as an attachment to this report.

Council Staff Assessment

Pursuant to Clause 4.6(4) of CLEP 2010, Council staff are satisfied that:

- The applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the CLEP 2010; and
- The development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zones in which the development is proposed to be carried out.

The development standard contravention is supported for the following reasons:

- The development is consistent with the objectives of the development standard, as outlined below:
- a) *To ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality.*

The surrounding locality is characterised by a mixture of attached single and two storey face-brick commercial buildings containing retail premises, offices, cafes and pubs. Currently, the existing building stands at a height of 13.21m with the majority of its built form and height fronting to Argyle Street. The proposed lift shaft will be a maximum of 11.035m in height. The proposal also includes the addition of two dormer's, which sit lower than the lift shaft and below the height of the main roof line. The western lift shaft and dormer will be setback 8.4m from the primary southern boundary line, while the eastern dormer will be setback 3.1m from the primary southern boundary line. As such, the existing massing of the large hipped roof with two dormers and chimneys, recessed behind two prominent gable roof forms remain predominantly higher and more visible from Argyle Street. Figures 5, 6 and 7 demonstrate that the new additions will only be partially visible when standing on the adjacent (southern) side of Argyle Street, obscured by the existing gable roofs, chimneys and central median planting on Argyle Street. Therefore, the proposed additions remain compatible with the existing height, bulk and scale of the building, consistent with the surrounding locality observed.

CLPP01



Figure 5: Red line depicting approximate 7m height of building development standard.

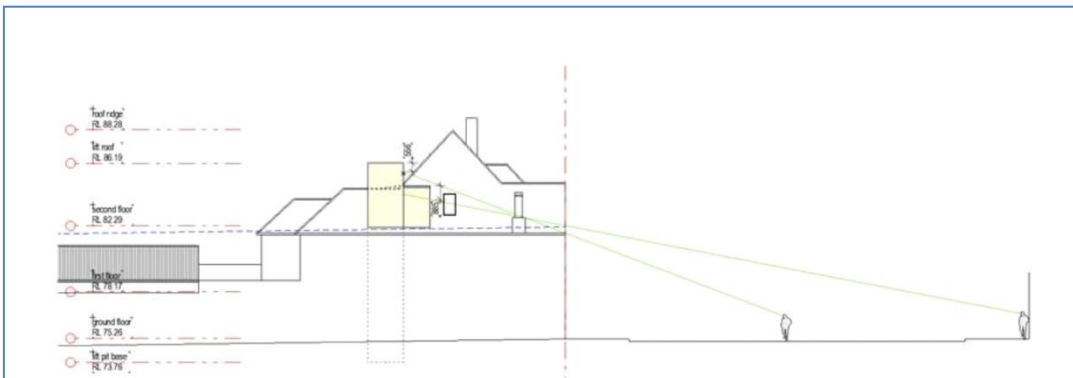


Figure 6: Sight distance assessment viewing western elevation, sightlines from middle of Argyle Street furthest southern side of Argyle Street.

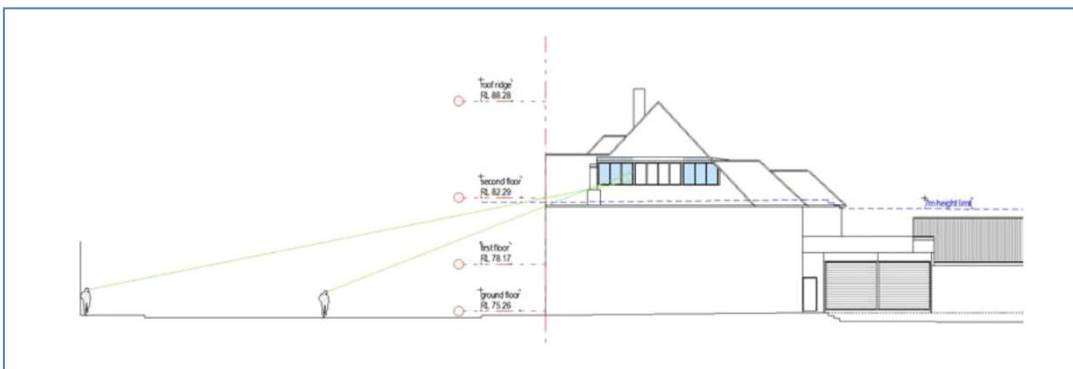


Figure 7: Sight distance assessment viewing eastern elevation, sightlines from middle of Argyle Street furthest southern side of Argyle Street.

- b) *To minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development.*

The visual impact to Argyle Street is negligible as discussed by objective (a) above. Similarly, the site is not located within a significant view line or vista that would otherwise be obstructed by the proposed additions. The extension of the eastern dormer contains windows providing solar access to the renovated bathrooms of rooms 8 and 9. There are no concerns of overlooking from these windows which overlook the roofs of commercial premises to the east.

- c) *To minimise the adverse impact of development on heritage conservation areas and heritage items.*

The site is located within proximity to several local heritage items, namely (I8) – Plough and Harrow Inn; (I9) – Commercial Building “Whitemans”; (I11) – NAB Bank, (I47) – Camden Library / Former Fire Station; and (I48) – St Andrews Church.

Of the surrounding local heritage items, the most potentially affected building is St Andrews Church, located approximately 33 metres from the nearest works. Sightlines were observed around St Andrews Church (shown in figure 13 below), demonstrating the proposed works remain largely obscured. In addition, the proposed additions are not considered to compromise the overall integrity and fabric of the Camden Heritage Conservation Area, as the works are predominantly obscured and out of sight.



Figure 9: Blue line depicting distance from closest Local Heritage Item (St Andrews Church). Red lines depicting view lines from primary (western) frontage of St Andrews Church, rear (eastern) boundary of St Andrews Church and, public car park from Larkin Avenue.

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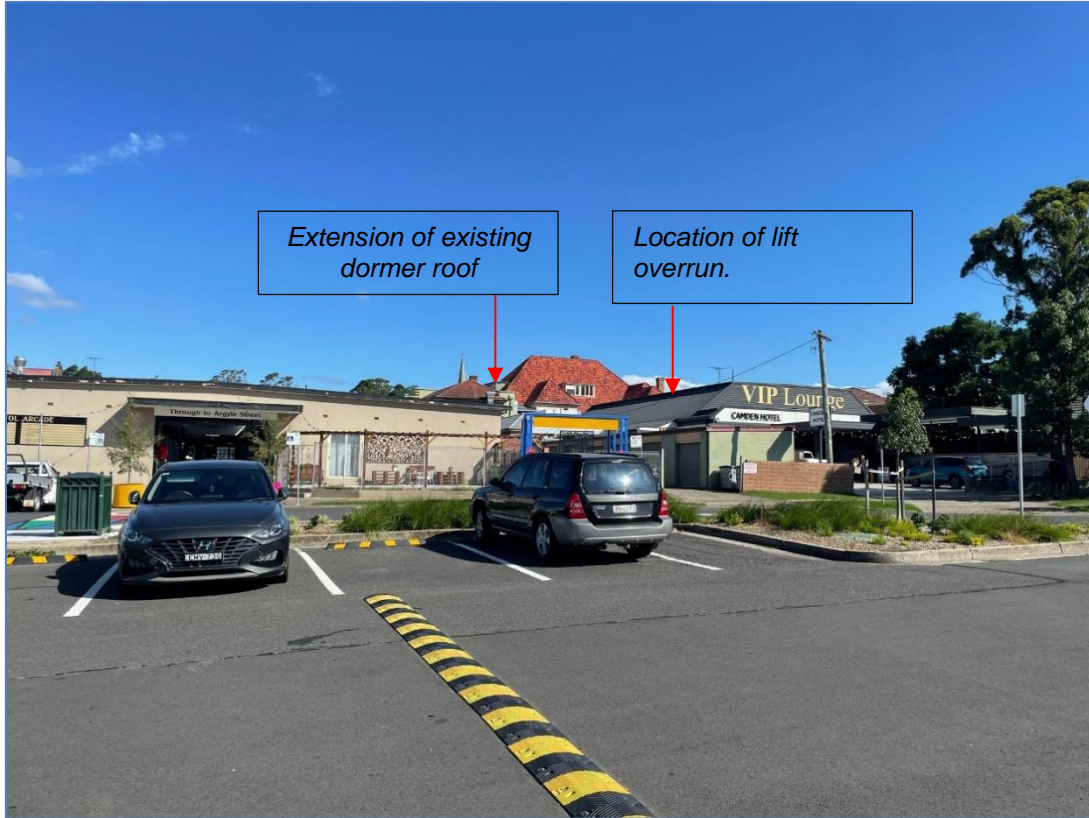


Image 4: Observing V1 from figure 13.



Image 5: Observing V2 from figure 13.



Image 6: Observing V3 from figure 13.

- The development is consistent with the objectives for the development within the zone in which the development is proposed to be carried out:

B2 Local Centre Zone

- 1) *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

The proposed development will provide additional accommodation to a prominent location within the local centre of Camden. As such, the proposed development will support the broader functions of the B2 Local Centre, accommodating guests within walkable and desirable locations.

- 2) *To encourage employment opportunities in accessible locations.*

The proposed works will facilitate additional employment opportunities within the hospitality field with the development requiring staff to clean and service the accommodation rooms. The proposed development is located centrally within the town centre and is accessible, with nearby bus routes along Argyle Street.

- 3) *To maximise public transport patronage and encourage walking and cycling.*

The site's central location within the local centre will encourage guests to walk over driving in comparison to accommodation provided outside of the local centre.

- 4) *To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level.*

No changes are proposed to the lower ground floor that would result in loss of activation. Activation to the ground floor is retained by the use of the lower ground floor as a licensed premises.

- 5) *To minimise conflict between land uses within the zone and land uses within adjoining zones.*

The building will retain its original use as a licenced premises and hotel. As such, the development remains consistent with the existing land uses within the B2 Local Centre zone. The site does not adjoin any other zone.

- 6) *To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone*

The development complements other land uses within the B2 Local Centre zone, as it will allow guests to stay in the Local Government Area and in the Camden Town Centre, and thus enabling further interaction with other businesses within the Town Centre.

It is noted that the Panel may assume the concurrence of the Secretary pursuant to Planning Circular PS 20-002.

Consequently, it is recommended that the Panel support this proposed contravention to the CLEP 2010.

- (a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)***

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP)

The development is consistent with the Draft Remediation of Land SEPP in that it is consistent with the Resilience and Hazards SEPP.

- (a)(iii) the provisions of any development control plan***

Camden Development Control Plan 2019 (Camden DCP)

The proposal is consistent with the relevant matters contained in the Camden DCP. An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

(a)(iii) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that are addressed in the conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

The development is unlikely to have any unreasonable adverse impacts upon the natural and built environments or generate adverse social and economic impacts within the locality.

Significance of Internal Building Fabric.

The applicant intends to retain a large portion of the internal building fabric with the majority of internal works involving the relocation of partition walls required to reconfigure accommodation rooms. Of note, the internal works do not increase the amount of accommodation rooms or increase gross floor area. Council staff have carried out a site inspection of the existing development and note the accommodation rooms do not appear to be in active use, appearing to be disused for some time. In addition, it was observed that most rooms were being used for the purpose of storing bulky and miscellaneous equipment associated with the licensed premises (refer images 7-11). In this regard the applicant has expressed the importance of such works proposed:

“We also ask that Council consider the value to the community of the development in contributing to the village centre atmosphere as a vibrant place for locals and visitors”.

The proposal has been reviewed by Council’s Heritage Advisor who supports the proposed development.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act, 1979*, the *Environmental Planning and Assessment Regulation, 2021*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

Nil

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act, 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel:

- i. 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
- ii. approve DA/2022/1000/1 for alterations and additions to the Camden Hotel at 105 Argyle Street, Camden subject to the conditions attached to this report for the following reasons:
 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 development standard in Clause 4.3 of Camden Local Environmental Plan 2010 and the objectives for development within the B2 Local Centre zone.
 2. The development is consistent with the objectives and controls of the applicable environmental planning instruments, being State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Resilience and Hazards) 2021; and Camden Local Environmental Plan 2010.
 3. The development is consistent with the objectives and controls of the Camden Development Control Plan 2019.
 4. The development is of an appropriate scale and form for the site and the character of the locality.
 5. Subject to recommended conditions, the development is unlikely to have any unreasonable adverse impacts on the natural or built environment.

6. For the above reasons, the development is a suitable use of the site and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Camden LEP 2010 Assessment Table
3. Camden DCP 2019 Assessment Table
4. Clause 4.6 Written Request
5. Architectural Plans

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RECOMMENDED CONDITIONS**1.0 - General Conditions of Consent**

The following conditions of consent are general conditions applying to the development.

- (1) **Approved Plans and Documents** - Development shall be carried out in accordance with the following plans and documents, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Project No. 2117, Drawing No. DA-01-1, Rev B.	Ground Floor Plan.	Darren Mah Design Pty Ltd.	13/01/2023.
Project No. 2117, Drawing No. DA-02-1, Rev B.	First Floor Plan.	Darren Mah Design Pty Ltd.	13/01/2023.
Project No. 2117, Drawing No. DA-03-1, Rev B.	Second Floor Plan.	Darren Mah Design Pty Ltd.	13/01/2023.
Project No. 2117, Drawing No. DA-05-1, Rev D.	Elevations External Finishes and Colours.	Darren Mah Design Pty Ltd.	01/03/2023.
Project No. 2117, Drawing No. DA-05-2, Rev A.	Elevations and Section 01.	Darren Mah Design Pty Ltd.	28/10/2022.
Project No. 2117, Drawing No. DA-04-1, Rev B.	Roof Plan.	Darren Mah Design Pty Ltd.	13/01/2023.

Document Title	Prepared by	Date
Acoustical Report, Ref 5597R20220913asCamdenHotel_DA.	Koikas Acoustics.	11/11/2022.
Camden Hotel – Accommodation – Plan of Management.	Applicant.	Undated.

- (2) **National Construction Code - Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA as in force on the relevant date. In this condition the relevant date has the same meaning as in the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, section 19.
- (3) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and

- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the condition not applying.

A copy of the written consent must be provided to the principal certifier prior to the excavation commencing.

- (4) **Engineering Specifications** - The entire development shall be designed and constructed in accordance with Council's Engineering Specifications.
- (5) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

Note. The issue of this development consent does not imply concurrence or approval of any required public infrastructure work associated with the development.

2.0 - Prior to Issue of a Construction Certificate

The following conditions of consent shall be complied with prior to the issue of a Construction Certificate.

- (1) **Amended Plans** – The development shall be modified as follows:
- a) Approved plan titled "elevations external finishes and colours" ref DA-05-1, Rev D shall modify the dormer roofs and lift shaft colour to be 'Colorbond monument'.
- Amended plans or documentation demonstrating compliance shall be provided to the certifier prior to the issue of a Construction Certificate.
- (2) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer. A statement to that effect shall be provided to the accredited certifier.
- (3) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of a Construction Certificate the accredited certifier must:
- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems proposed for use in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
- b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as proposed.

- (4) **Damages Bond** - The applicant is to lodge a bond with Council to ensure any damage to existing public infrastructure is rectified in accordance with Council's Development Infrastructure Bonds Policy.
- Note.** A fee is payable for the lodgement of the bond.
- (5) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.
- (6) **Upgrade to Comply with the BCA** - Pursuant to *Environmental Planning and Assessment Regulation 2021*, the existing building is to be upgraded in the following manner to bring the building into compliance with the BCA:
- a) Where existing fire rating linings are altered as a result of the new works, then all fire-rated linings throughout the building must be upgraded in accordance with Table 3 of Spec C1.1 of the Building Code of Australia to achieve compliance.
 - b) Where fire-rated elements abut into any existing building elements that do not achieve the minimum FRL requirements of Table 3 of Spec C1.1 of the Building Code of Australia and are dependent upon direct vertical or lateral support from another part to maintain its FRL, that supporting element must have an FRL not less than that required by Table 3 of Spec C1.1 of the Building Code of Australia.
 - c) Where services penetrate fire-rated elements as a result of the proposed development, then all penetrations must achieve compliance with Clause C3.15 of the Building Code of Australia to maintain the FRL requirements of the fire-rated element.
 - d) The balustrade in the internal stairwell adjacent to the proposed lift is to be increased in height to a minimum of 1000mm to comply with clause D2.16 of the Building Code of Australia.

Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.

3.0 - Prior to Commencement of Works

The following conditions of consent shall be complied with prior to any works commencing on the development site.

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;

- c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,

- b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- c) the name, address and telephone number of the principal certifier for the work.

The sign must be maintained while the work is being carried out and removed when the work has been completed.

- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.

- (8) **Dilapidation Report – Council Property** - A dilapidation report prepared by a suitably qualified person, including a photographic survey of existing public roads, kerbs, footpaths, drainage structures, street trees and any other existing public infrastructure within the immediate area of the site shall be prepared. The report must be submitted to the principal certifier and Council at least 2 days prior to the commencement of works.

Should any public property or the environment sustain damage during the course of and as a result of construction, or if the construction works put Council's assets or the environment at risk, Council may carry out any works necessary to repair the damage or remove the risk. The costs incurred will be deducted from the applicant's damages bond.

- (9) **Traffic Management Plan** - A traffic management plan shall be prepared in accordance with Council's Engineering Specifications and AS 1742.3. The plan must be submitted to the principal certifier.
- (10) **Construction Waste Management Plan** - A construction waste management plan must be prepared for all construction work on the site. The plan must incorporate the concept of recycling and reuse where practicable, include the requirement to dispose of material not suitable for reuse or recycling at a licenced waste facility. The plan must be kept on site for compliance until the completion of all construction works.
- (11) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.

- (12) **Hazardous Building Materials Assessment** - A Hazardous Building Material Assessment (HBMA) shall be undertaken on all buildings and structures to be

demolished or altered that identifies all hazardous components on site. A HBMA report shall be provided to the principal certifier and Council.

Once hazardous components are identified, all works that involve the demolition and removal of the hazardous materials shall ensure that all site personnel are protected from risk of exposure in accordance with relevant SafeWork NSW and NSW Demolition Guidelines. Premises and occupants on adjoining land shall also be protected from exposure to any hazardous materials.

- (13) **Construction Management Plan** - A construction management plan that includes dust, soil and sediment and traffic management, prepared in accordance with Council's Engineering Design Specification, shall be provided to the principal certifier.

4.0 - During Works

The following conditions of consent shall be complied with during the construction phase of the development.

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,
- unless approved in writing by Council.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste storage area shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:

- i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (4) **Traffic Management Plan Implementation** - All traffic management procedures and systems identified in the approved traffic management plan shall be introduced and maintained during construction of the development to ensure safety and to minimise the effect on adjoining pedestrian and traffic systems.
- (5) **Site Signage** - A sign shall be erected at all entrances to the site and be maintained until the development has been completed. The sign shall be constructed of durable materials, be a minimum of 1200mm x 900mm, and read as follows:

"WARNING UP TO \$8,000 FINE. It is illegal to allow soil, cement slurry or other building materials to enter, drain or be pumped into the stormwater system. Camden Council (02 4654 7777) – Solution to Pollution."

The wording shall be a minimum of 120mm high and the remainder a minimum of 60mm high. The warning and fine details shall be in red bold capitals and the remaining words in dark coloured lower case letters on a white background, surrounded by a red border.
- (6) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
 - all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site's stabilised access point.
- (7) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (8) **Noise During Work** - Noise levels emitted during works must comply with:
 - (a) Construction period of 4 weeks and under:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 20 dB(A).

- (b) Construction period greater than 4 weeks and not exceeding 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 10 dB(A).

- (c) Construction period greater than 26 weeks:

The LAeq level measured over a period of not less than 15 minutes when the construction site is in operation must not exceed the background level by more than 5 dB(A).

Alternatively, noise levels emitted during works shall be restricted to comply with the NSW Environment Protection Authority Interim Construction Noise Guidelines.

- (9) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (10) **Hazardous Building Materials Assessment** - All works (including demolition and materials handling, storage, transport and disposal) shall be undertaken in accordance with the requirements outlined in the hazardous building material assessment. All material not suitable for recycling or reuse must be disposed of at a licenced waste facility authorised to accept that waste.

5.0 - Prior to Issue of an Occupation Certificate

An Occupation Certificate shall be obtained prior to any use or occupation of the development. The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Fire Safety Certificates** - A Fire Safety Certificate shall be provided to the principal certifier in accordance with the requirements of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.
- (2) **External Walls and Cladding Flammability** – The external walls of the building, including attachments, must comply with the relevant requirements of the National Construction Code (NCC). Prior to the issue of an Occupation Certificate principal certifier must:
- a) be satisfied that suitable evidence is provided to demonstrate that the products and systems used in the construction of external walls, including finishes and claddings such as synthetic or aluminium composite panels, comply with the relevant requirements of the NCC; and
 - b) ensure that the documentation relied upon in the approval processes includes an appropriate level of detail to demonstrate compliance with the NCC as built.
- (3) **Waste Management Plan** - The principal certifier shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (4) **Waste Collection Contract** - The building owner shall ensure that there is a contract with a licensed contractor for the removal of all waste. A copy of the contract is to be held on the premises at all times.

- (5) **Compliance with Acoustic Requirements** - Documentary evidence shall be provided to the principal certifier confirming the building/s has been constructed in accordance with the approved acoustic report titled "*Acoustical Report, proposed alterations and additions to Camden Hotel*", Project 5597c prepared by Koikas Acoustics Pty Ltd, dated 11 November 2022
- (6) **Upgrade to Comply with the BCA** - All building upgrade measures required to be installed pursuant to Section 64 of the EP&A Regulation 2021, shall be completed prior to use of the premises and the issue of an Occupation Certificate.
- (7) **Safer by Design** – CCTV cameras must be installed as per the approved plans. These must be maintained in good working order 24 hours a day, 7 days a week.

6.0 - Ongoing Use

The following conditions of consent are operational conditions applying to the development.

- (1) **Plan of Management** – The approved development shall be managed and operate in accordance with the approved Plan of Management.
- (2) **Use Storage Room** – The approved second floor storage area shall only store items associated with the approved accommodation rooms such as but not limited to (rollaway beds, linen, shampoo / conditions, soaps etc.).
- (3) **Manoeuvring of Vehicles** - All vehicles shall enter and exit the site in a forward direction.
- (4) **Removal of Graffiti** - The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.
- (5) **Loading to Occur on Site** - All loading and unloading operations are to be carried out wholly within the building/site. The loading dock shall be used for loading and unloading operations in connection with the approved use.
- (6) **Parking Areas to be Kept Clear** - At all times, the loading docks, car parking spaces, driveways and footpaths shall be kept clear of goods and shall not be used for storage purposes.
- (7) **Offensive Noise and Noise Compliance** - The use and occupation of the premises including all plant and equipment shall not give rise to any offensive noise within the meaning of the *Protection of the Environment Operations Act 1997*. Noise must also comply with the NSW Noise Policy for Industry 2017.
- (8) **No Waste to Be Stored Outside of the Site** – No waste is to be placed on any public land (eg. footpaths, roadways, plazas, reserves, etc.) or any other properties at any time.
- (9) **Amenity** - The approved development shall be conducted and patrons controlled at all times so that no interference occurs to the amenity of the area, the footpath, adjoining occupations or residential/business premises.

- (10) **Safer by Design** – The CCTV cameras must be maintained in good working order 24 hours a day, 7 days a week.

CLPP01

Attachment 1

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<p>2.7 Demolition requires development consent</p> <p>Development consent is required to demolish a building or work (unless the demolition is exempt or complying development under another environmental planning instrument).</p>	<p>Consent is sought for minor internal / external demolition works to enable the proposed development. Council's Heritage Advisor raises no objection to the demolition work proposed.</p>	Yes.
<p>4.3 Height of buildings</p> <p>Maximum building heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>The maximum building height for this site is 7.0m.</p>	<p>11.035m measured to the top of the lift shaft.</p> <p>The existing building already contravenes the maximum building height, with the addition of the lift shaft breaching the maximum building height by 4.035m. Whilst the lift shaft contravenes the maximum building standard, it does not exceed the height of the main roof line and chimneys of the existing building.</p> <p>The Applicant has submitted a Clause 4.6 written request in support of the proposed contravention.</p>	No.
<p>4.6 Exceptions to development standards</p> <p>Development consent may be granted for development that contravenes a development standard imposed by the LEP or any other environmental planning instrument.</p>	<p>Council staff are satisfied the applicant has adequately addressed the matters required by clause 4.6(3). Council staff have considered the applicants written request and are satisfied as required by clause 4.6(4).</p> <p>The applicant's Clause 4.6 written request is provided as an attached document, with Council's staff assessment of the Clause 4.6 written request contained within the main body of the assessment report.</p>	Yes.
<p>5.10 Heritage conservation</p> <p>Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>The site is located within the Camden Heritage Conservation Area and is in the vicinity of nearby heritage items. The applicant has prepared a Heritage Impact Statement (HIS) that has addressed the proposal against clause 5.10. The HIS and accompanying documentation was considered by Council's Heritage Advisor who supports the application. The application has been further considered against the objectives and controls in section 2.16 of the Camden DCP (2019).</p>	Yes.
<p>5.21 Flood planning</p> <p>Development consent must not be granted to development on land at or below the flood planning level unless the consent authority is satisfied the development meets sub-clause 2-4.</p>	<p>The PMF level for the site is 75AHD. Architectural plans indicate that the ground floor FFL will be 75.26AHD. As such, Council staff are satisfied the development will be entirely located above the PMF flood level.</p>	Yes.

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance?
<p>7.2 Airspace operations</p> <p>Before granting development consent to development on land that will penetrate an identified obstacle limitation surface or PANS-OPS surface, the consent authority must consult the relevant Commonwealth body about the application and give the body not less than 28 days within which to consider the application.</p> <p>The consent authority may only grant development consent for development referred to above if:</p> <p>(a) the relevant Commonwealth body is satisfied the development will not penetrate the obstacle limitation surface, or does not object to the consent authority granting development consent and any conditions provided will be imposed as far as practicable,</p> <p>(b) the relevant Commonwealth body is satisfied the development will penetrate the PANS-OPS surface and does not object to development consent being granted.</p>	<p>The site is located within Camden Airport OLS and is within the Inner Horizontal Surface. For development to penetrate this surface it would need to be at or, exceed an AHD of RL115.</p> <p>The architectural plans demonstrate the highest point of the existing development is 88.28AHD which is the highest point of the chimney penetrating above the main roof line.</p> <p>Council staff are satisfied the development does not require further consideration by clause 7.2(a), (b).</p>	<p>Yes.</p>

CLPP01

Attachment 2

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Section / Control	Assessment	Compliance?
2.3 Water Management.		
(1) Development must demonstrate compliance with Council's Engineering Specifications including requirements for detention, drainage and water sensitive urban design.	Development works include eaves to new dormer sections which will drain towards existing gutters and downpipes of the existing drainage system. Stormwater from the site will be managed via the existing system, which can cater for proposed additions, noting that the new roof elements penetrate above the existing roof pitch. Council's Engineering Department have raised no objection to the proposal subject to the imposition of standard conditions.	Yes.
2.8 Flood Hazard Management.		
(1) Development on flood prone land must comply with Council's Engineering Design Specifications and Flood Risk Management Policy.	The PMF level for the site is 75AHD. Architectural plans indicate that the ground floor FFL will be 75.26AHD. As such, Council staff are satisfied the development will be entirely located above the PMF flood level.	Yes.
2.9 Contamination and Potentially Contaminated Land Management.		
(1) SEPP 55 Assessment must be considered.	The site is not identified as an 'area of environmental concern'. The development has been considered by Council's Specialist Environmental Health Officer who concurs that the proposed development is suitable for the site.	Yes.
2.10 Development Near Camden Airport.		
(3) Buildings within OLS must use materials that have low reflectivity.	Proposed materials have low reflectivity.	Yes.
2.12 Acoustic Amenity.		
(1) Acoustic reports (where required), must be prepared by a suitably qualified consultant.	An acoustic report has been prepared which has identified design options for partition walls within the hotel accommodation to achieve acceptable sound insulation performance under the BCA. In addition, the report has demonstrated the proposal will not affect the existing amenity for neighbouring premises in respect to mechanical plant noise emissions. This report has been reviewed by Council's Specialist Support Environmental Health Officer who concurs with the assessment, subject to recommended conditions of consent.	Yes.
2.14 Waste Management.		
(1) Waste Management Plan (WMP) to be provided.	The proposal has been accompanied by a WMP. Ongoing waste is managed through an existing bin enclosure collected by private waste contractors. The existing arrangement is considered suitable for the development as there is no increase in floor area or waste generation.	Yes.
2.16.2 Heritage Concepts.		
2.16.3 General Heritage Provisions.		
Design. (2) New work must be easily identified as such and is required to be sympathetic to the heritage place. (3) When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged. (6) Where an addition is not visible from a street or public place, greater flexibility in design may be considered.	(2) Externally the new additions are limited to a lift shaft, which is obscured by the extension of two flat dormer roofs. The extension of the two flat dormer roofs is basic and non-intrusive and will be subservient to the existing façade and roof line. (3) No unsympathetic external elements exist that would warrant their removal. (6) The lift shaft and flat dormer roof located upon the western portion of the roof is located 8.4m from the southern boundary and is obscured by an existing chimney. Additionally, the extension of the flat dormer roof to the east of the roof is located 3.1m from the southern boundary and is recessed behind the	Yes.

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Section / Control	Assessment	Compliance?
(7) The significant internal and external fabric and building elements of the principal building are to be retained and conserved	second floor below. The applicant has demonstrated within the Statement of Environmental Effects that the additions will only be visible from the southern side of Argyle Street, whereby they are partially visible and obscured by street trees and a lightpole. (7) The location of the lift shaft will retain the existing stairwell. Generally, the internal fabric of each accommodation room will be retained.	
Sitting. (1) Alterations and additions to a heritage item or within a conservation area will be sited and designed to retain the intactness and consistency of the streetscape and the significance of the conservation area. (2) Additions to buildings in the conservation area are to be predominantly to the rear of the existing building. Additions should not visually dominate the existing building.	(1) This has been discussed under point (6) above. (2) This has been discussed under point (6) above.	Yes.
Roof and Roofscape. (1) The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area must be retained.	(1) The existing roof form is largely retained, with the exception to the obscured lift shaft and the dormer roof extensions.	Yes.
Height. (2) Dormers with traditional proportions and sympathetic detailing that complements the style and details of the roof may be considered	(2) Two dormers are an extension to the existing dormer roof to accommodate the lift shaft and allow extension of bathrooms to rooms 8 and 9. The extensions match the existing pitch and colour. As such, these are considered supportable.	Yes.
Materials and Finishes. (1) Alterations and additions to a heritage item or within a conservation area will be sited and designed to retain the intactness and consistency of the streetscape and the significance of the conservation area. (2) Additions to buildings in the conservation area are to be predominantly to the rear of the existing building. Additions should not visually dominate the existing building. (4) Where there is a uniform building front setback, new development must recognise this.	(1) Original materials, finishes, textures, and details have been retained where possible. (2) New materials, finishes and textures are sympathetic to the existing building. The dormer roofs and lift shaft will be finished in 'Colorbond monument', which is darker in colour to be subservient to the existing original mid-lighter colours. (4) Internal works largely relate to the relocation of internal walls to facilitate restored accommodation rooms. Generally, most of the internal building fabric is retained.	Yes.
Colours. (1) Colour schemes on heritage items must be appropriate and sympathetic to the building type period and architectural style.	(1) Colours proposed are sympathetic and have been reviewed by Council's Heritage Advisor.	Yes.
2.16.4 Camden Conservation Area.		
(1) Views associated with the St John's Church spire must not be compromised	Additions are located outside of the view line for St Johns Church / Spire.	Yes.
(7) Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive re-use opportunities can be used to facilitate the conservation of these buildings	The original use as a hotel/pub is retained with its longevity facilitated through the proposed alterations and additions.	Yes.
(8) Existing cottage dominated streetscapes must be retained, new development such as extensions/additions should be compatible with the existing streetscape.	The proposed works will not significantly alter the existing streetscape as discussed under point (6) from heading 'design' under section 2.16.3.	Yes.
(9) A two storey height limit must prevail except for significant architectural features incorporated into the design of buildings in significant locations.	Works sought do not impact the overall height of the existing building.	Yes.

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Section / Control	Assessment	Compliance?
(11) Development of the flood affected fringes of the town must not compromise the prevailing character.	All works are located above the PMF. The works will not compromise the prevailing character.	Yes.
5.2 General Controls Applying to all Business Zone Areas.		
Functions and Uses. (1) Development within business zones must incorporate a range of local retail, commercial, entertainment, childcare, residential and community uses to serve the needs of the local community.	(1) The proposed alterations and additions will provide additional accommodation within the local centre of Camden. This will support uses within the town centre, connecting visitors within walkable distances to businesses.	Yes.
Layout / Design. (2) Where development fronts the street or any other public place (including car parking areas and pedestrian thoroughfares) the development must be designed so that it addresses the street or public place. (3) New development must not detract from significant existing views and vistas.	(2) Alterations and additions where occurring externally are largely recessed from Argyle Street. (3) The proposed alterations and additions are not located within (or nearby) to any significant views and vistas.	Yes.
Built Form and Appearance. (1) Buildings should have a similar mass and scale to create a sense of consistency. Within business zones, generally there will be gradation of massing from a dense inner core to a less dense outer edge to provide an appropriate interface with land uses in the adjoining zones and symmetry to the building. (2) Business development must feature high quality architectural design and a built form that promotes a 'sense of place' and contemporary character for all business zones. (4) Building wall planes must contain variations and architectural design features in their front facades in order to provide visual interest. (7) Roof forms should be appropriately designed to respond to the built form of other nearby business development. The design of roofs may adopt traditional forms found in the immediate locality, or alternatively they may adopt a more contemporary appearance to a juxtaposition to traditional roof forms. However, it must be clearly demonstrated that the proposed roof form relates appropriately to the existing adjoining development. (12) Service infrastructure such as air conditioning and other plant must be screened from public view and must be incorporated into the design of the building. (14) Security devices must be integrated with the design of the building and must enable design features to be interpreted outside centre trading hours.	(1) Proposed works do not significantly alter the existing massing currently observed. (2) The development consists of alterations and additions to the existing structure. The works promote a sense of place restoring pub/hotel accommodation characteristic to the existing built form and the surrounding context of Argyle Street. (4) The front southern façade will be largely unchanged as observed immediately from Argyle Street. (7) The existing roof form is largely retained, with the exception to the obscured lift shaft and the dormer roof extensions. (12) The lift shaft will be largely obscured when viewed from Argyle Street. (14) Council staff requested that CCTV cameras be installed at the entrance/exit to the premises and common spaces (stairs, hallways etc.). These are indicated on the architectural plans and their management is discussed within the Plan of Management.	Yes.
5.3 Camden – B2 Local Centre.		
Layout/Design. (1) New development should complement or reinforce the retail functions of the centre, particularly along Argyle Street frontages and associated pedestrian accessways.	(1) The proposed alterations and additions will provide additional accommodation within the local centre of Camden. This will support uses within the town centre, connecting visitors within walkable distances to businesses.	Yes.

Camden Development Control Plan 2019 (Camden DCP) Assessment Table

Section / Control	Assessment	Compliance?
(2) Buildings should maintain and enhance the historic character of Argyle, Hill and John Streets in the town centre.	(2) The proposed works will restore existing accommodation rooms to a standard that will ensure its operation as a pub/hotel is retained, enhancing the historic character of Argyle Street.	
Heritage and Character. (1) The Camden township is located within the Camden Heritage Conservation Area. Reference must be made to Part 2 of this plan, with specific regard to Chapter 16. (2) Development within the B2 Local Centre zone at Camden must be consistent with the Camden Town Centre Urban Design Framework.	(1) Refer part 2.16 above. (2) The proposed works are minimal and as such, this control is not considered to strictly apply in this instance.	Yes.

CLPP01

Attachment 3

Our ref: 2117_clause 4.6

DARREN MAH DESIGN Pty Ltd

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28 October 2022

CLAUSE 4.6 VARIATION REQUEST

Camden Hotel
105 Argyle St Camden

CLPP01

Attachment 4

1.0 Introduction

This report contains a variation to a development standard in accordance with Clause 4.6 of the Camden Local Environmental Plan 2012 (Camden LEP 2010) which provides the framework for consideration of proposed variations to development standards. The variation sought under Clause 4.6 of the LEP has been prepared in accordance with the Land and Environment Court Ruling *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118. The case further clarified the correct approach of Clause 4.6 requests including that the clause does not require a development with a variation to have a better or neutral outcome. Clause 4.3 of Camden LEP 2010 specifies that the height of a building may not exceed the maximum height specified on the relevant Height of Buildings Map.

Clause 4.6 of the Camden LEP 2010 enables Council to grant consent for development even though the development varies a development standard. The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development.

Clauses 4.6 (3) and (4)(a)(ii) requires the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard. Clause 4.6(4)(a) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied:

- that the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case;
- that the applicant's written request has adequately demonstrated that there are sufficient environmental planning grounds to justify contravening the development standard; and
- that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The consent authority's satisfaction in respect of those matters must be informed by the objectives of clause 4.6, which are to provide an appropriate degree of flexibility in the application of the relevant controls and to achieve better outcomes for and from the development in question by allowing flexibility in particular circumstances.

The Land and Environment Court has established a set of factors to guide assessment of whether a variation to development standards should be approved. The original approach was set out in the judgment of Justice Lloyd in *Winten Property Group Ltd v North Sydney Council* [2001] 130 LGERA 79 at 89 in relation to variations lodged under State Environmental Planning Policy 1 – Development Standards (SEPP 1). This approach was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe).

While these cases referred to the former SEPP 1, the analysis remains relevant to the application of clause 4.6(3)(a). Further guidance on clause 4.6 of the Standard Instrument has been provided by the Land and Environment Court in a number of decisions, including:

- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118;
- *Turland v Wingecarribee Shire Council* [2018] NSWLEC 1511;
- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009;
- *Micaul Holdings Pty Limited v Randwick City Council* [2015] NSWLEC 1386; and
- *Moskovich v Waverley Council* [2016] NSWLEC 1015.

In accordance with the Camden LEP 2010 requirements, this Clause 4.6 variation request:

- identifies the development standard to be varied (Section 2);
- identifies the variation sought (Section 3);
- establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Section 4);
- demonstrates there are sufficient environmental planning grounds to justify the contravention (Section 5);
- demonstrates that the proposed variation is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out (Section 6); and
- provides an assessment of the matters the secretary is required to consider before providing concurrence (Section 7).

This Clause 4.6 variation request should be read in conjunction with the Statement of Environmental Effects (SEE) prepared by Darren Mah Design dated 28 October 2022. This Clause 4.6 variation request demonstrates that compliance with the height of building development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify variation to the standard.

2.0 Development Standard to be Varied

The development standard that is sought to be varied as part of this application is Clause 4.3 of the Camden LEP 2010, relating to the maximum building height.

The site is subject to a building height limit of 7m. The proposed development exceeds the maximum height allowance.

3.0 Nature of variation Sought

The maximum height of building on the site under the Camden LEP 2010 is 7m. The existing building on the site has a maximum height of 13.21m, therefore the existing building is already in excess of the maximum building height development standard applicable under the Camden LEP 2010. The proposed development seeks consent to allow the lift shaft to exceed the height limit by 4.035m however this is below the existing maximum height of the building.

This variation therefore seeks consent for the proposed building height of the new lift shaft to exceed the height limit by 4.035m but not to increase the existing building height which is above the top of the proposed lift shaft.

4.0 Clause 4.6(3)(a): Compliance with the Development Standard is Unreasonable or Unnecessary in the Circumstances of the Case

In *Wehbe*, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five ways in which it could be shown that a variation to a development standard was unreasonable or unnecessary. However, His Honour in that case (and subsequently in *Initial Action*) confirmed that these five ways are not exhaustive; they are merely the most commonly invoked ways. Further, an applicant does not need to establish all of the ways.

While *Wehbe* related to objections made pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis may be of assistance in applying clause 4.6 given that subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]; *Initial Action* at [16]).

The five methods outlined in *Wehbe* are:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (First Method).
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (Second Method).
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (Third Method).
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (Fourth Method).
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (Fifth Method).

In this instance, the First Method is of particular assistance in establishing that compliance with a development standard is unreasonable or unnecessary.

4.1 The objectives of the development standard are achieved notwithstanding the non-compliance (First Method)

The objectives of the maximum building height development standard contained in Clause 4.3 of the Camden LEP 2010 are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development,
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items.

The proposal is assessed against the objectives for the Height of Buildings development standard below.

Objective a) - to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality

The passenger lift is necessary for compliance with the DDA, BCA and relevant Australian Standards for equitable access to all parts of the building. The lift shaft needs to extend through the existing roof line a minimum over run is necessary for the operation of the lift and this is determined by measurement from the top floor level that the lift services. There is no other option to provide a compliant alternate form of disabled access to the first and second floors. The location of the lift shaft was carefully considered to be set back from the frontage and behind the main ridge line. The location is further restricted by needing to be in a position that allows use when the ground floor pub is closed as the accommodation rooms are a 24hr operation of business. Hence near the existing external and separated accommodation stair access is the logical position. It is considered that the lift shaft will be not visible from the Argyle St streetscape and is therefore compatible with the character of the locality.

Objective b) - to minimise the visual impact, disruption of views, loss of privacy and loss of solar access to existing development

The passenger lift will not impact any views or create any loss of privacy. It will only create a small shadow over the neighbouring retail building to the south which has no windows facing the common boundary and therefore has no impact.

Objective c) - to minimise the adverse impact of development on heritage conservation areas and heritage items

The proposed lift shaft will have no impact to the nearest heritage items as it's shadows will not reach them nor will it be likely visible. Should it be visible from upper levels of surrounding and nearby heritage buildings the impact is considered very minor that it has no affect. The lift is a necessary element in providing equitable access under the DDA to the building.

5.0 Clause 4.6(3)(b) There are Sufficient Environmental Planning Grounds to Justify Contravening the Development Standard

Clause 4.6(3)(b) of the Camden LEP 2010 requires the consent authority to be satisfied that the applicant's written request has adequately addressed clause 4.6(3)(b), by demonstrating:

That there are sufficient environmental planning grounds to justify contravening the development standard.

The environmental planning grounds relied on in the written request under Clause 4.6 must be sufficient to justify contravening the development standard. The focus is on the aspect of the development that contravenes the development standard, not the development as a whole. Therefore, the environmental planning grounds advanced in the written request must justify the contravention of the development standard and not simply promote the benefits of carrying out the development as a whole (Initial Action v Woollahra Municipal Council [24] and Turland v Wingecarribee Shire Council [42]).

In this instance the relevant aspect of the development is the height of building that exceeds the development standard. It is also pertinent to note that the existing building already exceeds the relevant maximum height of building standard and the proposed lift shaft while exceeding the height limit by 4.035m it is still 2.05m below the existing height of the building and the lift shaft has a small footprint which is inset to the bulk and scale of the existing building making unnoticeable from the streetscape.

There are sufficient environmental planning grounds to justify a flexible approach to the application of the height of building control as it applies to the site. In Four2Five, the Court found that the environmental planning grounds advanced by the applicant in a Clause 4.6 variation request must be particular to the circumstances of the proposed development on that site. The applicable circumstances that relate to the site are discussed below.

The building height proposed is minor as noted above and the addition has no impact to the surrounding streetscape or local neighbourhood therefore the intent of the objectives are satisfied and in this regard, there are sufficient environmental planning grounds to justify contravening the development standard.

6.0 Clause 4.6(4)(A)(ii) The Proposed Development Will Be In The Public Interest Because It Is Consistent With The Objectives Of The Particular Standard And The Objectives For Development Within The Zone In Which The Development Is Proposed To Be Carried Out

6.1 Consistency with the objectives of the development standard

The proposed development is consistent with the objectives of the height of building development standard, for the reasons discussed in Section 4.1 and 5.0 of this report.

6.2 Consistency with the B2 – Local Centre

Objective 1 - To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area

The passenger lift serves the needs of the community by providing equitable access to the accommodation rooms on the first and second floors.

Objective 2 - To encourage employment opportunities in accessible locations

The passenger lift allows for greater employment opportunities at the hotel by providing equitable access to the accommodation rooms on the first and second floors.

Objective 3 - To maximise public transport patronage and encourage walking and cycling

Not applicable

Objective 4 - To ensure that mixed use developments present an active frontage to the street by locating business, retail and community uses at ground level

Not applicable

Objective 5 - To minimise conflict between land uses within the zone and land uses within adjoining zones

Not applicable

Objective 6 - To enable other land uses that are complementary to and do not detract from the viability of retail, business, entertainment and community uses within the zone

The passenger lift allows for the continued viability of the hotel accommodation by providing equitable access to the accommodation rooms on the first and second floors.

7.0 Secretary's Concurrence

Under Clause 4.6(5) of Camden LEP 2010, the Secretary's concurrence is required prior to any variation being granted. Under clause 64 of the Environmental Planning and Assessment Regulation 2000, the Secretary has given written notice dated 21 February 2018 to each consent authority, that it may assume the Secretary's concurrence for exceptions to development standards in respect of applications made under clause 4.6, subject to the conditions in the table in the notice. We note that none of the conditions in the table apply to the proposed development, therefore the Secretary's concurrence is assumed.

Nevertheless, the following section provides a response to those matters set out in Clause 4.6(5) of the Camden LEP 2010 which must be considered by the Secretary.

7.1 Clause 4.6(5)(a): Whether a contravention of the development standard raises any matter of significance for State or regional environmental planning

The variation to the height of building standard of Camden LEP 2010 will not raise any matter which could be deemed to have State or Regional significance.

7.2 Clause 4.6(5)(b): The public benefit of maintaining the development standard

Maintaining the development standard would not result in any public benefit in this situation and create a non-compliance with the DDA. The variation being requested does not undermine the standard. As detailed within the SEE, the height and bulk of the addition has no affect to the streetscape of local vicinity.

7.3 Clause 4.6(5)(c): Any other matters to be taken into consideration by the Secretary

None.

8.0 Conclusion




The assessment above demonstrates that compliance with the maximum height of building development standard contained in Clause 4.3 of Camden LEP 2010 is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the standard. It is considered that the variation allows for the orderly and economic use of the land in an appropriate manner. This Clause 4.6 variation demonstrates, notwithstanding the non-compliance with the maximum height of building development standard, the development is able to fully satisfy the objective of the B2 Local Centre zoning and the objectives of the maximum height of building development standard.

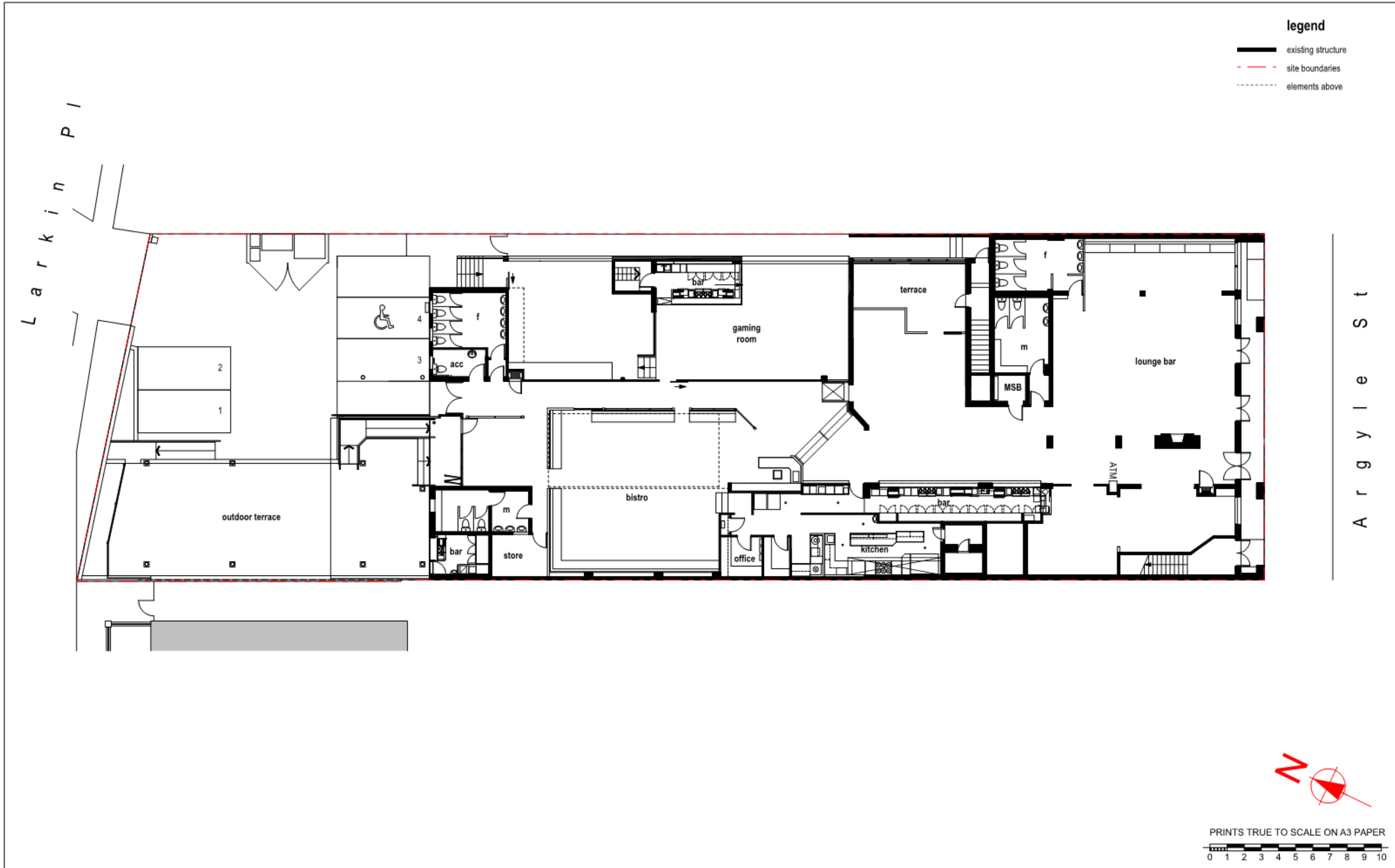
The Camden LEP 2010 applies a maximum height of building for the site of 7m. The existing development has been lawfully constructed and comprises an existing building height of 13.21m, therefore the existing building is already in excess of the maximum height of building allowable under the Camden LEP 2010. The proposal seeks the proposed passenger lift to exceed the height limit by 4.035m but 2.05m under the existing maximum height. This variation therefore seeks consent for the proposed passenger lift to exceed the height limit by 4.035m. The proposed variation of the 'maximum height of building' development standard does not result in an over development of the site or any adverse impacts on the local vicinity.

Consistent with the aim of Clause 4.6 to provide an appropriate degree of flexibility to achieve better outcomes for and from development, a departure from the height of building development standard is considered appropriate in these circumstances.

Despite the numerical non-compliance with the 'maximum height of building' development standard, the proposed development is considered to satisfy the objectives of the development standard and the B2 Local Centre zoning. On this basis, the Clause 4.6 variation is considered appropriate and should be supported for approval.

legend









-  existing structure
-  site boundaries
-  elements above



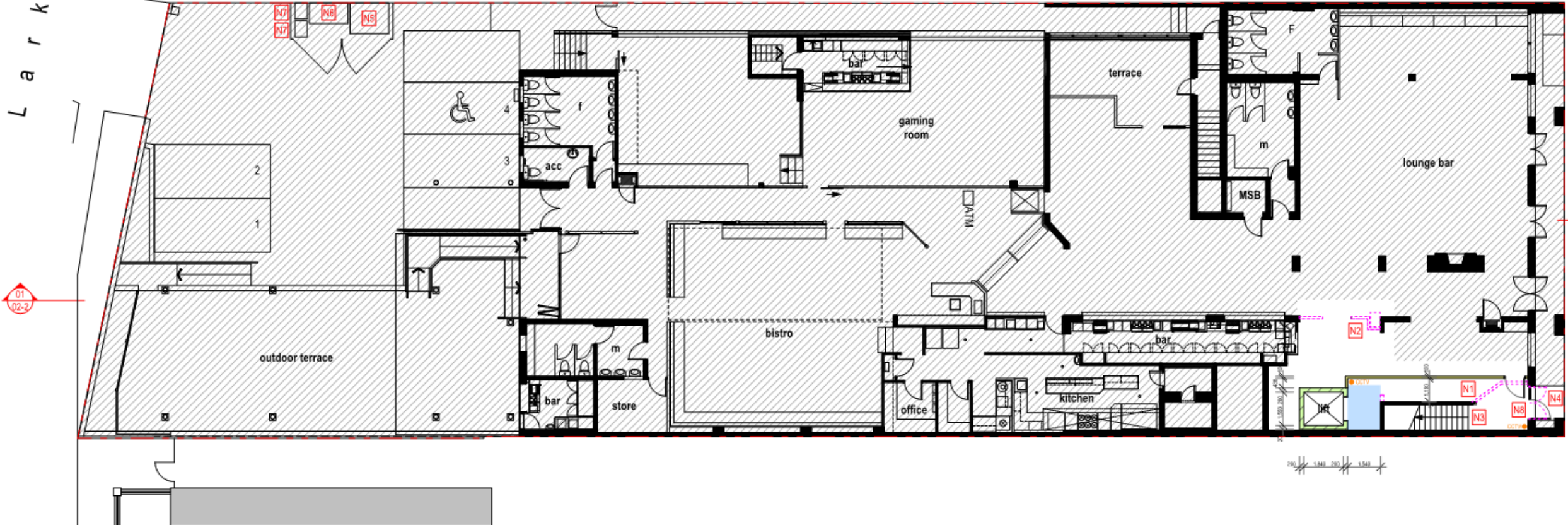
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<p>DARREN MAH DESIGN Pty Ltd darren@darrenmahdesign.com.au contact mob: 0438 895 117</p>			<p>PROJECT NO: 2117</p>	<p>SCALE 1: 200</p>	<p>REV A</p> <p>ABN: 90 167 533 717</p>								

legend

-  existing structure
-  new partition walls
-  elements to be demolished
-  site boundaries
-  elements above
-  nil works
-  minimum circulation for compliance with AS1428.1
-  CCTV camera system digital 360° fisheye - ceiling mounted

L a r k i n P I

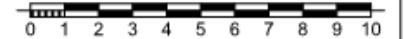


A r g y l e S t

notes

- N1 Part demolish partition wall to construct new wall and passage to proposed lift
- N2 Part remove existing partition walls
- N3 Nil works to existing stairs & accommodation lobby
- N4 Cut existing floor and slope up to door at 1 in 40 slope to remove 40mm step and finish with tiles to match existing
- N5 3m³ general waste bin
- N6 1.5m³ cardboard bin
- N7 240L MGB glass mixed recycling
- N8 remove existing double doors and replace with single swing door achieving 850mm clear open width and sidelight






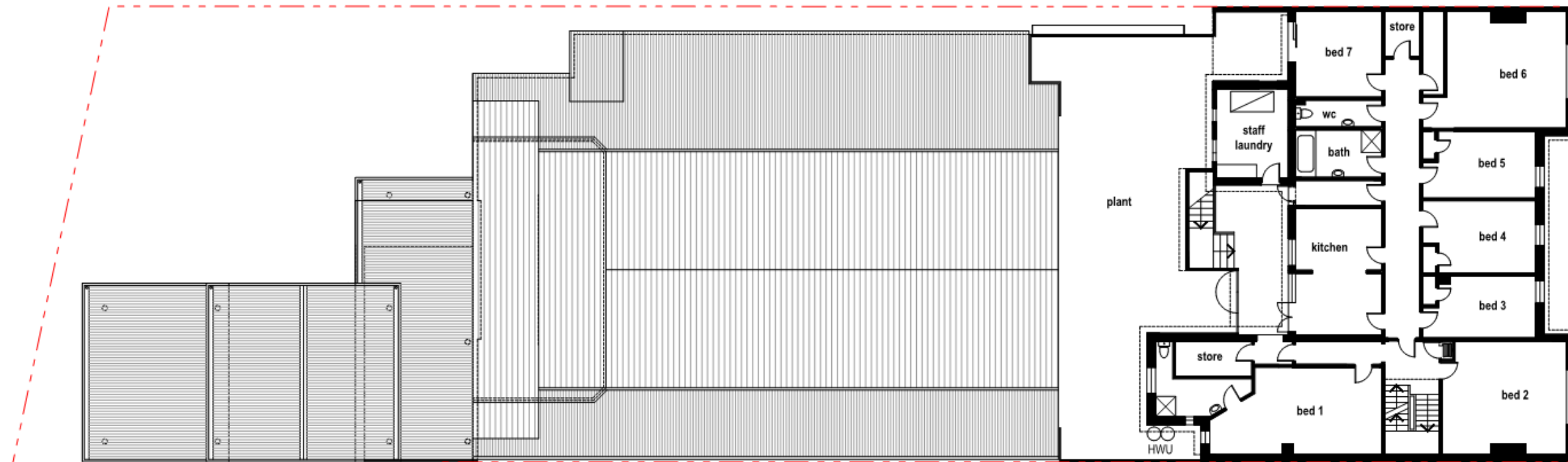
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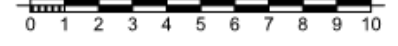
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			PROJECT NO: 2117		ABN: 90 167 533 717

DARREN MAH DESIGN Pty Ltd darren@darrenmahdesign.com.au contact mob: 0438 895 117

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-  existing structure
-  site boundaries
-  elements above

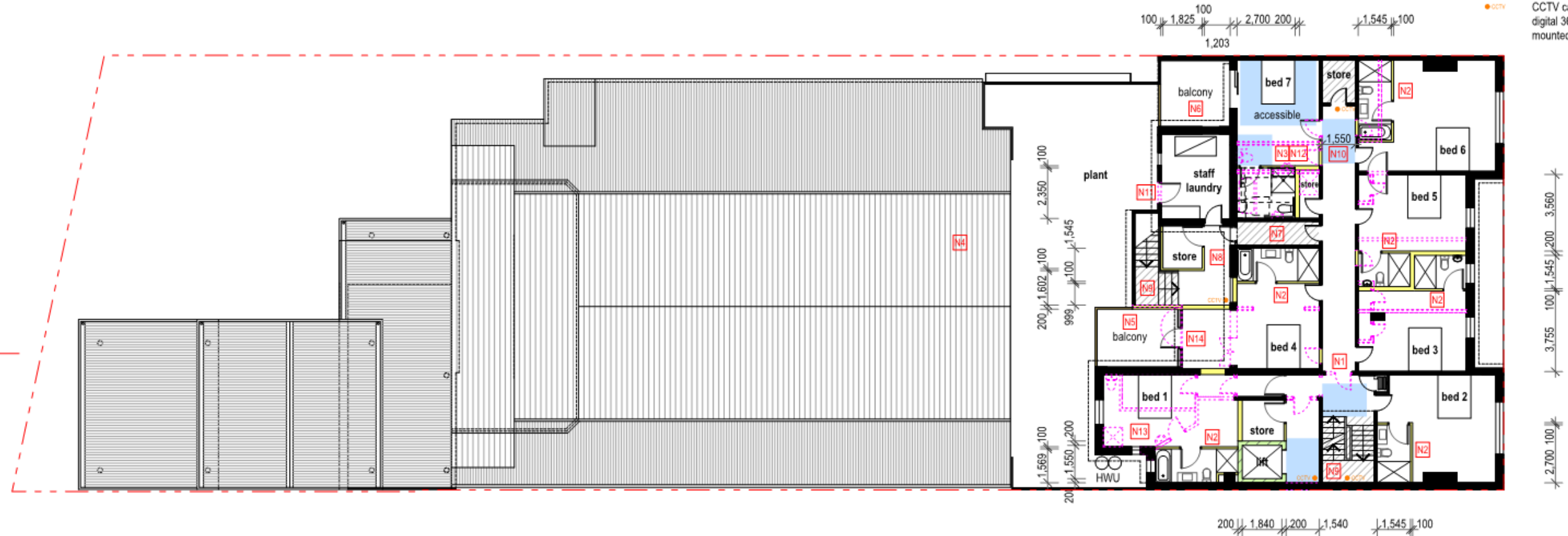


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<p>DARREN MAH DESIGN Pty Ltd darren@darrenmahdesign.com.au contact mob: 0438 895 117</p>	<p>PROJECT NO: 2001</p>	<p>SCALE 1: 200</p>	<p>ABN: 90 167 533 717</p>										


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-  existing structure
-  new partition walls
-  elements to be demolished
-  site boundaries
-  elements above
-  nil works
-  minimum circulation for compliance with AS1428.1
-  CCTV
-  CCTV camera system digital 360° fisheye - ceiling mounted






notes

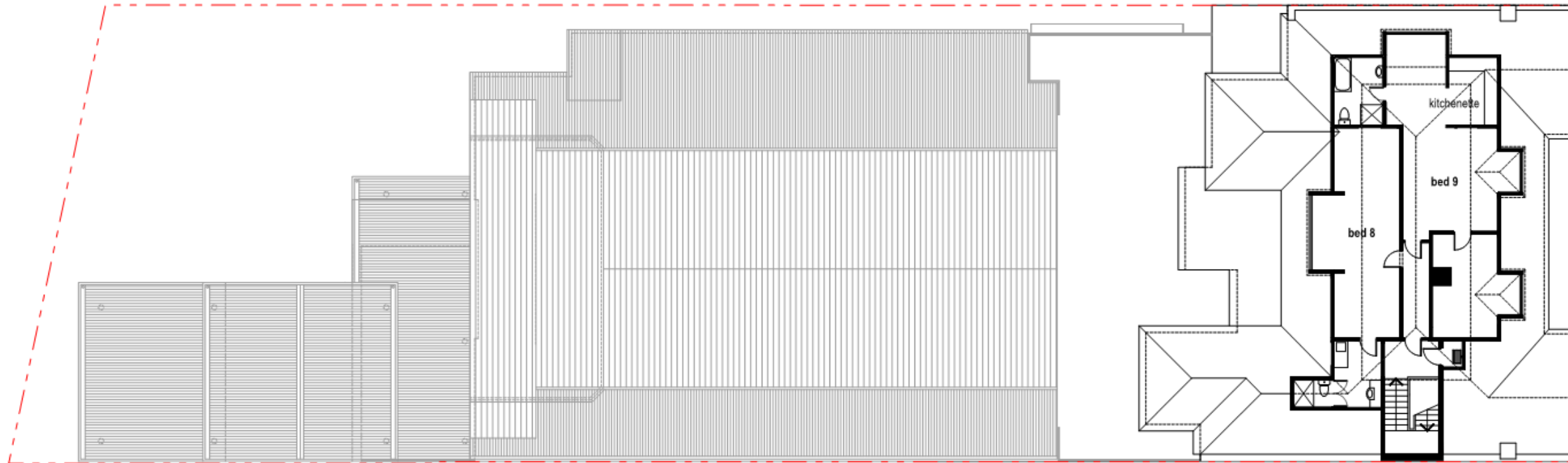
- N1** Part demolish partition wall and door to end of existing hallway
- N2** Construct new ensuite bathroom
- N3** Construct new accessible bathroom compliant with AS1428.1
- N4** Nil works to existing roof over ground floor
- N5** Construct new balcony with aluminium slatted screen privacy wall
- N6** Construct new aluminium slatted screen to existing balcony
- N7** Existing fire egress passage retained
- N8** Construct new store and maintain min 1m clear egress path to existing stair
- N9** Nil works to existing stair
- N10** Part demolish corridor wall to allow min circulation for compliance with AS1428.1 and provide new door with min 850mm clear open width compliant with AS1428.1 to accessible room
- N11** Construct new access door to plant area
- N12** Demolish existing shared bathrooms
- N13** Demolish existing ensuite room bath room and internal partitions
- N14** Remove existing gates and construct new wall with windows and a glazed door

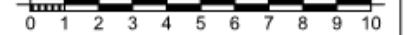
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

-  existing structure
-  site boundaries
-  elements above

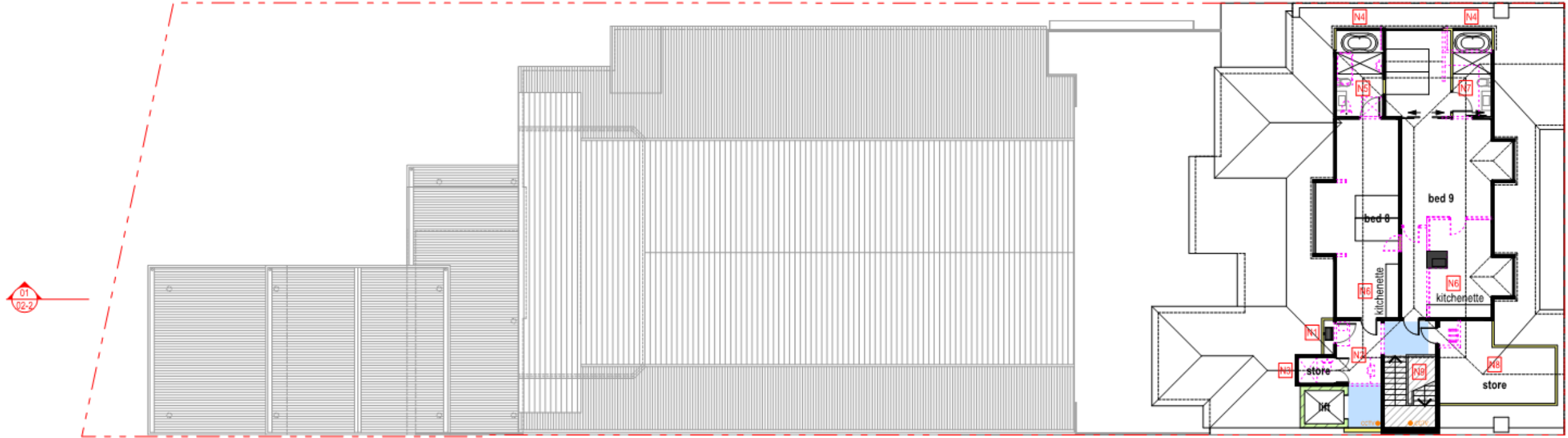


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<p>DARREN MAH DESIGN Pty Ltd darren@darrenmahdesign.com.au contact mob: 0438 895 117</p>		<p>PROJECT NO: 2117</p>	<p>SCALE 1: 200</p>		<p>REV A</p> <p>ABN: 90 167 533 717</p>								

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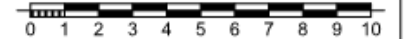
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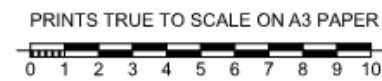
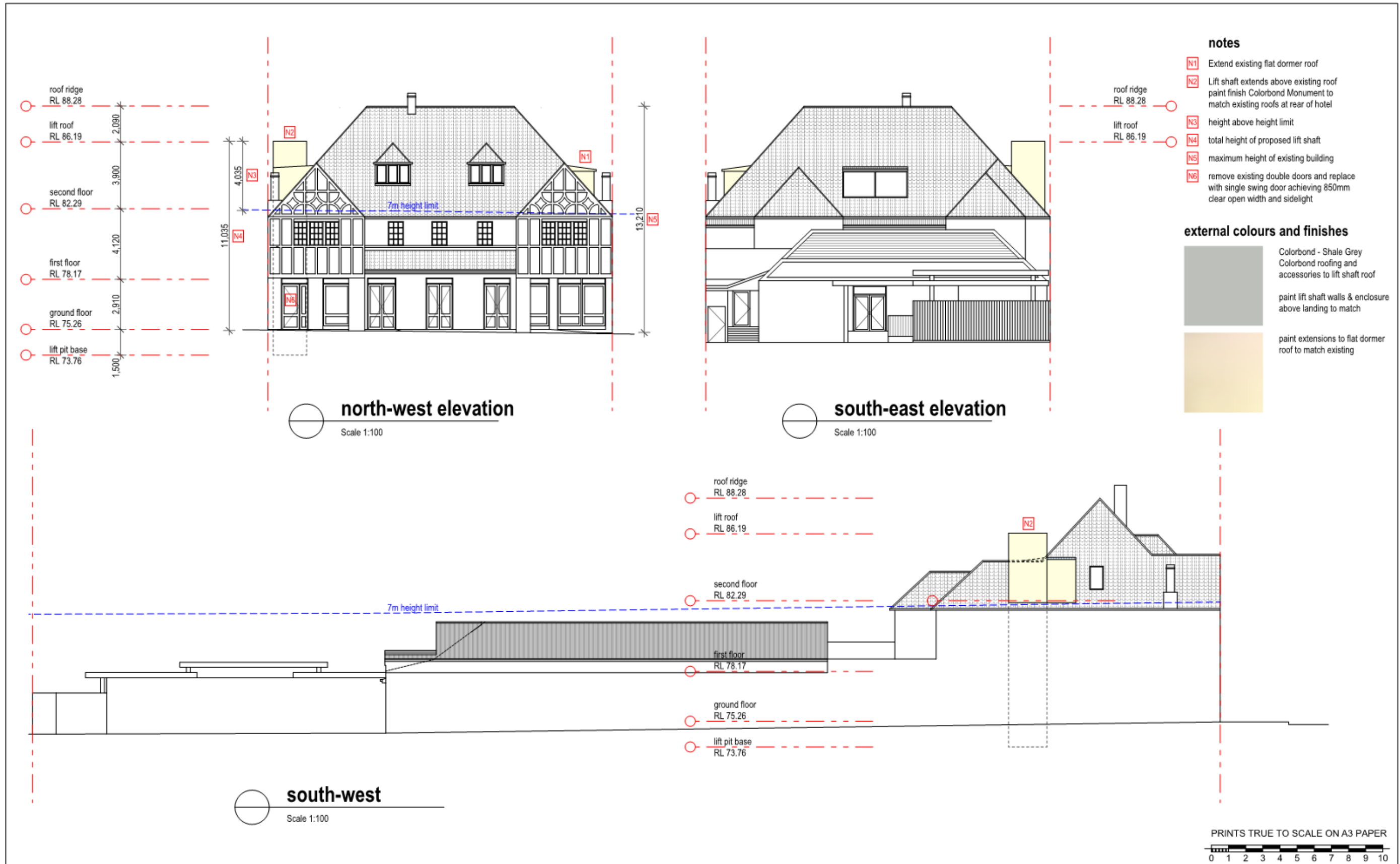
notes

- N1** Relocate fire hose reel to new cupboard recessed into ceiling cavity
- N2** Demolish existing ensuite bathroom
- N3** Construct new cupboard store within existing space adjacent lift
- N4** Extend existing flat dormer window and floor below for bath tub
- N5** Demolish existing ensuite bathroom and reconfigure layout
- N6** Construct new kitchenette
- N7** Demolish existing kitchenette
- N8** Construct new store within existing roof cavity space
- N9** Nil works to existing stair

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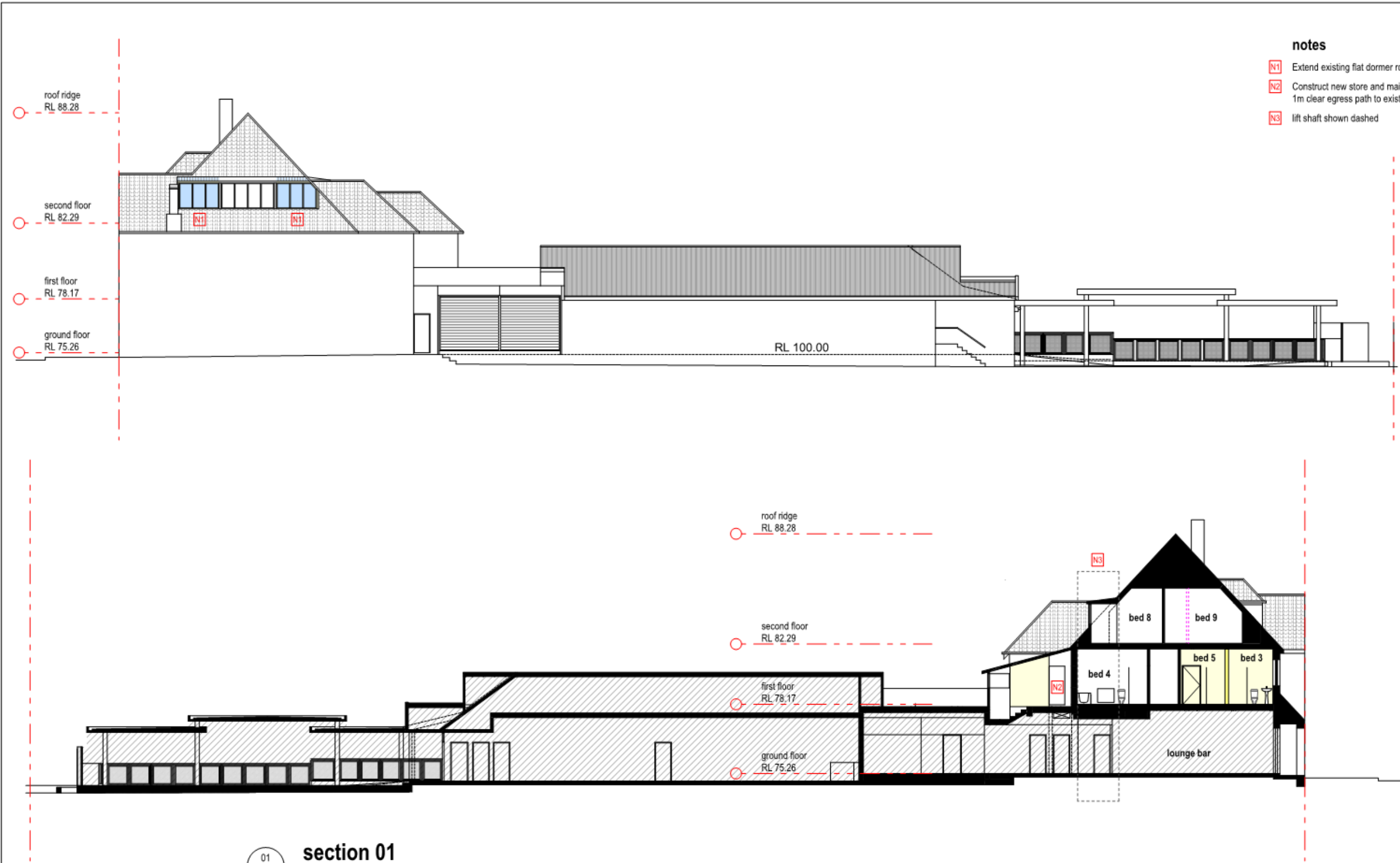
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	REV A B C D	ISSUE DA DA DA DA	DATE 28-10-22 30-11-22 13-01-23 01-03-23			DRAWN DM DM DM DM
DARREN MAH DESIGN Pty Ltd darren@darrenmahdesign.com.au contact mob: 0438 895 117				PROJECT NO: 2117	ABN: 90 167 533 717	

notes

- N1 Extend existing flat dormer roof
- N2 Construct new store and maintain min 1m clear egress path to existing stair
- N3 lift shaft shown dashed






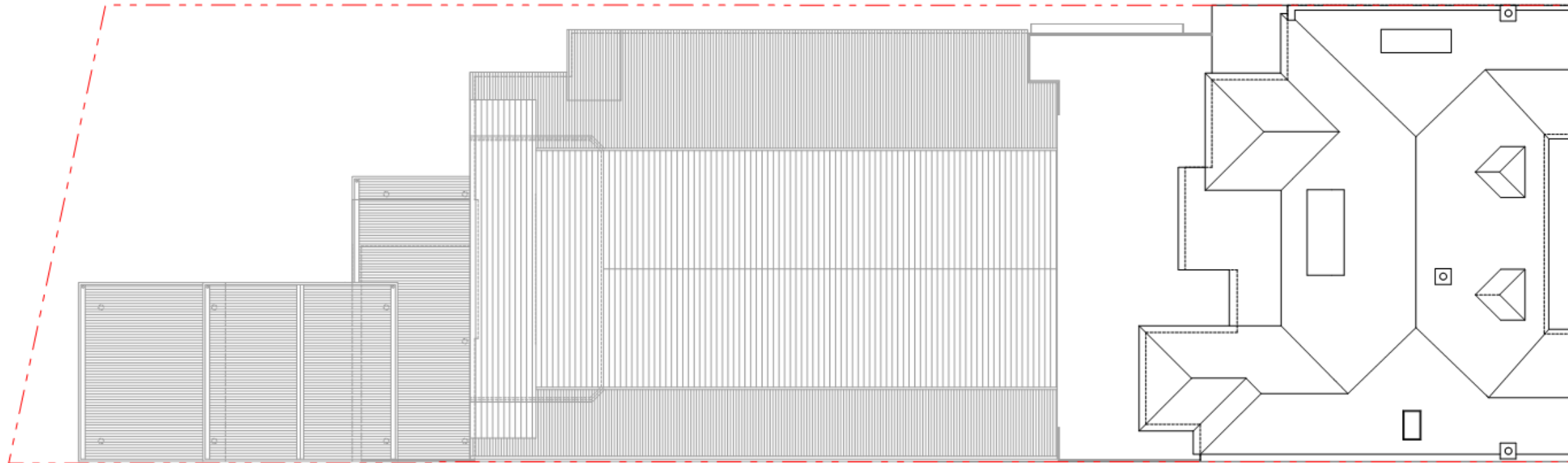
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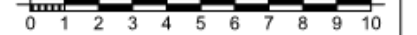
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<p>NOTES</p> <p><small>Note: All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian Building Standards. Check all timber sizes with a Structural Engineer and have all Structural Steelwork & concrete work designed by a Structural Engineer. When proprietary products are referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site. If in doubt, check with Darren Mah Design.</small></p>	<p>AMENDMENTS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REV</th> <th>ISSUE</th> <th>DATE</th> <th>DRAWN</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>DA</td> <td>28-10-22</td> <td>DM</td> </tr> </tbody> </table>	REV	ISSUE	DATE	DRAWN	A	DA	28-10-22	DM	<p>PROJECT</p> <p>Camden Hotel 105 Argyle St Camden</p> <p>PROJECT NO: 2117</p>	<p>DRAWING</p> <p>elevations & section 01</p>	<p>DRAWING NO.</p> <p>DA-05-2</p> <p>REV A</p>
	REV	ISSUE	DATE	DRAWN								
A	DA	28-10-22	DM									
<p>DARREN MAH DESIGN Pty Ltd darren@darrenmahdesign.com.au contact mob: 0438 895 117</p>		<p>ABN: 90 167 533 717</p>										

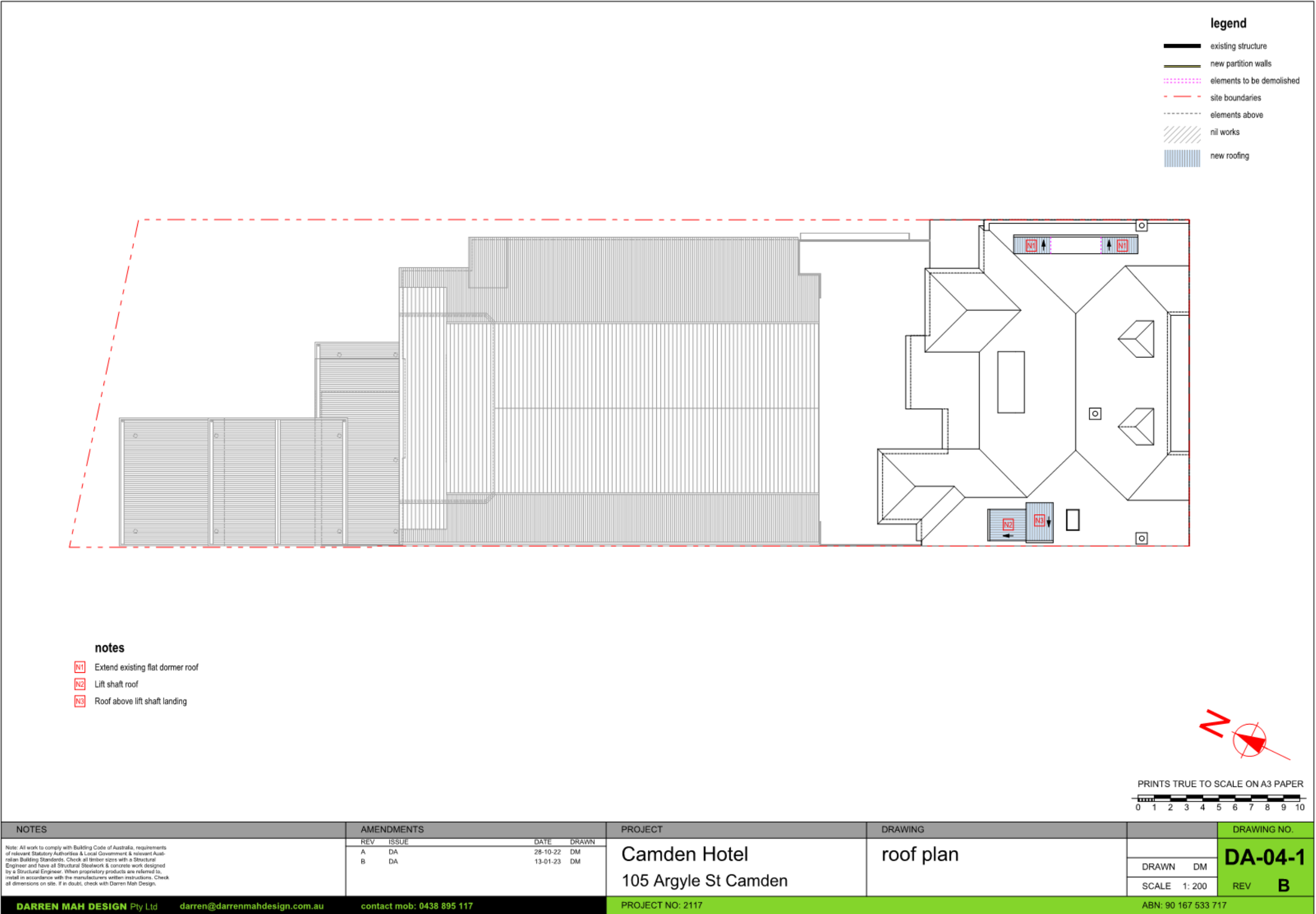
legend

-  existing structure
-  site boundaries
-  elements above



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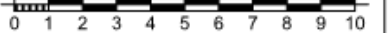
<p>NOTES</p> <p><small>Note: All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian Building Standards. Check all timber sizes with a Structural Engineer and have all Structural Steelwork & concrete work designed by a Structural Engineer. When proprietary products are referred to, install in accordance with the manufacturers written instructions. Check all dimensions on site. If in doubt, check with Darren Mah Design.</small></p>	<p>AMENDMENTS</p> <table border="1"> <thead> <tr> <th>REV</th> <th>ISSUE</th> <th>DATE</th> <th>DRAWN</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>DA</td> <td>30-11-22</td> <td>DM</td> </tr> </tbody> </table>		REV	ISSUE	DATE	DRAWN	A	DA	30-11-22	DM	<p>PROJECT</p> <p>Camden Hotel 105 Argyle St Camden</p>	<p>DRAWING</p> <p>existing roof plan</p>	<p>DRAWING NO.</p> <p>DA-04-2</p>
	REV	ISSUE	DATE	DRAWN									
A	DA	30-11-22	DM										
<p>DARREN MAH DESIGN Pty Ltd darren@darrenmahdesign.com.au contact mob: 0438 895 117</p>			<p>PROJECT NO: 2117</p>	<p>SCALE 1: 200</p>	<p>REV A</p> <p>ABN: 90 167 533 717</p>								



notes

- N1 Extend existing flat dormer roof
- N2 Lift shaft roof
- N3 Roof above lift shaft landing

PRINTS TRUE TO SCALE ON A3 PAPER



NOTES	AMENDMENTS			PROJECT	DRAWING	DRAWING NO.		
	REV	ISSUE	DATE			DRAWN	DA-04-1	
Note: All work to comply with Building Code of Australia, requirements of relevant Statutory Authorities & Local Government & relevant Australian Building Standards. Check all timber sizes with a Structural Engineer and have all Structural Steelwork & concrete work designed by a Structural Engineer. When proprietary products are referred to, install in accordance with the manufacturer's written instructions. Check all dimensions on site. If in doubt, check with Darren Mah Design.	A	DA	28-10-22	DM	Camden Hotel 105 Argyle St Camden	roof plan	DRAWN	DM
	B	DA	13-01-23	DM			SCALE	1: 200
DARREN MAH DESIGN Pty Ltd darren@darrenmahdesign.com.au contact mob: 0438 895 117				PROJECT NO: 2117		ABN: 90 167 533 717		

CLPP02

SUBJECT: DA/2022/867/1 - DEMOLITION OF EXISTING DWELLING AND SWIMMING POOL AND CONSTRUCTION OF A THREE STOREY DWELLING, SWIMMING POOL, OUTBUILDINGS AND ASSOCIATED LANDSCAPING - 15 CAMELOT CLOSE, KIRKHAM

FROM: Manager Statutory Planning

EDMS #: 23/157967

DA Number:	2022/867/1.
Development:	Demolition of the existing dwelling and swimming pool and construction of a three storey dwelling, swimming pool, outbuildings and landscaping
Estimated Cost of Development:	\$1,500,000
Site Address(es):	15 Camelot Close, Kirkham
Applicant:	Giselle Hawkings
Owner(s):	Aaron Bell
Number of Submissions:	Four objections
Development Standard Contravention(s):	Clause 4.3 Height of Buildings
Classification:	Local
Recommendation:	Refuse.
Panel Referral Criteria:	Departure from a development standard greater than 10%.
Report Prepared By:	Virginia Fairley, Executive Planner

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for the demolition of an existing dwelling and swimming pool and construction of a three storey dwelling, swimming pool and associated outbuildings and landscaping at 15 Camelot Close, Kirkham.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, the development seeks to depart from a development standard (Clause 4.3 Height of Buildings) prescribed in the Camden Local Environmental Plan 2010 by greater than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/867/1 for the demolition of the existing dwelling and swimming pool and construction of a three storey dwelling, swimming pool and associated outbuildings and landscaping pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by refusal for the reasons outlined at the end of this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the demolition of the existing dwelling and swimming pool and construction of a three storey dwelling, swimming pool and associated outbuildings and landscaping 15 Camelot Close, Kirkham

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, relevant environmental planning instruments, development control plans and policies.

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 27 September 2022 to 17 October 2022 and four (4) submissions were received objecting to the development.

The principal issues raised in the submissions relate to:

- Scale and height of the proposed dwelling;
- Privacy/overlooking;
- Overshadowing;
- Construction noise;
- Inconsistent with the existing streetscape;
- Visual impact;
- Separation distance between dwellings; and
- Net loss from tree removal.

The applicant has submitted a Clause 4.6 written request to support and provide justification for the contravention of the maximum building height development standard. The proposed contravention, and the applicant’s Clause 4.6 written request, have been assessed in this report and are not supported by Council staff.

Based on the assessment, it is recommended that the DA be refused for the reasons outlined at the end of this report.

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
Clause 4.3 - Height of Building - 9.5m	12.2m	2.7m or 28.4%

AERIAL PHOTO



Figure 1 – The site (outlined in red) and surrounding allotments

THE SITE

The site currently contains a two storey dwelling house and swimming pool. The site, which is located on the western side of Camelot Close, is approximately 4,406sqm in area with a frontage of 25m and depth of 129.39m. The front portion of the site has a relatively steep slope up from Camelot Close before plateauing at the rear.

The site is located approximately 100m from an item of state heritage significance, SHR:1124 (Camelot). Camelot sits on the eastern side at the entrance of Camelot Close on a 30.88ha lot which includes the mansion, gardener’s lodge, stable, gardens, grounds and trees. The mansion its setting and associated buildings retain heritage significance as one of a number of early pastoral properties and their homesteads in the Camden LGA, arising from colonial land grants.

ZONING PLAN

CLPP02

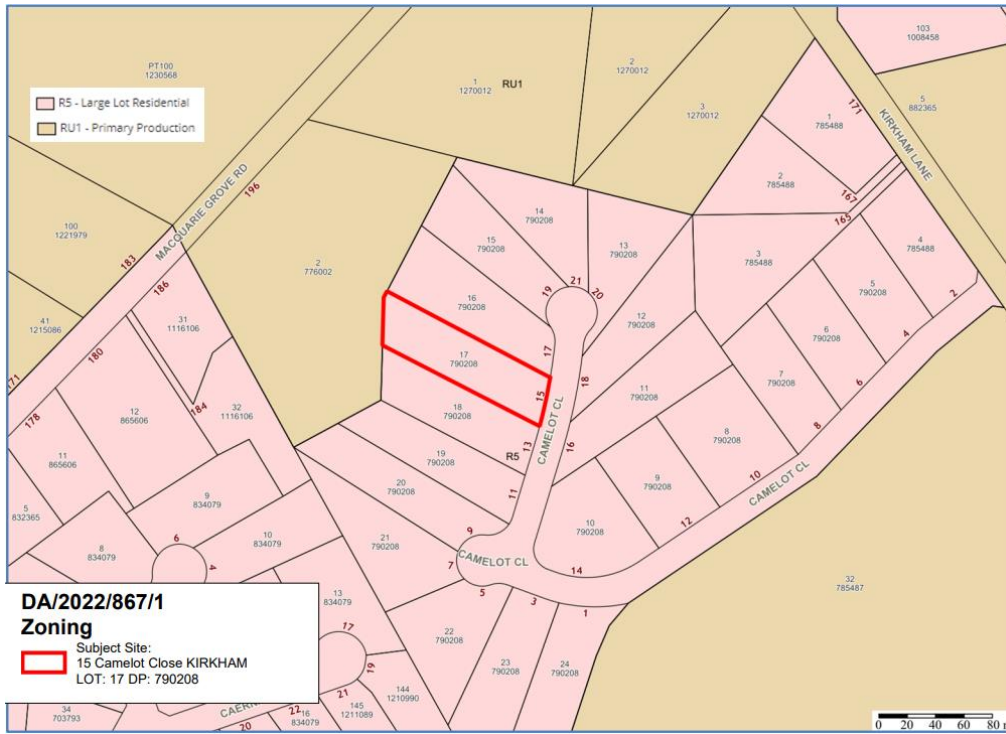


Figure 2 – The site (outlined in red) and surrounding allotments coloured pink are zoned R5 Large Lot Residential. Lots coloured in brown are zoned RU1 Primary Production.

HERITAGE MAP

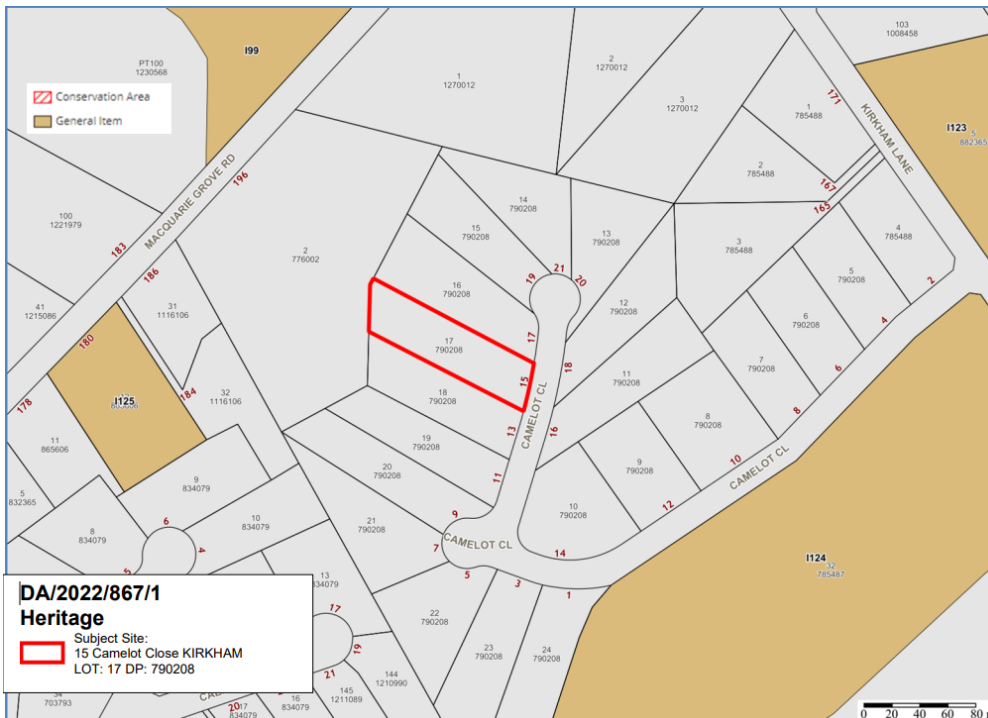


Figure 4 – The site (outlined in red) and surrounding allotments. Lots coloured in gold/brown to the north, south, east and west are State and Local Heritage Listed Items.

HISTORY

The relevant development history of the site is summarised in the following table:

Date	Development
28/9/1998	DA/1998/5405/1 - Development consent was granted for an inground swimming pool.
11/5/1995	DA/1995/50/1 - Development consent was granted for the construction of a two storey dwelling house.

THE PROPOSAL

DA/2022/867/1 seeks approval for the demolition of the existing two storey dwelling house and swimming pool and the construction of a three storey dwelling, swimming pool and associated outbuilding and landscaping.

The estimated cost of the development is \$1,500,000.

ASSESSMENT

Environmental Planning and Assessment Act 1979 - Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4.
- Camden Local Environmental Plan (2010).

State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)

The Biodiversity and Conservation SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Subject to appropriate conditions imposed as part of any consent granted, the proposal would be unlikely to have any detrimental impact on the Hawkesbury-Nepean River.

State Environmental Planning Policy (Resilience and Hazards) 2021 Chapter 4

The Resilience and Hazards SEPP aims to provide a State-wide approach to the remediation of contaminated land. The subject site contains an existing dwelling house and swimming pool that were erected in the late 1990's. There is no evidence that the site has been used for a potentially contaminating use. Accordingly, the consent authority can be satisfied the site is suitable for the proposed development.

Camden Local Environmental Plan 2010 (Camden LEP)

The Camden LEP aims to make local environmental planning provisions for land in Camden in accordance with the relevant standard environmental planning instrument under Section 3.20 of the *Environmental Planning and Assessment Act 1979*.

Zoning and Permissibility

The site is zoned R5 Large Lot Residential pursuant to Clause 2.2 of the Camden LEP. The development is characterised as a ‘dwelling house’ by the Camden LEP. The development is permitted with consent in the R5 Large Lot Residential zone pursuant to Clause 2.7 and the land use table of the Camden LEP.

Planning Controls

An assessment table in which the development is considered against the Camden LEP’s planning controls is provided as an attachment to this report.

Clause 4.3 – Height of Buildings

The proposed development contravenes the maximum height of buildings development standard (9.5m) that applies to the site under Clause 4.3 of the Camden Local Environmental Plan 2010.

Council staff assess that the proposed development has a maximum height of 12.2m thereby contravening the development standard by 2.7m or 28.4%. The applicant submits that the contravention is a maximum of 1.168m or 12.29%, however this is based on remediated levels of the site (i.e. prior to the cut for the existing dwelling) and not the existing ground levels.

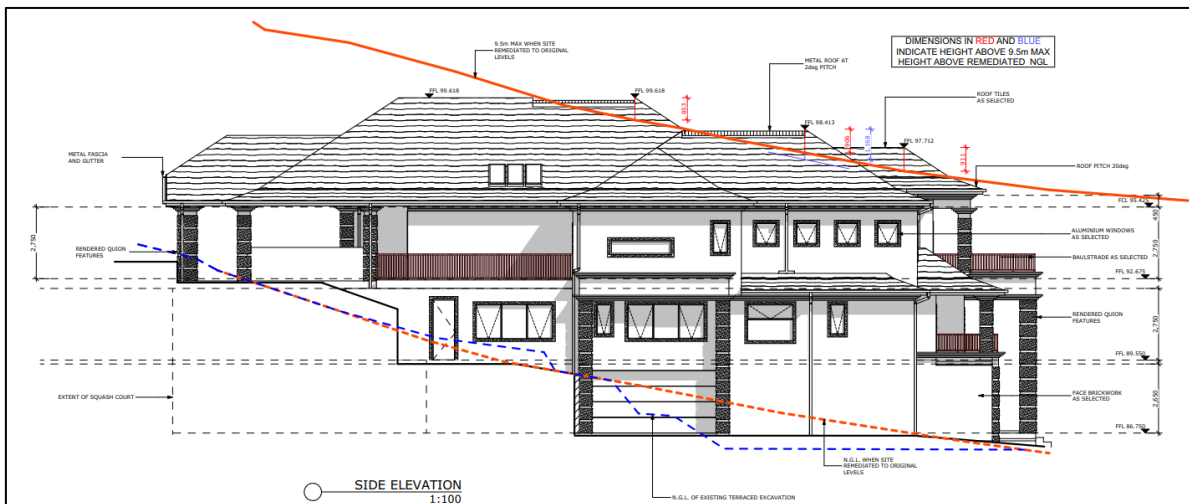


Figure 6 – The blue dashed line represents existing ground level, while the red dashed line represents the remediated ground level as suggested by the applicant

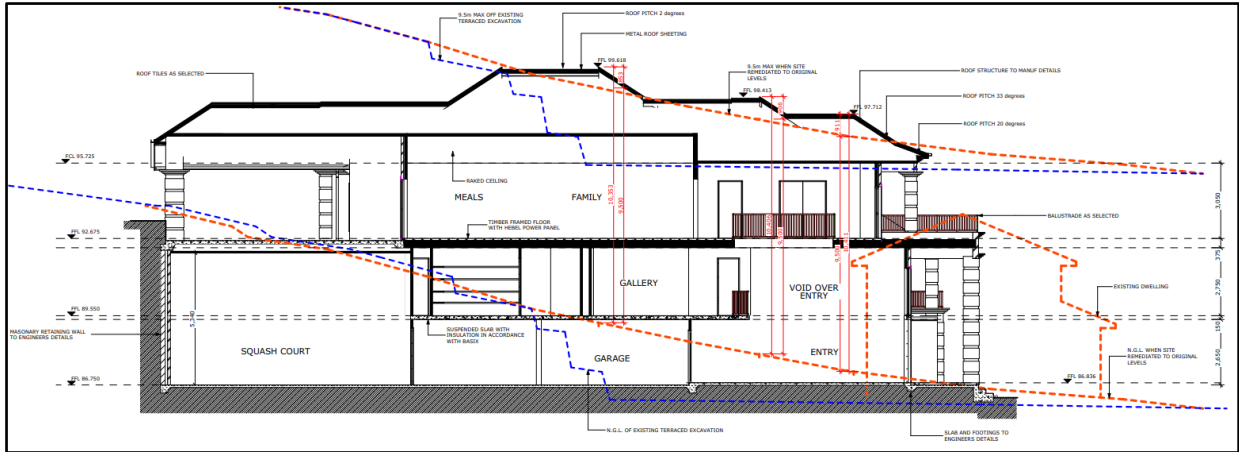


Figure 7 - The existing dwelling house (to be demolished) is outlined by red dashed line (partially in front of proposed dwelling); the existing ground level is outlined in blue dashed, while red dashed line represents remediated ground level suggested by applicant



Figure 8 - Street elevation view

Pursuant to clause 4.6(3) of Camden Local Environmental Plan 2010, the applicant has provided a written request seeking to justify the contravention of the development standard.

The Clause 4.6 Written Request submits that:

- Compliance with the 9.5m building height standard does not allow the proposed dwelling house to best respond to the natural landform.
- The development contravention will not impact on views from public and private areas.
- The height variation does not impact on any significant view lines and vistas from the public domain.
- The development contravention relates to a part of the roof in the middle of the dwelling. The development contravention will not result in any significant amenity impacts on neighbouring properties, or visual impacts in terms of how the building presents to the street, particularly as the viewscape to the other dwellings is not compromised.
- The relevant tests established in the Land and Environment Court (as set out in the Department’s 2011 guideline for varying development standards) can be met as:
 - The objectives of the standard and the R5 Large Lot Residential zone are achieved notwithstanding non-compliance with the standard. The new dwelling is considered to be low-impact residential and dwellings are permissible with development consent. The new dwelling will be ‘nestled’ into the landscape and the property landscaped to complement the dwelling. The subject property is

not located within an environmental constraint or sensitive area or scenic protection area. It is not located in a scenic area and not located on a ridgeline. The proposed dwelling will have no impact on the values of the area and will not hinder other properties being developed.

- If compliance was required the underlying objectives would be thwarted as the 9.5m height limit primarily relating to the existing scenic and rural character, would not allow for a dwelling design that is consistent with the zone objectives.
- Compliance with the 9.5m maximum building height would be unreasonable and unnecessary in this case given that the characteristics of the site and the circumstances of the proposed dwelling allowing for the proposed height.

A copy of the applicant's Clause 4.6 written request is provided as an attachment to this report.

Council staff assess that the Clause 4.6 written request has not established that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify contravening the development standard. It is further assessed that the proposed development is not in the public interest because it is inconsistent with the objectives of the standard and the objectives for development within the R5 Large Lot Residential zone.

The proposed development, with a 12.2m building height to the roof ridge, is inconsistent with the objectives of the development standard. The proposed dwelling house is also inconsistent with the existing and desired future character of the area.

Consideration of the objectives of the zone and the standard are further addressed below:

Clause 4.3 'Height of Buildings' – Objectives.

Alignment with the objectives of clause 4.3 are not maintained. The development contravention will result in a three storey dwelling that fails to minimise visual impact and protect the amenity of adjoining development and will be an unreasonably dominant feature in the rural landscape context.

R5 Large Lot Residential Zone – Objectives.

The development standard contravention results in a built form that fails to satisfy the objectives of the R5 Large Lot Residential zone given:

- The proposal is of an excessive height, bulk, scale and form constituting an overdevelopment in the context of the surrounding dwelling houses;
- The mass of the built form would be an unreasonably dominant feature in the rural landscape context; and
- The proposal is inconsistent with the existing and future desired character of the area which is primarily rural in nature with relatively low scale built forms in a landscape setting.

Consequently, it is recommended that the Panel not support this proposed contravention to clause 4.3 of the Camden Local Environmental Plan 2010.

(a)(ii) *the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority*

that the making of the proposed instrument has been deferred indefinitely or has not been approved)

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system subject to appropriate conditions.

Draft Remediation of Land State Environmental Planning Policy (Draft Remediation of Land SEPP)

The development is consistent with the Draft Remediation of Land SEPP in that it is consistent with the Resilience and Hazards SEPP.

(a)(iii) the provisions of any development control plan

Camden Development Control Plan 2019 (Camden DCP)

An assessment table in which the development is considered against the Camden DCP is provided as an attachment to this report.

(a)(iia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

No relevant planning agreement or draft planning agreement exists or has been proposed as part of this DA.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2021* prescribes several matters that can be addressed by conditions imposed as part of any consent granted (noting that the DA is recommended for refusal).

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the assessment, the development is likely to have unreasonable adverse impacts on either the natural or built environments.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is not considered to be suitable for the proposed development.

(d) any submissions made in accordance with this Act or the regulations

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 27 September 2022 to 17 October 2022 and four submissions were received objecting to the development.

The following discussion addresses the issues raised in the public submissions:

- The proposal is of an excessive bulk and scale

Officer comment:

It is agreed that the proposed built form is of excessive mass which would be an unreasonably dominant feature in the rural landscape context of the site.

- Excessive building height

Officer comment:

The proposed development exceeds the 9.5m height of buildings development and is assessed to be inconsistent with the objectives of the standard and the zone.

- Inconsistent with the existing streetscape

Officer comment:

The development is inconsistent with the existing and desired future character of the area.

- Privacy/overlooking

Officer comment:

It is assessed that the proposed development would not result in any unacceptable impacts on adjoining landowners with respect to privacy.

- Construction Noise

Officer comment:

Impacts from demolition works and the construction phase of the proposal could be managed by conditions of consent (if recommended for approval).

- Overshadowing

Officer comment:

The development will not have any unacceptable impacts on adjoining landowners with respect to solar access.

- Separation distance between dwellings

Officer comment:

The development complies with the applicable setback controls of the Camden Development Control Plan 2019. However, there are significant land forming works proposed within both side setbacks creating a built form that extends from boundary to boundary.

- Net loss from tree removal

Officer comment:

The accompanying landscaping plan proposes significant plantings and has been supported by Council's Urban Landscape Officer.

(e) the public interest

The public interest is not served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development control plans and policies. In consideration of the substantiated issues raised in the public submissions and the unacceptable impacts that will result from the proposal, the development is not considered to be in the public interest.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for refusal for the reasons outlined at the end of this report.

RECOMMENDED

The Panel refuse DA/2022/867/1 for the demolition of the existing dwelling and swimming pool and construction of a three storey dwelling, swimming pool, outbuildings and landscaping for the following reasons:

- (1) The proposed development contravenes clause 4.3 *Height of buildings* of the Camden Local Environmental Plan 2010 and the applicant’s clause 4.6 written request fails to provide sufficient environmental planning grounds to justify the contravention having regard to the objectives of the standard nor does it demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- (2) The proposed development is of an excessive height, bulk, scale and form and is inconsistent with the existing and/or desired future character of the area.
- (3) The proposed development fails to positively respond to the existing built form character of Camelot Close.
- (4) The proposed development is inconsistent with the following sections of Camden DCP 2019:
 - (i) Section 4.2.2 Cut and Fill in that the proposed level of cut and fill exceeds 1 metre;
 - (ii) Section 4.2.3 Streetscape and Architectural Design in that the proposal fails to positively respond to the streetscape and the ground floor has not been provided with a habitable room with a window facing the street;
 - (iii) Section 4.2.5 Height, Site Coverage and Siting in that the proposal is greater than 2 storeys in height and exceeds the maximum height of 9.5m;
 - (iv) Section 4.2.5 Height, Site Coverage and Siting in that the proposed dwelling fails to meet the objectives in respect to height, bulk, scale, architectural form, expression / detailing and the proposal is not compatible with the established character of the area; and
 - (vi) Section 4.7 Large Lot Residential Areas in that the proposal does not

provide for an attractive and cohesive streetscape and the proposed materials and finishes are inappropriate for the area.

- (5) Given the substantiated issues raised in the public submissions and the unacceptable impacts associated with the development, the proposal is not in the public interest.
- (6) Inadequate information was submitted to allow a full and proper assessment of the application in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979, as the application was not accompanied by the following information:
 - (i) cut and fill plan;
 - (ii) retaining wall plan;
 - (iii) subsoil drainage plan; and
 - (vii) driveway long section plan.

ATTACHMENTS

1. Camden LEP 2010 Assessment Table
2. Camden DCP 2019 Assessment Table
3. Combined public submissions - *Supporting Document*
4. Submitters Map - *Supporting Document*
5. Clause 4.6 Written Request
6. Architectural Plans

Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

Clause	Assessment	Compliance
<p>2.3 Zone objectives and land use table The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The objectives for the R5 Large Lot Residential zone are:</p> <ul style="list-style-type: none"> • To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality. • To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future. • To ensure that development in the area does not unreasonably increase the demand for public services or public facilities. • To minimise conflict between land uses within this zone and land uses within adjoining zones. 	<p>The application is inconsistent with, and would have a detrimental impact on, the rural landscape character of the land. The bulk, scale, architectural form and expression / detailing of the development is not compatible with the rural landscape character of the land / area. The extent and location of driveways on each side boundary and hardstand surfaces is not compatible with the rural landscape character of the land / area. The addition of retaining walls near boundaries to introduce retained level changes along the site boundaries is not compatible with the rural landscape character of the land / area. The use of non-rural fencing forms on the boundaries of the site is not compatible with the rural landscape character of the land / area.</p>	No
<p>4.3 Height of buildings The maximum building height for this site is 9.5m.</p>	12.2m calculated from existing ground level.	No
<p>5.10 Heritage Conservation Effect of proposed development on heritage significance</p>	<p>The proposed three storey dwelling is located approximately 100m from an item of state heritage significance, SHR:1124 Camelot. While the proposed development will not unreasonably impact on the setting of this nearby heritage item, it is assessed that the bulk, scale, architectural form and expression / detailing of the development is not compatible with the rural character of the area.</p>	No
<p>7.2 Airspace operations Development which penetrates the Obstacle Limitation Surface (OLS) Map to be referred to the relevant Commonwealth body for consultation.</p>	<p>The site is located in OLS Map contours 115. The maximum RL proposed is 99.68, therefore no penetration of the OLS or referral to Camden Airport is required.</p>	Yes

CLPP02

Attachment 1

<p>7.4 Earthworks</p> <p>Before granting development consent for earthworks, the consent authority must consider the following matters—</p> <ul style="list-style-type: none"> (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, (b) the effect of the proposed development on the likely future use or redevelopment of the land, (c) the quality of the fill or the soil to be excavated, or both, (d) the effect of the proposed development on the existing and likely amenity of adjoining properties, (e) the source of any fill material and the destination of any excavated material, (f) the likelihood of disturbing relics, (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. 	<p>A cut and fill plan has not been provided. Extensive works are proposed in relation to the dwelling, driveways and landscaping.</p>	<p>No</p>
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Camden Development Control Plan 2019 (DCP) Assessment Table

Control	Assessment	Compliance
<p>2.1 – Earthworks</p> <p>Building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill.</p>	<p>A maximum cut of 7m is proposed in relation to the proposed dwelling. However insufficient information has been provided to assess the extent of cut of fill in relation to works for the driveway and landscaping.</p>	No
<p>2.2 – Salinity</p> <p>Erosion and sedimentation controls required.</p> <p>In the absence of a salinity management plan, all works proposed on the land must be designed to achieve the requirements of Council's current Engineering Design Specification.</p>	<p>Standard conditions can be imposed as part of any consent granted (noting that the DA is recommended for refusal).</p>	Yes
<p>2.3 – Water Management</p> <p>Compliance with Council's Engineering Specification is required.</p>	<p>Insufficient information has been provided in respect to subsoil drainage on the stormwater plan and subsoils required for the garage and for retaining walls. Roofwater will be directed to a 25,000 litre rainwater tank (as required by the submitted BASIX Certificate), with overflow to the existing stormwater outlet in Camelot Close.</p>	No
<p>2.4 – Trees and Vegetation</p> <p>Consent required prior to tree removal.</p>	<p>Arborist report identifies trees 1, 2, 3, 5 & 6 to be retained and if approved this can be conditioned accordingly. However, the site and demolition plans identify all trees to be removed. Similarly, no street trees have been installed within the road reserve in front of the subject lot. The applicant is proposing to carry out landscaping works within the verge area. Landscaping team have reviewed and have recommended conditions that can be imposed on any consent granted (noting that the DA is recommended for refusal).</p>	Yes
<p>2.14 – Waste Minimisation and Management</p> <p>DAs must be accompanied by a waste management plan (WMP) that addresses the applicable waste management controls of the Camden DCP.</p> <p>Waste management criteria for particular development types must be complied with.</p>	<p>Waste management has been adequately addressed in the submitted Waste Management Plan. Conditions that can be imposed on any consent granted (noting that the DA is recommended for refusal).</p>	Yes

CLPP02

Attachment 2

Camden Development Control Plan 2019 - Dwelling Houses			
Section	Control	Assessment	Compliance?
4.2.1 Site Analysis	A site analysis plan must be provided	A site analysis plan	Yes
4.2.2 Cut and Fill	≤1m cut and fill	Cut - 7.0m	No
	Fill >300mm within 1m of a boundary contained by a drop edge beam	More details required	No
	Drop edge beam ≤1m above existing ground level	Can be conditioned if recommended for approval.	Yes
	Retaining walls and associated infrastructure must be contained within property boundaries	More details required.	No
	Height of voids ≤3m (refer to Figure 4-1)	N/A	N/A
4.2.3 Streetscape and Architectural Design	Primary street facade must incorporate ≥2 design features	2 design features included in the front facade	Yes
	Front facade to feature ≥1 ground floor habitable room with a window facing the street	Ground floor has no nominated habitable room use	No
	Secondary street facade must incorporate ≥2 design features	N/A	N/A
	≥450mm eaves overhang measured from the fascia board (except for walls built to the boundary)	450mm eaves provided	Yes
	Pitch of hipped and gable roof forms on main dwelling between 18° and 30°	33 ° degree pitch	No
4.2.4 and 4.7 Setbacks (Regular Lots)	≥20m front setback or the average of the setbacks of the two nearest dwellings having a frontage with the same road	36.302m	Yes
	5m secondary street setback	N/A	N/A
	Garage and carports ≥1m behind the building line and ≥5.5m from the road boundary for both primary and secondary street frontages	1.0 behind the BL	Yes
	Design features may encroach into the primary street setback ≤1.5m	1.430m	Yes
	≥5m side setback	Northern – 5.152m Southern – 6.428m	Yes
	Walls alongside boundaries must be articulated	Articulation provided to both walls along the side boundaries.	Yes
	≥5m rear setback	33.160m to the detached cabana	Yes
	1m rear lane setback (but may be reduced to 0.5m if satisfactory waste collection can be demonstrated)	N/A	N/A
4.2.5 Height, Site Coverage and Siting	Compliance with the Camden LEP height of buildings development standard	Clause 4.6 written request submitted	No
	≤2 storeys where height of buildings development standard ≤9.5m	3 storey >9.5m	No
	Attic rooms permitted in roof void where roof pitch ≤45° (not considered a storey)	N/A	N/A
	Ground floor level ≤1m above finished ground level unless no adverse impacts	<1.0m	Yes
	Objectives - To ensure development is of a scale appropriate to protect residential amenity; and To ensure building heights achieve built form outcomes that reinforce quality urban and building design. For lots ≥450m ² , ≤50% ground floor and ≤30% upper floor site coverage for two storey development	The 3 storey dwelling's height, bulk, scale, architectural form and expression / detailing is not compatible with the urban character of the area	No
4.2.6 Landscaped Area	≥30% landscaped area (refer to Figure 4-5)	2572.6/4406 = 58%	Yes
	≥40% of front setback must be landscaped area	968/1419= 68%	Yes
	A landscaping plan must be provided	landscaping plan provided	Yes

4.2.7 Principal Open (PPOS)	Private Space	PPOS must be located behind the building line and directly accessible from a habitable room (other than a bedroom)	PPOS located behind the building line	Yes
		PPOS ≥4m wide, ≥4m deep and ≤1:10 gradient	Complies	Yes
		For lots >10m wide, ≥24m ² PPOS	Complies	Yes
4.2.8 Solar Access		≥1 living area must receive ≥3 hours direct sunlight between 9am and 3pm on 21 June	Complies	Yes
		Direct sunlight must reach ≥50% of the PPOS of the subject dwelling and any adjoining dwelling for ≥3 hours between 9am and 3pm on 21 June	Complies from 12pm onwards the adjoining property receives direct sunlight.	Yes
		≥1 window to a living area of neighbouring dwellings must receive ≥3 hours sunlight between 9am and 3pm on 21 June	Complies	Yes
4.2.9 Visual and Acoustic Privacy		Privacy screen or fixed obscure glass provided for any part of a first floor habitable room window that is less than 1.5m above the finished floor level of that room (if the room overlooks an adjacent dwelling window or the private open space of an adjacent dwelling)	Considered to be no overlooking from side elevation windows containing bedrooms and bathrooms.	Yes
		First floor balconies or decks facing side or rear boundaries only permitted where there are no adverse privacy impacts.	Side deck off laundry	Yes
		≤2m depth for first floor balconies or decks	3 balconies - 2 x 1st floor balcony 2.4m 2nd floor Front balcony 3.95m	No
4.2.10 Parking, Garages and Site Access (General)		≥1 car parking space for 1-2 bedroom dwellings	N/A	N/A
		≥2 car parking spaces for 3+ bedroom dwellings	Complies	Yes
		≥1 car parking space must be behind the building line where the space is accessed from the street on the front property boundary	Complies	Yes
		For lots >15m wide, garage doors must be ≤50% of the dwelling's front elevation width	Complies	Yes
4.2.10 Parking, Garages and Site Access (Secondary Driveways)		1 driveway is permitted per residential property. Secondary driveways will be considered on merit in accordance with the Camden DCP	Complies	Yes
4.2.12 Waste Storage Areas and Waste Collection Areas		Waste storage and collections are to be shown on DA plans. Waste storage areas are to be provided behind the building line	Complies	Yes
4.7 Unsewered Sites		On unsewered sites, effluent and household waste water are to be disposed of in accordance with Council's Sewage Management Strategy	Can be conditioned	Yes
4.7 Colours and Materials		Materials and colours for buildings (including ancillary structures) must adopt neutral/earthen colours and tones such as greys, grey-greens, blue-greys, browns or fawns. Bright colours, stark whites and blacks must be avoided	Colours lexicon quarter (white) and Prestige dark shadow (black)	No
		Non-reflective materials for external use must be utilised	Complies	Yes
4.7 Fencing		Front fencing ≤1.5m and must be of traditional picket, open post and wire, post and rail or masonry utilising only brick or stone construction	No front fence – however proposed 500mm high brick feature wall.	N/A
		Dividing fencing ≤1.5m and must be open post and wire or post and rail construction	None proposed as part of this application	N/A
		Fences on corner lots must be designed to maintain adequate sight distances for motorists	N/A	N/A
		Courtyard and screen fences must be ≤2m, not erected forward of the building line and on lots >4,000m ² , not erected within 3m of any side or rear boundary	N/A	N/A
		Courtyard fences that enclose a portion of the lot must have a maximum internal area ≤50m ²	Insufficient information provided	No

	Courtyard fencing length must be ≤40m	Insufficient information provided	No
	Feature entrances are to complement existing development on the site and minimally impact the area	N/A	N/A
	Continuous brickwork incorporated in feature front fencing must be ≤500mm above the natural ground surface beneath the fence	500mm high brick feature wall.	Yes
	Posts or columns incorporated in feature front fences must be ≤1.5m	N/A	N/A
	Fencing panels between the posts or columns in feature fencing must be of an open, decorative type with the structure of the panel covering ≤30% of the area of the panel	Insufficient information provided	No

Camden Development Control Plan 2019 - Outbuildings			
*To be read in conjunction with area specific controls (refer to Schedules 1-13)			
Section	Control	Assessment	Compliance?
4.2.2 Cut and Fill	≤1m cut and fill	Insufficient information provided	No
	Fill >300mm within 1m of a boundary contained by a drop edge beam	N/A	N/A
	Drop edge beam ≤1m above existing ground level	N/A	N/A
	Retaining walls and associated infrastructure must be contained within property boundaries	Insufficient information provided	No
	Height of voids ≤3m (refer to Figure 4-1)	N/A	N/A
4.2.5 Height, Site Coverage and Siting	Compliance with the Camden LEP height of buildings development standard	Cabana - 4.5m Spa Gazebo – 4.5m	Yes
	Ground floor level ≤1m above finished ground level unless no adverse impacts	<1.0m	Yes
	For lots ≥450m ² , ≤50% site coverage for single storey development	<50%	Yes
4.2.6 Landscaped Area	≥30% landscaped area (refer to Figure 4-5)	58%	Yes
4.2.7 Principal Open Space (PPOS)	PPOS must be located behind the building line and directly accessible from a habitable room (other than a bedroom)	Complies	Yes
	PPOS ≥4m wide, ≥4m deep and ≤1:10 gradient	Complies	Yes
	For lots >10m wide, ≥24m ² PPOS	Complies	Yes
4.2.9 Visual and Acoustic Privacy	Active recreation facilities (e.g. swimming pools) should be located away from the bedroom areas of adjoining dwellings	Complies	Yes
4.7 Colours and Materials (R5 Large Lot Residential Zones)	Materials and colours for buildings (including ancillary structures) must adopt neutral/earthen colours and tones such as greys, grey-greens, blue-greys, browns or fawns. Bright colours, stark whites and blacks must be avoided	Colours lexicon quarter (white) and Prestige dark shadow (black)	No
	Non-reflective materials for external use must be utilised	Complies	Yes
4.10 Outbuildings	Outbuildings should be sited to retain existing vegetation on site and in a location where the future growth of vegetation can be retained and protected	Proposal has been reviewed by Council's Landscape Team and conditions have been recommended.	Yes
	Unless otherwise approved by Council, the use of the outbuilding must be of domestic storage and hobby use only, which is ancillary to the use of the dwelling on the site	Outbuilding associated with the swimming pool	Yes
	Outbuildings should be sited so as they are not to encroach or impact on any existing service infrastructure, onsite sewerage management systems and associated effluent areas	Complies	Yes
	For lots ≥900m ² , 100m ² floor area	Cabana – 36.28m ²	No

		Spa Gazebo – insufficient information provided (no dimensions)	
	≤4.8m high	4.5m both outbuildings	Yes
	Single storey structure with an attic permitted provided ≤5.4m high, amenity to adjacent sites is maintained and ≤45° roof pitch	Complies	Yes
	Stormwater discharge must be disposed of solely within the property boundary without causing any nuisance to the adjacent properties	Condition can be recommended if approved	Yes
	For outbuildings >20m ² floor area, stormwater must be collected and discharged to existing stormwater lines, a collection tank with an overflow connected to the existing on-site stormwater lines or absorption trenches/an existing watercourse as deemed suitable by Council	Condition can be recommended if approved	Yes
	All outbuildings must be planned and organised in a group and must be located behind the building line, so they are predominantly hidden from view from the public domain	Complies	Yes
	All outbuildings must comply with the relevant outbuilding setback provisions within State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Complies	Yes
	≤36° roof pitch	Complies	Yes
	The external wall cladding of outbuildings should be of masonry, metal sheet or other approved material which is compatible with surrounding development in terms of profile, colour and finish	Complies	Yes
	The roof cladding of outbuildings should be of tiles, metal sheet or other approved material which is compatible with surrounding development in terms of profile, colour and finish	Complies	Yes
	The colours of roof and wall cladding should generally be of low reflective natural earth and vegetation tones	Non reflective however dark tone not supported by earlier controls.	No

Camden Development Control Plan 2019 - Urban Swimming Pools			
Section	Control	Assessment	Compliance?
4.2.6 Landscaped Area	≥30% landscaped area (refer to Figure 4-5)	58%	Yes
	A landscaping plan must be provided	Landscape plan provided	Yes
4.2.7 Principal Open Space (PPOS)	PPOS must be located behind the building line and directly accessible from a habitable room (other than a bedroom)	Complies	Yes
4.2.8 Solar Access	Direct sunlight must reach ≥50% of the PPOS of the subject dwelling and any adjoining dwelling for ≥3 hours between 9am and 3pm on 21 June	Complies	Yes
4.2.9 Visual and Acoustic Privacy	Active recreation facilities (e.g. swimming pools) should be located away from the bedroom areas of adjoining dwellings	Complies	Yes
As Relevant	Compliance with any applicable Camden DCP schedule specific controls relevant to swimming pools	Complies	Yes

Additional Swimming Pool Considerations		
Consideration	Assessment	Satisfactory?
Located behind the dwelling house's primary street building line	Complies	Yes
Located behind the dwelling house's secondary street building line	N/A	N/A
1m clear space around the swimming pool	Complies	Yes
Swimming pool may encroach the dwelling house's rear setback provided 1m clear space around the pool is maintained	N/A	N/A

CLPP02

Attachment 2

CLPP02

Attachment 2

Swimming pool barriers must comply with AS 1926.1	Condition can be recommended if approved	Yes
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Standard Residential Driveway Design			
Metric	Requirement	Assessment	Compliance?
Width	≥3m to ≤4m for single garages	N/A	N/A
	≥4m to ≤5.5m for double garages	N/A	N/A
	≥4m to ≤6.5m for triple+ garages	6.5m at crossover	Yes
Clearance	1m from infrastructure	4.2m from driveway to lintel	Yes
	300mm from stormwater connections	2m from driveway to stormwater outlet	N/A

**Written Request under Clause 4.6 Exceptions to Development
Standards of Camden Local Environmental Plan 2010**

Lot 17 DP 790208, 15 Camelot Close, KIRKHAM

CLPP02

Attachment 5

**Prepared For:
Mr & Mrs Bell**

Prepared By



September 2022

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1. Introduction

This clause 4.6 written variation request has been prepared by Michael Brown Planning Strategies Pty Ltd on behalf of Mr & Mrs Bell. It is submitted to Camden Council (the Council) in support of a development application for the demolition of the existing dwelling and construction of a new dwelling at No 15 Camelot Close, KIRKHAM (refer to **Figure 1** for site context). The proposal seeks a variation to the maximum building height limit. In brief, the proposal involves part of the roof of the dwelling exceeding the 9.5m (proposed 10.668m above natural ground) building height control under Clause 4.3(2) of *Camden Local Environmental Plan 2010* ("CLEP 2010"). Refer to **Figures 2 & 5** for details and Sheets 7 & 15 of **Appendix A**.

FIGURE 1 - SITE CONTEXT



As would be noted from the submitted plans, there is considerable fall across the subject property as detailed on **Appendices A & B**.

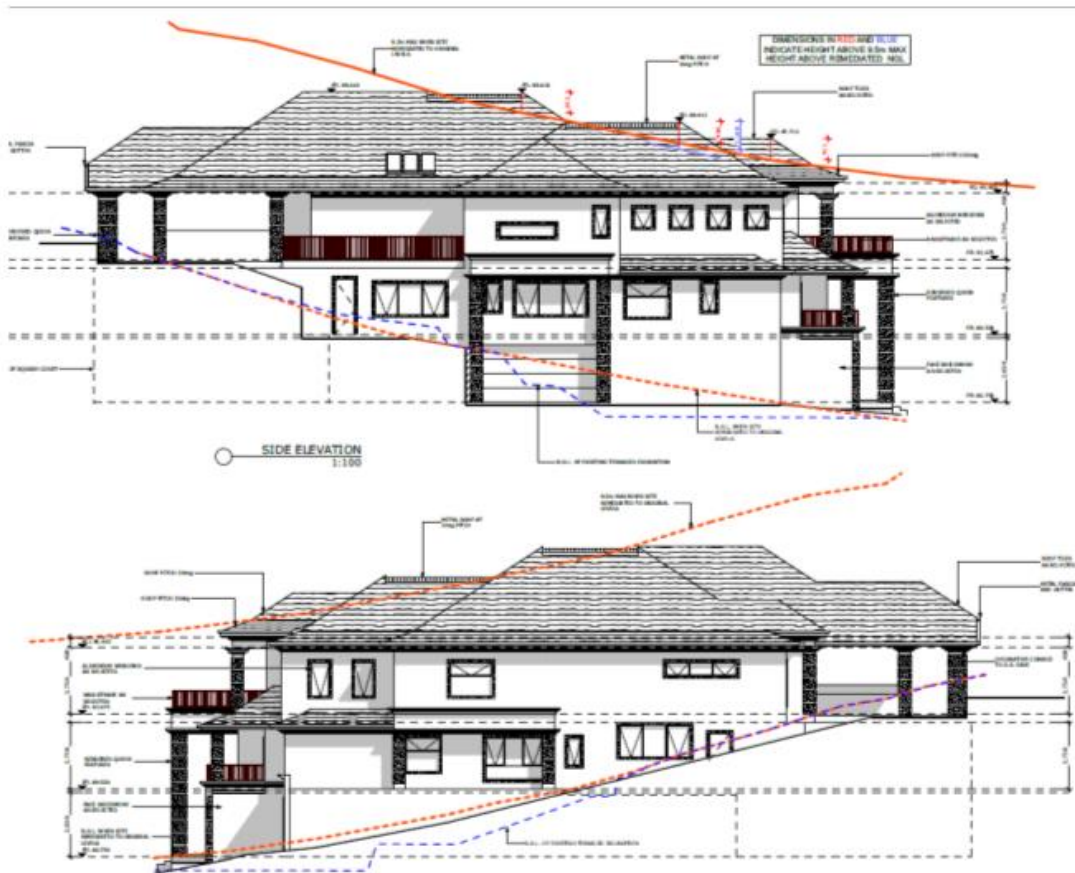
It would be noted that under the Heights of Building Map under Clause 4.3 of *Camden Local Environmental Plan 2010* (CLEP) that the maximum height control for the site is 9.5m, as shown on **Figure 3** with the dwelling exceeding the height control at 10.668m (**Figure 2**). The site is zoned R5 Large Lot Residential and the proposed dwelling is permissible with development consent.

The height of the roof varies depending on existing ground levels. However, ground levels change from different points and therefore the exceedance varies depending on where the measurement is taken from (refer to Sheets 7, 8 & 15 of **Appendix A** for details). Notwithstanding, the roof of the dwelling exceeds the height control of Cl4.3(2) of CLEP 2010 by 1.168m.

It would be noted from Sheets 7 & 8 that there are abrupt gradient changes across the site and there will be variations in heights. The design has achieved the best outcome bearing in mind these variations and existing excavation of the property. This has necessitated the submission of this Clause 4.6 written request.

The exceedance is calculated at 12.29% (greater than 10%) and we note that the application will be determined by the Council Local Planning Panel.

FIGURE 2 - SIDE ELEVATIONS



The clause aims to provide an appropriate degree of flexibility in applying certain development standards to achieve better outcomes for and from development proposals.

Clause 4.6 (3) and (4)(a)(ii) requires the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard. Clause 4.6(4)(a) states that development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The consent authority's satisfaction in respect of those matters must be informed by the objectives of clause 4.6, which are to provide an appropriate degree of flexibility in the application of the relevant controls and to achieve better outcomes for and from the development in question by allowing flexibility in particular circumstances.

The Land and Environment Court has established a set of factors to guide assessment of whether a variation to development standards should be approved.

The original approach was set out in the judgment of Justice Lloyd in *Winten Property Group Ltd v North Sydney Council* [2001] 130 LGERA 79 at 89 in relation to variations lodged under State Environmental Planning Policy 1 – Development Standards (SEPP 1).

This approach was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council* [2007] NSWLEC 827 (Wehbe). While these cases referred to the former SEPP 1, the analysis remains relevant to the application of clause 4.6(3)(a).

Further guidance on clause 4.6 of the Standard Instrument has been provided by the Land and Environment Court in a number of decisions, including:

- *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.
- *Turland v Wingecarribee Shire Council* [2018] NSWLEC 1511.
- *Bettar v Council of the City of Sydney* (2014) NSWLEC 1070 at 39-41.
- *Four2Five Pty Ltd v Ashfield Council* [2010] NSWLEC 1009.
- *Micaul Holdings Pty Limited v Randwick City Council* [2010] NSWLEC 1386.
- *Moskovich v Waverley Council* [2016] NSWLEC 1015.
- *Rihani V Waverley Council* (2022) NSWLEC 1292.

Notwithstanding, of relevance to the subject application is a recent Land & Environment Court decision in the matter of how the Court adopts a new way of measuring building height on brownfield sites.

Under the *Bettar* approach, where there is a basement in an existing building, the ‘existing ground level’ needed to be inferred from co-ordinates on the edge of a footprint of the basement of the existing building (rather than the excavated ground level that sits under the basement). The existing ground level could only be extrapolated in this way where there is no existing ground level due to the existence of the basement.

Where the ground level was to be inferred, it was to be shown as a plane drawn from the existing ground level at the key points marking the edge of the portion of the site which is said to have no ground level (i.e. the portion occupied by a building with a basement) – refer to Sheets 7 & 8.

The methodology in *Bettar* has, until now, been routinely accepted as appropriate when calculating building height on a site occupied by an existing building that has been excavated into the ground. Note there is an existing dwelling on site that will be demolished, as it is almost within the footprint of the proposed dwelling.

Notwithstanding, the level from existing ground level to the roof of the dwelling exceeds the height control, as shown by the red line on the elevation plans at **Figure 2**; whilst the blue line shows the existing levels as a result of previous excavation works.

The revised approach

In August 2021, the Court decided not to apply *Bettar* in a particular case (*Cadele Investments Pty Ltd v Randwick City Council* [2021] NSWLEC 1484 at [90]-[91]). This decision in *Merman* more squarely deals with the issue.

The decision in *Merman* was handed down by the same commissioner of the Court who made the *Bettar* decision (Commissioner O'Neill).

In *Merman* the maximum height of building was 10.5m. The Double Bay site sloped steeply from the rear – with an overall fall of around 24m. On the site there was an existing residential flat building – which was proposed to be demolished and replaced.

A portion of the site was excavated for the construction of the existing building and the ground level was lowered by the excavation within the footprint of the existing building. The proposed development was greater than 10.5m above the excavated ground level within the footprint of the existing building, as is the case with the subject application as depicted with the red and blues lines.

If the excavated ground level was used as the reference point for the 10.5m height limit, there would be a dip in that plane that does not reflect in the overall topography of the hill.

The proponent said that the proposal was compliant with the maximum building height when the existing ground level on the site – outside of the footprint of the existing building – is used to determine the maximum building height plane.

The Court did not apply the *Bettar* decision and instead said (at [73]) that:

- the existing level of the site at a point **beneath** the existing building is the level of the land at that point; and
- the 'ground level (existing)' within the footprint of the **existing** building is the existing excavated ground level on the site.

As a result, the Court said that the proposed new building exceeded the maximum building height standard where the vertical distance is greater than 10.5m – measured from the **excavated** ground level (within the footprint of the existing building) to the highest point of the proposal directly above.

The Court accepted (at [74]) that there is an 'environmental planning ground' that may justify the contravention of the height standard under 'clause 4.6' when the prior excavation of the site (within the footprint of the existing building) distorts the maximum building height plane.

The clause 4.6 request was upheld and development consent was granted. It would be noted that in this subject case, ground levels around the existing dwelling have been altered and effectively distort the natural ground levels.

Applying the height control on brownfield sites going forward

This new decision represents a significant break from the established *Bettar* approach. The Court did not explain why the *Bettar* approach was not followed. It is possible that the Court considered that *Bettar* did not apply because, in *Bettar*, there was a distinct 'basement'.

A 'basement' is defined as 'the space of a building where the floor level of that space is predominantly below ground level (existing)'. This definition was one of the reasons advanced to support the original *Bettar* decision.

The existing floor levels excavated into the hillside in Merman did not have precisely the same characteristics as the basement in Bettar. However – if this was the basis for distinguishing the development in Merman from that in Bettar – it does create some uncertainty (about when to apply the differing approaches).

1.1 SUBJECT PROPOSAL

In accordance with CLEP 2010 requirements, this Clause 4.6 request provides sufficient justification to vary the standard in that:

- It establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- Demonstrates there are sufficient environmental planning grounds to justify contravention.
- Demonstrates that the proposed variation is in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

This cl4.6 written variation request demonstrates that compliance with the maximum height development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention of the standard and that proposal is in the public interest.

This clause 4.6 variation request demonstrates that:

- There are sufficient environmental grounds to justify the contravention. The proposed height variation does not generate any unacceptable environmental impacts in respect of overshadowing and will not impact on any significant view lines and vistas from the public domain or from adjoining dwellings. It would also be noted that contours across the site are variable adding to the complexity of designing a development to meet these controls.
- There are site specific environmental grounds which justify the minor breach, in particular the requirement to have regard to the existing ground levels.
- Notwithstanding the proposed height variation, the proposed development remains consistent with the objectives of the height standard and the R5 Large Lot Residential zone (refer to **Figure 3** for extract from the zone map under CLEP 2010).
- The proposed height variation will not be perceivable from the public domain and as such the proposed development will have an appropriate impact, in terms of its scale, form and massing and will not impact on existing dwellings.
- The proposed development is in the public interest. The proposed development and variation to the height control will enable the orderly and efficient use of the land, in accordance with the objects of the Act. Therefore, the DA may be approved with the variation as proposed in accordance with the flexibility allowed under clause 4.6 of the CLEP 2010.

The height of the dwelling exceeds the height control under Clause 4.3 of *Camden Local Environmental Plan 2010* by 1.168m worst-case scenario or 12.29% and as such a Clause 4.6 variation request is provided to justify that the proposal is in the public interest and addresses the potential environmental impacts of the proposal.

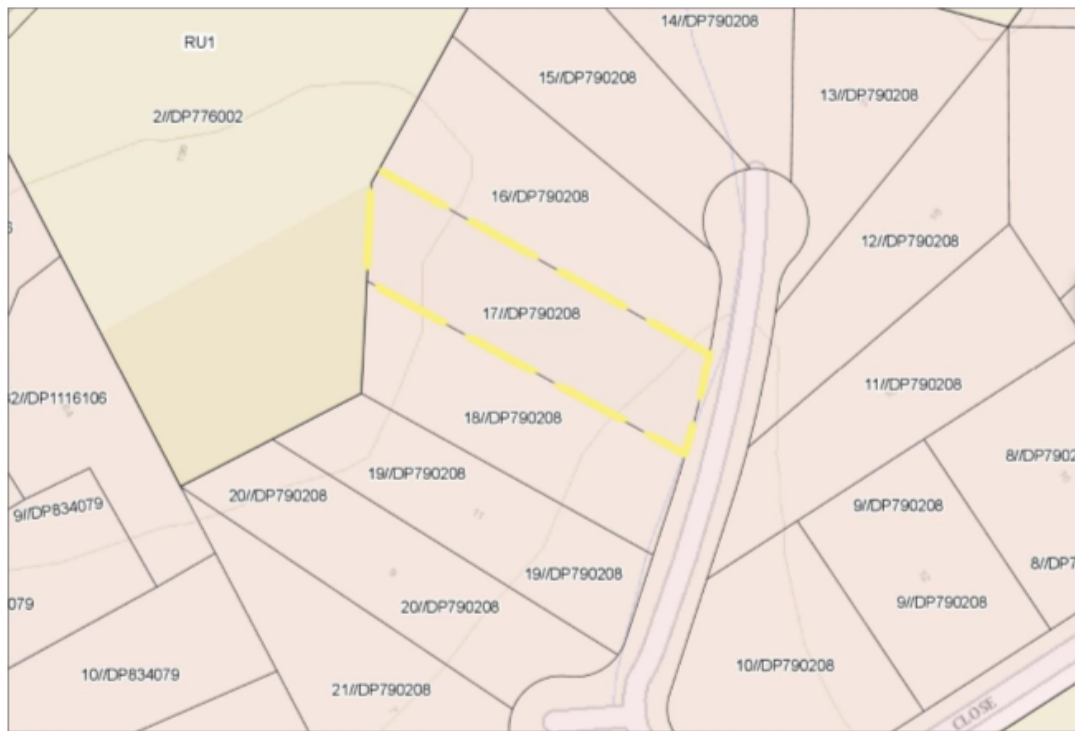
This report should also be read in conjunction with architectural plans prepared by M. A. D. S. that accompany the development application at **Appendix A**.

This report comprises a written request from the Applicant under Clause 4.6 of Camden Local Environmental Plan 2010 ("CLEP 2010") that seeks to justify the contravention by a proposed development to the development standard for the height control in Clause 4.3(2) of LEP 2010.

This clause states:

- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

FIGURE 3 – EXTRACT FROM ZONE MAP



1.2 STATUTORY OBLIGATIONS OF THE APPLICANT AND COUNCIL

The authority established within a judgement in Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118, provides that a Cl4.6 variation need not establish that a development containing a variation provides a better or even neutral outcome for a development site compared with that which would be provided by a compliant development proposal for the site.

In light of this judgement, it is necessary to distinguish between the obligations of the applicant, and the obligations of Council. The applicant must address the matters required by cl4.6(3). Note however, that for completeness and to assist Council in its assessment, this variation request has addressed cl4.6(3) and 4.6(4).

The consent authority need only be satisfied of the matters required within 4.6(4)(a), namely that the applicant has adequately addressed 4.6(3), and that the development is consistent with the objectives of the standard and the objectives of the zone. The issue of compliance with the objectives of the zone are addressed by this firm in the Statement of Environmental Effects (SoEE) accompanying the development application.

The Initial Action judgement states that “the consent authority, or the Court on appeal, does not have to directly form the opinion of satisfaction regarding the matters in cl4.6(3)(a) and (b), but only indirectly form the opinion of satisfaction that the applicant’s written request has adequately addressed the matters required to be demonstrated by cl4.6(3)(a) and (b)”.

The independent role for the consent authority is therefore to determine whether the proposed development will be consistent with the objectives of the standard and the objectives of the zone. This involves a consideration of the “development” in its entirety, not just the proposed variation. It is clear that the development meets the objectives of the standard as discussed throughout this written request.

Therefore, strict compliance with the objectives of the R5 Large Lot Residential zone may not be fully met, but we would contend that the development is not inconsistent with the objectives of providing housing to meet the needs of the family and does not impact on the environmental qualities of the property or nearby properties. This aspect of the request is addressed in this cl4.6 request.

The responsibilities of the applicant had earlier been clarified within *Four2Five Pty Ltd v Ashfield Council* (2010) NSWCA 248. In addressing clause 4.6(3), the applicant must establish reasons that the variation should be supported, aside from the consistency of the development with the objectives of the standard and the objectives of the zone.

In *Wehbe V Pittwater Council* (2007) NSW LEC 827, Preston CJ set out the following 5 different ways in which an objection (variation) may be well founded:

1. *The objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard that would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.*

It is generally understood that Clause 4.6(3) can be satisfied if it is established that a development satisfies one or more of points 2-5 above. The information contained within this written request directly addresses the third and fourth reason within the list above.

Note that although this request is structured to address 4.6(3) and 4.6(4)(a)(ii) individually, the report should be read in its entirety as fulfilling the applicant’s obligations under 4.6(3).

1.3 DEVELOPMENT STANDARD TO BE VARIED

This Clause 4.6 written variation request seeks to justify contravention of the development standard set out in cl4.3 of the CLEP. Clause 4.3 provides that the maximum height control for the Site is 9.5m, as shown on the heights of building map extract (**Figure 4**).

FIGURE 4 – EXTRACT OF HEIGHTS OF BUILDINGS MAP



Clause 4.6(2) & (3) of LEP 2010 states:

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

The land the subject of this objection is known as Lot 17 DP 790208, 15 Camelot Close, KIRKHAM, as shown on **Figure 1**. The proposal seeks consent to demolish existing structures and construct a new dwelling on the subject property.

The development is shown on the submitted plans prepared by M. A. D. S. at **Appendix A** and addressed in the accompanying Statement of Environmental Effects prepared by this firm.

The remainder of this report seeks to demonstrate that compliance with Clause 4.3(2) of CLEP 2010 is both unreasonable and unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravening the development standard in this instance and that the proposal is in the public interest.

Clause 4.6(4) of LEP 2010 states:

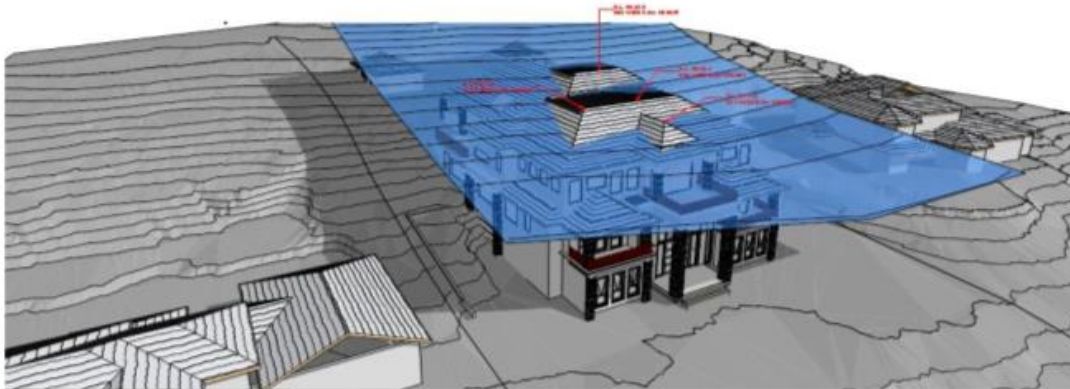
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
- (a) *the consent authority is satisfied that:*
- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Planning Secretary has been obtained.*

The property has a height control specified under Cl4.3(2) to enable the consent authority to approve without further investigation of the specific objectives.

This report has been prepared to support a variation to the development standards of Cl4.3(2) of *Camden Local Environmental Plan 2010 (CLEP 2010)*. As such a written variation is sought under 'Clause 4.6 - Exceptions to development standards' under CLEP 2010. It is proposed by the development proposal to construct a dwelling with a height of 10.668m or 1.168m worst-case scenario above the height control.

This equates to a 12.29% variation to the development standard. **Figure 5** provides a height blanket to show those parts of the roof that exceed the height control. It would be noted that despite the levels of the land, the majority of the roof is compliant.

FIGURE 5 - HEIGHT BLANKET



It is noted that Cl4.3 is not "expressly excluded" from the operation of Cl4.6 and it is therefore open to the consent authority to grant development consent to the development pursuant to this Clause, despite the proposed variation to Cl4.3.

2 Exception to Development Standards – Clause 4.6

Clause 4.6 of the CLEP 2010 operates as a precondition to the exercise of power to grant consent and unless a consent authority is satisfied that the precondition has been met, consent cannot be granted to a proposed development that contravenes development standards.

Two positive opinions of satisfaction under cl4.6(4)(a)(i) and (ii) must be made.

Assistance on the approach to justifying a contravention to a development standard is also to be taken from the applicable decisions of the NSW Land and Environment Court and the NSW Court of Appeal in:

1. *Wehbe v Pittwater Council* [2007] NSW LEC 827; and
2. *Four2Five Pty Ltd v Ashfield Council* [2010] NSWLEC 1009.

The relevant matters contained in cl4.6 of the CLEP, with respect to the maximum building height development standard, are each addressed below, including with regard to these decisions.

2.1 CLAUSE 4.6(4)(A)(I) - ADEQUATE ADDRESS OF MATTERS UNDER CL 4.6(3)

In response to cl4.6(3) two matters must be addressed:

- A. compliance with the development standards is unreasonable and unnecessary in the circumstances of the case; and
- B. there are sufficient environmental planning grounds to justify contravention of the development standard.

(A) Compliance with the development standard is unreasonable and unnecessary in the circumstances of the case

The objectives of cl4.3(1) are:

- (a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,
- (b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access,
- (c) to minimise the adverse impact of development on heritage conservation areas and heritage items.

The above objectives are achieved notwithstanding the objectives of Cl4.3 making it unnecessary to apply the height control in the heights of building map.

Historically, the most common way to establish whether a development standard was unreasonable or unnecessary was by satisfying the first method set out in *Wehbe v Pittwater Council* [2007] NSWLEC 827. This method requires the objectives of the standard be achieved despite the non-compliance with the standard.

This was recently re-affirmed by the Chief Judge in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 at [16]-[17]. Similarly, in *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 at [34] the Chief Judge held that “establishing that the development would not cause environmental harm and is consistent with the objectives of the development standards is an established means of demonstrating that compliance with the development standard is unreasonable or unnecessary”.

In *Wehbe*, Preston CJ of the Land and Environment Court provided relevant assistance by identifying five traditional ways in which a variation to a development standard had been shown as unreasonable or unnecessary. However, it was not suggested that the types of ways were a closed class.

While *Wehbe* related to objections made pursuant to State Environmental Planning Policy No. 1 – Development Standards (SEPP 1), the analysis can be of assistance to variations made under clause 4.6 where subclause 4.6(3)(a) uses the same language as clause 6 of SEPP 1 (see *Four2Five* at [61] and [62]). As the language used in subclause 4.6(3)(a) of the CLEP 2010 is the same as the language used in clause 6 of SEPP 1, the principles contained in *Wehbe* are of assistance to this cl4.6 variation request.

The five methods outlined in *Wehbe* include:

- The objectives of the standard are achieved notwithstanding non-compliance with the standard (**First Method**).
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary (**Second Method**).
- The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable (**Third Method**).
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable (**Fourth Method**).
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone (**Fifth Method**).

The Request also seeks to demonstrate the 'unreasonable and unnecessary' requirement is met because the burden placed on the community by not permitting the variation would be disproportionate to the non-existent or inconsequential adverse impacts arising from the proposed non-complying development. This disproportion provides sufficient grounds to establish unreasonableness (relying on comments made in an analogous context, in *Botany Bay City Council v Saab Corp* [2011] NSWCA 308 at [15]).

The objectives of the development standard contained in clause 4.3 of the CLEP are summarised in **Table 1**.

TABLE 1 – COMPLIANCE TABLE

Objective	Proposed
Clause 4.3(1)	
(a) to ensure that buildings are compatible with the height, bulk and scale of the existing and desired future character of the locality,	This objective articulates the ultimate function of the height of buildings development standard. The maximum height for buildings on land within the Camden Local Government Area is identified on the Height of Buildings Map. As previously described, the maximum building height permitted on the subject site is 9.5m and the maximum height of the proposal is 10.668m.

Objective	Proposed
	<p>The proposal varies the standard, which has prompted the preparation of this written variation request. Despite the nature and scale of development proposed by this Development Application, Clause 4.3 achieves the objective of nominating a range of maximum building heights across land use zones, using the Height of Buildings Map as a mechanism to do so. This written request identifies the extent of variation proposed and explains why the variation is acceptable in the circumstances. As discussed in the context of the other objectives, the proposal will not conflict with the underlying aims for built form and land use intensity in the zone or the site’s relationship to the “hierarchy” of height limits for surrounding land.</p> <p>Height controls are set via height in metres, to best respond to variation in natural landforms. The proposed exceedance of the height control does not impact this reflection of natural landforms, nor the height control across the site. In fact, the proposed dwelling (and height variation) better reflect the natural landform.</p> <p>The land also has a reasonable fall across the site and the height control has constraints on the built form outcome proposed by this development.</p> <p>In combination (height controls and topography) place restrictions on designing a compliant development. Notwithstanding, the design results in a minor non-compliance that is considered acceptable, particularly when viewed from the public domain, which will not be discernible given the articulated nature of the development.</p> <p>This written request identifies the extent of variation proposed and explains why the variation is acceptable in the circumstances having regard to the heights permitted on the subject site. As discussed in the context of the other objectives, the proposal will not conflict with the underlying aims for built form and land use intensity in the zone or the site’s relationship to the “hierarchy” of height limits for surrounding land, which has been addressed throughout this request.</p> <p>The proposal is consistent with the Planning Principle of the Land & Environment Court in the matter of Veloshin V Randwick Council (2007) NSWLEC 428 at 32-33.</p>

Objective	Proposed
	<p><i>Planning principle: assessment of height and bulk</i></p> <ul style="list-style-type: none"> The appropriateness of a proposal’s height and bulk is most usefully assessed against planning controls related to these attributes, such as maximum height, floor space ratio, site coverage and setbacks. The questions to be asked are: <i>Are the impacts consistent with impacts that may be reasonably expected under the controls? (For complying proposals this question relates to whether the massing has been distributed so as to reduce impacts, rather than to increase them. For non-complying proposals the question cannot be answered unless the difference between the impacts of a complying and a non-complying development is quantified.)</i> <p><i>How does the proposal’s height and bulk relate to the height and bulk desired under the relevant controls?</i></p> <ul style="list-style-type: none"> Where the planning controls are aimed at preserving the existing character of an area, additional questions to be asked are: <i>Does the area have a predominant existing character and are the planning controls likely to maintain it?</i> <i>Does the proposal fit into the existing character of the area?</i> Where the planning controls are aimed at creating a new character, the existing character is of less relevance. The controls then indicate the nature of the new character desired. The question to be asked is: <i>Is the proposal consistent with the bulk and character intended by the planning controls?</i> Where there is an absence of planning controls related to bulk and character, the assessment of a proposal should be based on whether the planning intent for the area appears to be the preservation of the existing character or the creation of a new one. In cases where even this question cannot be answered, reliance on subjective opinion cannot be avoided. The question then is: <i>Does the proposal look appropriate in its context?</i>

Objective	Proposed
	<p>33 The above principles are supplementary to, and consistent with, the principles established in <i>Stockland Development Pty Ltd v Manly Council [2004] NSWLEC 472</i>.</p> <p>The character of the area relates to the rural residential context, but also the zoning of the land to permit residential development. As detailed in this variation request, we are of the opinion that the bulk and scale of the development is not inconsistent with the existing character of the estate that provides for large dwellings on large lots.</p> <p>The proposed scale of development relates to the built form envisaged by the planning controls, specifically building height, despite the relatively numerical departure from the height of buildings development standard. The proposed non-compliance will better achieve the aims of promoting housing, than would a scheme that strictly complied through the reduction in height.</p> <p>The proposed height variation is above the maximum height limit and covers a small proportion of the roof area and thus the proposed development is consistent with the scale of development developed in the context of this part of the estate and the adjacent buildings, notwithstanding the proposed non-compliance (refer to Figure 5).</p> <p>It is concluded that the design of the development is compatible with the character of the local area in the required sense of “capable of existing in harmony”.</p>
<p>(b) to minimise the visual impact, disruption of views, loss of privacy and loss of solar access,</p>	<p>Although the proposed development projects marginally beyond the maximum building height plane (refer to Figure 2), it is submitted that there will be no adverse impact as follows:</p> <ul style="list-style-type: none"> • Visual impact: The non-compliant element is in the middle of the dwelling and will not be readily perceived from the street or nearby locations. The roof feature arguably constitutes an architectural roof feature design to reflect the design of other dwellings in the street. This is also the small section of the roof that exceeds the height control; however, this is a minor area of non-compliance and forms part of the design.

Objective	Proposed
	<ul style="list-style-type: none"> View loss: The extent of variation is numerically (12.29%) and the non-compliant element is not likely to impinge on any significant public or private views. <p>It is noted that the maximum permitted building height on land adjoining the site is 9.5m.</p> <p>Therefore, the addition building height proposed will not obscure views from public or private areas. The proposed height variation does not impact on any significant view lines and vistas from the public domain. The potential view loss will be no greater than a compliant development. Variations to the elevation façades are proposed in the form of articulated design elements and the use of a variety of materials and finishes, which provide visual interest.</p> <p>This is consistent with the decision of Senior Commissioner Roseth in <i>Tenacity Consulting Pty Ltd V Warringah Council</i> (2004) NSWLEC 140.</p> <p>In this regard:</p> <ul style="list-style-type: none"> The proposed height variation does not impact on any significant view lines and vistas from the public domain. Existing views are maintained from adjoining developments, which is noted by Commissioner Roseth in <i>Tenacity Consulting V Warringah Council</i> (2004) NSWLEC 140. <p>Therefore, the addition building height proposed will not obscure views from public or private areas. The proposed height variation does not impact on any significant view lines and vistas from the public domain.</p> <p>The height variation relates to a part of the roof in the middle of the dwelling. Despite the proposed variation, it is submitted that the development reflects the intended scale of development at the site, in that the variation is minor and the scale of the proposal is not substantially different to that of a compliant scheme, particularly when perceived from the street.</p> <p>As described above, the additional building height will not result in any significant amenity impacts on neighbouring properties, or visual impacts in terms of how the building presents to the street, particularly as the viewscape to the other dwellings is not compromised.</p>

Objective	Proposed
	<p>This is an important aspect of the application particularly for persons residing opposite to maintain separation between dwellings. The proposal aligns with this objective, despite non-compliance.</p> <p>It is considered that the requirement for strict compliance with the control would be counterproductive to achieving the aims to support residential accommodation in the LGA, particularly when the scale of development will not be perceptibly different to a strictly compliant proposal.</p> <p>The surrounding area is characterised by predominantly residential development, with a mixture of dwelling sizes and dwelling types on large rural residential properties, generally 4000m² in area.</p> <p>Having regard to all of the above, it is our opinion that compliance with the height of buildings development standard is unnecessary in the circumstances of the case as the development meets the objectives of that standard and the zone objectives, as described in this written variation request.</p> <p>Compliance with the development standard is both unreasonable and unnecessary in this case given that the characteristics of the site and the circumstances of the proposed dwelling allowing for the proposed height.</p> <p>The potential site development is in keeping with the existing planning controls and the form of development that the Council has essentially encouraged with these controls.</p> <p>Having regard to the above we consider that the approach taken serves the objects of the Act of promoting the orderly and economic use of land, with a development that provides for housing close to all services and facilities in the immediate area.</p>
<p>(c) to minimise the adverse impact of development on heritage conservation areas and heritage items.</p>	<p>The subject property is not located in a heritage conservation area and will have no impact on heritage items within the vicinity of the subject land, as detailed in the SoEE accompanying the application and shown on Figure 6.</p>

FIGURE 6 – LOCATION OF HERITAGE PROPERTIES ON AERIAL OVERLAY



2.2 CONCLUSION

Having regard to all of the above, it is our opinion that compliance with the height control standard is unnecessary in the circumstances of the case as the development meets the objectives of that standard and the zone, as described in this written variation request.

It is not considered that a variation to the development standard in these circumstances would act as a general planning change more appropriately dealt with under *Part 3* of the *Environmental Planning & Assessment Act 1979*, as the variation to the height control of Cl4.3(2) is minor being a 12.29% variation and will not be discernible from the public domain, noting the area is essentially rural in nature with no pedestrian traffic being located at the end of a cul-de-sac.

As such, it is considered that the variation request in this instance can be addressed under the current zoning regime applying to the subject property.

3 Objectives of the Zone

The objectives of the R5 zone are:

- To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.
- To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.
- To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Clause 4.6(4)(a)(ii) also requires that the consent authority be satisfied that the development is in the public interest because it is consistent with relevant zone objectives. The proposed development is consistent with the objectives of Zone R5 Large Lot Residential zone in that:

- The new dwelling is considered to be low-impact residential and dwellings are permissible with development consent. The new dwelling will be 'nestled' into the landscape and the property landscaped to complement the dwelling. The subject property is not located within an environmental constraint or sensitive area or scenic protection area. It is not located in a scenic area and not located on a ridgeline.
- The proposed dwelling will have no impact on the values of the area and will not hinder other properties being developed.
- Not applicable to the subject property, as the proposal replaces an existing dwelling on the property.
- Not applicable. Refer to above comments.

For these reasons the development proposal meets the objectives for development in Zone R5, despite non-compliance with the building height development standard.

4 Sufficient Environmental Planning Grounds

(B) that there are sufficient environmental planning grounds to justify contravening the development standard.

The Land & Environment Court judgment in *Initial Action Pty Ltd v Woollahra Council* [2018] NSWLEC 2018, assists in considering whether there are sufficient environmental planning grounds to justify a variation from the development standard. Preston J observed:

"...in order for there to be 'sufficient' environmental planning grounds to justify a written request under clause 4.6, the focus must be on the aspect or element of the development that contravenes the development standard and the environmental planning grounds advanced in the written request must justify contravening the development standard, not simply promote the benefits of carrying out the development as a whole; and ...there is no basis in Clause 4.6 to establish a test that the non-compliant development should have a neutral or beneficial effect relative to a compliant development"

The proposed built form is a well-considered response to the particular constraints of the site, in particular the topography of the site and the height control map.

Having regard to the objectives of the *Environmental Planning and Assessment Act 1979* sufficient environmental planning grounds exist in this case to justify breaching the height standards. In particular the objects under section 1.3(a), (b), (c), (g) and (h) are pursued by this development. The objective seeking orderly and economic development of land and good design are clearly supported by approval of this development.

Part of the environmental planning grounds in this matter arise from the individual design aspects of that part of the dwelling in breach and they are supportive of the variation sought to the height control to allow variations of a minor nature (12.29%).

Clause 4.6(3)(b) requires that the written request to vary a development standard demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard. In order to demonstrate that there are sufficient environmental planning grounds to justify varying the development standard and to satisfy objective (1)(b) of Clause 4.6 by demonstrating that the proposed variation allows for a better outcome for and from the development. The following discussion is provided:

- The discussion provided throughout this variation request demonstrates that the additional building height will not result in any adverse environmental impacts, in terms of amenity impacts, nor will there be any adverse streetscape impacts given the nature of the departure and the location of the dwelling at the end of the cul-de-sac. It is submitted that there are sufficient environmental planning grounds to support the variation, particularly having regard to the fall of the land and the Council planning documents that support residential development to a height of 9.5m.

In particular, the site has unique qualities relating to natural setting of the property in a rural setting, but also close to services located at the nearby Camden and Narellan and other nearby areas.

Exceedance of the height control is therefore not a prohibition, but more relating to development that may be developed in such a zone with height controls restricting development to 9.5m.

The dwelling is located within easy access to all services and facilities within the Camden and Narellan CBDs with easy access to other services and facilities. As such the development offers a level of amenity suitable to the proposed development. The height non-compliance, on its own, has no impacts on any surrounding land or the public domain, as detailed in this request.

There is an absence of environmental harm arising from the contravention and positive planning benefits arising from the proposed development as outlined in detail above. These include:

- The proposal satisfies the general objectives in section 1.3 of the *Environmental Planning and Assessment Act 1979* in that it promotes the orderly and economic use and development of land and promotes good design and amenity of the built environment for residents.
- The proposed variation is 12.29% and on the minor portion of the roof at 1.168m worst-case scenario above the height control (refer to **Figure 2**).
- The main non-compliance of the roof form will provide visual interest and a varied building façade and scale to the development, helping to differentiate the built elements and respond to the DCP requirement for well-articulated building forms.
- The proposed variation will not result in any unacceptable environmental impacts on the site, the public open spaces in the street or the adjoining residential properties. Based on the above, it has been demonstrated that there are sufficient environmental planning grounds to justify the proposed cl4.3(2) building height non-compliance in this instance.

Clause 4.6(3)(b) requires that the written request to vary a development standard demonstrates that there are sufficient environmental planning grounds to justify contravening the development standard.

The height control requirements under CLEP 2010 are, in the circumstances of this matter, unreasonable and unnecessary, as discussed in this submission.

The site is zoned R5 Large Lot Residential with a height control of 9.5m. Exceedance of the height control is therefore not a prohibition, but more relating to development that may be developed in R5 zones.

(C) In addition, under cl 4.6(4)(a)(ii) of the LEP, the consent authority must also be satisfied that:

- (1) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and with the objectives for the development within the zone in which the development is proposed to be carried out.

In the judgement within Initial Action, Preston CJ indicated that a consent authority only needs to be satisfied that an applicant has adequately addressed the matters within clause 4.6(3), and that, pursuant to 4.6(4)(a)(ii), the development is consistent with the objectives of the standard and consistent with the objectives of the zone. Although not strictly required, this variation has addressed the reasons that the development satisfies 4.6(4)(a)(ii).

The objectives of the height standard were addressed above. It is evident from the above that Objectives (i) to (iv) have been addressed. It is also evident that the existing locality referred to within the objectives, is eclectic and is not characterised by any particular homogenous built form.

The public interest has been demonstrated in several sections of this report and is found to be consistent with the objectives of Clause 4.3 under CLEP 2010. Accordingly, the proposed development is in the public interest, as it is consistent with the overarching height objectives.

The proposed non-compliance with the building height standard will not raise any matter of significance for State or regional environmental planning. It has been demonstrated that the proposed variation is appropriate based on the specific circumstances of the case and would be unlikely to result in an unacceptable precedent for the assessment of other development proposals.

It is considered that the strict maintenance of the standard in this instance is not in the public interest, as the proposal will result in the public benefit by the delivery of high-quality residential accommodation close to services and facilities for the family.

The proposed development achieves the objectives of the building height standard despite the technical non-compliance.

There are no significant public disadvantages which would result from the proposed development and it is considered that there are no matters that warrant refusal of the proposal on grounds of the development being contrary to the public interest.

It is considered that this design represents an individual response which Clause 4.6 was intended to be available to set aside compliance with the generic controls as unreasonable or unnecessary in the circumstances of this particular case, as detailed in this variation request.

The proposed development is therefore considered to be justified on public interest grounds.

4.1 SUMMARY

Having regard to the judgement in *Wehbe*, the objectives of the *Environmental Planning and Assessment Act 1979*, the objectives of the zone and the objectives of the standard, sufficient environmental planning grounds exist in this case to justify breaching the height standard. The reasons for the variation can be summarised as follows:

- The subject development is compatible with the existing site context, consistent with both the existing and future character, and the proposal achieves the objectives of the development standard as provided in Clause 4.3 of CLEP 2010.
- Therefore, the underlying objective or purpose of the height control standard, primarily related to the existing scenic and rural character, would be defeated or thwarted if compliance was required and therefore compliance is unreasonable.
- The constraints and opportunities associated with the site have influenced the design of the proposal, and the proposal is a carefully considered response to these constraints detailed in this report.
- For this particular development site, there are no feasible or suitable design alternatives available that would result in a building which complied with the height control having regard to the design, in particular and the constraints of the site addressed in this report.
- Does not generate any unacceptable environmental impacts in respect of overshadowing, or material view loss, as detailed above in **Table 1**.
- The objectives of the zone are achieved notwithstanding non-compliance with the standard, particularly considering that compliance with the height development standard would actively discourage development that supports or complements the function of the rural residential zone.
- Although the standard has not been abandoned or destroyed, the strict application of the standard in these circumstances is not appropriate.

The authority within the judgement in Initial Action has reaffirmed that the role for the consent authority is to determine whether the proposed development will be consistent with the objectives of the standard and the objectives of the zone. This involves a consideration of the “development” in its entirety, not just the proposed variation. It is clear that the development meets the objectives of the standard and of the zone.

This written request has demonstrated that strict compliance with the standard in this instance would be unnecessary and unreasonable and that there are environmental planning grounds to justify the contravention of the development standard and that the development is in the public interest.

Given the above, it is considered that the requirements of Clause 4.6 have been satisfied and that the variation to the height development standard can be approved.



NOTES:
 1. LEVELS SHOWN ARE APPROX. ONLY AND SHOULD BE VERIFIED ON SITE
 2. FIGURED DIMENSIONS ARE TO BE TAKEN IN PREFERENCE TO SCALING
 3. ALL MEASUREMENTS ARE IN MILLIMETRES UNLESS OTHERWISE STATED
 4. WINDOW SIZES ARE NOMINAL ONLY. FINAL WINDOW SCHEDULE BY BUILDER

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CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

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 DRAWING

COVER PAGE

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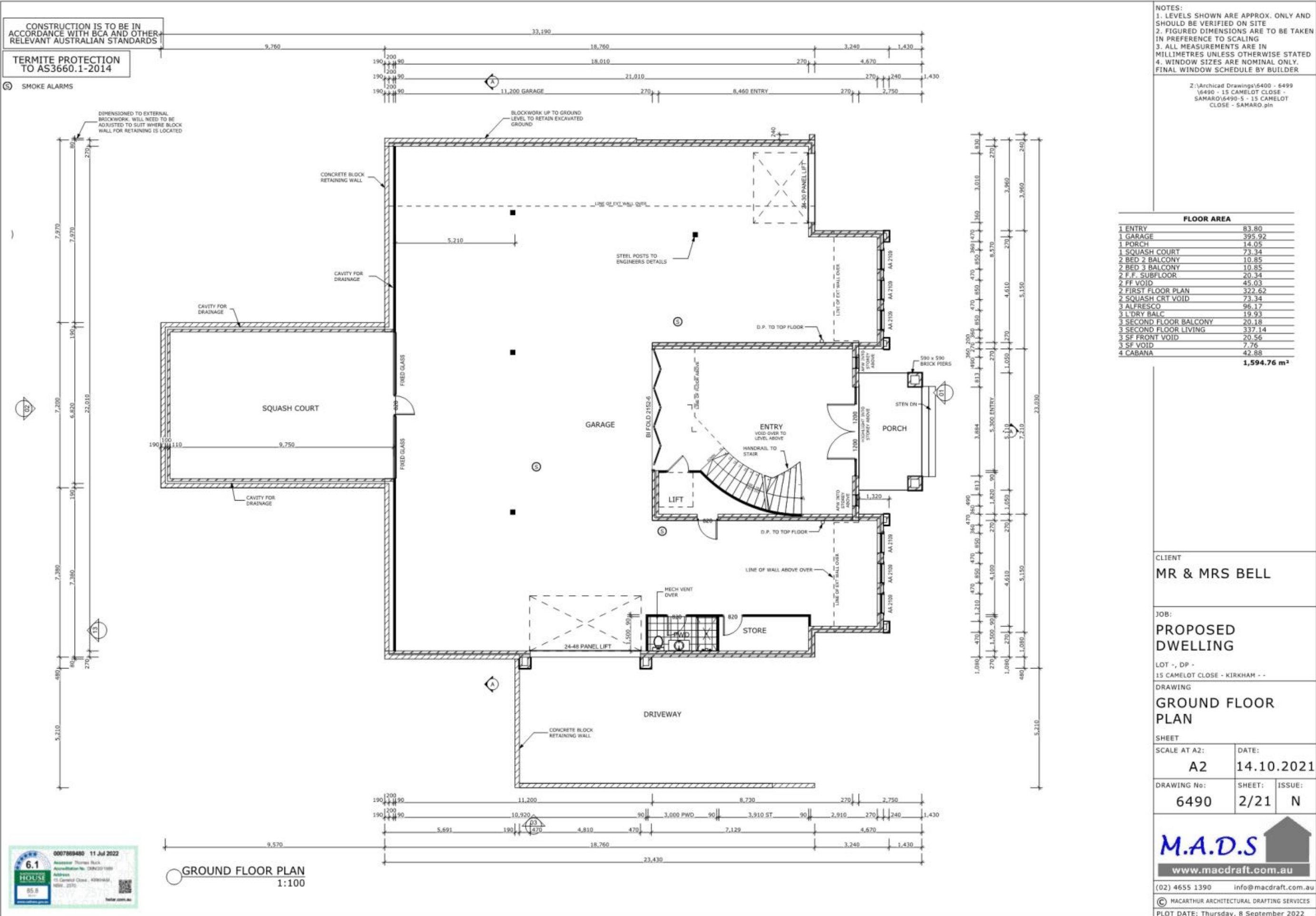
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5	ROOF PLAN
6	FRONT & REAR ELEVATIO...
7	SIDE ELEVATIONS
8	SECTION
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10	POOL CABANA
11	SITE PLAN
12	STORMWATER PLAN
13	DEMOLISH PLAN
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15	3D IMAGES
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20	BASIX
21	SAFETY NOTES

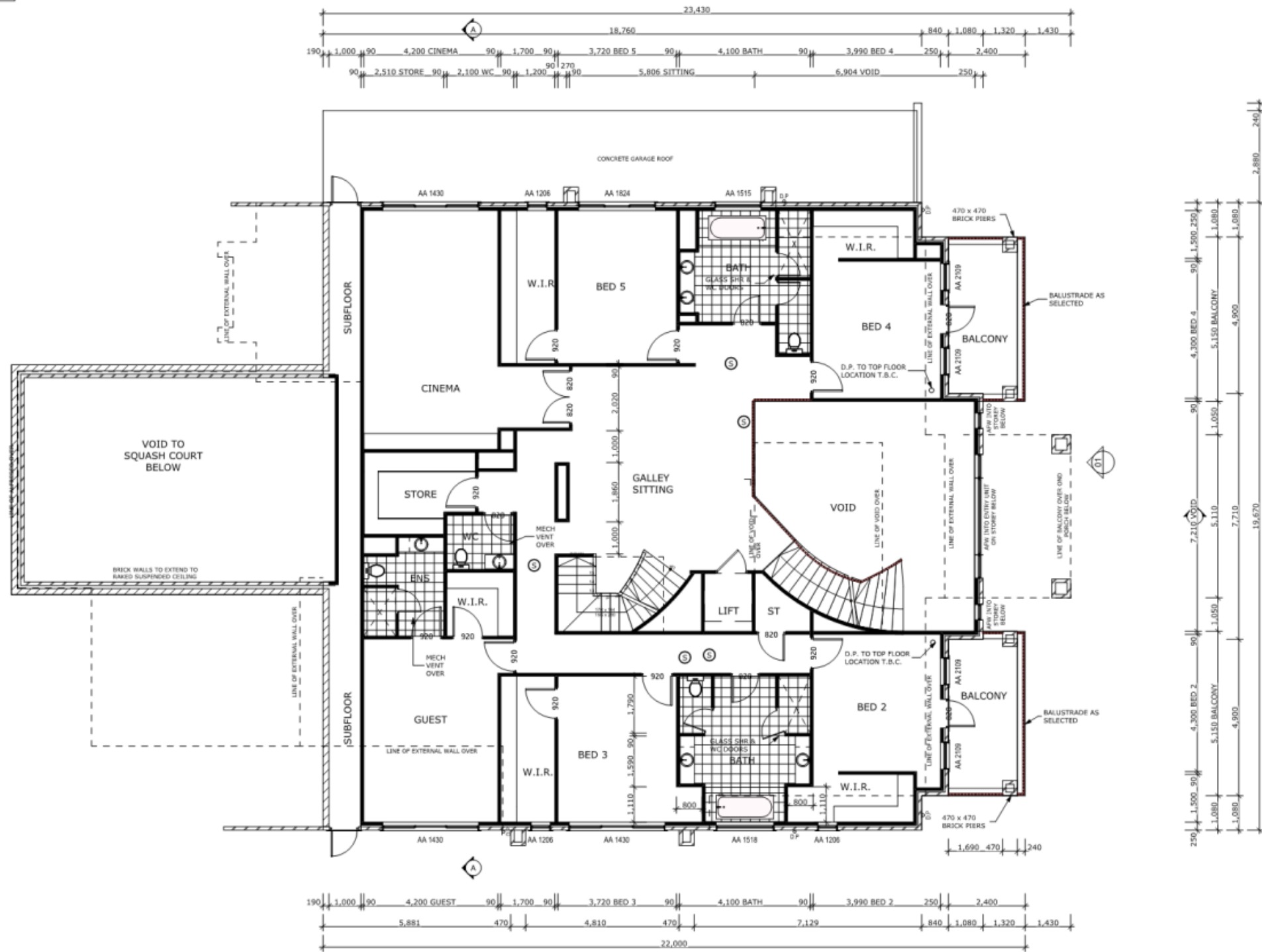
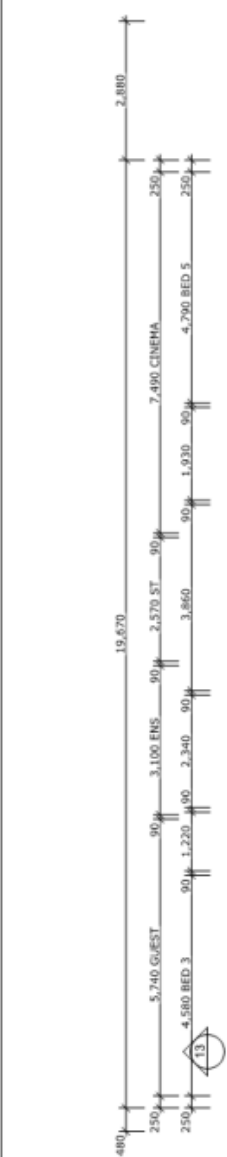
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A	ISSUED FOR CLIENT APPROVAL	19.10.2021	R.M.
B	ISSUED FOR CLIENT APPROVAL	22.10.2021	R.M.
C-H	DESIGN DEVELOPMENT		R.M.
I	ISSUED FOR CONSULTANT REVIEW	6.04.2022	R.M.
J	ISSUED FOR CONSULTANT REVIEW	3.05.2022	R.M.
K	ISSUED FOR CONSULTANT REVIEW	19.05.2022	R.M.
L	ISSUED FOR CONSULTANT REVIEW	1.07.2022	R.M.
M	ISSUED FOR CONSULTANT REVIEW	6.07.2022	R.M.
N	ISSUED FOR COUNCIL DA APPLICATION	8.09.2022	R.M.



CONSTRUCTION IS TO BE IN ACCORDANCE WITH BCA AND OTHER RELEVANT AUSTRALIAN STANDARDS

TERMITE PROTECTION TO AS3660.1-2014

SMOKE ALARMS



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DRAWING
FIRST FLOOR PLAN

SHEET	
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DRAWING No: 6490	SHEET: 3/21
	ISSUE: N



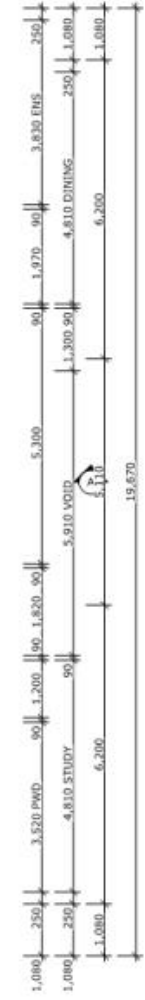
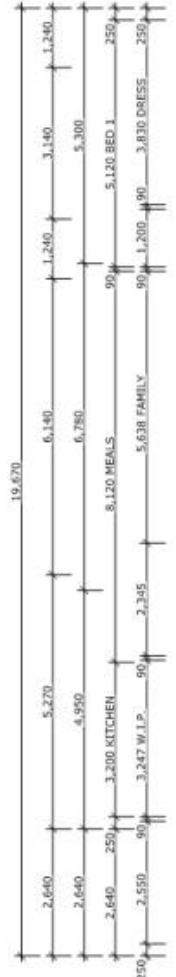
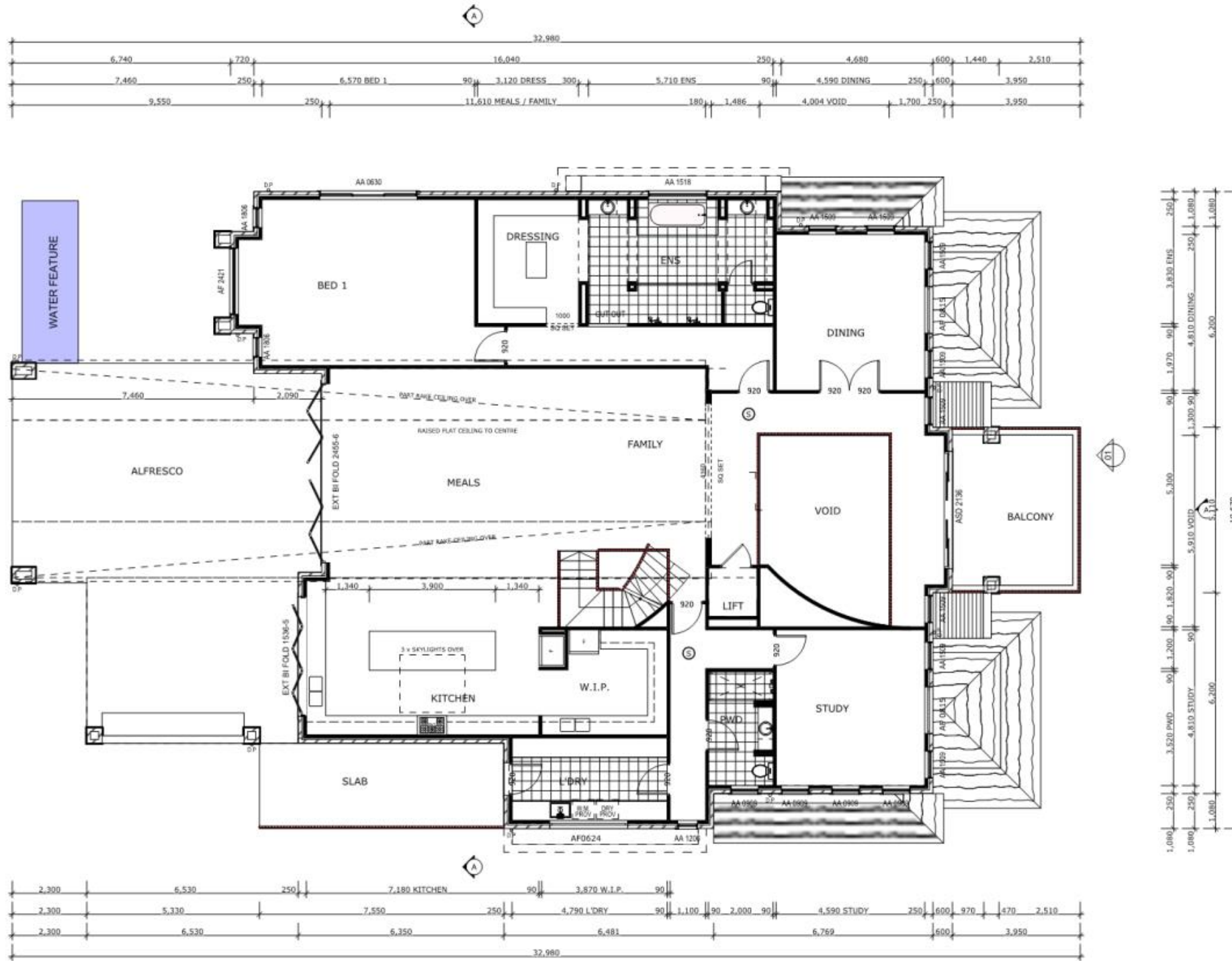
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FIRST FLOOR PLAN
 1:100



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Z:\Archical Drawings\6400 - 6499\6490 - 15 CAMELOT CLOSE - SAMARO\6490-5 - 15 CAMELOT CLOSE - SAMARO.pln



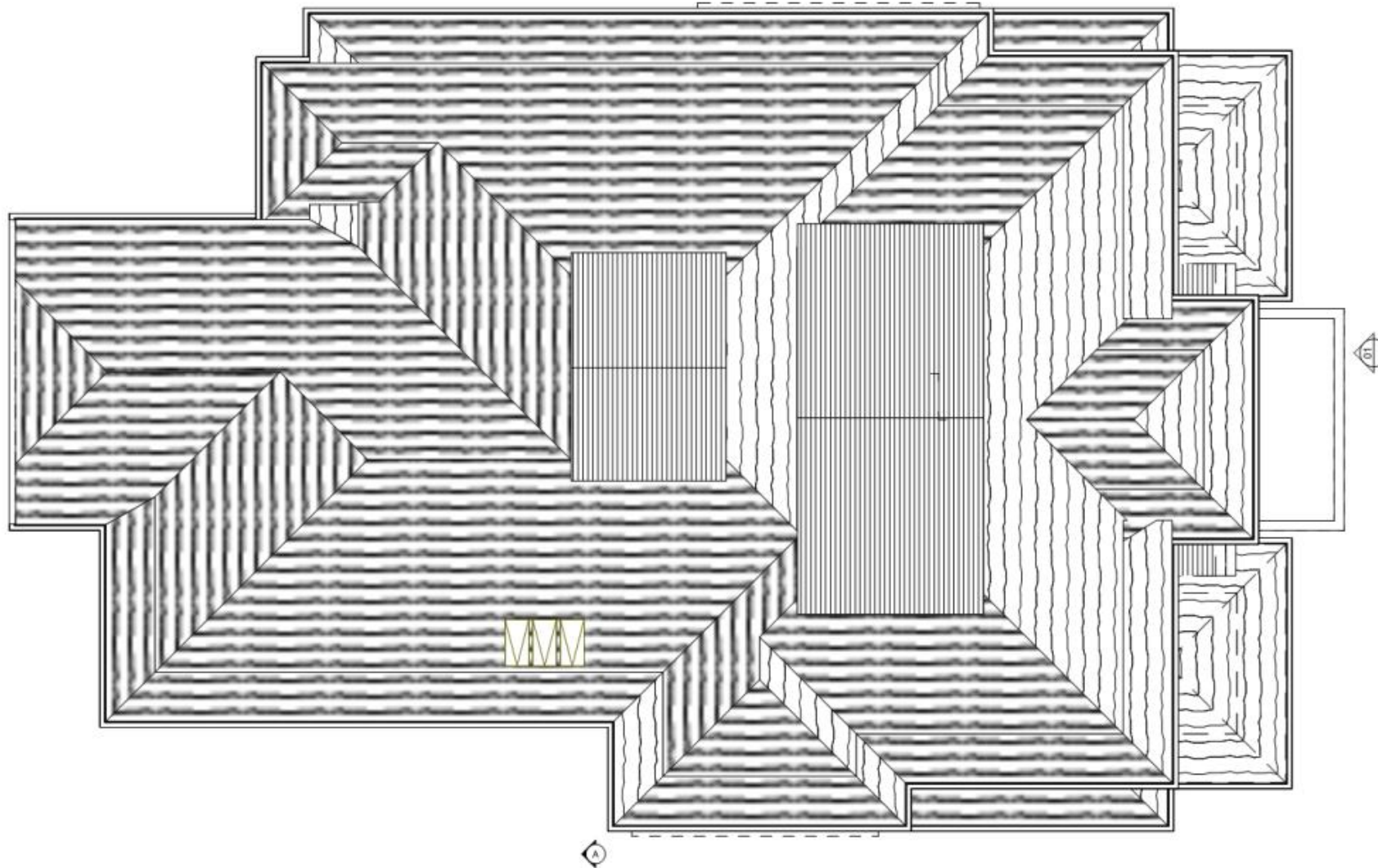
SECOND FLOOR PLAN
 1:100

CLIENT MR & MRS BELL		
JOB: PROPOSED DWELLING		
LOT -, DP - 15 CAMELOT CLOSE - KIRKHAM - -		
DRAWING SECOND FLOOR PLAN		
SHEET		
SCALE AT A2: A2	DATE: 14.10.2021	
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Z:\Archicad Drawings\6490 - 6499
 6490 - 15 CAMELOT CLOSE -
 SAMARO\6490-5 - 15 CAMELOT
 CLOSE - SAMARO.pln



ROOF PLAN
 1:100

CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -

DRAWING
ROOF PLAN

SHEET	
SCALE AT A2: A2	DATE: 14.10.2021

DRAWING No: 6490	SHEET: 5/21	ISSUE: N
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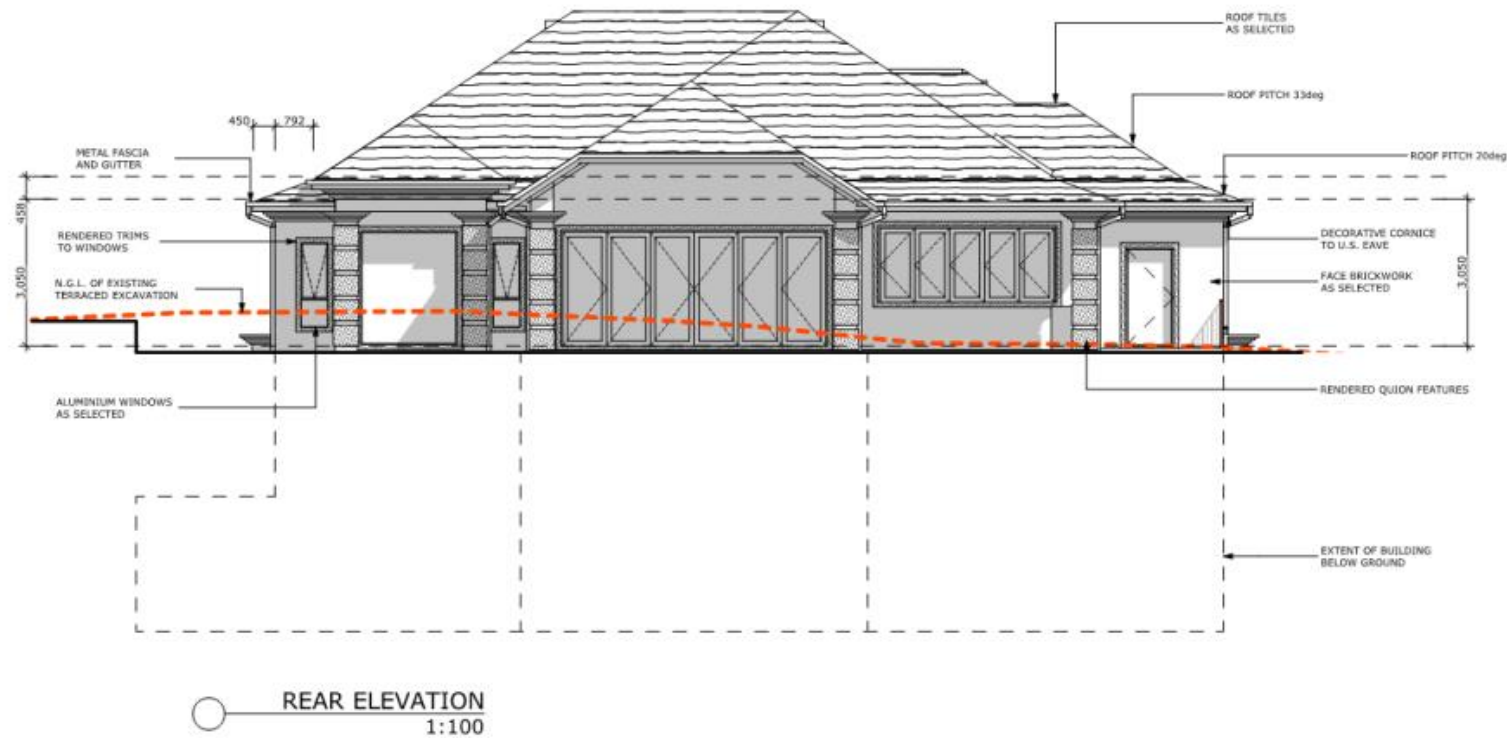
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CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -

DRAWING
FRONT & REAR ELEVATIONS

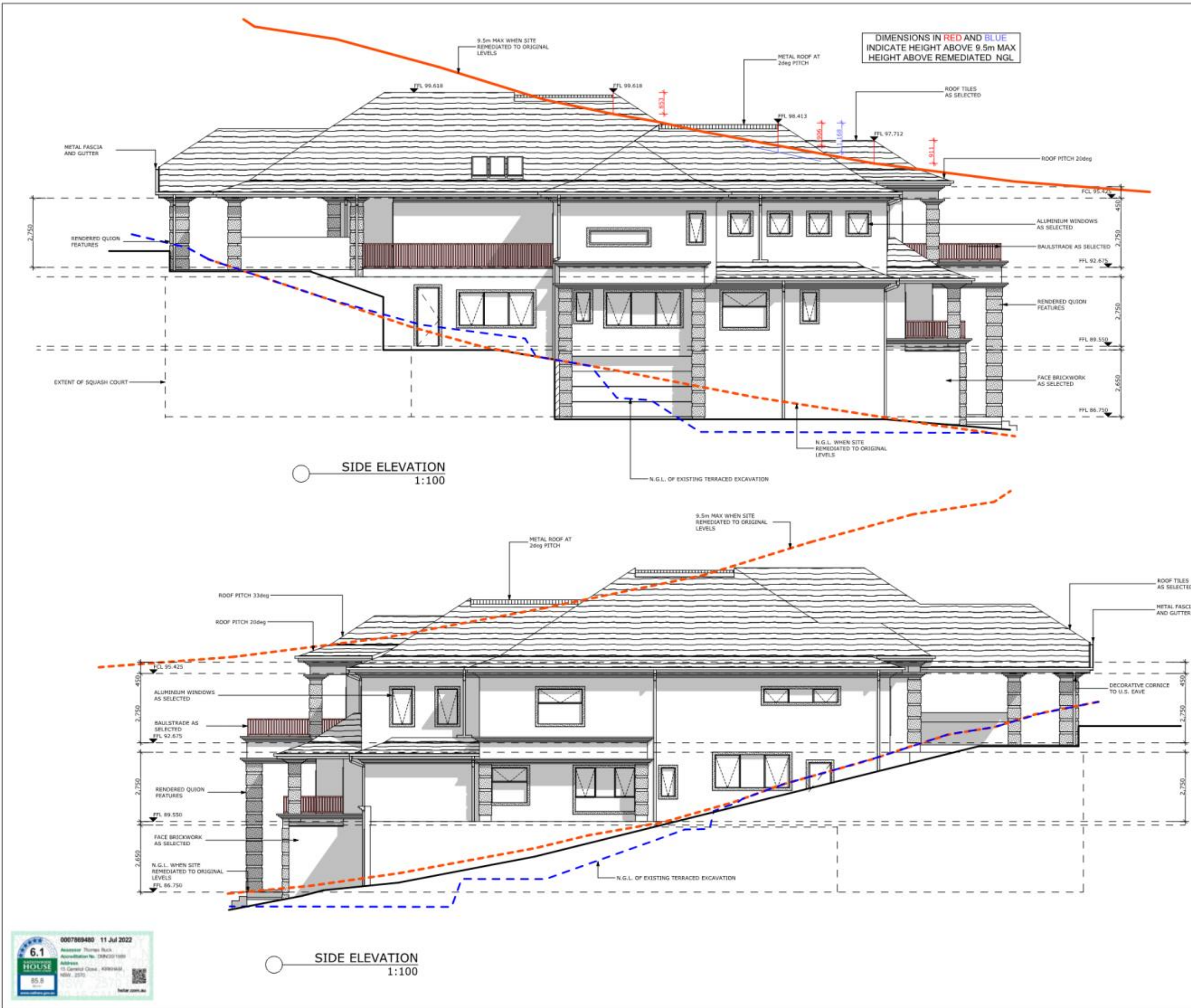
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CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -

DRAWING
SIDE ELEVATIONS

SHEET	
SCALE AT A2:	DATE:
A2	14.10.2021
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CLIENT
MR & MRS BELL

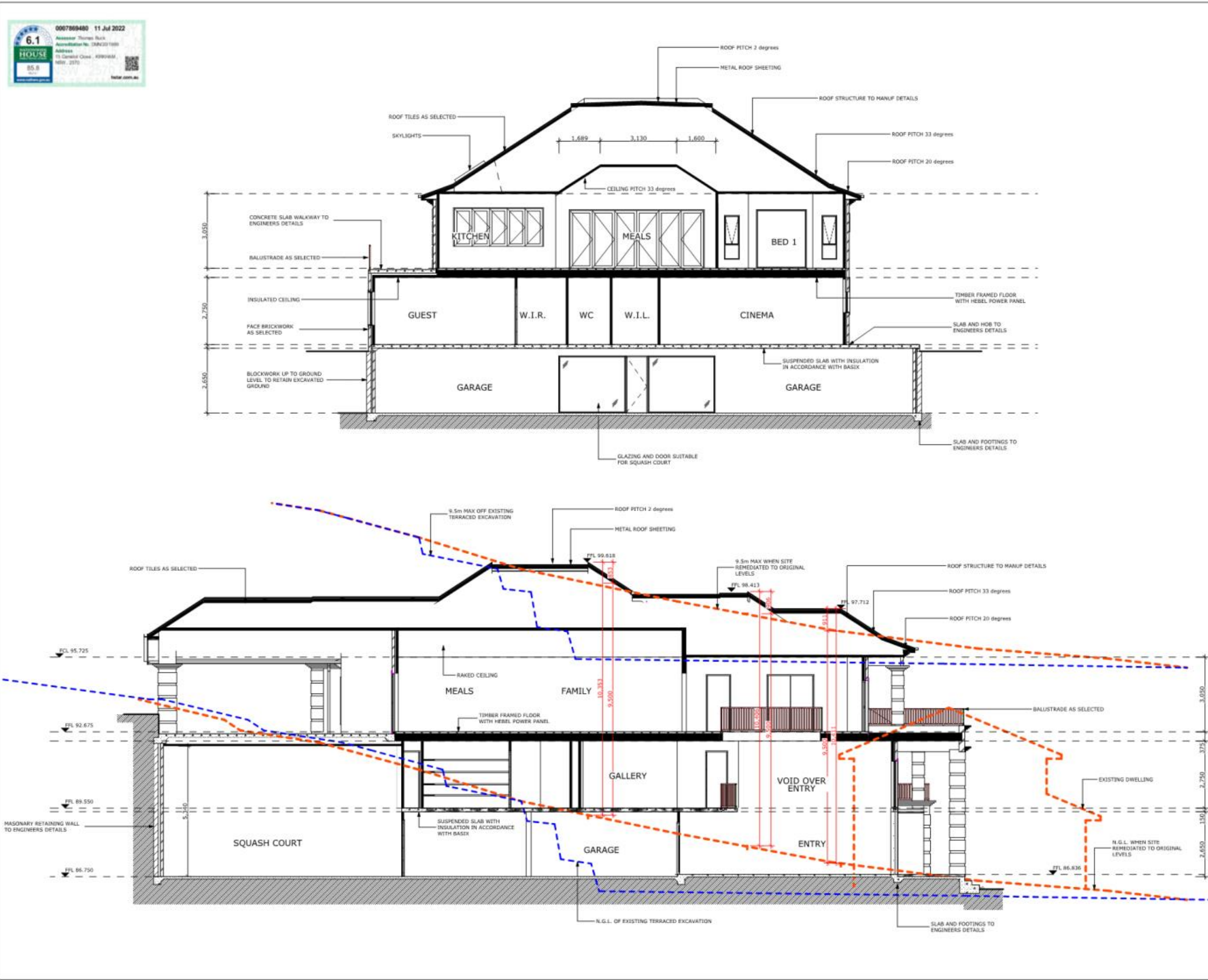
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PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -

DRAWING
SECTION

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SCALE AT A2:	DATE:
A2	14.10.2021
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Z:\Archicad Drawings\6400 - 6499
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 SAMARO\6490-5 - 15 CAMELOT
 CLOSE - SAMARO.pln

CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -
 DRAWING

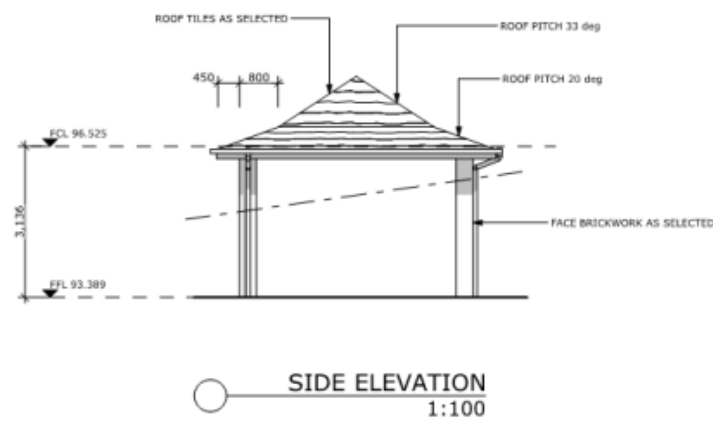
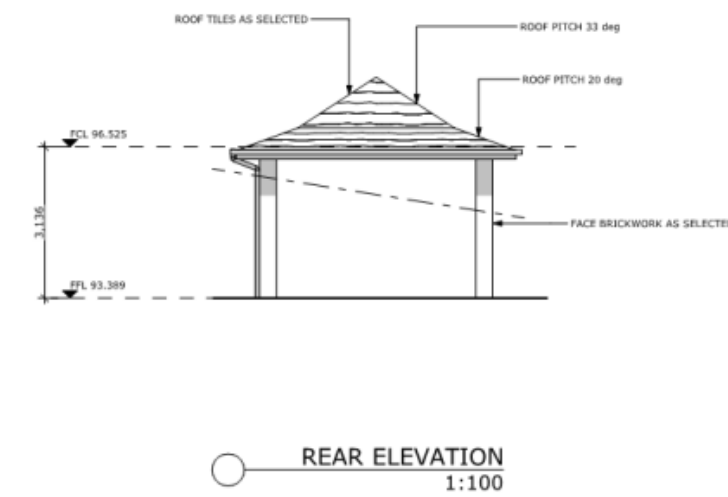
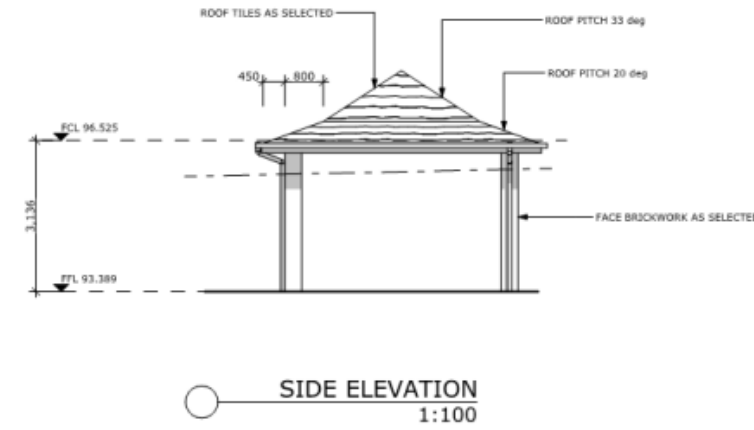
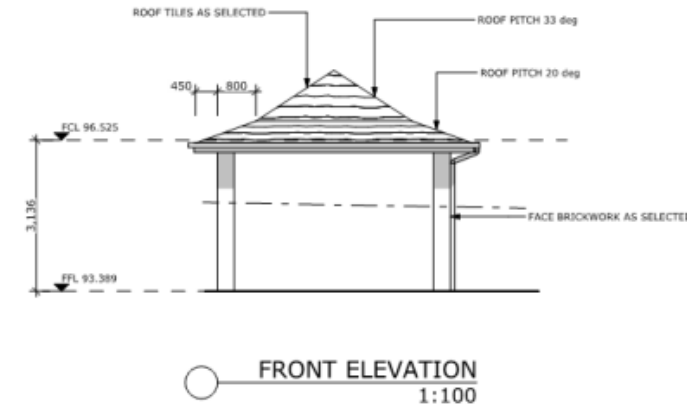
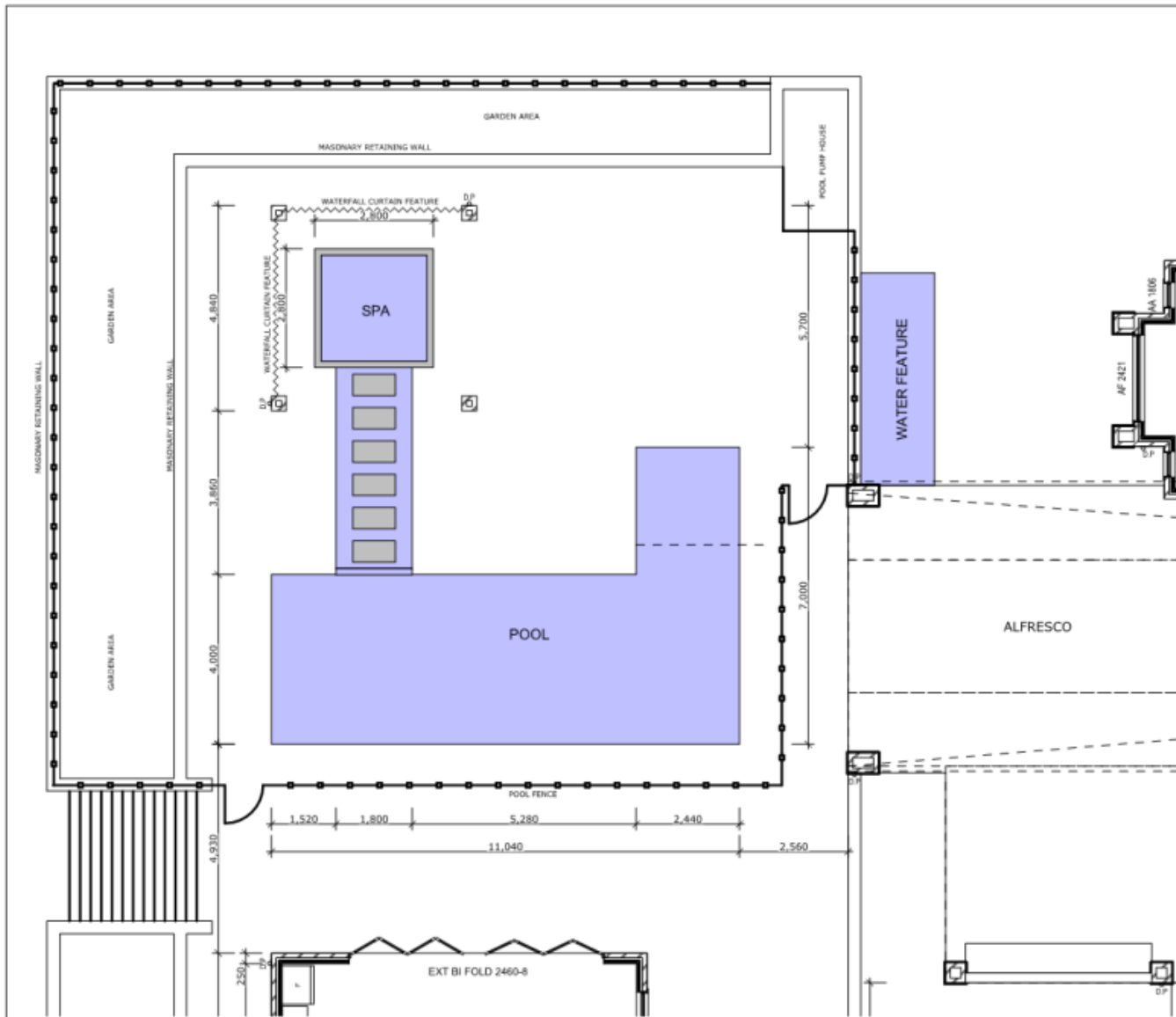
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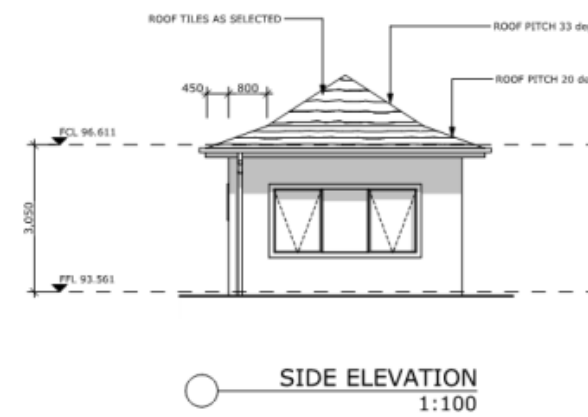
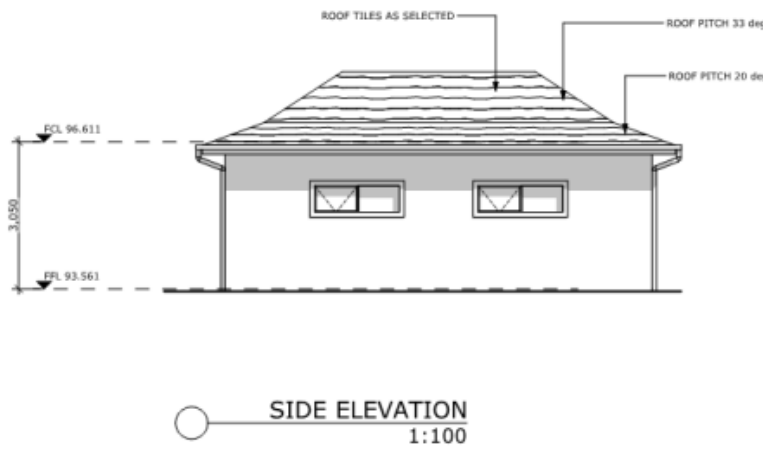
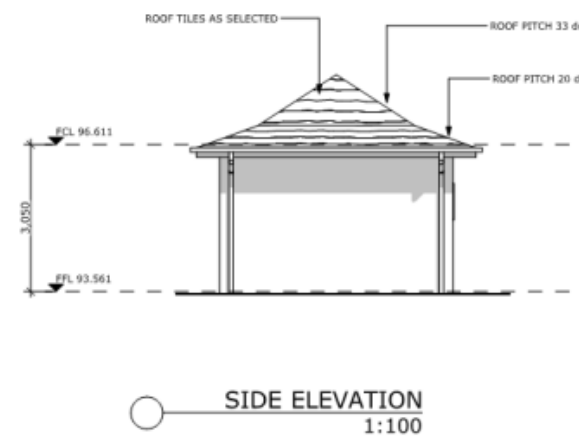
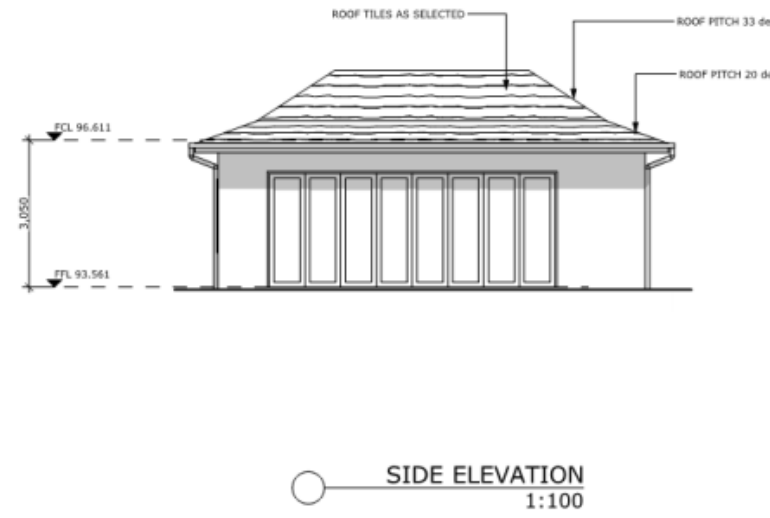
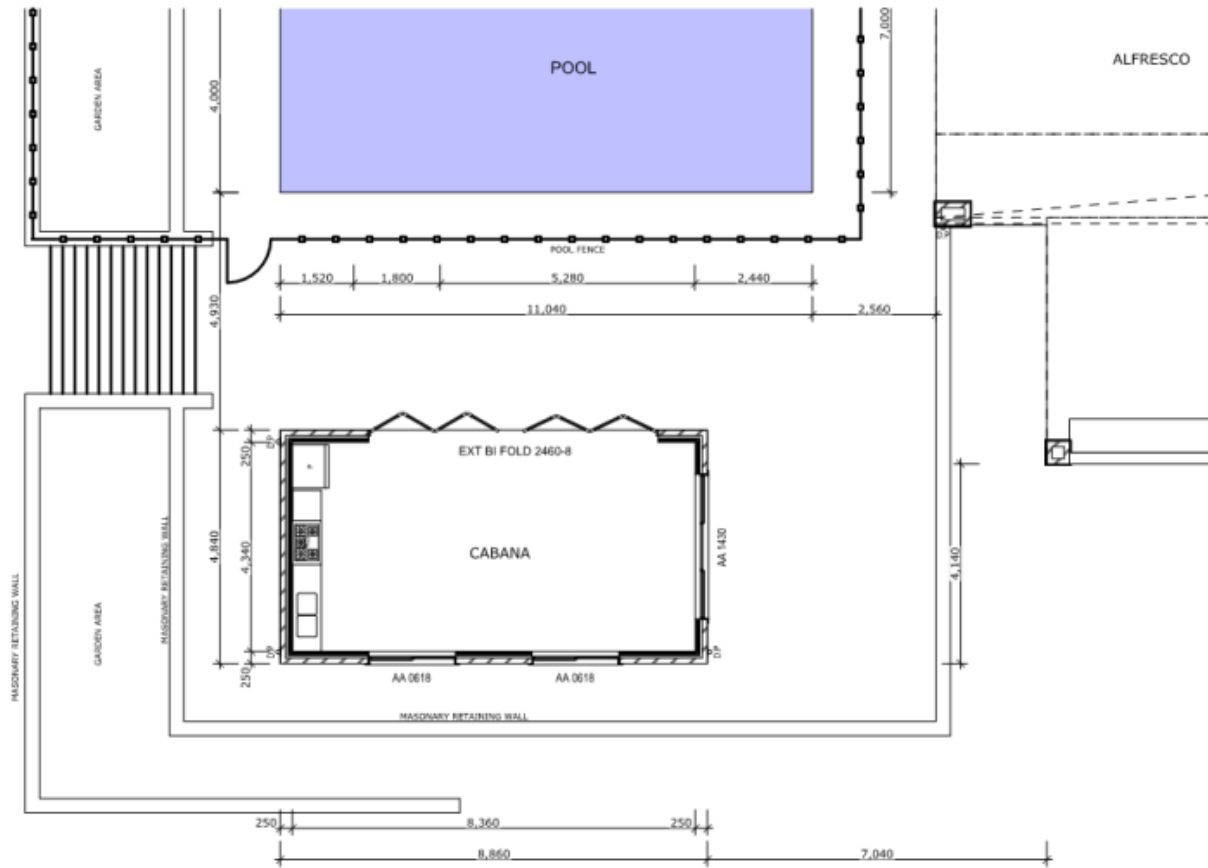
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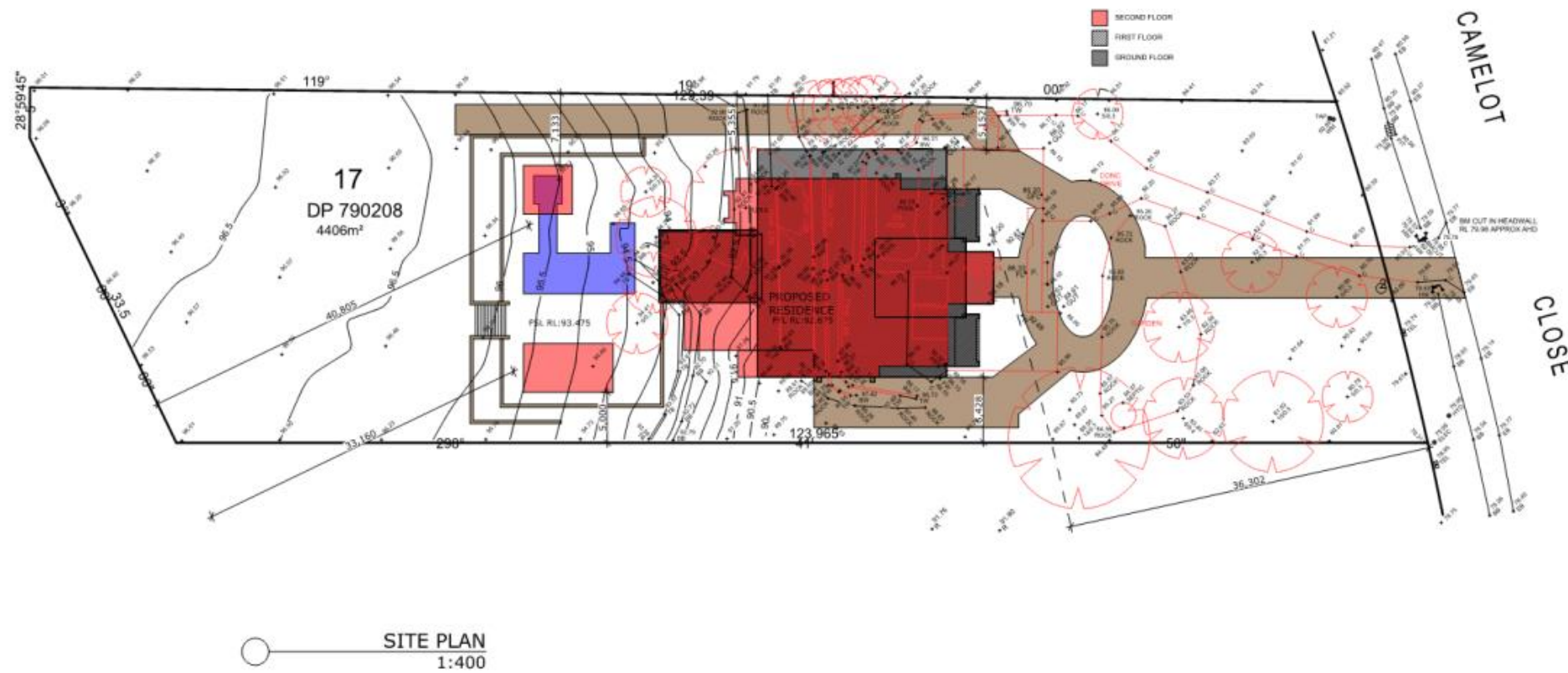
CLIENT MR & MRS BELL		
JOB: PROPOSED DWELLING		
LOT -, DP - 15 CAMELOT CLOSE - KIRKHAM - -		
DRAWING POOL CABANA		
SHEET		
SCALE AT A2: A2	DATE: 14.10.2021	
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GENERAL NOTES

1. BUILDER MUST CHECK ALL BOUNDARIES AND BUILDING DIMENSIONS PRIOR TO COMMENCING ANY BUILDING WORKS IN ORDER TO SATISFY HIMSELF THAT THE WORKS CAN BE CARRIED OUT IN ACCORDANCE WITH LOCAL COUNCIL AND RELATIVE AUTHORITY REQUIREMENTS.
2. DO NOT SCALE DIMENSIONS OFF THE PLANS, FIGURED DIMENSIONS ARE TO BE USED. ALL DIMENSIONS ARE TO BE VERIFIED BY THE BUILDER ON SITE. ANY DISCREPANCIES SHALL BE REFERRED TO THE DESIGNERS BEFORE ANY CONSTRUCTION OR FABRICATION IS COMMENCED.
3. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE SPECIFICATION, STRUCTURAL ENGINEERING DETAILS AND ANY OTHER DOCUMENT THAT MAY BE ISSUED.
4. ALL BUILDING WORKS MUST COMPLY WITH B.C.A. AND LOCAL COUNCIL REQUIREMENTS.
5. BUILDINGS ARE TO BE PROTECTED AGAINST TERMITES IN ACCORDANCE WITH AUSTRALIAN STANDARDS (AS 3660.1) - REQUIREMENTS.
6. SMOKE DETECTORS ARE TO BE PROVIDED IN ACCORDANCE WITH B.C.A. REQUIREMENTS CLAUSE 1.7
7. ALL STORMWATER AND SEWER WORKS MUST COMPLY WITH LOCAL COUNCIL AND BOARD REQUIREMENTS.
8. NO RESPONSIBILITY WILL BE ACCEPTED BY M.A.D.S IF ANY PART OR WHOLE OF THE DRAWINGS HAS BEEN MODIFIED, DELETED OR ADDED TO IN ANY WAY.
9. BUILDER MUST CHECK FOR LOCATION OF SERVICES INCLUDING BUT NOT LIMITED TO SEWER, WATER, POWER, GAS, PHONE, FIBRE AND STORMWATER PRIOR TO THE COMMENCEMENT OF WORK. ONCE THE SEWER IS LOCATED IT IS THE BUILDERS RESPONSIBILITY TO DETERMINE WHETHER THE BUILDING LIES WITHIN THE ZONE OF INFLUENCE
10. ALL FLOOR PLAN DESIGNS INCLUDING ELEVATIONS ARE COPYRIGHTED AND ARE THE PROPERTY OF MACARTHUR ARCHITECTURAL DRAFTING AND MAY NOT BE REPRODUCED BY ANY MEANS WITHOUT WRITTEN PERMISSION.

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Z:\Archicad Drawings\6490 - 6499
 \6490 - 15 CAMELOT CLOSE -
 SAMARO\6490-5 - 15 CAMELOT
 CLOSE - SAMARO.pln



SITE PLAN
 1:400

CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -

DRAWING
SITE PLAN

SHEET
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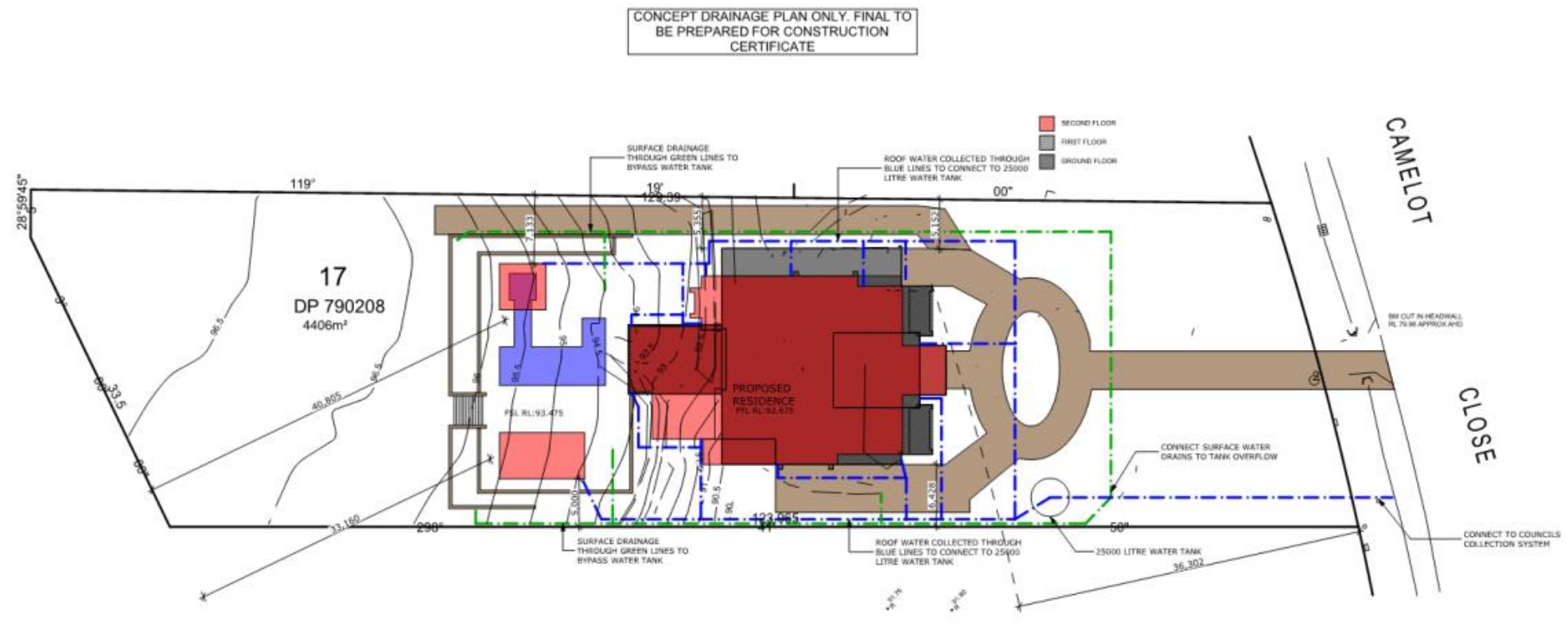
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CONCEPT DRAINAGE PLAN ONLY. FINAL TO BE PREPARED FOR CONSTRUCTION CERTIFICATE

○ STORMWATER PLAN
1:400

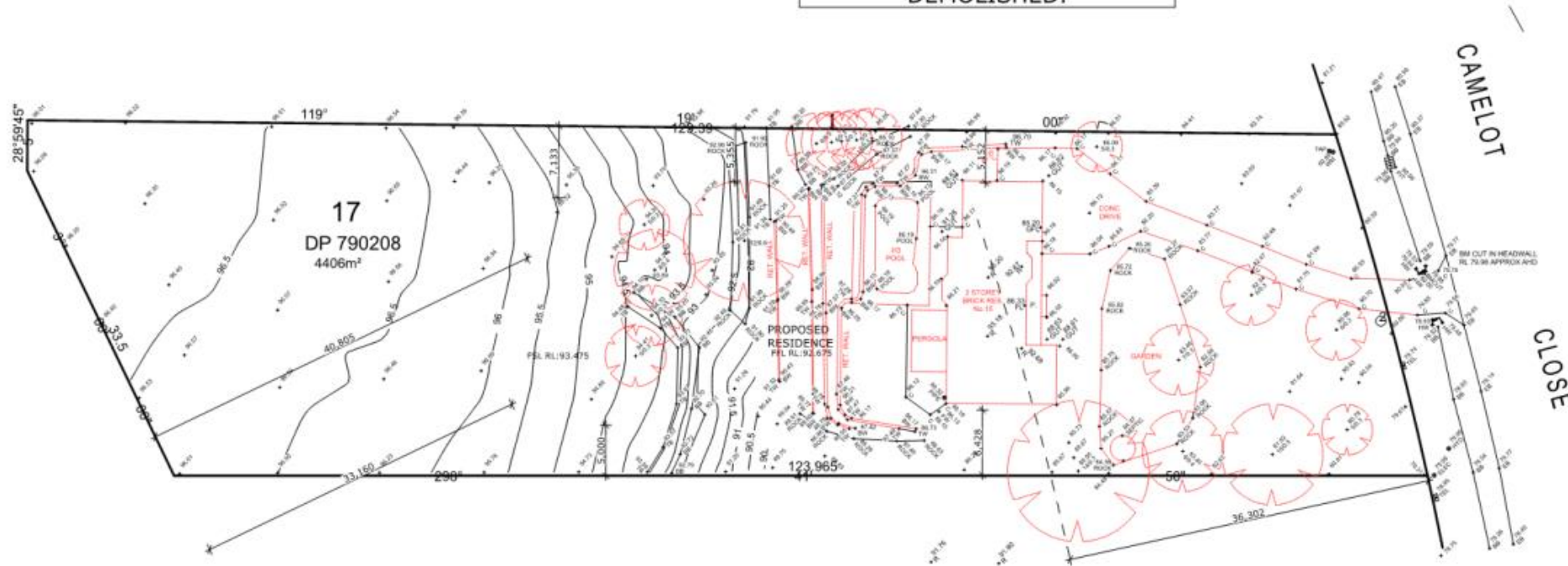


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JOB: PROPOSED DWELLING		
LOT -, DP - 15 CAMELOT CLOSE - KIRKHAM - -		
DRAWING STORMWATER PLAN		
SHEET		
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 6490 - 15 CAMELOT CLOSE -
 SAMARO\6490-5 - 15 CAMELOT
 CLOSE - SAMARO.pln

ALL BUILDINGS, TREES AND
 RETAINING WALLS TO BE
 DEMOLISHED.



○ DEMOLITION PLAN



CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -

DRAWING
DEMOLISH PLAN

SHEET
 SCALE AT A2: **A2** DATE: **14.10.2021**

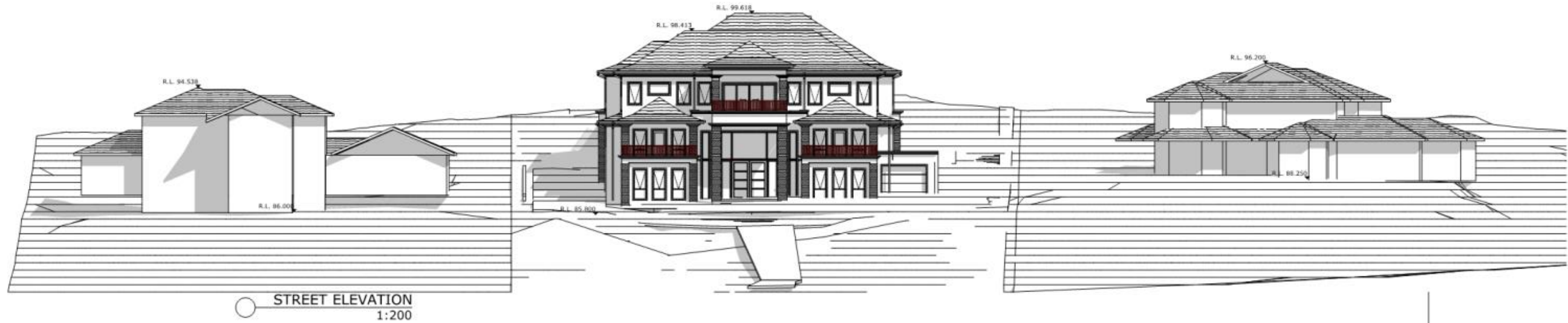
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Z:\Archical Drawings\6400 - 6499
 \6490 - 15 CAMELOT CLOSE -
 SAMARO\6490-5 - 15 CAMELOT
 CLOSE - SAMARO.pin



STREET ELEVATION
 1:200

CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM -

DRAWING
3D IMAGES

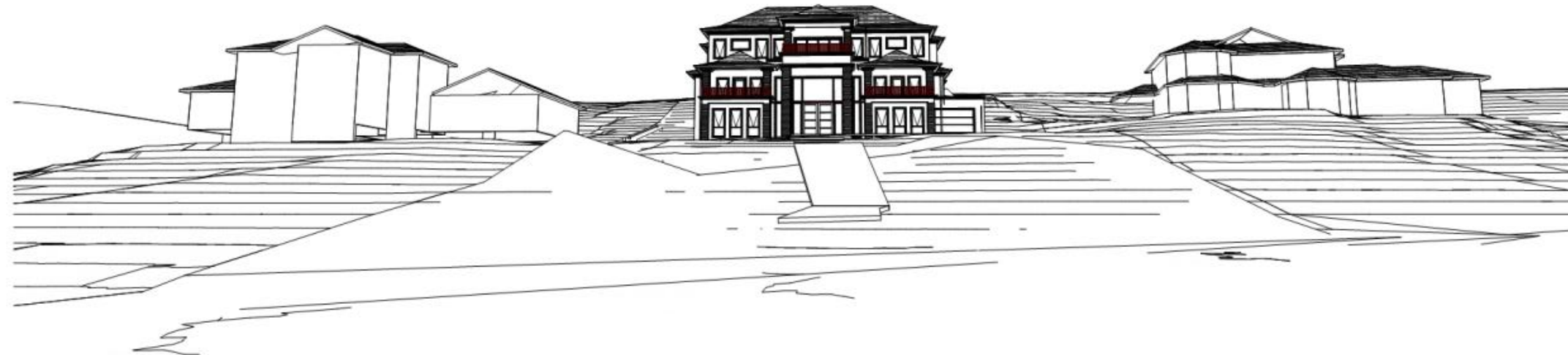
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STREET VIEW AT FRONT



STREET VIEW UP STREET

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Z:\Archicad Drawings\6490 - 6499
 6490 - 15 CAMELOT CLOSE -
 SAMARO\6490-5 - 15 CAMELOT
 CLOSE - SAMARO.pln

CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -
 DRAWING

3D IMAGES

SHEET	
SCALE AT A2: A2	DATE: 14.10.2021

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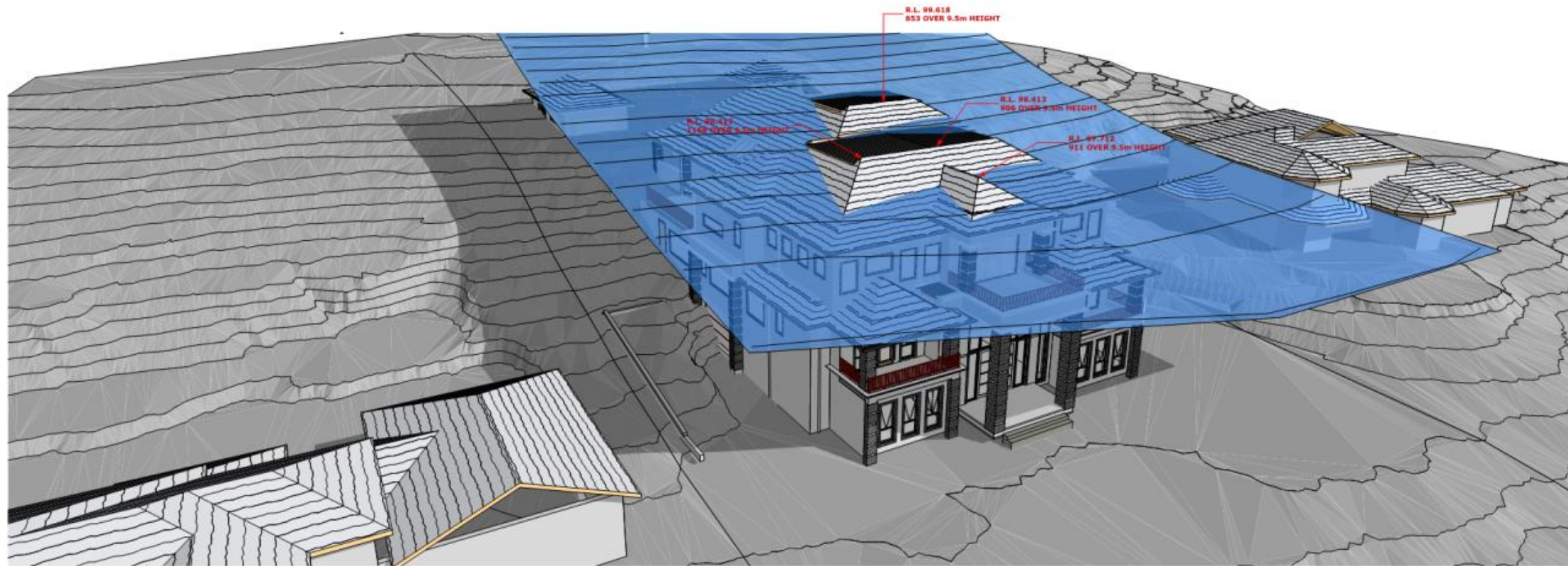
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○ 9.5m HEIGHT PLANE

CLIENT
MR & MRS BELL


JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -

DRAWING
3D IMAGES

SHEET	
SCALE AT A2:	DATE:
A2	14.10.2021
DRAWING No:	SHEET: ISSUE:
6490	16/2 N

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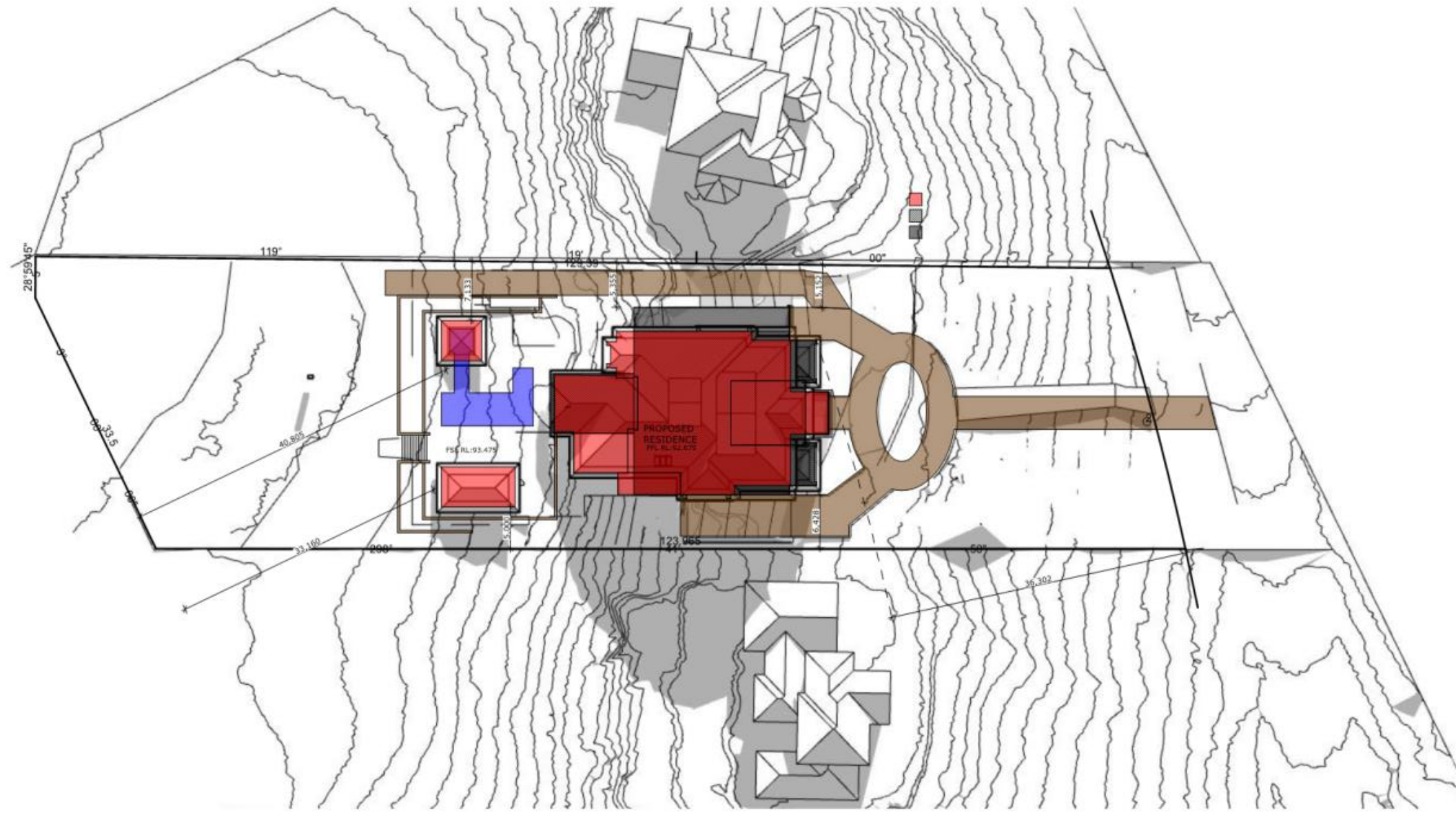
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 \6490 - 15 CAMELOT CLOSE -
 SAMARO\6490-5 - 15 CAMELOT
 CLOSE - SAMARO.pln



○ SHADOW DIARAM 9am 21st JUNE
 1:400


CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -
 DRAWING
SHADOW DIAGRAMS

SHEET

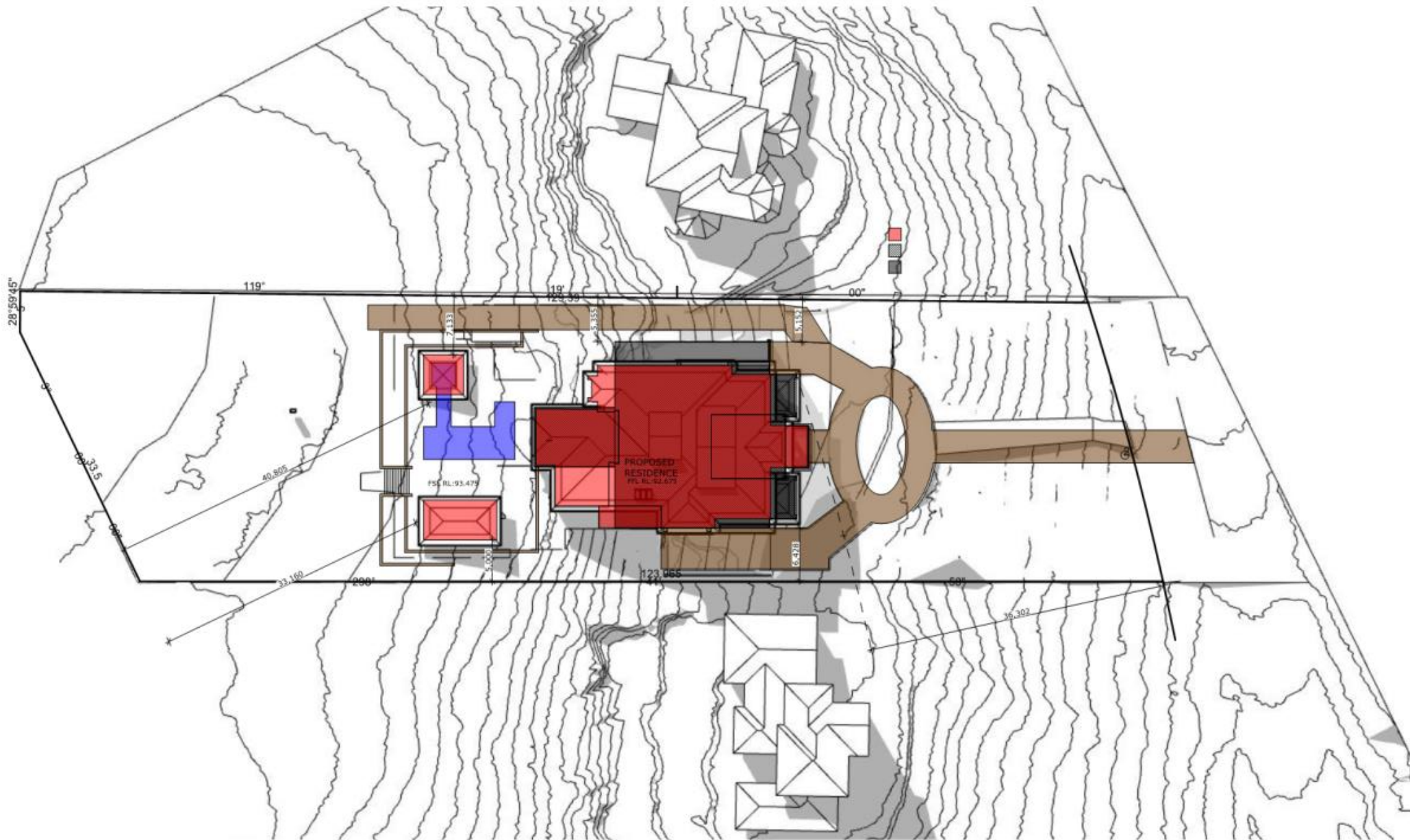
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Z:\Archical Drawings\6400 - 6499
 \6490 - 15 CAMELOT CLOSE - SAMARO\6490-5 - 15 CAMELOT CLOSE - SAMARO.pin



SHADOW DIARAM 12pm 21st JUNE
 1:400

CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -

DRAWING
SHADOW DIAGRAMS

SHEET	
SCALE AT A2:	DATE:
A2	14.10.2021

DRAWING No:	SHEET:	ISSUE:
6490	18/2	N

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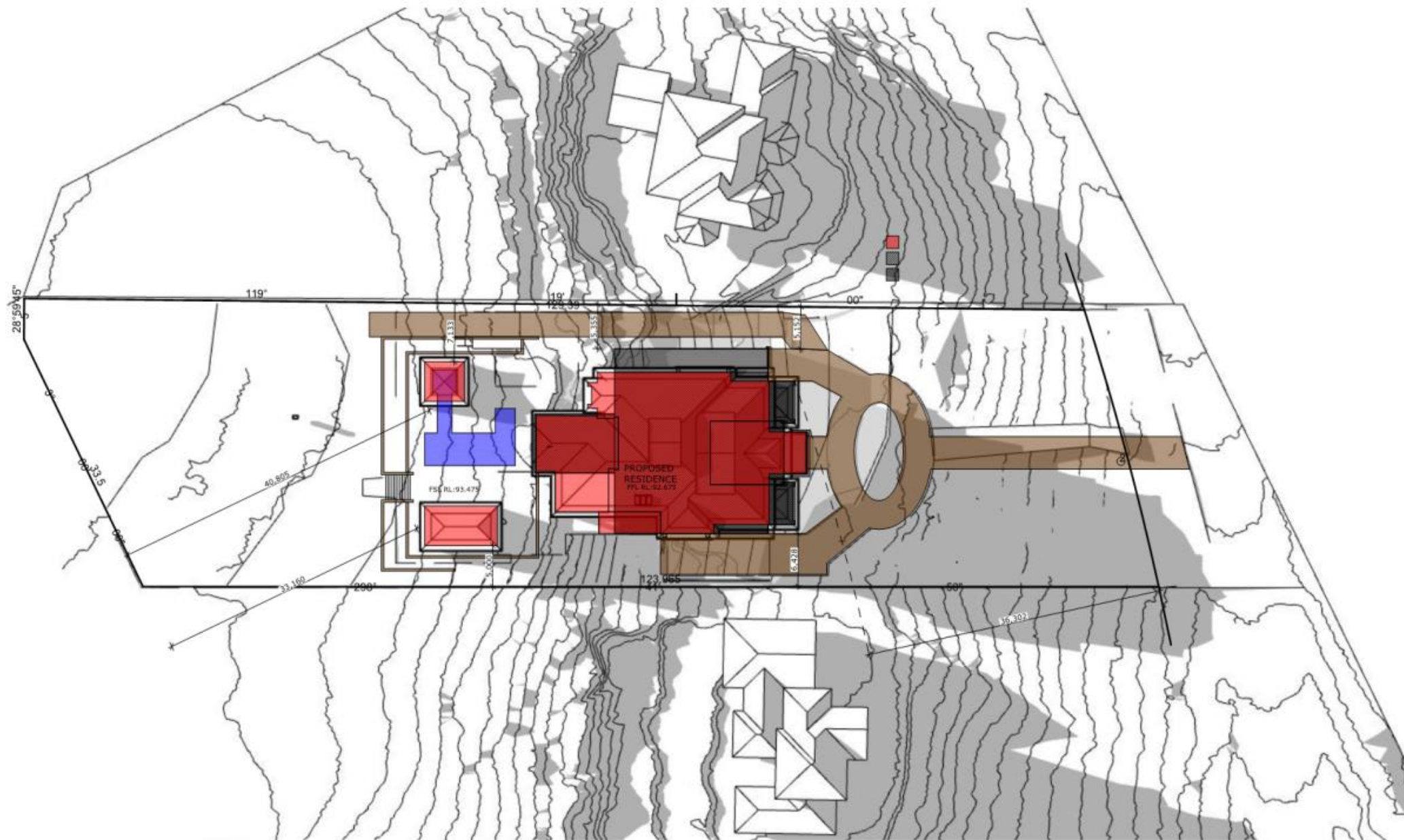
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Z:\Archicad Drawings\6490 - 6499
 \6490 - 15 CAMELOT CLOSE -
 SAMARO\6490-5 - 15 CAMELOT
 CLOSE - SAMARO.pln



SHADOW DIARAM 3pm 21st JUNE
 1:400

CLIENT
MR & MRS BELL

JOB:
PROPOSED DWELLING

LOT -, DP -
 15 CAMELOT CLOSE - KIRKHAM - -
 DRAWING
SHADOW DIAGRAMS

SHEET

SCALE AT A2: A2	DATE: 14.10.2021	
DRAWING No: 6490	SHEET: 19/2	ISSUE: N

M.A.D.S 
www.macdraft.com.au

(02) 4655 1390 info@macdraft.com.au
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 PLOT DATE: Thursday, 8 September 2022

Bell Residence - Landscape DA

15 Camelot Close, Kirkham, NSW



LANDSCAPE SHEET REGISTER

DRAWING	TITLE	REVISION
34-21.00	COVERSHEET	C
34-21.01	MO O D BO ARD IMAGERY	C
34-21.02	LANDSCAPE MASTERPLAN	C
34-21.03	SHEET DIRECTO RY	C
34-21.04	TREE RETENTIO N/REMO VAL PLAN	C
34-21.05	LANDSCAPE DETAIL PLAN 01	C
34-21.06	LANDSCAPE DETAIL PLAN 02	C
34-21.07	PLANTING PALETTE	C
34-21.08	MATERIAL PALETTE	C
34-21.09	SCHEDULES, NO TES & DETAILS	C

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Rev.	Revision note	Date	Drawn By
A	PRELIMINARY CONCEPTS	14.04.22	DS
B	PRELIMINARY DESIGN	11.03.22	DS
C	FOR DA APPROVAL	30.08.22	DS



Project Title:
BELL RESIDENCE - Landscape DA
 Project Address:
15 Camelot Close, Kirkham NSW
 Drawing Title:
COVERSHEET

Scale @ A1/A3:
NTS
 Client:
Mr & Mrs Bell
 Drawing Date:
30.08.22
 Drawn/Checked:
PG/MS/DB
 Drawing Status:
DA
 Project Number:
34-21
 Drawing Number:
34-21.00
 Issue:
C





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A.	PRELIMINARY CONCEPTS	14.04.22	DB
B.	PROGRESSIVE DASHES	11.05.22	DB
C.	FOR DA APPROVAL	30.08.22	DB



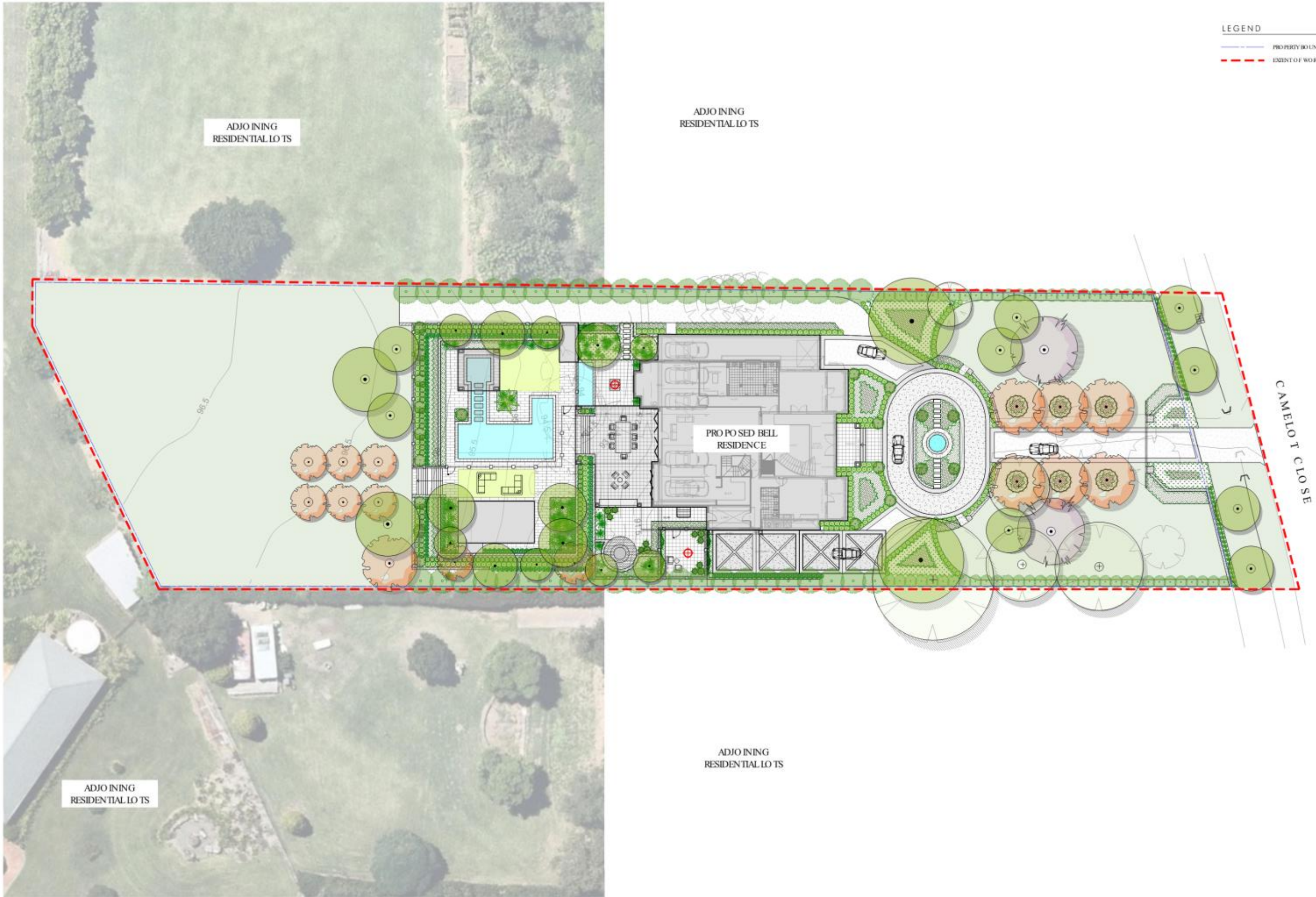
Project Title:
BELL RESIDENCE - Landscape DA
 Project Address:
 15 Camelot Close, Kirrkham NSW
 Drawing Title:
MOOD BOARD IMAGERY
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Scale @ A1/A3: NTS	Client: Mr & Mrs Bell
Drawing Date: 30.08.22	Drawn/Checked: PG/MS/DB
Project Number: 34-21	Drawing Number: 34-21.01
	Drawing Status: DA
	Issue: C



LEGEND

	PRO-PRIVY BOUNDARY
	EXTENT OF WORKS



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Rev.	Revision note	Date	Drawn By
A	PRELIMINARY CONCEPTS	14.04.22	PG
B	PRELIMINARY DESIGN	11.03.22	PG
C	FORDS APPROVAL	28.06.22	PG



Project Title:
BELL RESIDENCE - Landscape DA
 Project Address:
15 Camelot Close, Kirrkham NSW
 Drawing Title:
LANDSCAPE MASTERPLAN

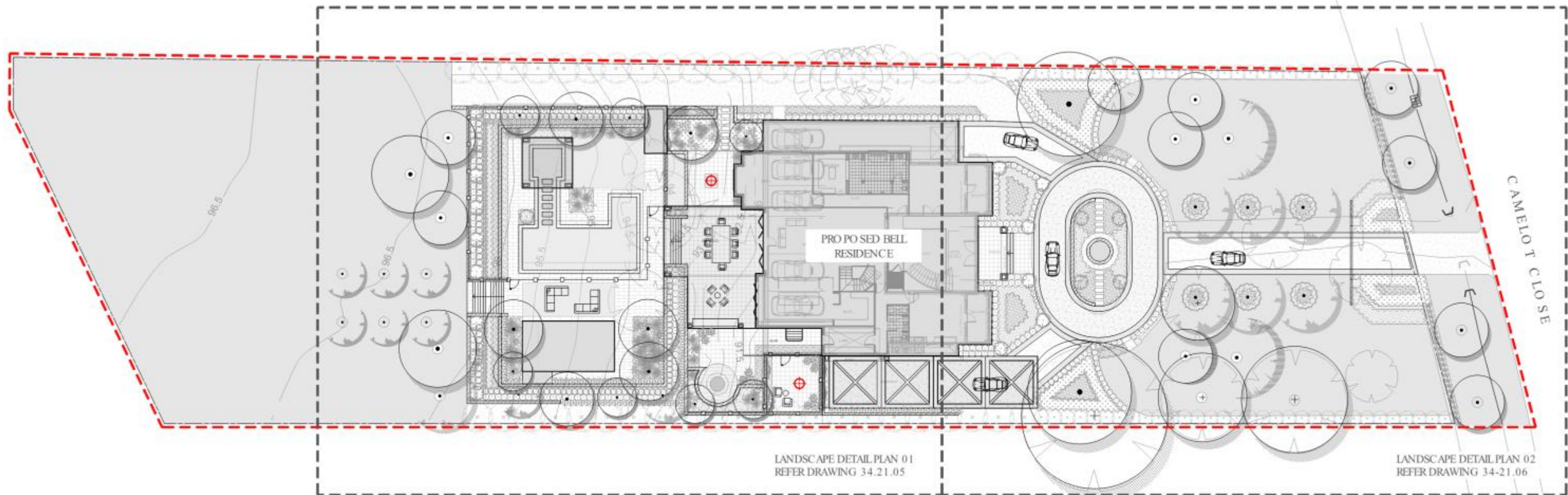
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Scale @ A1/A3: 1:200 / 1:400	Client: Mr & Mrs Bell
Drawing Date: 30.08.22	Drawn/Checked: PG/MS/DB
Project Number: 34-21	Drawing Number: 34-21.02
	Drawing Status: DA
	Issue: C



LEGEND

	PROPERTY BOUNDARY
	EXTENT OF WORKS
	SHEET DIRECTORY & MATCHLINE



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Rev.	Revision note	Date	Drawn by
A.	PRELIMINARY CONCEPTS	14.04.22	DB
B.	PROGRESSIVE DETAILED	11.02.22	DB
C.	FOR DA APPROVAL	28.06.22	DB







Project Title:
BELL RESIDENCE - Landscape DA
 Project Address:
 15 Camelot Close, Kirrkham NSW
 Drawing Title:
SHEET DIRECTORY

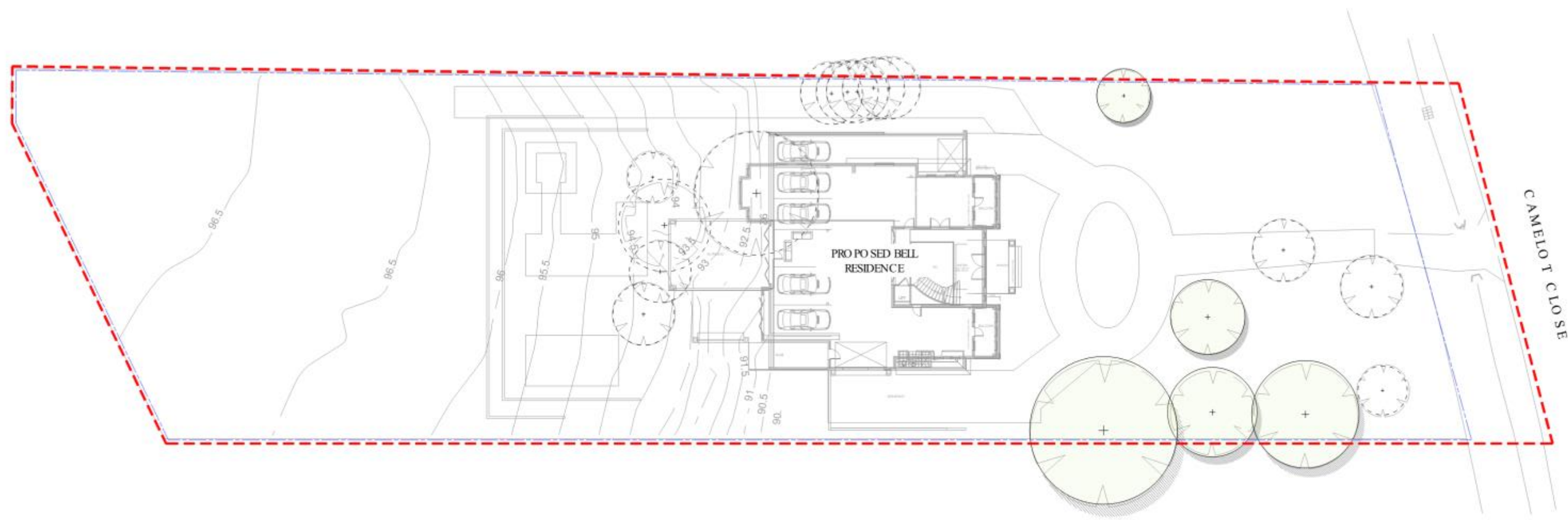
Scale @ A1/A3:
1:200 / 1:400
 Client:
Mr & Mrs Bell
 Drawing Date:
30.08.22
 Project Number:
34-21

Drawn/Checked:
 PG/MS/DB
 Drawing Status:
 DA
 Issue:
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LEGEND

	PROPERTY BOUNDARY
	EXTENT OF WORKS
	TREES TO BE RETAINED
	TREES TO BE REMOVED SUBJECT TO COUNCIL PERMISSION



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Rev.	Revision note	Date	Drawn By
A	PRELIMINARY CONCEPT	14.04.22	PG
B	PRELIMINARY DESIGN	11.03.22	PG
C	FOR DA APPROVAL	30.08.22	PG

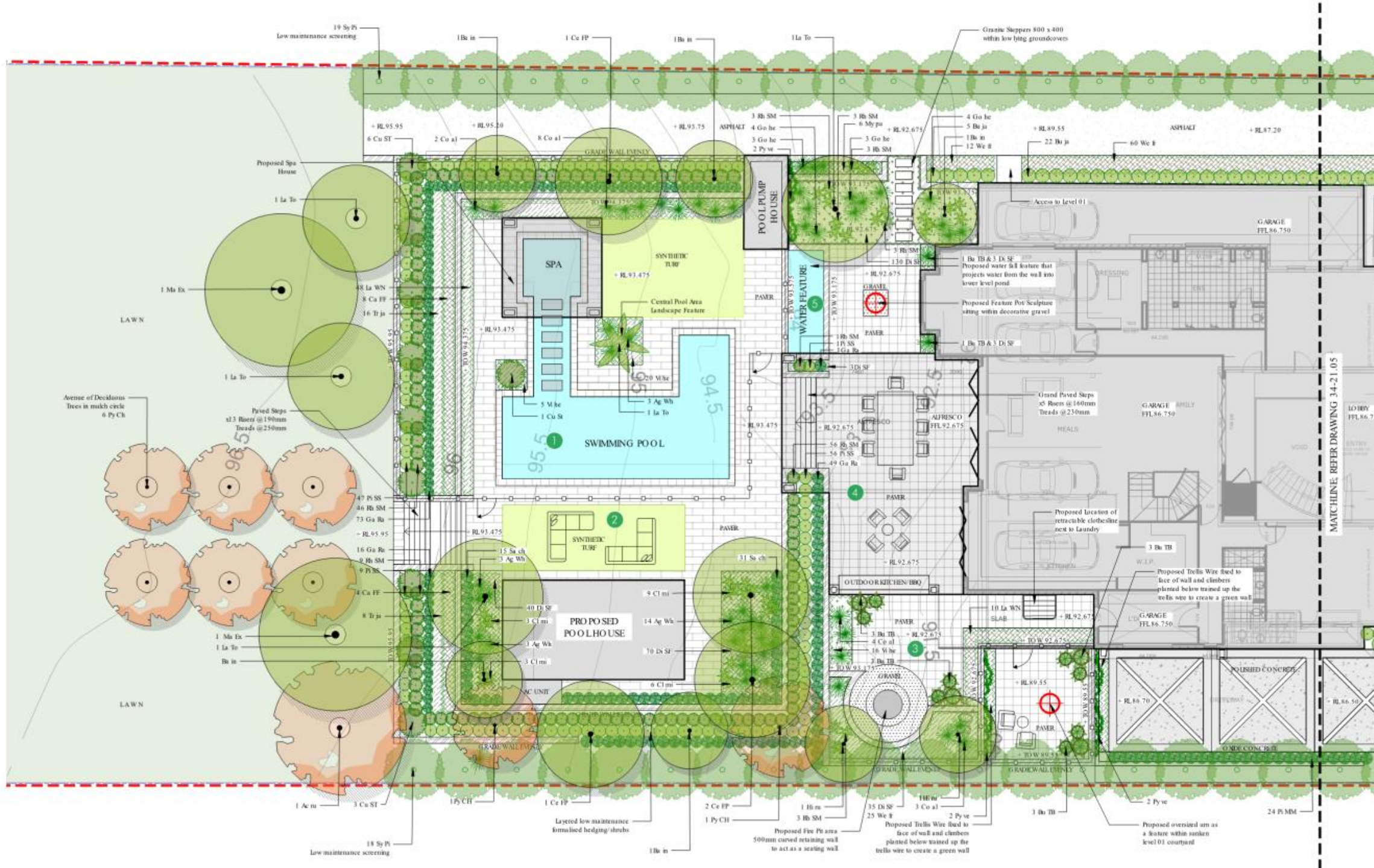


Project Title:
 BELL RESIDENCE - Landscape DA
Project Address:
 15 Camelot Close, Kirkham NSW
Drawing Title:
 TREE RETENTION/REMOVAL PLAN

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Scale @ A1/A3: 1:200 / 1:400	Client: Mr & Mrs Bell
Drawing Date: 30.08.22	Drawn/Checked: PG/MS/DB
Project Number: 34-21	Drawing Number: 34-21.04
Drawing Status: DA	Issue: C





- LEGEND**
- PROPOSED EMERGENT TREE
 - TREES TO BE RETAINED
 - TREES TO BE REMOVED SUBJECT TO COUNCIL PERMISSION AND ARBO RIST ASSESSMENT
 - PROPOSED DECIDUOUS TREE
 - PROPOSED JACARANDA
 - PROPOSED PLANTING
 - SYNTHETIC TURF
 - TURF
 - PAVES STEPPERS IN SYNTHETIC TURF
 - PROPOSED SCREEN PLANTING
 - PROPOSED FEATURE PLANT & POT
 - PROPOSED CLIMBERS ON TRELLIS WIRE
 - STEEL EDGE
 - PROPOSED ASPHALT
 - PROPOSED GRAVEL
 - AGGREGATE CONCRETE DRIVEWAY
 - PROPOSED TRAVERTINE PAVES
 - PROPOSED ONYX CONCRETE BANDING
 - PROPOSED RETAINING WALL
 - +10.000 PROPOSED LEVELS
 - PROPOSED FRAMELESS GLASS POOL FENCE
 - PROPOSED GATE TO MATCH FENCE
 - PROPOSED POOL COPING
 - OUTDOOR FURNITURE
 - OUTDOOR FURNITURE
 - OUTDOOR FURNITURE
 - PROPOSED AUTOMATIC SLIDING GATE
 - PROPOSED FIRE PLACE
 - SCULPTURE FOCAL POINT
 - PROPOSED STAIRS
 - PROPOSED SUNBED
 - PROPOSED WATER FEATURE
 - PROPOSED SWIMMING POOL
 - PROPOSED POLISHED CONCRETE DRIVEWAY PATTERN
 - PROPOSED FREESTANDING BRICK WALL
 - RETRACTABLE CLO. THRESHOLD



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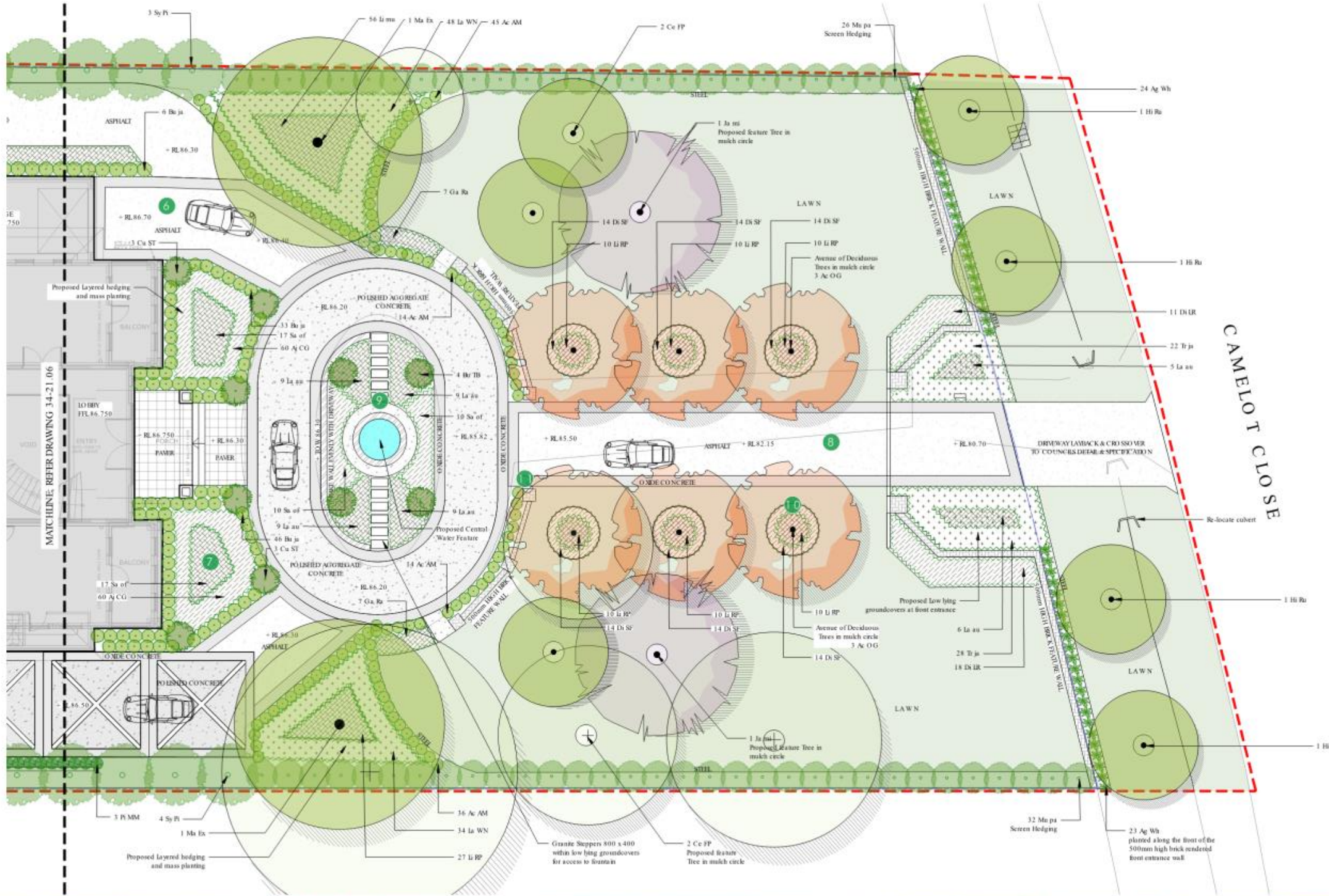
Rev.	Revision note	Date	Drawn by
A	PRELIMINARY CONCEPTS	14.04.22	DB
B	PROGRESSIVE DEVELOPMENT	11.05.22	DB
C	FOR DA APPROVAL	28.06.22	DB



Project Title:
BELL RESIDENCE - Landscape DA
 Project Address:
 15 Camelot Close, Kirkham NSW
 Drawing Title:
LANDSCAPE DETAIL PLAN 01

Scale @ A1/A3:
 1:100 / 1:200
 Client:
 Mr & Mrs Bell
 Drawing Date:
 30.08.22
 Drawing/Checked:
 PG/MS/DB
 Drawing Status:
 DA
 Project Number:
 34-21
 Drawing Number:
 34-21.05
 Issue:
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- LEGEND**
- PROPOSED EVERGREEN TREE
 - TREES TO BE RETAINED
 - TREES TO BE REMOVED SUBJECT TO COUNCIL PERMISSION AND ARBORIST ASSESSMENT
 - PROPOSED DECIDUOUS TREE
 - PROPOSED JACARANDA
 - PROPOSED PLANTING
 - SYNTHETIC TURF
 - TURF
 - PAVES STEPPERS IN SYNTHETIC TURF
 - PROPOSED SCREEN PLANTING
 - PROPOSED FEATURE PLANT & POT
 - PROPOSED CLIMBERS ON TRELLIS WIRE
 - STEEL EDGE
 - PROPOSED ASPHALT
 - PROPOSED GRAVEL
 - AGGREGATE CONCRETE DRIVEWAY
 - PROPOSED TRAVERTINE PAVES
 - PROPOSED OXIDE CONCRETE BANDING
 - PROPOSED RETAINING WALL
 - PROPOSED LEVELS
 - PROPOSED FRAMELESS GLASS POOL FENCE
 - PROPOSED GATE TO MATCH FENCE
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 - OUTDOOR FURNITURE
 - OUTDOOR FURNITURE
 - OUTDOOR FURNITURE
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 - PROPOSED FIRE PLACE
 - SCULPTURE FOCAL POINT
 - PROPOSED STAIRS
 - PROPOSED SUNBED
 - PROPOSED WATER FEATURE
 - PROPOSED SWIMMING POOL
 - PROPOSED POLISHED CONCRETE DRIVEWAY PATTERN
 - PROPOSED FREESTANDING BRICK WALL
 - RETRACTABLE CLOTHESLINE



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Rev.	Revision note	Date	Drawn by
A	PRELIMINARY CONCEPTS	14.04.22	PS
B	PRELIMINARY DESIGN	11.03.22	PS
C	FOR DA APPROVAL	30.08.22	PS



Project Title:
BELL RESIDENCE - Landscape DA
 Project Address:
15 Camelot Close, Kirkham NSW
 Drawing Title:
LANDSCAPE DETAIL PLAN 02

Scale @ A1/A3:
 1:100 / 1:200
 Client:
 Mr & Mrs Bell
 Drawing Date:
 30.08.22
 Drawn/Checked:
 PG/MS/DB
 Drawing Status:
 DA
 Project Number:
 34-21
 Drawing Number:
 34-21.06
 Issue:
 C



PLANTING PALETTE



TREES

SHRUBS

CLIMBERS

GROUNDCOVERS

Rev.	Revision note	Date	Drawn by
A	PRELIMINARY CONCEPTS	14.04.22	DB
B	PROGRESSIVE DEVELOPMENT	11.02.22	DB
C	FINAL APPROVAL	08.06.22	DB



Project Title:
BELL RESIDENCE - Landscape DA
 Project Address:
 15 Camelot Close, Kirrkham NSW
 Drawing Title:
PLANTING PALETTE
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Drawing Date: 30.08.22	Drawn/Checked: PG/MS/DB
Project Number: 34-21	Drawing Number: 34-21.07
	Drawing Status: DA
	Issue: C



MATERIALS PALETTE

Edging
Steel edge

Mulch
ANL - Hort Bark
<https://anlscap.com.au/>

Turf
Sir Walter Buffalo turf

SyntheticTurf
Summer prestige

Concrete
Boral - Polished Concrete Peppersand
<https://www.boral.com.au/>

Concrete
Boral - Polished Concrete Night-scape
<https://www.boral.com.au/>

Concrete
Polished concrete

Concrete
Boral - Coloured Concrete Tunsten
<https://www.boral.com.au/>

Travertine Pavers
Artisan Stone- Premium silver
<https://artisanstone.com.au/>

Pebbles
Artisan Stone - Snow white
<https://artisanstone.com.au/>

Retaining Wall
Formed Concrete

Brick Wall

Pier
Sandstone capping

Grand Wrought Iron Entrance Gate

Pool Fencing
Frameless pool fence

Steel Trellis
Wall trellis

Firepit
AK-47 Zero small
<https://www.ak47design.com/>

Outdoor Furniture
Aspen Ceramic White
Outdoor Elegance

Outdoor Dining
Danil Ceramic Table with Gizella Dining Chairs
Outdoor Elegance

Outdoor Lounge
Ubud Outdoor 2 seater
Outdoor Elegance

Pool Sunbed
Aspen Outdoor Sunlounge
Outdoor Elegance

Feature Pot
Artisan Stone - Clay kala antique
<https://artisanstone.com.au/>

Feature Pot
Balcony Garden - Tub White
<https://thebalconygarden.com.au/>

Feature Pot
Balcony Garden - Straight up
White
<https://thebalconygarden.com.au/>

Feature Pot
Balcony Garden - Muffin Top
White
<https://thebalconygarden.com.au/>

Lighting
Gardens at night - Inground 5
Black
<https://www.gan.com.au/>

Lighting
Gardens at night - Accent 5 Black
<https://www.gan.com.au/>

Lighting
Gardens at night - Pole light twin
Black
<https://www.gan.com.au/>

Lighting
Gardens at night - Step light round
Black
<https://www.gan.com.au/>

Lighting
Gardens at night - Twin wall light
Black
<https://www.gan.com.au/>

Lighting
Gardens at night-Up/down wall
light Black
<https://www.gan.com.au/>

Lighting
Gardens at night- Hanging Speckle
5 Black
<https://www.gan.com.au/>

Clothesline
Folding clothesline

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Distinctive Garden & Interior Architecture Design

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A	PRELIMINARY CONCEPT	14.04.22	DS
B	PRELIMINARY DESIGN	11.03.22	DS
C	FORDS APPROVAL	28.06.22	DS



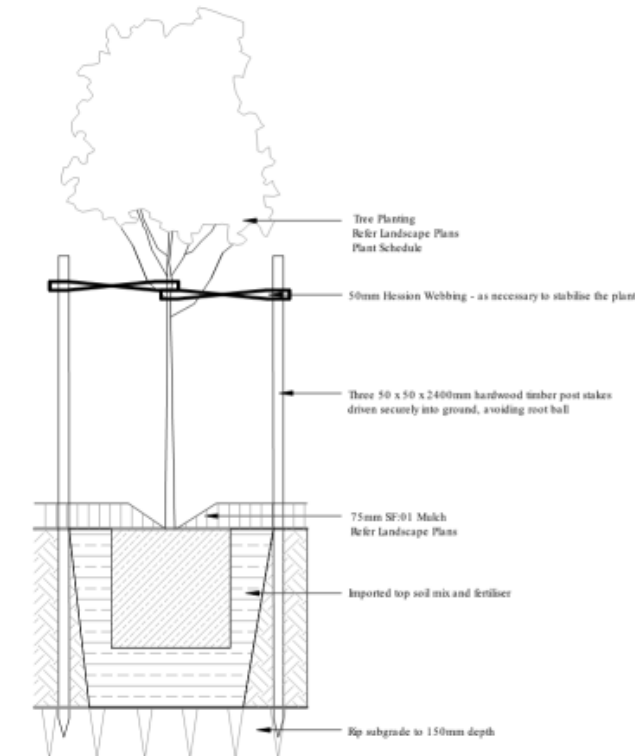
Project Title:
BELL RESIDENCE - Landscape DA
Project Address:
15 Camelot Close, Kirkham NSW
Drawing Title:
MATERIAL PALETTE
Section 2 of annex 4 to the contract set of all conditions plus to complement of work. From Distribution Fee Eq No. 1100. Note plan to include, Engineer & Surveyor for other working drawings. Information on Domestic plan is for reference & consultation only. The drawings are to be read in conjunction with contract specifications & details. It is the responsibility of the contractor to verify dimensions of any construction within the plans & ensure appropriate clearance over the construction work. Final level to be determined on site and at the discretion of the site supervisor. Plans are copyright of Distinctive Gardens & Interiors Pty Ltd.

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Drawing Date: 30.08.22	Drawn/Checked: PG/MS/DB
Project Number: 14-21	Drawing Number: 34-21.08
Drawing Status: DA	Issue: C

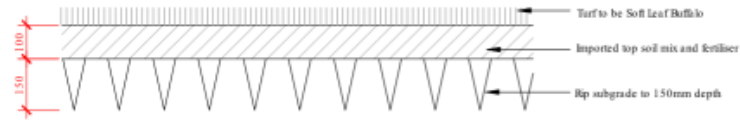


34-21 Plant Schedule by distinctive									
Code	Genus	species	Hybrids/Cultivars	Common Name	Pot Size	Height	Width	Spacing	Qty
Trees									
Ac OG	Acer	rubrum	'October Glory'	October Glory Maple	100L	10	8	As Shown	6
Ba in	Banksia	integrifolia		Coastal Banksia	100L	12	8	As Shown	5
Ce FP	Cercis	canadensis	'Forest Pansy'	Forest Pansy Eastern Redbud	75L	4	4	As Shown	6
Cu ST	Cupressus	sempervirens	'Stricta'	Pencil Pine	75L	10	1	As Shown	10
Hi Ru	Hibiscus	tiliaceus	'Rubra'	Sea Hibiscus	75L	4	2	As shown	5
Ja mi	Jacaranda	mimosifolia		Jacaranda	100L	15	1.5	As Shown	2
La To	Lagerstroemia	indica	x L. Fauriei 'Tanta'	Tanta (dark pink) Crepe Myrtle	75L	3	3	As Shown	5
Ma Ex	Magnolia	grandiflora	'Exmouth'	Exmouth Magnolia	75L	8	4	As Shown	4
Py Ch	Pyrus	calleryana	'Chanticleer'	Chanticleer Pear	75L	8	3	As Shown	8
Shrubs/Screen Planting									
Ac AM	Acmena	smithii	'Allyn Magic'	Dwarf Lilly Pilly	300mm	1	1	As Shown	64
Bu TB	Buxus	microphylla		Buxus Topiary	45L	0.6	0.6	As shown	14
Bu ja	Buxus	microphylla	var. japonica	Japanese Box	300mm	1	1	500mm centres	111
Co al	Correa	alba		White Native Fuchsia	300mm	1.5	1	As shown	20
La au	Lavandula	angustifolia		English Lavender	300mm	1.2	1.2	2/m2	47
Mu pa	Murraya	paniculata		Orange Jessamine	300mm	3	3	As Shown	32
Rh SM	Rhaphiolepis	indica	'Snow Maiden'	Snow Maiden Indian Hawthorn	300mm	0.8	0.8	As Shown	127
Sa ch	Santolina	chamaecyparis	'Clipped Ball'	Cotton Lavender	300mm	0.6	0.6	As Shown	73
Sy Pi	Syzygium	australe	'Pinnacle'	Pinnacle Lillypilly	45L	4	1.5	As shown	41
Climbers									
Py ve	Pyrostegia	venusta		Orange Trumpet Vine	140mm	5	7	As shown	6
Groundcovers									
Ag Wh	Agapanthus	orientalis	'White'	Agapanthus	200mm	0.5	0.5	5/m2	46
Aj CG	Ajuga	reptans	'Catlins Giant'	Giant Bugle Flower	200mm	0.2	0.5	5/m2	120
Ca FF	Casuarina	glauca	'Free Fall'	Prostrate Sheoak	200mm	0.6	3	1/m ²	12
Cl mi	Clivia	minata		Clivia	200mm	0.5	0.5	5/m ²	24
Di SF	Dichondra	repens	'Silver Falls'	Silver Kidney Weed	200mm	0.1	0.5	5/m2	368
Di LR	Dianella	revoluta	'Little Rev'	Little Rev Paroo Lily	200mm	0.3	0.3	5/m2	29
Go ra	Gardenia	augusta	'Radicans'	Ground Gardenia	200mm	0.4	1	3/m2	153
Go he	Goodenia	hederacea		Ivy Goodenia	200mm	0.8	1	As shown	15
La WN	Lamium	maculatum	'White Nancy'	White Creeping Lamium	200mm	0.2	0.6	2/m2	92
Li RP	Liriope	muscori	'Royal Purple'	Lily Tuff	200mm	0.5	0.5	5/m2	87
My pa	Myoporum	parvifolium		Creeping Boobialla	200mm	0.2	1.5	3/m ²	6
Pi SS	Pittosporum	tenuifolium	'Silver Sheen'		200mm	4	3		113
Pi MM	Pittosporum	lobira	'Miss Muffet'	Dwarf Pittosporum	200mm	1	1.5	As shown	27
Sa ol	Salvia	officinalis	'Purpurea'	Common Sage	200mm	0.8	1	2/m2	20
Tr ja	Trachelospermum	jasminoides		Evergreen Jasmine	200mm	0.3	2.0	2/m ²	74
Vi he	Viola	hederacea		Native Violets	200mm	0.1	0.5	5/m ²	113
We fr	Westringia	fruticosa	'Mund'	Native Rosemary	200mm	0.4	1.5	1/m ²	92

45-100 Litre TREE

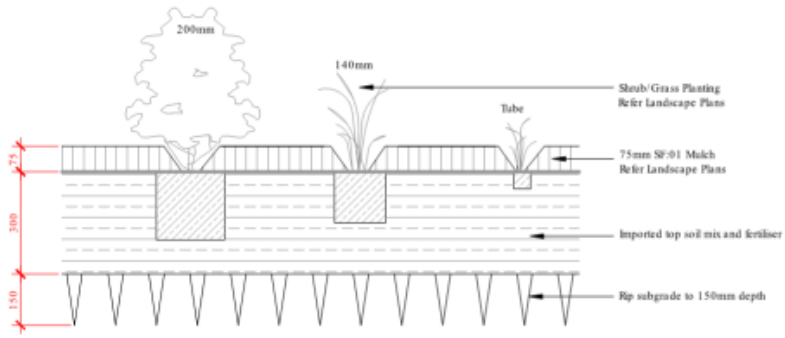


45-100L TREE PLANTING SECTION 1:10



TURF SECTION 1:10

GRASSES+ SHRUBS



SHRUB, ACCENT & NATIVE GRASS PLANTING SECTION 1:10

PROTECTION OF EXISTING TREES

Existing trees are to be protected and maintained during the course of construction. The contractor is to abide by council regulations relating to any trees nominated in DA approval, which will require all on-site trees to be provided with a 1800mm high fully supported chainmesh to minimise disturbance to existing ground conditions within the canopy drip line for the duration of construction works. "Tree Protection Zone" is to be attached to the protective fence.

GARDEN BEDS

Cultivate to a depth of 200mm so that soil can be worked freely. Apply gypsum at manufacturer's rates to add in de-compaction of site and breakdown of clay colloids. Spread premium blend garden bed mix to a depth of 200mm, when settled. Back filling shall be tapered progressively to match existing soil compaction, to avoid later subsidence. Mound all garden beds to centre. Allow for depth of mulch to finished levels when installing soil mix.

PLANTS

All plants which have been declared, pursuant to section 7 & 8 of the Notorious Weed Act 1993, to be Notorious Weeds within the area of Camden Council shall be removed on site and replaced with appropriate indigenous or native species.

All labels are to remain on plants and delivery receipts or copies of plant purchases, stating the species, amount, and container sizes of plants, shall be made available to Council's Construction Services or Private Certifier to facilitate certification that the landscape plan and conditions of consent have been implemented.

LAWN AREAS

Cultivate to a depth of 150mm, so that soil can be worked freely. Apply Gypsum at manufacturer's rates to add in de-compaction of site and breakdown of clay colloids. Spread 100mm layer of sandy loam topsoil blend. Rake over to form a smooth, even surface ready for lawn installation. New turf to all areas to be Soft leaf/buffalo. Lay with staggered and close-butted joints along contours, to prepared surface. Water immediately, top dress once established. Refer to Turf detail.

MULCH

Mulch shall be ANL Toren Blend or similar, which is best suited to the plant type and clients needs. Variation from this can only be made with consultation with the project manager. Mulch shall be free of soil, weed growth or any other foreign matter. Spread mulch evenly to a depth of 75mm over all garden beds. Rake over mulch surface to create an even finish.

IRRIGATION SYSTEM

An irrigation system is to be installed to all garden beds, planter boxes, and turf areas shown on the landscape plans. Drip systems are recommended for all garden beds and planter boxes, and pop-up systems for turf areas to the manufacturer's guidelines. Water connection to mains and requirements for metering are to be installed by a licensed plumber or qualified irrigation contractor.

MAINTENANCE SCHEDULE

The consolidation program shall include, but not limited to, the following items:

Routine Maintenance: Provide routine maintenance for a period of six months after practical completion. Program to include but not limited to plant establishment, watering, mowing, fertilising, weeding, staking, pruning, mulching, pest and disease control and generally maintaining the site in a neat and tidy condition.

Watering: Watering of plants and turf should be done in conjunction with current Sydney Water watering restrictions.

Fertilising: Apply an appropriate lawn fertiliser, at manufacturer's rates, after 6 weeks of installation. Ensure fertiliser is adequately watered and evenly dispersed for healthy even lawn growth.

Mulch of garden beds must adhere to Australian Standard AS454.

Lawns. Repair lawns in all filled areas.

Disease and Pest Control: If pathological disease or insect pests appear, they are to be controlled using organic methods or pest and disease control. Failing this, chemical sprays may be used, at manufacturer's rates, with prior consent of client.

Replacement: Defects including any dead or unhealthy plant must be replaced or treated within 3 weeks. Missing, dead or unhealthy plants are to be replaced with plants of similar size and quality and identical species variety, unless a substitution has been approved by Council.

Any Planting: must be carried out to meet Australian Standards AS4373 'Planting of Amenity Trees' and shall comply with Council's Tree Preservation Order.

Making Good: The contractor shall make good erosion of soil or subsidence which may occur, at no contract variation.



Project Title:
BELL RESIDENCE - Landscape DA
Project Address:
15 Camelot Close, Kirkham NSW
Drawing Title:
SCHEDULES, NOTES & DETAILS

Scale @ A1/A3:
N1S
Client:
Mr & Mrs Bell
Drawing Date:
30.08.22
Drawn/Checked:
PG/MS/DB
Drawing Status:
DA
Project Number:
34-21
Drawing Number:
34-21.09
Issue:
C



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