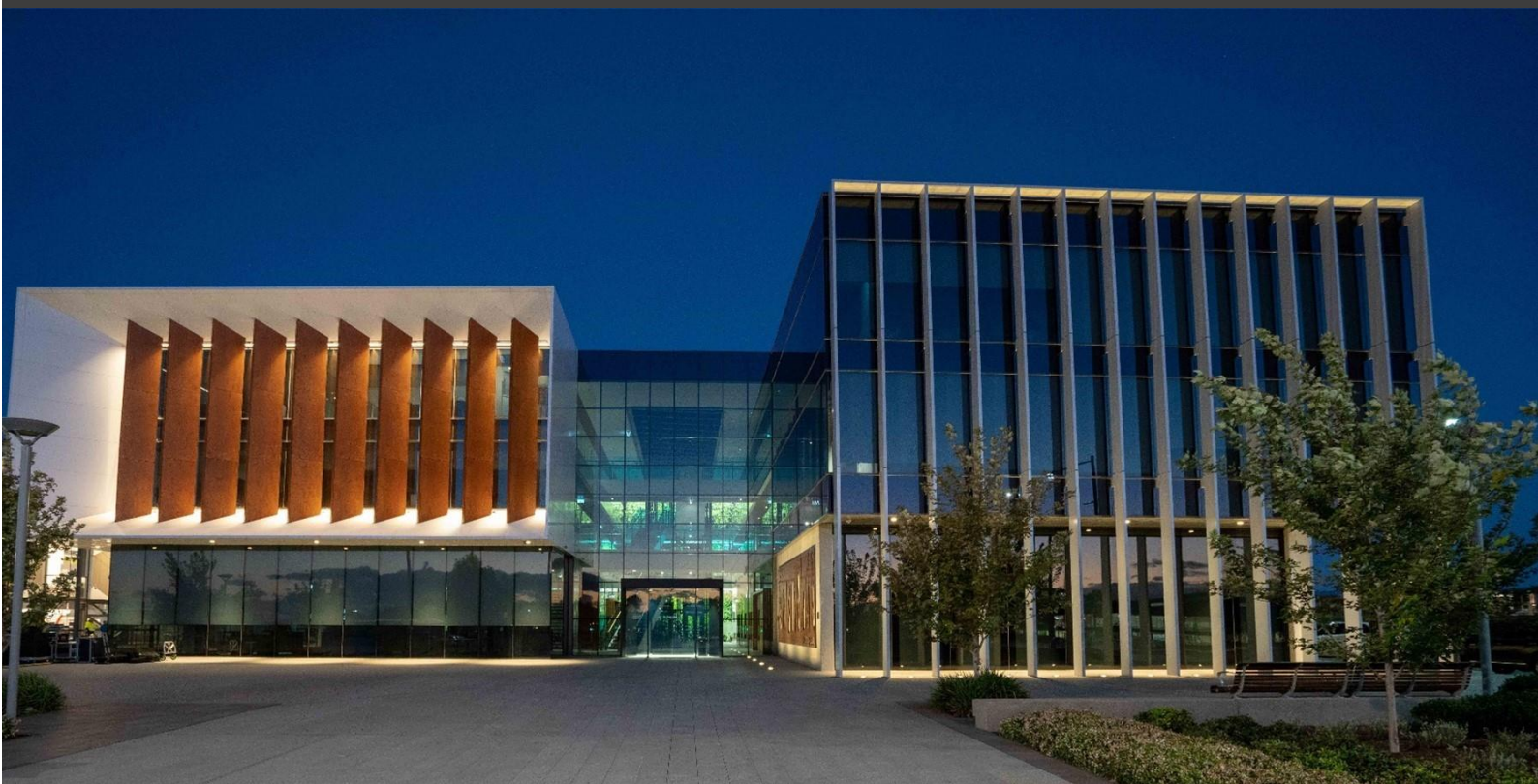


Business Paper

Camden Local Planning Panel
Electronic Determination

27 September 2022



camden
council

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CLPP01

SUBJECT: DA/2022/623/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE - 51 GLEESON RISE, ORAN PARK
FROM: Manager Statutory Planning
EDMS #: 22/403891

DA Number:	2022/623/1
Development:	Construction of a single storey dwelling house
Estimated Cost of Development:	\$429,782
Site Address(es):	51 Gleeson Rise, Oran Park
Applicant:	Platinum Planning Solutions
Owner(s):	Mr Khurram Jahingir Khan & Mrs Zubaida Khurram
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 - Height of buildings
Classification:	Nominated Integrated
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Departure from Development Standards greater than 10%
Report Prepared By:	Jodie Schembri (Development Assessment Officer)

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 a single storey dwelling house at 51 Gleeson Rise, Oran Park.

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 is a development that contravenes the height of buildings development standard that applies to the site by more than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/623/1 for a single storey dwelling house 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 a single storey dwelling at 51 Gleeson Rise, Oran Park.

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 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 12 July to 8 August 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 6.422m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 5 of State Environmental Planning Policy (Precincts-Western Parklands City) 2021.

The 5m height control applies to this land given its proximity to the curtilage of the state heritage listed Oran Park House, with the lower building height creating a transition area of single storey dwelling houses in this location. The building height contravention is restricted to a portion of the pitched roof. The dwelling house is single storey with a design that is compatible with its heritage context (including an appropriately pitched roof).

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend Appendix 9 of the Growth SEPP to address the anomalies associated with the 5m height standard. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 9 of the Growth SEPP that will enable a merit-based assessment to be undertaken to allow building heights above 5m providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- height up to 4m at the front building line does not exceed 30% of the front elevation.

The proposed dwelling house at 51 Gleeson Rise largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and has been on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

The applicant has submitted a Clause 4.6 written request to support the height variation and provide justification for the contravention of the development standard. The proposed contravention, and the applicant's Clause 4.6 written request, have been assessed in this report and are supported by Council staff.

The proposed development with a 6.422m building height to its 22.5 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey and is also consistent with the planning proposal for a merit-based assessment of building heights above 5m, including consistency with the

proposed standard building envelope. The design is compatible with its heritage setting, including its roof pitch, which will minimise visual impacts and protect adjoining development.

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m	6.422m to roof ridge	1.422m 28.44%

AERIAL PHOTO



Figure 1: Aerial photo of subject site

THE SITE

The site is legally described as Lot 6059 DP1235007, and commonly referred to as 51 Gleeson Rise, Oran Park.

The site is a recently constructed lot in a ‘Greenfields’ subdivision, having been registered in May 2021. It has an area of 721.9m² with a street frontage of 20.12m and depth of 35.915m, with minimal change in level across the site. There is a 1.5m wide drainage easement along the rear of the lot with a drainage pit located in the northeast corner and a 0.5m restriction related to the maintenance of a retaining wall along the rear boundary.

The site is located within the curtilage of an item of state heritage significance, SHR:1695 Oran Park House (also known as Catherine Park House).

ZONING PLAN



Figure 2: Subject site - R2 Low Density Residential zoning

CLPP01

BUILDING HEIGHT PLAN

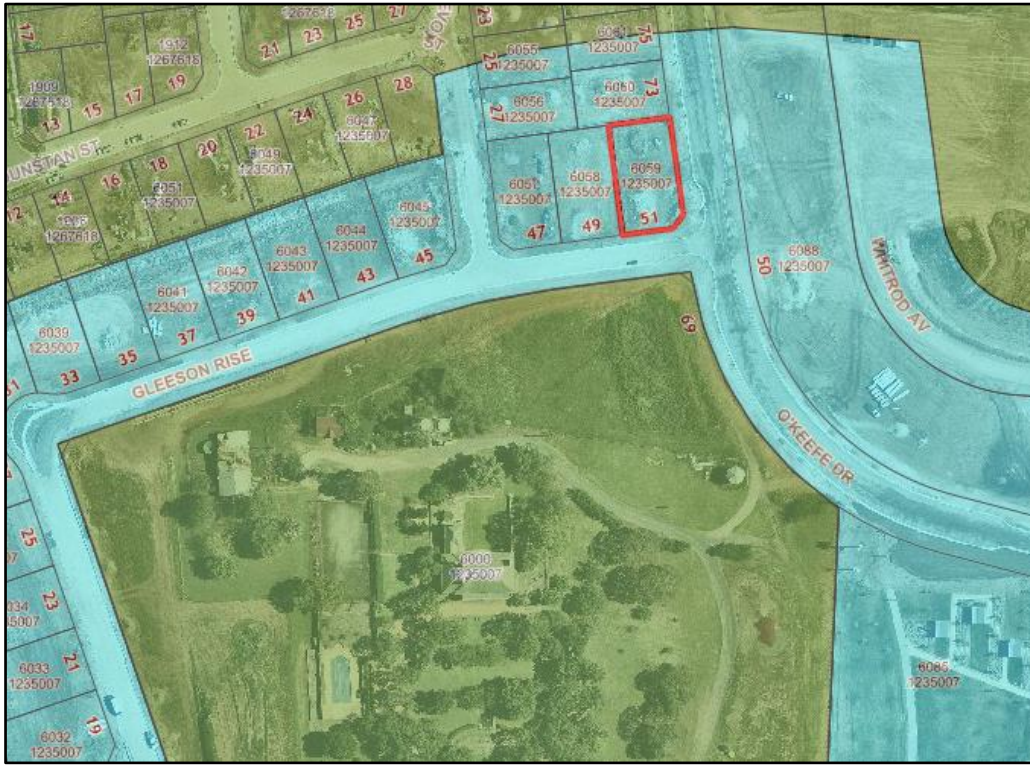


Figure 3: Height of Building map (5m height limit shown in blue, with 9m height in green)

HERITAGE LISTING



Figure 4: Subject site in relation to heritage listing

AREA MASTER PLAN



Figure 5: Red 'X' denoting approx. location of subject site in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Source: Catherine Fields (Part) Precinct Development Control Plan, Figure 2-1, Page 4.

HISTORY

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

Date	Development
23 March 2018	DA/2017/491/1 – Consent was granted to a subdivision to create 141 residential lots, 2 super-lots, a lot containing Oran Park House and its improvements, 1 residue lot, 1 public reserve lot, construction of public roads, provision of services, earthworks, site works and retaining walls to be delivered in four stages. This resulted in creation of the subject lot.
29 January 2021	<p>DA/2021/77/1 – A DA was submitted to Council that sought concept approval to establish site-specific building height development standards on 66 residential lots (8m as opposed to 5m) and stage 1 consent for the construction of 3 dwelling houses.</p> <p>The DA was withdrawn at the request of Council officers as it was determined that the height change should be addressed as part of a Planning Proposal.</p> <p>Prior to the DA being withdrawn, Heritage NSW issued GTAs for the Concept DA. The GTAs required any dwellings proposed on the subject lots to comply with a building</p>

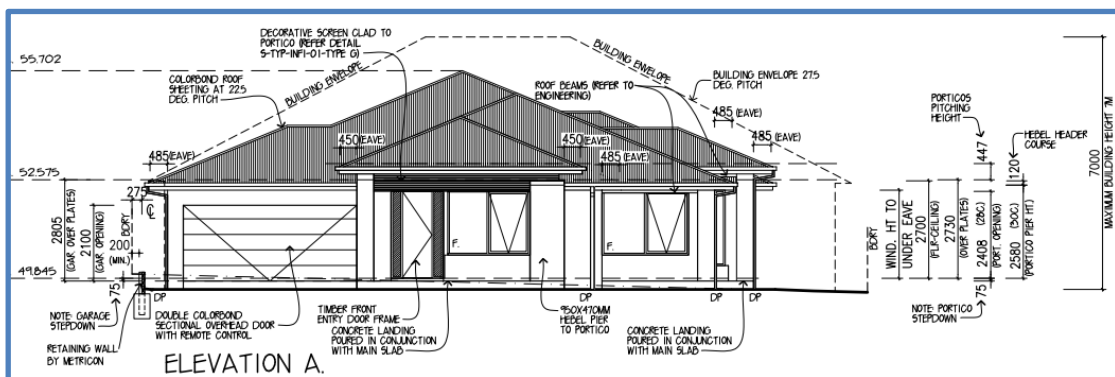
	<p>envelope, including:</p> <ul style="list-style-type: none"> • a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and • the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.
26 February 2021	<p>Planning Proposal (PP/2021/1/1) was submitted to Council. The Planning Proposal seeks to create additional local provisions to increase building heights for residential development surrounding Oran Park House by introducing a building envelope as a means of varying the 5m building height control (based upon the building envelope recommended by Heritage NSW in the GTAs issued for DA/2021/77/1).</p>
12 October 2021	<p>Planning Proposal (PP/2021/1/1) received Gateway Determination from Department of Planning and Environment (DPE).</p>
9 February 2022	<p>Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.</p>
14 June 2022	<p>Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to:</p> <ul style="list-style-type: none"> - endorse the Planning Proposal (as amended) and forward it to the DPE for the plan to be made; and - adopt related changes to Camden Growth Centre Precincts DCP, and publicly notify these, subject to finalisation of the Planning Proposal.

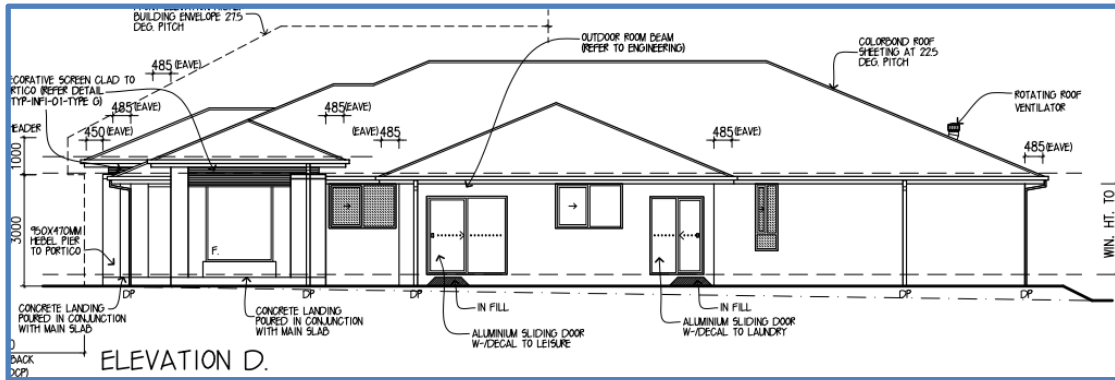
THE PROPOSAL

DA/2022/623/1 seeks approval for the construction of a single storey dwelling house.

The proposed dwelling consists of four bedrooms, rumpus room, leisure room, family/dining areas, kitchen, laundry, bathroom, and a double garage.

The estimated cost of development is \$429,782.





BACKGROUND

The 5m height of buildings development standard was imposed on this land as the site is within the curtilage of a state heritage listed item Oran Park House. The lower building height development standard aims to maintain a single storey transition area around the state heritage item.

This height of buildings development standard hinders the ability for a proposed dwelling house to comply with the existing site-specific controls in Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct.

Dwelling houses with hipped and gabled roof forms (with a roof pitch greater than 12.5 degrees) will inherently exceed the 5m building height development standard given the relative size and width of the properties, coupled with the larger building footprint required for single storey dwellings. This is illustrated in the following Figures 6 and 7. Council’s development controls for dwelling houses in this area require a minimum roof pitch of 22.5 degrees.

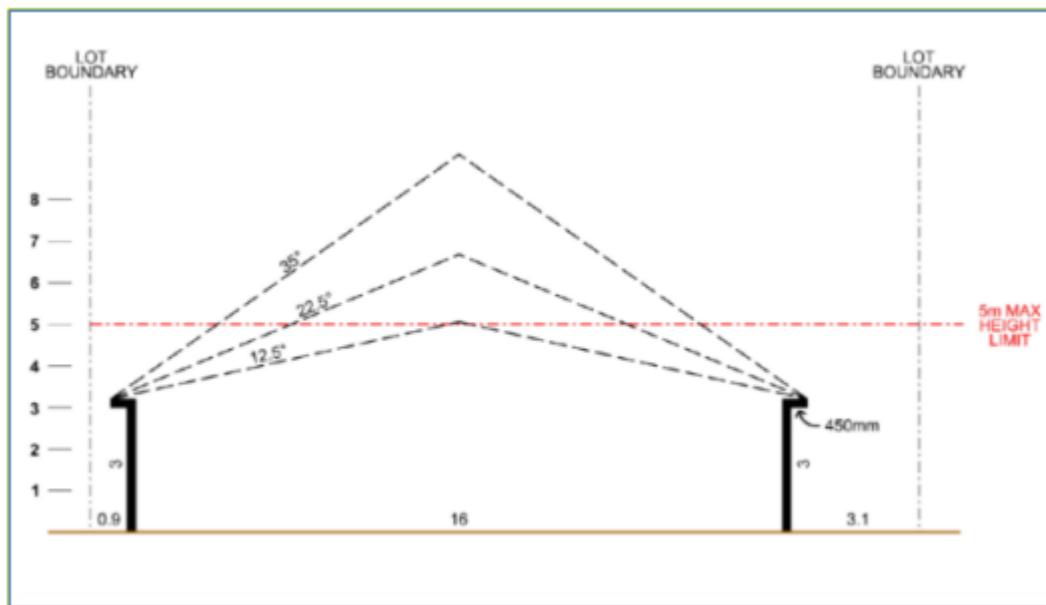


Figure 6: Five metre maximum building height limit compared to roof pitches



Figure 7: Dwelling roof forms, 15 degree and 27.5 degree roof pitches

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend the SEPP to address the anomalies associated with the 5m height control. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision that will allow building heights above 5m providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- no more than 30% of the front building line is above 4m.

The proposed dwelling house at 51 Gleeson Rise complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal received Gateway Determination from the DPE and was exhibited from Wednesday 9 February until Wednesday 9 March 2022. Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

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 (Building Sustainability Index – BASIX) 2004;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021; and
- State Environmental Planning Policy (Precincts – Western Parklands City) 2021.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the DA. The proposal has been assessed against the provided BASIX Certificate. The proposal will be able to meet the commitments and targets identified. A condition of consent is recommended to ensure compliance is achieved.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 9 – Hawkesbury-Nepean River

The SEPP seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context.

The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

SEPP (Resilience and Hazards) 2021 - Chapter 4 – Remediation of Land

This SEPP provides a State-wide planning approach to the remediation of contaminated land.

Clause 4.6 Chapter 4 of this SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

Contamination and remediation were appropriately dealt with under the parent subdivision development application DA/2017/491/1. The subject land has been validated and is suitable for the proposed residential development.

SEPP (Precincts – Western Parklands City) 2021 - Chapter 3 – Sydney Region Growth Centres

The SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre.

Site Zoning and Permissibility.

The site is zoned R2 Low Density Residential pursuant to Appendix 5, clause 2.2 of the SEPP. The development is characterised as a 'Dwelling House' by the SEPP, meaning a building containing only one dwelling.

The development is permitted with consent in the R2 Low Density Residential Zone pursuant to clause 2.6 and the land use table in Appendix 5 of the SEPP.

Planning Controls

An assessment table in which the development is considered against the Growth Centre SEPP's planning controls is provided in the **attached** documents.

Clause 4.6 – Exceptions to Development Standards

The proposed development will contravene the height of building standard which applies under clause 4.3 of Appendix 5 of the Growth Centre SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 6.422m in height, breaching the development standard by 1.422m and 28.44%.

Pursuant to clause 4.6(3) of Appendix 5 – Growth Centres SEPP, the applicant has provided a written request justifying contravention of the development standard for the following reasons:

- Compliance with the 5m height standard would detract from the design of the single storey dwelling and the overall streetscape;
- The development contravention will not impact on views and vistas from Oran Park House;
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not impact the intended type, or character of the desired development rather, aligns with the intended development of single storey dwellings;
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP;
- The request also demonstrates that 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:
 - The objectives of the standard and the R2 Low Density Residential zone are achieved notwithstanding noncompliance with the standard. A single storey detached dwelling which meets combined design requirements of setbacks, floor space ratio, and hipped roof forms ensures there are no significant adverse impacts. The objectives and intent of built form surrounding Oran Park House will be preserved.
 - If compliance was required, the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as intended in the heritage curtilage, consistent with the DCP controls and heritage guidelines.
 - Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and surrounds. The dwelling is consistent with the intended outcome for residential land surrounding Oran Park House with simple hipped and/or gabled roof forms of at least 22.5 degrees.

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

The justification contained within the Clause 4.6 written request demonstrates 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, in accordance with clause 4.6(3).

Council staff are also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the R2 Low Density Residential Zone, in accordance with clause 4.6(4).

The proposed development with a 6.422m building height to its 22.5 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey. Most of the dwelling is within the maximum height and its design is compatible to its heritage setting, including its roof pitch. The design of the dwelling will minimise visual impacts and protect adjoining development.

1. Indicative Layout Plan.

The intended outcome established within the Indicative Layout Plan (Figure 2-1) for this part of the Catherine Fields (Part) Precinct DCP is for low density residential development. The proposal is for a single storey dwelling, consistent with this outcome.

2. Clause 4.3 'Height of Buildings' – Objectives.

Alignment with the objectives of clause 4.3 are maintained. The development contravention will not result in development greater than single storey and it will be consistent with objectives to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.

3. R2 Low Density Residential Zone Objectives.

The development contravention will not depart from the objectives of the R2 Zone and not be inconsistent with intended outcomes for the zone, as it will:

- provide for the housing needs of the community within a low-density residential environment; and
- provide a diverse range of housing types to meet community housing needs within a low-density residential environment.

4. Site-specific objectives and controls.

Strict compliance with the 5-metre building height standard does not provide flexibility in achieving site-specific controls and providing for a dwelling design outcome, including roof form and pitch, that appropriately responds to the unique characteristics of the precinct, and the historically significant Oran Park House.

5. Alignment with DCP controls.

The building height standard contravention does not result in additional non-compliances with any development controls in the Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct. The single storey development is considered to fulfill the relevant controls and their objectives.

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 clause 4.3 of Appendix 5 of the Growth Centres SEPP.

(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 (noting that provisions related to the Hawkesbury-Nepean River are now incorporated within the consolidated SEPP (Biodiversity and Conservation) 2021).

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

The development is consistent with the Draft Remediation SEPP in that the land has been validated and is suitable for the proposed residential use (noting that provisions related to remediation of land are now incorporated within the consolidated SEPP (Resilience and Hazards) 2021).

Draft Planning Proposal State Environmental Planning Policy (Precincts – Western Parkland City) 2021

The development is consistent with the Draft Planning Proposal that seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 5 of the SEPP that will enable a merit-based assessment to allow building heights above 5m, providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within the Standard Building Height Envelope (as recommended by Heritage NSW); and
- the dwelling does not exceed 7m.

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

An assessment table in which the development is considered against the Camden Growth Centre 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 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

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the development.

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 12 July to 8 August 2022. No submissions were received.

(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

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Heritage NSW Integrated Development Section 58 approval, <i>Heritage Act, 1977</i>	General Terms of Approval (GTA) were issued by the delegate of the Heritage Council of NSW on 25/01/2022

Conditions that require compliance with the external referral recommendations are recommended.

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 Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021; and
- ii. approve DA/2022/623/1 for the construction of a single storey dwelling house at 51 Gleeson Rise, Oran Park, subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021 in relation to the maximum height of buildings standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances, and that despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument being Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021.
3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the reasons, the development is a suitable and planned use of the site, and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Growth SEPP Assessment Table
3. Growth DCP Assessment Table
4. Clause 4.6 Written Request
5. Heritage NSW GTAs
6. Architectural Plans

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
Job No. 728129, Sheet 1 of 8	Site Plan	Metricon	09/09/2021
Job No. 728129, Sheet 2 of 8	Ground Floor Plan	Metricon	09/09/2021
Job No. 728129, Sheet 3 of 8	Elevations (A/B)	Metricon	09/09/2021
Job No. 728129, Sheet 4 of 8	Elevations (C/D)	Metricon	09/09/2021
Job No. 728129, Sheet 5 of 8	Section	Metricon	09/09/2021
Ref No. 171978, Drawing No. SD02	Surface Drainage Plan	Intrax Housing	24/11/2021
Drawing No. 728129, Page L-01H	Landscape Plan	Site Design + Studios	02/09/2022
Ref No. 728129	Colours and Materials Schedule	Studio/M	26/08/2022

Document Title	Prepared by	Date
BASIX Certificate No. 1271683S_03	Energy Advance	21 June 2022
Waste Management Plan	Metricon Homes	15/06/2022

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this development consent applies.
- (3) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried

out unless the principal certifier for the development to which the work relates has given Council written notice of the following:

- a) for work that requires a principal contractor to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under Part 6 of the *Home Building Act 1989*,
- b) for work to be carried out by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permit.

If the above information is no longer correct, further work must not be carried out unless the principal certifier has given Council written notice of the updated information.

- (5) **Home Building Act - Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989* shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This requirement does not apply:

- a) to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
- b) to the erection of a temporary structure, other than a temporary structure to which subsection (3) of Section 69 of the *Environmental Planning and Assessment Regulation 2021* applies.

- (6) **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.

- (7) **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.

- (8) **General Terms of Approval/Requirements of State Authorities** – The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. Oran Park (SHR 01695) – Referrals to Heritage NSW, dated 25/01/2022.

1. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

2. ABORIGINAL OBJECTS

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

3. COMPLIANCE

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

4. SECTION 60 APPLICATION

An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

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) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.
- (2) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a->

[DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf](#)

- b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
- c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
- d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the accredited certifier prior to issue of a Construction Certificate.

- (3) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book')'. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (4) **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*.
- (5) **Salinity (Dwellings and Outbuildings)** – The approved development shall comply with the requirements of the salinity management plan "Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park, prepared by Douglas Partners, Project 76559.00, Dated November 2015". Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (6) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

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) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **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.

- (10) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone and displayed in a prominent position.

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) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation 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 causing the excavation must:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do 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 requirements not applying.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact 'Dial Before You Dig' prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the drainage easement.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (4) **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 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*.
- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by

- the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **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.
- (10) **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.
- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **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.
- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.
The validation report and associated sampling location plan must:
- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
 - b) be prepared in accordance with:

For Virgin Excavated Natural Material (VENM):

 - i) the Department of Land and Water Conservation publication "Site Investigation for Urban Salinity;" and

- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."

For Excavated Natural Material (ENM):

- i) compliance with the Excavated Natural Material Order 2014 and the Resource Recovery Orders and Exemptions issued under Part 9 of the Protection of the Environment Operations (Waste) Regulation 2014
 - c) confirm that the fill material has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity") and is compatible with any salinity management plans approved for the site.
- (15) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (16) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (17) **Materials, colours and finishes** – The dwelling is to be constructed using the approved materials, colours and finishes.

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) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (2) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.

- (3) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (4) **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.
- (5) **Compliance with Acoustic Requirements** – Documentary evidence shall be provided to the principal certifier confirming that the building has been constructed in general accordance with the approved acoustic report 'Road Traffic Noise Impact Assessment Catherine Park Stage 6 – Residential Subdivision' (Table 4 'Façade Construction) prepared by AECOM, Ref No. 60440887-RPNV-06-B, dated 7 April 2017.

CLPP01

Attachment 1

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Assessment Table

CLPP01

Attachment 2

Clause.	Assessment.	Compliance.
<p>Appendix 5, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>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 zone objectives for this site are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone of Appendix 9 – SEPP (Sydney Region Growth Centres) 2006.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> The proposal will provide for the housing needs of the community within the low-density residential environment. The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it. The proposal will be an addition to the existing housing type typical to the immediate surrounds. 	Yes
<p>Appendix 5, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>Maximum height of buildings = 5.0m 'C'.</p>	<p>The proposed development has a maximum building height of 6.422m.</p>	No (Clause 4.6 written request submitted).
<p>Appendix 5, 4.4 Floor Space Ratio Max FSR 0:4:1.</p>	<p>Site area = 721.9m². Gross Floor Area = 269.9m². FSR = 0.37:1.</p>	Yes
<p>Appendix 5, 4.6 Exceptions to development standards</p>		Yes

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Assessment Table

<p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(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</p> <p>(b) the concurrence of the Secretary has been obtained.</p>	<p>The applicant has submitted a written request under Clause 4.6 of the Growth SEPP justifying the contravention to the maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered 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, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p>	
<p>Appendix 5, 5.10 Heritage Conservation</p>	<p>The subject site is located within the curtilage of a State Heritage Item, namely Oran Park House. At the time of the SHR listing, site-specific exemptions were put in place to exempt certain development (including single storey dwelling houses) from the requirement for approval under the Heritage Act 1977 (<i>Catherine Park Estate – Oran Park House Heritage Exemption Guidelines</i>, prepared by Design + Planning, dated October 2014).</p> <p>The proposed development generally meets those guidelines with the exception of a control in Section 4.1 'Residential Built</p>	<p align="center">Yes</p>

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Attachment 2

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Assessment Table

CLPP01

Attachment 2

	<p>Form' that requires that <i>"The design and building of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder."</i></p> <p>This provision cannot be complied with as the lots have been subdivided and sold to individual property owners. As the proposed development does not meet this requirement, concurrence is required from Heritage NSW.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline the assessment process) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is attached to this report.</p>	
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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>4.1.1 Site Analysis</p> <p>Site analysis plan is to be provided.</p>	<p>Appropriate site analysis plan provided.</p>	Yes.
<p>4.1.2 Cut and Fill</p> <p>DAs are to illustrate where it is necessary to cut and/or fill land and provide justification for the proposed changes to the land levels.</p> <p>The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m.</p> <p>Fill within 2.0m of a property boundary shall be fully contained by the use of deepened (drop) edge beam construction with no fill permitted outside of this building footprint.</p> <p>The use of a deepened edge beam shall not exceed 1m above natural ground level.</p> <p>Where excavation or filling is required alongside a driveway, it shall be retained by a retaining wall.</p>	<p>Cut and fill plan provided.</p> <p>Cut and fill plan indicates cut and fill <1.0m.</p> <p>No fill within 2.0m of a boundary proposed.</p> <p>N/A</p> <p>N/A.</p>	Yes.
<p>4.1.3 Sustainable Building Design.</p> <p>The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.</p> <p>The provisions of BASIX will apply with regards to water requirements and usage.</p> <p>The design of dwellings is to maximise cross flow ventilation.</p> <p>The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and to minimise the need for mechanical heating and cooling.</p>	<p>Provided.</p> <p>The development complies with the requirements as set out by the provided BASIX certificate.</p> <p>Design of dwelling incorporates large open living spaces allowing for cross flow ventilation to occur.</p> <p>Location of living rooms and windows located appropriately so as to enable maximisation of capturing natural light.</p>	Yes.

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Attachment 3

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

CLPP01

Attachment 3

Control	Assessment	Compliance
<p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>Roof and paving materials and colours are to minimise the retention of heat from the sun.</p> <p>The design of dwellings that are required to attenuate noise shall use, where possible, alternatives to airconditioning, such as acoustic wall ventilators, ceiling fans, or bulkhead-mounted ducted fans to achieve appropriate ventilation.</p>	<p>Outdoor clothes line indicated on architectural plans located appropriately with regards to solar access.</p> <p>Roof adopts lighter colour. This will assist in reducing contributions to the urban heat island effect.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p>	
<p>4.1.4 Salinity, Sodicity and Aggressivity.</p> <p>All development must comply with the Salinity Management Plan developed at the subdivision phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p> <p>Salinity shall be considered during the siting, design and construction of dwellings including: drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process</p>	<p>The development will comply with the requirements of the salinity management plan as adopted under parent subdivision DA.</p> <p>Salinity will be considered during the siting, design and construction the proposed dwelling via a condition of consent.</p>	Yes.
<p>4.2.2 Streetscape and Architectural Design.</p> <p>The primary street facade of a dwelling should address the street and must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> • entry feature or porch; • awnings or other features over windows; • balcony treatment to any first floor element; • recessing or projecting architectural elements; • open verandah; • bay windows or similar features; or 	<p>Primary elevation to adopt the following design features;</p> <ul style="list-style-type: none"> • Entry feature/porch/portico. • Projecting architectural elements in the form of supporting posts. 	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<ul style="list-style-type: none"> • verandahs, pergolas or similar features above garage doors. • Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback. <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.</p> <p>Front facades are to feature at least one habitable room with a window onto the street.</p> <p>Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.</p>	<p>All eaves minimum 0.485m as identified on sectional drawings.</p> <p>Hipped roof pitch of 22.5 degrees proposed.</p> <p>Front façade to feature bedroom with windows facing the street.</p> <p>Proposed garage to complement colour and finish of main dwelling.</p>	
<p>4.2.3 Front Setbacks.</p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p>	<p>Yes.</p>

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Attachment 3

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

CLPP01

Attachment 3

Control	Assessment	Compliance
<p>4.2.4 Side and Rear Setbacks.</p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Noted – None proposed.</p> <p>The proposal adopts side boundary setbacks greater than 0.9m.</p>	Yes.
<p>4.2.5 Dwelling Height, Massing and Siting.</p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Site coverage measured accordingly against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Less than 1m.</p>	Yes.
<p>4.2.6 Landscaped Area.</p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p> <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Noted / complied.</p>	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>location of any trees to be retained or planted.</p> <p>Surface water drainage shall be provided as necessary to prevent the accumulation of water.</p> <p>Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including native salt tolerant trees.</p>	<p>Lot benefited by drainage easement. To drain to rear easement/pit.</p> <p>No concerns presented regarding the accumulation of surface water.</p>	
<p>4.2.7 Private Open Space.</p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p> <p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>PPOS contained and achievable to rear of lot. PPOS located appropriately.</p> <p>PPOS conveniently accessible from living and alfresco. PPOS at grade <1:10.</p>	Yes.
<p>4.2.8 Garages, Storage, Site Access and Parking.</p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p> <p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.</p>	<p>2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line via double car garage.</p> <p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p>	Yes.

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Attachment 3

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Attachment 3

Control	Assessment	Compliance
<p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.8m.</p> <p>Double garage internal dimensions = 5.75m x 6.23m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p>	
<p>4.2.9 Visual and Acoustic Privacy.</p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm and noise is not to exceed background levels during the hours 10.00pm to 7.00am.</p> <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible comply with the criteria in Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden</p>	<p>Proposed development is single storey only. Proposed dwelling has an FFL <1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted/complied.</p> <p>Dwelling not impacted by road types.</p>	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>Growth Centre Precincts Development Control Plan</p> <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council's Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p>	<p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Compliance with acoustic requirements to be conditioned prior to OC.</p>	
<p>4.2.10 Fencing.</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>No front fencing proposed.</p> <p>Side boundary return fences indicated at 2m behind the building line.</p>	Yes.
<p>Table 4-5 – Site coverage. Maximum 50% at ground floor. Maximum 30% at upper floor.</p>	<p>Single Storey Site cover: $331.9 \div 721.9 \times 100 = 45.98\%$.</p>	Yes.
<p>Table 4-5 – Soft landscaped area. Minimum 30% of the allotment area.</p>	<p>Soft landscaped area: $296.9 \div 721.9 \times 100 = 41.1\%$.</p>	Yes.
<p>Table 4-5 – Principal Private Open Space (PPOS). Minimum 24sqm with minimum dimensions of 4m.</p>		Yes.


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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table



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Control	Assessment	Compliance
	PPOS = over 24sqm and 6mx4m dimension at rear of lot.	
<p>Table 4-5 – Solar Access. 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.</p>	<p>No overshadowing of PPOS. Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.</p>	<p>Yes.</p>
<p>Table 4-5 – Garages and carparking. Maximum double car garage door width 6m. 3 bedrooms or more to provide at least 2 car spaces.</p>	<p>Double garage proposed. Width = 4.8m. 2 spaces provided/double garage.</p>	<p>Yes.</p>
Control	Assessment	Compliance?
<p>4.1 Development Surrounding Oran Park House.</p> <p>Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.</p> <p>Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.</p> <p>Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p> 	<p>The proposed development generally complies with the Exemption Guidelines, with the exception that the design of dwellings for each street block is not being undertaken simultaneously and delivered as a complete package by one builder. This provision cannot be complied with as the lots have been subdivided and sold to individual property owners.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline DA's) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is attached to this report.</p> <p>The site is located inside the area identified in figure 4-1. Development is for a single storey dwelling and will not result in significant view lines illustrated in figure 4-1 being compromised. The proposed dwelling house is sympathetically designed and complements the setting of Oran Park House</p>	<p>Yes.</p>

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>Development in these areas must be sympathetically designed to complement the topography of the site, the setting of Oran Park House and associated outbuildings and the historical rural character without replicating architectural details.</p>		
<p>4.1.2 Oran Park House and Outer Heritage Curtilage Principals.</p>  <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p>	<p>The subject lot is located within area mapped as being 'very low density residential' and has been assessed in relation to the relevant controls.</p>	<p>Yes.</p>
<p>4.1.3 Landscape Elements – Views and Vistas.</p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p>  <p>Figure 4.3 – Significant Vistas within the Oran Park House curtilage to be preserved</p>	<p>The development will not impact significant vistas shown in figure 4-3.</p>	<p>Yes.</p>
<p>4.1.11 Residential Built Form.</p>		<p>Yes.</p>

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package. The block design must be submitted and approved with the first development application for the construction of a dwelling within the street block.</p>	<p>This DA does not provide for simultaneous design and delivery of development for this street elevation/street block. However, the dwelling is assessed as being suitable for the site and Heritage NSW have issued standards GTAs for instances where the development fully complies with the Exemption Guidelines with the exception of the 'one builder' requirement.</p>	
<p>4.1.12 Street Facades and Visible Elevations.</p> <p>Residential developments are to have contemporary designs (i.e. architecture being produced now) and respect the heritage significance of Oran Park House but must not replicate historic styles.</p> <p>All dwellings in the heritage curtilage area are to have architectural merit (i.e. architecture that is enduring and respects the heritage significance of Oran Park House).</p> <p>Building facades are to be visually interesting and articulated suitably to break up the building mass. At least three of the following design features are to be incorporated into the front facade:</p> <ul style="list-style-type: none"> • front doors with side lights; • contemporary window treatments including aluminium or timber frames in neutral colours; • bay Windows (rectangular only); • entry portico; and • recessed garage doors setback behind the primary facade. <p>Colonial style window treatments are not appropriate where visible from the public domain.</p> <p>Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion.</p> <p>Picture windows or fully glazed walls are permitted to the street façade.</p> <p>An entry portico is to be of contemporary design and appearance. Access to the entry portico may be from either the driveway or a separate path.</p>	<p>The proposed development has a contemporary design that respects Oran Park House.</p> <p>The proposal will adopt the following design features:</p> <ul style="list-style-type: none"> • Entry porch/portico. • Recessed garage doors setback behind the primary façade. • Rectangular windows. <p>Noted – no colonial style window treatments proposed.</p> <p>All windows to the front façade feature a dominant vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street façade.</p> <p>Noted/complied.</p>	<p>Yes.</p>

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance												
<p>Shadow lines are an appropriate element to complement the overall facade appearance.</p> <p>The design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p>	<p>Noted/complied.</p> <p>Front elevation articulated in the form of a stepped building line adopting articulation feature in the form of a porch.</p>													
<p>4.1.14 Setbacks for Very Low Density Area Surrounding Oran Park House.</p> <p>Residential development must comply with the controls in Figure 4-8.</p> <table border="1"> <thead> <tr> <th></th> <th>Minimum</th> </tr> </thead> <tbody> <tr> <td>Front Dwelling Setback</td> <td>5m</td> </tr> <tr> <td>Front Garage Setback</td> <td>6m</td> </tr> <tr> <td>Rear Boundary Setback</td> <td>5m</td> </tr> <tr> <td>Side Boundary Setback</td> <td>0.9m (average 3m²)</td> </tr> <tr> <td>Corner Lot Side Boundary Setback</td> <td>5m</td> </tr> </tbody> </table> <p><small>Note: In addition to the minimum side boundary setback of 0.9m, the siting of dwellings is required to achieve an average 4m side separation between dwellings along an entire street block. Pursuant to Section 4.1.11 of this Section, the simultaneous delivery of dwellings within the heritage curtilage by one builder will ensure the average 4m separation is achieved.</small></p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	0.9m (average 3m ²)	Corner Lot Side Boundary Setback	5m	<p>Front setback = 5.755m. Front garage setback = 6.835m. Corner lot side boundary setback (east) = 3.154m. Side boundary setback (west) = 0.985m. Combined setback = 4.139m (min)</p> <p>Rear setback = 5.998m.</p>	Yes.
	Minimum													
Front Dwelling Setback	5m													
Front Garage Setback	6m													
Rear Boundary Setback	5m													
Side Boundary Setback	0.9m (average 3m ²)													
Corner Lot Side Boundary Setback	5m													
<p>4.1.15 Building Height.</p> <p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>	<p>The height will exceed the 5m control and is subject to a Clause 4.6 written request.</p>	No. Variation supported.												
<p>4.1.16 Roofs.</p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p> <p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p> <p>Roofs must use neutral colour tones such as greys, greens or browns.</p>	<p>Proposed roof pitch is a maximum of 22.5 degrees.</p> <p>Roof adopts hipped formation.</p> <p>Eaves 0.485m in overhang as identified on plans.</p> <p>Colour schedule provided indicates light colours to be used which are supported by Council's Heritage Advisor.</p>	Yes.												
<p>4.1.17 Lofts, Attics and Dormer Windows.</p> <p>Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and</p>	<p>No attic rooms/dormer windows proposed.</p>	Yes.												

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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>where there will be no impact on the views and vistas to and from Oran Park House and grounds.</p> <p>Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development.</p>		
<p>4.1.18 Garages.</p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p>	<p>Garage is setback a minimum of 6m from front boundary.</p> <p>Does not exceed 50%</p> <p>The garage has been considered within the overall building design and is considered as being consistent with regards to the materials, colours and proposed roof pitch of the proposed dwelling.</p> <p>Garage can accommodate two cars with the ability for an additional two cars to be parked on the residential lot in front of the garage.</p>	Yes.
<p>4.1.19 Building Materials.</p> <p>Building materials and finishes are to be non-reflective.</p> <p>Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p>	<p>Colour and material schedule provided. Amended colours and materials provided are considered non-reflective and suitable.</p> <p>Colours and materials considered to align with recommended palette.</p> <p>Corrugated roofing material proposed.</p> <p>Noted / complied.</p>	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p> <ul style="list-style-type: none"> • Face brickwork with struck or tooled joints; • Light coloured mortar joints; and • Any rendered surfaces painted in neutral colours. 	<p>Noted, front façade will adopt variation between rendering, tiling and timber panel in neutral colours.</p>	
<p>4.1.20 Landscaping.</p> <p>All parts of the residential allotment in front of the building and facing the street that are not built on or paved are to be landscaped, with materials such as turf, groundcover, garden beds, shrubs and trees.</p> <p>Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>	<p>Landscape plan indicates all parts within the front setback that are not built on or paved, are landscaped with various landscaping features such as turf, groundcover, trees and plantings.</p>	Yes.
<p>4.1.21 Driveways.</p> <p>Driveways are to:</p> <ul style="list-style-type: none"> • Have a maximum width of 6m. • Be designed with high quality stone pavers, large tiles, selected permeable paving or exposed aggregate. The colour and finish of stone pavers and tiles is to be subdued with a natural unpolished finish. <p>When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.</p>	<ul style="list-style-type: none"> • Driveway does not exceed 6m • Driveway finish: blue steel coloured broom finished concrete with light grey bands. 	Yes.
<p>4.1.21 Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</p> <p>Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.</p>	<p>None of the said structures are located from view of the public.</p>	Yes.
<p>4.1.25. Letterboxes</p> <p>Letterboxes must not be a visually prominent element on the streetscape.</p>	<p>Letterbox located so as to be an integrated element of the streetscape/front fence.</p>	Yes.

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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
Letterboxes must be designed as an integrated feature of the fence		

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Attachment 3



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Attachment 4

CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	51 Gleeson Drive ORAN PARK NSW
Lot:	6059 DP1235007
Date:	23 May 2022

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Suite 3.03 55 Miller Street PYRMONT NSW 2009
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Appendices

Appendix 1 – View Analysis

Figures

Figure 1	Maximum Building Height Map
Figure 2	Lots in DP1235007 Subject to Clause 4.6 Variation
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Figure 4	Building Height & Roof Pitch
Figure 5	Dwelling Roof Forms
Figure 6	Extract from View 4 in Views Analysis

Tables

Table 1	Lots in DP1235007 Subject to Clause 4.6 Variation
Table 2	Specific Land Details
Table 3	Extent of Variation to Development Standard

1 INTRODUCTION

We submit a Clause 4.6 variation request to support a Development Application (DA) seeking approval to erect a detached dwelling on land described in Table 2 of this report.

The variation request relates to a building height standard under Appendix 9 Camden Growth Centres Precinct Plan in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

Catherine Park contains a State listed heritage item, an early European settlement homestead, named Catherine Park House (aka Oran Park House). The Precinct Planning for the Catherine Fields Part Precinct implemented special development standards around Catherine Park House to deliver a transition in development between the heritage item and surrounding urban development.

The site specific 5 metre maximum building height development standard imposed on land surrounding the heritage item adopted in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) does not enable all options for excellence in design of residential dwellings as was intended. A maximum building height over 5 metres will enable more and better dwelling designs with higher roof forms that will more effectively meet the design outcomes intended in the site-specific development controls in Schedule 4 of the Camden Growth Centre Precincts Development Control Plan (DCP), such as roof pitch.

The DA seeks approval for a detached dwelling with a roof form that exceeds the 5 metre height limit. This Clause 4.6 variation request seeks to vary the 5 metre maximum building height development standard to the extent described in Table 3 of this report.

This request has been prepared in accordance with the Department of Planning & Environment (DPIE) Guideline, *Varying Development Standards: A Guide*, August 2011, and relevant matters set out in the 'five-part test' established by determinations in the NSW Land and Environment Court.

This request should be read in conjunction with the Statement of Environmental Effects for the DA and supporting documentation and plans lodged with the proposal.

This report demonstrates that support for proposed building height provides better building design, enables compliance with DCP controls and achieves the intended outcomes for residential development surrounding Catherine Park House without any significant impacts.

2 STATUTORY PLANNING FRAMEWORK

2.1 Clause 4.6 - Exceptions to development standards

Clause 4.6 - Exceptions to development standards in 'Appendix 9 Camden Growth Centres Precinct Plan' of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) allows the relevant authority to grant consent to development that varies from a development standard imposed by the Environmental Planning Instrument. The objectives of the clause include:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

A written request to vary a development standard is required in accordance with subclause (3), which reads:

- (3) *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.*

This document forms the written request required under Clause 4.6.

Subclauses 4 and 5 provide the considerations for approving a variation under Clause 4.6 including satisfying the requirements under subclause 3 and whether there is a public benefit of maintaining the development standard.

- (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 Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

2.2 Development Standards

A variation sought under Clause 4.6 needs to be a 'development standard'. A development standard is defined in the Environmental Planning & Assessment Act in Clause 1.4 as:

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

- (a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) *the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) *the cubic content or floor space of a building,*
- (e) *the intensity or density of the use of any land, building or work,*
- (f) *the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) *the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) *the volume, nature and type of traffic generated by the development,*
- (i) *road patterns,*
- (j) *drainage,*
- (k) *the carrying out of earthworks,*
- (l) *the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) *the provision of services, facilities and amenities demanded by development,*
- (n) *the emission of pollution and means for its prevention or control or mitigation, and*
- (o) *such other matters as may be prescribed.*

With reference to part (c) it is definitive the maximum building height standard is a development standard.

3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

3.1 Development Standard Subject to Variation

The proposed variation is subject to the maximum building height development standard in Appendix 9 Camden Growth Centres Precinct Plan under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

Clause 4.3 - Height of buildings in Appendix 9 of Growth Centres SEPP prescribes maximum building height for certain land in the Camden LGA portion of the South West Growth Area.

The Objectives of Clause 4.3 - Height of buildings are as follows:

- (a) to establish the maximum height of buildings,
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
- (c) to facilitate higher density development in and around commercial centres and major transport routes.

Clause 4.1(2) requires that 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.

Maximum building height is shown on South West Growth Centre Height of Buildings Map Sheets HOB_004 and HOB_009. This map shows maximum building height of 5 metres for the residential allotments surrounding Catherine Park House. This variation applies to 66 residential allotments that are subject to the 5 metre building height limit (see Section 3.2) and specific lot details are included in Table 2.



Figure 1 – Maximum Building Height Map (Source: NSW Planning Portal)

3.2 Subject Site

The site is located within Stage 6 in Catherine Park Estate. The land subject to a Clause 4.6 Variation comprises 66 residential allotments on the Deposited Plan No. DP1235007 that are subject to a 5 metre building height limit. The 66 residential allotments are shown in Figure 2 and are listed in Table 1. The details of the specific lot subject to this variation request are listed in Table 2.



Figure 2 – Lots in DP1235007 Subject to a Clause 4.6 Variation

Table 1: Lots in DP1235007 Subject to Clause 4.6 Variation

Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.
6001	6008	6015	6022	6029	6036	6043	6050	6059	6068
6002	6009	6016	6023	6030	6037	6044	6051	6060	6069
6003	6010	6017	6024	6031	6038	6045	6052	6061	6070
6004	6011	6018	6025	6032	6039	6046	6055	6064	
6005	6012	6019	6026	6033	6040	6047	6056	6065	
6006	6013	6020	6027	6034	6041	6048	6057	6066	
6007	6014	6021	6028	6035	6042	6049	6058	6067	

The land details specific to this Clause 4.6 Variation are detailed in Table 2.

Table 2: Land Details Subject to Clause 4.6 Variation Request

Address:	51 Gleeson Drive ORAN PARK NSW	
Lot:	6059	DP1235007

3.3 Proposal

The DA seeks to erect a single storey detached dwelling on the site described in Table 2. The proposed building height of the dwelling exceeds the 5 metre maximum building height limit imposed under the Growth Centres SEPP.

3.4 Planning Context

The land is zoned R2 Low Density Residential in the Growth Centres SEPP.

The land subject to the variation is within the R2 Zone, which has the following objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

Residential development for detached dwellings is permissible with development consent in the R2 Zone.

3.5 Extent of Variation to Development Standard

The proposed building height and extent of variation to the 5 metre maximum building height limit imposed under the Growth Centres SEPP is included in Table 3.

Table 3: Extent of Variation to Development Standard

Proposed Building Height:	6.422m [Metricon 'Section' Rev F dated 9 Sept 2021]
Extent of Proposed Variation*:	28.44 %

* Note: Extent of Proposed Variation = ((BH / 5) x 100) - 100

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

4.1 Clause 4.6(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The Department of Planning Industry & Environment published a guideline titled 'Varying development standards: A Guide' (August 2011), which is available on their website at: www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/varying-development-standards-a-guide-2011-08.pdf

The guideline suggests that written applications to vary a development standard could address matter outlined in the 'five part test', which is formed on determinations in the NSW Land and Environment Court. The NSW Land and Environment Court established the principle of a five-part test in determining whether compliance with a development standard is unnecessary (Refer *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 & *Wehbe v Pittwater Council* [2007] NSW LEC 827).

The five part test includes five assessment criteria where one or more of the tests are to be used to demonstrate that compliance with the development standard is unreasonable or unnecessary. The five tests are as follows:

1. *the objectives of the standard are achieved notwithstanding noncompliance 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 of 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 compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

An additional test is also included (Test 1(a)) which addresses the objectives of the land use zone, consistent with recent decisions of the NSW Land & Environment Court, including Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Test 1: the objectives of the standard are achieved notwithstanding noncompliance with the standard

The objectives of the height of buildings development standard in Clause 4.3 of the Growth Centres SEPP are outlined below with a respective response.

Objective (a) to establish the maximum height of buildings,

The Environmental Planning Instrument imposes a maximum building height, and a variation of the building height is submitted in accordance with the allowances under Clause 4.6. The objective is upheld and proposal does remove a building height standard for the site. Therefore, the proposal is not inconsistent with Objective (a).

Objective (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

The 66 residential allotments have a land area of 500m² or greater and all residential allotments will contain a single storey detached dwelling with a combined average side setback of 4 metres and a maximum floor space ratio of 0.4:1. Single storey dwellings with hipped and/or gabled roofs are required on all allotments. The combined design requirements of setbacks, floor space ration and hipped and/or gabled roofs ensures there will be no significant overshadowing on adjoining properties. Single storey dwellings on large lots also ensures visual privacy of large areas of private open space will be preserved and visual impact is negligible. The proposed variation therefore meets Objective (b).

Objective (c) to facilitate higher density development in and around commercial centres and major transport routes.

The site is identified for lower densities of residential development. Accordingly, Objective (c) is not relevant to the site and the proposed variation does not affect noncompliance to enable higher density development around centres. Further, the Concept Proposal is not inconsistent with the objective.

Test 1(a): the objectives of the zone

The objectives of the R2 Low Density Residential Zone are as follows:

- ***To provide for the housing needs of the community within a low density residential environment.***

The 66 residential allotments are within a planned low density area to provide a transition of development between Catherine Park House and surrounding residential development.

The proposed building height will does not intensify the density of development and will maintain single story detached dwellings on large residential allotments within he R2 Low Density Residential Zone. The Concept Proposal is consistent with the objective.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

A detached dwellings is proposed on the site and there is no land within the site that has been identified or would be suitable for other land uses that provide facilities or services to meet the day to day needs of residents. The proposal is not inconsistent with the objective.

- ***To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.***

The 66 residential allotments are large lots to contain single storey detached dwellings. Each residential allotment will have generous indoor and private outdoor spaces that will ensure a typical low density living environment incorporating privacy and amenity is maintained. Additionally, the requirements for single storey dwelling construction with a simple hipped and/or gabled roof forms ensures negligible overshadowing impacts. The proposal is consistent with the objective.

- ***To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.***

A detached dwellings is proposed on the site and there is no land within the site that has been identified or would be suitable for other land uses that provide facilities or services to meet the day to day needs of residents. The proposal is not inconsistent with the objective.

- ***To provide a diverse range of housing types to meet community housing needs within a low density residential environment.***

The broader Stage 6 in Catherine Park includes a diverse range of residential lots sizes and types of residential dwellings, which range from large residential allotments to small lot housing. The 66 residential allotments under this Clause 4.6 are within a planned low density area to provide a transition of development between Catherine Park House and standard low density development. These lots make an important contribution to housing diversity within the locality.

The proposed building height does not intensify the density of development and will maintain single story detached dwellings on large residential allotments within he R2 Low Density Residential Zone. The proposal is consistent with the objective.

Test 2: the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The proposed variation does not rely on this test.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

The underlying objective of the built form within the transition area between Catherine Park House and the broader urban development is to provide single storey homes on large allotments with greater separation between dwellings and simple hipped and/or gabled roofs with a pitch over 22.5° (refer to Test 5). The design intention for these homes is to have 'stately' houses that respect the heritage values of Catherine Park House.

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

If compliance was required, it will not enable the underlying objective will be thwarted as the 5 metre building height limit does not allow the range of dwelling designs as was intended in the DCP and Heritage Exemption Guidelines. Accordingly, compliance with the 5 metre maximum building height standard is considered unreasonable.

Test 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

The proposed variation does not rely on this test.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone

Compliance with the 5 metre maximum building height development standard development is unreasonable and detrimental to the current environmental character of the site and surrounds.

During the Precinct Planning for the Catherine Field Part Precinct prior to the zoning and development standards being adopted for the site, the intended outcome for the residential land surrounding Catherine Park House was to have single storey dwellings with simple hipped roof forms on large residential allotments. Hence minimum lot sizes of 500m² and 700m² were imposed and specific development controls were included in the Camden Growth Centre Precincts DCP to ensure this development outcome was realised. The heritage object was to ensure the housing surrounding Catherine Park House was subservient to the heritage item and have roof forms that are not detrimental to the heritage significance and character of the House.



Figure 3 – Catherine Park House (aka Oran Park House) (Source: www.environment.nsw.gov.au)

Schedule 4 in the Camden Growth Centre Precincts DCP includes site specific controls for the residential allotments surrounding Catherine Park House and subject to the Concept Proposal. The site specific controls include provision for roofs.

4.1.16 Roofs

Controls

1. *Roof pitches are to be between 22.5 degrees and up to 35 degrees.*
2. *Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.*
3. *The minimum eave overhang is 450mm.*
4. *Roofs must use neutral colour tones such as greys, greens or browns.*

To satisfy the site specific design standards in the DCP, a dwelling is required to have a simple hipped roof form with a minimum roof pitch of 22.5° and eaves of 450mm or larger.

There are also general development controls for roof pitch for all residential development in the DCP. Control 5 under Clause 4.2.2 'Streetscape and architectural design' states:

The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.

A minimum roof pitch of 22.5° applies to all hipped roof forms for all detached dwellings within the Camden Council portion of the South West Growth Area.

Heritage Exemption Guidelines have been endorsed by the NSW Heritage Council and by order of the Minister for Heritage, granted an exemption from section 57(1) of Heritage Act 1977 in respect to all works and activities in accordance with 'Catherine Park Estate: Oran Park House Curtilage Exemption Guidelines' (prepared by Design & Planning for Hixson Pty Ltd, dated October 2014).

The Heritage Exemption Guidelines apply to the portion of allotments within the heritage curtilage and require the following design requirements to satisfy the exemption criteria:

4.5 Building Height

Controls

1. *Buildings are to be single storey in height within the Oran Park House heritage curtilage.*
2. *Variations to the building height on corner lots may be appropriate where attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.*

And:

4.6 Roofs

Controls

1. *Roof pitches are to be between 22.5 degrees and up to 35 degrees.*
2. *Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.*
3. *The minimum eave overhang is 450mm.*

The development controls in the DCP and Heritage Exemption Guidelines demonstrate the intended outcomes for residential development surrounding Catherine Park House. Importantly, residential development is required to be single storey construction and roof pitches need to be at least 22.5°.

Figure 4 shows the relationship of the existing maximum 5 metre height limit and achieving the roof pitch controls for a single storey dwelling with a simple hipped roof form. The diagram adopts a typical wall height of 3 metres for a single storey dwelling and 450mm eaves, which is a required design standard. The diagram also assumes a 20 metre lot width, which is slight less than the typical of the lots facing Catherine Park House, and a minimum side setback of 0.9 metres and average side setback of 2 metres, which reflects the minimum setback requirements in Schedule 4 of the Camden Growth Centre Precincts DCP.

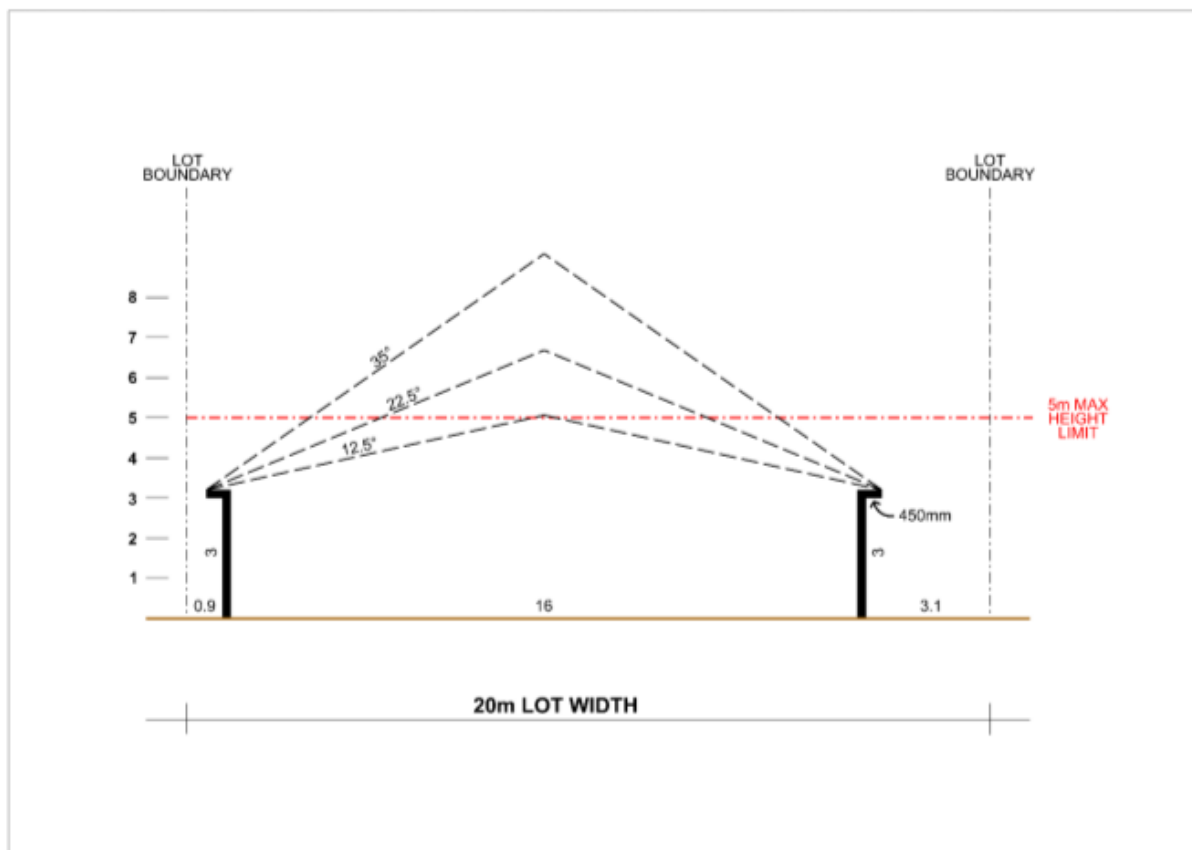


Figure 4 – Building Height & Roof Pitch

Figure 4 demonstrates roof forms that would be achieved for a single storey dwelling with a simple hipped and/or gabled roof designed with a pitch over 22.5°. The design standards for the minimum roof pitch of 22.5° and the 5 metre maximum height limit for a single storey dwelling are conflicting. In addition, a roof pitch for a hipped and/or gabled roof less than 22.5° is a poor design outcome, which is the reason the Camden Growth Centre Precincts DCP imposes a minimum roof pitch of 22.5° for all residential dwellings with a hipped and/or gabled roof.

It is evident that the 5 metre maximum building height limit does not allow for better designs with higher roof forms for single story residential dwellings, and therefore, compliance with the 5 metre maximum building height development standard is considered unreasonable. In addition, the widespread erection of dwellings with potentially compromised roof forms will be detrimental to the current environmental character of the site and surrounds with respect to the heritage values of Catherine Park House. This would also be contrary to the intended outcomes for residential development around the heritage item potentially resulting in a diminished streetscape character and appearance.

The proposed building height is necessary to achieve a quality design for the dwellings surrounding Catherine Park House, which are required to include simple hipped and/or gabled roof designs with a pitch over 22.5°. This allows for properly designed dwellings with attractive roofs.

Conclusion

In consideration of the five part test and the zone objectives, the proposed variation meets the objectives of maximum height of buildings development standard and zone in Test 1 and 1(a). It is also demonstrated that compliance with the 5 metre maximum building height development standard is unreasonable and detrimental to the current environmental character of the site and surrounds. Accordingly, strict compliance with the development standard is unnecessary.

4.2 Clause 4.6(b) There are sufficient environmental planning grounds to justify contravening the development standard

The determination in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* found that the environmental planning grounds presented in a Clause 4.6 variation request are to be specific to the circumstances of the proposal. There are special circumstances and sufficient environmental planning grounds to justify contravention of the maximum building

height development standard.

Better designed single storey dwellings & streetscapes

The basis for the development control in the Camden Growth Centre Precincts DCP that sets a minimum standard for roof pitch of 22.5° is to ensure better house design. In particular, single storey dwellings with a hipped and/or gabled roofs present significantly better with a roof form that extends above the walls. The proportion of the roof form is balanced with the rest of the dwelling and the building mass presents a stronger residential character to the street, which improved the overall streetscape character.

Figure 5 shows examples of dwellings with a compliant roof form in terms of roof pitch (Dwelling A) and a compliant dwelling in regard to the 5 metre building height.



Figure 5 – Dwelling Roof Forms

The Dwelling B roof form design is compromised by a 5 metre building height standard and presents poorly as it is not in proportion with the building. It has an underwhelming residential character due to its substandard design quality. Conversely, Dwelling A is significantly more impressive and attractive due to its extended roof form.

As the site comprises numerous rows of residential allotments, the compounding effect of several dwellings with roof forms that satisfy the 5 metre height limit will be detrimental to the streetscape and exhibit an undesirable residential character. An unattractive streetscape will also be detrimental to the heritage significance of Catherine Park House and diminish the heritage values of a State listed heritage item. This is also an outcome that the planning and heritage objectives and provisions are intending to prevent. Accordingly, the improved design quality and compliance with the heritage and planning design provisions provide strong grounds to support the variation.

No impact on views and vistas from Catherine Park House

Catherine Park House is located on an elevated knoll and sits proud of the 66 allotments surrounding the heritage item. An analysis of four (4) views from Catherine Park House and the surrounds that intersect the site in variation locations is included in Appendix 1. The analysis shows Catherine Park House and illustrates the section detail aligning with each of the four view lines. The section detail annotates the 5 metre and 8 metre building height limits within the site (66 lots) and also shows the adjoining 9 metre building height around the outer edge of the site.

Figure 6 is an excerpt of the views analysis and includes the section of View 4 from Catherine Park House.

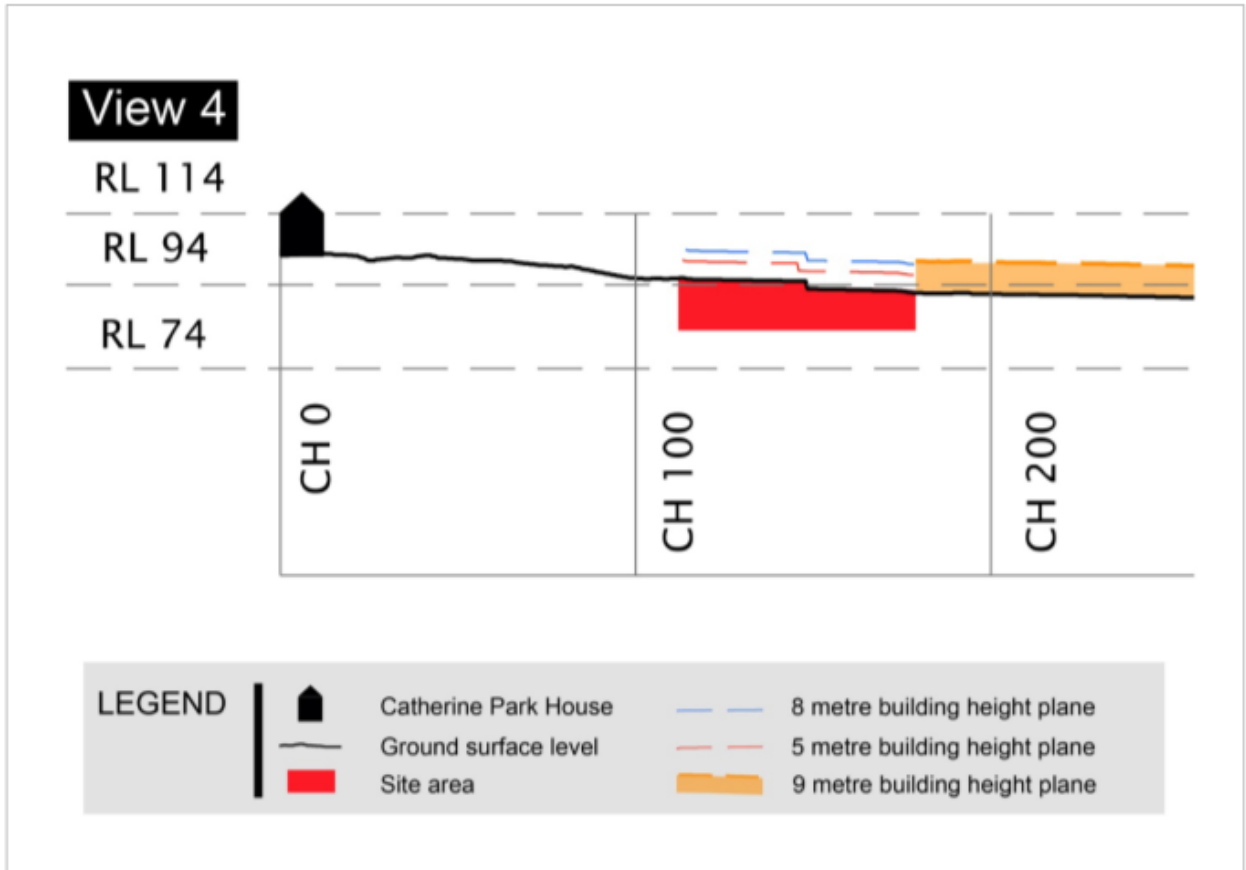


Figure 6 – Extract from View 4 in Views Analysis

The section of View 4 illustrates that both the 5 metre and proposed 8 metre building height planes are eclipsed by the adjoining 9 metre building height. Moreover, the vistas and views from Catherine Park House are dictated by the built form within the 9 metre maximum building height area as opposed to the built form within the site. This is the case for all of the four view sections, and given the proposed building height limit in this proposal is over 1 metre less than shown in the view analysis, the impacts will be less than in the views assessment.

The other matter of consideration is the portion of the roof that will be above the 5 metre building height plane is relatively minor. The 66 dwellings within the site require larger side boundary building setbacks than typical standards to create greater separation between the dwellings. Greater separation between the dwellings will also ensure greater separation between the roof forms. With a relatively small portion of the roof form above the 5 metre height plane and the separation between buildings, wide view corridors between the roofs of adjoining dwellings are preserved and continue to allow open views within the heritage curtilage area.

The built form of new residential development around the outside of the 66 lots dictate views and vistas for Catherine Park House and closer views within the heritage curtilage including the site will be preserved within corridors between the roofs of the single storey dwellings. Accordingly, the findings in the views analysis provides strong grounds to support the variation.

Objectives and intent of built form surrounding Catherine Park House preserved

The key outcome for the site (66 lots) is that all residential dwellings are to be single storey construction with hipped and/or gabled roofs on large lots. The proposed building height does not change the intended outcome for residential development surrounding Catherine Park House. The proposed building height also does not affect the intended type and character of residential development, and it will actually improve the design quality and therefore character. Accordingly, preserving the intended development outcomes and improving character provides strong grounds to support the variation.

No significant environmental impact

There is no significant environmental impact resulting from the variation. The variation allows the orderly and proper delivery of development that will result in a development outcome that is essentially the same as has been planned for the Catherine Field Part Precinct and provided for in the Growth Centres SEPP and Schedule 4 in the Camden Council Growth Centres DCP. Once built, the site will form part of a larger area that will maintain a transition of development intensity from Catherine Park House and the intended urban structure will upheld. The protrusion of a small portion of the roof forms for the single storey dwellings with the site will be on no significant impact, particularly as this development will be more dominated by two storey developments around the outer edge of the locality. Accordingly, there are strong grounds to justify the proposed variation as there is no significant environmental impact and the intended development objectives for the locality are maintained.

Conclusion

There are sufficient environmental planning grounds to justify variation to the maximum building height including achieving an improved building designs, no significant impacts on views and vistas from Catherine Park House, preserving a transition in development between the House and standard residential development, and having no significant impact.

4.3 Clause 4.6(4)(a)(ii): In the public interest because it is consistent with the objectives of the zone and development standard

The proposed development is consistent with the objectives of the maximum building height development standard for the reasons explained in Section 4.1 this report (refer to Test 1).

The proposed development is consistent with the zone objectives for the R2 Low Density Residential for the reasons explained in Section 4.1 this report (refer to Test 1a).

In addition, the neighbourhood character and dwelling design is complementary with the heritage values of Catherine Park House and meets the design intent of the ILP and Precinct objectives to provide for a diverse range of housing options in the South West Growth Area.

Support for the proposed variation is in the public interest as it is consistent with the objectives and will significantly and directly enhance the amenity of the area with a well-transitioned residential development away from Catherine Park House from detached dwellings on larger lots to two storey homes on smaller lots.

4.4 Considerations for the Planning Secretary

Clause 4.6(5) outlines matters for the Planning Secretary to consider in approving a variation to a development standard, which reads:

- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
- (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

In consideration of subclause (5), the following comments are presented.

- The variation does not raise any matter of significance for State environmental planning as the proposed variation:
 - provides significantly better building designs and improved streetscapes,

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

- provides site-specific reasoning to support the variation,
 - relates to a situation that has uncommon circumstances that do not occur elsewhere in the locality, and
 - is a variation of relatively minor consequences of no significant environmental impact.
- Maintaining the development standard has no discernible public benefit.

CLPP01

Attachment 4

5 CONCLUSION

A Clause 4.6 variation request to support a DA to seeking approval to erect a detached dwelling on land described in Table 2 of this report. This request should be read in conjunction with the associated Environmental Assessment and supporting documentation lodged with the proposal.

The variation request relates to a maximum building height development standard under Appendix 9 Camden Growth Centres Precinct Plan in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

This request has been prepared in accordance with the Department of Planning & Environment (DPIE) Guideline, Varying Development Standards: A Guide, August 2011, and relevant matters set out in the 'five-part test' established by the NSW Land and Environment Court.

This report and supporting information demonstrate that support for proposed building height provides better building design, enables compliance with DCP controls and achieves the intended outcomes for residential development surrounding Catherine Park House without any significant impacts.

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development by allowing flexibility circumstances. The proposed variation is respectful of the allowances under Clause 4.6 and can be supported for the following reasons:

- It has been demonstrated that compliance with the development standard is unreasonable and unnecessary in the specific circumstances for three of the tests in the five part test;
- The proposal maintains consistency with the objectives of the R2 Low Density Residential zone;
- The proposal is consistent with the objectives of Clause 4.3 Height of buildings, despite the non-compliance;
- The proposed building height in Table 3 of this report will enable better building design and improved streetscapes;
- There are sufficient environmental planning grounds to justify the variation;
- The variation upholds the design intent for the locality for a transition of residential development away from Catherine Park House; and
- Support for the proposed variation will have a positive environmental impact and is in the public interest.

CLPP01

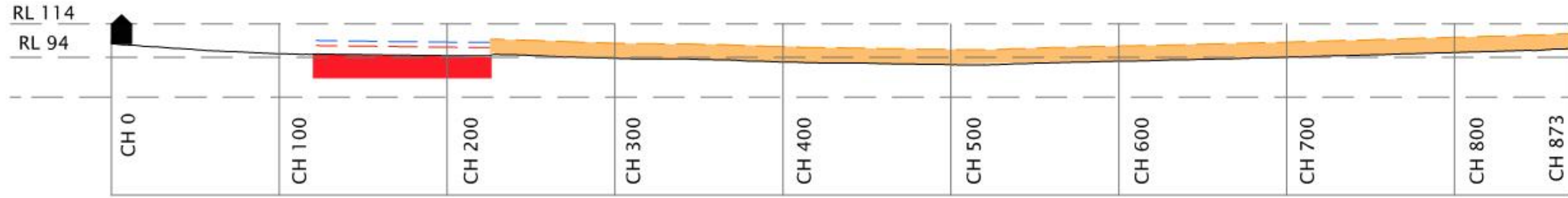
Attachment 4

APPENDIX 1
Views Analysis

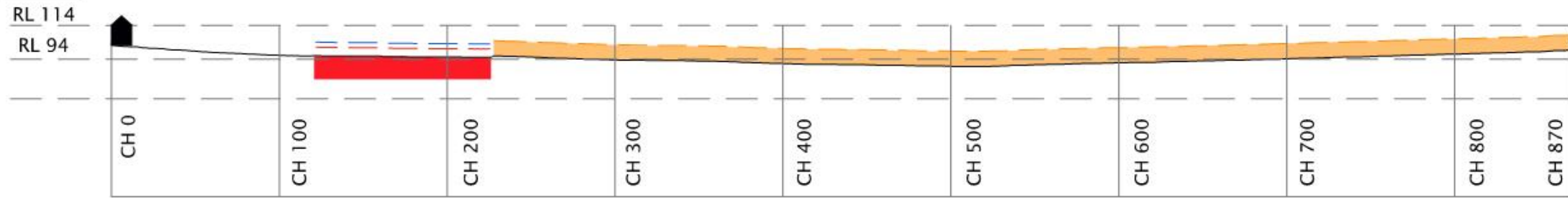
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

[Note: long section data provided by Registered Surveyor JMD Development Consultants]

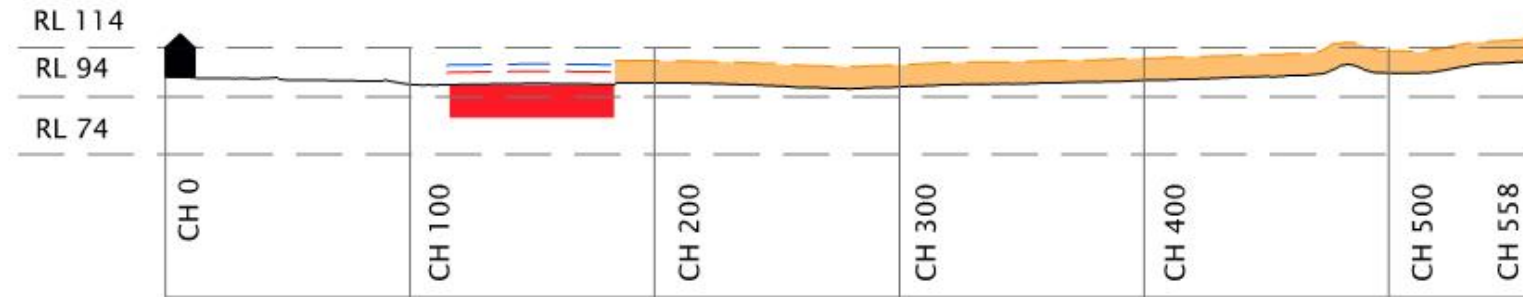
View 1



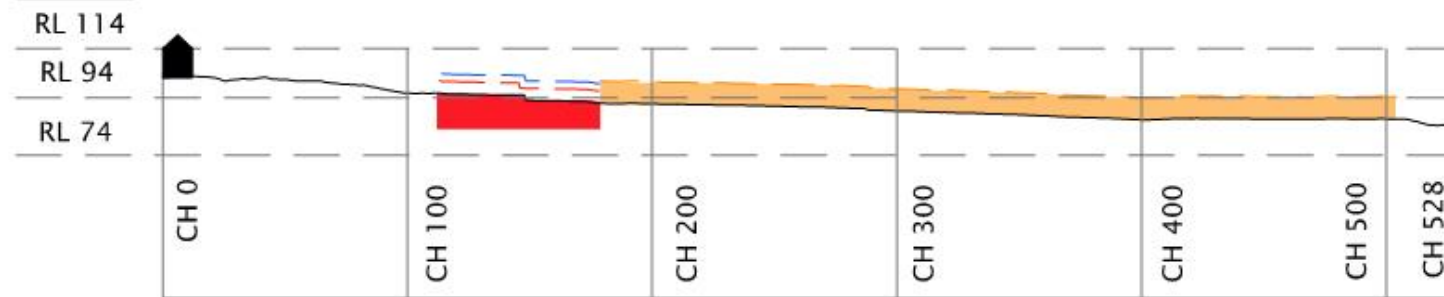
View 2



View 3



View 4



LEGEND

- Catherine Park House
- Ground surface level
- Site area
- 8 metre building height plane
- 5 metre building height plane
- 9 metre building height plane





Heritage NSW

Our ref: DOC22/41407

Cathryn Fuller
Team Leader DA Assessment
Camden Council
70 Central Avenue
ORAN PARK NSW 2570

By email: Cathryn.Fuller@camden.nsw.gov.au

Dear Ms. Fuller

ORAN PARK (SHR 01695) – REFERRALS TO HERITAGE NSW

I write following our 20 January 2022 online meeting with Council where we discussed shared concerns about the planning control and current volume of work being generated by the Oran Park development. As canvassed, the volume of required referrals to Heritage NSW is against the proposed Exemption intent, and has ancillary impacts to private owners in terms of cost and time delays.

At the time of SHR listing, site-specific exemptions were put in place to exempt complying development from the requirement for approval under the *Heritage Act 1977 (Catherine Park Estate – Oran Park House Heritage Exemptions Guidelines*, prepared by Design + Planning, dated October 2014). The control under Section 4.1 'Residential Built Form' required that *'The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder'*.

We note Council's advice that this has not proven practical as the developer (Harrington Estates) has sold the subject lots as individual lots to private owners. New owners have been submitting separate development applications to Camden Council, with referral to Heritage NSW required due to the 'one builder' control of the Exemptions not being compliant.

Heritage NSW understands that the 'one builder' control is not commercially viable and no longer possible at this stage in the residential development. In response, we propose a two-pronged approach. The process of amending the site-specific exemptions will be pursued with the Heritage NSW Listings Team, which will require recommendation by the State Heritage Register Committee and decision by the Minister for Heritage. In the meantime, to facilitate streamlining of the integrated development referrals, a set of standard GTA's is provided with this letter. Council can attach these standard GTA's without referral to Heritage NSW, as long as the proposals are:

- In line with Exemption Guidelines (noting that the 'one builder' control is not practical and does not need to be complied with); and
- Not within the historic archaeological potential zone (relates to 37, 39 and 41 Gleeson Rise, Oran Park).

It is also noted that some allotments are located partially within the SHR curtilage. In those cases, it is important to note that the Heritage Council does not have the authority to grant general terms of approval in relation to development to the land outside of that SHR listing boundary. In relation to the land outside of the SHR curtilage, the Heritage Council has an advisory role only.

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

CLPP01

Attachment 5

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

1. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

ABORIGINAL OBJECTS

2. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

3. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

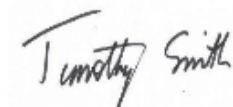
SECTION 60 APPLICATION

4. An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

If you have any questions about this correspondence, please contact Veerle Norbury, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8616 or Veerle.Norbury@environment.nsw.gov.au. I want to thank Council for working proactively with Heritage NSW to find a pragmatic response that still provides appropriate interim safeguards for the heritage place.

Yours sincerely



Tim Smith OAM
 Director Assessments
 Heritage NSW
 Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW
 25 January 2022

CAMDEN GROWTH CENTRES [11/08/2014]

SITE AREA	721.9 SQM
PROPOSED ROOF COVERAGE	
ROOF COVERAGE AREA	390.08 SQM
SITE COVERAGE	
GROUND FLOOR COVERAGE	318.28 SQM
INCL. GARAGE	
EXCL. PORTICO & OUTDOOR ROOM	44.08 %
MAX. ALLOWABLE BY COUNCIL	50 %
FLOOR AREA	
GROUND FLOOR	264.74 SQM
TOTAL LIVING AREA	264.74 SQM
MEASURED TO INT. FACE OF EXTERNAL WALLS (EXCLUDES GARAGE, PORTICO, ETC.)	36.7 %
MAX. ALLOWABLE BY COUNCIL	40 %
LANDSCAPED AREA	
TOTAL LANDSCAPED AREA	308.18 SQM
EXCL. ALL HARD SURFACES	42.69 %
MIN. REQUIRED BY COUNCIL	30 %
PRIVATE OPEN SPACE	
PRIVATE OPEN SPACE	121 SQM
MIN. REQUIRED BY COUNCIL	24 SQM
MINIMUM DIMENSION OF 4M	
BUILDING HEIGHT RESTRICTION	
MAXIMUM 9.5M RIDGE HEIGHT (F.F.L. MUST BE ACCURATE TO COMPLY)	
MAXIMUM 1000 MM CUT	
MAXIMUM 1000MM FILL	
NO EXPOSED FILL WITHIN 2000MM OF ANY BOUNDARY	

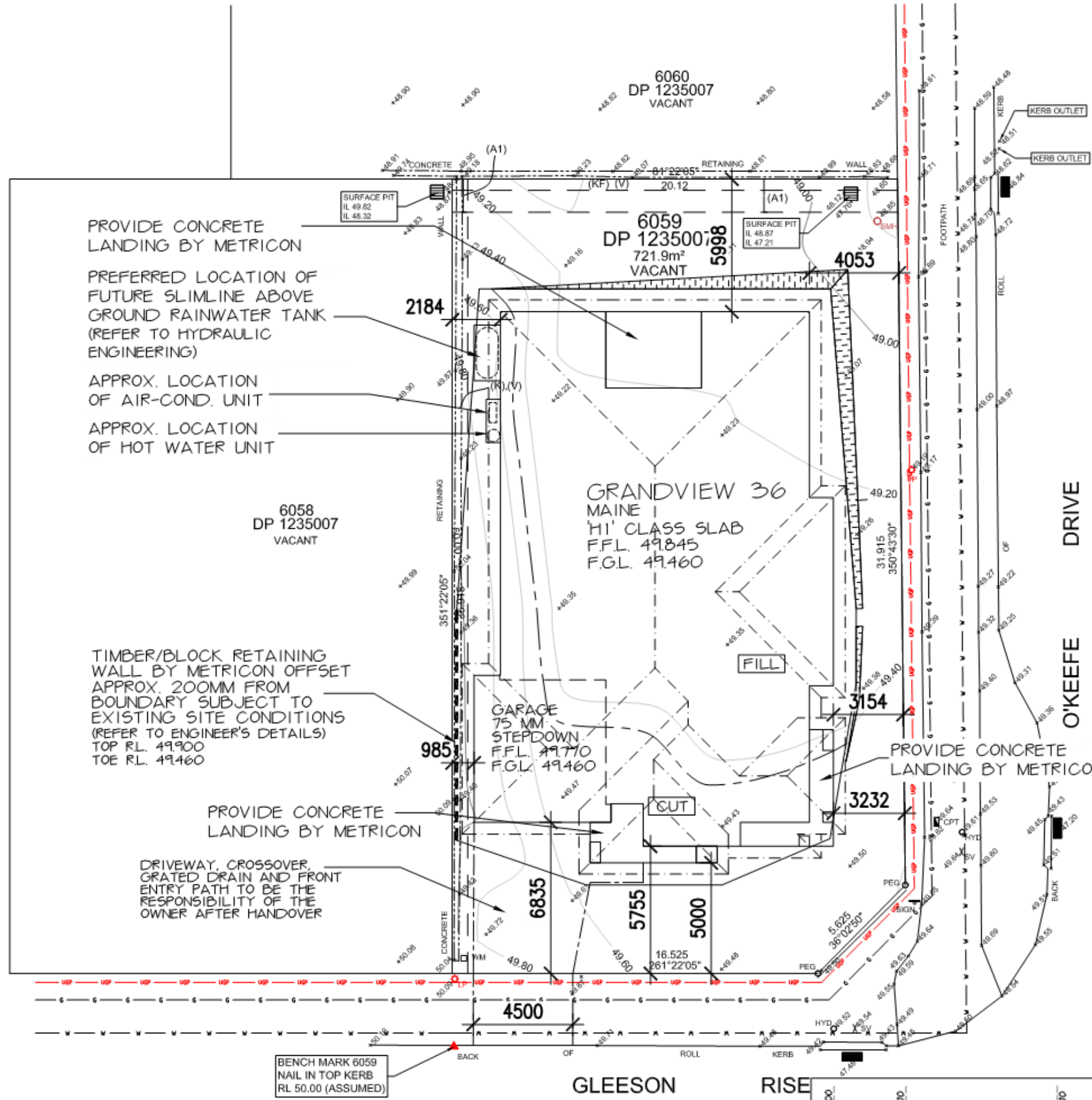
SURVEYORS NOTES

A. THIS SURVEY IS SPECIFICALLY FOR CONTOUR PURPOSES ONLY. THE BOUNDARIES OF THE SUBJECT PROPERTY HAVE NOT BEEN INVESTIGATED AND THE POSITION SHOWN IS APPROXIMATE ONLY.

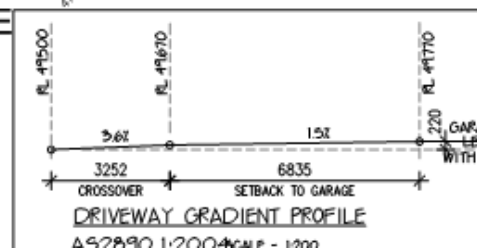
B. AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY.

C. SERVICES SHOWN HAVE BEEN DERIVED FROM VISUAL EVIDENCE APPARENT AT THE TIME OF SURVEY. THE RELEVANT SERVICE AUTHORITY SHALL BE CONTACTED TO VERIFY THE EXISTENCE AND POSITION OF ALL SERVICES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION.

D. CONTOURS ARE INDICATIVE OF SURFACE TOPOGRAPHY ONLY. SURVEYED SPOT LEVELS ARE THE ONLY VALUES TO BE RELIED ON FOR REDUCED LEVELS ON PARTICULAR FEATURES.



- (A1) EASEMENT TO DRAIN WATER 1.5 WIDE (DP 1235007)
- (K) RESTRICTION ON THE USE OF LAND (0.7 WIDE) (NO.7) DP 1235007)
- (KF) RESTRICTION ON THE USE OF LAND (0.5 WIDE) (NO.9) (DP 1235007)
- (V) POSITIVE COVENANT (NO.8) (DP 1235007)



	LOT NO	6059
	DEPOSITED PLAN	1235007
	COUNCIL / LGA	CAMDEN
	SLAB CLASS	H1
MGA	WIND SPEED	N2

EXCAVATION NOTES:
 50MM (+/-) TOLERANCE TO NOMINATED R.L.'S
 EXCAVATE APPROX. 440MM ON R.L. 49.460 AND FILL APPROX. 440MM
 EXCAVATIONS ARE TO START A MINIMUM OF 1000MM FROM THE EDGE OF THE BUILDING AND ARE TO BE BATTERED BACK TO SUIT
 IT IS THE RESPONSIBILITY OF THE OWNER TO PROVIDE A GRATED DRAIN ACROSS GARAGE OPENINGS (IF REQUIRED) DUE TO CONSTRUCTION OF DRIVEWAY

IMPORTANT NOTES:
 SITE CUTS ARE SUBJECT TO COUNCIL APPROVAL & NOT TO BE USED BY ANY OTHER CONTRACTORS OTHER THAN METRICON HOMES PTY LTD

STORMWATER TO DRAIN TO EXISTING EASEMENT VIA RAINWATER TANK(S)

TEMPORARY SITE FENCING: METRICON TO PROVIDE FENCING TO ANY UNFENCED BOUNDARIES (AS REQUIRED)

ALL WEATHER ACCESS: METRICON TO SUPPLY UP TO 5M SUITABLE ALL WEATHER ACCESS TO BUILDING PLATFORM DURING CONSTRUCTION

SURVEY LEGEND

S	W	T
UGROUND SEWER MAINS	UGROUND WATER MAINS	UGROUND TELECOM LINE
G	OHP	UGP
UGROUND GAS MAINS	OHEAD POWER SUPPLY	UGROUND POWER SUPPLY

TOP OF KERB	EDGE OF BITUMEN	
PP POWER POLE	SV STOP VALVE	GS GRATED STORMWATER PIT
PD POWER BOX	SMH SEWER MAINTENANCE HOLE	BM BENCHMARK
SP SERVICE POLE	SO SEWER INSPECTION OPENING	T TREE
LP LIGHT POLE	TC TELECOMMUNICATIONS PIT	
HYD HYDRANT	GM GAS METER	
WM WATER METER	KI KERB INLET	
	STP STORMWATER PIT	

INTRAX SURVEY DATE: 05_08_21
 CONTOUR INTERVALS: 200MM
 LEVELS TO: ASSUMED

SITE PLAN

m metricon
 Build E, Level 4, 32 Levington Dr, Baulkham Hills NSW 2153
 P.O. Box 7510, Northwest Business Park NSW 2153
 Tel: 02 8887 9000 Fax: 02 8079 9901
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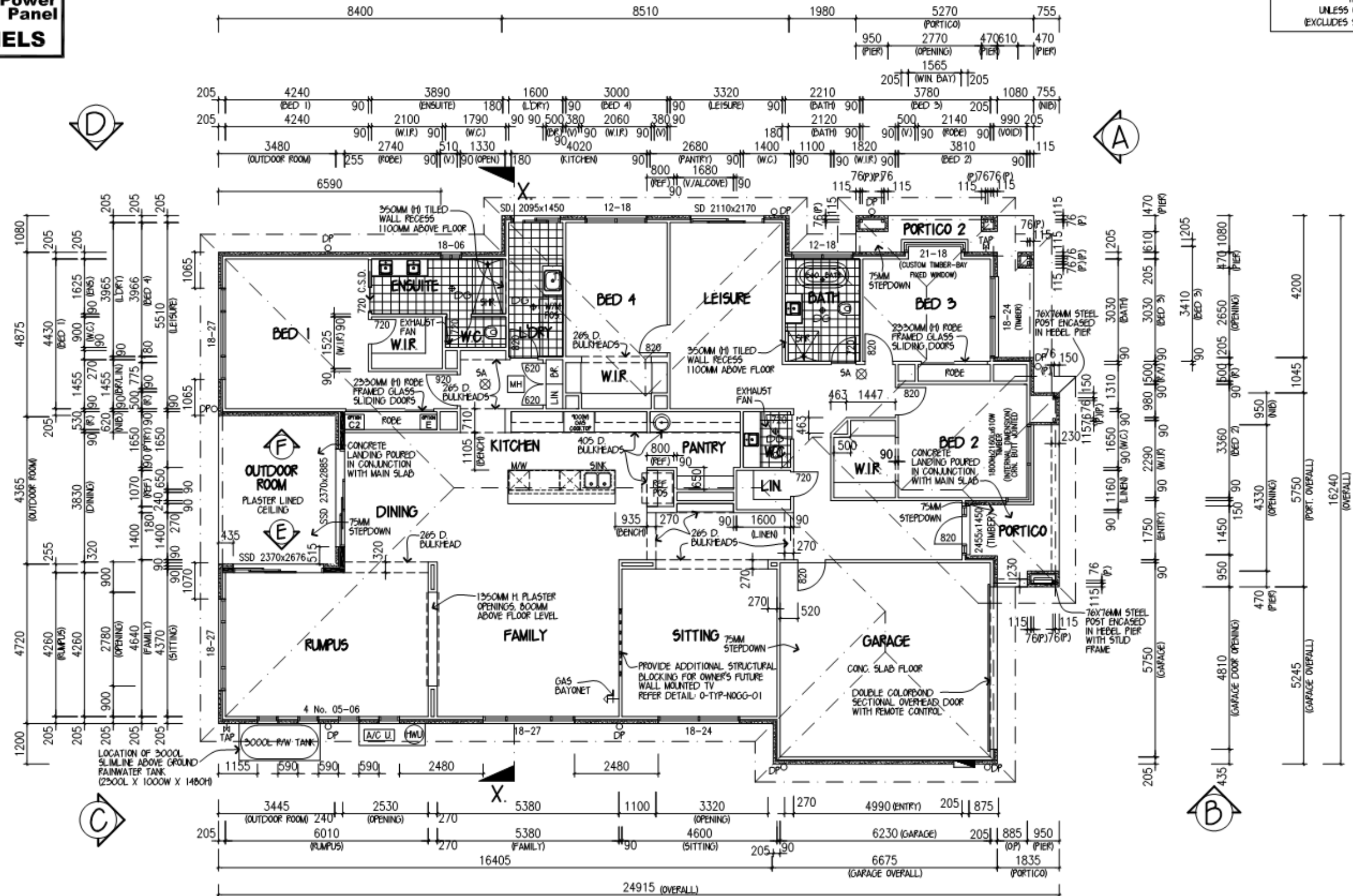
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MR KHAN & MRS KHURRAM
 LOT 6059, 51 GLEESON RISE
 ORAN PARK

JOB No	728129
DATE	09/09/21
DRAWN	HL5
SCALE	1:200
SHEET	1 OF 8



PROVIDE 2340MM H INTERNAL DOORS THROUGHOUT UNLESS OTHERWISE NOTED EXCLUDES SLIDING ROBE DOORS



SYMBOL LEGEND

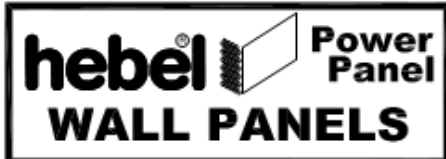
- DP DOWNPIPE 90mm ROUND PVC
- DP DOWNPIPE 100x50mm RECT. C/BOND
- DP+SPR DOWNPIPE WITH SPREADER
- RWH DOWNPIPE WITH RAINWATER HEAD
- EXHAUST FAN. INSTALLED AS PER B.C.A. 3.8.5 & TO COMPLY WITH A.S.1668.2
- GARDEN TAP
- GAS BAYONET
- COLD WATER POINT
- FLOOR WASTE
- ELEC. METERBOX 600x600 RECESSED
- AIR COND. UNIT
- MANHOLE FOR CEILING ACCESS
- SMOKE ALARM APPROX. POSITION INSTALLED AS PER N.C.C. 3.7.2 & TO COMPLY WITH AS 3786. SMOKE ALARMS TO BE INTERCONNECTED
- ARTICULATION JOINT WHERE ARTICULATION JOINTS ARE NOT SHOWN REFER TO STRUCTURAL ENGINEER'S DETAILS
- LOAD BEARING WALL
- 70mm STUD WALL
- 120mm STUD WALL

AREAS:	GARAGE:	38.74 SQM
GRD FLR:	PORTICO:	8.25 SQM
	OUTDOOR:	15.31 SQM
	PORTICO2:	8.31 SQM
SUBTOTAL:	TOTAL:	31.16 SQM
		37.87 SQM

DESIGN: **GRANDVIEW 36**
 FACADE: **MAINE** CEILING: 27, L
 GARAGE: DOUBLE LOCATION: F
GROUND FLOOR PLAN
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FREEDOM | **m** metricon
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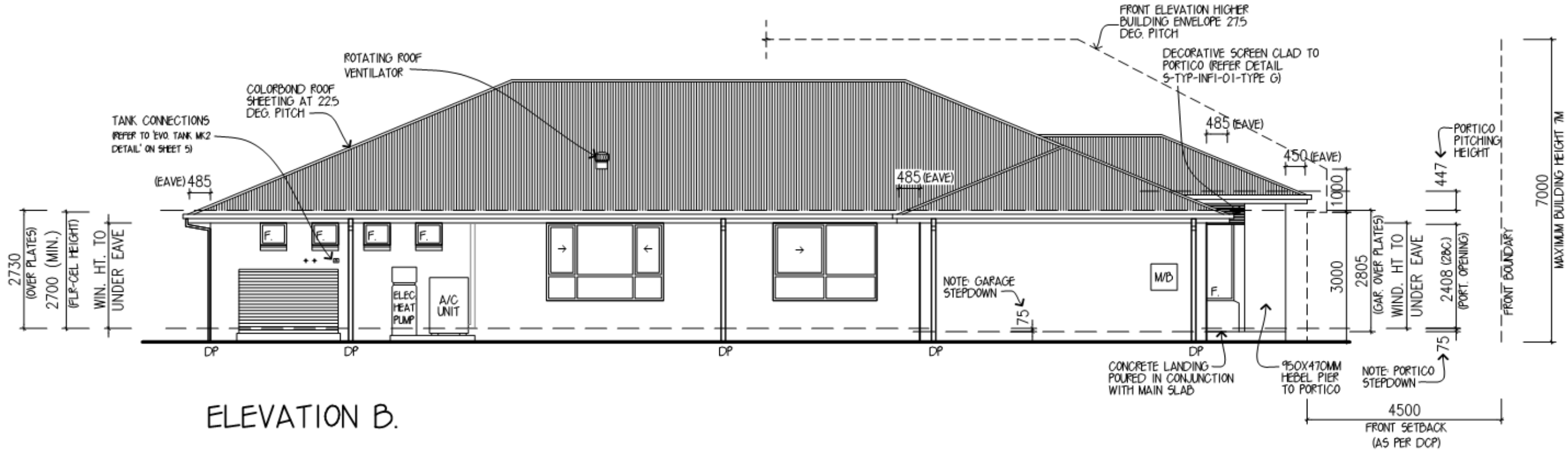
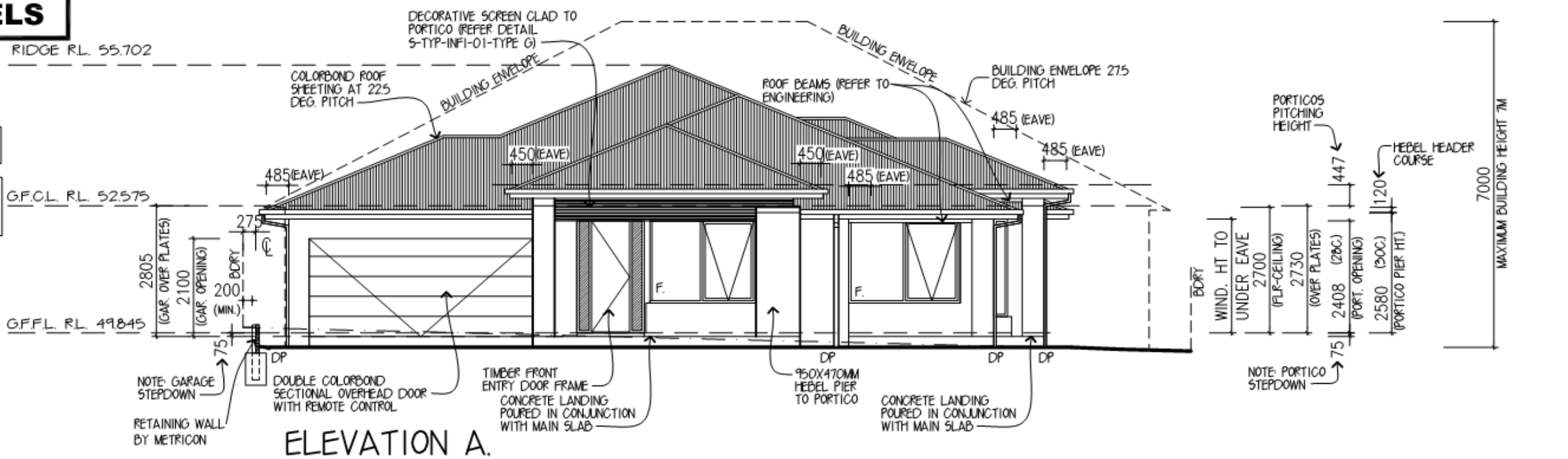
OWNER: MR KHAN & MRS KHURRAM	
LOT 6059, 51 GLEESON RISE ORAN PARK	
JOB No: 728129	DATE: 09.09.2021
FC DATE: DD.MM.YYYY	MST VER: 17.04.2019
SCALE: 1:125 ON A3 SHEET	REVISION: H
DRAWN: ORH	CHECK: --
SHEET: 2 of 8	



IMPORTANT NOTE
REFER TO FACADE DETAIL
REF. NO. S-TYP-MAIN-01

■ DENOTES WINDOWS/DOORS WITH
TRANSLUCENT GLAZING

PROVIDE ACRYLIC RENDER FINISH TO
HEBEL PANELS TO ALL ELEVATIONS
(UNLESS NOTED OTHERWISE)



SYMBOL LEGEND

RECESSED ELECTRICITY METER BOX	ARTICULATION JOINT WHERE ARTICULATION JOINTS ARE NOT SHOWN REFER TO STRUCTURAL ENGINEER'S DETAILS
DOWNPIPE W/- RAINWATER HEAD	
ROTATING ROOF VENTILATOR	

DESIGN: **GRANDVIEW 36**
FACADE: **MAINE** CEILING 27, L
GARAGE: DOUBLE LOCATION: F



OWNER: **MR KHAN & MRS KHURRAM**
LOT 6059, 51 GLEESON RISE
ORAN PARK

ELEVATIONS

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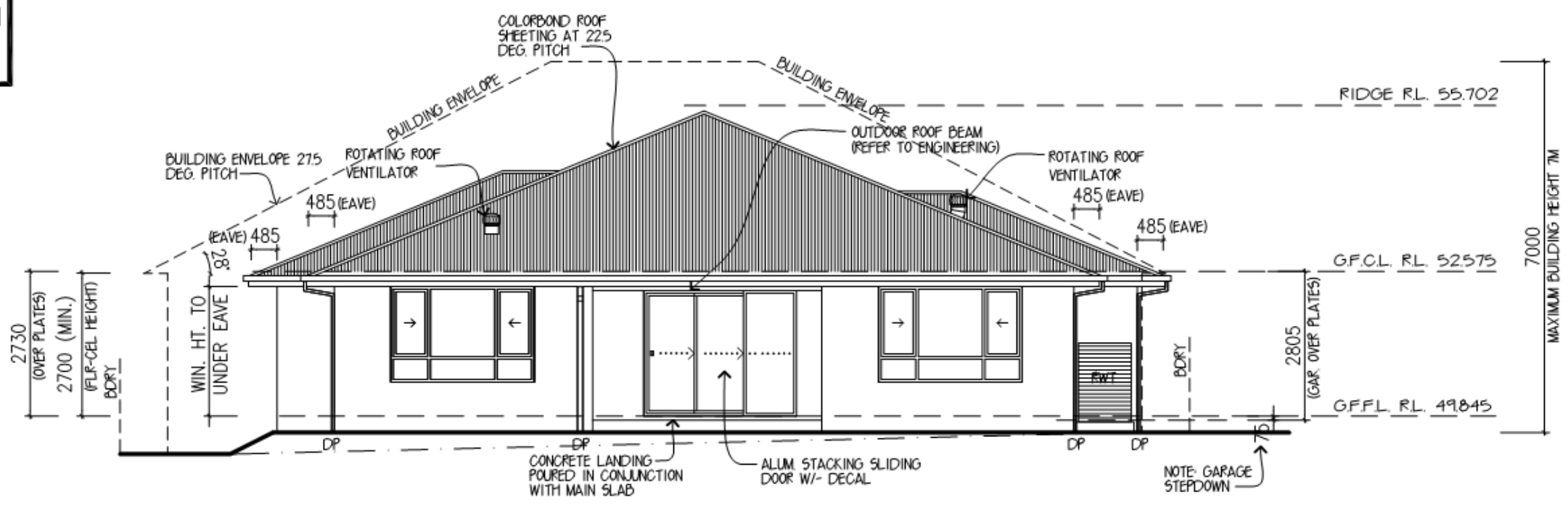
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JOB No: 728129	DATE: 09.09.2021
FC DATE: DD.MM.YYYY	MST VER: 17.04.2019
SCALE: 1:100 ON A3 SHEET	REVISION: H
DRAWN: ORH	CHECK: --
SHEET: 3 of 8	

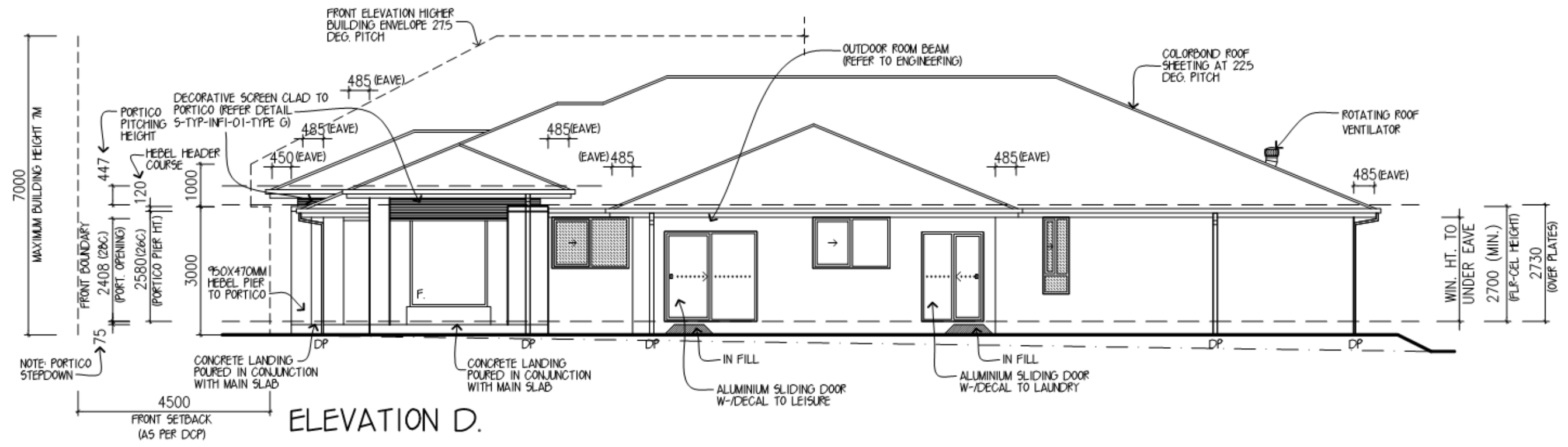


DENOTES WINDOWS/DOORS WITH 4MM DECOR SATIN GLAZING

PROVIDE ACRYLIC RENDER FINISH TO HEBEL PANELS TO ALL ELEVATIONS (UNLESS NOTED OTHERWISE)



ELEVATION C.



ELEVATION D.

SYMBOL LEGEND

- RECESSED ELECTRICITY METER BOX
- DOWNPIPE W-/RAINWATER HEAD
- ROTATING ROOF VENTILATOR
- ARTICULATION JOINT WHERE ARTICULATION JOINTS ARE NOT SHOWN REFER TO STRUCTURAL ENGINEER'S DETAILS

DESIGN: **GRANDVIEW 36**

FAÇADE: **MAINE** CEILING: 27, L

GARAGE: DOUBLE LOCATION: F



OWNER: **MR KHAN & MRS KHURRAM**

LOT 6059, 51 GLEESON RISE ORAN PARK

ELEVATIONS

BY METRICON

JOB No: **728129** DATE: 09.09.2021

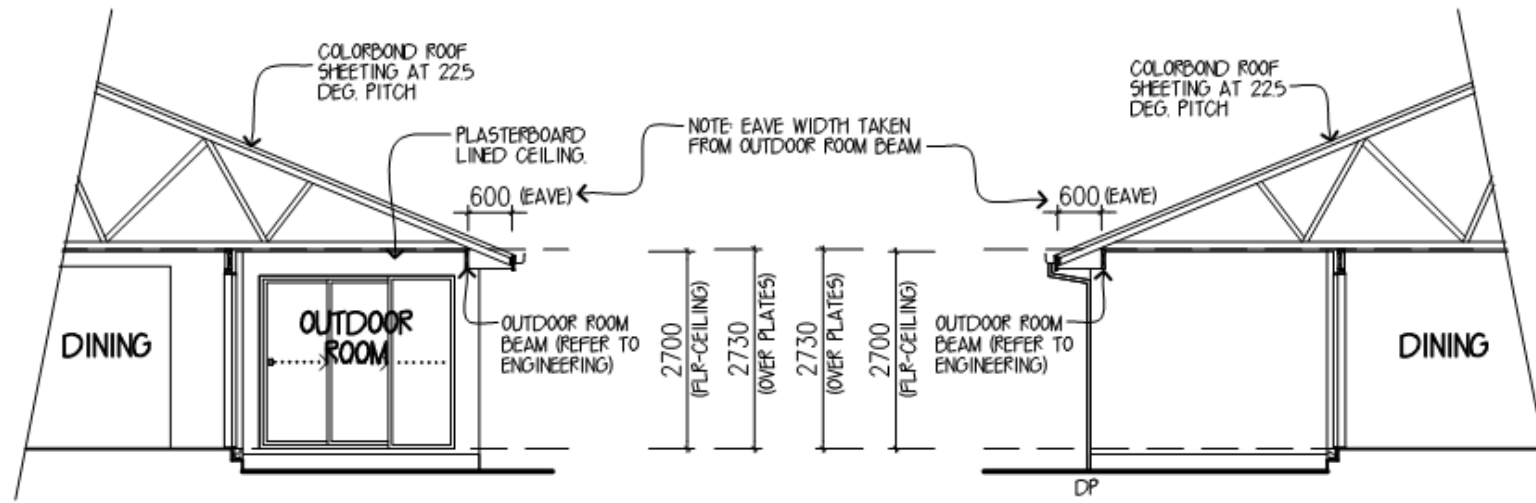
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FC DATE: DD.MM.YYYY MST VER: 17.04.2019

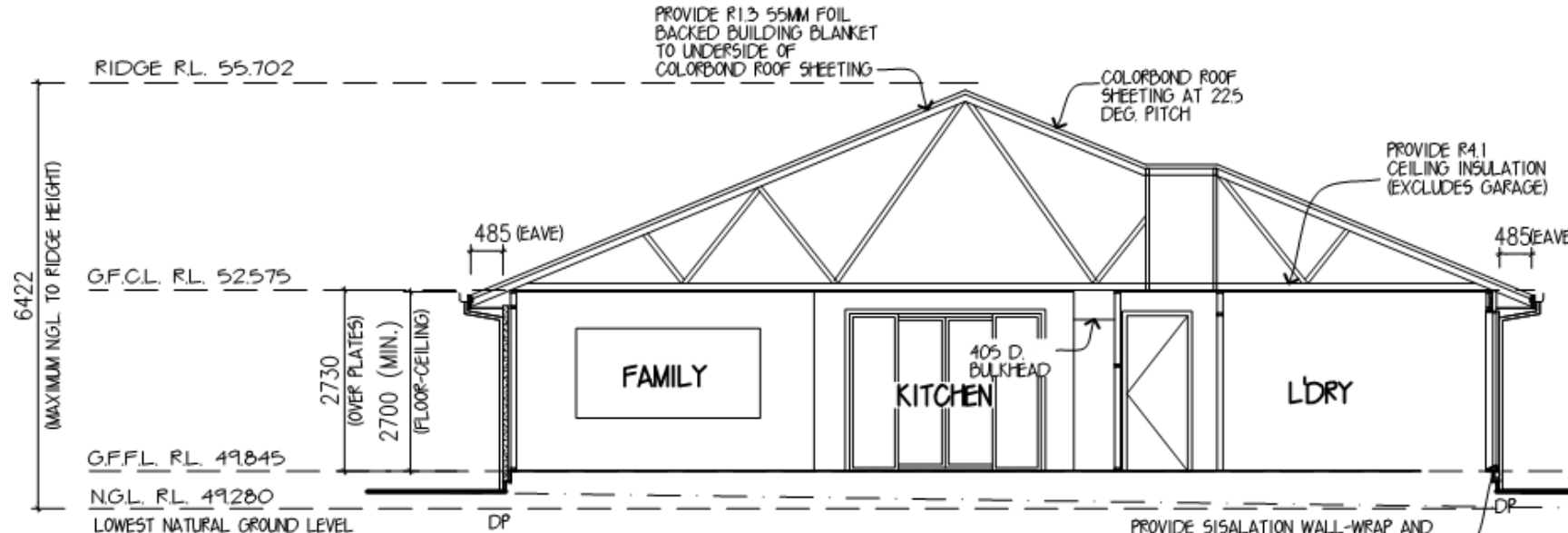
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DRAWN: ORH CHECK: -- SHEET: 4 of 8

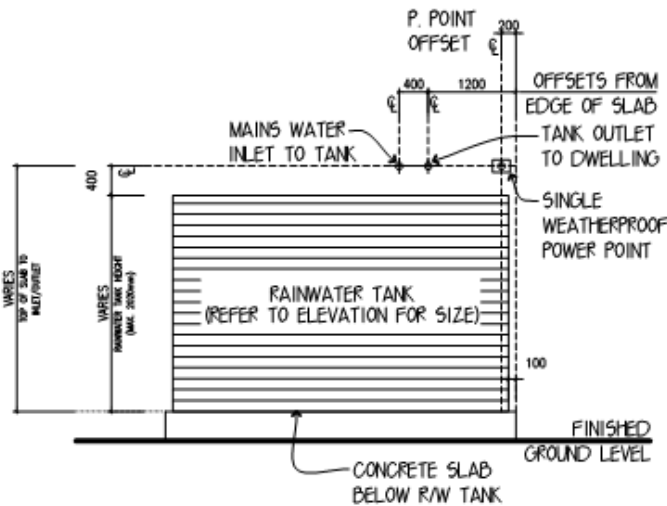


ELEVATION E.

ELEVATION F.



SECTION X-X



DESIGN: **GRANDVIEW 36**
 FACADE: **MAINE** CEILING: 27, L
 GARAGE: DOUBLE LOCATION: F

SECTION

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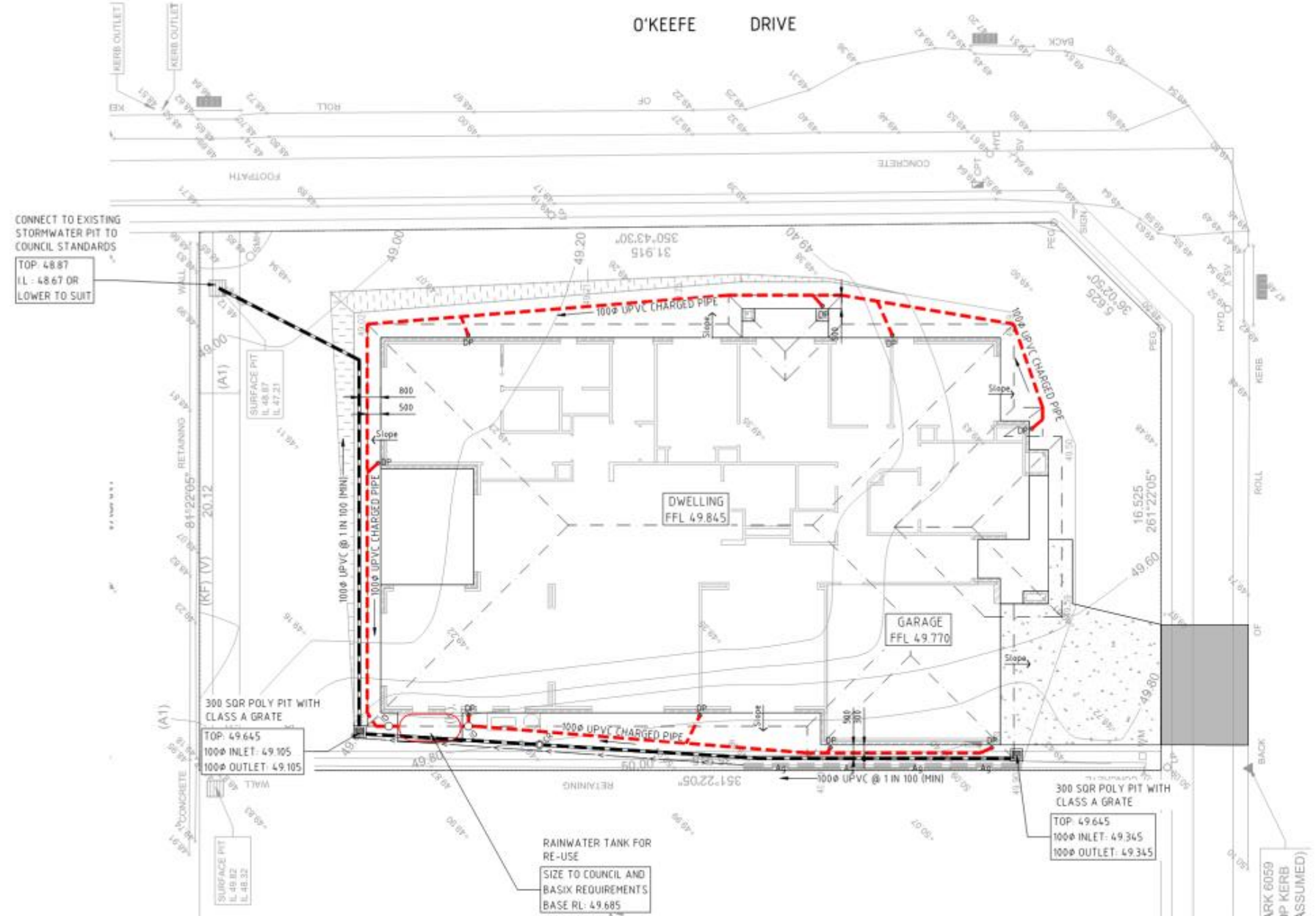


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OWNER: **MR KHAN & MRS KHURRAM**
LOT 6059, 51 GLEESON RISE
ORAN PARK

JOB No: 728129	DATE: 09.09.2021
FC DATE: DD.MM.YYYY	MST VER: 17.04.2019
SCALE: 1:100 ON A3 SHEET	REVISION: H
DRAWN: ORH	CHECK: --
SHEET: 5 of 8	



LEGEND

PL 0.00	PAVEMENT LEVEL
TOP 0.000	TOP OF PIT
INLET 0.000	INVERT LEVEL OF INLET PIPE
OUTLET 0.000	OUTLET INVERT LEVEL
FFL XX.XXX	FINISHED FLOOR LEVEL
(Symbol)	EXISTING STORMWATER DRAIN
(Symbol)	STORMWATER DRAIN (100Φ AT 1 IN 100)
(Symbol)	GRATED PIT
(Symbol)	DOWNPIPE (100Φ U.N.O.)
(Symbol)	DIRECTION OF SURFACE RUNOFF 120 MM
(Symbol)	CHARGED STORMWATER LINE
(Symbol)	INSPECTION OPENING
(Symbol)	CAPPED RISER
(Symbol)	SWALE DRAIN
(Symbol)	SUBSOL DRAINAGE

Rev	FOR CONSTRUCTION PENDING APPROVAL	24.11.21	A.A
Rev	Remark/Comment	Date	Appr.

Client:
METRICON HOMES PTY LTD



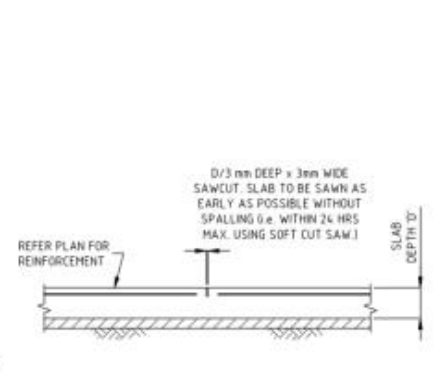
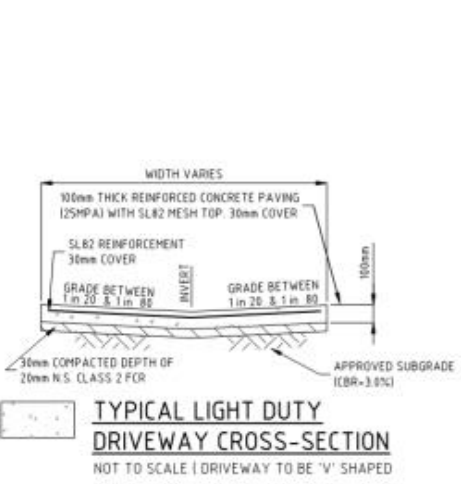
Melbourne 03 8371 0100
Sydney 02 9355 1200
Brisbane 07 3902 0800
Adelaide 08 8180 0122
Perth 08 9202 6825
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Intrax Consulting Group
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Project:
PROPOSED SURFACE DRAINAGE
LOT.6059 NO.51 GLEESON RISE
ORAN PARK

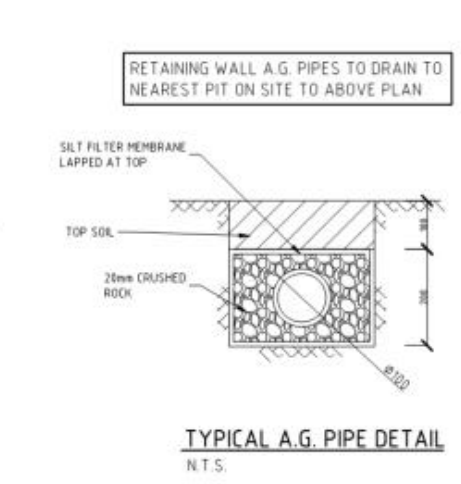
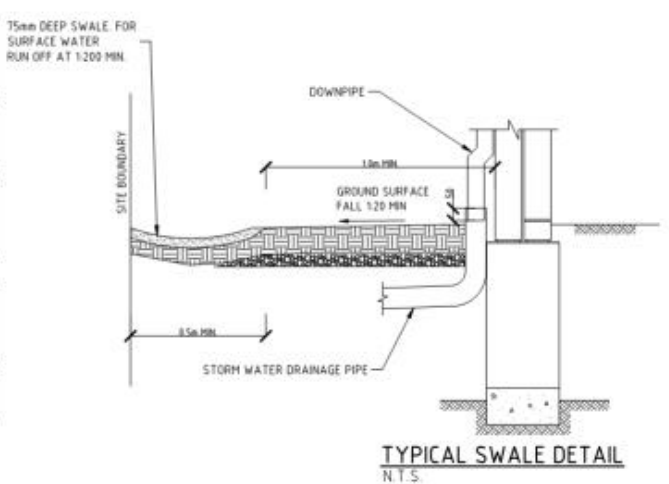
Drawing:
SURFACE DRAINAGE PLAN

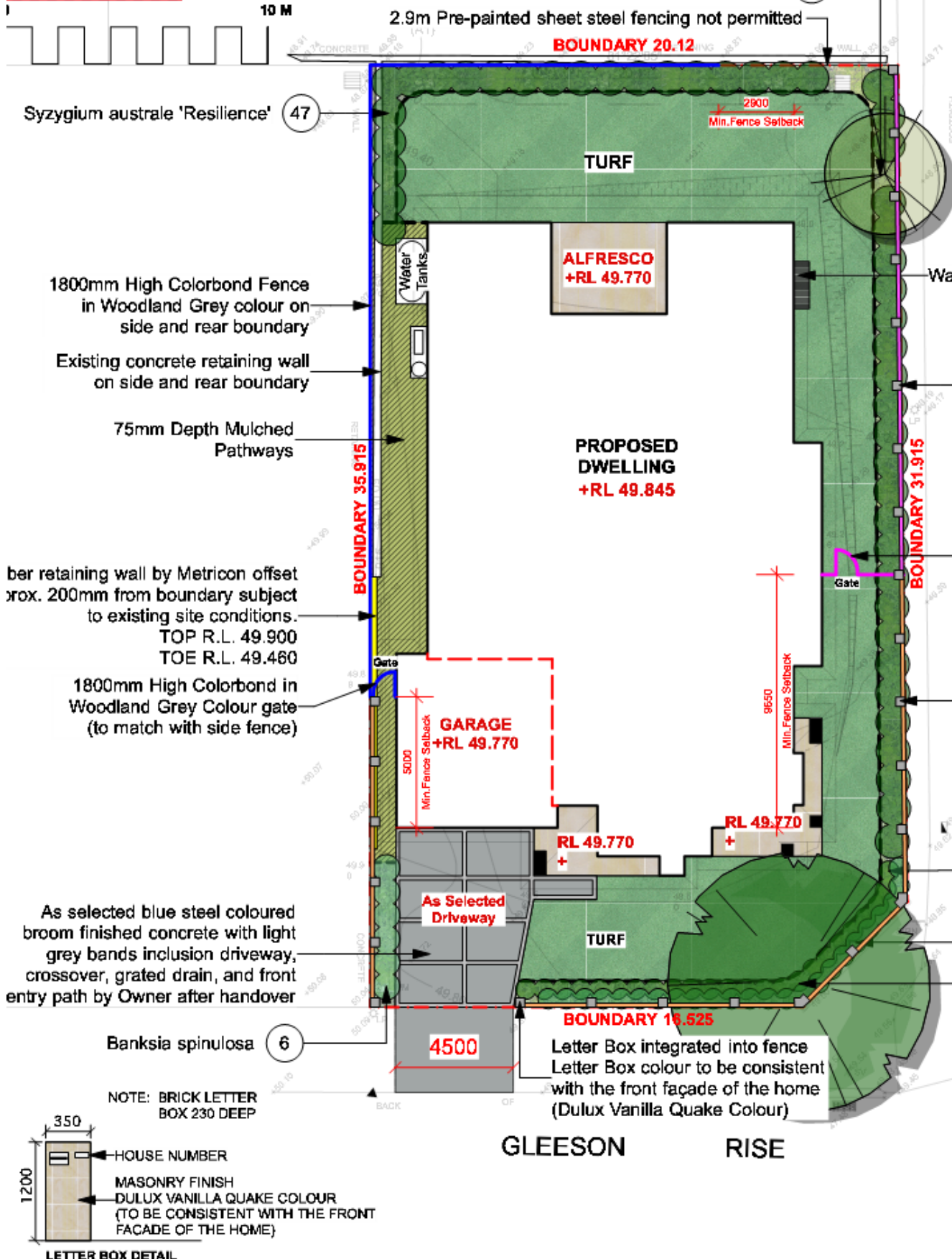
FOR CONSTRUCTION
PENDING APPROVAL

Date:	NOV.2021	Engineer:	V.L.	Drawn:	V.L.
Scale @ A1:	1:100	Checked:	A.A.	Sheets:	2 OF 3
Reference No.	171978	Drawing No.	SD02	Rev.	A



- PROVIDE INSPECTION OUTLET CAPPED RISERS EVERY MIN. 10m CTS. BETWEEN PITS
- ALL CONCRETE JOINTS ARE SAWCUT JOINTS TO DETAIL U.N.O.
- 100Φ OVERFLOW FROM WATER TANKS TO BE CONNECTED TO UNDERGROUND DRAINAGE SYSTEM (TYPICAL)
- WATER TANK STORAGE TO BE REUSED FOR TOILET FLUSHING AND IRRIGATION ONLY
- REFER TO ENDORSED PLAN FOR REMOVAL & PROTECTION OF TREES



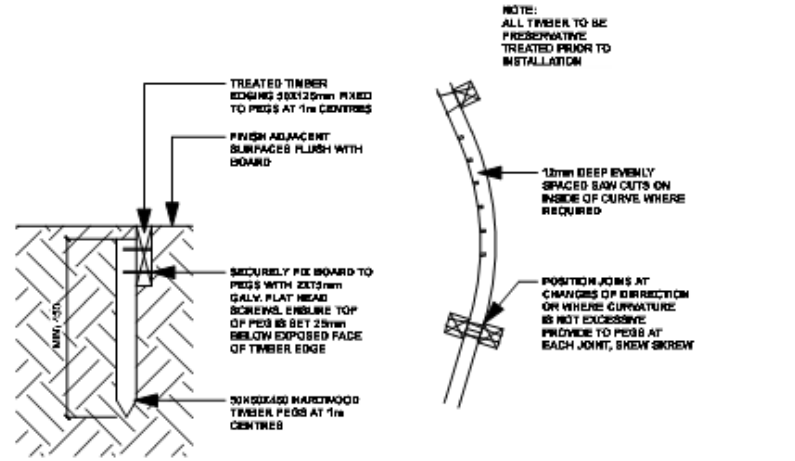


LANDSCAPED AREA: Total Landscaped Area : 308.18 Sqm Excl. All Hard Surfaces : 42.69 % Min Required By Council : 30 %

- BLUE STEEL COLOURED CONCRETE
TURF AREAS
GARDEN BEDS / MULCHED PATHWAYS
PROPOSED RESORBANCE
AS SELECTED TILES
TIMBER GARDEN EDGING

Table with columns: MONTH, DAY, WEEK, etc. and rows for months from DEC to NOV.

"Barrimah" exterior cladding



GENERAL NOTES: All work to be carried out in accordance with the Building Code of Australia...



SYDNEY NORTH STUDIO PO Box 265 SEAFORTH NSW 2092

Project: METRICON - MR KHAN & MRS KHURRAM Address: LOT 6059, 51 GLEESON RISE, ORAN PARK

H 02/09/22 COUNCIL FEEDBACK ISSUE DATE COMMENT



PLANT SCHEDULE

Table with columns: ID, Qty, Common Name, Botanical Name, Scheduled Size, Mature Height, Mature Spr.

Attachments for the Camden Local Planning Panel Meeting held on 27 September 2022 - Page 81

Attachment 6

Architectural Plans



DATE: 26/08/22

ADDRESS: Lot 6059, Tba Corner Gleeson Rise & O'keefe Rise, Oran Park, NSW, 2570

ROOF



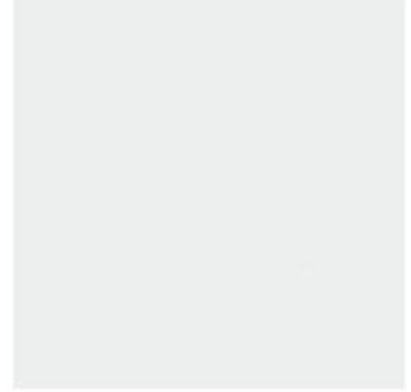
COLORBOND SURFMIST

GUTTER / FASCIA



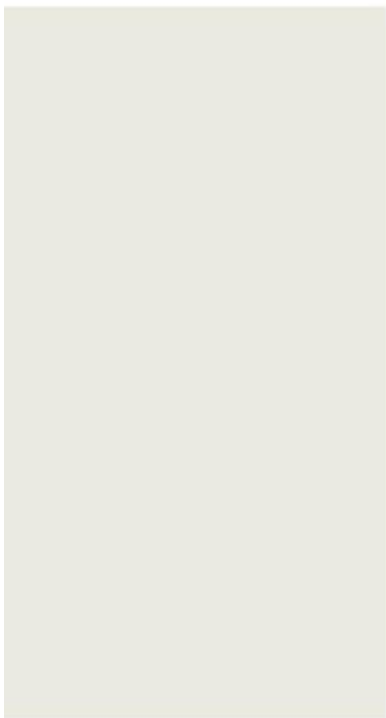
COLORBOND SURFMIST

EAVES / LINING



DULUX LEXICON HALF

ALU FRAMES



COLORBOND SURFMIST

HEBEL



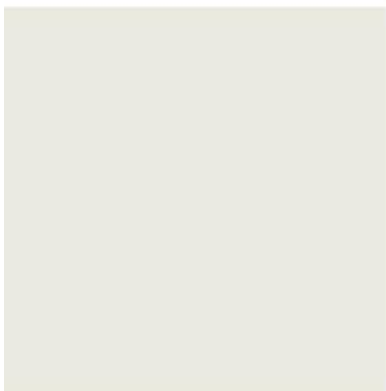
DULUX VANILLA QUAKE

RENDER FEATURE



DULUX SILKWORT

GARAGE



FRONT ENTRY DOOR



CABOTS CHESTNUT

DECORATIVE SCREEN CLA



CABOTS CHESTNUT

CLPP01

Attachment 6

CLPP02

SUBJECT: DA/2022/674/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE - 7 GLEESON RISE, ORAN PARK
FROM: Manager Statutory Planning
EDMS #: 22/404392

DA Number:	2022/674/1
Development:	Construction of a single storey dwelling house
Estimated Cost of Development:	\$443,190
Site Address(es):	7 Gleeson Rise, Oran Park
Applicant:	McDonald Jones Homes
Owner(s):	Mr Antony Therroth & Ms Anumol Antony
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 - Height of buildings
Classification:	Nominated Integrated
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Departure from Development Standards greater than 10%
Report Prepared By:	Jodie Schembri (Development Assessment Officer)

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 a single storey dwelling house at 7 Gleeson Rise, Oran Park.

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 is a development that contravenes the height of buildings development standard that applies to the site by more than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/674/1 for a single storey dwelling house 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 a single storey dwelling at 7 Gleeson Rise, Oran Park.

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 22 July to 4 August 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 6.044m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 5 of State Environmental Planning Policy (Precincts – Western Parklands City) 2021.

The 5m height control applies to this land given its proximity to the curtilage of the state heritage listed Oran Park House, with the lower building height creating a transition area of single storey dwelling houses in this location. The building height contravention is restricted to a portion of the pitched roof. The dwelling house is single storey with a design that is compatible with its heritage context (including an appropriately pitched roof).

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend Appendix 9 of the Growth SEPP to address the anomalies associated with the 5m height standard. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 9 of the Growth SEPP that will enable a merit-based assessment to be undertaken to allow building heights above 5m providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- height up to 4m at the front building line does not exceed 30% of the front elevation.

The proposed dwelling house at 7 Gleeson Rise generally complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and has been on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

The applicant proposes a variation to the abovementioned draft Planning Proposal in that the dwelling is not fully contained within the Standard Building Height Envelope (as recommended by Heritage NSW), as more than 30% of the front building line façade is between 3-4m, and the front façade exceeds the 4m building height. The variation is assessed in this report and is supported by Council staff due to the subject site's location outside of the heritage curtilage of SHR Item Oran Park House.

The applicant has submitted a Clause 4.6 written request to support the height variation and provide justification for the contravention of the development standard.

The proposed contravention, and the applicant’s Clause 4.6 written request, have been assessed in this report and are supported by Council staff.

The proposed development with a 6.044m building height to its 22.5 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey and is also generally consistent with the planning proposal for a merit-based assessment of building heights above 5m, excluding full compliance with the proposed standard building envelope. The design is compatible with its heritage setting, including its roof pitch, which will minimise visual impacts and protect adjoining development.

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m	6.044m to roof ridge	1.044m 20.88%

AERIAL PHOTO



Figure 1: Aerial photo of subject site

THE SITE

The site is legally described as Lot 6016 DP1235007, and is commonly referred to as 7 Gleeson Rise, Oran Park.

The site is a recently constructed lot in a 'Greenfields' subdivision, having been registered in May 2021. It has an area of 545.3m² with a street frontage of 17m and depth of 32.535m, with minimal change in level across the site. There is a 0.5m restriction related to the maintenance of a retaining wall along the rear boundary.

The site is located within the curtilage of an item of state heritage significance, SHR:1695 Oran Park House (also known as Catherine Park House).

ZONING PLAN

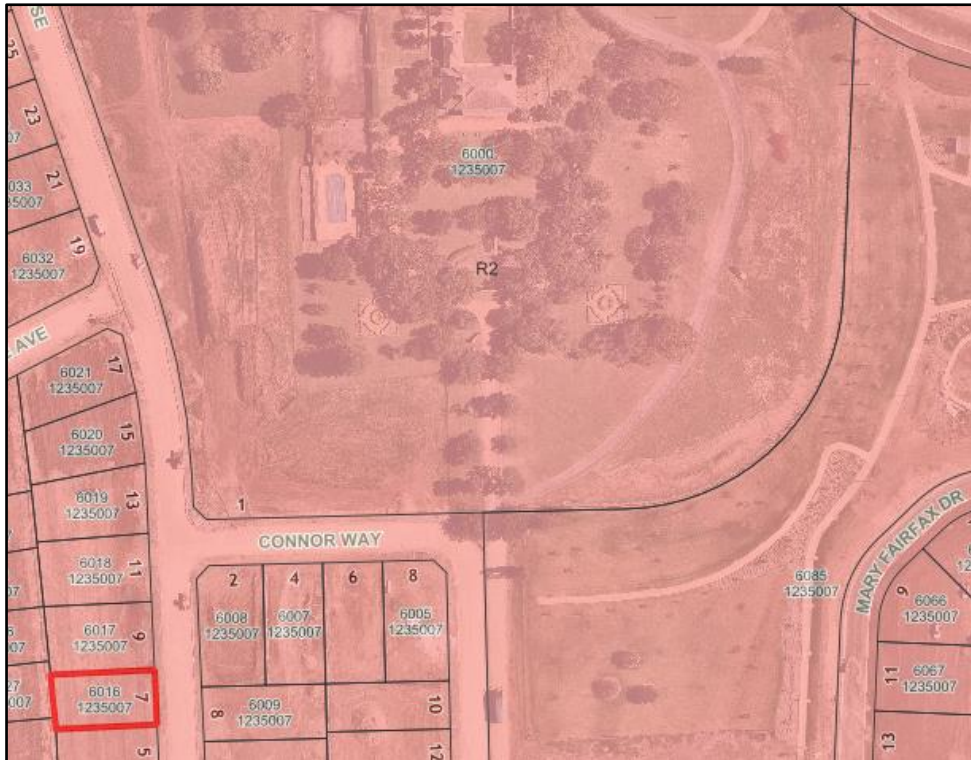


Figure 2: Subject site - R2 Low Density Residential zoning

CLPP02

BUILDING HEIGHT PLAN



Figure 3: Height of Building map (5m height limit shown in blue, with 9m height in green)

HERITAGE LISTING



Figure 4: Subject site in relation to heritage listing

AREA MASTER PLAN



Figure 5: Red 'X' denoting approx. location of subject site in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Source: Catherine Fields (Part) Precinct Development Control Plan, Figure 2-1, Page 4.

HISTORY

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

Date	Development
23 March 2018	DA/2017/491/1 – Consent was granted to a subdivision to create 141 residential lots, 2 super-lots, a lot containing Oran Park House and its improvements, 1 residue lot, 1 public reserve lot, construction of public roads, provision of services, earthworks, site works and retaining walls to be delivered in four stages. This resulted in creation of the subject lot.
29 January 2021	<p>DA/2021/77/1 – A DA was submitted to Council that sought concept approval to establish site-specific building height development standards on 66 residential lots (8m as opposed to 5m) and stage 1 consent for the construction of 3 dwelling houses.</p> <p>The DA was withdrawn at the request of Council officers as it was determined that the height change should be addressed as part of a Planning Proposal.</p> <p>Prior to the DA being withdrawn, Heritage NSW issued GTAs for the Concept DA. The GTAs required any dwellings</p>

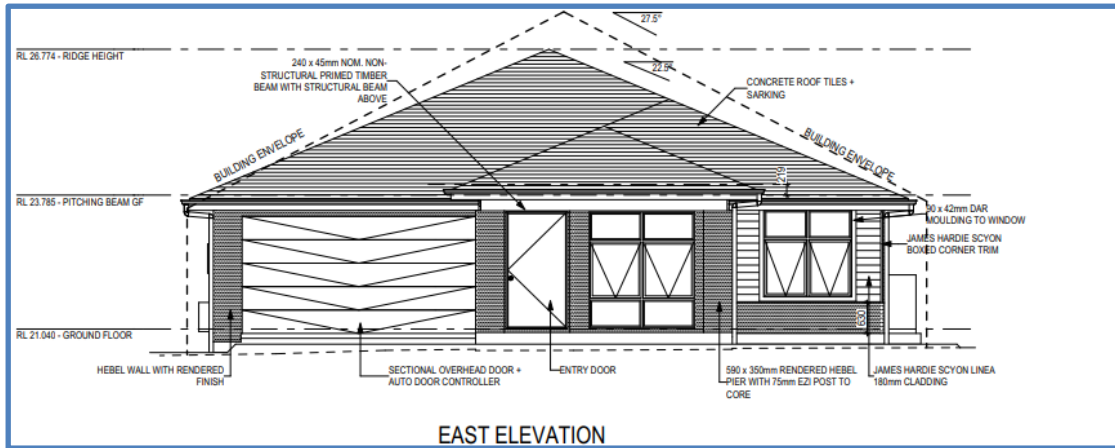
	<p>proposed on the subject lots to comply with a building envelope, including:</p> <ul style="list-style-type: none"> • a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and • the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.
26 February 2021	<p>Planning Proposal (PP/2021/1/1) was submitted to Council. The Planning Proposal seeks to create additional local provisions to increase building heights for residential development surrounding Oran Park House by introducing a building envelope as a means of varying the 5m building height control (based upon the building envelope recommended by Heritage NSW in the GTAs issued for DA/2021/77/1).</p>
12 October 2021	<p>Planning Proposal (PP/2021/1/1) received Gateway Determination from Department of Planning and Environment (DPE).</p>
9 February 2022	<p>Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.</p>
14 June 2022	<p>Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to:</p> <ul style="list-style-type: none"> - endorse the Planning Proposal (as amended) and forward it to the DPE for the plan to be made; and - adopt related changes to Camden Growth Centre Precincts DCP, and publicly notify these, subject to finalisation of the Planning Proposal.

THE PROPOSAL

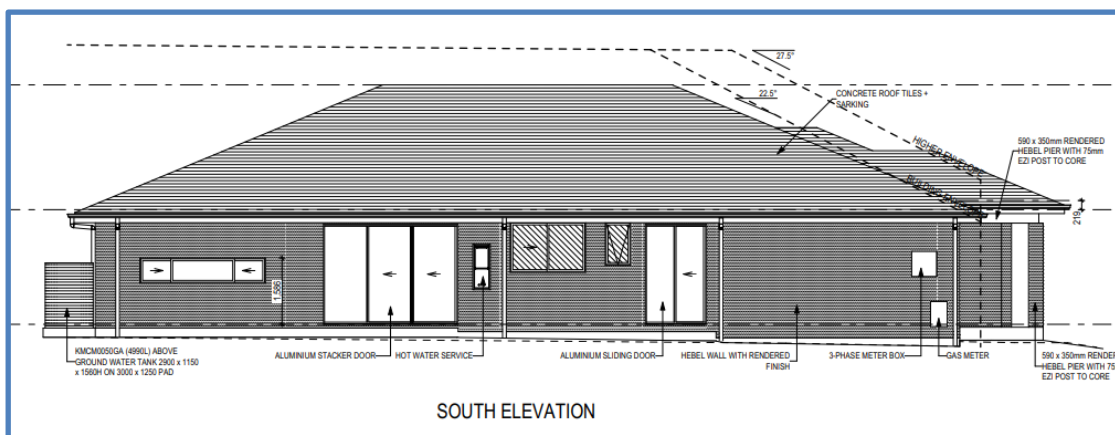
DA/2022/674/1 seeks approval for the construction of a single storey dwelling house.

The proposed dwelling consists of four bedrooms, home theatre, leisure room, family/living/dining areas, kitchen, laundry, bathroom, children’s activities area, and a double garage.

The estimated cost of development is \$443,190.



EAST ELEVATION



SOUTH ELEVATION

BACKGROUND

The 5m height of buildings development standard was imposed on this land as the site is within the curtilage of a state heritage listed item Oran Park House. The lower building height development standard aims to maintain a single storey transition area around the state heritage item.

This height of buildings development standard hinders the ability for a proposed dwelling house to comply with the existing site-specific controls in Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct.

Dwelling houses with hipped and gabled roof forms (with a roof pitch greater than 12.5 degrees) will inherently exceed the 5m building height development standard given the relative size and width of the properties, coupled with the larger building footprint required for single storey dwellings. This is illustrated in the following Figures 6 and 7. Council’s development controls for dwelling houses in this area require a minimum roof pitch of 22.5 degrees.

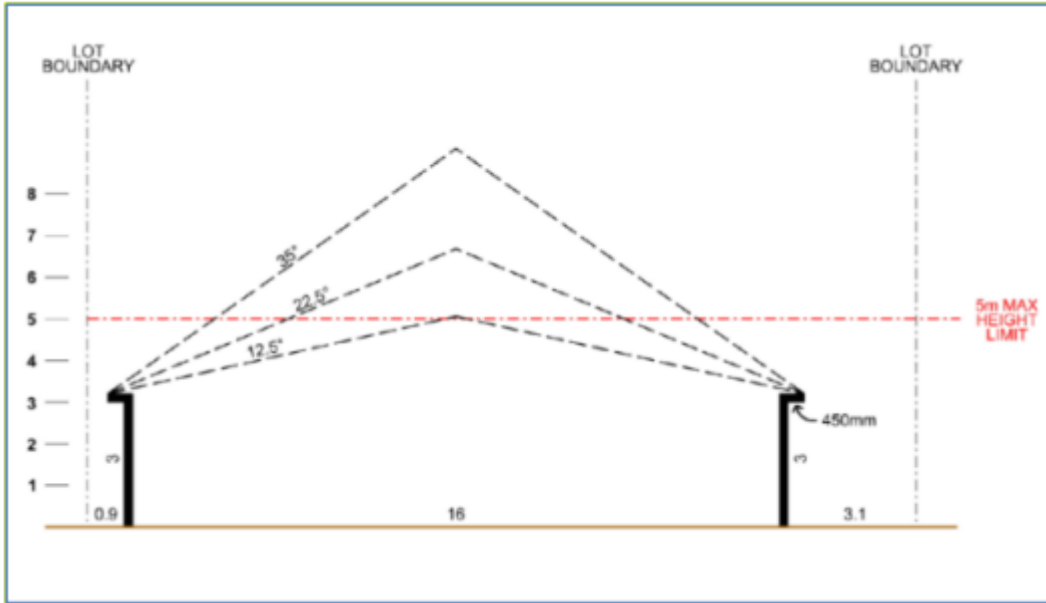


Figure 6: Five metre maximum building height limit compared to roof pitches



Figure 7: Dwelling roof forms, 15 degree and 27.5 degree roof pitches

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend the SEPP to address the anomalies associated with the 5m height control. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision that will allow building heights above 5m providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;

- the dwelling is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- no more than 30% of the front building line is above 4m.

The proposed dwelling house at 7 Gleeson Rise generally complies with the proposed building envelope control, however varies slightly from the Standard Building Height Envelope (as recommended by Heritage NSW) given more than 30% of the front building line façade is between 3-4m, and the front façade exceeds the 4m upper envelope. This relatively minor variation is supported by Council staff due to the subject site’s location outside of the heritage curtilage of SHR Item Oran Park House.

The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal received Gateway Determination from the DPE and was exhibited from Wednesday 9 February until Wednesday 9 March 2022. Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

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 (Building Sustainability Index – BASIX) 2004;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021; and
- State Environmental Planning Policy (Precincts – Western Parklands City) 2021.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the DA. The proposal has been assessed against the provided BASIX Certificate. The proposal will be able to meet the commitments and targets identified. A condition of consent is recommended to ensure compliance is achieved.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 9 – Hawkesbury-Nepean River

The SEPP seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context.

The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate

sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

SEPP (Resilience and Hazards) 2021 - Chapter 4 – Remediation of Land

This SEPP provides a State-wide planning approach to the remediation of contaminated land.

Clause 4.6 Chapter 4 of this SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

Contamination and remediation were appropriately dealt with under the parent subdivision development application DA/2017/491/1. The subject land has been validated and is suitable for the proposed residential development.

SEPP (Precincts – Western Parklands City) 2021 - Chapter 3 – Sydney Region Growth Centres

The SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre.

Site Zoning and Permissibility.

The site is zoned R2 Low Density Residential pursuant to Appendix 5, clause 2.2 of the SEPP. The development is characterised as a 'Dwelling House' by the SEPP, meaning a building containing only one dwelling.

The development is permitted with consent in the R2 Low Density Residential Zone pursuant to clause 2.6 and the land use table in Appendix 5 of the SEPP.

Planning Controls

An assessment table in which the development is considered against the Growth Centre SEPP's planning controls is provided in the **attached** documents.

Clause 4.6 – Exceptions to Development Standards

The proposed development will contravene the height of building standard which applies under clause 4.3 of Appendix 5 of the Growth Centre SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 6.044m in height, breaching the development standard by 1.044m and 20.88%.

Pursuant to clause 4.6(3) of Appendix 5 – Growth Centres SEPP, the applicant has provided a written request justifying contravention of the development standard for the following reasons:

- Compliance with the 5m height standard would detract from the design of the single storey dwelling and the overall streetscape;
- The development contravention will not impact on views and vistas from Oran

- Park House;
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not impact the intended type, or character of the desired development rather, aligns with the intended development of single storey dwellings;
 - The development contravention facilitates orderly and proper delivery of development as intended by the DCP;
 - The request also demonstrates that 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:
 - The objectives of the standard and the R2 Low Density Residential zone are achieved notwithstanding noncompliance with the standard. A single storey detached dwelling which meets combined design requirements of setbacks, floor space ratio, and hipped roof forms ensures there are no significant adverse impacts. The objectives and intent of built form surrounding Oran Park House will be preserved.
 - If compliance was required, the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as intended in the heritage curtilage, consistent with the DCP controls and heritage guidelines.
 - Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and surrounds. The dwelling is consistent with the intended outcome for residential land surrounding Oran Park House with simple hipped and/or gabled roof forms of at least 22.5 degrees.

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

The justification contained within the Clause 4.6 written request demonstrates 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, in accordance with clause 4.6(3).

Council staff are also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the R2 Low Density Residential Zone, in accordance with clause 4.6(4).

The proposed development with a 6.044m building height to its 22.5 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey. Most of the dwelling is within the maximum height and its design is compatible to its heritage setting, including its roof pitch. The design of the dwelling will minimise visual impacts and protect adjoining development.

1. Indicative Layout Plan
The intended outcome established within the Indicative Layout Plan (Figure 2-1) for this part of the Catherine Fields (Part) Precinct DCP is for low density residential development. The proposal is for a single storey dwelling, consistent with this outcome.
2. Clause 4.3 ‘Height of Buildings’ – Objectives.
Alignment with the objectives of clause 4.3 are maintained. The development contravention will not result in development greater than single storey and it will

be consistent with objectives to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.

3. R2 Low Density Residential Zone Objectives.
The development contravention will not depart from the objectives of the R2 Zone and not be inconsistent with intended outcomes for the zone, as it will:
 - provide for the housing needs of the community within a low-density residential environment; and
 - provide a diverse range of housing types to meet community housing needs within a low-density residential environment.

4. Site-specific objectives and controls.
Strict compliance with the 5-metre building height standard does not provide flexibility in achieving site-specific controls and providing for a dwelling design outcome, including roof form and pitch, that appropriately responds to the unique characteristics of the precinct, and the historically significant Oran Park House.

5. Alignment with DCP controls.
The building height standard contravention does not result in additional non-compliances with any development controls in the Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct. The single storey development is considered to fulfill the relevant controls and their objectives.

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 clause 4.3 of Appendix 5 of the Growth Centres SEPP.

(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 (noting that provisions related to the Hawkesbury-Nepean River are now incorporated within the consolidated SEPP (Biodiversity and Conservation) 2021).

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

The development is consistent with the Draft Remediation SEPP in that the land has been validated and is suitable for the proposed residential use (noting that provisions related to remediation of land are now incorporated within the consolidated SEPP (Resilience and Hazards) 2021).

Draft Planning Proposal State Environmental Planning Policy (Precincts – Western Parkland City) 2021

The development is generally consistent with the Draft Planning Proposal that seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 5 of the SEPP that will enable a merit-based assessment to allow building heights above 5m, providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is generally contained within the Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m.

As noted above there is a minor variation proposed to the Standard Building Height Envelope as recommended by Heritage NSW which is illustrated by the elevation plans submitted as part of the subject DA. The encroachments are restricted to the entry feature/porch which add interest to the front façade. This minor variation is considered reasonable given the subject site is not located within the heritage curtilage of Oran Park House. It is noted that dwellings on lots outside the heritage curtilage can be approved under the relevant complying development / housing code provisions of SEPP (Exempt and Complying Development) 2008. Complying Development Certificates have been issued for the erection of single storey dwellings at 89, 77, 71, 69, 67, 63, 61 and 57 Banfield Drive; 27 and 25 McEvoy Street; and 8, 4, 3 and 1 Gleeson Rise. The abovementioned dwellings have been approved with building heights greater than 5m, and do not fully comply with the Standard Building Height Envelope (as recommended by Heritage NSW).

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

An assessment table in which the development is considered against the Camden Growth Centre 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 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

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the 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 22 July to 4 August 2022. No submissions were received.

(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

No external referrals were required during the assessment of this DA. The subject site is located outside of the heritage curtilage of SHR Item Oran Park House and GTAs are therefore not required.

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 Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021; and
- ii. approve DA/2022/674/1 for the construction of a single storey dwelling at 7 Gleeson Rise, Oran Park, subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021 in relation to the maximum height of buildings standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances, and that despite the contravention of the development standard,

the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the circumstances of the case.

2. The development is consistent with the objectives of the applicable environmental planning instrument being Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021.
3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the reasons, the development is a suitable and planned use of the site, and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. SEPP Assessment Table
3. DCP Assessment Table
4. Clause 4.6 Written Request
5. Architectural Plans

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
Ref. 606618, Sheet 2/16	Site Plan	McDonald Jones	11/08/2022
Ref. 606618, Sheet 3/16	Water Management Plan	McDonald Jones	11/08/2022
Ref. 606618, Sheet 4/16	Ground Floor Plan	McDonald Jones	11/08/2022
Ref. 606618, Sheet 6/16	Elevations/Section	McDonald Jones	11/08/2022
Ref. 606618, Sheet 7/16	Elevations	McDonald Jones	11/08/2022
Ref. 606618, Drawing No. LP-22229, Page No. 1/1	Landscape Plan	Myard Landscape Design	06/09/2022
Ref. 606618, Sheet 5/16	External Developer Palette	McDonald Jones	30/03/2022

Document Title	Prepared by	Date
BASIX Certificate No. 1295592S_02	Energy Advance	11 July 2022
Waste Management Plan	McDonald Jones	24/02/2022

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this development consent applies.
- (3) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (4) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried

out unless the principal certifier for the development to which the work relates has given Council written notice of the following:

- a) for work that requires a principal contractor to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under Part 6 of the *Home Building Act 1989*,
- b) for work to be carried out by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permit.

If the above information is no longer correct, further work must not be carried out unless the principal certifier has given Council written notice of the updated information.

- (5) **Home Building Act - Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989* shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This requirement does not apply:

- a) to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
- b) to the erection of a temporary structure, other than a temporary structure to which subsection (3) of Section 69 of the *Environmental Planning and Assessment Regulation 2021* applies.

- (6) **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.

- (7) **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) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.
- (2) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the accredited certifier prior to issue of a Construction Certificate.

- (3) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book')'. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (4) **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*.
- (5) **Salinity (Dwellings and Outbuildings)** – The approved development shall comply with the requirements of the salinity management plan "Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park, prepared by Douglas Partners, Project 76559.00, Dated November 2015". Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (6) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

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) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this development consent.
- (9) **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.

- (10) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone, and displayed in a prominent position.

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) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation 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 causing the excavation must:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do 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 requirements not applying.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact 'Dial Before You Dig' prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (4) **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 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*.
- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **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.
- (10) **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.
- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.

- (13) **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.
- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.
The validation report and associated sampling location plan must:
- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
 - b) be prepared in accordance with;
- For Virgin Excavated Natural Material (VENM):
- i) the Department of Land and Water Conservation publication "Site Investigation for Urban Salinity;" and
 - ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."
- For Excavated Natural Material (ENM):
- i) compliance with the Excavated Natural Material Order 2014 and the Resource Recovery Orders and Exemptions issued under Part 9 of the Protection of the Environment Operations (Waste) Regulation 2014
 - c) confirm that the fill material has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity") and is compatible with any salinity management plans approved for the site.
- (15) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (16) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment. In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately. Where remediation work is required, the applicant will be required to obtain consent for the remediation works.
- (17) **Materials, Colours and Finishes** – The dwelling is to be constructed using the approved materials, colours and finishes.

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) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (2) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (3) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (4) **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.

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Assessment Table

Clause.	Assessment.	Compliance.
<p>Appendix 5, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>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 zone objectives for this site are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone of Appendix 9 – SEPP (Sydney Region Growth Centres) 2006.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> The proposal will provide for the housing needs of the community within the low-density residential environment. The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it. The proposal will be an addition to the existing housing type typical to the immediate surrounds. 	<p>Yes</p>
<p>Appendix 5, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>Maximum height of buildings = 5.0m 'C'.</p>	<p>The proposed development has a maximum building height of 6.044m.</p>	<p>No (Clause 4.6 written request submitted).</p>
<p>Appendix 5, 4.4 Floor Space Ratio</p>	<p>The site is not subject to a FSR development standard</p>	<p>N/A</p>

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State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Assessment Table

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<p>Appendix 5, 4.6 Exceptions to development standards</p> <p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(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</p> <p>(b) the concurrence of the Secretary has been obtained.</p>	<p>The applicant has submitted a written request under Clause 4.6 of the Growth SEPP justifying the contravention to the maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered 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, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p>	<p align="center">Yes</p>
<p>Appendix 5, 5.10 Heritage Conservation</p>	<p>The subject site is located outside of the curtilage of a SHR Oran Park House.</p>	<p align="center">Yes</p>

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>4.1.1 Site Analysis</p> <p>Site analysis plan is to be provided.</p>	<p>Appropriate site analysis plan provided.</p>	Yes.
<p>4.1.2 Cut and Fill</p> <p>DAs are to illustrate where it is necessary to cut and/or fill land and provide justification for the proposed changes to the land levels.</p> <p>The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m.</p> <p>Fill within 2.0m of a property boundary shall be fully contained by the use of deepened (drop) edge beam construction with no fill permitted outside of this building footprint.</p> <p>The use of a deepened edge beam shall not exceed 1m above natural ground level.</p> <p>Where excavation or filling is required alongside a driveway, it shall be retained by a retaining wall.</p>	<p>Cut and fill plan provided.</p> <p>Cut and fill plan indicates cut and fill <1.0m.</p> <p>DEB provided as required.</p> <p>DEB height = 0.172m.</p> <p>N/A.</p>	Yes.
<p>4.1.3 Sustainable Building Design.</p> <p>The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.</p> <p>The provisions of BASIX will apply with regards to water requirements and usage.</p> <p>The design of dwellings is to maximise cross flow ventilation.</p> <p>The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and to minimise the need for mechanical heating and cooling.</p>	<p>Provided.</p> <p>The development complies with the requirements as set out by the provided BASIX certificate.</p> <p>Design of dwelling incorporates large open living spaces allowing for cross flow ventilation to occur.</p> <p>Location of living rooms and windows located appropriately so as to enable maximisation of capturing natural light.</p>	Yes.

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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>Roof and paving materials and colours are to minimise the retention of heat from the sun.</p> <p>The design of dwellings that are required to attenuate noise shall use, where possible, alternatives to airconditioning, such as acoustic wall ventilators, ceiling fans, or bulkhead-mounted ducted fans to achieve appropriate ventilation.</p>	<p>Outdoor clothes line indicated on architectural plans located appropriately with regards to solar access.</p> <p>Roof adopts lighter colour. This will assist in reducing contributions to the urban heat island effect.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p>	
<p>4.1.4 Salinity, Sodicity and Aggressivity.</p> <p>All development must comply with the Salinity Management Plan developed at the subdivision phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p> <p>Salinity shall be considered during the siting, design and construction of dwellings including: drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process</p>	<p>The development will comply with the requirements of the salinity management plan as adopted under parent subdivision DA.</p> <p>Salinity will be considered during the siting, design and construction the proposed dwelling via a condition of consent.</p>	Yes.
<p>4.2.2 Streetscape and Architectural Design.</p> <p>The primary street facade of a dwelling should address the street and must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> • entry feature or porch; • awnings or other features over windows; • balcony treatment to any first floor element; • recessing or projecting architectural elements; • open verandah; • bay windows or similar features; or 	<p>Primary elevation to adopt the following design features;</p> <ul style="list-style-type: none"> • Entry feature/porch/patio. • Projecting architectural elements in the form of supporting posts. 	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<ul style="list-style-type: none"> • verandahs, pergolas or similar features above garage doors. • Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback. <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.</p> <p>Front facades are to feature at least one habitable room with a window onto the street.</p> <p>Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.</p>	<p>All eaves minimum 0.49m as identified on sectional drawings.</p> <p>Hipped roof pitch of 22.5 degrees proposed.</p> <p>Front façade to feature bedrooms with windows facing the street.</p> <p>Proposed garage to complement colour and finish of main dwelling.</p>	
<p>4.2.3 Front Setbacks.</p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>	<p>Front setback = 4.5m. Articulation zone setback = 3.5m.</p>	<p>Yes.</p>

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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>4.2.4 Side and Rear Setbacks.</p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>Side A Setback= 1.44m Side B Setback= 1.77m.</p> <p>Rear Setback = 5.469m.</p> <p>Noted – None proposed.</p> <p>The proposal adopts side boundary setbacks greater than 0.9m.</p>	Yes.
<p>4.2.5 Dwelling Height, Massing and Siting.</p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>Site coverage = $272.7 + 545.3 \times 100 = 50\%$.</p> <p>Less than 1m.</p>	Yes.
<p>4.2.6 Landscaped Area.</p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p> <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>Landscaped area = $195.2 + 545.3 \times 100 = 35.8\%$.</p> <p>Noted / complied.</p>	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>location of any trees to be retained or planted.</p> <p>Surface water drainage shall be provided as necessary to prevent the accumulation of water.</p> <p>Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including native salt tolerant trees.</p>	<p>Lot proposed to drain to street gutter as per water management plan.</p> <p>No concerns presented regarding the accumulation of surface water.</p>	
<p>4.2.7 Private Open Space.</p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p> <p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>PPOS contained and achievable to rear of lot. PPOS located appropriately.</p> <p>PPOS conveniently accessible from family/living room via alfresco. PPOS at grade <1:10.</p>	Yes.
<p>4.2.8 Garages, Storage, Site Access and Parking.</p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p> <p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required</p>	<p>2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line via double car garage.</p> <p>Compliant and further considered against Camden Council's Standard Residential Driveway Design Guidelines.</p>	Yes.

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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>parking facilities and vehicle turning movements and shall comply with AS2890.</p> <p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.8m.</p> <p>Double garage internal dimensions = 5.6m x 5.655m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p>	
<p>4.2.9 Visual and Acoustic Privacy.</p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm and noise is not to exceed background levels during the hours 10.00pm to 7.00am.</p> <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible comply with the criteria in</p>	<p>Proposed development is single storey only. Proposed dwelling has an FFL <1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted/complied.</p> <p>Dwelling not impacted by road types.</p>	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden Growth Centre Precincts Development Control Plan</p> <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council's Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p>	<p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development does not require architectural treatments regarding acoustic impacts.</p>	
<p>4.2.10 Fencing.</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>No front fencing proposed.</p> <p>Side boundary return fences indicated at 2m behind the building line.</p>	Yes.
<p>Table 4-5 – Site coverage. Maximum 50% at ground floor. Maximum 30% at upper floor.</p>	<p>Single Storey Site cover: $272.7 \div 545.3 \times 100 = 50\%$.</p>	Yes.
<p>Table 4-5 – Soft landscaped area. Minimum 30% of the allotment area.</p>	<p>Soft landscaped area: $195.2 \div 545.3 \times 100 = 35.8\%$.</p>	Yes.
<p>Table 4-5 – Principal Private Open Space (PPOS).</p>		Yes.


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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
Minimum 24sqm with minimum dimensions of 4m.	PPOS = over 24sqm and 6mx4m dimension at rear of lot.	
Table 4-5 – Solar Access. 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.	No overshadowing of PPOS. Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.	Yes.
Table 4-5 – Garages and carparking. Maximum double car garage door width 6m. 3 bedrooms or more to provide at least 2 car spaces.	Double garage proposed. Width = 4.8m. 2 spaces provided/double garage.	Yes.
Control	Assessment	Compliance?
4.1 Development Surrounding Oran Park House. Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977. Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions. Development must be designed to maintain significant view lines illustrated in Figure 4-1.  Development in these areas must be sympathetically designed to complement the topography of the site, the setting of	The proposed development is located outside of the Heritage curtilage of SHR Item Oran Park House and is therefore not subject to this control. The site is not located inside the area identified in figure 4-1. The proposed dwelling house is sympathetically designed and complements the setting of Oran Park House.	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
Oran Park House and associated outbuildings and the historical rural character without replicating architectural details.		

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Attachment 3



CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address: 7 Gleeson Rise, Oran Park

Lot: 6016 **DP1235007**

Date: 12 Sept 2022

urbanco

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PO Box 546 PYRMONT NSW 2009
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Attachment 4

Appendices

Appendix 1 – View Analysis

Figures

Figure 1	Maximum Building Height Map
Figure 2	Lots in DP1235007 Subject to Clause 4.6 Variation
Figure 3	Catherine Park House (aka Oran Park House)
Figure 4	Building Height & Roof Pitch
Figure 5	Dwelling Roof Forms
Figure 6	Extract from View 4 in Views Analysis

Tables

Table 1	Lots in DP1235007 Subject to Clause 4.6 Variation
Table 2	Specific Land Details
Table 3	Extent of Variation to Development Standard

1 INTRODUCTION

We submit a Clause 4.6 variation request to support a Development Application (DA) seeking approval to erect a detached dwelling on land described in Table 2 of this report.

The variation request relates to a building height standard under Appendix 9 Camden Growth Centres Precinct Plan in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

Catherine Park contains a State listed heritage item, an early European settlement homestead, named Catherine Park House (aka Oran Park House). The Precinct Planning for the Catherine Fields Part Precinct implemented special development standards around Catherine Park House to deliver a transition in development between the heritage item and surrounding urban development.

The site specific 5 metre maximum building height development standard imposed on land surrounding the heritage item adopted in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) does not enable all options for excellence in design of residential dwellings as was intended. A maximum building height over 5 metres will enable more and better dwelling designs with higher roof forms that will more effectively meet the design outcomes intended in the site-specific development controls in Schedule 4 of the Camden Growth Centre Precincts Development Control Plan (DCP), such as roof pitch.

The DA seeks approval for a detached dwelling with a roof form that exceeds the 5 metre height limit. This Clause 4.6 variation request seeks to vary the 5 metre maximum building height development standard to the extent described in Table 3 of this report.

This request has been prepared in accordance with the Department of Planning & Environment (DPIE) Guideline, *Varying Development Standards: A Guide*, August 2011, and relevant matters set out in the 'five-part test' established by determinations in the NSW Land and Environment Court.

This request should be read in conjunction with the Statement of Environmental Effects for the DA and supporting documentation and plans lodged with the proposal.

This report demonstrates that support for proposed building height provides better building design, enables compliance with DCP controls and achieves the intended outcomes for residential development surrounding Catherine Park House without any significant impacts.

2 STATUTORY PLANNING FRAMEWORK

2.1 Clause 4.6 - Exceptions to development standards

Clause 4.6 - Exceptions to development standards in 'Appendix 9 Camden Growth Centres Precinct Plan' of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) allows the relevant authority to grant consent to development that varies from a development standard imposed by the Environmental Planning Instrument. The objectives of the clause include:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

A written request to vary a development standard is required in accordance with subclause (3), which reads:

- (3) *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.*

This document forms the written request required under Clause 4.6.

Subclauses 4 and 5 provide the considerations for approving a variation under Clause 4.6 including satisfying the requirements under subclause 3 and whether there is a public benefit of maintaining the development standard.

- (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 Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

2.2 Development Standards

A variation sought under Clause 4.6 needs to be a 'development standard'. A development standard is defined in the Environmental Planning & Assessment Act in Clause 1.4 as:

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

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- (a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) *the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) *the cubic content or floor space of a building,*
- (e) *the intensity or density of the use of any land, building or work,*
- (f) *the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) *the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) *the volume, nature and type of traffic generated by the development,*
- (i) *road patterns,*
- (j) *drainage,*
- (k) *the carrying out of earthworks,*
- (l) *the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) *the provision of services, facilities and amenities demanded by development,*
- (n) *the emission of pollution and means for its prevention or control or mitigation, and*
- (o) *such other matters as may be prescribed.*

With reference to part (c) it is definitive the maximum building height standard is a development standard.

3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

3.1 Development Standard Subject to Variation

The proposed variation is subject to the maximum building height development standard in Appendix 9 Camden Growth Centres Precinct Plan under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

Clause 4.3 - Height of buildings in Appendix 9 of Growth Centres SEPP prescribes maximum building height for certain land in the Camden LGA portion of the South West Growth Area.

The Objectives of Clause 4.3 - Height of buildings are as follows:

- (a) to establish the maximum height of buildings,
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
- (c) to facilitate higher density development in and around commercial centres and major transport routes.

Clause 4.1(2) requires that 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.

Maximum building height is shown on South West Growth Centre Height of Buildings Map Sheets HOB_004 and HOB_009. This map shows maximum building height of 5 metres for the residential allotments surrounding Catherine Park House. This variation applies to 66 residential allotments that are subject to the 5 metre building height limit (see Section 3.2) and specific lot details are included in Table 2.



Figure 1 – Maximum Building Height Map (Source: NSW Planning Portal)

3.2 Subject Site

The site is located within Stage 6 in Catherine Park Estate. The land subject to a Clause 4.6 Variation comprises 66 residential allotments on the Deposited Plan No. DP1235007 that are subject to a 5 metre building height limit. The 66 residential allotments are shown in Figure 2 and are listed in Table 1. The details of the specific lot subject to this variation request are listed in Table 2.



Figure 2 – Lots in DP1235007 Subject to a Clause 4.6 Variation

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Table 1: Lots in DP1235007 Subject to Clause 4.6 Variation

Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.
6001	6008	6015	6022	6029	6036	6043	6050	6059	6068
6002	6009	6016	6023	6030	6037	6044	6051	6060	6069
6003	6010	6017	6024	6031	6038	6045	6052	6061	6070
6004	6011	6018	6025	6032	6039	6046	6055	6064	
6005	6012	6019	6026	6033	6040	6047	6056	6065	
6006	6013	6020	6027	6034	6041	6048	6057	6066	
6007	6014	6021	6028	6035	6042	6049	6058	6067	

The land details specific to this Clause 4.6 Variation are detailed in Table 2.

Table 2: Land Details Subject to Clause 4.6 Variation Request

Address:	7 Gleeson Rise, Oran Park	
Lot:	6016	DP1235007

3.3 Proposal

The DA seeks to erect a single storey detached dwelling on the site described in Table 2. The proposed building height of the dwelling exceeds the 5 metre maximum building height limit imposed under the Growth Centres SEPP.

3.4 Planning Context

The land is zoned R2 Low Density Residential in the Growth Centres SEPP.

The land subject to the variation is within the R2 Zone, which has the following objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

Residential development for detached dwellings is permissible with development consent in the R2 Zone.

3.5 Extent of Variation to Development Standard

The proposed building height and extent of variation to the 5 metre maximum building height limit imposed under the Growth Centres SEPP is included in Table 3.

Table 3: Extent of Variation to Development Standard

Proposed Building Height:	6.044m
Extent of Proposed Variation*:	20.88 %

* Note: Extent of Proposed Variation = ((BH / 5) x 100) - 100

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

4.1 Clause 4.6(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The Department of Planning Industry & Environment published a guideline titled 'Varying development standards: A Guide' (August 2011), which is available on their website at: www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/varying-development-standards-a-guide-2011-08.pdf

The guideline suggests that written applications to vary a development standard could address matter outlined in the 'five part test', which is formed on determinations in the NSW Land and Environment Court. The NSW Land and Environment Court established the principle of a five-part test in determining whether compliance with a development standard is unnecessary (Refer *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 & *Wehbe v Pittwater Council* [2007] NSW LEC 827).

The five part test includes five assessment criteria where one or more of the tests are to be used to demonstrate that compliance with the development standard is unreasonable or unnecessary. The five tests are as follows:

1. *the objectives of the standard are achieved notwithstanding noncompliance 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 of 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 compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

An additional test is also included (Test 1(a)) which addresses the objectives of the land use zone, consistent with recent decisions of the NSW Land & Environment Court, including Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Test 1: the objectives of the standard are achieved notwithstanding noncompliance with the standard

The objectives of the height of buildings development standard in Clause 4.3 of the Growth Centres SEPP are outlined below with a respective response.

Objective (a) to establish the maximum height of buildings,

The Environmental Planning Instrument imposes a maximum building height, and a variation of the building height is submitted in accordance with the allowances under Clause 4.6. The objective is upheld and proposal does remove a building height standard for the site. Therefore, the proposal is not inconsistent with Objective (a).

Objective (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

The 66 residential allotments have a land area of 500m² or greater and all residential allotments will contain a single storey detached dwelling with a combined average side setback of 4 metres and a maximum floor space ratio of 0.4:1. Single storey dwellings with hipped and/or gabled roofs are required on all allotments. The combined design requirements of setbacks, floor space ration and hipped and/or gabled roofs ensures there will be no significant overshadowing on adjoining properties. Single storey dwellings on large lots also ensures visual privacy of large areas of private open space will be preserved and visual impact is negligible. The proposed variation therefore meets Objective (b).

Objective (c) to facilitate higher density development in and around commercial centres and major transport routes.

The site is identified for lower densities of residential development. Accordingly, Objective (c) is not relevant to the site and the proposed variation does not affect noncompliance to enable higher density development around centres. Further, the Concept Proposal is not inconsistent with the objective.

Test 1(a): the objectives of the zone

The objectives of the R2 Low Density Residential Zone are as follows:

- **To provide for the housing needs of the community within a low density residential environment.**

The 66 residential allotments are within a planned low density area to provide a transition of development between Catherine Park House and surrounding residential development.

The proposed building height will does not intensify the density of development and will maintain single story detached dwellings on large residential allotments within he R2 Low Density Residential Zone. The Concept Proposal is consistent with the objective.

- **To enable other land uses that provide facilities or services to meet the day to day needs of residents.**

A detached dwellings is proposed on the site and there is no land within the site that has been identified or would be suitable for other land uses that provide facilities or services to meet the day to day needs of residents. The proposal is not inconsistent with the objective.

- **To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.**

The 66 residential allotments are large lots to contain single storey detached dwellings. Each residential allotment will have generous indoor and private outdoor spaces that will ensure a typical low density living environment incorporating privacy and amenity is maintained. Additionally, the requirements for single storey dwelling construction with a simple hipped and/or gabled roof forms ensures negligible overshadowing impacts. The proposal is consistent with the objective.

- **To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.**

A detached dwellings is proposed on the site and there is no land within the site that has been identified or would be suitable for other land uses that provide facilities or services to meet the day to day needs of residents. The proposal is not inconsistent with the objective.

- **To provide a diverse range of housing types to meet community housing needs within a low density residential environment.**

The broader Stage 6 in Catherine Park includes a diverse range of residential lots sizes and types of residential dwellings, which range from large residential allotments to small lot housing. The 66 residential allotments under this Clause 4.6 are within a planned low density area to provide a transition of development between Catherine Park House and standard low density development. These lots make an important contribution to housing diversity within the locality.

The proposed building height does not intensify the density of development and will maintain single story detached dwellings on large residential allotments within he R2 Low Density Residential Zone. The proposal is consistent with the objective.

Test 2: the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The proposed variation does not rely on this test.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

The underlying objective of the built form within the transition area between Catherine Park House and the broader urban development is to provide single storey homes on large allotments with greater separation between dwellings and simple hipped and/or gabled roofs with a pitch over 22.5^o (refer to Test 5). The design intention for these homes is to have 'stately' houses that respect the heritage values of Catherine Park House.

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If compliance was required, it will not enable the underlying objective will be thwarted as the 5 metre building height limit does not allow the range of dwelling designs as was intended in the DCP and Heritage Exemption Guidelines. Accordingly, compliance with the 5 metre maximum building height standard is considered unreasonable.

Test 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

The proposed variation does not rely on this test.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone

Compliance with the 5 metre maximum building height development standard development is unreasonable and detrimental to the current environmental character of the site and surrounds.

During the Precinct Planning for the Catherine Field Part Precinct prior to the zoning and development standards being adopted for the site, the intended outcome for the residential land surrounding Catherine Park House was to have single storey dwellings with simple hipped roof forms on large residential allotments. Hence minimum lot sizes of 500m² and 700m² were imposed and specific development controls were included in the Camden Growth Centre Precincts DCP to ensure this development outcome was realised. The heritage object was to ensure the housing surrounding Catherine Park House was subservient to the heritage item and have roof forms that are not detrimental to the heritage significance and character of the House.



Figure 3 – Catherine Park House (aka Oran Park House) (Source: www.environment.nsw.gov.au)

Schedule 4 in the Camden Growth Centre Precincts DCP includes site specific controls for the residential allotments surrounding Catherine Park House and subject to the Concept Proposal. The site specific controls include provision for roofs.

4.1.16 Roofs

Controls

1. *Roof pitches are to be between 22.5 degrees and up to 35 degrees.*
2. *Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.*
3. *The minimum eave overhang is 450mm.*
4. *Roofs must use neutral colour tones such as greys, greens or browns.*

To satisfy the site specific design standards in the DCP, a dwelling is required to have a simple hipped roof form with a minimum roof pitch of 22.5° and eaves of 450mm or larger.

There are also general development controls for roof pitch for all residential development in the DCP. Control 5 under Clause 4.2.2 'Streetscape and architectural design' states:

The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.

A minimum roof pitch of 22.5° applies to all hipped roof forms for all detached dwellings within the Camden Council portion of the South West Growth Area.

Heritage Exemption Guidelines have been endorsed by the NSW Heritage Council and by order of the Minister for Heritage, granted an exemption from section 57(1) of Heritage Act 1977 in respect to all works and activities in accordance with 'Catherine Park Estate: Oran Park House Curtilage Exemption Guidelines' (prepared by Design & Planning for Hixson Pty Ltd, dated October 2014).

The Heritage Exemption Guidelines apply to the portion of allotments within the heritage curtilage and require the following design requirements to satisfy the exemption criteria:

4.5 Building Height

Controls

1. *Buildings are to be single storey in height within the Oran Park House heritage curtilage.*
2. *Variations to the building height on corner lots may be appropriate where attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.*

And:

4.6 Roofs

Controls

1. *Roof pitches are to be between 22.5 degrees and up to 35 degrees.*
2. *Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.*
3. *The minimum eave overhang is 450mm.*

The development controls in the DCP and Heritage Exemption Guidelines demonstrate the intended outcomes for residential development surrounding Catherine Park House. Importantly, residential development is required to be single storey construction and roof pitches need to be at least 22.5°.

Figure 4 shows the relationship of the existing maximum 5 metre height limit and achieving the roof pitch controls for a single story dwelling with a simple hipped roof form. The diagram adopts a typical wall height of 3 metres for a single storey dwelling and 450mm eaves, which is a required design standard. The diagram also assumes a 20 metre lot width, which is slight less than the typical of the lots facing Catherine Park House, and a minimum side setback of 0.9 metres and average side setback of 2 metres, which reflects the minimum setback requirements in Schedule 4 of the Camden Growth Centre Precincts DCP.

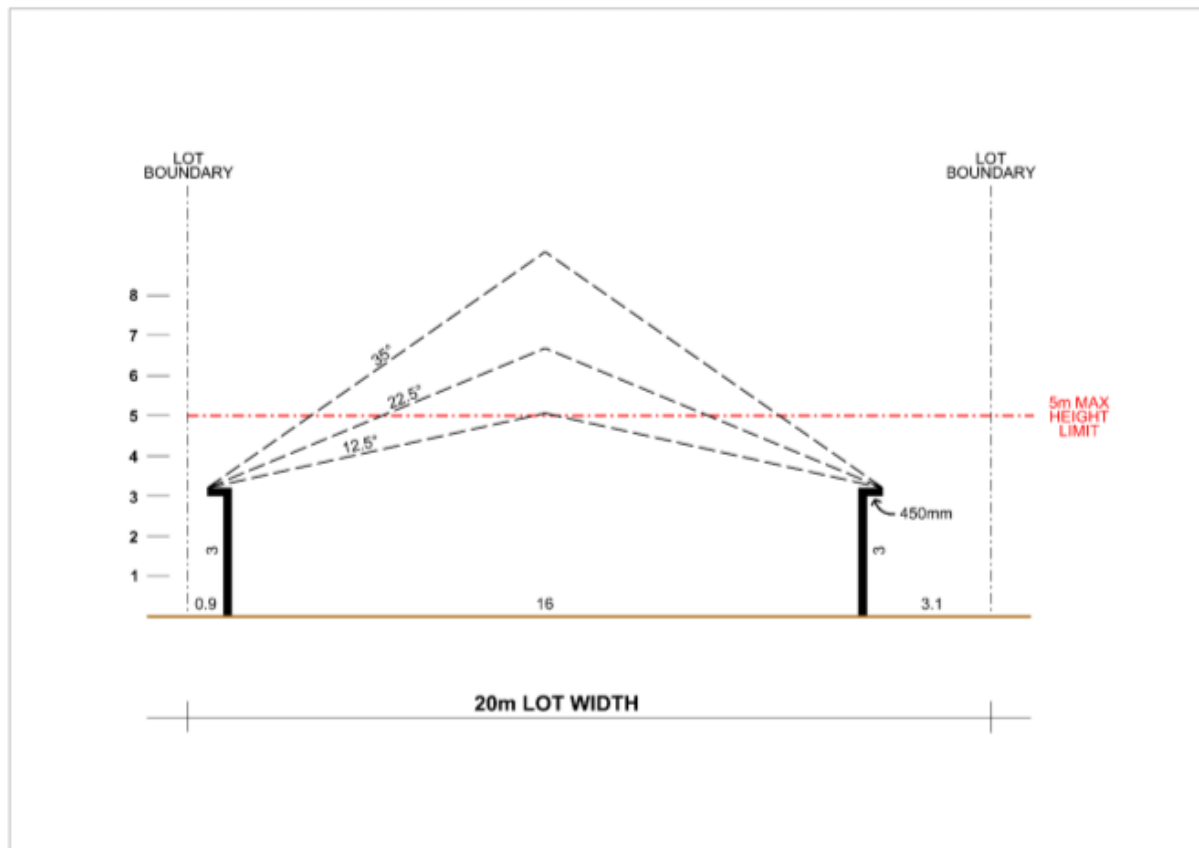


Figure 4 – Building Height & Roof Pitch

Figure 4 demonstrates roof forms that would be achieved for a single storey dwelling with a simple hipped and/or gabled roof designed with a pitch over 22.5°. The design standards for the minimum roof pitch of 22.5° and the 5 metre maximum height limit for a single storey dwelling are conflicting. In addition, a roof pitch for a hipped and/or gabled roof less than 22.5° is a poor design outcome, which is the reason the Camden Growth Centre Precincts DCP imposes a minimum roof pitch of 22.5° for all residential dwellings with a hipped and/or gabled roof.

It is evident that the 5 metre maximum building height limit does not allow for better designs with higher roof forms for single story residential dwellings, and therefore, compliance with the 5 metre maximum building height development standard is considered unreasonable. In addition, the widespread erection of dwellings with potentially compromised roof forms will be detrimental to the current environmental character of the site and surrounds with respect to the heritage values of Catherine Park House. This would also be contrary to the intended outcomes for residential development around the heritage item potentially resulting in a diminished streetscape character and appearance.

The proposed building height is necessary to achieve a quality design for the dwellings surrounding Catherine Park House, which are required to include simple hipped and/or gabled roof designs with a pitch over 22.5°. This allows for properly designed dwellings with attractive roofs.

Conclusion

In consideration of the five part test and the zone objectives, the proposed variation meets the objectives of maximum height of buildings development standard and zone in Test 1 and 1(a). It is also demonstrated that compliance with the 5 metre maximum building height development standard is unreasonable and detrimental to the current environmental character of the site and surrounds. Accordingly, strict compliance with the development standard is unnecessary.

4.2 Clause 4.6(b) There are sufficient environmental planning grounds to justify contravening the development standard

The determination in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* found that the environmental planning grounds presented in a Clause 4.6 variation request are to be specific to the circumstances of the proposal. There are special circumstances and sufficient environmental planning grounds to justify contravention of the maximum building

height development standard.

Better designed single storey dwellings & streetscapes

The basis for the development control in the Camden Growth Centre Precincts DCP that sets a minimum standard for roof pitch of 22.5° is to ensure better house design. In particular, single storey dwellings with a hipped and/or gabled roofs present significantly better with a roof form that extends above the walls. The proportion of the roof form is balanced with the rest of the dwelling and the building mass presents a stronger residential character to the street, which improved the overall streetscape character.

Figure 5 shows examples of dwellings with a compliant roof form in terms of roof pitch (Dwelling A) and a compliant dwelling in regard to the 5 metre building height.



Figure 5 – Dwelling Roof Forms

The Dwelling B roof form design is compromised by a 5 metre building height standard and presents poorly as it is not in proportion with the building. It has an underwhelming residential character due to its substandard design quality. Conversely, Dwelling A is significantly more impressive and attractive due to its extended roof form.

As the site comprises numerous rows of residential allotments, the compounding effect of several dwellings with roof forms that satisfy the 5 metre height limit will be detrimental to the streetscape and exhibit an undesirable residential character. An unattractive streetscape will also be detrimental to the heritage significance of Catherine Park House and diminish the heritage values of a State listed heritage item. This is also an outcome that the planning and heritage objectives and provisions are intending to prevent. Accordingly, the improved design quality and compliance with the heritage and planning design provisions provide strong grounds to support the variation.

No impact on views and vistas from Catherine Park House

Catherine Park House is located on an elevated knoll and sits proud of the 66 allotments surrounding the heritage item. An analysis of four (4) views from Catherine Park House and the surrounds that intersect the site in variation locations is included in Appendix 1. The analysis shows Catherine Park House and illustrates the section detail aligning with each of the four view lines. The section detail annotates the 5 metre and 8 metre building height limits within the site (66 lots) and also shows the adjoining 9 metre building height around the outer edge of the site.

Figure 6 is an excerpt of the views analysis and includes the section of View 4 from Catherine Park House.

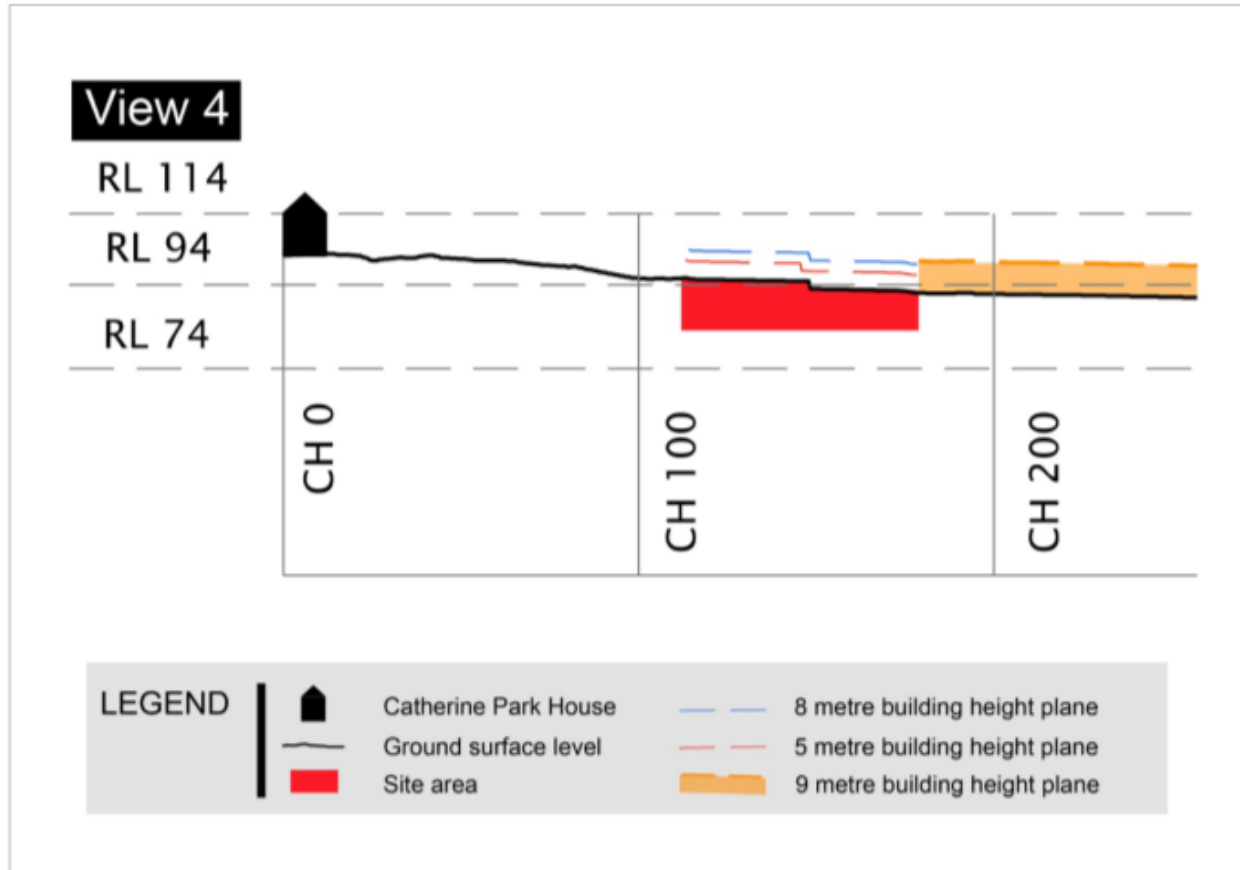


Figure 6 – Extract from View 4 in Views Analysis

The section of View 4 illustrates that both the 5 metre and proposed 8 metre building height planes are eclipsed by the adjoining 9 metre building height. Moreover, the vistas and views from Catherine Park House are dictated by the built form within the 9 metre maximum building height area as opposed to the built form within the site. This is the case for all of the four view sections, and given the proposed building height limit in this proposal is over 1 metre less than shown in the view analysis, the impacts will be less than in the views assessment.

The other matter of consideration is the portion of the roof that will be above the 5 metre building height plane is relatively minor. The 66 dwellings within the site require larger side boundary building setbacks than typical standards to create greater separation between the dwellings. Greater separation between the dwellings will also ensure greater separation between the roof forms. With a relatively small portion of the roof form above the 5 metre height plane and the separation between buildings, wide view corridors between the roofs of adjoining dwellings are preserved and continue to allow open views within the heritage curtilage area.

The built form of new residential development around the outside of the 66 lots dictate views and vistas for Catherine Park House and closer views within the heritage curtilage including the site will be preserved within corridors between the roofs of the single storey dwellings. Accordingly, the findings in the views analysis provides strong grounds to support the variation.

Objectives and intent of built form surrounding Catherine Park House preserved

The key outcome for the site (66 lots) is that all residential dwellings are to be single storey construction with hipped and/or gabled roofs on large lots. The proposed building height does not change the intended outcome for residential development surrounding Catherine Park House. The proposed building height also does not affect the intended type and character of residential development, and it will actually improve the design quality and therefore character. Accordingly, preserving the intended development outcomes and improving character provides strong grounds to support the variation.

No significant environmental impact

There is no significant environmental impact resulting from the variation. The variation allows the orderly and proper delivery of development that will result in a development outcome that is essentially the same as has been planned for the Catherine Field Part Precinct and provided for in the Growth Centres SEPP and Schedule 4 in the Camden Council Growth Centres DCP. Once built, the site will form part of a larger area that will maintain a transition of development intensity from Catherine Park House and the intended urban structure will upheld. The protrusion of a small portion of the roof forms for the single storey dwellings with the site will be on no significant impact, particularly as this development will be more dominated by two storey developments around the outer edge of the locality. Accordingly, there are strong grounds to justify the proposed variation as there is no significant environmental impact and the intended development objectives for the locality are maintained.

Conclusion

There are sufficient environmental planning grounds to justify variation to the maximum building height including achieving an improved building designs, no significant impacts on views and vistas from Catherine Park House, preserving a transition in development between the House and standard residential development, and having no significant impact.

4.3 Clause 4.6(4)(a)(ii): In the public interest because it is consistent with the objectives of the zone and development standard

The proposed development is consistent with the objectives of the maximum building height development standard for the reasons explained in Section 4.1 this report (refer to Test 1).

The proposed development is consistent with the zone objectives for the R2 Low Density Residential for the reasons explained in Section 4.1 this report (refer to Test 1a).

In addition, the neighbourhood character and dwelling design is complementary with the heritage values of Catherine Park House and meets the design intent of the ILP and Precinct objectives to provide for a diverse range of housing options in the South West Growth Area.

Support for the proposed variation is in the public interest as it is consistent with the objectives and will significantly and directly enhance the amenity of the area with a well-transitioned residential development away from Catherine Park House from detached dwellings on larger lots to two storey homes on smaller lots.

4.4 Considerations for the Planning Secretary

Clause 4.6(5) outlines matters for the Planning Secretary to consider in approving a variation to a development standard, which reads:

- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
- (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

In consideration of subclause (5), the following comments are presented.

- The variation does not raise any matter of significance for State environmental planning as the proposed variation:
 - provides significantly better building designs and improved streetscapes,

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- provides site-specific reasoning to support the variation,
 - relates to a situation that has uncommon circumstances that do not occur elsewhere in the locality, and
 - is a variation of relatively minor consequences of no significant environmental impact.
- Maintaining the development standard has no discernible public benefit.

CLPP02

Attachment 4

5 CONCLUSION

A Clause 4.6 variation request to support a DA to seeking approval to erect a detached dwelling on land described in Table 2 of this report. This request should be read in conjunction with the associated Environmental Assessment and supporting documentation lodged with the proposal.

The variation request relates to a maximum building height development standard under Appendix 9 Camden Growth Centres Precinct Plan in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

This request has been prepared in accordance with the Department of Planning & Environment (DPIE) Guideline, *Varying Development Standards: A Guide*, August 2011, and relevant matters set out in the 'five-part test' established by the NSW Land and Environment Court.

This report and supporting information demonstrate that support for proposed building height provides better building design, enables compliance with DCP controls and achieves the intended outcomes for residential development surrounding Catherine Park House without any significant impacts.

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development by allowing flexibility circumstances. The proposed variation is respectful of the allowances under Clause 4.6 and can be supported for the following reasons:

- It has been demonstrated that compliance with the development standard is unreasonable and unnecessary in the specific circumstances for three of the tests in the five part test;
- The proposal maintains consistency with the objectives of the R2 Low Density Residential zone;
- The proposal is consistent with the objectives of Clause 4.3 Height of buildings, despite the non-compliance;
- The proposed building height in Table 3 of this report will enable better building design and improved streetscapes;
- There are sufficient environmental planning grounds to justify the variation;
- The variation upholds the design intent for the locality for a transition of residential development away from Catherine Park House; and
- Support for the proposed variation will have a positive environmental impact and is in the public interest.

APPENDIX 1
Views Analysis

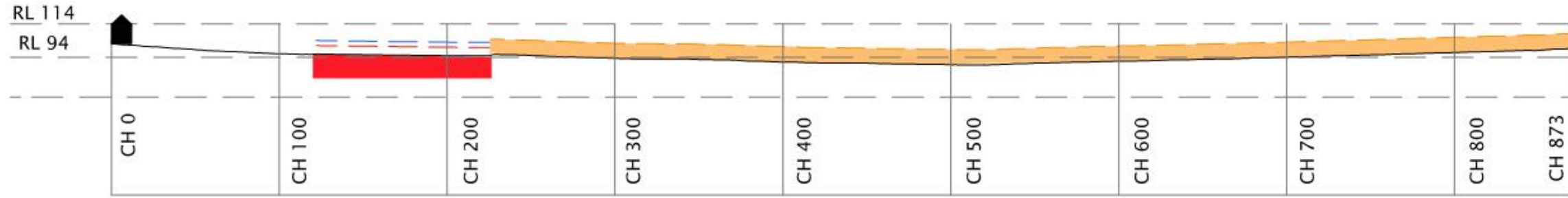
CLPP02

Attachment 4

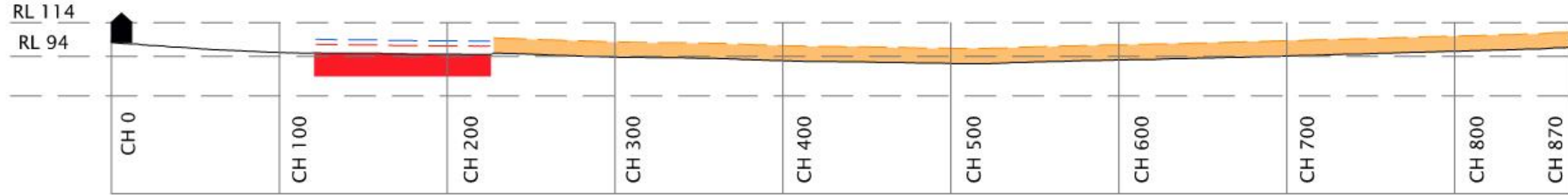
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

[Note: long section data provided by Registered Surveyor JMD Development Consultants]

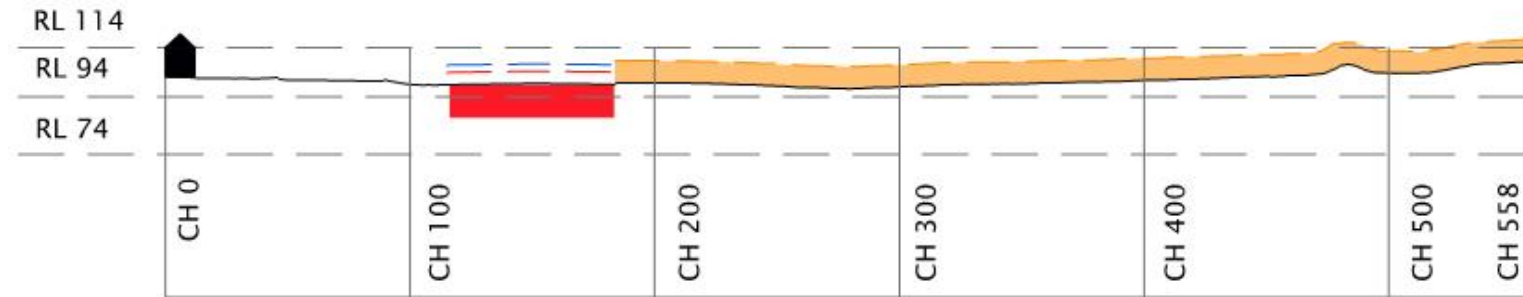
View 1



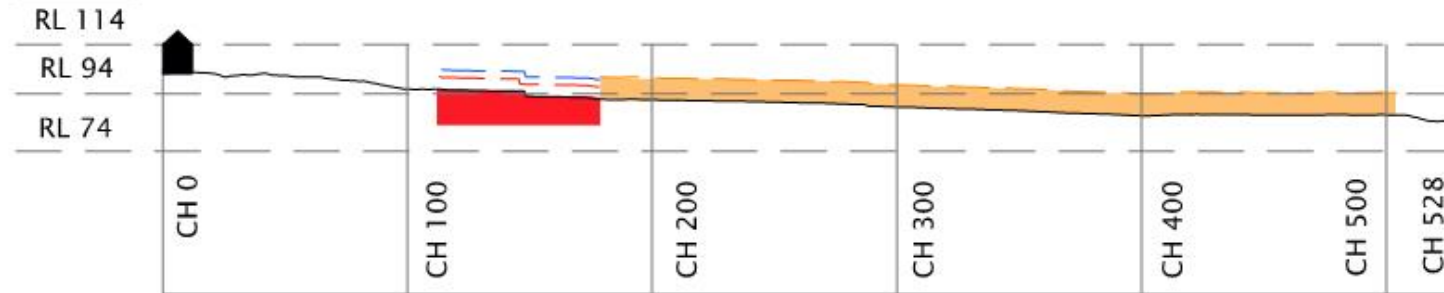
View 2



View 3



View 4



LEGEND

- Catherine Park House
- Ground surface level
- Site area
- 8 metre building height plane
- 5 metre building height plane
- 9 metre building height plane





BUILDING INFORMATION REGARDING: SUSTAINABILITY REQUIREMENTS, SITE CLASSIFICATION, GENERAL BUILDING INFORMATION, DRAINAGE LAYOUT IS DIAGRAMMATICALLY AND NO REPRESENTATION IS MADE TO THE AS-BUILT LOCATION OF DRAINAGE ASSETS (INCLUDING RFACE INLET PITS) OR THE TYPE OF STEM USED (CHARGED OR GRAVITY), ALL STORMWATER DESIGN IS SUBJECT TO CONTRACTORS COMMENDATIONS AND/OR ANY INSTRUCTION CONSTRAINTS OR ANGERS AT THE DISCRETION OF THE ILDER. THE STORMWATER SYSTEM IS T SUITABLE FOR ANY OTHER USE. ALL RFACE WATER DRAINAGE MUST BE NAGED BY OWNER INCLUDING ITALLATION OF ADDITIONAL DISCHARGE ES AND INLETS AS REQUIRED. THE ILDER PROVIDES CAPACITY FOR IPOSAL OF ROOF COLLECTED DR/WATER ONLY AND TAKES NO SPONSIBILITY FOR OVERFLOW OR AGE TO PROPERTY IF OWNER ADDS IITIONAL DISCHARGE LOADS TO ISTING STANDARD PROVISIONS.

DRIVEWAY AND RETAINING WALLS BY OWNER UNLESS NOTED OTHERWISE IN THE TENDER AND/OR COLOUR SELECTIONS DOCUMENTATION.

PROPOSED TREES BY OWNER AFTER ND/OVER UNLESS NOTED OTHERWISE THE TENDER DOCUMENTATION.

ND CLASSIFICATION	N2
THIN 1 KM. OF EAKING SALT WATER	NO
THIN 100 M. OF SALT WATER	NO
MINIMUM AHD FLOOR LEVEL APPLICABLE	NO
VIEW AREA	NEW
TITUDE	34° 00' 42" S
NGITUDE	150° 44' 48" E

APPROX. IMPORT/EXPORT FILL	
T VOLUME	12.74m³
L VOLUME	12.57m³
ERENCE	0.17m³

EVEN CUT & FILL

SUBJECT TO MAXIMUM DRIVEWAY PROFILE AND/OR ANY FLOOD RELATED LEVELS

CLIENT TO REMOVE TREES, STUMPS, ROOTS, MULCH AND SLASH/SCRAPE LONG GRASS AND UNDERGROWTH FROM BUILDING AREA. WHERE STUMPS HAVE BEEN REMOVED THE GROUND IS TO BE FILLED AND COMPACTED.

DRIVEWAY AND RETAINING WALLS BY OWNER UNLESS NOTED OTHERWISE IN THE TENDER AND/OR COLOUR SELECTIONS DOCUMENTATION.

COMPLIANCE ACHIEVED
DA - CAMDEN GROWTH CENTRES

SITING SUBJECT TO RECEIPT OF ALL RELEVANT DOCUMENTATION PERTAINING TO RESTRICTIONS ON THE SUBJECT PROPERTY.

LAND IS SUBJECT TO:

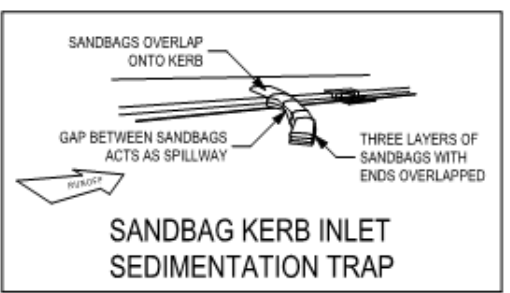
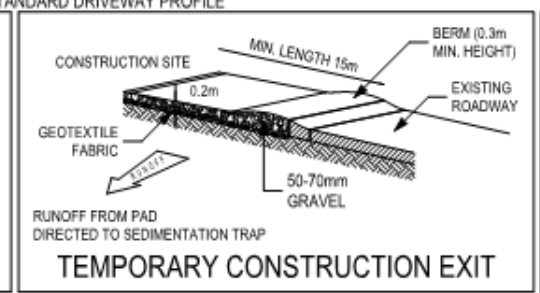
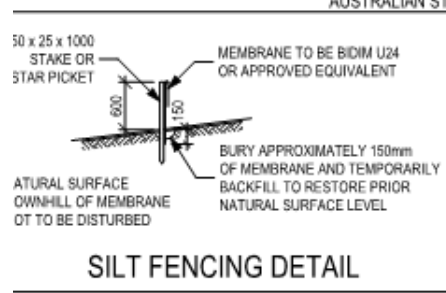
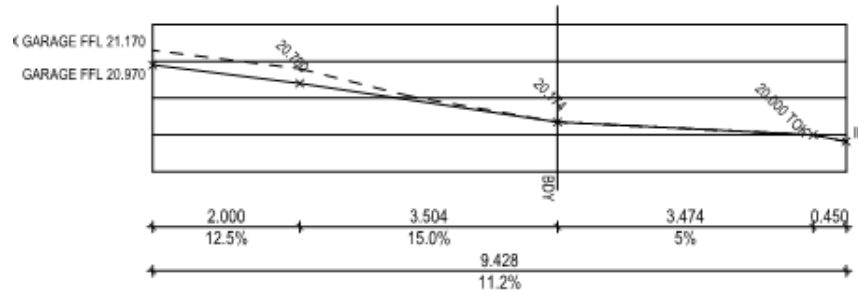
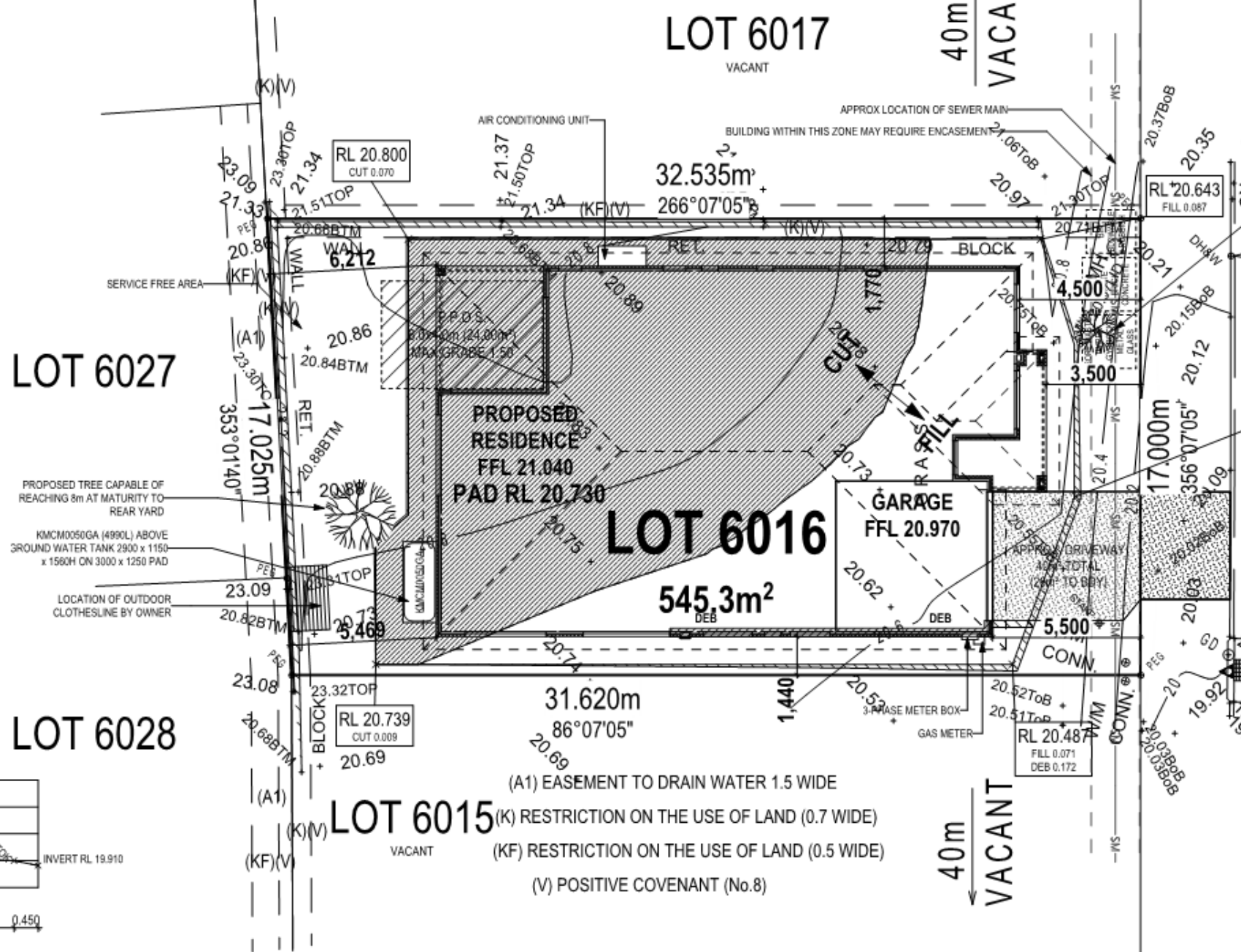
- ZONING: R2
- WIND CLASSIFICATION: N1
- < 1km TO BREAKING SALT: NO
- < 100m TO SALT WATER: NO
- BUSHFIRE: NO
- MINE SUBSIDENCE: NO
- ACID SULPHATE SOILS: NO
- FLOOD: NO
- BUILDING ENVELOPE: NO
- SLAB CLASSIFICATION: M
- HERITAGE: NO
- DEVELOPER GUIDELINES: CATHERINE PARK
- APPLICABLE 88B CLAUSES: 7, 8, 14, 16, 17, 18, 19
- ANY ADDITIONAL RESTRICTIONS:

BUILDING RESTRICTIONS:

- FRONT SETBACK (MIN): 4.5m
- GARAGE SETBACK (MIN): 5.5m
- SIDE SETBACK (MIN): 0.9m
- REAR SETBACK (MIN): 4.0m
- GFA (MAX): N/A
- SITE COVERAGE (MAX): 272.65m² (50%)
- BUILDING HEIGHT (MAX): 5m
- WALL BREAKS (MAX): NOT SPECIFIED
- LANDSCAPED AREA (MIN): 163.59m² (30%)
- FRONT LANDSCAPE AREA (MIN): 21.56m² (25%)
- CUT (MAX): 1.0m - 3.0m
- FILL (MAX): 1.0m

DROPPED EDGE BEAM AREA	
AREA (m²)	1.59

HOW TO BE SHOWN WITHIN ACCORDANCE WITH THE STANDARDS OUTLINED BY THE NATIONAL BROADBAND NETWORK



PRELIMINARY CONSTRUCTION DRAWING

DATE: 11/08/2022

DRAFTING OFFICE: HUNTER

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7 DEVELOPER NOTE ADDED	LFL 2022.04.29
8 PANTRY CUPBOARDS AMENDED	LFL 2022.05.03
9 BUILDING ENVELOPE	GBD 2022.05.20
10 PRELIM CONSTRUCTION PLAN CHECK	GBD 2022.08.11

CLIENT: MR. ANTONY ALSON ALOYSIU THERROTH & MS. ANUMOL ANTONY
ADDRESS: 7 GLEESON RISE, ORAN PARK NSW 2570
LOT / SECTION / DP: COUNCIL:

HOUSE DESIGN: SAN MARINO EXECUTIVE 16
FAÇADE DESIGN: CASCADE D
SHEET TITLE:

HOUSE CODE: H-SNMCLAS15420
FAÇADE CODE: F-SNMCASD01
SCALES:

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606618

BUILDING INFORMATION REGARDING:
SUSTAINABILITY REQUIREMENTS
SITE CLASSIFICATION
GENERAL BUILDING INFORMATION

DP CHARGED DOWNPIPE DIRECTED TO TANK
DP STANDARD DOWNPIPE DIRECTED TO STORMWATER DISCHARGE

DRM WATER LAYOUT IS DIAGRAMMATICALLY AND NO REPRESENTATION IS MADE TO THE AS-BUILT LOCATION OF DRM WATER ASSETS (INCLUDING RFACE INLET PITS) OR THE TYPE OF STEM USED (CHARGED OR GRAVITY). ALL STORMWATER DESIGN IS SUBJECT TO CONTRACTORS COMMENDATIONS AND/OR ANY INSTRUTION CONSTRAINTS OR ANGAS AT THE DISCRETION OF THE ILDER. THE STORMWATER SYSTEM IS T SUITABLE FOR ANY OTHER USE. ALL RFACE WATER DRAINAGE MUST BE NAGED BY OWNER INCLUDING ITALLATION OF ADDITIONAL DISCHARGE ES AND INLETS AS REQUIRED. THE ILDER PROVIDES CAPACITY FOR IPOSAL OF ROOF COLLECTED DRM WATER ONLY AND TAKES NO SPONSBILITY FOR OVERFLOW OR MAGE TO PROPERTY IF OWNER ADDS DITIONAL DISCHARGE LOADS TO ISTING STANDARD PROVISIONS.

TE TO PLUMBER: ROOF WATER FROM LLECTION AREAS
BE DIVERTED TO WATER TANK. LANCE TO STREET KERB. LLECTION AREA = 183.55m²

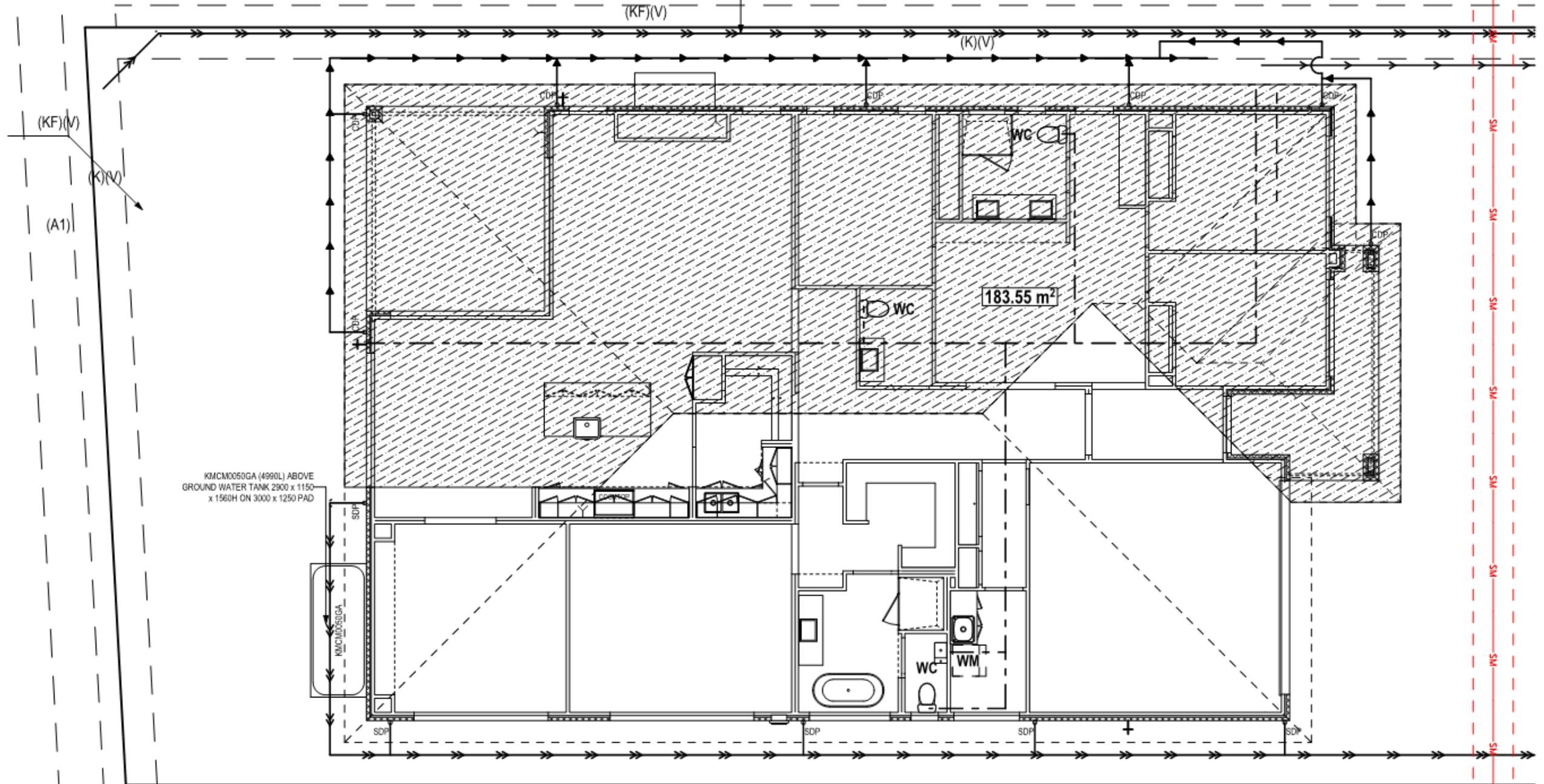
STORMWATER OVERFLOW OTHER AN THAT BEING DIRECTED TO WATER WK(S) TO BE DIRECTED TO STREET RB.

PLUMBING LEGEND

ATER PUMP IN ACC. WITH LOCAL ATER AUTHORITY REQUIREMENTS
ANK CAPACITY TO BE MAINTAINED T MINIMUM 10% CAPACITY
LL RECY. WATER TO BE IN APPROVED OLOUR CODED PIPEWORK (PURPLE)
LL DRAINAGE LINES ARE FOR ROOF ATER/WATER TANK DRAINAGE ONLY

- RECYCLED COLD WATER LINE
- - - TANK COLD WATER LINE
- - - WATER LINE TO MAIN SUPPLY
- CHARGED LINE TO WATER TANK
- WATER TANK OVERFLOW
- STORMWATER OVERFLOW
- WM WASHING MACHINE
- WC WATER CLOSET
- † YARD TAP

PROVISION OF 100mm TURNED UP NON-CHARGED STORMWATER LINE FOR SURFACE WATER DRAINAGE. SURFACE WATER DRAINAGE TO BE COMPLETED BY OWNER AFTER HANDOVER



(A1) EASEMENT TO DRAIN WATER 1.5 WIDE
(K) RESTRICTION ON THE USE OF LAND (0.7 WIDE)
(KF) RESTRICTION ON THE USE OF LAND (0.5 WIDE)

WATER MANAGEMENT
Scale: 1:100

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ALL POSITIVE COVENANTS (No. 8)
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COUNCIL:	

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FAÇADE DESIGN:	CASCADE D
SHEET TITLE:	

HOUSE CODE:	H-SNMCLAS15420
FAÇADE CODE:	F-SNMCASD01
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60661R

. BUILDING INFORMATION REGARDING:
SUSTAINABILITY REQUIREMENTS
SITE CLASSIFICATION
GENERAL BUILDING INFORMATION

DP CHARGED DOWNPIPE DIRECTED TO TANK
DP STANDARD DOWNPIPE DIRECTED TO STORMWATER DISCHARGE

. MECHANICAL VENTILATION TO BE CHARGED TO OUTDOOR AIR AS PER C REQUIREMENTS

IE RESISTANT PLASTERBOARD TO BE INSTALLED BEHIND COOKTOP

. EXTERIOR STEPS AND LANDINGS BY INER UNLESS NOTED OTHERWISE

. GROUND FLOOR BULKHEAD AND UARE SET OPENING FRAMES TO BE IS ABOVE FFL UNLESS NOTED HERWISE

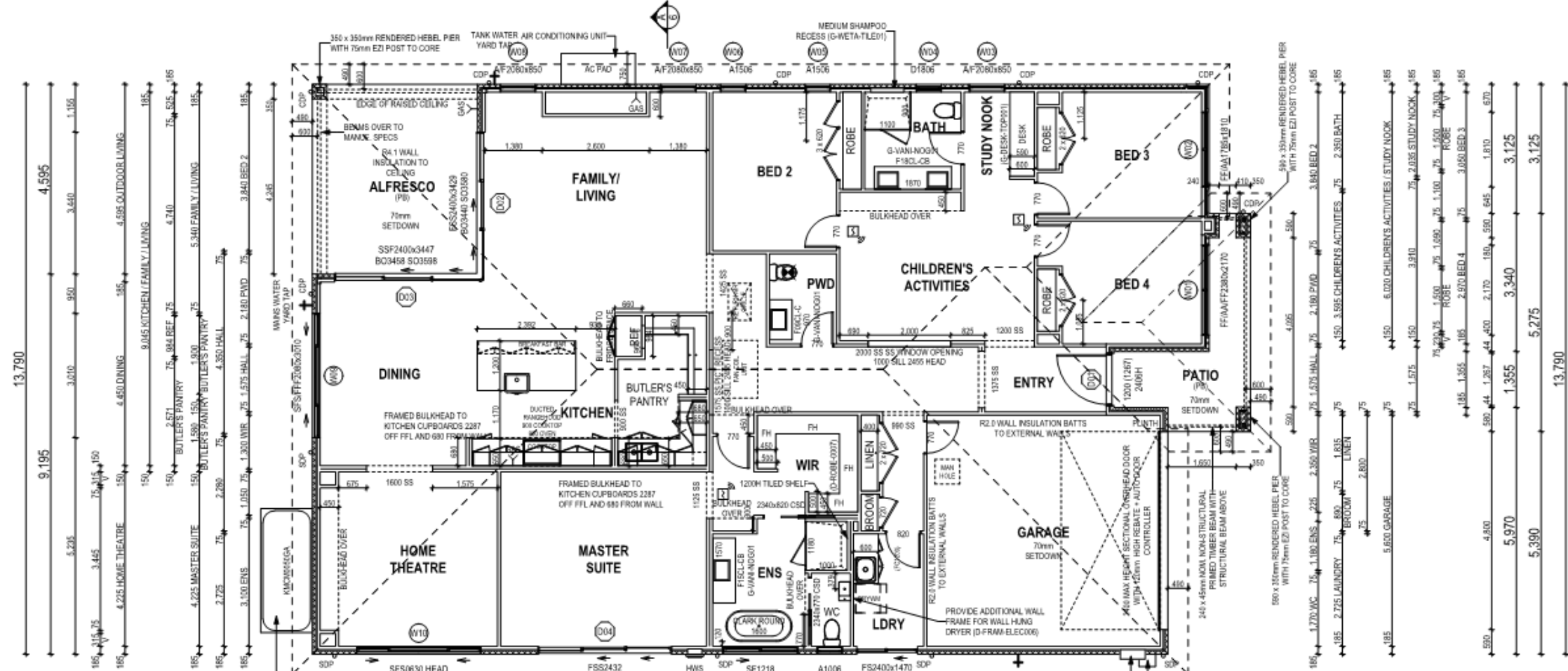
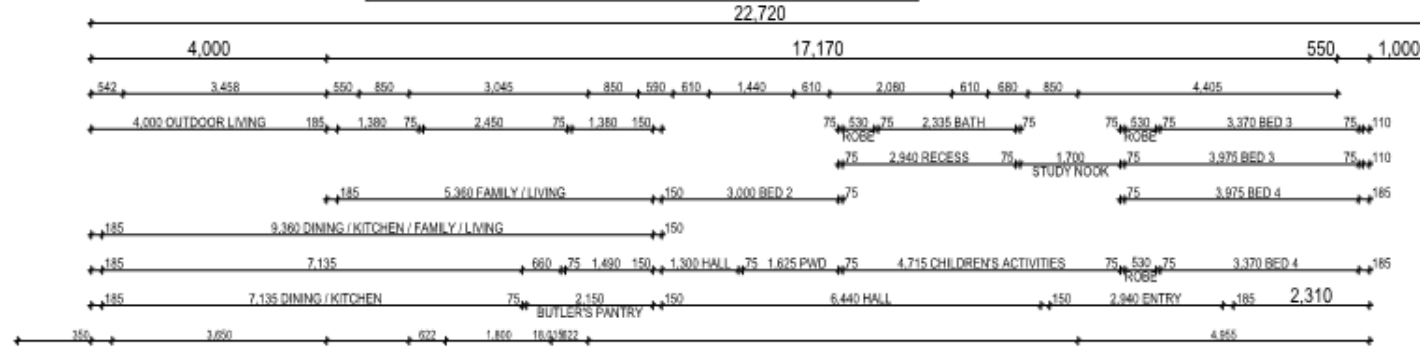
. GROUND FLOOR INTERNAL DOORS TO 2340 HIGH UNLESS NOTED OTHERWISE (INCLUDES CAVITY SLIDING DOORS)

PER TO WINDOW & DOOR SCHEDULES R FULL DETAILS OF ALL WINDOWS AND ORS

LESS NOTED OTHERWISE . ROOMS ARE REFERENCED FOLLOWS:

Attachments for the Camden Local Planning Panel Meeting held on 27 September 2022 - Page 144

HEBEL ARTICULATION JOINT LOCATION TO MANUFACTURERS SPECIFICATIONS



CONDITIONING SYSTEM. NUMBER AND POSITIONING OF OUTLETS AND THE FINAL LOCATION OF THE RETURN AIR GRILLE WILL BE DETERMINED ON SITE BY THE AIR CONDITIONING CONTRACTOR AND IS SUBJECT TO TRUSS LAYOUT AND ANY OTHER CONSTRUCTION CONSTRAINTS.

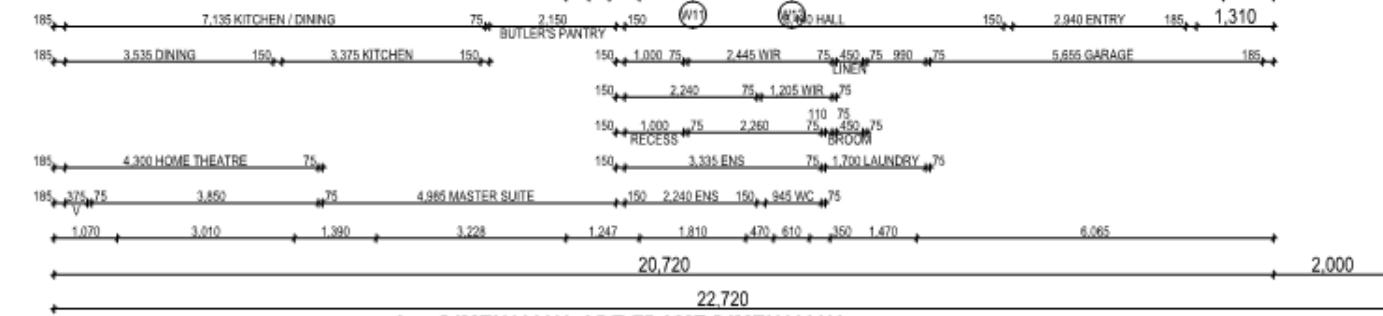
FRAME MANUFACTURER TO PROVIDE CLEARANCE FOR PASSAGE OF FAN COIL UNIT FROM RETURN AIR OPENING TO FINAL FAN COIL LOCATION.

ANY PART OF THE FASCIA, GUTTERING OR DOWNPIPE THAT IS WITHIN 450mm OF ANY BOUNDARY IS TO BE NON-COMBUSTIBLE IN ACCORDANCE WITH THE NCC.

ALL EXTERIOR SLABS TO BE GRADED BY CONCRETE TO ACHIEVE APPROX. 1:100 FALL TO OUTSIDE EDGE WITH MAXIMUM CROSSFALL OF 30mm OVER ENTIRE SLAB.

FLOOR PLAN LEGEND

- 3 / WS HOB SPOUT / WALL SPOUT
- FACE BRICK / COMMON BRICK
- HEBEL
- SOUND INSULATION
- AJ BRICK ARTICULATION JOINT
- 3D DENOTES DRAWER SIDE
- EXHAUST FAN
- B.W LOAD BEARING WALL
- THIS DOOR OPENS FIRST
- SMOKE ALARM
- LIFT OFF HINGE
- WATER POINT
- FRIDGE WATER POINT
- GAS BAYONET



ALL DIMENSIONS ARE FRAME DIMENSIONS

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FACADE DESIGN:	CASCADE D
SHEET TITLE:	

HOUSE CODE:	H-SNMCLAS15420
FACADE CODE:	F-SNMCASD01
SCALES:	

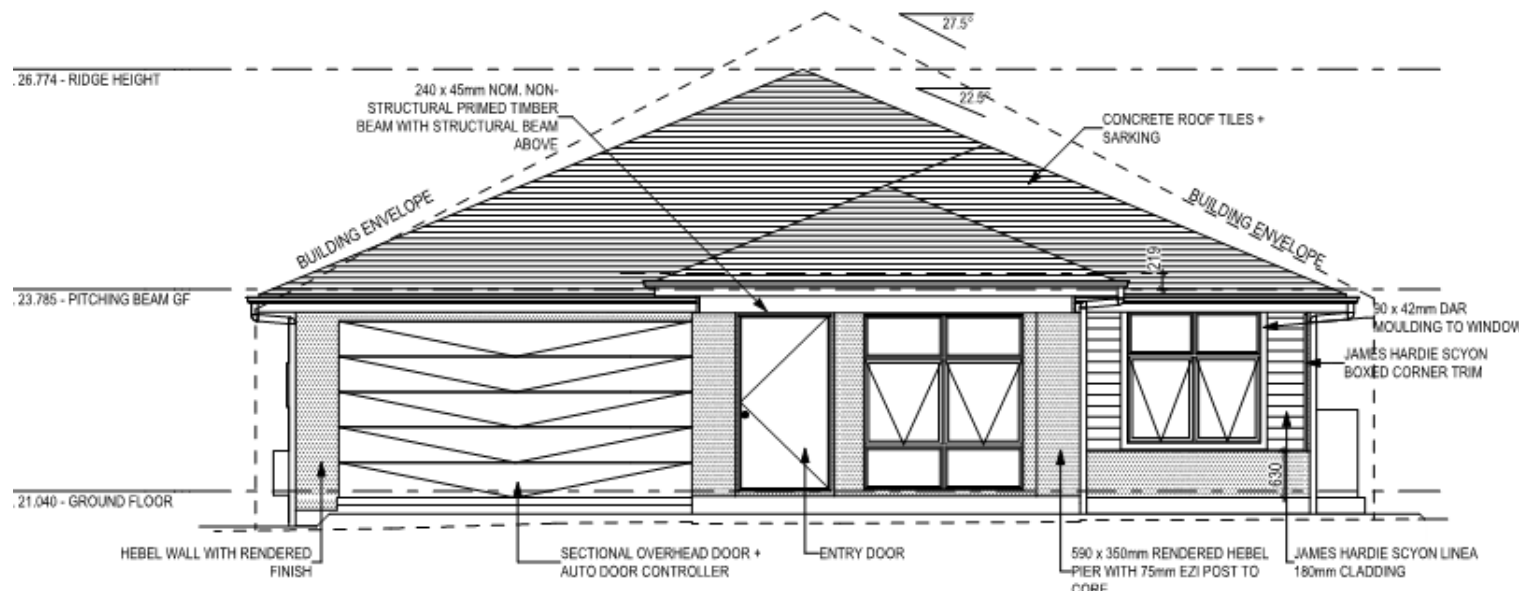
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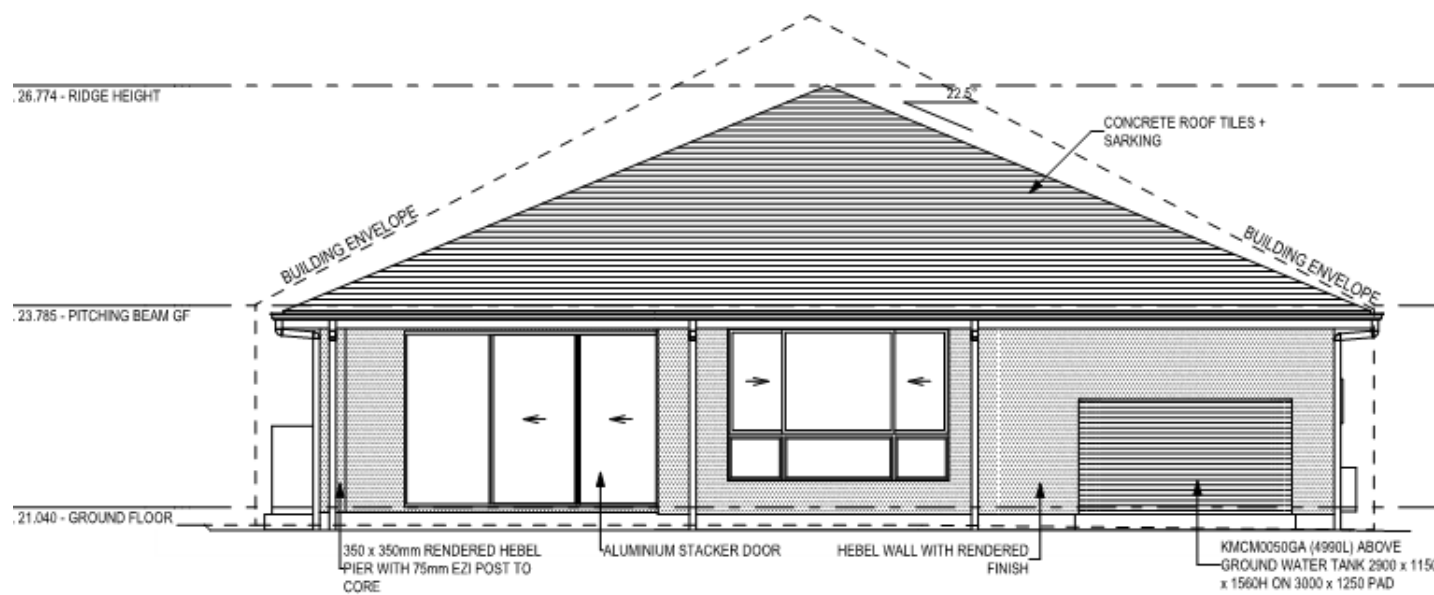
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ALL BUILDING INFORMATION REGARDING:
 - SUSTAINABILITY REQUIREMENTS
 - SITE CLASSIFICATION
 - GENERAL BUILDING INFORMATION

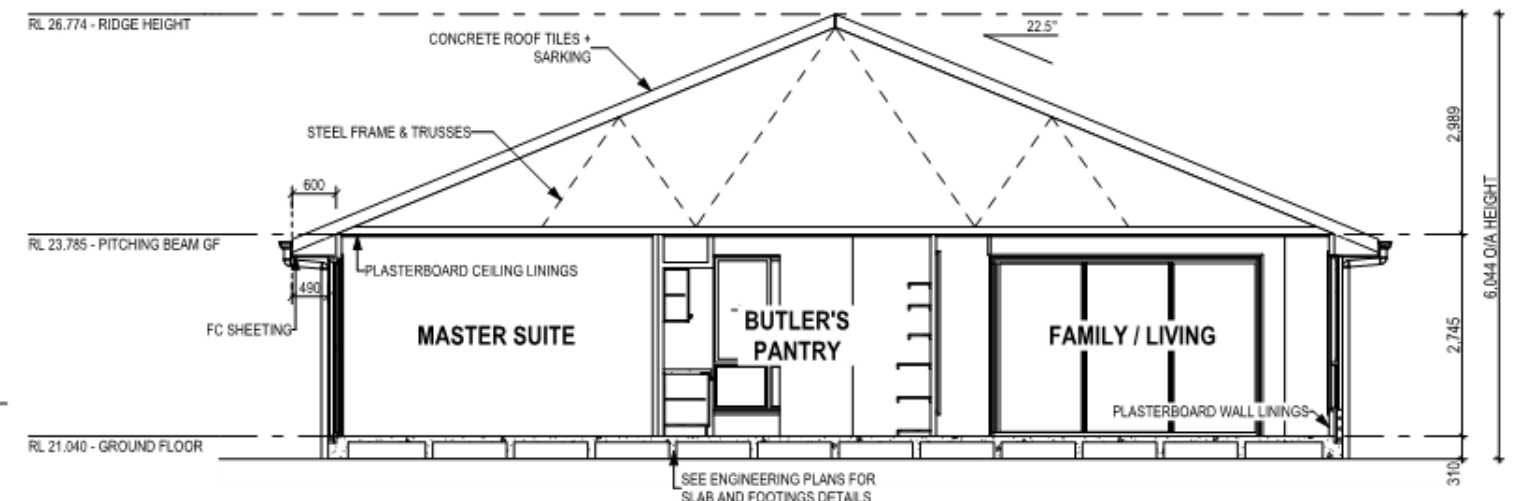
SH = SNAP HEADER SILL



EAST ELEVATION
 Scale: 1:100



WEST ELEVATION
 Scale: 1:100



SECTION A-A
 Scale: 1:100

INSULATION TO BE INSTALLED IN ACCORDANCE WITH NCC AND RELEVANT AUSTRALIAN STANDARDS:
 - R2.0 BATTS TO EXTERNAL WALLS (EXCLUDING GARAGE)
 - R2.0 BATTS TO GARAGE INTERNAL WALLS
 - R4.1 CEILING BATTS (EXCLUDING GARAGE & PATIO)
 - SARKING UNDER ROOFING
 - WALL WRAP TO ENTIRE HOUSE

GLASS TYPE LEGEND

CLEAR OBSCURE

WINDOW TYPE LEGEND

AWNING DOUBLE HUNG FIXED LOUVRE SLIDING

PRELIMINARY CONSTRUCTION DRAWING

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 FACADE DESIGN:
CASCADE D
 SHEET TITLE:

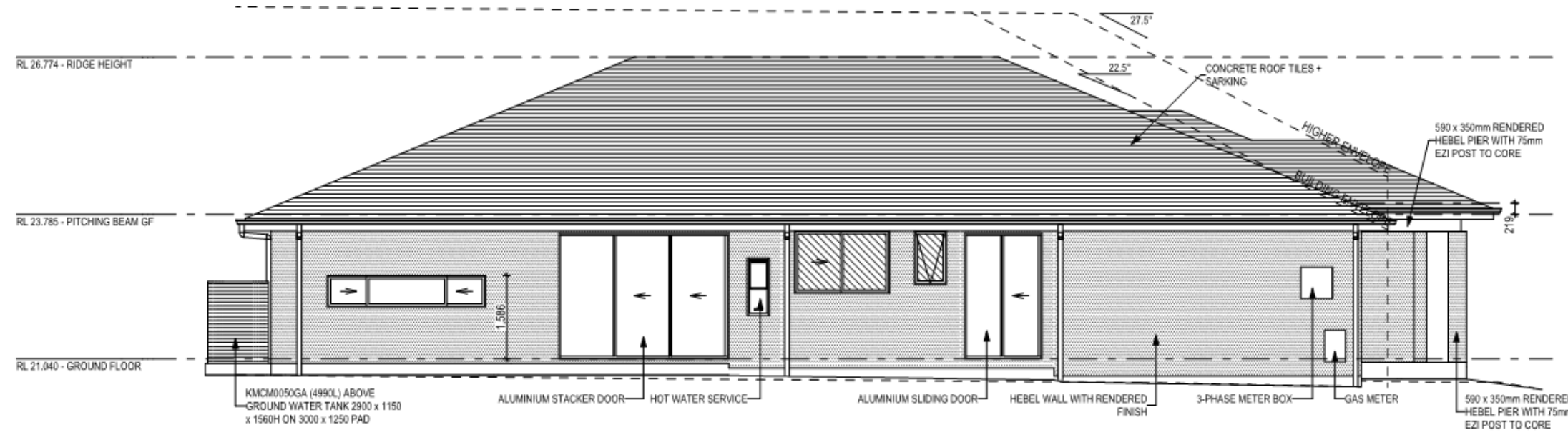
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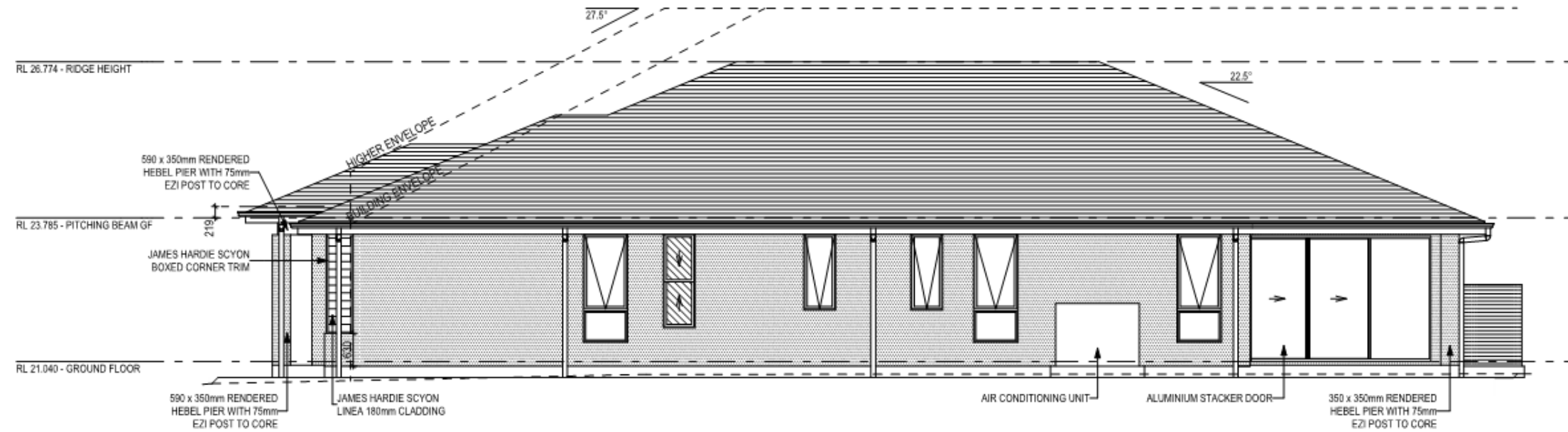
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ALL BUILDING INFORMATION REGARDING:
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 - GENERAL BUILDING INFORMATION

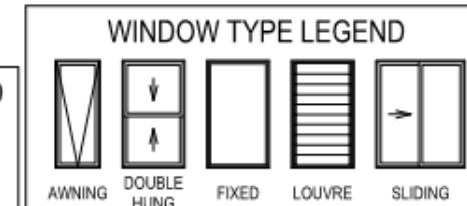
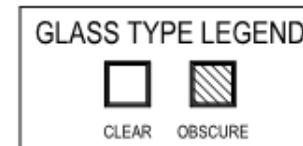
SH = SNAP HEADER SILL



SOUTH ELEVATION
 Scale: 1:100



NORTH ELEVATION
 Scale: 1:100



PRELIMINARY CONSTRUCTION DRAWING
 DATE: 11/08/2022
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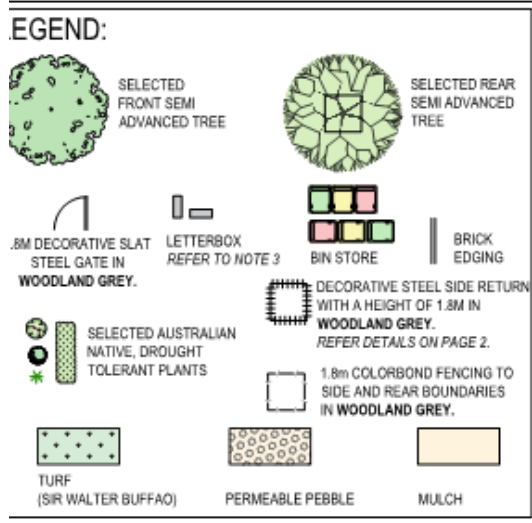
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 FACADE DESIGN:
CASCADE D
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LANDSCAPE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH CAMDEN COUNCIL.

LANDSCAPE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE CATHERINE PARK ESTATE GUIDELINES - THE HOMESTEAD

OVERALL LANDSCAPED AREA

TOTAL SITE AREA:	545.3m ²
TOTAL LANDSCAPE AREA: (EXCLUDES HARD SURFACES)	200.7m ² 36.81%
MIN. REQUIRED:	30%

LANDSCAPED AREA FRONT OF BUILDING LINE

TOTAL AREA:	76.5m ²
TOTAL LANDSCAPE AREA: (EXCLUDES HARD SURFACES)	50.0m ² 65.36%
MIN. REQUIRED:	25%

PLANT SCHEDULE:

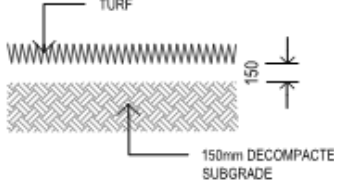
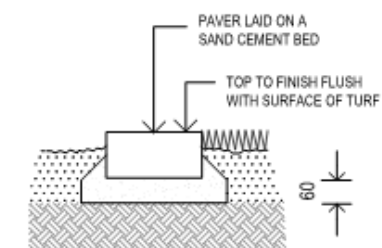
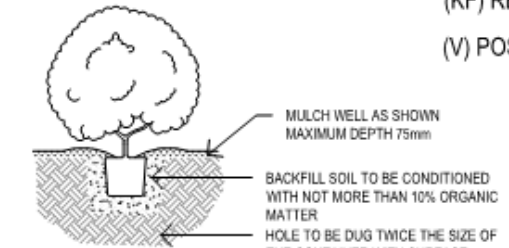
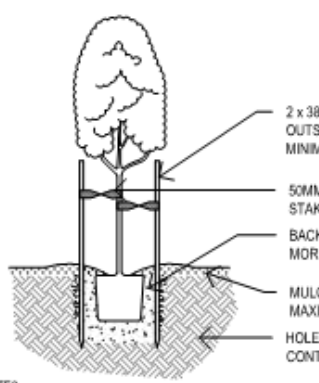
CODE	BOTANICAL NAME	COMMON NAME	No.	POT SIZE	MATURE HEIGHT
TREES					
MAG	<i>Magnolia grandiflora</i>	Bull Bay Magnolia	1	50L	8m
WF	<i>Waterhousea floribunda</i>	Weeping Lilly Pilly	1	50L	15m
SHURBS					
RHA	<i>Rhaphiolepis intermedia</i>	Indian hawthorn	25	200mm	1.2m
HYD	<i>Hydrangea macrophylla 'blue'</i>	Hydrangea Blue	15	250mm	2.0m
JRF	<i>Stenotaphrum secundatum 'Sir Walter'</i>	Sir Walter Buffalo Turf	-	-	-

MAINTENANCE PROCEDURES

- LAWN TO BE FERTILISED TWICE A YEAR IN THE WARM MONTHS, MOWING WEEKLY IN SUMMER MONTHS AND FORTNIGHTLY OR MONTHLY AS REQUIRED IN THE WINTER MONTHS.
- PLANTS TO BE FERTILISED A MINIMUM OF TWICE A YEAR AT THE SAME TIME OF PRUNING, TO DO THIS USE A COMPLETE FERTILISER. KEEP MULCH CLEAR OF TREE TRUNK AREA. AFTER PLANT/SHURBS AND TREES ARE PLANTED CONTINUE TO WATER WELL ONCE A WEEK.
- PRUNE HEDGE PLANTS A MINIMUM OF 2 - 3 TIMES A YEAR, IN THE WARMER MONTHS. WAIT FOR AT LEAST 10MM OF NEW GROWTH BEFORE PRUNING AGAIN TO PROMOTE HEALTHY NEW GROWTH.

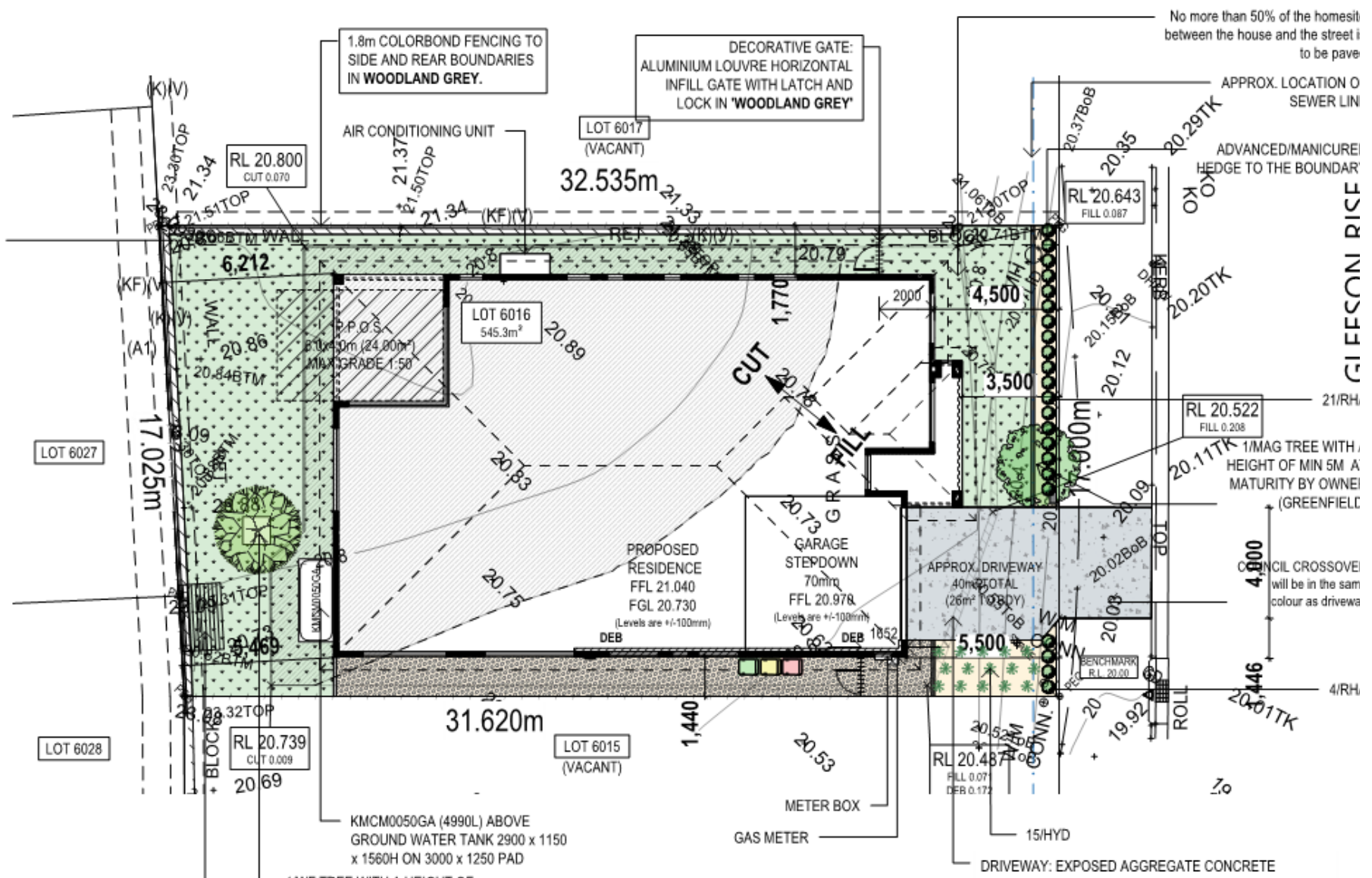
NOTES:

- SIDE & REAR BOUNDARY FENCING SHOULD BE COLORBOND METAL PANEL FENCING IN WOODLAND GREY. GATES LOCATED IN THE RETURN FENCING ARE TO BE CONSTRUCTED OF DECORATIVE STEEL, WROUGHT IRON, BRUSHWOOD OR DECORATIVE TIMBER.
- SIDE FENCING IS PERMITTED BETWEEN THE FRONT BOUNDARY AND THE FENCE RETURN (I.E. IN THE FRONT GARDEN). THIS FENCING IS TO BE NO HIGHER THAN 0.9M AND IS TO MEET THE REQUIREMENTS FOR FRONT FENCING AS PER SECTION 2.12 (II). IF THIS SIDE FENCING AND FRONT FENCING ARE BOTH USED, THE TWO ARE TO BE MATCHING IN STYLE.
- LETTERBOX: CONTEMPORARY, GLASS REINFORCED CONCRETE WITH STONE LOOK
- ALL LANDSCAPED AREAS TO HAVE A MINIMUM 1:100 FALL TOWARDS STORM WATER DRAINS OR AWAY FROM THE BUILDING FOR POSSIBLE OVERLAND WATER DRAINAGE.
- A TREE PROTECTION ZONE (TPZ) SHALL BE ESTABLISHED FOR THE DURATION OF ANY WORKS NEAR ANY EXISTING TREES, AS PER THE METHOD OUTLINED IN THE CURRENT AS4970-2009. PERMISSION FROM THE COUNCIL ARBORIST IS REQUIRED FOR ACTIVITIES THAT DO NOT COMPLY WITH THE CURRENT AUSTRALIAN STANDARDS.
- DRIVEWAY LAYOUT TO BE CONSTRUCTED FROM ARCHITECTURAL CONSTRUCTION DRAWINGS.
- RETAINING WALLS ALONG SIDE BOUNDARIES BETWEEN LOTS TO BE FINALISED ON SITE AFTER BENCHING.
- ALL RETAINING WALLS VISIBLE FROM THE STREET TO BE MASONRY WITH COLOURS MATCHING THOSE ON THE FRONT FACADE OF THE DWELLING.
- ALL IMPORTED SOIL TO GARDEN AREAS TO BE OF PREMIUM GARDEN MIX STANDARD AT 300MM DEPTH.
- TURF TO BE LAID ON A 150MM MINIMUM BASE OF 80% SAND 20% SOIL MIX. REFER TO DETAIL.
- ALL GARDEN AREAS TO BE COVERED WITH A MINIMUM OF 75MM OF 14MM PINE BARK MULCH.
- GARDEN EDGING IS TO BE INSTALLED BETWEEN ALL ADJOINING SOFT LANDSCAPE FINISHES. REFER TO DETAIL.



- NOTES:**
- AFTER PLANTING WATER IN PLANT WELL USING FOUR TIMES THE PLANT CONTAINER CAPACITY OF WATER.
 - FOR TREES 50% AND ABOVE INSERT A 60mm DIA AG PIPE UNDER PLANT IN BACKFILL TO PROMOTE GOOD AERATION IN SOIL.
 - TREES SHALL NOT BE TIED UNLESS SUPPORT IS ESSENTIAL.

- NOTES:**
- AFTER PLANTING WATER IN PLANT WELL USING FOUR TIMES THE PLANT CONTAINER CAPACITY OF WATER.
 - FOR TREES 50% AND ABOVE INSERT A 60mm DIA AG PIPE UNDER PLANT IN BACKFILL TO PROMOTE GOOD AERATION IN SOIL.



REV	ISSUE / DESCRIPTION	DATE	CHECKED
A	Initial design for CDC	10.03.22	KR
B	Initial design for DA	06.09.22	KR



MYARD PTY LTD
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 Bella Vista NSW 2153

This drawing is the copyright property of Myard. No part shall be copied or otherwise used without the authors prior written consent.

Drawing was created using colour and may appear incorrect if reproduced in grayscale or black and white.

GENERAL NOTES:

Prior to being used for construction, the Principal Contractor must ensure that they are in possession of a Construction Certificate and all other required Council approvals. All works are to comply with B.C.A. Statutory Authorities and relevant Australian Standards.

Contractors must verify all dimensions on site before commencing fabrication or preparation of workshop drawings, and verify all errors and omissions with the Architect. Use figured dimensions only. Do not scale from drawings. Position of all services on site to be confirmed prior to commencement of construction.

PLAN DRAWINGS PREPARED FOR DEVELOPMENT APPLICATION ONLY. PLAN IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

SCALE: 1:200@A3

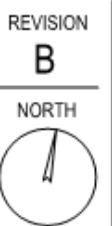
CLIENT NO: 606618

DRAWN: AVS

DRAWING NO. LP-22229

COUNCIL: CAMDEN

PAGE NO: 1/1



DRAWING TITLE: DA LANDSCAPE PLAN

CLIENT: MCDONALD JONES HOMES

ADDRESS: LOT 6016, DP 123500 NO.7 GLEESON RISE, CATHERINE PARK. NSW 2570

EXTERNAL DEVELOPER PALETTE



EAST ELEVATION



WEST ELEVATION
Scale: 1:100

<p>YOUR HOME. YOUR DREAM</p>	<p>APPROVED BY STUART EVERITT DATE 10/2022</p>	<p>REVISION</p> <table border="1"> <tr> <th>NO</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>SMART BUILD PLAN 2/1</td> <td>22/09/2022</td> </tr> <tr> <td>2</td> <td>AMENDMENTS BY APPROVAL</td> <td>22/09/2022</td> </tr> <tr> <td>3</td> <td>FORMAL DRAWING</td> <td>24/09/2022</td> </tr> <tr> <td>4</td> <td>POWER - DEVELOPER SIGN</td> <td>22/09/2022</td> </tr> </table>	NO	DESCRIPTION	DATE	1	SMART BUILD PLAN 2/1	22/09/2022	2	AMENDMENTS BY APPROVAL	22/09/2022	3	FORMAL DRAWING	24/09/2022	4	POWER - DEVELOPER SIGN	22/09/2022	<p>CLIENT MR. ANTONY ALSON ALOYSIU THERROTH & MS. ANJULI ANTONY</p> <p>ADDRESS 7 GLEESON RISE, CATHERINE PARK NSW 2575</p> <p>LOT SECTION OF 8216 / - / DP123807</p> <p>LOCAL CAMDEN COUNCIL</p>	<p>PROJECT NAME SAN MARINO EXECUTIVE 16</p> <p>STACKER DOOR CASCADE D</p> <p>SHEET TITLE WINDOW & DOOR SCHEDULES</p>	<p>ARCH CODE H-SM02AS15Q2</p> <p>FAÇADE CODE F-SM02AS001</p> <p>SCALE 5/16</p>	<p>STATE GOVT APPROVED BY THOMAS MERRITT (10/09/2022)</p> <p>AND APPROVED BY JULIA HUGHES (10/09/2022)</p> <p>UNDEVELOPED TO BE APPROVED BY THE SHIRAZ OFFICE</p> <p>606618</p>
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	1	SMART BUILD PLAN 2/1	22/09/2022																		
	2	AMENDMENTS BY APPROVAL	22/09/2022																		
3	FORMAL DRAWING	24/09/2022																			
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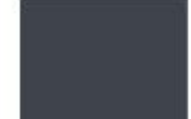
TAUBMANS, APACHE STONE
Render To Entire Dwelling Exe
Cladding Locations & including
Downpipes



MONIER ROOFING
Atura, Babylon



TAUBMANS, SURFMIST
Beam, Cladding, & Mouldings



COLORBOND, IRONSTOIL
Watertank



WINDOWS
Bradnams, Monument Matt



COLORBOND, DUNE
Fascia



TAUBMANS, WINTER ICE
Eaves



GARAGE DOOR
Ranch, SurfMist



JOHNSTONES STAIN, CORDOVAN BROWN
Front Entry Door & Jamb



COLORBOND, BASALT
Gutter

BRICKWORKS

CLPP03

SUBJECT: DA/2022/615/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE - 13 MARY FAIRFAX DRIVE, ORAN PARK

FROM: Manager Statutory Planning

EDMS #: 22/407456

DA Number:	2022/615/1
Development:	Construction of a single storey dwelling house
Estimated Cost of Development:	\$498,109
Site Address(es):	13 Mary Fairfax Drive, Oran Park
Applicant:	Fowler Homes Pty Ltd
Owner(s):	H Park & Y Wan
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 – Height of Buildings
Classification:	Nominated Integrated
Recommendation:	Approve with conditions.
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 construction of a single storey dwelling house at 13 Mary Fairfax Drive, Oran Park.

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, as the proposed development seeks to depart from the clause 4.3 height of buildings principal development standard prescribed in *State Environmental Planning Policy (Precincts – Western Parkland City) 2021* by greater than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/615/1 for a single storey dwelling house with associated site works 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 a construction of a single storey dwelling house at 13 Mary Fairfax Drive, Oran Park.

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 development is nominated integrated development requiring an approved under the NSW *Heritage Act 1977*, as the site is located within the curtilage of an item of state heritage significance. Heritage NSW have provided general terms of approval (GTA) to be applied to the consent, for issue of an approval under section 60 of the *Heritage Act, 1977*, prior to commencement of works.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 6 July 2022 to 2 August 2022 and no submissions were received.

The dwelling will have a maximum building height up to 6.64m to its roof ridge. This exceeds the maximum 5m building height which applies under clause 4.3 Appendix 5 and the Height of Buildings Map (HoB_004) of State Environmental Planning Policy (Precincts - Western Parklands City) 2021.

The 5m height standard applies to the land given its proximity to the state heritage listed Oran Park House, with the lower building height creating a transition area of single storey dwelling houses in this location. The 5m building height standard does not however provide flexibility to enable the design of residential dwellings as intended in the heritage setting and comply with site specific controls within the DCP including a minimum roof pitch of 22.5 degrees. A building height variation arises due to the roof ridge of the dwelling with a 22.5 degree roof pitch breaching the 5m maximum height.

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend the SEPP to address anomalies associated with the 5m height standard. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision that will enable a merit based assessment to be undertaken to allow building heights above 5m providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- height up to 4m at the front building line does not exceed 30% of the front elevation.

The proposed dwelling house at 13 Mary Fairfax Drive complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and has been on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

The applicant has submitted a Clause 4.6 written request to support the height variation and provide justification for the contravention of the development standard.

The proposed contravention, and the applicant’s Clause 4.6 written request, have been assessed in this report and are supported by Council staff.

The proposed development with a building height up to 6.64m to its 22.5 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey and is also consistent with the planning proposal for a merit-based assessment of building heights above 5m, including consistency with the proposed standard building envelope. The design is compatible to its heritage setting, including its roof pitch, which will minimise visual impacts and protect adjoining development.

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m	6.64m to roof ridge	1.64m 32.8%

AERIAL PHOTO



Figure 1 – Aerial photo of subject site

THE SITE

The site is legally described as Lot 6068 DP1235007 and commonly referred to as 13 Mary Fairfax Drive, Oran Park. It is a recently constructed lot in a ‘Greenfields’ subdivision, having been registered in May 2021. The site is a corner allotment with a splay and is a regular shape. It has an area of 720.8m² with street frontage/ lot width of 18m and depth generally of 29.1m, with approx. 0.2m change in level across the site. There is a 0.7m wide restriction and covenant along the rear of the site and northern side boundary related to the retaining wall along the rear and side boundary.

The site is located within the curtilage of an item of state heritage significance, SHR:1695 Oran Park House (also known as Catherine Park House).

ZONING PLAN

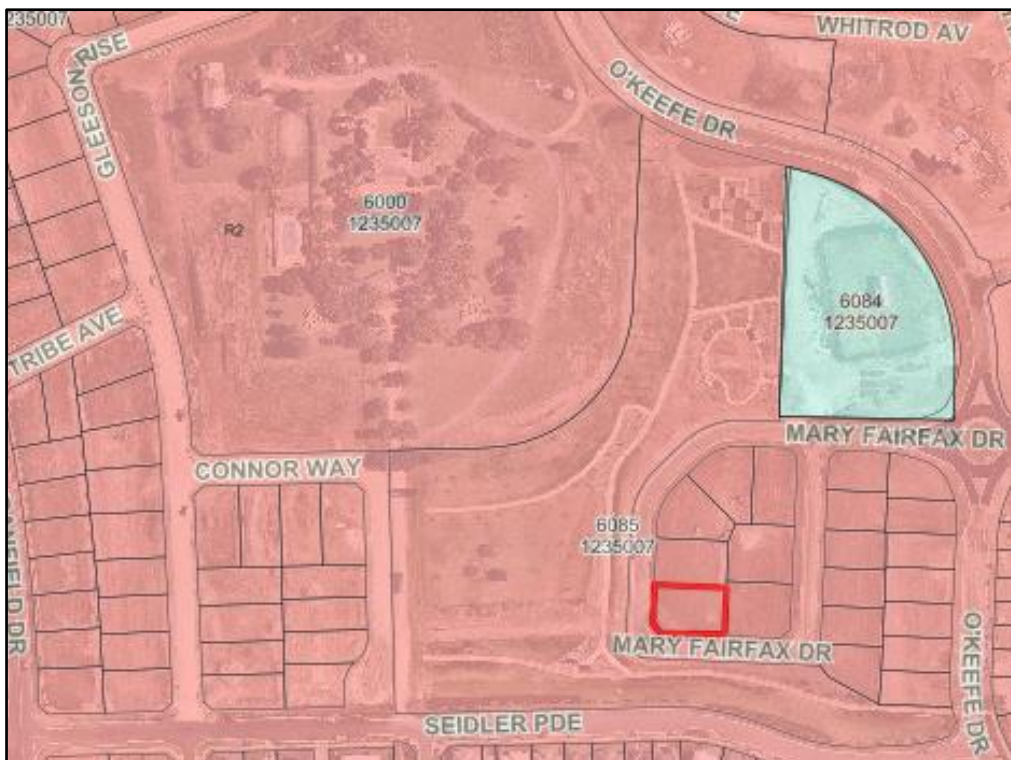


Figure 2 – Subject site – R2 Low Density Residential zoning

BUILDING HEIGHT PLAN



Figure 3 – Extract Height of Building map (5m height limit shown in blue, with 9m height in green)

HERITAGE LISTING

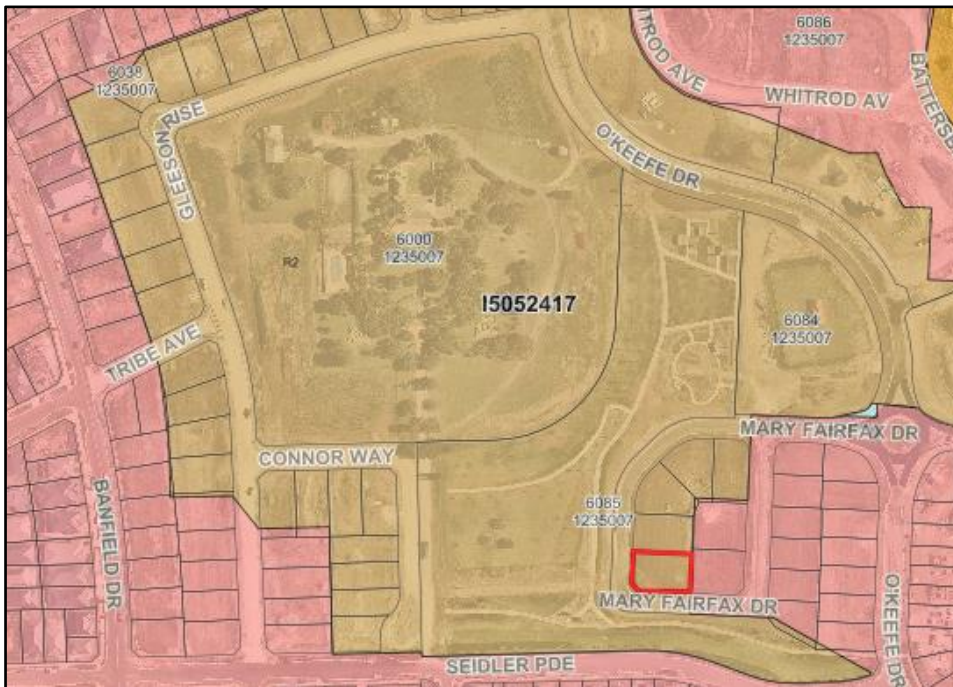


Figure 4- Subject site in relation to heritage listing

AREA MASTER PLAN



Figure 5 – Red star denoting approximate location of subject site in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.

HISTORY

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

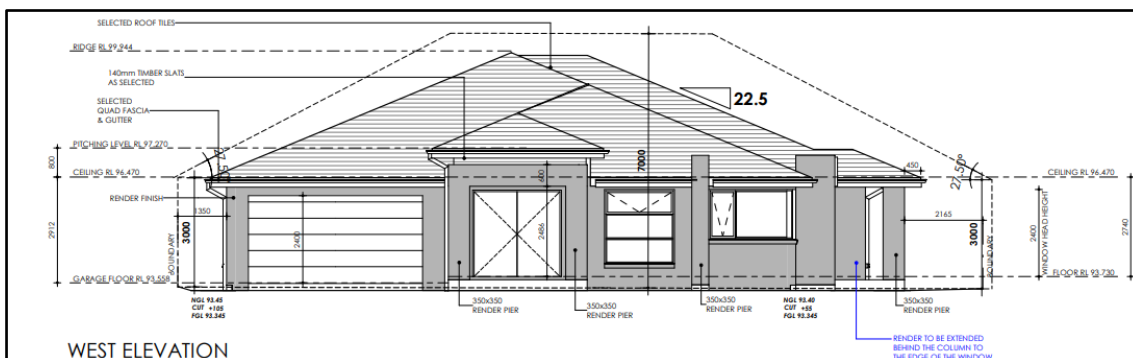
Date	Development
23 March 2018	DA/2017/491/1 – Consent was granted to a subdivision to create 141 residential lots, 2 super-lots, a lot containing Oran Park House and its improvements, 1 residue lot, 1 public reserve lot, construction of public roads, provision of services, earthworks, site works and retaining walls to be delivered in four stages. This resulted in creation of the subject lot.
29 January 2021	DA/2021/77/1 – A DA was submitted to Council that sought concept approval to establish site-specific building height development standards on 66 residential lots (8m as opposed to 5m) and stage 1 consent for the construction of 3 dwelling houses. The DA was withdrawn at the request of Council officers as it was determined that the height change should be addressed as part of a Planning Proposal.

	<p>Prior to the DA being withdrawn, Heritage NSW issued GTAs for the Concept DA. The GTAs required any dwellings proposed on the subject lots to comply with a building envelope, including:</p> <ul style="list-style-type: none"> • a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and • the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.
26 February 2021	<p>Planning Proposal (PP/2021/1/1) was submitted to Council. The Planning Proposal seeks to create additional local provisions to increase building heights for residential development surrounding Oran Park House by introducing a building envelope as a means of varying the 5m building height control (based upon the building envelope recommended by Heritage NSW in the GTAs issued for DA/2021/77/1).</p>
12 October 2021	<p>Planning Proposal (PP/2021/1/1) received Gateway Determination from Department of Planning and Environment (DPE).</p>
9 February 2022	<p>Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.</p>
14 June 2022	<p>Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to:</p> <ul style="list-style-type: none"> - endorse the Planning Proposal (as amended) and forward it to the DPE for the plan to be made; and - adopt related changes to Camden Growth Centre Precincts DCP, and publicly notify these, subject to finalisation of the Planning Proposal.

THE PROPOSAL

DA/2022/615/1 seeks approval for the construction of a single storey dwelling house with associated site works.

The estimated cost of the development is \$498,109.



BACKGROUND

The 5m height of buildings development standard was imposed on this land as the site is within the curtilage of a state heritage listed Oran Park House. The lower building height development standard aims to maintain a single storey transition area around the state heritage item.

This height of buildings development standard hinders the ability for a proposed dwelling house to comply with the existing site-specific controls in Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct.

Dwelling houses with hipped and gabled roof forms (with a roof pitch greater than 12.5 degrees) will inherently exceed the 5m building height development standard given the relative size and width of the properties, coupled with the larger building footprint required single storey dwellings. Council’s development controls for dwelling houses in this area require a minimum roof pitch of 22.5 degrees. This is illustrated in the following Figures 6 and 7.

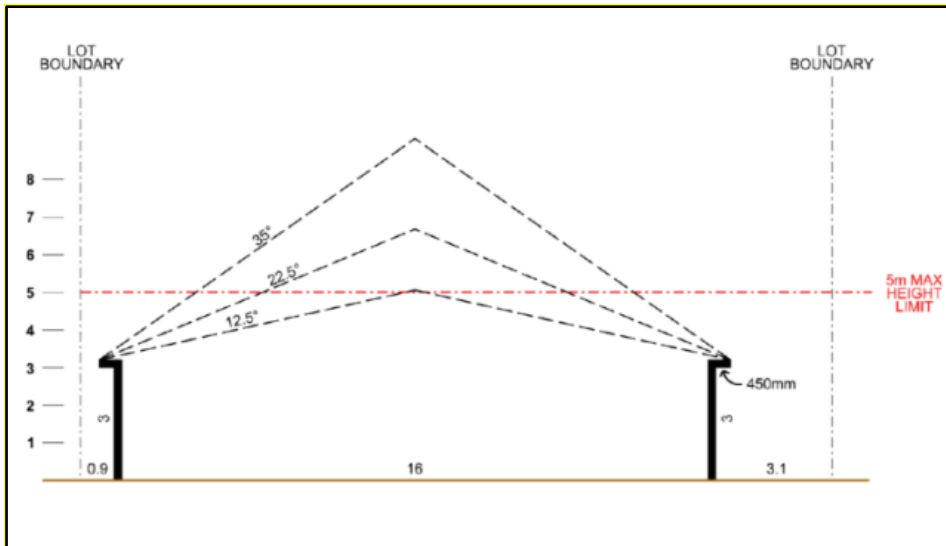


Figure 6 – Five (5) metre maximum building height limit compared to roof pitches



Figure 7- Dwelling roof forms, 15 degree and 27.5 degree roof pitches

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend the SEPP to address the anomalies associated with the 5m height control. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision that will allow building heights above 5m providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- no more than 30% of the front elevation is between 3m and 4m.

The proposed dwelling house at 13 Mary Fairfax Drive complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal received Gateway Determination from the DPE and was publicly exhibited from Wednesday 9 February until Wednesday 9 March 2022. Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

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 (Building Sustainability Index – BASIX) 2004;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021; and
- State Environmental Planning Policy (Precincts – Western Parklands City) 2021.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the DA. The proposal has been assessed against the provided BASIX Certificate. The proposal will be able to meet the commitments and targets identified. A condition of consent is recommended to ensure compliance is achieved.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 9 – Hawkesbury-Nepean River

The SEPP seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context.

The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

SEPP (Resilience and Hazards) 2021 -Chapter 4 – Remediation of Land

This SEPP provides a State-wide planning approach to the remediation of contaminated land.

Clause 4.6 Chapter 4 of this SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

Contamination and remediation were appropriately dealt with under the parent subdivision development application DA/2017/491/1. The subject land has been validated and is suitable for the proposed residential development.

SEPP (Precincts – Western Parklands City) 2021 - Chapter 3 – Sydney Region Growth Centres

The SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre.

Site Zoning and Permissibility.

The site is zoned R2 Low Density Residential pursuant to Appendix 5, clause 2.2 of the SEPP. The development is characterised as a 'Dwelling House' by the SEPP, meaning a building containing only one dwelling.

The development is permitted with consent in the R2 Low Density Residential Zone pursuant to clause 2.6 and the land use table in Appendix 5 of the SEPP.

Planning Controls

An assessment table in which the development is considered against the Growth Centre SEPP's planning controls is provided in the **attached** documents.

Clause 4.6 – Exceptions to Development Standards

The proposed development will contravene the height of building standard which applies under clause 4.3 of Appendix 5 of the Growth Centre SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 6.64m in height, breaching the development standard by 1.64m and 32.8%.

Pursuant to clause 4.6(3) of Appendix 5 – Growth Centres SEPP, the applicant has provided a written request justifying contravention of the development standard for the following reasons:

- Compliance with the 5m height standard would detract from the design of the single storey dwelling and the overall streetscape;
- The development contravention will not impact on views and vistas from Oran Park House;
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not impact the intended type, or character of the desired development rather, aligns with the intended development of single storey dwellings;
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP;
- The request also demonstrates that 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:
 - The objectives of the standard and the R2 Low Density Residential zone are achieved notwithstanding non-compliance with the standard. A single storey detached dwelling which meets combined design requirements of setbacks, floor space ratio, and hipped roof forms ensures there are no significant adverse impacts. The objectives and intent of built form surrounding Oran Park House will be preserved.
 - If compliance was required, the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as intended in the heritage curtilage, consistent with the DCP controls and heritage guidelines.
 - Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and surrounds. The dwelling is consistent with the intended outcome for residential land surrounding Oran Park House with simple hipped and/or gabled roof forms of at least 22.5 degrees.

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

The justification contained within the Clause 4.6 written request demonstrates 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, in accordance with clause 4.6(3).

Council staff are also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the R2 Low Density Residential Zone, in accordance with clause 4.6(4).

The proposed development with a 6.64m building height to its 22.5 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey. Most of the dwelling is within the maximum height and its design is compatible to its heritage setting, including its roof pitch. The design of the dwelling will minimise visual impacts and protect adjoining development.

1. **Indicative Layout Plan.**
The intended outcome established within the Indicative Layout Plan (Figure 2-1) for this part of the Catherine Fields (Part) Precinct DCP is for low density residential development. The proposal is for a single storey dwelling, consistent with this outcome.
2. **Clause 4.3 'Height of Buildings' – Objectives.**
Alignment with the objectives of clause 4.3 are maintained. The development contravention will not result in development greater than single storey and it will be consistent with objectives to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.
3. **R2 Low Density Residential Zone Objectives.**
The development contravention will not depart from the objectives of the R2 Zone and not be inconsistent with intended outcomes for the zone, as it will:
 - provide for the housing needs of the community within a low-density residential environment; and
 - provide a diverse range of housing types to meet community housing needs within a low-density residential environment.
4. **Site-specific objectives and controls.**
Strict compliance with the 5-metre building height standard does not provide flexibility in achieving site-specific controls and providing for a dwelling design outcome, including roof form and pitch, that appropriately responds to the unique characteristics of the precinct, and the historically significant Oran Park House.
5. **Alignment with DCP controls.**
The building height standard contravention does not result in additional non-compliances with any development controls in the Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct. The single storey development is considered to fulfill the relevant controls and their objectives.

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 clause 4.3 of Appendix 5 of the Growth Centres SEPP.

(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 (noting that provisions related to the Hawkesbury-Nepean River are now incorporated within the consolidated SEPP (Biodiversity and Conservation) 2021).

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

The development is consistent with the Draft Remediation SEPP in that the land has been validated and is suitable for the proposed residential use (noting that provisions related to remediation of land are now incorporated within the consolidated SEPP (Resilience and Hazards) 2021).

Draft Planning Proposal State Environmental Planning Policy (Precincts – Western Parkland City) 2021

The development is consistent with the Draft Planning Proposal that seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 5 of the SEPP that will enable a merit-based assessment to allow building heights above 5m, providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within the Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- no more than 30% of the front building line is above 4m.

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

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

(a)(iiia) *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

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the development.

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 6 July to 2 August 2022 and no submissions were received.

(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

The following external referral was undertaken for this DA as summarised in the following table:

External Referral	Response
Heritage NSW Integrated Development Section 58 approval, <i>Heritage Act, 1977</i>	General Terms of Approval (GTA) have been issued by the delegate of the Heritage Council of NSW on 25 January 2022.

Conditions that require compliance with the external referral recommendations are recommended.

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 Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021; and**
- ii. **approve DA/2022/615/1 for a construction of a single storey dwelling house at 13 Mary Fairfax Drive, Oran Park, subject to the conditions attached to this report.**

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021 in relation to the maximum height of buildings standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances, and that despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument being Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021.
3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the reasons, the development is a suitable and planned use of the site, and its approval is in the public interest.

ATTACHMENTS

1. Recommended conditions
2. Growth SEPP / DCP Assessment Tables
3. Clause 4.6 Written Request
4. Heritage NSW GTAs

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/ Job No.	Name of Plan	Prepared by	Date	
20-1445	Cover Page	Fowler	11.08.22 Rev: B-5	
20-1445 Sheet 005	Site Plan			
20-1445 Sheet 006	Driveway Gradient			
20-1445 Sheet 007	Concept Stormwater Plan			
20-1445 Sheet 008	Site Management Plan			
20-1445 Sheet 009	Floor Plan			
20-1445 Sheet 010	Elevations			
20-1445 Sheet 011	Elevations			
20-1445 Sheet 012	Section			
20-1445 Sheet 019	External Colour Plan			10.12.21
20-1445 Sheet 031	Concept Landscape Plan			04.08.22

Document Title	Prepared by	Date
BASIX Certificate No. 1235055S_03	Frys Energywise	1 June 2022
Waste Management Plan	Fowler Homes	-

- (2) **General Terms of Approval/Requirements of State Authorities** - The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

Heritage Council of NSW – General Terms of Approval – Ref DOC22/41407, 25/01/2022.

1. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be

notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

2. ABORIGINAL OBJECTS

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

3. COMPLIANCE

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

4. SECTION 60 APPLICATION

An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Heritage Council of NSW (or delegate), prior to work commencing.

- (3) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this development consent applies.
- (4) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (5) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the principal certifier for the development to which the work relates has given Council written notice of the following:
 - a) for work that requires a principal contractor to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under Part 6 of the *Home Building Act 1989*,
 - b) for work to be carried out by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permit.

If the above information is no longer correct, further work must not be carried out unless the principal certifier has given Council written notice of the updated information.

- (6) **Home Building Act - Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989* shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This requirement does not apply:

- a) to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - b) to the erection of a temporary structure, other than a temporary structure to which subsection (3) of Section 69 of the *Environmental Planning and Assessment Regulation 2021* applies.
- (7) **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.

- (8) **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) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.
- (2) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;

- c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
- d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the accredited certifier prior to issue of a Construction Certificate.

- (3) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (4) **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*.
- (5) **Salinity (Dwellings and Outbuildings)** – The approved development shall comply with the requirements of the salinity management plan *Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park* prepared by Douglas Partners, Project 76559.00 dated November 2015.

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

- (6) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

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) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

(9) **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.

(10) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone and displayed in a prominent position.

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) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation 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 causing the excavation must:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and
- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do 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 requirements not applying.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact 'Dial Before You Dig' prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the drainage easement.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (4) **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 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*.
- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.

- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **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.
- (10) **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.
- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **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.
- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
- b) be prepared in accordance with;

For Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site Investigation for Urban Salinity;" and

- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."

For Excavated Natural Material (ENM):

- i) compliance with the Excavated Natural Material Order 2014 and the Resource Recovery Orders and Exemptions issued under Part 9 of the Protection of the Environment Operations (Waste) Regulation 2014
 - c) confirm that the fill material has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity") and is compatible with any salinity management plans approved for the site.
- (15) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (16) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (17) **Materials, colours and finishes** – The dwelling is to be constructed using the approved materials, colours and finishes.

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) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (2) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (3) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.

- (4) **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.

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Attachment 1

Assessment Tables – DA/2022/615/1 – 13 Mary Fairfax Drive, Oran Park

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Attachment 2

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - All Buildings			
Clause	Standard	Assessment	Compliance?
Appendix 5, 2.3 Zone objectives and land use table	<p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>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 lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone of Appendix 9 – SEPP (Sydney Region Growth Centres) 2006.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> The proposal will provide for the housing needs of the community within the low-density residential environment. The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it. The proposal will be an addition to the existing housing type typical to the immediate surrounds. 	Yes
Appendix 9, 4.3 Height of Buildings	5m	6.64m This is subject to a request under clause 4.6 written request to contravene this development standard.	No
4.4 FSR	Max 0.4:1	720.8sqm site area 288sqm GFA 0.4:1	Yes
Appendix 5, 4.6 Exceptions to development standards	<p>Appendix 5, 4.6 Exceptions to development standards</p> <p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately</p>	<p>The applicant has submitted a written request under Clause 4.6 of the Growth SEPP justifying the contravention to the maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered 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, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p>	Yes

	<p>addressed the matters required to be demonstrated, and</p> <p>(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</p> <p>(b) the concurrence of the Secretary has been obtained.</p>		
<p>Appendix 5, 5.10 Heritage Conservation</p>		<p>The subject site is located within the curtilage of a State Heritage Item, namely Oran Park House. At the time of the SHR listing, site-specific exemptions were put in place to exempt certain development (including single storey dwelling houses) from the requirement for approval under the Heritage Act 1977 (<i>Catherine Park Estate – Oran Park House Heritage Exemption Guidelines</i>, prepared by Design + Planning, dated October 2014).</p> <p>The proposed development generally meets those guidelines with the exception of a control in Section 4.1 'Residential Built Form' that requires that <i>"The design and building of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder"</i>.</p> <p>This provision cannot be complied with as the lots have been subdivided and sold to individual property owners. As the proposed development does not meet this requirement, concurrence is required from Heritage NSW.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline the assessment process) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is attached to this report.</p>	<p>Yes</p>

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Attachment 2

Camden Growth Centre Precincts Development Control Plan – Residential Development on All Lots			
Section	Control	Assessment	Compliance?
4.1.1 Site Analysis	A site analysis plan must be provided	A satisfactory site analysis plan has been provided	Yes
4.1.2 Cut and Fill	≤1m cut and fill	<1m 105mm cut and 145mm fill	Yes
4.1.3 Sustainable Building Design	Compliance with BASIX requirements	A compliant BASIX certificate has been submitted with the DA and the DA plans are consistent with relevant commitments, with full compliance for the construction certificate stage of the development.	Yes
4.1.4 Salinity, Sodidity and Aggressivity	Development must comply with the salinity management plan developed at the subdivision phase or at Appendix B of the Growth DCP	Salinity management will be dealt with in terms of requirements of relevant management plan for the construction certificate stage subject to recommended conditions of consent. There are no expected impediments for the siting of the dwelling	Yes
	Salinity must be considered during the siting, design and construction of dwellings		Yes
4.2.2 Streetscape and Architectural Design	Primary street facade must incorporate ≥2 design features	Primary street façade incorporates porch entry area, architectural elements and mix of materials.	Yes
	≥450mm eaves overhang measured from the fascia board (except for walls built to the boundary)	450mm eaves are proposed.	Yes
	Pitch of hipped and gable roof forms on main dwelling between 22.5° and 30°	22.5° roof pitch is provided.	Yes
	Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling	The double garage is incorporated in the design of the dwelling.	Yes
	Front facade to feature ≥1 habitable room with a window facing the street	Master suite window faces the street.	Yes
4.2.4 Side and Rear Setbacks Refer to Schedule 4	Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback	No such structures proposed	N/A
4.1.14 Setbacks for the very low density area surrounding Oran Park House	For dwellings with a 0.9m setback, projections into the side and rear setback areas include 450mm eaves, fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units	Complies Setbacks >900mm minimum 1m	Yes
4.2.5 Dwelling Height, Massing and Siting	Generally ≤2 storeys high. A third storey may be permitted where located on a prominent street corner, adjacent to certain commercial sites or open space, on sites with a slope ≥15% or if within the roof line of the building (i.e. an attic)	N/A – Single storey control applies under Schedule 4 of the DCP – refer below.	N/A
	Ground floor level ≤1m above finished ground level	<1m	Yes
4.2.6 Landscaped Area	Surface water drainage provided as necessary to prevent the accumulation of water	Suitable surface drainage can be provided.	Yes
	Low water demand drought resistant vegetation used for the majority of landscaping, including native salt tolerant trees	The proposed use of exotic species is considered to be not inconsistent with the heritage setting.	Yes
4.2.7 Private Open Space	Principal private open space (PPOS) to be determined having regard to dwelling design, topography, allotment orientation, adjoining dwellings, landscape features and topography	PPOS located to rear of the dwelling with suitable orientation and accessible from alfresco and living areas.	Yes

	PPOS conveniently accessible from a main living area of a dwelling or alfresco room		Yes
	≤1:10 PPOS gradient	Level gradient can be provided	Yes
4.2.8 Garages, Site Access and Parking	≥1 car parking space must be behind the building line where the space is accessed from the street on the front property boundary	2 car parking spaces provided within the garage.	Yes
	≥1m driveway clearance from infrastructure	Clearance provided to infrastructure	Yes
	Driveways are to have soft landscaped areas on either side, suitable for water infiltration	Provided	Yes
	Garage design and materials are to be consistent with the dwelling design	Garage design consistent the dwelling	Yes
	≤6m double garage door width	<6m	Yes
	≥5.6m x 5.5m double garage internal dimensions	5.52m x 6.46m	Yes
	Garage doors are to be visually recessive through the use of materials, colours and overhangs such as second storey balconies	Garage door suitable recessive.	Yes
4.2.9 Visual and Acoustic Privacy	Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping	Single storey dwelling is proposed and therefore no expected overlooking or privacy impacts	Yes
	Living area windows with a direct sightline within 9m to the PPOS of an existing adjacent dwelling are to: <ul style="list-style-type: none"> be obscured by fencing, screens or appropriate landscaping, be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window, have a sill height of 1.7m above floor level, or have fixed obscure glazing in any part of the window below 1.7m above floor level 		Yes
	The design of dwellings must minimise the opportunity for sound transmission through the building structure, with particular attention given to protecting bedroom and living areas	The standard proposed masonry construction would mitigate any impacts for the dwelling	Yes
	No electrical, mechanical or hydraulic equipment or plant shall generate a noise level >5dBA above background noise level measured at the property boundary during the hours of 7am-10pm and noise is not to exceed background levels during the hours of 10pm-7am	This can be dealt with via consent conditions, in particular in relation air conditioning which will be located to the rear of the dwelling away from side boundaries with neighbours.	Yes
	The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies) and building plant must be designed to minimise noise impact and transmission	The single storey scale and design of the dwelling would mitigate any such impacts.	Yes
	Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction and the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors	The standard masonry construction will be satisfactory, as the dwelling is not located on a busy road and no specific road traffic noise requirements or report apply.	Yes
	4.2.10	Front fencing ≤1m high, contemporary and visually open in nature (≤50% solid)*	Front boundary fencing proposed



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Attachment 2


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Attachment 2

Fencing	Front fences and walls are not to impede safe sight lines for traffic	Pier Height 1.1m Fence Height – 900mm Transparency - >50%	N/A
	Side and rear fencing ≤1.8m high commencing 2m behind the building line (refer to Figure 4-2)	Side corner lot fencing consistent with front fencing.	Yes
	Side fences not on a street frontage ≤1.2m high to a point 2m behind the primary building line	Corner lot fencing is consistent with controls.	Yes
Camden Growth Centre Precincts Development Control Plan - Lots with >15m Frontage Width for Front Accessed Dwellings			
Some table controls are superseded by Development Near Oran Park House specific controls denoted by asterisks*			
Table	Control	Assessment	Compliance?
Table 4-5 Site Coverage	≤50% site coverage for single storey dwellings	46%	Yes
Table 4-5 Soft Landscaped Area	≥30% soft landscaped area	36%	Yes
Table 4-5 Principal Private Open Space (PPOS)	≥24m ² PPOS with ≥4m dimension	>24sqm Approx. 174sqm in rear setback	Yes
Table 4-5 Solar Access	Sunlight must reach ≥50% of the PPOS of the subject dwelling and adjoining properties for ≥3 hours between 9am and 3pm on 21 June	The solar access requirements can be achieved for the PPOS at the rear of the dwelling.	Yes
Table 4-5 Garages and Car Parking	Front or rear loaded double and tandem garages are permitted	Front loaded double garage is proposed	Yes
	≤6m double garage carport and garage door width	4.8m	Yes
	≥2 car parking spaces for 3+ bedroom dwellings	>2 spaces provided for 4 bedroom dwelling	Yes

Camden Growth Centre Precincts Development Control Plan – Schedule 4			
4 - Site Specific Controls			
4.1 - Development surrounding Oran Park House			
Table	Control	Assessment	Compliance?
4.1.1 General controls	<p>1. Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.</p> <p>2. Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.</p> <p>3. Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p>  <p>4. Development in these areas must be sympathetically designed to complement the topography of the site, the setting of Oran Park House and associated outbuildings and the historical rural character without replicating architectural details.</p>	<p>The proposed development generally complies with the Exemption Guidelines, with the exception that the design of dwellings for each street block is not being undertaken simultaneously and delivered as a complete package by one builder. This provision cannot be complied with as the lots have been subdivided and sold to individual property owners.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline DA's) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is attached to this report.</p> <p>The site is located inside the area identified in figure 4-1. Development is for a single storey dwelling and will not result in significant view lines illustrated in figure 4-1 being compromised. The proposed dwelling house is sympathetically designed and complements the setting of Oran Park House.</p>	Yes
4.1.2 Oran Park House outer heritage curtilage principles	<p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p> 	<p>The subject lot is located within area mapped as being 'very low density residential' and has been assessed in relation to the relevant controls.</p>	Yes
4.1.3 Landscape elements - views and vistas	<p>1. Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained</p> <p>2. New plantings must be planted with consideration to the vistas identified in Figure 4-3 and must not obscure the cultural, historical or aesthetic</p>	<p>The proposed development will not affect these significant views.</p>	N/A

	<p>significance of the place in any physical or visual way.</p>  <p>Figure 4-3 – Significant Views within the Oran Park House curtilage to be preserved</p>		
<p>4.1.11 Residential built form</p>	<p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package. The block design must be submitted and approved with the first development application for the construction of a dwelling within the street block. Note: A street block is defined as an area of land containing a single or multiple lots bound by streets/public places on all sides.</p>	<p>This DA does not strictly provide for simultaneous design and delivery of development for this street elevation/street block. However, the dwelling is assessed as being suitable to the site and Heritage NSW have issued GTAs based upon a compliance with a building envelope control for these lots to provide for a measure of consistency in dwelling height and design.</p>	<p>N/A</p>
<p>4.1.12 Street facades and visible elevations</p>	<ol style="list-style-type: none"> 1. Residential developments are to have contemporary designs (i.e. architecture being produced now) and respect the heritage significance of Oran Park House but must not replicate historic styles. 2. All dwellings in the heritage curtilage area are to have architectural merit (i.e. architecture that is enduring and respects the heritage significance of Oran Park House). 3. Building facades are to be visually interesting and articulated suitably to break up the building mass. At least three of the following design features are to be incorporated into the front facade: • front doors with side lights; • contemporary window treatments including aluminium or timber frames in neutral colours; • bay Windows (rectangular only); • entry portico; and • recessed garage doors setback behind the primary facade. 4. Colonial style window treatments are not appropriate where visible from the public domain. 5. Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion. 6. Picture windows or fully glazed walls are permitted to the street façade. 7. An entry portico is to be of contemporary design and appearance. Access to the entry portico may be from either the driveway or a separate path. 8. Shadow lines are an appropriate element to complement the overall facade appearance. 9. The design of dwellings shall include an articulated front elevation in the direction of the Primary Street. Notes: Shadow lines are a design feature that enhance the elevation of wall treatments, such as corbels or recessions 	<p>The dwelling has been designed to include contemporary features and materials and will have architectural merit.</p> <p>The facades will have suitable visual interest with cotemporary windows treatments; entry porch/portico and recessed garage doors.</p> <p>Windows to front will have dominant vertical elements.</p> <p>The articulated front elevation and secondary street elevation incorporates entry porch/portico.</p>	<p>Yes</p>

<p>4.1.14 Setbacks for the very low density area surrounding Oran Park House</p>	<p>Residential development must comply with the controls in Figure 4-8.</p>  <p>Dwellings must comply with the following minimum setback provisions</p> <table border="1" data-bbox="443 622 687 772"> <thead> <tr> <th></th> <th>Minimum</th> </tr> </thead> <tbody> <tr> <td>Front Dwelling Setback</td> <td>5m</td> </tr> <tr> <td>Front Garage Setback</td> <td>6m</td> </tr> <tr> <td>Rear Boundary Setback</td> <td>5m</td> </tr> <tr> <td>Side Boundary Setback</td> <td>2.5m (average 30%)</td> </tr> <tr> <td>Corner Lot Side Boundary Setback</td> <td>5m</td> </tr> </tbody> </table> <p><small>Note: In addition to the minimum side boundary setback of 2.5m, the siting of dwellings is required to not average 4m side separation between dwellings along an entire street block. Pursuant to Section 4.1.14 of the Growth SEPP, the continuous delivery of dwellings within the heritage curtilage by one builder will ensure the average is achieved.</small></p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	2.5m (average 30%)	Corner Lot Side Boundary Setback	5m	<p>The setbacks will comply with these requirements Front = minimum 5.4m Garage = 7.135m Rear = minimum 5m to rear alfresco. Northern side setback = min 1.005m Southern side (corner lot) setback = min 1.925m (articulation) out 3.005m The side setbacks meet the requirements of Figure 4-8.</p>	<p>Yes</p>
	Minimum														
Front Dwelling Setback	5m														
Front Garage Setback	6m														
Rear Boundary Setback	5m														
Side Boundary Setback	2.5m (average 30%)														
Corner Lot Side Boundary Setback	5m														
<p>4.1.15 Building Height</p>	<p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>	<p>The height will exceed the 5m control and is subject to a request to contravene the standard under clause 4.6, Appendix 9 of the SEPP.</p>	<p>No</p>												
<p>4.1.16 Roofs</p>	<ol style="list-style-type: none"> Roof pitches are to be between 22.5 degrees and up to 35 degrees. Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted. The minimum eave overhang is 450mm. Roofs must use neutral colour tones such as greys, greens or browns. 	<p>Roof pitch = 22.5° The design and form is satisfactory and will have 450mm eaves and grey colour/tones.</p>	<p>Yes</p>												
<p>4.1.17 Lofts, attics and dormer windows</p>	<ol style="list-style-type: none"> Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds. Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development. 	<p>The dwelling is located on a corner lot however no attic rooms are proposed.</p>	<p>N/A</p>												
<p>4.1.18 Garages</p>	<ol style="list-style-type: none"> Garages are required to be setback a minimum of 6m from the front boundary. The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling. Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch. Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage. Garages must be constructed using the same materials as the dwelling. 	<p>The garage is setback 6m, with width <50% and integrated in the building design able to accommodate 2 car spaces and constructed of same materials as the remainder of the dwelling.</p>	<p>Yes</p>												

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Attachment 2

4.1.19 Building Materials	<p>1. Building materials and finishes are to be non-reflective.</p> <p>2. Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>3. Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>4. Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted. Schedule 4 - Catherine Field (Part) Precinct NSW Department of Planning, Industry and Environment CM9 Record Number 42</p> <p>5. Front walls may be rendered and have contrasting features to the House.</p> <p>6. The following wall materials are appropriate:</p> <ul style="list-style-type: none"> • Face brickwork with struck or tooled joints; • Light coloured mortar joints; and • Any rendered surfaces painted in neutral colours. 	Suitable materials and colours are specified.	Yes
4.1.20 Landscaping	<p>1. All parts of the residential allotment in front of the building and facing the street that are not built on or paved are to be landscaped, with materials such as turf, groundcover, garden beds, shrubs and trees.</p> <p>2. Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>	Suitable landscaping treatment is proposed, which will comply with these requirements.	Yes
4.1.21 Driveways	<p>1. Driveways are to:</p> <ul style="list-style-type: none"> • Have a maximum width of 6m. • Be designed with high quality stone pavers, large tiles, selected permeable paving or exposed aggregate. The colour and finish of stone pavers and tiles is to be subdued with a natural unpolished finish. <p>2. When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.</p>	An exposed aggregate concrete driveway is proposed. The internal driveway width is 6m.	Yes
4.1.24 Rooftop fixtures, air conditioners, TV antennas and satellite dishes	Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.	Skylights are located in the eastern elevation roof, minimizing visual impact from the front elevation, and plans have been amended to reduce their number and size.	Yes
4.1.25 Letterboxes	<p>1. Letterboxes must not be a visually prominent element on the streetscape.</p> <p>2. Letterboxes must be designed as an integrated feature of the fence</p>	Letterbox is proposed at front, as part of the landscaped treatment.	Yes



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Attachment 3

CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	13 Mary Fairfax Drive, Oran Park NSW
Lot:	6068 DP1235007
Date:	8 June 2022

urbanco
Suite 3.03 55 Miller Street PYRMONT NSW 2009
PO Box 546 PYRMONT NSW 2009
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Table 2	Specific Land Details
Table 3	Extent of Variation to Development Standard

1 INTRODUCTION

We submit a Clause 4.6 variation request to support a Development Application (DA) seeking approval to erect a detached dwelling on land described in Table 2 of this report.

The variation request relates to a building height standard under Appendix 9 Camden Growth Centres Precinct Plan in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

Catherine Park contains a State listed heritage item, an early European settlement homestead, named Catherine Park House (aka Oran Park House). The Precinct Planning for the Catherine Fields Part Precinct implemented special development standards around Catherine Park House to deliver a transition in development between the heritage item and surrounding urban development.

The site specific 5 metre maximum building height development standard imposed on land surrounding the heritage item adopted in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) does not enable all options for excellence in design of residential dwellings as was intended. A maximum building height over 5 metres will enable more and better dwelling designs with higher roof forms that will more effectively meet the design outcomes intended in the site-specific development controls in Schedule 4 of the Camden Growth Centre Precincts Development Control Plan (DCP), such as roof pitch.

The DA seeks approval for a detached dwelling with a roof form that exceeds the 5 metre height limit. This Clause 4.6 variation request seeks to vary the 5 metre maximum building height development standard to the extent described in Table 3 of this report.

This request has been prepared in accordance with the Department of Planning & Environment (DPIE) Guideline, *Varying Development Standards: A Guide*, August 2011, and relevant matters set out in the 'five-part test' established by determinations in the NSW Land and Environment Court.

This request should be read in conjunction with the Statement of Environmental Effects for the DA and supporting documentation and plans lodged with the proposal.

This report demonstrates that support for proposed building height provides better building design, enables compliance with DCP controls and achieves the intended outcomes for residential development surrounding Catherine Park House without any significant impacts.

2 STATUTORY PLANNING FRAMEWORK

2.1 Clause 4.6 - Exceptions to development standards

Clause 4.6 - Exceptions to development standards in 'Appendix 9 Camden Growth Centres Precinct Plan' of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) allows the relevant authority to grant consent to development that varies from a development standard imposed by the Environmental Planning Instrument. The objectives of the clause include:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

A written request to vary a development standard is required in accordance with subclause (3), which reads:

- (3) *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.*

This document forms the written request required under Clause 4.6.

Subclauses 4 and 5 provide the considerations for approving a variation under Clause 4.6 including satisfying the requirements under subclause 3 and whether there is a public benefit of maintaining the development standard.

- (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 Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

2.2 Development Standards

A variation sought under Clause 4.6 needs to be a 'development standard'. A development standard is defined in the Environmental Planning & Assessment Act in Clause 1.4 as:

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

- (a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) *the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) *the cubic content or floor space of a building,*
- (e) *the intensity or density of the use of any land, building or work,*
- (f) *the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) *the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) *the volume, nature and type of traffic generated by the development,*
- (i) *road patterns,*
- (j) *drainage,*
- (k) *the carrying out of earthworks,*
- (l) *the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) *the provision of services, facilities and amenities demanded by development,*
- (n) *the emission of pollution and means for its prevention or control or mitigation, and*
- (o) *such other matters as may be prescribed.*

With reference to part (c) it is definitive the maximum building height standard is a development standard.

3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

3.1 Development Standard Subject to Variation

The proposed variation is subject to the maximum building height development standard in Appendix 9 Camden Growth Centres Precinct Plan under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

Clause 4.3 - Height of buildings in Appendix 9 of Growth Centres SEPP prescribes maximum building height for certain land in the Camden LGA portion of the South West Growth Area.

The Objectives of Clause 4.3 - Height of buildings are as follows:

- (a) to establish the maximum height of buildings,
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
- (c) to facilitate higher density development in and around commercial centres and major transport routes.

Clause 4.1(2) requires that 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.

Maximum building height is shown on South West Growth Centre Height of Buildings Map Sheets HOB_004 and HOB_009. This map shows maximum building height of 5 metres for the residential allotments surrounding Catherine Park House. This variation applies to 66 residential allotments that are subject to the 5 metre building height limit (see Section 3.2) and specific lot details are included in Table 2.



Figure 1 – Maximum Building Height Map (Source: NSW Planning Portal)

3.2 Subject Site

The site is located within Stage 6 in Catherine Park Estate. The land subject to a Clause 4.6 Variation comprises 66 residential allotments on the Deposited Plan No. DP1235007 that are subject to a 5 metre building height limit. The 66 residential allotments are shown in Figure 2 and are listed in Table 1. The details of the specific lot subject to this variation request are listed in Table 2.



Figure 2 – Lots in DP1235007 Subject to a Clause 4.6 Variation

Table 1: Lots in DP1235007 Subject to Clause 4.6 Variation

Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.
6001	6008	6015	6022	6029	6036	6043	6050	6059	6068
6002	6009	6016	6023	6030	6037	6044	6051	6060	6069
6003	6010	6017	6024	6031	6038	6045	6052	6061	6070
6004	6011	6018	6025	6032	6039	6046	6055	6064	
6005	6012	6019	6026	6033	6040	6047	6056	6065	
6006	6013	6020	6027	6034	6041	6048	6057	6066	
6007	6014	6021	6028	6035	6042	6049	6058	6067	

The land details specific to this Clause 4.6 Variation are detailed in Table 2.

Table 2: Land Details Subject to Clause 4.6 Variation Request

Address:	13 Mary Fairfax Drive, Oran Park NSW	
Lot:	6068	DP1235007

3.3 Proposal

The DA seeks to erect a single storey detached dwelling on the site described in Table 2. The proposed building height of the dwelling exceeds the 5 metre maximum building height limit imposed under the Growth Centres SEPP.

3.4 Planning Context

The land is zoned R2 Low Density Residential in the Growth Centres SEPP.

The land subject to the variation is within the R2 Zone, which has the following objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

Residential development for detached dwellings is permissible with development consent in the R2 Zone.

3.5 Extent of Variation to Development Standard

The proposed building height and extent of variation to the 5 metre maximum building height limit imposed under the Growth Centres SEPP is included in Table 3.

Table 3: Extent of Variation to Development Standard

Proposed Building Height:	6.64m
Extent of Proposed Variation*:	32.8%

* Note: Extent of Proposed Variation = ((BH / 5) x 100) - 100

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

4.1 Clause 4.6(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The Department of Planning Industry & Environment published a guideline titled 'Varying development standards: A Guide' (August 2011), which is available on their website at: www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/varying-development-standards-a-guide-2011-08.pdf

The guideline suggests that written applications to vary a development standard could address matter outlined in the 'five part test', which is formed on determinations in the NSW Land and Environment Court. The NSW Land and Environment Court established the principle of a five-part test in determining whether compliance with a development standard is unnecessary (Refer *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* & *Wehbe v Pittwater Council [2007] NSW LEC 827*).

The five part test includes five assessment criteria where one or more of the tests are to be used to demonstrate that compliance with the development standard is unreasonable or unnecessary. The five tests are as follows:

1. *the objectives of the standard are achieved notwithstanding noncompliance 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 of 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 compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

An additional test is also included (Test 1(a)) which addresses the objectives of the land use zone, consistent with recent decisions of the NSW Land & Environment Court, including Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 118*.

Test 1: the objectives of the standard are achieved notwithstanding noncompliance with the standard

The objectives of the height of buildings development standard in Clause 4.3 of the Growth Centres SEPP are outlined below with a respective response.

Objective (a) to establish the maximum height of buildings,

The Environmental Planning Instrument imposes a maximum building height, and a variation of the building height is submitted in accordance with the allowances under Clause 4.6. The objective is upheld and proposal does remove a building height standard for the site. Therefore, the proposal is not inconsistent with Objective (a).

Objective (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

The 66 residential allotments have a land area of 500m² or greater and all residential allotments will contain a single storey detached dwelling with a combined average side setback of 4 metres and a maximum floor space ratio of 0.4:1. Single storey dwellings with hipped and/or gabled roofs are required on all allotments. The combined design requirements of setbacks, floor space ration and hipped and/or gabled roofs ensures there will be no significant overshadowing on adjoining properties. Single storey dwellings on large lots also ensures visual privacy of large areas of private open space will be preserved and visual impact is negligible. The proposed variation therefore meets Objective (b).

Objective (c) to facilitate higher density development in and around commercial centres and major transport routes.

The site is identified for lower densities of residential development. Accordingly, Objective (c) is not relevant to the site and the proposed variation does not affect noncompliance to enable higher density development around centres. Further, the Concept Proposal is not inconsistent with the objective.

Test 1(a): the objectives of the zone

The objectives of the R2 Low Density Residential Zone are as follows:

- ***To provide for the housing needs of the community within a low density residential environment.***

The 66 residential allotments are within a planned low density area to provide a transition of development between Catherine Park House and surrounding residential development.

The proposed building height will does not intensify the density of development and will maintain single story detached dwellings on large residential allotments within he R2 Low Density Residential Zone. The Concept Proposal is consistent with the objective.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

A detached dwellings is proposed on the site and there is no land within the site that has been identified or would be suitable for other land uses that provide facilities or services to meet the day to day needs of residents. The proposal is not inconsistent with the objective.

- ***To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.***

The 66 residential allotments are large lots to contain single storey detached dwellings. Each residential allotment will have generous indoor and private outdoor spaces that will ensure a typical low density living environment incorporating privacy and amenity is maintained. Additionally, the requirements for single storey dwelling construction with a simple hipped and/or gabled roof forms ensures negligible overshadowing impacts. The proposal is consistent with the objective.

- ***To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.***

A detached dwellings is proposed on the site and there is no land within the site that has been identified or would be suitable for other land uses that provide facilities or services to meet the day to day needs of residents. The proposal is not inconsistent with the objective.

- ***To provide a diverse range of housing types to meet community housing needs within a low density residential environment.***

The broader Stage 6 in Catherine Park includes a diverse range of residential lots sizes and types of residential dwellings, which range from large residential allotments to small lot housing. The 66 residential allotments under this Clause 4.6 are within a planned low density area to provide a transition of development between Catherine Park House and standard low density development. These lots make an important contribution to housing diversity within the locality.

The proposed building height does not intensify the density of development and will maintain single story detached dwellings on large residential allotments within he R2 Low Density Residential Zone. The proposal is consistent with the objective.

Test 2: the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The proposed variation does not rely on this test.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

The underlying objective of the built form within the transition area between Catherine Park House and the broader urban development is to provide single storey homes on large allotments with greater separation between dwellings and simple hipped and/or gabled roofs with a pitch over 22.5° (refer to Test 5). The design intention for these homes is to have 'stately' houses that respect the heritage values of Catherine Park House.

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

If compliance was required, it will not enable the underlying objective will be thwarted as the 5 metre building height limit does not allow the range of dwelling designs as was intended in the DCP and Heritage Exemption Guidelines. Accordingly, compliance with the 5 metre maximum building height standard is considered unreasonable.

Test 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

The proposed variation does not rely on this test.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone

Compliance with the 5 metre maximum building height development standard development is unreasonable and detrimental to the current environmental character of the site and surrounds.

During the Precinct Planning for the Catherine Field Part Precinct prior to the zoning and development standards being adopted for the site, the intended outcome for the residential land surrounding Catherine Park House was to have single storey dwellings with simple hipped roof forms on large residential allotments. Hence minimum lot sizes of 500m² and 700m² were imposed and specific development controls were included in the Camden Growth Centre Precincts DCP to ensure this development outcome was realised. The heritage object was to ensure the housing surrounding Catherine Park House was subservient to the heritage item and have roof forms that are not detrimental to the heritage significance and character of the House.



Figure 3 – Catherine Park House (aka Oran Park House) (Source: www.environment.nsw.gov.au)

Schedule 4 in the Camden Growth Centre Precincts DCP includes site specific controls for the residential allotments surrounding Catherine Park House and subject to the Concept Proposal. The site specific controls include provision for roofs.

4.1.16 Roofs

Controls

1. *Roof pitches are to be between 22.5 degrees and up to 35 degrees.*
2. *Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.*
3. *The minimum eave overhang is 450mm.*
4. *Roofs must use neutral colour tones such as greys, greens or browns.*

To satisfy the site specific design standards in the DCP, a dwelling is required to have a simple hipped roof form with a minimum roof pitch of 22.5° and eaves of 450mm or larger.

There are also general development controls for roof pitch for all residential development in the DCP. Control 5 under Clause 4.2.2 'Streetscape and architectural design' states:

The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.

A minimum roof pitch of 22.5° applies to all hipped roof forms for all detached dwellings within the Camden Council portion of the South West Growth Area.

Heritage Exemption Guidelines have been endorsed by the NSW Heritage Council and by order of the Minister for Heritage, granted an exemption from section 57(1) of Heritage Act 1977 in respect to all works and activities in accordance with 'Catherine Park Estate: Oran Park House Curtilage Exemption Guidelines' (prepared by Design & Planning for Hixson Pty Ltd, dated October 2014).

The Heritage Exemption Guidelines apply to the portion of allotments within the heritage curtilage and require the following design requirements to satisfy the exemption criteria:

4.5 Building Height

Controls

1. *Buildings are to be single storey in height within the Oran Park House heritage curtilage.*
2. *Variations to the building height on corner lots may be appropriate where attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.*

And:

4.6 Roofs

Controls

1. *Roof pitches are to be between 22.5 degrees and up to 35 degrees.*
2. *Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.*
3. *The minimum eave overhang is 450mm.*

The development controls in the DCP and Heritage Exemption Guidelines demonstrate the intended outcomes for residential development surrounding Catherine Park House. Importantly, residential development is required to be single storey construction and roof pitches need to be at least 22.5°.

Figure 4 shows the relationship of the existing maximum 5 metre height limit and achieving the roof pitch controls for a single storey dwelling with a simple hipped roof form. The diagram adopts a typical wall height of 3 metres for a single storey dwelling and 450mm eaves, which is a required design standard. The diagram also assumes a 20 metre lot width, which is slight less than the typical of the lots facing Catherine Park House, and a minimum side setback of 0.9 metres and average side setback of 2 metres, which reflects the minimum setback requirements in Schedule 4 of the Camden Growth Centre Precincts DCP.

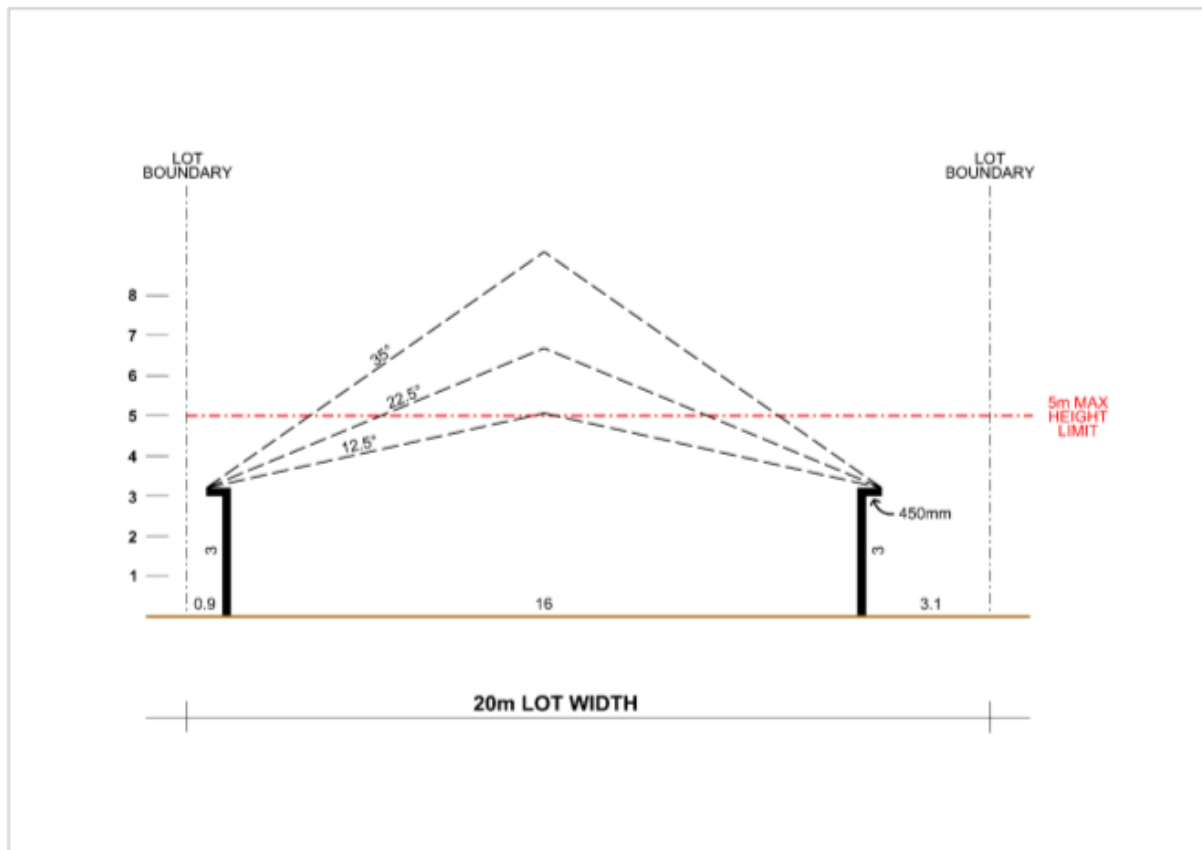


Figure 4 – Building Height & Roof Pitch

Figure 4 demonstrates roof forms that would be achieved for a single storey dwelling with a simple hipped and/or gabled roof designed with a pitch over 22.5°. The design standards for the minimum roof pitch of 22.5° and the 5 metre maximum height limit for a single storey dwelling are conflicting. In addition, a roof pitch for a hipped and/or gabled roof less than 22.5° is a poor design outcome, which is the reason the Camden Growth Centre Precincts DCP imposes a minimum roof pitch of 22.5° for all residential dwellings with a hipped and/or gabled roof.

It is evident that the 5 metre maximum building height limit does not allow for better designs with higher roof forms for single story residential dwellings, and therefore, compliance with the 5 metre maximum building height development standard is considered unreasonable. In addition, the widespread erection of dwellings with potentially compromised roof forms will be detrimental to the current environmental character of the site and surrounds with respect to the heritage values of Catherine Park House. This would also be contrary to the intended outcomes for residential development around the heritage item potentially resulting in a diminished streetscape character and appearance.

The proposed building height is necessary to achieve a quality design for the dwellings surrounding Catherine Park House, which are required to include simple hipped and/or gabled roof designs with a pitch over 22.5°. This allows for properly designed dwellings with attractive roofs.

Conclusion

In consideration of the five part test and the zone objectives, the proposed variation meets the objectives of maximum height of buildings development standard and zone in Test 1 and 1(a). It is also demonstrated that compliance with the 5 metre maximum building height development standard is unreasonable and detrimental to the current environmental character of the site and surrounds. Accordingly, strict compliance with the development standard is unnecessary.

4.2 Clause 4.6(b) There are sufficient environmental planning grounds to justify contravening the development standard

The determination in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* found that the environmental planning grounds presented in a Clause 4.6 variation request are to be specific to the circumstances of the proposal. There are special circumstances and sufficient environmental planning grounds to justify contravention of the maximum building

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height development standard.

Better designed single storey dwellings & streetscapes

The basis for the development control in the Camden Growth Centre Precincts DCP that sets a minimum standard for roof pitch of 22.5° is to ensure better house design. In particular, single storey dwellings with a hipped and/or gabled roofs present significantly better with a roof form that extends above the walls. The proportion of the roof form is balanced with the rest of the dwelling and the building mass presents a stronger residential character to the street, which improved the overall streetscape character.

Figure 5 shows examples of dwellings with a compliant roof form in terms of roof pitch (Dwelling A) and a compliant dwelling in regard to the 5 metre building height.



Figure 5 – Dwelling Roof Forms

The Dwelling B roof form design is compromised by a 5 metre building height standard and presents poorly as it is not in proportion with the building. It has an underwhelming residential character due to its substandard design quality. Conversely, Dwelling A is significantly more impressive and attractive due to its extended roof form.

As the site comprises numerous rows of residential allotments, the compounding effect of several dwellings with roof forms that satisfy the 5 metre height limit will be detrimental to the streetscape and exhibit an undesirable residential character. An unattractive streetscape will also be detrimental to the heritage significance of Catherine Park House and diminish the heritage values of a State listed heritage item. This is also an outcome that the planning and heritage objectives and provisions are intending to prevent. Accordingly, the improved design quality and compliance with the heritage and planning design provisions provide strong grounds to support the variation.

No impact on views and vistas from Catherine Park House

Catherine Park House is located on an elevated knoll and sits proud of the 66 allotments surrounding the heritage item. An analysis of four (4) views from Catherine Park House and the surrounds that intersect the site in variation locations is included in Appendix 1. The analysis shows Catherine Park House and illustrates the section detail aligning with each of the four view lines. The section detail annotates the 5 metre and 8 metre building height limits within the site (66 lots) and also shows the adjoining 9 metre building height around the outer edge of the site.

Figure 6 is an excerpt of the views analysis and includes the section of View 4 from Catherine Park House.

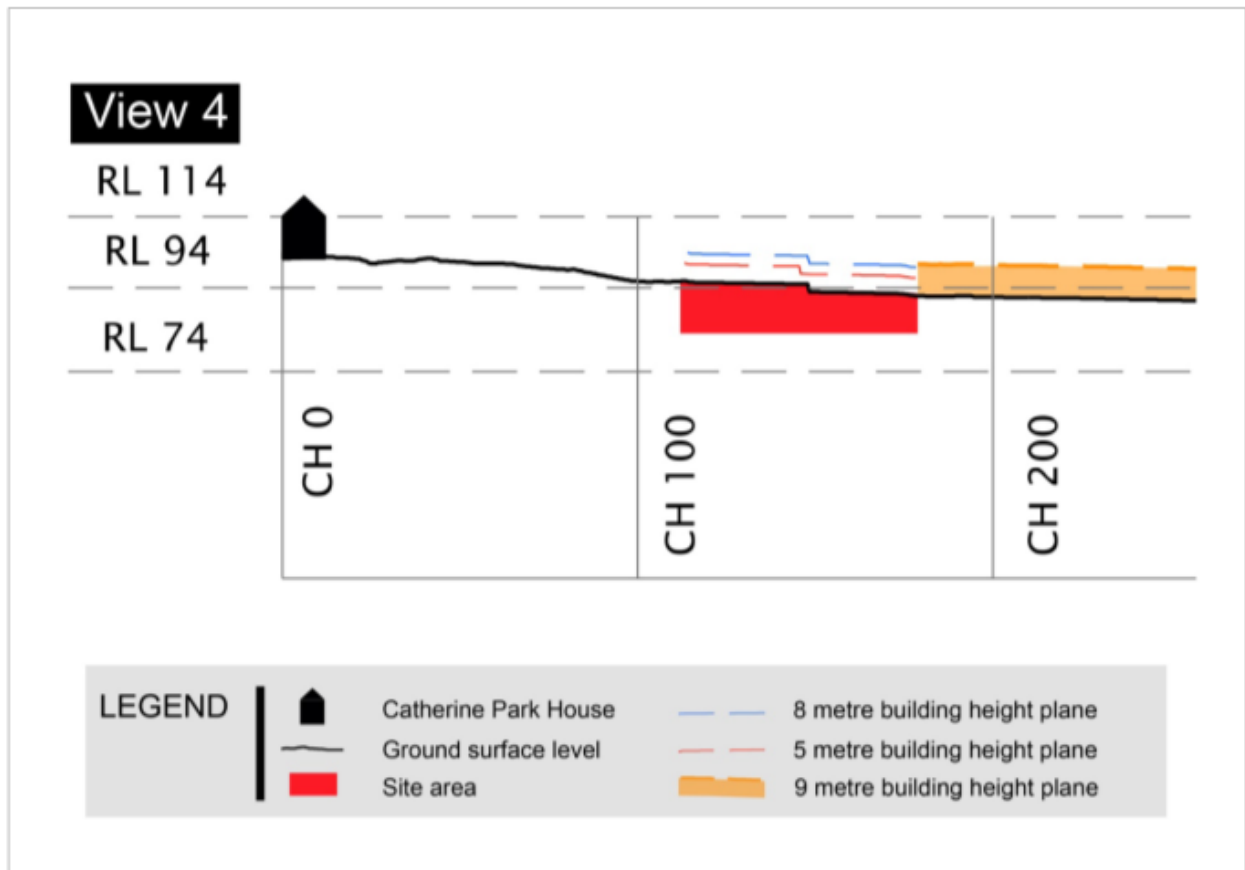


Figure 6 – Extract from View 4 in Views Analysis

The section of View 4 illustrates that both the 5 metre and proposed 8 metre building height planes are eclipsed by the adjoining 9 metre building height. Moreover, the vistas and views from Catherine Park House are dictated by the built form within the 9 metre maximum building height area as opposed to the built form within the site. This is the case for all of the four view sections, and given the proposed building height limit in this proposal is over 1 metre less than shown in the view analysis, the impacts will be less than in the views assessment.

The other matter of consideration is the portion of the roof that will be above the 5 metre building height plane is relatively minor. The 66 dwellings within the site require larger side boundary building setbacks than typical standards to create greater separation between the dwellings. Greater separation between the dwellings will also ensure greater separation between the roof forms. With a relatively small portion of the roof form above the 5 metre height plane and the separation between buildings, wide view corridors between the roofs of adjoining dwellings are preserved and continue to allow open views within the heritage curtilage area.

The built form of new residential development around the outside of the 66 lots dictate views and vistas for Catherine Park House and closer views within the heritage curtilage including the site will be preserved within corridors between the roofs of the single storey dwellings. Accordingly, the findings in the views analysis provides strong grounds to support the variation.

Objectives and intent of built form surrounding Catherine Park House preserved

The key outcome for the site (66 lots) is that all residential dwellings are to be single storey construction with hipped and/or gabled roofs on large lots. The proposed building height does not change the intended outcome for residential development surrounding Catherine Park House. The proposed building height also does not affect the intended type and character of residential development, and it will actually improve the design quality and therefore character. Accordingly, preserving the intended development outcomes and improving character provides strong grounds to support the variation.

No significant environmental impact

There is no significant environmental impact resulting from the variation. The variation allows the orderly and proper delivery of development that will result in a development outcome that is essentially the same as has been planned for the Catherine Field Part Precinct and provided for in the Growth Centres SEPP and Schedule 4 in the Camden Council Growth Centres DCP. Once built, the site will form part of a larger area that will maintain a transition of development intensity from Catherine Park House and the intended urban structure will upheld. The protrusion of a small portion of the roof forms for the single storey dwellings with the site will be on no significant impact, particularly as this development will be more dominated by two storey developments around the outer edge of the locality. Accordingly, there are strong grounds to justify the proposed variation as there is no significant environmental impact and the intended development objectives for the locality are maintained.

Conclusion

There are sufficient environmental planning grounds to justify variation to the maximum building height including achieving an improved building designs, no significant impacts on views and vistas from Catherine Park House, preserving a transition in development between the House and standard residential development, and having no significant impact.

4.3 Clause 4.6(4)(a)(ii): In the public interest because it is consistent with the objectives of the zone and development standard

The proposed development is consistent with the objectives of the maximum building height development standard for the reasons explained in Section 4.1 this report (refer to Test 1).

The proposed development is consistent with the zone objectives for the R2 Low Density Residential for the reasons explained in Section 4.1 this report (refer to Test 1a).

In addition, the neighbourhood character and dwelling design is complementary with the heritage values of Catherine Park House and meets the design intent of the ILP and Precinct objectives to provide for a diverse range of housing options in the South West Growth Area.

Support for the proposed variation is in the public interest as it is consistent with the objectives and will significantly and directly enhance the amenity of the area with a well-transitioned residential development away from Catherine Park House from detached dwellings on larger lots to two storey homes on smaller lots.

4.4 Considerations for the Planning Secretary

Clause 4.6(5) outlines matters for the Planning Secretary to consider in approving a variation to a development standard, which reads:

- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
- (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

In consideration of subclause (5), the following comments are presented.

- The variation does not raise any matter of significance for State environmental planning as the proposed variation:
 - provides significantly better building designs and improved streetscapes,

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

- provides site-specific reasoning to support the variation,
 - relates to a situation that has uncommon circumstances that do not occur elsewhere in the locality, and
 - is a variation of relatively minor consequences of no significant environmental impact.
- Maintaining the development standard has no discernible public benefit.

CLPP03

Attachment 3

5 CONCLUSION

A Clause 4.6 variation request to support a DA to seeking approval to erect a detached dwelling on land described in Table 2 of this report. This request should be read in conjunction with the associated Environmental Assessment and supporting documentation lodged with the proposal.

The variation request relates to a maximum building height development standard under Appendix 9 Camden Growth Centres Precinct Plan in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

This request has been prepared in accordance with the Department of Planning & Environment (DPIE) Guideline, *Varying Development Standards: A Guide*, August 2011, and relevant matters set out in the 'five-part test' established by the NSW Land and Environment Court.

This report and supporting information demonstrate that support for proposed building height provides better building design, enables compliance with DCP controls and achieves the intended outcomes for residential development surrounding Catherine Park House without any significant impacts.

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development by allowing flexibility circumstances. The proposed variation is respectful of the allowances under Clause 4.6 and can be supported for the following reasons:

- It has been demonstrated that compliance with the development standard is unreasonable and unnecessary in the specific circumstances for three of the tests in the five part test;
- The proposal maintains consistency with the objectives of the R2 Low Density Residential zone;
- The proposal is consistent with the objectives of Clause 4.3 Height of buildings, despite the non-compliance;
- The proposed building height in Table 3 of this report will enable better building design and improved streetscapes;
- There are sufficient environmental planning grounds to justify the variation;
- The variation upholds the design intent for the locality for a transition of residential development away from Catherine Park House; and
- Support for the proposed variation will have a positive environmental impact and is in the public interest.

CLPP03

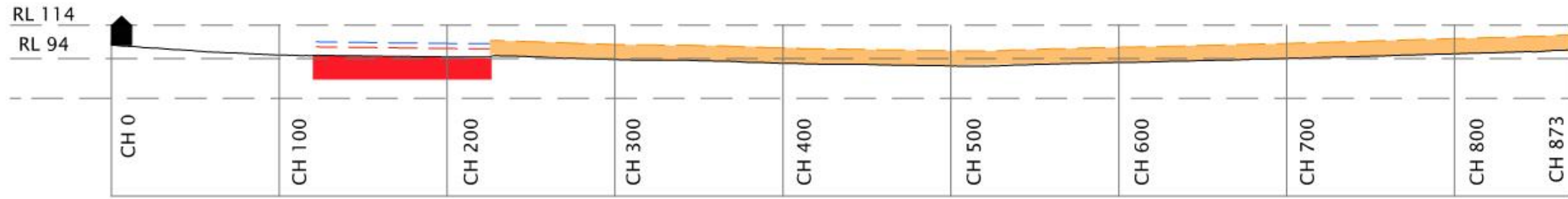
Attachment 3

APPENDIX 1
Views Analysis

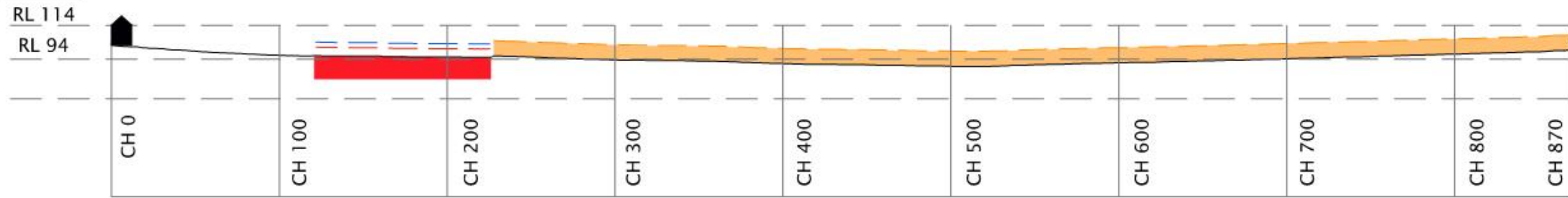
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

[Note: long section data provided by Registered Surveyor JMD Development Consultants]

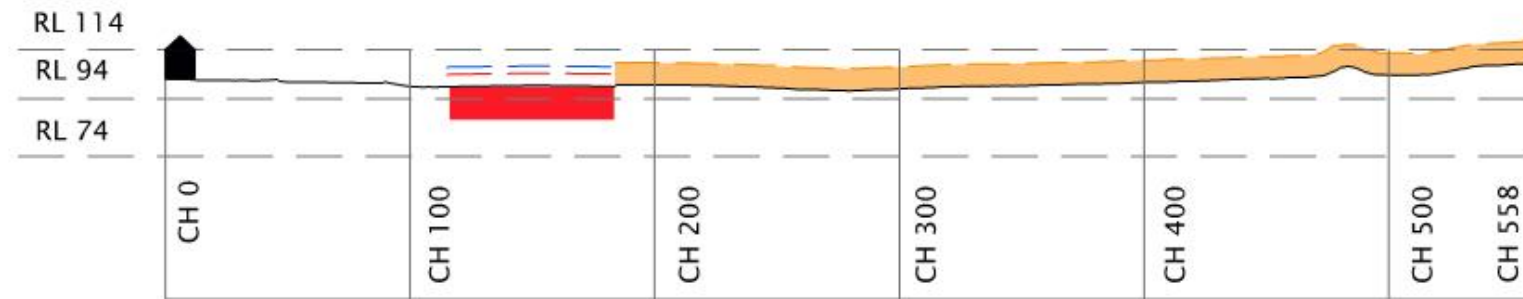
View 1



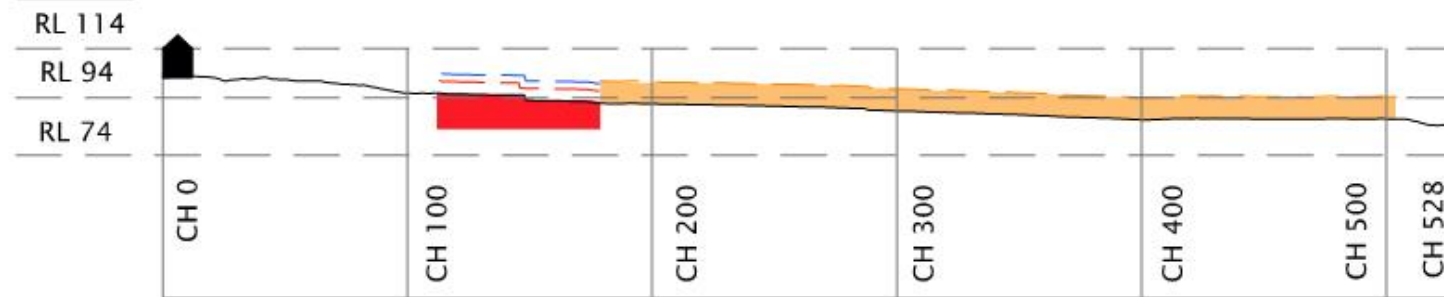
View 2



View 3



View 4



LEGEND

- Catherine Park House
- Ground surface level
- Site area
- 8 metre building height plane
- 5 metre building height plane
- 9 metre building height plane





Heritage NSW

Our ref: DOC22/41407

Cathryn Fuller
Team Leader DA Assessment
Camden Council
70 Central Avenue
ORAN PARK NSW 2570

By email: Cathryn.Fuller@camden.nsw.gov.au

Dear Ms. Fuller

ORAN PARK (SHR 01695) – REFERRALS TO HERITAGE NSW

I write following our 20 January 2022 online meeting with Council where we discussed shared concerns about the planning control and current volume of work being generated by the Oran Park development. As canvassed, the volume of required referrals to Heritage NSW is against the proposed Exemption intent, and has ancillary impacts to private owners in terms of cost and time delays.

At the time of SHR listing, site-specific exemptions were put in place to exempt complying development from the requirement for approval under the *Heritage Act 1977* (*Catherine Park Estate – Oran Park House Heritage Exemptions Guidelines*, prepared by Design + Planning, dated October 2014). The control under Section 4.1 'Residential Built Form' required that '*The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder*'.

We note Council's advice that this has not proven practical as the developer (Harrington Estates) has sold the subject lots as individual lots to private owners. New owners have been submitting separate development applications to Camden Council, with referral to Heritage NSW required due to the 'one builder' control of the Exemptions not being compliant.

Heritage NSW understands that the 'one builder' control is not commercially viable and no longer possible at this stage in the residential development. In response, we propose a two-pronged approach. The process of amending the site-specific exemptions will be pursued with the Heritage NSW Listings Team, which will require recommendation by the State Heritage Register Committee and decision by the Minister for Heritage. In the meantime, to facilitate streamlining of the integrated development referrals, a set of standard GTA's is provided with this letter. Council can attach these standard GTA's without referral to Heritage NSW, as long as the proposals are:

- In line with Exemption Guidelines (noting that the 'one builder' control is not practical and does not need to be complied with); and
- Not within the historic archaeological potential zone (relates to 37, 39 and 41 Gleeson Rise, Oran Park).

It is also noted that some allotments are located partially within the SHR curtilage. In those cases, it is important to note that the Heritage Council does not have the authority to grant general terms of approval in relation to development to the land outside of that SHR listing boundary. In relation to the land outside of the SHR curtilage, the Heritage Council has an advisory role only.

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

CLPP03

Attachment 4

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

1. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

ABORIGINAL OBJECTS

2. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

3. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

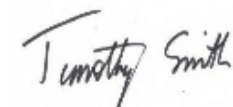
SECTION 60 APPLICATION

4. An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

If you have any questions about this correspondence, please contact Veerle Norbury, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8616 or Veerle.Norbury@environment.nsw.gov.au. I want to thank Council for working proactively with Heritage NSW to find a pragmatic response that still provides appropriate interim safeguards for the heritage place.

Yours sincerely



Tim Smith OAM
 Director Assessments
 Heritage NSW
 Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW
 25 January 2022



SHEET LIST

001	COVER SHEET
002	NOTES
003	BASIX
004	NATHERS
005	SITE PLAN
006	DRIVEWAY GRADIENT
007	CONCEPT STORMWATER PLAN
008	SITE MANAGEMENT PLAN
009	FLOOR PLAN
010	ELEVATIONS
011	ELEVATIONS
012	SECTION
013	WINDOWS & DOORS SCHEDULES
014	NOTIFICATION PLAN



Hyunsoo Park

Yuwei Wan

Date : 12/08/2022

08.22	B-5	FRANKIE	HOUSE WIDTH REDUCTION
08.22	B-4	FRANKIE	COUNCIL DEFERRAL
05.22	B-3	FRANKIE	AUTHORITY PLANS - AMENDED CEILING HEIGHT
03.22	B-2	FRANKIE	AUTHORITY PLANS - AMENDED REAR SETBACK
02.22	B-1	RAE	AUTHORITY PLANS

DATE REV DRAWN BY DESCRIPTION

DESIGN NAME:
TOORAK 34

PACKAGE:
ELEGANCE

FACADE NAME:
INTEGRA

JOB NO:
20-1445

PROPOSED:
NEW SINGLE STOREY DWELLING

CLIENTS NAME:
MR PARK
MRS WAN

SITE ADDRESS:
LOT: 6068 DP: 1235007
(No. 13) MARY FAIRFAX DRIVE
CATHERINE FIELD ,NSW, 2570

NOTE: ARTISTIC IMPRESSION IS FOR ILLUSTRATION PURPOSES ONLY. COLOURS AND MATERIAL FINISHES WILL BE SUBJECT TO BUILDERS FINAL TENDER

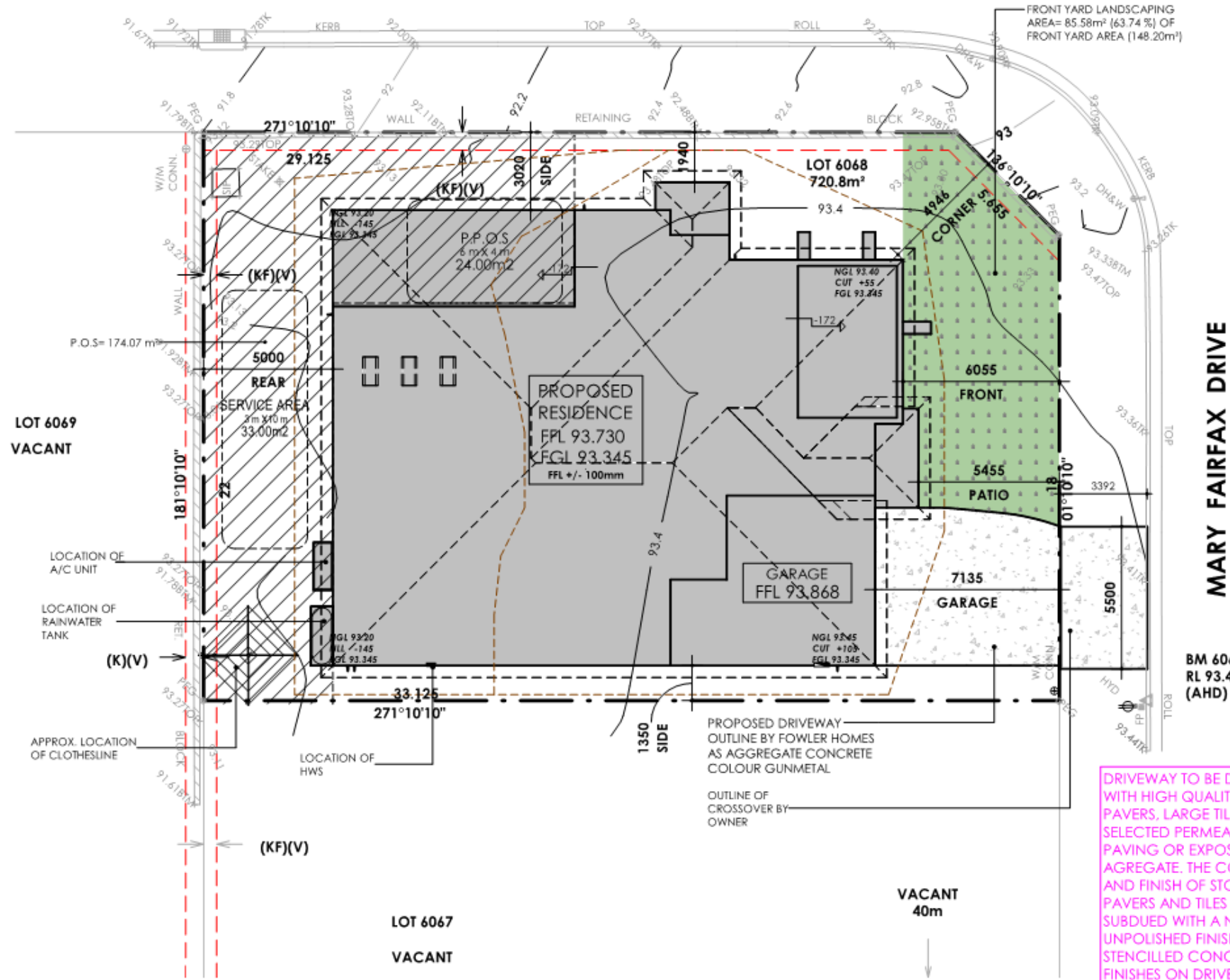
NOTES:
 • THE HOME MUST BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY NBN

(K) RESTRICTION ON THE USE OF LAND (0.7 WIDE)(No.7)
 (KF) RESTRICTION ON THE USE OF LAND (0.5 WIDE)(No.9)
 (V) POSITIVE COVENANT (No.8)

NOTE:
 RENDERS ON THE FRONT & SECONDARY FACADE ARE TO BE IN NEUTRAL COLOURS SUCH AS MID-RANGE GREYS, OLIVES AND BROWNS.



MARY FAIRFAX DRIVE



DRIVEWAY TO BE DESIGNED WITH HIGH QUALITY STONE PAVERS, LARGE TILES, SELECTED PERMEABLE PAVING OR EXPOSED AGREGATE. THE COLOUR AND FINISH OF STONE PAVERS AND TILES IS TO BE SUBDUED WITH A NATURAL UNPOLISHED FINISH. STENCILLED CONCRETE FINISHES ON DRIVEWAYS ARE NOT APPROPRIATE.

COUNCIL: CAMDEN	
DEVELOPER: CATHERINE PARK ESTATE	
GROWTH CENTRE: -	
DA COUNCIL APPROVAL COUNCIL APPROVAL REFER TO COUNCIL REGULATIONS FOR FURTHER DETAILS.	
SITE AREA:	720.80 rr
FLOOR AREAS:	TOTAL: 382.06 rr
GROUND FLOOR:	288.55 rr
GARAGE:	46.01 rr
PATIO:	11.56 rr
OUTDOOR RETREAT:	35.94 rr
SITE COVERAGE:	TOTAL GF: 46.42%
EXCLUDES PATIO & OUTDOOR RETREAT	
SITE AREA:	720.80 rr
GROUND FLOOR AREA:	288.55 rr
GARAGE AREA:	46.01 rr
MAX. SITE COVERAGE:	50%
LANDSCAPE AREA:	40.89%
SITE AREA:	720.80 rr
TOTAL HARDSTAND AREA:	382.06 rr
APPROX DRIVEWAY AREA:	44.04 rr
LESS THAN 1m:	0.00 rr
EXISTING STRUCTURE:	0.00 rr
LANDSCAPED AREA:	294.70 rr
MINIMUM LANDSCAPE:	30%
PRIVATE OPEN SPACE	
PRINCIPAL PRIVATE OPEN SPACE:	24.00 n
PRIVATE OPEN SPACE:	174.07 n

LEGEND	
CUT/FILL	---
DROP EDGE BEAM	---
NATURAL GROUND LEVEL	NGL
FINISH GROUND LEVEL	FGL
FINISH FLOOR LEVEL	FFL
PRIVATE OPEN SPACE	///

SHEET NAME: SITE PLAN	
JOB NO: 20-1445	
NEW SINGLE STOREY DWELLING	DESIGN NAME: TOORAK 34
FACADE NAME:	PACKAGE:

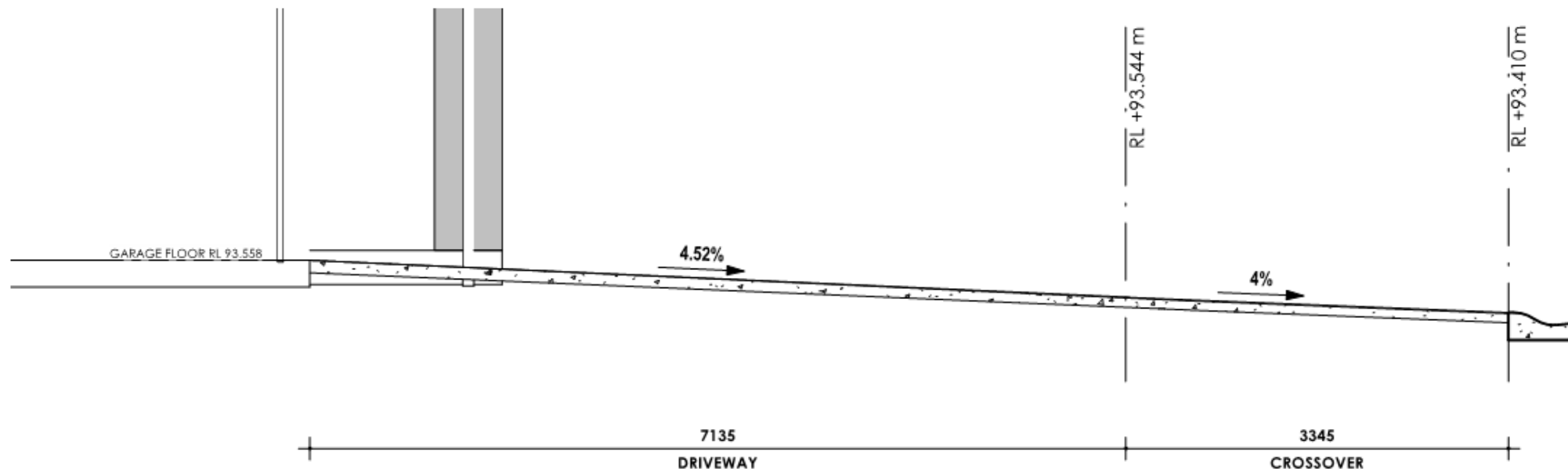
REV: B-5	DATE: 11.08.22
SCALE @ A3:	SHEET NO:

CLIENT'S NAME:
MR PARK
MRS WAN

SIGNATURE: _____ DATE: _____

I ACCEPT AND APPROVE CURRENT PLANS AND ALL

SITE ADDRESS:
LOT: 6068 DP: 1235007
(No. 13) MARY FAIRFAX DRIVE
CATHERINE FIELD NSW 2570



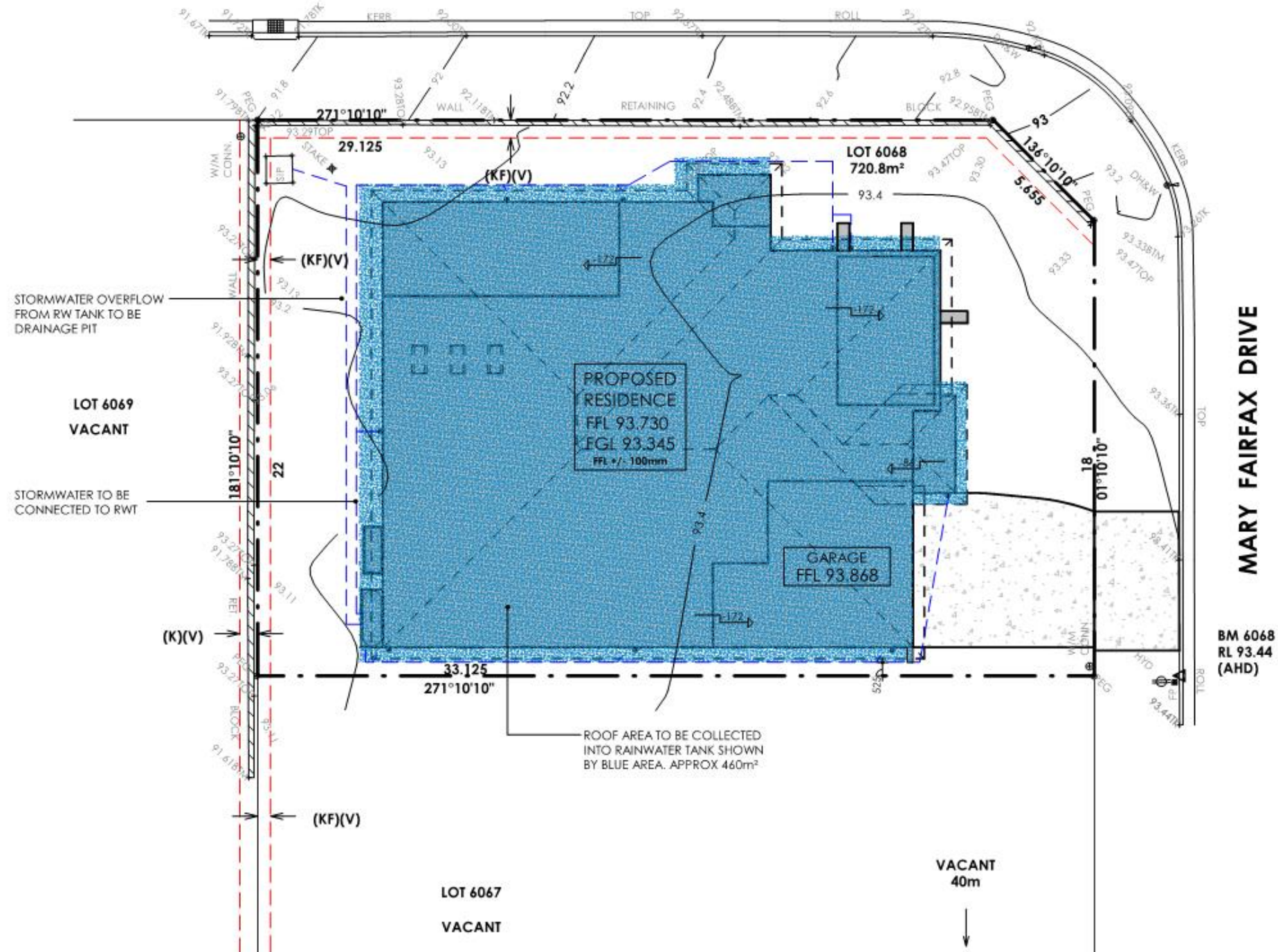
Attachments for the Camden Local Planning Panel Meeting held on 27 September 2022 - Page 211

SHEET NAME: DRIVEWAY GRADIENT		JOB NO: 20-1445		 FOWLER YOUR HOME. OUR PASSION.	CLIENTS NAME: MR PARK MRS WAN		SITE ADDRESS: LOT: 6068 DP: 1235007	
NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34		REV: B-5	DATE: 11.08.22		SIGNATURE: _____ DATE: _____		(No. 13) MARY FAIRFAX DRIVE	
FACADE NAME:	PACKAGE:	SCALE @ A3:	SHEET NO.:	I ACCEPT AND APPROVE CURRENT PLANS AND ALL		CATHERINE FIELD NSW 2570		

(K) RESTRICTION ON THE USE OF LAND (0.7 WIDE)(No.7)
 (KF) RESTRICTION ON THE USE OF LAND (0.5 WIDE)(No.9)
 (V) POSITIVE COVENANT (No.8)



MARY FAIRFAX DRIVE



MARY FAIRFAX DRIVE

BM 6068
 RL 93.44
 (AHD)

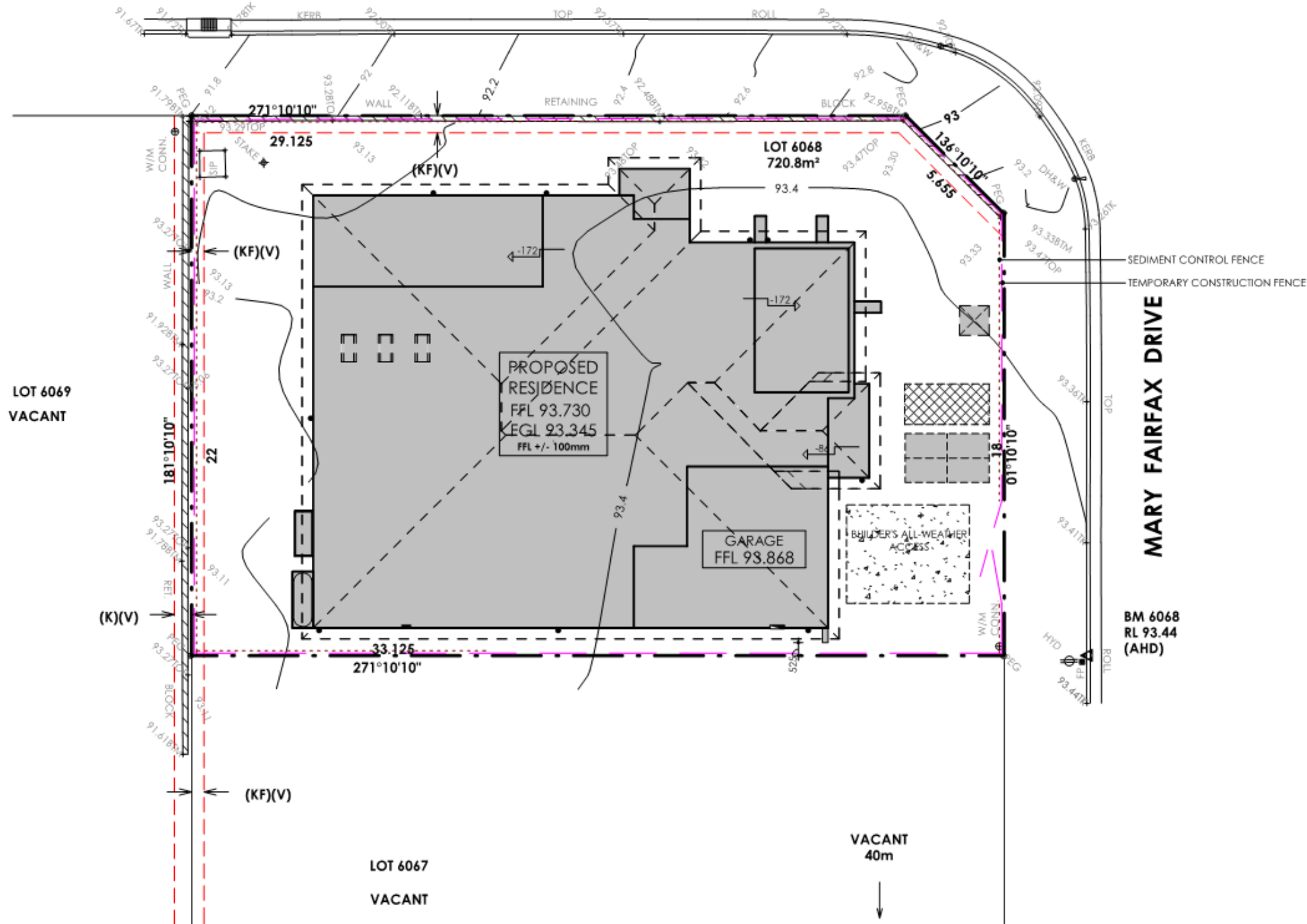
LOT 6067
 VACANT

VACANT
 40m

SHEET NAME: CONCEPT STORMWATER PLAN		JOB NO.: 20-1445		 FOWLER YOUR HOME. OUR PASSION.	CLIENT'S NAME: MR PARK MRS WAN		SITE ADDRESS: LOT: 6068 DP: 1235007	
NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34		REV: B-5	DATE: 11.08.22		SIGNATURE: _____ DATE: _____		(No. 13) MARY FAIRFAX DRIVE	
FACADE NAME:	PACKAGE:	SCALE @ A3:	SHEET NO.:	I ACCEPT AND APPROVE CURRENT PLANS AND ALL		CATHERINE FIELD NSW 2570		

(K) RESTRICTION ON THE USE OF LAND (0.7 WIDE)(No.7)
 (KF) RESTRICTION ON THE USE OF LAND (0.5 WIDE)(No.9)
 (V) POSITIVE COVENANT (No.8)

MARY FAIRFAX DRIVE



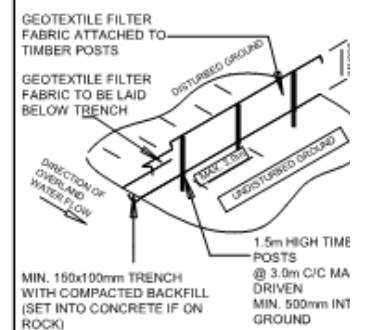
NOISE AND VIBRATION CONTROL

-BOREHOLE REPORT SHOWS NO ROCK WITHIN SITE. MINIMAL VIBRATION AND NOISE DURING PIER HOLE DRILLING.
 - SITE PLAN INDICATES MINIMAL CUT AND FILL. PLANT USE WILL BE LOW IMPACT AND FOR MINIMAL TIMBERFRAMES.

SEDIMENT CONTROL NOTES

1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION ACT NSW AND INSPECTED DAILY BY THE SITE MANAGER.
2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE x 300mm DEEP TRENCH.
4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE MAXIMUM OF 60% FULL OF SOIL MATERIAL INCLUDING THE MAINTENANCE PERIOD.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREAS WHERE WATER MAY CONCENTRATE. ALL ROADS AND FOOTPATHS TO BE SWEEPED DAILY.
7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OF APPROVED EQUIVALENT) BETWEEN POSTS AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOW EDGE.
8. DUST PREVENTION MEASURES TO BE MAINTAINED AT ALL TIMES.

SEDIMENT FENCE NOT TO SCALE



LEGEND

	CONSTRUCTION FENCE
	SEDIMENT CONTROL FENCE
	WASTE STOCKPILE
	BUILDERS WASTE
	ALL WEATHER ACCESS
	ONSITE PORTABLE TOILET

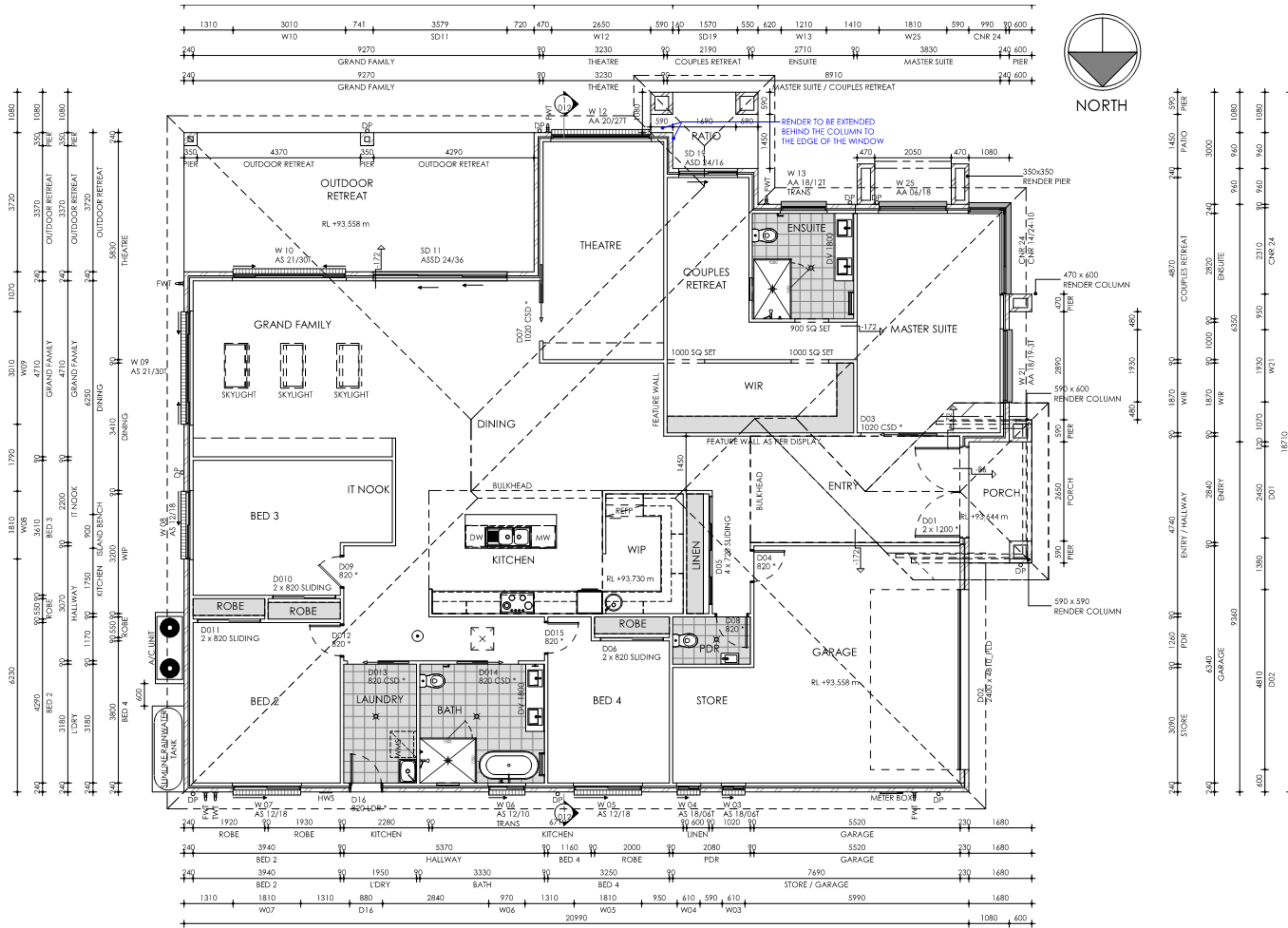
Attachments for the Camden Local Planning Panel Meeting held on 27 September 2022 - Page 213

SHEET NAME: SITE MANAGEMENT PLAN		JOB NO: 20-1445	
NEW SINGLE STOREY DWELLING		REV: B-5	DATE: 11.08.22
DESIGN NAME: TOORAK 34		SHEET NO.:	
FACADE NAME:	PACKAGE:	SCALE @ A3:	



Clients Name: MR PARK MRS WAN	DATE:
SIGNATURE:	I ACCEPT AND APPROVE CURRENT PLANS AND ALL

SITE ADDRESS: LOT: 6068 DP: 1235007 (No. 13) MARY FAIRFAX DRIVE CATHEDINE FIELD NSW 2570



- ALL SQUARE SET OPENINGS TO BE 2400mm HIGH TO GROUND FLOOR.
- ALL SQUARE SET OPENINGS TO BE 2100mm HIGH TO FIRST FLOOR.
- ALL GROUND FLOOR ENTRY, EXTERNAL INTERNAL AND LAUNDRY DOORS TO BE 2340mm HIGH.
- WINDOWS TO HAVE PROTECTION OF OPENABLE WINDOWS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA VOLUME 2 2013. IN RELATION TO THE BEDROOM WINDOWS.

- PROVIDE THE FOLLOWING AS PER BASI REQUIREMENTS:
- ADDED DEDICATED LED / CFL LIGHTING
 - INDOOR CLOTHES LINE BY OWNER
 - WELL VENTILATED FRIDGE SPACE.

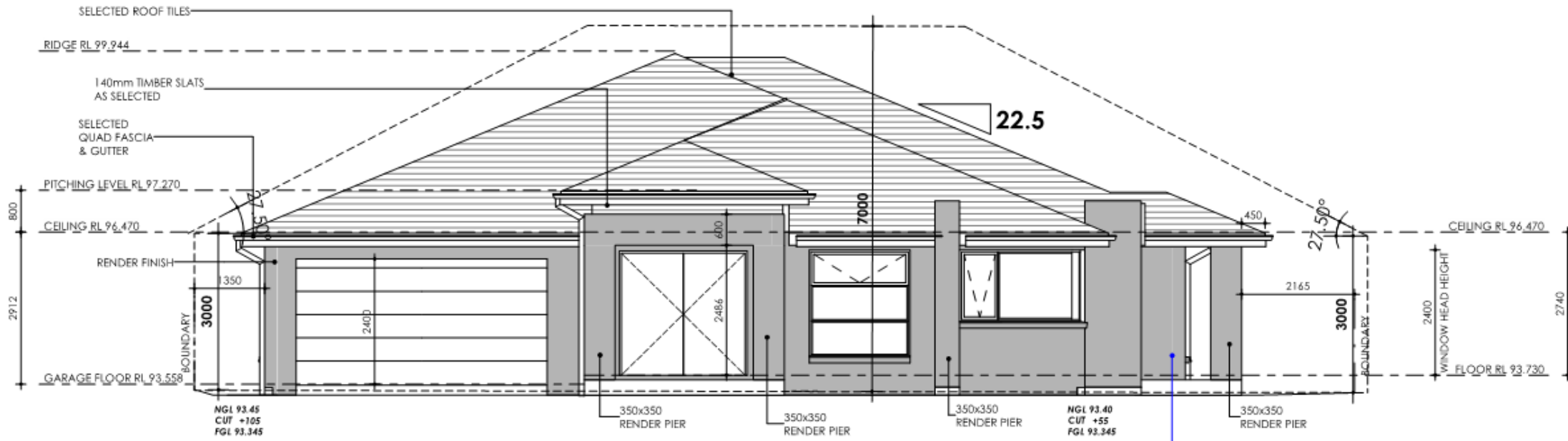
LEGEND	
MW	MICROWAVE
DW	DISHWASHER
WM	WASHING MACHINE SPACE
FS	FRIDGE SPACE
*	2340 HIGH DOORS
SA	SMOKE ALARM
⊗	EXHAUST FAN
↗	FLOOR JOIST DIRECTION
TWT	TANK WATER TAP
FWT	FRESH WATER TAP
DP	DOWN PIPE LOCATION
FW	FLOOR WASTE
WS	WASTE STACK
EJ	EXPANSION JOINTS
⊠	ROOF ACCESS
SB	STRUCTURAL BEAMS TO ENGINEER'S SPECIFICATIONS

FLOOR AREAS	
GROUND FLOOR	284.01
GARAGE	45.06
PATIO	11.09
OUTDOOR RETREAT	34.82
TOTAL	374.98

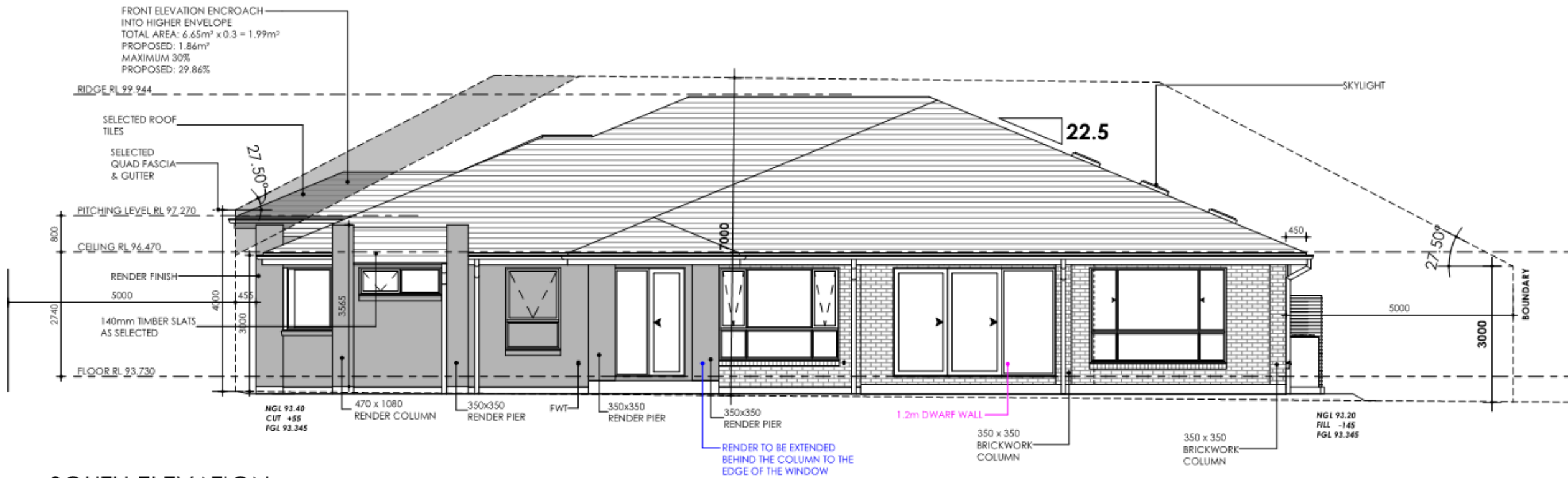
Attachments for the Camden Local Planning Panel Meeting held on 27 September 2022 - Page 214

<p>SHEET NAME: FLOOR PLAN</p> <p>NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34</p> <p>FACADE NAME: _____ PACKAGE: _____</p>	<p>JOB NO: 20-1445</p> <p>REV: B-5 DATE: 11.08.22</p> <p>SCALE @ A3: _____ SHEET NO: _____</p>	<p>FOWLER YOUR HOME. OUR PASSION.</p>	<p>CLIENT'S NAME: MR PARK MRS WAN</p> <p>SIGNATURE: _____ DATE: _____</p> <p>I ACCEPT AND APPROVE CURRENT PLANS AND ALL</p>	<p>SITE ADDRESS: LOT: 6068 DP: 1235007</p> <p>(No. 13) MARY FAIRFAX DRIVE</p> <p>CATHERINE FIELD NSW 2570</p>
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NOTE:
RENDERS ON THE FRONT & SECONDARY FACADE
ARE TO BE IN NEUTRAL COLOURS SUCH AS MID-
RANGE GREYS, OLIVES AND BROWNS.



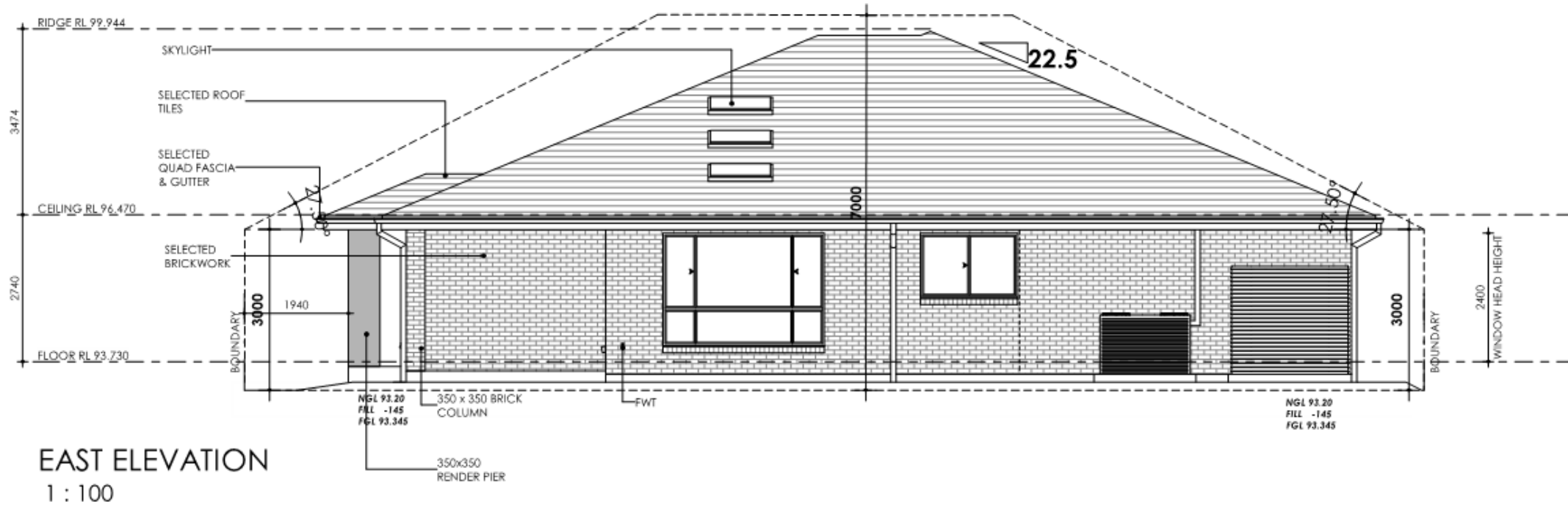
WEST ELEVATION
1 : 100



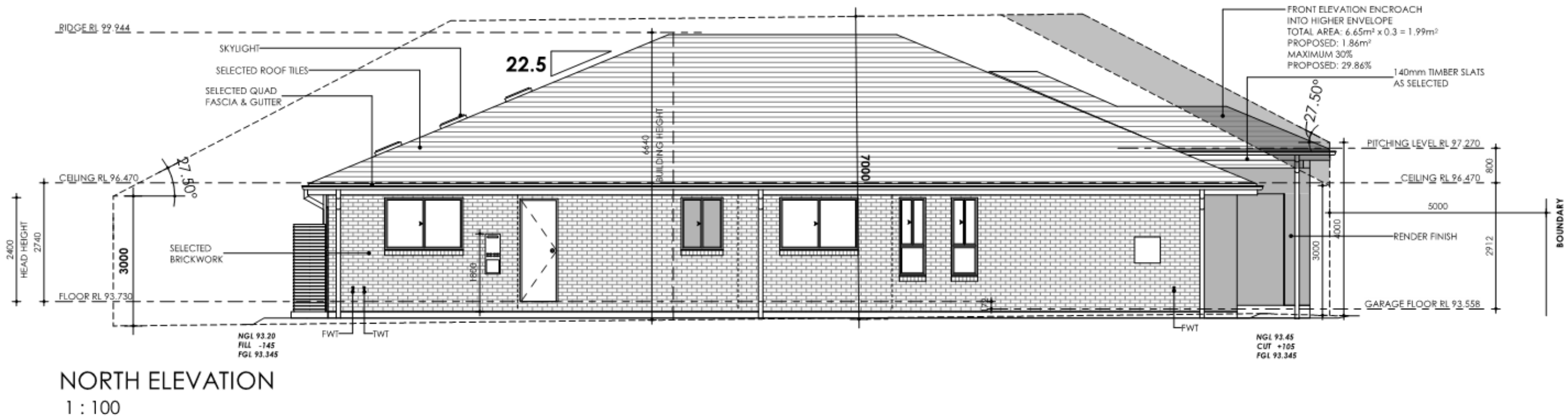
SOUTH ELEVATION
1 : 100

SHEET NAME: ELEVATIONS		JOB NO: 20-1445		CLIENTS NAME: MR PARK MRS WAN		SITE ADDRESS: LOT: 6068 DP: 1235007	
NEW SINGLE STOREY DWELLING		REV: B-5	DATE: 11.08.22	SIGNATURE:		DATE:	
DESIGN NAME: TOORAK 34		SCALE @ A3:		I ACCEPT AND APPROVE CURRENT PLANS AND ALL		(No. 13) MARY FAIRFAX DRIVE	
FACADE NAME:	PACKAGE:	SHEET NO.:				CATHERINE FIELD NSW 2570	



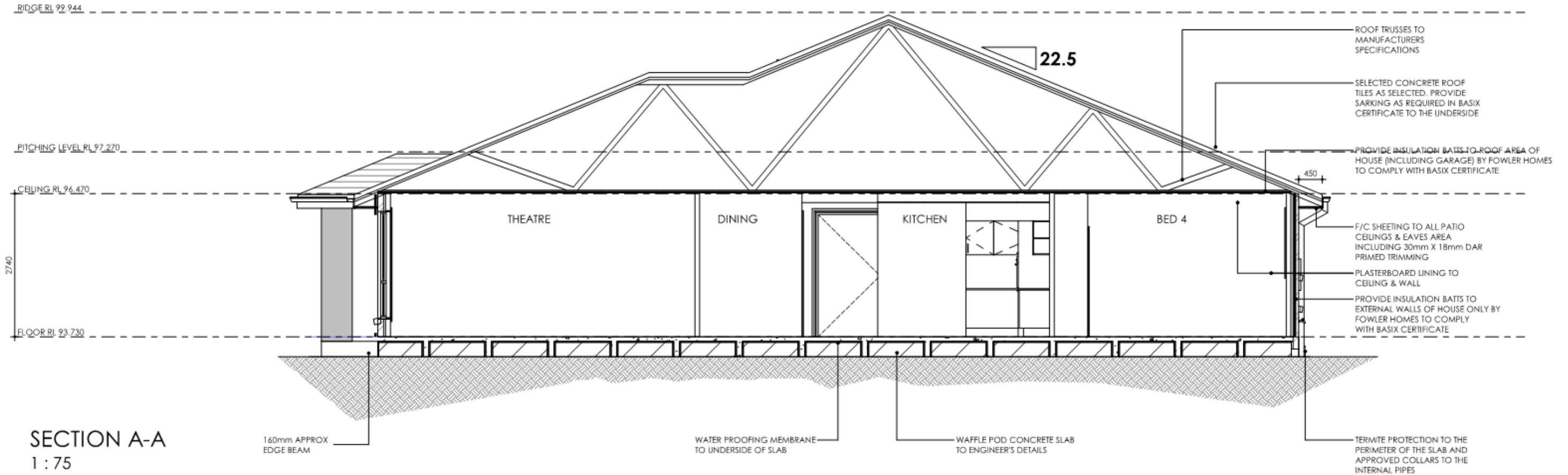


EAST ELEVATION
1 : 100



NORTH ELEVATION
1 : 100

SHEET NAME: ELEVATIONS		JOB NO: 20-1445		CLIENT'S NAME: MR PARK MRS WAN		SITE ADDRESS: LOT: 6068 DP: 1235007	
NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34		REV: B-5	DATE: 11.08.22	 FOWLER YOUR HOME. OUR PASSION.		(No. 13) MARY FAIRFAX DRIVE	
FACADE NAME:	PACKAGE:	SCALE @ A3:	SHEET NO:				



SECTION A-A
1 : 75

SHEET NAME: SECTION		JOB NO: 20-1445		 FOWLER YOUR HOME. OUR PASSION.	CLIENTS NAME: MR PARK MRS WAN		SITE ADDRESS: LOT: 6068 DP: 1235007 (No. 13) MARY FAIRFAX DRIVE CATHEDINE FIELD NSW 2570	
NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34		REV: B-5	DATE: 11.08.22		SIGNATURE: I ACCEPT AND APPROVE CURRENT PLANS AND ALL	DATE:		
FACADE NAME:	PACKAGE:	SCALE @ A3:	SHEET NO.:					

EXTERNAL COLOUR PLAN



ELEVATIONS NEW SINGLE STOREY DWELLING 1000ANK 34		20-1445 SK-17 10/12/21 1 : 100 019		FOWLER YOUR HOME. OUR PASSION.	CLIENT NAME MR PARK MRS WAN	PROJECT LOT: 4068 DP: 120007 (No. 13) MARY FARFAX DRIVE CATHERINE FIELD NSW, 2570
DRAWN BY INFOBA	CHECKED BY ELEGANCE	I ACCEPT AND APPROVE CURRENT PLANS AND ALL DOCUMENTATION PROVIDED TO ME BY FOWLER HOMES			DATE 019	



AUSTRAL BRICKS
Wilderness, Blue Gum
Off White Mortar, Iron joint



BRISTLE ROOFING
Classic, Silver Gum



WINDOWS
Trend, Ultra Black



COLORBOND, NIGHT SKY
Gutter, Fascia, Downpipes
Metrebox & Rainwater Tan



TAUBMANS, POLAR MIST
Render to Front Facade



TAUBMANS, ILLUSIVE WH
Eaves



TAUBMANS, FLOTSAM
Render to Porch Projection,
3x Engaged Piers & 2x Patio
Piers



GARAGE DOOR
Inspirations, 5 Equal Fifth
in White Gloss with Night
Sky Frame



JOHNSTONES STAIN, PEBBLE
Front Entry Door, Timber
Batten Infill above Porch &
to North Elevation



DRIVEWAY
Exposed Aggregate



TAUBMANS, FLOTSAM
Render to Fencing (*After
Handover by Owner*)

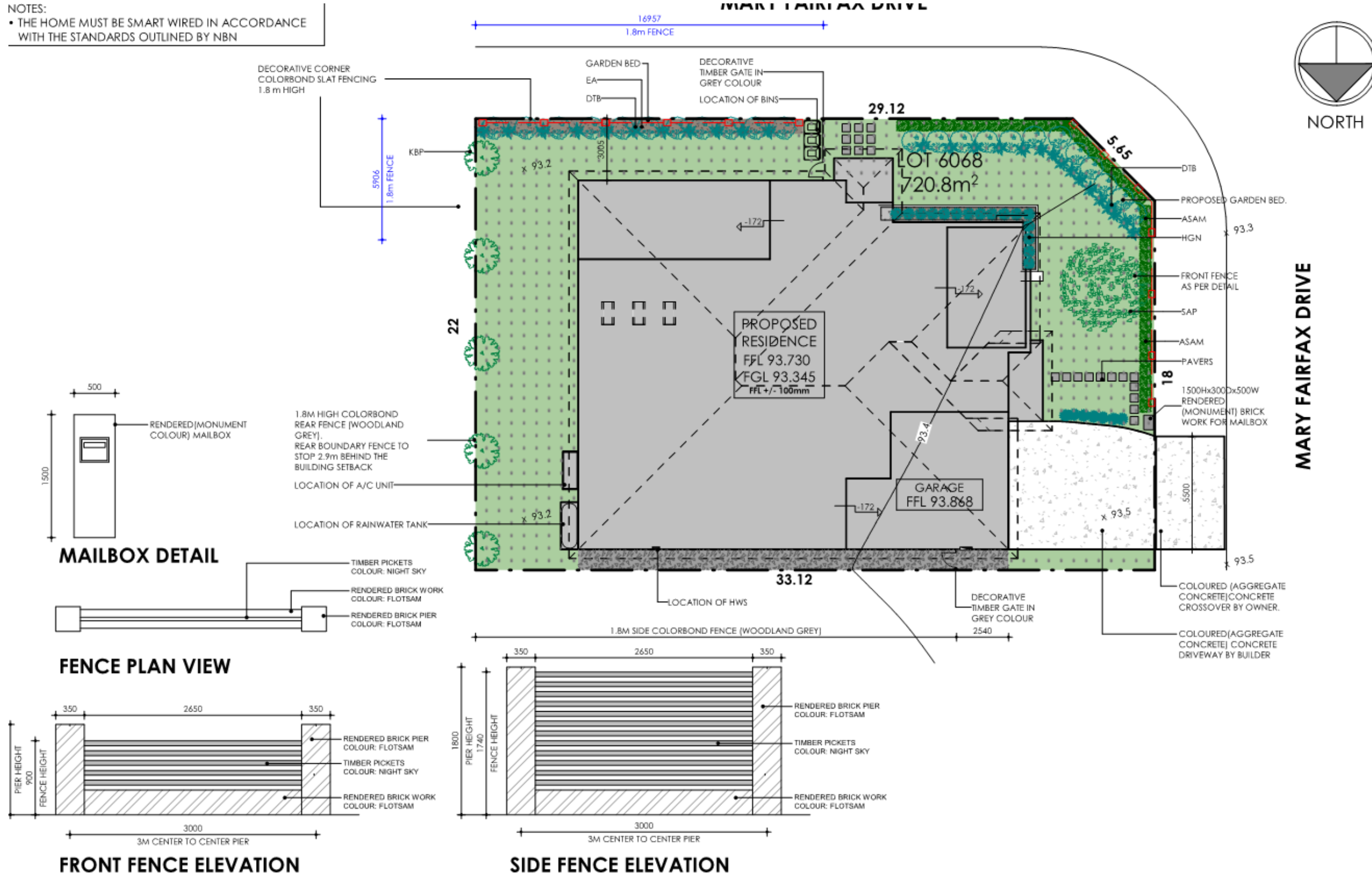


ALUMINIUM FENCE SLATS
Colorbond Night Sky (*After
Handover by Owner*)

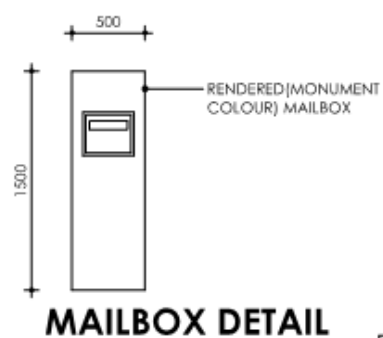




NOTES:
 • THE HOME MUST BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY NBN

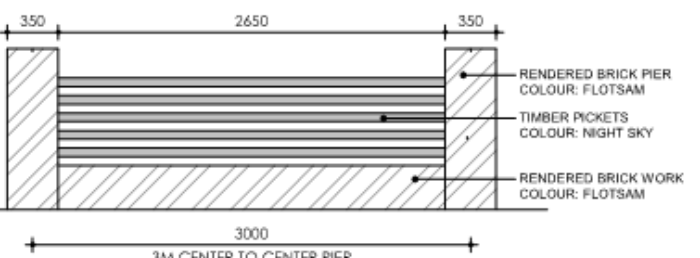


- SIDE & REAR FENCE TO BE CONSTRUCTED OF EITHER: MASONRY, RENDERED PANELS COLOURBOND IN WOODLAND GREY COLOUR.
- LETTERBOX HAS TO BE CONSTRUCTED OF EITHER STONE, MASONRY OR GLASS REINFORCED CONCRETE (GRC THAT HAS THE APPEARANCE OF STONE OR MASONRY).
- 1.8 HIGH SIDE FENCE MUST RETURN ALONG THE REAR BOUNDARY AT LEAST 2.9m BEHIND BUILDING SETBACK



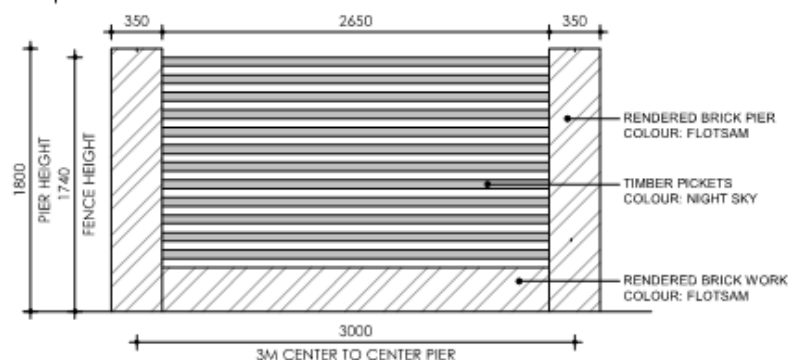
MAILBOX DETAIL

FENCE PLAN VIEW



FRONT FENCE ELEVATION

FENCE DETAIL
1 : 50



SIDE FENCE ELEVATION

PLANT SCHEDULES							
SYMBOL	COMMON NAME	BOTANIC NAME	SPACING	POT SIZE	MATURE HEIGHT	COUNT	
ASAM	Dwarf Lillypilli	Acmena Smithii 'Allyn Magic'	1m	300mm	0.9m hedged	3	
DTB	Dianella	Dianella Tasmanica 'Blaze'	0.4m	150mm	0.4m	27	
EA	White Wax Flower	Eriostemon Australasius 'Brilliance'	1.0m	200mm	2.0m	23	
HGN	Native Frangipani	Hymenosporum Flavum 'Gold Nugget'	1m	200mm	1m	23	
KBP	Kurrajong	Brachychiton populneum	3.0m	25lt	10.0m	5	
SAP	Chinese Tallow Tree	Sapium Sebiferum	-	45lt	9m	1	

LEGEND	
	GRASS
	GRAVEL
	MULCH
	HEDGE
	PLANTS
	TREES
	BINS
	MAILBOX
	PAVERS
	GATE

SHEET NAME: CONCEPT LANDSCAPE PLAN		JOB NO: 20-1445	
NEW SINGLE STOREY DWELLING		REV: B-4	DATE: 04.08.22
DESIGN NAME: TOORAK 34		SCALE @ A3:	SHEET NO.:
FACADE NAME:	PACKAGE:		



CLIENTS NAME:
MR PARK
MRS WAN

SIGNATURE: _____ DATE: _____

I ACCEPT AND APPROVE CURRENT PLANS AND ALL

SITE ADDRESS:
LOT: 6068 DP: 1235007
(No. 13) MARY FAIRFAX DRIVE
CATHERINE FIELD NSW 2570

CLPP04

CLPP04

SUBJECT: DA/2022/542/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE - 17 GLEESON RISE, ORAN PARK
FROM: Manager Statutory Planning
EDMS #: 22/409315

DA Number:	2022/542/1
Development:	Construction of a single storey dwelling house
Estimated Cost of Development:	\$466,740
Site Address(es):	17 Gleeson Rise, Oran Park
Applicant:	McDonald Jones Homes
Owner(s):	Mrs Melissa Small & Mr Jason Small
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 - Height of buildings
Classification:	Nominated Integrated
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Departure from Development Standards greater than 10%
Report Prepared By:	Emily Langford (Development Assessment 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 a single storey dwelling house at 17 Gleeson Rise, Oran Park.

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 is a development that contravenes the height of buildings development standard that applies to the site by more than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/542/1 for a single storey dwelling house 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 a single storey dwelling at 17 Gleeson Rise, Oran Park.

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 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 21 June to 18 July 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 6.505m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 5 of State Environmental Planning Policy (Precincts – Western Parkland) 2021.

The 5m height standard applies to this land given its proximity to the curtilage of the state heritage listed Oran Park House, with the lower building height creating a transition area of single storey dwelling houses in this location. The building height contravention is restricted to a portion of the pitched roof. The dwelling house is single storey with a design that is compatible with its heritage context (including an appropriately pitched roof).

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend Appendix 9 of the Growth SEPP to address the anomalies associated with the 5m height standard. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 9 of the Growth SEPP that will enable a merit-based assessment to be undertaken to allow building heights above 5m providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- height up to 4m at the front building line does not exceed 30% of the front elevation.

The proposed dwelling house at 17 Gleeson Rise largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and has been on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

The applicant has submitted a Clause 4.6 written request to support the height variation and provide justification for the contravention of the development standard. The proposed contravention, and the applicant's Clause 4.6 written request, have been assessed in this report and are supported by Council staff.

The proposed development with a 6.505m building height to its 26 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey and is also consistent with the planning proposal for a merit-based assessment of building heights above 5m, including consistency with the

proposed standard building envelope. The design is compatible with its heritage setting, including its roof pitch, which will minimise visual impacts and protect adjoining development.

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m	6.505m to roof ridge	1.505m 30.1%

AERIAL PHOTO



Figure 1: Aerial photo of subject site

THE SITE

The site is legally described as Lot 6021 DP1235007 and commonly known as 17 Gleeson Rise, Oran Park.

The site is a recently constructed lot in a ‘Greenfields’ subdivision, having been registered in May 2021. It has an area of 706.6m² with a street frontage of 21.3m and depth of 35m, with minimal change in level across the site. There is a 0.7m wide

retaining wall easement along the rear of the lot and a restriction related to the maintenance of the retaining wall along the rear boundary. The proposed development does not conflict with the easement.

The site is located within the curtilage of an item of state heritage significance, SHR:1695 Oran Park House (also known as Catherine Park House).

ZONING PLAN



Figure 2: Subject site - R2 Low Density Residential zoning

BUILDING HEIGHT PLAN



Figure 3: Height of Building map (5m height limit shown in blue, with 9m height in green)

HERITAGE LISTING



Figure 4: Subject site in relation to heritage listing

AREA MASTER PLAN



Figure 5: Red 'X' denoting approx. location of subject site in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Source: Catherine Fields (Part) Precinct Development Control Plan, Figure 2-1, Page 4.

HISTORY

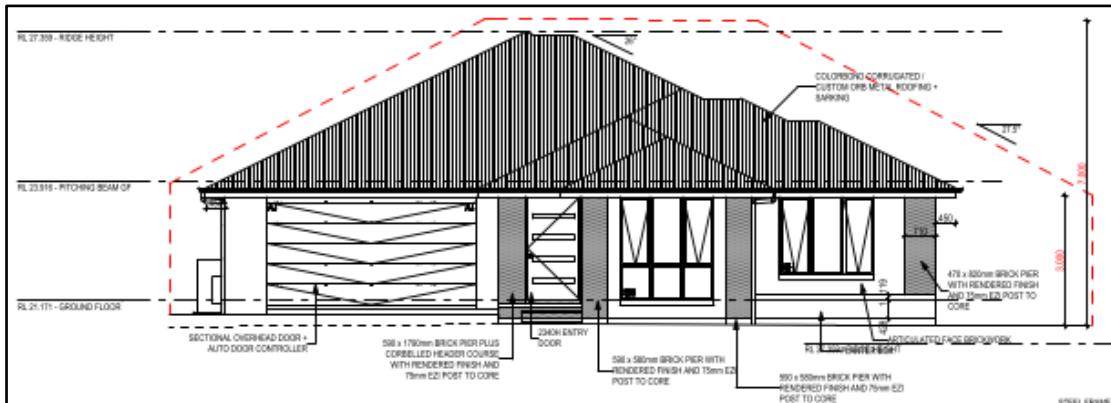
The relevant development history of the site is summarised in the following table:

Date	Development
23 March 2018	DA/2017/491/1 – Consent was granted to a subdivision to create 141 residential lots, 2 super-lots, a lot containing Oran Park House and its improvements, 1 residue lot, 1 public reserve lot, construction of public roads, provision of services, earthworks, site works and retaining walls to be delivered in four stages. This resulted in creation of the subject lot.
29 January 2021	<p>DA/2021/77/1 – A DA was submitted to Council that sought concept approval to establish site-specific building height development standards on 66 residential lots (8m as opposed to 5m) and stage 1 consent for the construction of 3 dwelling houses.</p> <p>The DA was withdrawn at the request of Council officers as it was determined that the height change should be addressed as part of a Planning Proposal.</p> <p>Prior to the DA being withdrawn, Heritage NSW issued GTAs for the Concept DA. The GTAs required any dwellings proposed on the subject lots to comply with a building envelope, including:</p> <ul style="list-style-type: none"> • a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and • the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.
26 February 2021	Planning Proposal (PP/2021/1/1) was submitted to Council. The Planning Proposal seeks to create additional local provisions to increase building heights for residential development surrounding Oran Park House by introducing a building envelope as a means of varying the 5m building height control (based upon the building envelope recommended by Heritage NSW in the GTAs issued for DA/2021/77/1).
12 October 2021	Planning Proposal (PP/2021/1/1) received Gateway Determination from Department of Planning and Environment (DPE).
9 February 2022	Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.
14 June 2022	<p>Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to:</p> <ul style="list-style-type: none"> - endorse the Planning Proposal (as amended) and forward it to the DPE for the plan to be made; and

adopt related changes to Camden Growth Centre Precincts DCP, and publicly notify these, subject to finalisation of the Planning Proposal.

THE PROPOSAL

DA/2022/542/1 seeks approval for the construction of a single storey dwelling house and associated site works.



The estimated cost of development is \$466,740.

BACKGROUND

The 5m height of buildings development standard was imposed on this land as the site is within the curtilage of a state heritage listed item Oran Park House. The lower building height development standard aims to maintain a single storey transition area around the state heritage item.

This height of buildings development standard hinders the ability for a proposed dwelling house to comply with the existing site-specific controls in Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct.

Dwelling houses with hipped and gabled roof forms (with a roof pitch greater than 12.5 degrees) will inherently exceed the 5m building height development standard given the relative size and width of the properties, coupled with the larger building footprint required for single storey dwellings. This is illustrated in the following Figures 6 and 7. Council’s development controls for dwelling houses in this area require a minimum roof pitch of 22.5 degrees.

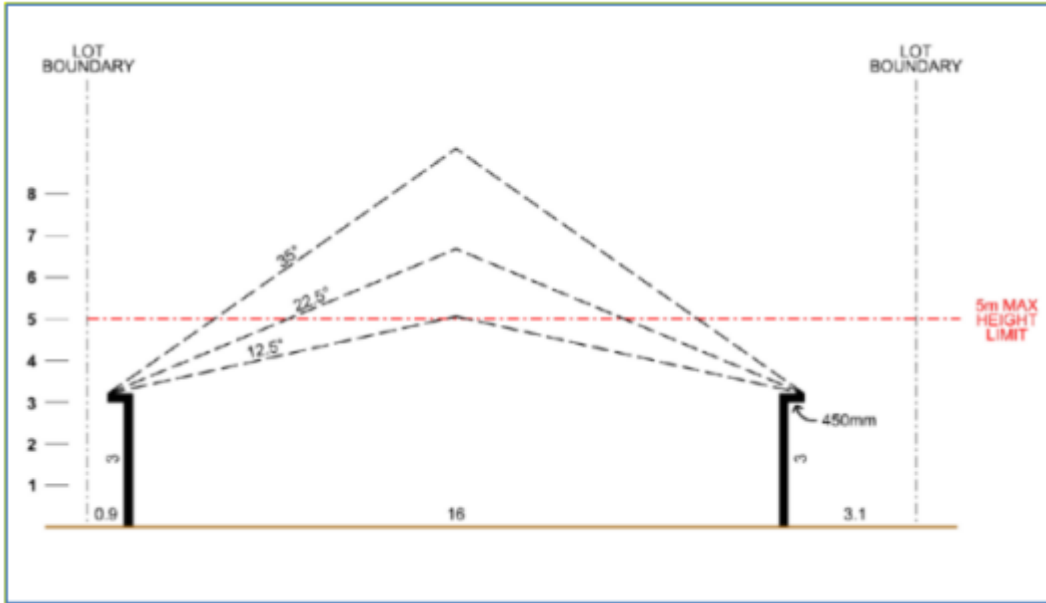


Figure 6: Five metre maximum building height limit compared to roof pitches



Figure 7: Dwelling roof forms, 15 degree and 27.5 degree roof pitches

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend the SEPP to address the anomalies associated with the 5m height control. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision that will allow building heights above 5m providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;

- the dwelling is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- no more than 30% of the front building line is above 4m.

The proposed dwelling house at 17 Gleeson Rise complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal received Gateway Determination from the DPE and was publicly exhibited from Wednesday 9 February until Wednesday 9 March 2022. Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

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 (Building Sustainability Index – BASIX) 2004;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021; and
- State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A BASIX Certificate was submitted with the DA. The proposal has been assessed against the provided BASIX Certificate. The proposal will be able to meet the commitments and targets identified. A condition of consent is recommended to ensure compliance is achieved.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 - Chapter 9 – Hawkesbury-Nepean River

The SEPP seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context.

The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

SEPP (Resilience and Hazards) 2021 -Chapter 4 – Remediation of Land

This SEPP provides a State-wide planning approach to the remediation of contaminated land.

Clause 4.6 Chapter 4 of this SEPP requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

Contamination and remediation were appropriately dealt with under the parent subdivision development application DA/2017/491/1. The subject land has been validated and is suitable for the proposed residential development.

SEPP (Precincts – Western Parklands City) 2021 - Chapter 3 – Sydney Region Growth Centres

The SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the South West Growth Centre.

Site Zoning and Permissibility.

The site is zoned R2 Low Density Residential pursuant to Appendix 5, clause 2.2 of the SEPP. The development is characterised as a 'Dwelling House' by the SEPP, meaning a building containing only one dwelling.

The development is permitted with consent in the R2 Low Density Residential Zone pursuant to clause 2.6 and the land use table in Appendix 5 of the SEPP.

Planning Controls

An assessment table in which the development is considered against the Growth Centre SEPP's planning controls is provided in the **attached** documents.

Clause 4.6 – Exceptions to Development Standards

The proposed development will contravene the height of building standard which applies under clause 4.3 of Appendix 5 of the Growth Centre SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 6.505m in height, breaching the development standard by 1.505m and 30.1%.

Pursuant to clause 4.6(3) of Appendix 5 – Growth Centres SEPP, the applicant has provided a written request justifying contravention of the development standard for the following reasons:

- Compliance with the 5m height standard would detract from the design of the single storey dwelling and the overall streetscape;
- The development contravention will not impact on views and vistas from Oran Park House;
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not

- impact the intended type, or character of the desired development rather, aligns with the intended development of single storey dwellings;
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP;
 - The request also demonstrates that 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:
 - The objectives of the standard and the R2 Low Density Residential zone are achieved notwithstanding noncompliance with the standard. A single storey detached dwelling which meets combined design requirements of setbacks, floor space ratio, and hipped roof forms ensures there are no significant adverse impacts. The objectives and intent of built form surrounding Oran Park House will be preserved.
 - If compliance was required, the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as intended in the heritage curtilage, consistent with the DCP controls and heritage guidelines.
 - Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and surrounds. The dwelling is consistent with the intended outcome for residential land surrounding Oran Park House with simple hipped and/or gabled roof forms of at least 22.5 degrees.

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

The justification contained within the Clause 4.6 written request demonstrates 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, in accordance with clause 4.6(3).

Council staff are also satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the R2 Low Density Residential Zone, in accordance with clause 4.6(4).

The proposed development with a 6.505m building height to its 26 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey. Most of the dwelling is within the maximum height and its design is compatible to its heritage setting, including its roof pitch. The design of the dwelling will minimise visual impacts and protect adjoining development.

1. Indicative Layout Plan
The intended outcome established within the Indicative Layout Plan (Figure 2-1) for this part of the Catherine Fields (Part) Precinct DCP is for low density residential development. The proposal is for a single storey dwelling, consistent with this outcome.
2. Clause 4.3 ‘Height of Buildings’ – Objectives.
Alignment with the objectives of clause 4.3 are maintained. The development contravention will not result in development greater than single storey and it will be consistent with objectives to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.

3. R2 Low Density Residential Zone Objectives.
The development contravention will not depart from the objectives of the R2 Zone and not be inconsistent with intended outcomes for the zone, as it will:
 - provide for the housing needs of the community within a low-density residential environment; and
 - provide a diverse range of housing types to meet community housing needs within a low-density residential environment.

4. Site-specific objectives and controls.
Strict compliance with the 5-metre building height standard does not provide flexibility in achieving site-specific controls and providing for a dwelling design outcome, including roof form and pitch, that appropriately responds to the unique characteristics of the precinct, and the historically significant Oran Park House.

5. Alignment with DCP controls.
The building height standard contravention does not result in additional non-compliances with any development controls in the Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct. The single storey development is considered to fulfill the relevant controls and their objectives.

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 clause 4.3 of Appendix 5 of the Growth Centres SEPP.

(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 (noting that provisions related to the Hawkesbury-Nepean River are now incorporated within the consolidated SEPP (Biodiversity and Conservation) 2021).

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

The development is consistent with the Draft Remediation SEPP in that the land has been validated and is suitable for the proposed residential use (noting that provisions related to remediation of land are now incorporated within the consolidated SEPP (Resilience and Hazards) 2021).

Draft Planning Proposal State Environmental Planning Policy (Precincts – Western Parkland City) 2021

The development is consistent with the Draft Planning Proposal that seeks to increase the allowable building heights by inserting a new additional local provision into

Appendix 5 of the SEPP that will enable a merit-based assessment to allow building heights above 5m, providing:

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within the Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- no more than 30% of the front building line is above 4m.

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

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

(a)(iiia) 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

As demonstrated by the assessment, the development is unlikely to have any unreasonable adverse impacts on either the natural or built environments, or the social and economic conditions in the locality.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the development.

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 21 June to 18 July 2022 and no submissions were received.

(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

The external referrals undertaken for this DA are summarised in the following table:

External Referral	Response
Heritage NSW Integrated Development Section 58 approval, <i>Heritage Act, 1977</i>	General Terms of Approval (GTA) were issued by the delegate of the Heritage Council of NSW on 25/01/2022

Conditions that require compliance with the external referral recommendations are recommended.

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 Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021; and
- ii. approve DA/2022/542/1 for the construction of a single storey dwelling at 17 Gleeson Rise, Oran Park, subject to the conditions attached to this report.

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021 in relation to the maximum height of buildings standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances, and that despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument being Appendix 5, State Environmental Planning Policy

(Precincts – Western Parkland City) 2021.

3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the reasons, the development is a suitable and planned use of the site, and its approval is in the public interest.

CLPP04

ATTACHMENTS

1. Recommended Conditions
2. Growth SEPP Assessment Table
3. Growth DCP Assessment Table
4. Heritage NSW GTAs
5. Clause 4.6 Written Request
6. Architectural Plans

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
Ref: 606541 Rev: 9 Sheet: 3/17	Site Plan	McDonald Jones Homes	16/09/2022
Ref: 606541 Rev: 9 Sheet: 4/17	Concept Drainage Plan	McDonald Jones Homes	16/09/2022
Ref: 606541 Rev: 9 Sheet: 5/17	Floor Plan	McDonald Jones Homes	16/09/2022
Ref: 606541 Rev: 9 Sheet: 7/17	Elevations & Section Plan	McDonald Jones Homes	16/09/2022
Ref: 606541 Rev: 9 Sheet: 8/17	Elevation Plan	McDonald Jones Homes	16/09/2022
Ref: 606541 Rev: C Sheet: 1/1	Landscape Plan	McDonald Jones Homes	30/08/2022

Document Title	Prepared by	Date
BASIX Certificate No: 1278408S_03	Energy Advance	17/08/2022
Waste Management Plan	McDonald Jones Homes	27/01/2022
Schedule of External Finishes	McDonald Jones Homes	05/11/2021

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this development consent applies.
- (3) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

- (4) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the principal certifier for the development to which the work relates has given Council written notice of the following:
- a) for work that requires a principal contractor to be appointed:
 - i. the name and licence number of the principal contractor, and
 - ii. the name of the insurer of the work under Part 6 of the *Home Building Act 1989*,
 - b) for work to be carried out by an owner-builder:
 - i. the name of the owner-builder, and
 - ii. if the owner-builder is required to hold an owner-builder permit under the *Home Building Act 1989*, the number of the owner-builder permit.

If the above information is no longer correct, further work must not be carried out unless the principal certifier has given Council written notice of the updated information.

- (5) **Home Building Act - Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989* shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.

This requirement does not apply:

- a) to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - b) to the erection of a temporary structure, other than a temporary structure to which subsection (3) of Section 69 of the *Environmental Planning and Assessment Regulation 2021* applies.
- (6) **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.

- (7) **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.

- (8) **General Terms of Approval/Requirements of State Authorities** – The general terms of approval/requirements from state authorities shall be complied with prior to, during, and at the completion of the development.

The general terms of approval/requirements are:

1. Oran Park (SHR 01695) – Referrals to Heritage NSW, dated 25/01/2022.

1. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

2. ABORIGINAL OBJECTS

Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

3. COMPLIANCE

If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

4. SECTION 60 APPLICATION

An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

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) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.

- (2) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
- a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

Details demonstrating compliance shall be provided to the accredited certifier prior to issue of a Construction Certificate.

- (3) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (4) **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*.
- (5) **Salinity (Dwellings and Outbuildings)** – The approved development shall comply with the requirements of the salinity management plan "Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park, prepared by Douglas Partners, Project 76559.00, dated November 2015".

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

- (6) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

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) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **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.
- (10) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone and displayed in a prominent position.

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) **Excavations and Backfilling** - All excavations and backfilling associated with the approved development must be executed safely and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation 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 causing the excavation must:

- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation,
- b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation, and

- c) give at least 7 days notice of the intention to excavate to the owner of the adjoining land before excavating.

The above requirements do 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 requirements not applying.

The principal contractor, owner builder or any person who needs to excavate and undertake building work, shall contact 'Dial Before You Dig' prior to works commencing, and allow a reasonable period of time for the utilities to provide locations of their underground assets.

- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the street gutter.

Connection to the drainage easement or kerb shall only occur at the designated connection point for the allotment. New connections that require the rectification of an easement pipe or kerb shall only occur with the prior approval of Camden Council.

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The principal certifier shall not permit construction works beyond the frame inspection stage until this work has been carried out.

- (4) **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 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*.
- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.

- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **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.
 -
- (10) **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.
- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **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.
- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.
The validation report and associated sampling location plan must:
- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
 - b) be prepared in accordance with;

For Virgin Excavated Natural Material (VENM):

- i) the Department of Land and Water Conservation publication "Site Investigation for Urban Salinity;" and
- ii) the Department of Environment and Conservation - Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) - Soil Investigation Levels for Urban Development Sites in NSW."

For Excavated Natural Material (ENM):

- i) compliance with the Excavated Natural Material Order 2014 and the Resource Recovery Orders and Exemptions issued under Part 9 of the Protection of the Environment Operations (Waste) Regulation 2014
 - c) confirm that the fill material has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity") and is compatible with any salinity management plans approved for the site.
- (15) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (16) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.

In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.

- (17) **Materials, colours, and finishes** – The dwelling is to be constructed using the approved materials, colours and finishes.

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) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.

- (2) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (3) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (4) **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.

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State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Assessment Table

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Attachment 2

Clause.	Assessment.	Compliance.
<p>Appendix 5, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>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 zone objectives for this site are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The lot is in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> The proposal will provide for the housing needs of the community within the low-density residential environment. The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it. The proposal will be an addition to the existing housing type typical to the immediate surrounds. 	Yes
<p>Appendix 5, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>Maximum height of buildings = 5.0m 'C'.</p>	<p>The proposed development has a maximum building height of 6.505m.</p>	No (Clause 4.6 written request submitted).
<p>Appendix 5, 4.4 Floor Space Ratio Max FSR 0:4:1.</p>	<p>252sqm and site area of 706.6sqm = Max FSR approx. 0.36:1</p>	Yes
<p>Appendix 5, 4.6 Exceptions to development standards</p>		Yes

State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Assessment Table

<p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(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</p> <p>(b) the concurrence of the Secretary has been obtained.</p>	<p>The applicant has submitted a written request under Clause 4.6 of the Growth SEPP justifying the contravention to the maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered 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, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p>	
<p>Appendix 5, 5.10 Heritage Conservation</p>	<p>The subject site is located within the curtilage of a State Heritage Item, namely Oran Park House. At the time of the SHR listing, site-specific exemptions were put in place to exempt certain development (including single storey dwelling houses) from the requirement for approval under the Heritage Act 1977 (<i>Catherine Park Estate – Oran Park House Heritage Exemption Guidelines</i>, prepared by Design + Planning, dated October 2014).</p> <p>The proposed development generally meets those guidelines with the exception of a control in Section 4.1 'Residential Built</p>	<p align="center">Yes</p>

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State Environmental Planning Policy (Precincts – Western Parkland City) 2021 Assessment Table

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	<p>Form' that requires that <i>"The design and building of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder."</i></p> <p>This provision cannot be complied with as the lots have been subdivided and sold to individual property owners. As the proposed development does not meet this requirement, concurrence is required from Heritage NSW.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline the assessment process) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is attached to this report.</p>	
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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>4.1.1 Site Analysis</p> <p>Site analysis plan is to be provided.</p>	<p>Appropriate site analysis plan provided.</p>	Yes.
<p>4.1.2 Cut and Fill</p> <p>DAs are to illustrate where it is necessary to cut and/or fill land and provide justification for the proposed changes to the land levels.</p> <p>The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m.</p> <p>Fill within 2.0m of a property boundary shall be fully contained by the use of deepened (drop) edge beam construction with no fill permitted outside of this building footprint.</p> <p>The use of a deepened edge beam shall not exceed 1m above natural ground level.</p> <p>Where excavation or filling is required alongside a driveway, it shall be retained by a retaining wall.</p>	<p>Cut and fill plan provided.</p> <p>Cut and fill plan indicates cut and fill <1.0m.</p> <p>DEB indicated to contain all fill within building footprint.</p> <p>Less than 1m.</p> <p>NA.</p>	Yes.
<p>4.1.3 Sustainable Building Design.</p> <p>The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.</p> <p>The provisions of BASIX will apply with regards to water requirements and usage.</p> <p>The design of dwellings is to maximise cross flow ventilation.</p> <p>The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and to minimise the need for mechanical heating and cooling.</p>	<p>Proposed landscaping is consistent with species from Appendix C.</p> <p>The development complies with the requirements as set out by the provided BASIX certificate.</p> <p>Design of dwelling incorporates large open living spaces allowing for cross flow ventilation to occur.</p> <p>Location of living rooms and windows located appropriately so as to enable maximisation of capturing natural light.</p>	Yes.

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Attachment 3

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>Roof and paving materials and colours are to minimise the retention of heat from the sun.</p> <p>The design of dwellings that are required to attenuate noise shall use, where possible, alternatives to air-conditioning, such as acoustic wall ventilators, ceiling fans, or bulkhead-mounted ducted fans to achieve appropriate ventilation.</p>	<p>Outdoor clothesline indicated on architectural plans located appropriately with regards to solar access.</p> <p>Roof adopts lighter colour. This will assist in reducing contributions to the urban heat island effect.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p>	
<p>4.1.4 Salinity, Sodicity and Aggressivity.</p> <p>All development must comply with the Salinity Management Plan developed at the subdivision phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p> <p>Salinity shall be considered during the siting, design and construction of dwellings including: drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process</p>	<p>The development will comply with the requirements of the salinity management plan as adopted under parent subdivision DA.</p> <p>Salinity will be considered during the siting, design and construction the proposed dwelling via a condition of consent.</p>	Yes.
<p>4.2.2 Streetscape and Architectural Design.</p> <p>The primary street facade of a dwelling should address the street and must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> • entry feature or porch; • awnings or other features over windows; • balcony treatment to any first floor element; • recessing or projecting architectural elements; • open verandah; • bay windows or similar features; or 	<p>Primary elevation to adopt the following design features;</p> <ul style="list-style-type: none"> • Entry feature/porch with hipped roof over. • Rectangular windows. • Projecting architectural elements in the form of supporting posts. 	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<ul style="list-style-type: none"> • verandahs, pergolas or similar features above garage doors. • Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback. <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.</p> <p>Front facades are to feature at least one habitable room with a window onto the street.</p> <p>Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.</p>	<p>Secondary elevation to adopt the following design features;</p> <ul style="list-style-type: none"> • Rectangular windows. • Projecting architectural elements in the form of supporting posts, projecting walls, and a mix use of materials. <p>Landscaping proposed in the secondary street setback is consistent with the proposed landscaping in the front setback.</p> <p>All eaves 0.45m as identified on elevation and sectional drawings.</p> <p>Hipped roof pitch of 26 degrees proposed.</p> <p>Front façade to feature bedrooms with windows facing the street.</p> <p>Proposed garage to complement colour and finish of main dwelling.</p>	
<p>4.2.3 Front Setbacks.</p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p>	<p>Yes.</p>

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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>4.2.4 Side and Rear Setbacks.</p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Noted. No landscape features within rear setback proposed within this DA.</p> <p>The proposal adopts side boundary setbacks greater than 0.9m.</p>	Yes.
<p>4.2.5 Dwelling Height, Massing and Siting.</p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Site coverage measured accordingly against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Less than 1m.</p>	Yes.
<p>4.2.6 Landscaped Area.</p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p> <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Noted / complied.</p>	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>location of any trees to be retained or planted.</p> <p>Surface water drainage shall be provided as necessary to prevent the accumulation of water.</p> <p>Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including native salt tolerant trees.</p>	<p>To drain to the street gutter.</p> <p>No concerns presented regarding the accumulation of surface water.</p>	
<p>4.2.7 Private Open Space.</p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p> <p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>PPOS contained and achievable to western boundary of lot. PPOS located appropriately.</p> <p>PPOS conveniently accessible from living and alfresco. PPOS at grade <1:10.</p>	Yes.
<p>4.2.8 Garages, Storage, Site Access and Parking.</p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p> <p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.</p>	<p>2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line via double car garage.</p> <p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p>	Yes.

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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.8m</p> <p>Double garage internal dimensions = 6.43m x 5.5m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p>	
<p>4.2.9 Visual and Acoustic Privacy.</p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm and noise is not to exceed background levels during the hours 10.00pm to 7.00am.</p> <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible comply with the criteria in Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden</p>	<p>Proposed development is single storey only. Proposed dwelling has an FFL <1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted/complied.</p> <p>Dwelling not impacted by road types.</p>	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>Growth Centre Precincts Development Control Plan</p> <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council's Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p>	<p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development does not require architectural treatments regarding acoustic impacts.</p>	
<p>4.2.10 Fencing.</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>No front fencing proposed.</p> <p>1.8m high side boundary fences indicated at a minimum 2m behind the primary building line.</p>	Yes.
<p>Table 4-5 – Site coverage. Maximum 50% at ground floor. Maximum 30% at upper floor.</p>	<p>$285 / 706.6 * 100 = 40.33\%$</p>	Yes.
<p>Table 4-5 – Soft landscaped area. Minimum 30% of the allotment area.</p>	<p>$294 / 706.6 * 100 = 41.60\%$</p>	Yes.
<p>Table 4-5 – Principal Private Open Space (PPOS). Minimum 24sqm with minimum dimensions of 4m.</p>	<p>PPOS = over 24sqm with minimum dimensions of 4m.</p>	Yes.


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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table



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Control	Assessment	Compliance
<p>Table 4-5 – Solar Access. 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.</p>	<p>No overshadowing of PPOS. Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.</p>	Yes.
<p>Table 4-5 – Garages and carparking. Maximum double car garage door width 6m. 3 bedrooms or more to provide at least 2 car spaces.</p>	<p>Double garage proposed. Width = 4.8m. 2 spaces provided.</p>	Yes.
Control	Assessment	Compliance?
<p>4.1 Development Surrounding Oran Park House.</p> <p>Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.</p> <p>Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.</p> <p>Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p>  <p>Development in these areas must be sympathetically designed to complement</p>	<p>The proposed development generally complies with the Exemption Guidelines, with the exception that the design of dwellings for each street block is not being undertaken simultaneously and delivered as a complete package by one builder. This provision cannot be complied with as the lots have been subdivided and sold to individual property owners.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline DA's) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is attached to this report.</p> <p>The site is located inside the area identified in figure 4-1. Development is for a single storey dwelling and will not result in significant view lines illustrated in figure 4-1 being compromised. The proposed dwelling house is sympathetically designed and complements the setting of Oran Park House.</p>	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>the topography of the site, the setting of Oran Park House and associated outbuildings and the historical rural character without replicating architectural details.</p>		
<p>4.1.2 Oran Park House and Outer Heritage Curtilage Principals.</p>  <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p>	<p>The subject lot is located within area mapped as being 'very low density residential' and has been assessed in relation to the relevant controls.</p>	<p>Yes.</p>
<p>4.1.3 Landscape Elements – Views and Vistas.</p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p>  <p>Figure 4-3 - Significant Vistas within the Oran Park House curtilage to be preserved</p>	<p>The development will not impact significant vistas shown in figure 4-3.</p>	<p>Yes.</p>
<p>4.1.11 Residential Built Form.</p> <p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered</p>	<p>This DA does not provide for simultaneous design and delivery of development for this street elevation/street block. However, the</p>	<p>Yes.</p>

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Control	Assessment	Compliance
<p>as a complete package. The block design must be submitted and approved with the first development application for the construction of a dwelling within the street block.</p>	<p>dwelling is assessed as being suitable for the site and Heritage NSW have issued standard GTAs for instances where the development fully complies with the Exemption Guidelines with the exception of the 'one builder' requirement.</p>	
<p>4.1.12 Street Facades and Visible Elevations.</p> <p>Residential developments are to have contemporary designs (i.e. architecture being produced now) and respect the heritage significance of Oran Park House but must not replicate historic styles.</p> <p>All dwellings in the heritage curtilage area are to have architectural merit (i.e. architecture that is enduring and respects the heritage significance of Oran Park House).</p> <p>Building facades are to be visually interesting and articulated suitably to break up the building mass. At least three of the following design features are to be incorporated into the front facade:</p> <ul style="list-style-type: none"> • front doors with side lights; • contemporary window treatments including aluminium or timber frames in neutral colours; • bay Windows (rectangular only); • entry portico; and • recessed garage doors setback behind the primary facade. <p>Colonial style window treatments are not appropriate where visible from the public domain.</p> <p>Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion.</p> <p>Picture windows or fully glazed walls are permitted to the street façade.</p> <p>An entry portico is to be of contemporary design and appearance. Access to the entry portico may be from either the driveway or a separate path.</p> <p>Shadow lines are an appropriate element to complement the overall facade appearance.</p>	<p>The proposed development has a contemporary design that respects Oran Park House.</p> <p>The proposal will adopt the following design features:</p> <ul style="list-style-type: none"> • Entry porch. • Recessed garage doors setback behind the primary façade. • Rectangular windows. <p>Noted – no colonial style window treatments proposed.</p> <p>All windows to the front façade feature a dominant vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street façade.</p> <p>Noted/compliant.</p> <p>Noted/compliant.</p>	<p>Yes.</p>

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance												
<p>The design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p>	<p>Front elevation articulated in the form of a stepped building line adopting articulation feature in the form of a porch.</p>													
<p>4.1.14 Setbacks for Very Low-Density Area Surrounding Oran Park House.</p> <p>Residential development must comply with the controls in Figure 4-8.</p> <table border="1"> <thead> <tr> <th></th> <th>Minimum</th> </tr> </thead> <tbody> <tr> <td>Front Dwelling Setback</td> <td>5m</td> </tr> <tr> <td>Front Garage Setback</td> <td>6m</td> </tr> <tr> <td>Rear Boundary Setback</td> <td>5m</td> </tr> <tr> <td>Side Boundary Setback</td> <td>0.9m (average 2m*)</td> </tr> <tr> <td>Corner Lot Side Boundary Setback</td> <td>3m</td> </tr> </tbody> </table> <p><small>Note: In addition to the minimum side boundary setback of 0.9m, the siting of dwellings is required to ensure an average 4m side separation between dwellings along an entire street block. Pursuant to Section 4.6.6 of the DCP, the simultaneous delivery of dwellings within the heritage curtilage by one builder will ensure this is achieved.</small></p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	0.9m (average 2m*)	Corner Lot Side Boundary Setback	3m	<p>Front setback = 5m Front garage setback = 6.277m</p> <p>Side boundary setback (north) = 3m Side boundary setback (south) = 1.297m Combined setback = 4.297m</p> <p>Rear setback = 5.388m</p> <p>The front, side and rear setbacks comply with the setback requirements in the DCP.</p>	Yes.
	Minimum													
Front Dwelling Setback	5m													
Front Garage Setback	6m													
Rear Boundary Setback	5m													
Side Boundary Setback	0.9m (average 2m*)													
Corner Lot Side Boundary Setback	3m													
<p>4.1.15 Building Height.</p> <p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>	<p>The height will exceed the 5m control and is subject to a Clause 4.6 written request.</p>	No. Variation supported.												
<p>4.1.16 Roofs.</p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p> <p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p> <p>Roofs must use neutral colour tones such as greys, greens or browns.</p>	<p>Proposed roof pitch is a maximum of 26 degrees.</p> <p>Roof adopts hipped formation.</p> <p>Eaves 0.45m in overhang as identified on plans and contained within prescribed building envelope.</p> <p>Colour schedule provided indicates light colours to be used which are supported by Council's Heritage Advisor.</p>	Yes.												
<p>4.1.17 Lofts, Attics and Dormer Windows.</p> <p>Variations to the building height on corner lots may be appropriate when attic rooms</p>		Yes.												

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Attachment 3

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Attachment 3

Control	Assessment	Compliance
<p>with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.</p> <p>Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development.</p>	<p>Proposed development does not adopt loft, attic or dormer window.</p>	
<p>4.1.18 Garages.</p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p>	<p>Garage is setback a minimum of 6m from front boundary.</p> <p>Does not exceed 50%.</p> <p>The garage has been considered within the overall building design and is considered as being consistent with regards to the main dwelling's materials, colours, and proposed roof pitch.</p> <p>Garage can accommodate two cars with the ability for an additional two cars to be parked on the residential lot in front of the garage.</p>	Yes.
<p>4.1.19 Building Materials.</p> <p>Building materials and finishes are to be non-reflective.</p> <p>Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p>	<p>Colour and material schedule provided. Colours and materials provided are considered non-reflective and suitable.</p> <p>Colours and materials considered to align with recommended palette.</p> <p>Corrugated roofing material proposed.</p> <p>Noted / complied.</p>	Yes.

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p> <ul style="list-style-type: none"> • Face brickwork with struck or tooled joints; • Light coloured mortar joints; and • Any rendered surfaces painted in neutral colours. 	<p>Noted, front façade will adopt variation between rendering and exposed brick.</p>	
<p>4.1.20 Landscaping.</p> <p>All parts of the residential allotment in front of the building and facing the street that are not built on or paved are to be landscaped, with materials such as turf, groundcover, garden beds, shrubs and trees.</p> <p>Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>	<p>Landscape plan indicates all parts within the front setback that are not built on or paved, are landscaped with various landscaping features such as turf, groundcover, trees and plantings.</p>	<p>Yes.</p>
<p>4.1.21 Driveways.</p> <p>Driveways are to:</p> <ul style="list-style-type: none"> • Have a maximum width of 6m. • Be designed with high quality stone pavers, large tiles, selected permeable paving or exposed aggregate. The colour and finish of stone pavers and tiles is to be subdued with a natural unpolished finish. <p>When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.</p>	<ul style="list-style-type: none"> • Driveway does not exceed 6m • driveway finish to be in keeping with roof finish of low solar absorbance <p>Noted – concrete driveway incorporates bands of coloured concrete.</p>	<p>Yes.</p>
<p>4.1.21 Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</p> <p>Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.</p>	<p>The said structures are minimised from public view and comply with the relevant exemption requirements.</p>	<p>Yes.</p>
<p>4.1.25. Letterboxes</p>		<p>Yes.</p>

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Attachment 3

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
Letterboxes must not be a visually prominent element on the streetscape.	Letterbox located to not be a visually prominent element from view of the streetscape.	
Letterboxes must be designed as an integrated feature of the fence	There is no front fence proposed or required.	

CLPP04

Attachment 3



Heritage NSW

Our ref: DOC22/41407

Cathryn Fuller
Team Leader DA Assessment
Camden Council
70 Central Avenue
ORAN PARK NSW 2570

By email: Cathryn.Fuller@camden.nsw.gov.au

Dear Ms. Fuller

ORAN PARK (SHR 01695) – REFERRALS TO HERITAGE NSW

I write following our 20 January 2022 online meeting with Council where we discussed shared concerns about the planning control and current volume of work being generated by the Oran Park development. As canvassed, the volume of required referrals to Heritage NSW is against the proposed Exemption intent, and has ancillary impacts to private owners in terms of cost and time delays.

At the time of SHR listing, site-specific exemptions were put in place to exempt complying development from the requirement for approval under the *Heritage Act 1977* (*Catherine Park Estate – Oran Park House Heritage Exemptions Guidelines*, prepared by Design + Planning, dated October 2014). The control under Section 4.1 'Residential Built Form' required that *'The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder'*.

We note Council's advice that this has not proven practical as the developer (Harrington Estates) has sold the subject lots as individual lots to private owners. New owners have been submitting separate development applications to Camden Council, with referral to Heritage NSW required due to the 'one builder' control of the Exemptions not being compliant.

Heritage NSW understands that the 'one builder' control is not commercially viable and no longer possible at this stage in the residential development. In response, we propose a two-pronged approach. The process of amending the site-specific exemptions will be pursued with the Heritage NSW Listings Team, which will require recommendation by the State Heritage Register Committee and decision by the Minister for Heritage. In the meantime, to facilitate streamlining of the integrated development referrals, a set of standard GTA's is provided with this letter. Council can attach these standard GTA's without referral to Heritage NSW, as long as the proposals are:

- In line with Exemption Guidelines (noting that the 'one builder' control is not practical and does not need to be complied with); and
- Not within the historic archaeological potential zone (relates to 37, 39 and 41 Gleeson Rise, Oran Park).

It is also noted that some allotments are located partially within the SHR curtilage. In those cases, it is important to note that the Heritage Council does not have the authority to grant general terms of approval in relation to development to the land outside of that SHR listing boundary. In relation to the land outside of the SHR curtilage, the Heritage Council has an advisory role only.

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

CLPP04

Attachment 4

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

1. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

ABORIGINAL OBJECTS

2. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

3. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

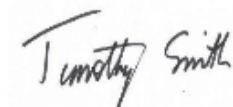
SECTION 60 APPLICATION

4. An application under section 60 of the *Heritage Act 1977* must be submitted to and approved by the Heritage Council of NSW (or delegate), prior to work commencing.

Reason: To meet legislative requirements.

If you have any questions about this correspondence, please contact Veerle Norbury, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8616 or Veerle.Norbury@environment.nsw.gov.au. I want to thank Council for working proactively with Heritage NSW to find a pragmatic response that still provides appropriate interim safeguards for the heritage place.

Yours sincerely



Tim Smith OAM
 Director Assessments
 Heritage NSW
 Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW
 25 January 2022



CLPP04

Attachment 5

CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	17 Gleeson Rise ORAN PARK	
Lot:	6021	DP1235007
Date:	23 May 2022	

urbanco
Suite 3.03 55 Miller Street PYRMONT NSW 2009
PO Box 546 PYRMONT NSW 2009
02 9051 9333 | urbanco.com.au

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Figure 2	Lots in DP1235007 Subject to Clause 4.6 Variation
Figure 3	Catherine Park House (aka Oran Park House)
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Table 3	Extent of Variation to Development Standard

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Attachment 5

1 INTRODUCTION

We submit a Clause 4.6 variation request to support a Development Application (DA) seeking approval to erect a detached dwelling on land described in Table 2 of this report.

The variation request relates to a building height standard under Appendix 9 Camden Growth Centres Precinct Plan in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

Catherine Park contains a State listed heritage item, an early European settlement homestead, named Catherine Park House (aka Oran Park House). The Precinct Planning for the Catherine Fields Part Precinct implemented special development standards around Catherine Park House to deliver a transition in development between the heritage item and surrounding urban development.

The site specific 5 metre maximum building height development standard imposed on land surrounding the heritage item adopted in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) does not enable all options for excellence in design of residential dwellings as was intended. A maximum building height over 5 metres will enable more and better dwelling designs with higher roof forms that will more effectively meet the design outcomes intended in the site-specific development controls in Schedule 4 of the Camden Growth Centre Precincts Development Control Plan (DCP), such as roof pitch.

The DA seeks approval for a detached dwelling with a roof form that exceeds the 5 metre height limit. This Clause 4.6 variation request seeks to vary the 5 metre maximum building height development standard to the extent described in Table 3 of this report.

This request has been prepared in accordance with the Department of Planning & Environment (DPIE) Guideline, *Varying Development Standards: A Guide*, August 2011, and relevant matters set out in the 'five-part test' established by determinations in the NSW Land and Environment Court.

This request should be read in conjunction with the Statement of Environmental Effects for the DA and supporting documentation and plans lodged with the proposal.

This report demonstrates that support for proposed building height provides better building design, enables compliance with DCP controls and achieves the intended outcomes for residential development surrounding Catherine Park House without any significant impacts.

2 STATUTORY PLANNING FRAMEWORK

2.1 Clause 4.6 - Exceptions to development standards

Clause 4.6 - Exceptions to development standards in 'Appendix 9 Camden Growth Centres Precinct Plan' of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) allows the relevant authority to grant consent to development that varies from a development standard imposed by the Environmental Planning Instrument. The objectives of the clause include:

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

A written request to vary a development standard is required in accordance with subclause (3), which reads:

- (3) *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.*

This document forms the written request required under Clause 4.6.

Subclauses 4 and 5 provide the considerations for approving a variation under Clause 4.6 including satisfying the requirements under subclause 3 and whether there is a public benefit of maintaining the development standard.

- (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 Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

2.2 Development Standards

A variation sought under Clause 4.6 needs to be a 'development standard'. A development standard is defined in the Environmental Planning & Assessment Act in Clause 1.4 as:

development standards means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, but without limiting the generality of the foregoing, requirements or standards in respect of—

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

CLPP04

Attachment 5

- (a) *the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point,*
- (b) *the proportion or percentage of the area of a site which a building or work may occupy,*
- (c) *the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
- (d) *the cubic content or floor space of a building,*
- (e) *the intensity or density of the use of any land, building or work,*
- (f) *the provision of public access, open space, landscaped space, tree planting or other treatment for the conservation, protection or enhancement of the environment,*
- (g) *the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,*
- (h) *the volume, nature and type of traffic generated by the development,*
- (i) *road patterns,*
- (j) *drainage,*
- (k) *the carrying out of earthworks,*
- (l) *the effects of development on patterns of wind, sunlight, daylight or shadows,*
- (m) *the provision of services, facilities and amenities demanded by development,*
- (n) *the emission of pollution and means for its prevention or control or mitigation, and*
- (o) *such other matters as may be prescribed.*

With reference to part (c) it is definitive the maximum building height standard is a development standard.

3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

3.1 Development Standard Subject to Variation

The proposed variation is subject to the maximum building height development standard in Appendix 9 Camden Growth Centres Precinct Plan under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

Clause 4.3 - Height of buildings in Appendix 9 of Growth Centres SEPP prescribes maximum building height for certain land in the Camden LGA portion of the South West Growth Area.

The Objectives of Clause 4.3 - Height of buildings are as follows:

- (a) to establish the maximum height of buildings,
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,
- (c) to facilitate higher density development in and around commercial centres and major transport routes.

Clause 4.1(2) requires that 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.

Maximum building height is shown on South West Growth Centre Height of Buildings Map Sheets HOB_004 and HOB_009. This map shows maximum building height of 5 metres for the residential allotments surrounding Catherine Park House. This variation applies to 66 residential allotments that are subject to the 5 metre building height limit (see Section 3.2) and specific lot details are included in Table 2.



Figure 1 – Maximum Building Height Map (Source: NSW Planning Portal)

3.2 Subject Site

The site is located within Stage 6 in Catherine Park Estate. The land subject to a Clause 4.6 Variation comprises 66 residential allotments on the Deposited Plan No. DP1235007 that are subject to a 5 metre building height limit. The 66 residential allotments are shown in Figure 2 and are listed in Table 1. The details of the specific lot subject to this variation request are listed in Table 2.



Figure 2 – Lots in DP1235007 Subject to a Clause 4.6 Variation

Table 1: Lots in DP1235007 Subject to Clause 4.6 Variation

Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.	Lot No.
6001	6008	6015	6022	6029	6036	6043	6050	6059	6068
6002	6009	6016	6023	6030	6037	6044	6051	6060	6069
6003	6010	6017	6024	6031	6038	6045	6052	6061	6070
6004	6011	6018	6025	6032	6039	6046	6055	6064	
6005	6012	6019	6026	6033	6040	6047	6056	6065	
6006	6013	6020	6027	6034	6041	6048	6057	6066	
6007	6014	6021	6028	6035	6042	6049	6058	6067	

The land details specific to this Clause 4.6 Variation are detailed in Table 2.

Table 2: Land Details Subject to Clause 4.6 Variation Request

Address: 17 Gleeson Rise ORAN PARK	
Lot:	6021 DP1235007

3.3 Proposal

The DA seeks to erect a single storey detached dwelling on the site described in Table 2. The proposed building height of the dwelling exceeds the 5 metre maximum building height limit imposed under the Growth Centres SEPP.

3.4 Planning Context

The land is zoned R2 Low Density Residential in the Growth Centres SEPP.

The land subject to the variation is within the R2 Zone, which has the following objectives:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.
- To provide a diverse range of housing types to meet community housing needs within a low density residential environment.

Residential development for detached dwellings is permissible with development consent in the R2 Zone.

3.5 Extent of Variation to Development Standard

The proposed building height and extent of variation to the 5 metre maximum building height limit imposed under the Growth Centres SEPP is included in Table 3.

Table 3: Extent of Variation to Development Standard

Proposed Building Height: 6.505m [McDonald Jones 'Elevations/Section' Rev 6 27 April 2022]	
Extent of Proposed Variation*:	30.1 %

* Note: Extent of Proposed Variation = ((BH / 5) x 100) - 100

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

4.1 Clause 4.6(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case

The Department of Planning Industry & Environment published a guideline titled 'Varying development standards: A Guide' (August 2011), which is available on their website at: www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/varying-development-standards-a-guide-2011-08.pdf

The guideline suggests that written applications to vary a development standard could address matter outlined in the 'five part test', which is formed on determinations in the NSW Land and Environment Court. The NSW Land and Environment Court established the principle of a five-part test in determining whether compliance with a development standard is unnecessary (Refer *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90 & *Wehbe v Pittwater Council* [2007] NSW LEC 827).

The five part test includes five assessment criteria where one or more of the tests are to be used to demonstrate that compliance with the development standard is unreasonable or unnecessary. The five tests are as follows:

1. *the objectives of the standard are achieved notwithstanding noncompliance 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 of 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 compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

An additional test is also included (Test 1(a)) which addresses the objectives of the land use zone, consistent with recent decisions of the NSW Land & Environment Court, including Preston CJ in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118.

Test 1: the objectives of the standard are achieved notwithstanding noncompliance with the standard

The objectives of the height of buildings development standard in Clause 4.3 of the Growth Centres SEPP are outlined below with a respective response.

Objective (a) to establish the maximum height of buildings,

The Environmental Planning Instrument imposes a maximum building height, and a variation of the building height is submitted in accordance with the allowances under Clause 4.6. The objective is upheld and proposal does remove a building height standard for the site. Therefore, the proposal is not inconsistent with Objective (a).

Objective (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,

The 66 residential allotments have a land area of 500m² or greater and all residential allotments will contain a single storey detached dwelling with a combined average side setback of 4 metres and a maximum floor space ratio of 0.4:1. Single storey dwellings with hipped and/or gabled roofs are required on all allotments. The combined design requirements of setbacks, floor space ration and hipped and/or gabled roofs ensures there will be no significant overshadowing on adjoining properties. Single storey dwellings on large lots also ensures visual privacy of large areas of private open space will be preserved and visual impact is negligible. The proposed variation therefore meets Objective (b).

Objective (c) to facilitate higher density development in and around commercial centres and major transport routes.

The site is identified for lower densities of residential development. Accordingly, Objective (c) is not relevant to the site and the proposed variation does not affect noncompliance to enable higher density development around centres. Further, the Concept Proposal is not inconsistent with the objective.

Test 1(a): the objectives of the zone

The objectives of the R2 Low Density Residential Zone are as follows:

- ***To provide for the housing needs of the community within a low density residential environment.***

The 66 residential allotments are within a planned low density area to provide a transition of development between Catherine Park House and surrounding residential development.

The proposed building height will does not intensify the density of development and will maintain single story detached dwellings on large residential allotments within he R2 Low Density Residential Zone. The Concept Proposal is consistent with the objective.

- ***To enable other land uses that provide facilities or services to meet the day to day needs of residents.***

A detached dwellings is proposed on the site and there is no land within the site that has been identified or would be suitable for other land uses that provide facilities or services to meet the day to day needs of residents. The proposal is not inconsistent with the objective.

- ***To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.***

The 66 residential allotments are large lots to contain single storey detached dwellings. Each residential allotment will have generous indoor and private outdoor spaces that will ensure a typical low density living environment incorporating privacy and amenity is maintained. Additionally, the requirements for single storey dwelling construction with a simple hipped and/or gabled roof forms ensures negligible overshadowing impacts. The proposal is consistent with the objective.

- ***To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.***

A detached dwellings is proposed on the site and there is no land within the site that has been identified or would be suitable for other land uses that provide facilities or services to meet the day to day needs of residents. The proposal is not inconsistent with the objective.

- ***To provide a diverse range of housing types to meet community housing needs within a low density residential environment.***

The broader Stage 6 in Catherine Park includes a diverse range of residential lots sizes and types of residential dwellings, which range from large residential allotments to small lot housing. The 66 residential allotments under this Clause 4.6 are within a planned low density area to provide a transition of development between Catherine Park House and standard low density development. These lots make an important contribution to housing diversity within the locality.

The proposed building height does not intensify the density of development and will maintain single story detached dwellings on large residential allotments within he R2 Low Density Residential Zone. The proposal is consistent with the objective.

Test 2: the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary

The proposed variation does not rely on this test.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable

The underlying objective of the built form within the transition area between Catherine Park House and the broader urban development is to provide single storey homes on large allotments with greater separation between dwellings and simple hipped and/or gabled roofs with a pitch over 22.5° (refer to Test 5). The design intention for these homes is to have 'stately' houses that respect the heritage values of Catherine Park House.

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

If compliance was required, it will not enable the underlying objective will be thwarted as the 5 metre building height limit does not allow the range of dwelling designs as was intended in the DCP and Heritage Exemption Guidelines. Accordingly, compliance with the 5 metre maximum building height standard is considered unreasonable.

Test 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

The proposed variation does not rely on this test.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone

Compliance with the 5 metre maximum building height development standard development is unreasonable and detrimental to the current environmental character of the site and surrounds.

During the Precinct Planning for the Catherine Field Part Precinct prior to the zoning and development standards being adopted for the site, the intended outcome for the residential land surrounding Catherine Park House was to have single storey dwellings with simple hipped roof forms on large residential allotments. Hence minimum lot sizes of 500m² and 700m² were imposed and specific development controls were included in the Camden Growth Centre Precincts DCP to ensure this development outcome was realised. The heritage object was to ensure the housing surrounding Catherine Park House was subservient to the heritage item and have roof forms that are not detrimental to the heritage significance and character of the House.



Figure 3 – Catherine Park House (aka Oran Park House) (Source: www.environment.nsw.gov.au)

Schedule 4 in the Camden Growth Centre Precincts DCP includes site specific controls for the residential allotments surrounding Catherine Park House and subject to the Concept Proposal. The site specific controls include provision for roofs.

4.1.16 Roofs

Controls

1. *Roof pitches are to be between 22.5 degrees and up to 35 degrees.*
2. *Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.*
3. *The minimum eave overhang is 450mm.*
4. *Roofs must use neutral colour tones such as greys, greens or browns.*

To satisfy the site specific design standards in the DCP, a dwelling is required to have a simple hipped roof form with a minimum roof pitch of 22.5° and eaves of 450mm or larger.

There are also general development controls for roof pitch for all residential development in the DCP. Control 5 under Clause 4.2.2 'Streetscape and architectural design' states:

The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.

A minimum roof pitch of 22.5° applies to all hipped roof forms for all detached dwellings within the Camden Council portion of the South West Growth Area.

Heritage Exemption Guidelines have been endorsed by the NSW Heritage Council and by order of the Minister for Heritage, granted an exemption from section 57(1) of Heritage Act 1977 in respect to all works and activities in accordance with 'Catherine Park Estate: Oran Park House Curtilage Exemption Guidelines' (prepared by Design & Planning for Hixson Pty Ltd, dated October 2014).

The Heritage Exemption Guidelines apply to the portion of allotments within the heritage curtilage and require the following design requirements to satisfy the exemption criteria:

4.5 Building Height

Controls

1. *Buildings are to be single storey in height within the Oran Park House heritage curtilage.*
2. *Variations to the building height on corner lots may be appropriate where attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.*

And:

4.6 Roofs

Controls

1. *Roof pitches are to be between 22.5 degrees and up to 35 degrees.*
2. *Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.*
3. *The minimum eave overhang is 450mm.*

The development controls in the DCP and Heritage Exemption Guidelines demonstrate the intended outcomes for residential development surrounding Catherine Park House. Importantly, residential development is required to be single storey construction and roof pitches need to be at least 22.5°.

Figure 4 shows the relationship of the existing maximum 5 metre height limit and achieving the roof pitch controls for a single storey dwelling with a simple hipped roof form. The diagram adopts a typical wall height of 3 metres for a single storey dwelling and 450mm eaves, which is a required design standard. The diagram also assumes a 20 metre lot width, which is slight less than the typical of the lots facing Catherine Park House, and a minimum side setback of 0.9 metres and average side setback of 2 metres, which reflects the minimum setback requirements in Schedule 4 of the Camden Growth Centre Precincts DCP.

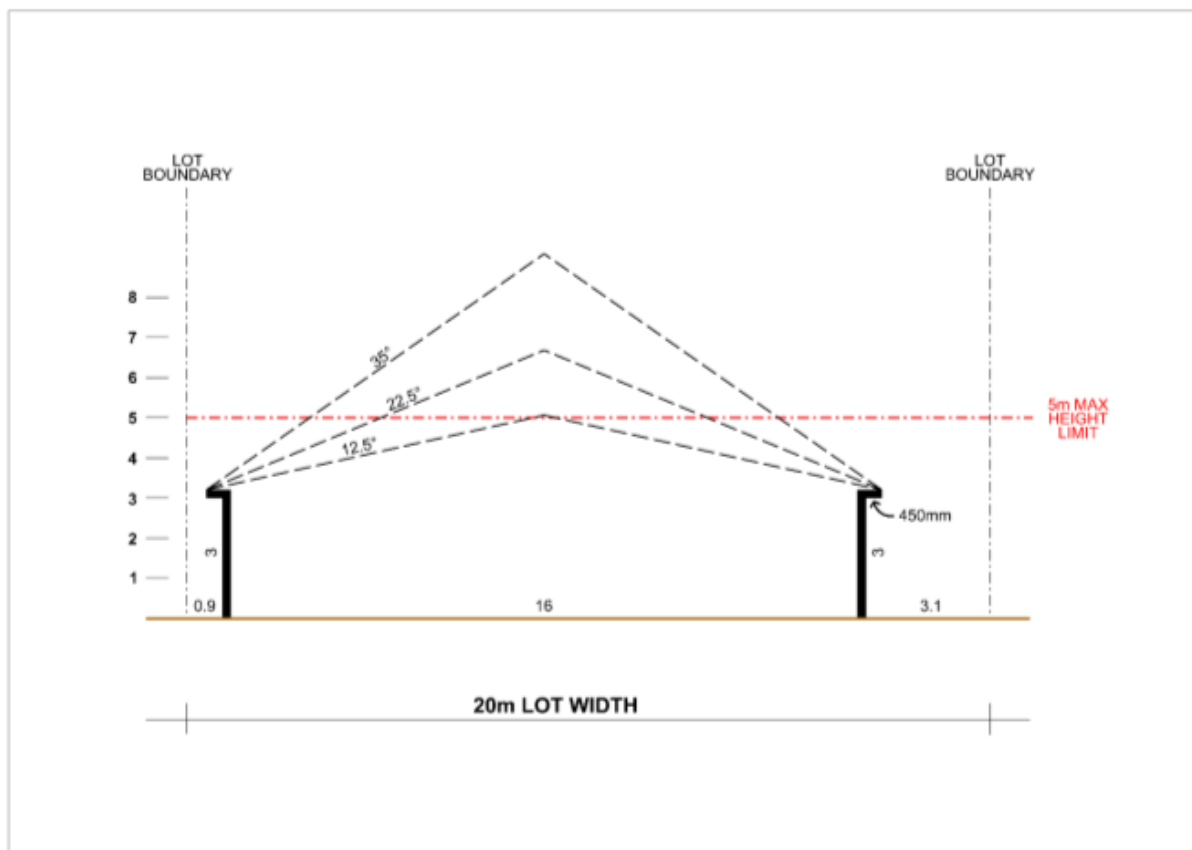


Figure 4 – Building Height & Roof Pitch

Figure 4 demonstrates roof forms that would be achieved for a single storey dwelling with a simple hipped and/or gabled roof designed with a pitch over 22.5°. The design standards for the minimum roof pitch of 22.5° and the 5 metre maximum height limit for a single storey dwelling are conflicting. In addition, a roof pitch for a hipped and/or gabled roof less than 22.5° is a poor design outcome, which is the reason the Camden Growth Centre Precincts DCP imposes a minimum roof pitch of 22.5° for all residential dwellings with a hipped and/or gabled roof.

It is evident that the 5 metre maximum building height limit does not allow for better designs with higher roof forms for single story residential dwellings, and therefore, compliance with the 5 metre maximum building height development standard is considered unreasonable. In addition, the widespread erection of dwellings with potentially compromised roof forms will be detrimental to the current environmental character of the site and surrounds with respect to the heritage values of Catherine Park House. This would also be contrary to the intended outcomes for residential development around the heritage item potentially resulting in a diminished streetscape character and appearance.

The proposed building height is necessary to achieve a quality design for the dwellings surrounding Catherine Park House, which are required to include simple hipped and/or gabled roof designs with a pitch over 22.5°. This allows for properly designed dwellings with attractive roofs.

Conclusion

In consideration of the five part test and the zone objectives, the proposed variation meets the objectives of maximum height of buildings development standard and zone in Test 1 and 1(a). It is also demonstrated that compliance with the 5 metre maximum building height development standard is unreasonable and detrimental to the current environmental character of the site and surrounds. Accordingly, strict compliance with the development standard is unnecessary.

4.2 Clause 4.6(b) There are sufficient environmental planning grounds to justify contravening the development standard

The determination in *Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC 90* found that the environmental planning grounds presented in a Clause 4.6 variation request are to be specific to the circumstances of the proposal. There are special circumstances and sufficient environmental planning grounds to justify contravention of the maximum building

height development standard.

Better designed single storey dwellings & streetscapes

The basis for the development control in the Camden Growth Centre Precincts DCP that sets a minimum standard for roof pitch of 22.5° is to ensure better house design. In particular, single storey dwellings with a hipped and/or gabled roofs present significantly better with a roof form that extends above the walls. The proportion of the roof form is balanced with the rest of the dwelling and the building mass presents a stronger residential character to the street, which improved the overall streetscape character.

Figure 5 shows examples of dwellings with a compliant roof form in terms of roof pitch (Dwelling A) and a compliant dwelling in regard to the 5 metre building height.



Figure 5 – Dwelling Roof Forms

The Dwelling B roof form design is compromised by a 5 metre building height standard and presents poorly as it is not in proportion with the building. It has an underwhelming residential character due to its substandard design quality. Conversely, Dwelling A is significantly more impressive and attractive due to its extended roof form.

As the site comprises numerous rows of residential allotments, the compounding effect of several dwellings with roof forms that satisfy the 5 metre height limit will be detrimental to the streetscape and exhibit an undesirable residential character. An unattractive streetscape will also be detrimental to the heritage significance of Catherine Park House and diminish the heritage values of a State listed heritage item. This is also an outcome that the planning and heritage objectives and provisions are intending to prevent. Accordingly, the improved design quality and compliance with the heritage and planning design provisions provide strong grounds to support the variation.

No impact on views and vistas from Catherine Park House

Catherine Park House is located on an elevated knoll and sits proud of the 66 allotments surrounding the heritage item. An analysis of four (4) views from Catherine Park House and the surrounds that intersect the site in variation locations is included in Appendix 1. The analysis shows Catherine Park House and illustrates the section detail aligning with each of the four view lines. The section detail annotates the 5 metre and 8 metre building height limits within the site (66 lots) and also shows the adjoining 9 metre building height around the outer edge of the site.

Figure 6 is an excerpt of the views analysis and includes the section of View 4 from Catherine Park House.

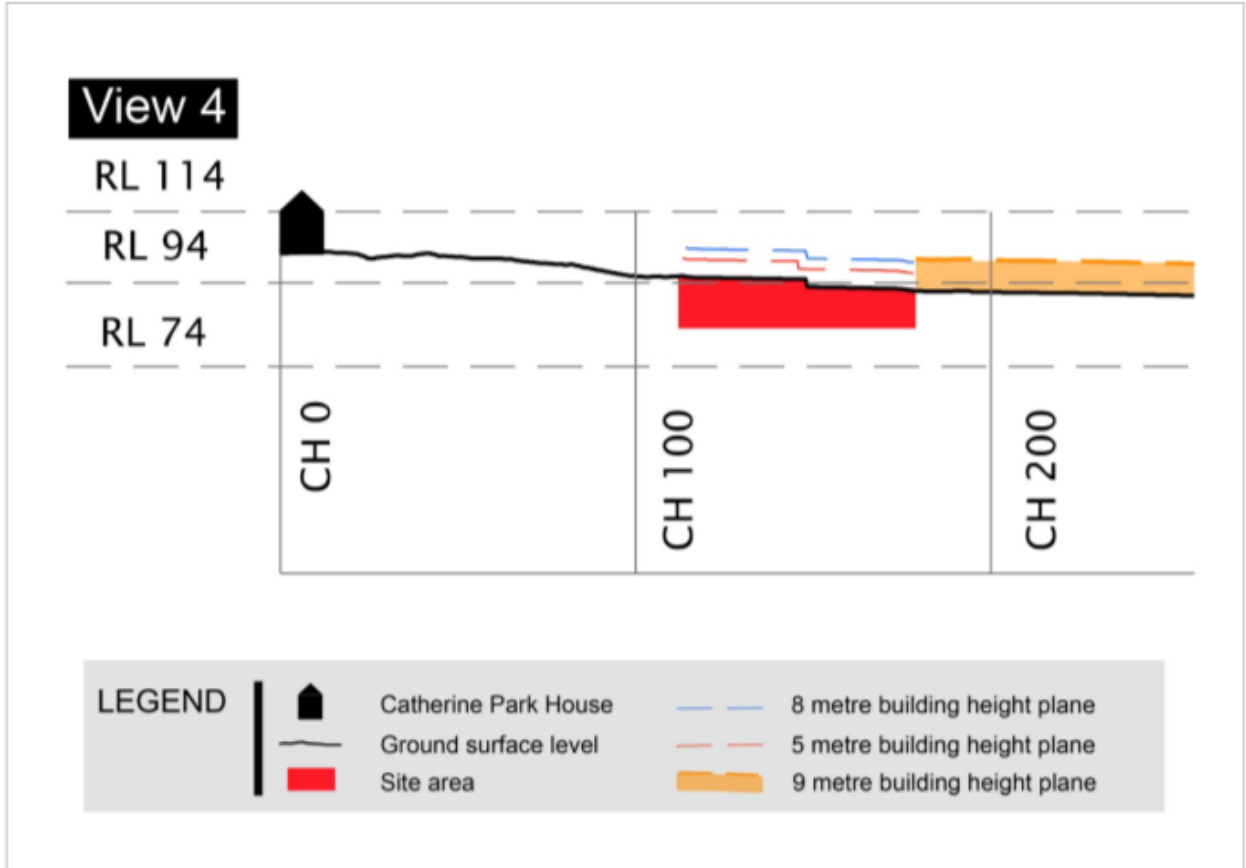


Figure 6 – Extract from View 4 in Views Analysis

The section of View 4 illustrates that both the 5 metre and proposed 8 metre building height planes are eclipsed by the adjoining 9 metre building height. Moreover, the vistas and views from Catherine Park House are dictated by the built form within the 9 metre maximum building height area as opposed to the built form within the site. This is the case for all of the four view sections, and given the proposed building height limit in this proposal is over 1 metre less than shown in the view analysis, the impacts will be less than in the views assessment.

The other matter of consideration is the portion of the roof that will be above the 5 metre building height plane is relatively minor. The 66 dwellings within the site require larger side boundary building setbacks than typical standards to create greater separation between the dwellings. Greater separation between the dwellings will also ensure greater separation between the roof forms. With a relatively small portion of the roof form above the 5 metre height plane and the separation between buildings, wide view corridors between the roofs of adjoining dwellings are preserved and continue to allow open views within the heritage curtilage area.

The built form of new residential development around the outside of the 66 lots dictate views and vistas for Catherine Park House and closer views within the heritage curtilage including the site will be preserved within corridors between the roofs of the single storey dwellings. Accordingly, the findings in the views analysis provides strong grounds to support the variation.

Objectives and intent of built form surrounding Catherine Park House preserved

The key outcome for the site (66 lots) is that all residential dwellings are to be single storey construction with hipped and/or gabled roofs on large lots. The proposed building height does not change the intended outcome for residential development surrounding Catherine Park House. The proposed building height also does not affect the intended type and character of residential development, and it will actually improve the design quality and therefore character. Accordingly, preserving the intended development outcomes and improving character provides strong grounds to support the variation.

No significant environmental impact

There is no significant environmental impact resulting from the variation. The variation allows the orderly and proper delivery of development that will result in a development outcome that is essentially the same as has been planned for the Catherine Field Part Precinct and provided for in the Growth Centres SEPP and Schedule 4 in the Camden Council Growth Centres DCP. Once built, the site will form part of a larger area that will maintain a transition of development intensity from Catherine Park House and the intended urban structure will upheld. The protrusion of a small portion of the roof forms for the single storey dwellings with the site will be on no significant impact, particularly as this development will be more dominated by two storey developments around the outer edge of the locality. Accordingly, there are strong grounds to justify the proposed variation as there is no significant environmental impact and the intended development objectives for the locality are maintained.

Conclusion

There are sufficient environmental planning grounds to justify variation to the maximum building height including achieving an improved building designs, no significant impacts on views and vistas from Catherine Park House, preserving a transition in development between the House and standard residential development, and having no significant impact.

4.3 Clause 4.6(4)(a)(ii): In the public interest because it is consistent with the objectives of the zone and development standard

The proposed development is consistent with the objectives of the maximum building height development standard for the reasons explained in Section 4.1 this report (refer to Test 1).

The proposed development is consistent with the zone objectives for the R2 Low Density Residential for the reasons explained in Section 4.1 this report (refer to Test 1a).

In addition, the neighbourhood character and dwelling design is complementary with the heritage values of Catherine Park House and meets the design intent of the ILP and Precinct objectives to provide for a diverse range of housing options in the South West Growth Area.

Support for the proposed variation is in the public interest as it is consistent with the objectives and will significantly and directly enhance the amenity of the area with a well-transitioned residential development away from Catherine Park House from detached dwellings on larger lots to two storey homes on smaller lots.

4.4 Considerations for the Planning Secretary

Clause 4.6(5) outlines matters for the Planning Secretary to consider in approving a variation to a development standard, which reads:

- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
- (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

In consideration of subclause (5), the following comments are presented.

- The variation does not raise any matter of significance for State environmental planning as the proposed variation:
 - provides significantly better building designs and improved streetscapes,

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

- provides site-specific reasoning to support the variation,
 - relates to a situation that has uncommon circumstances that do not occur elsewhere in the locality, and
 - is a variation of relatively minor consequences of no significant environmental impact.
- Maintaining the development standard has no discernible public benefit.

CLPP04

Attachment 5

5 CONCLUSION

A Clause 4.6 variation request to support a DA to seeking approval to erect a detached dwelling on land described in Table 2 of this report. This request should be read in conjunction with the associated Environmental Assessment and supporting documentation lodged with the proposal.

The variation request relates to a maximum building height development standard under Appendix 9 Camden Growth Centres Precinct Plan in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

This request has been prepared in accordance with the Department of Planning & Environment (DPIE) Guideline, *Varying Development Standards: A Guide*, August 2011, and relevant matters set out in the 'five-part test' established by the NSW Land and Environment Court.

This report and supporting information demonstrate that support for proposed building height provides better building design, enables compliance with DCP controls and achieves the intended outcomes for residential development surrounding Catherine Park House without any significant impacts.

The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying development standards and to achieve better outcomes for development by allowing flexibility circumstances. The proposed variation is respectful of the allowances under Clause 4.6 and can be supported for the following reasons:

- It has been demonstrated that compliance with the development standard is unreasonable and unnecessary in the specific circumstances for three of the tests in the five part test;
- The proposal maintains consistency with the objectives of the R2 Low Density Residential zone;
- The proposal is consistent with the objectives of Clause 4.3 Height of buildings, despite the non-compliance;
- The proposed building height in Table 3 of this report will enable better building design and improved streetscapes;
- There are sufficient environmental planning grounds to justify the variation;
- The variation upholds the design intent for the locality for a transition of residential development away from Catherine Park House; and
- Support for the proposed variation will have a positive environmental impact and is in the public interest.

CLPP04

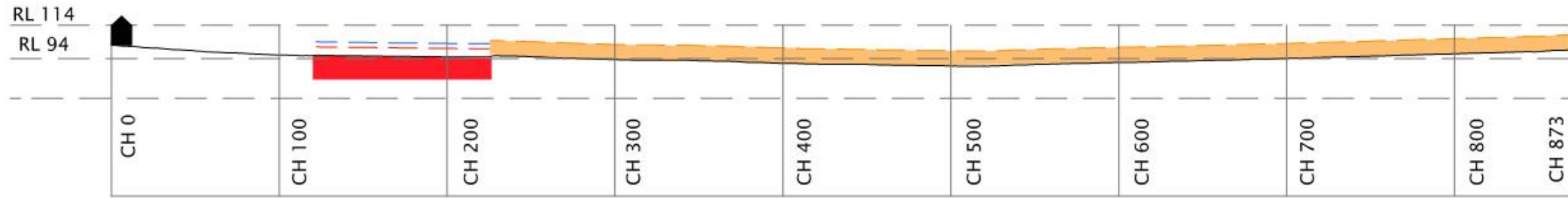
Attachment 5

APPENDIX 1
Views Analysis

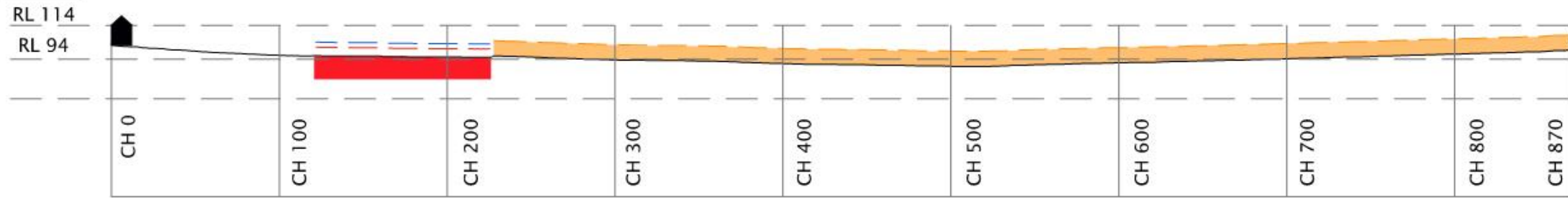
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

[Note: long section data provided by Registered Surveyor JMD Development Consultants]

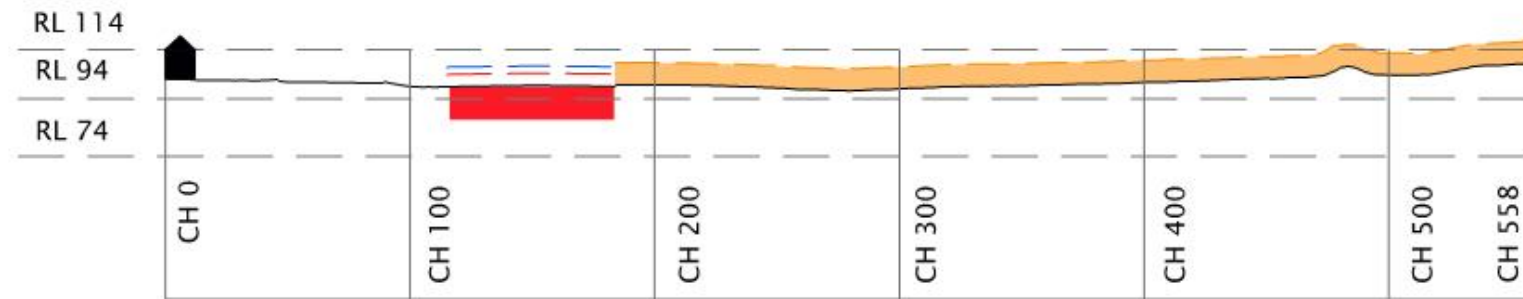
View 1



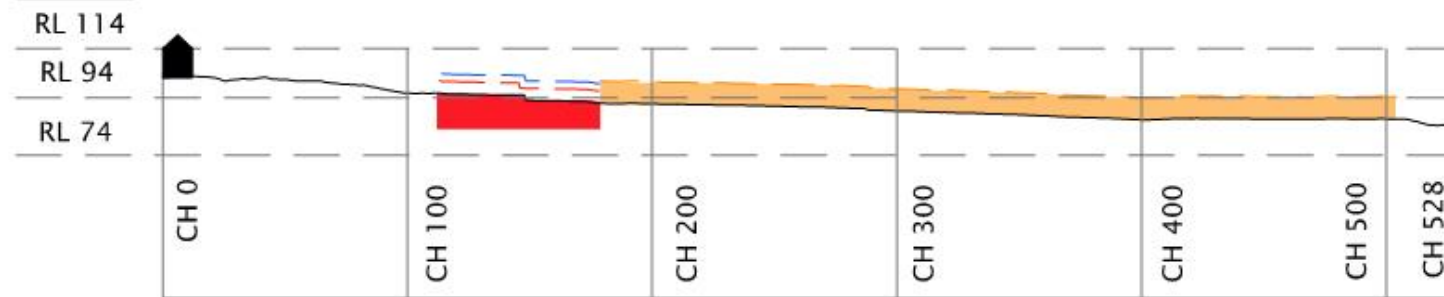
View 2



View 3



View 4



LEGEND

- Catherine Park House
- Ground surface level
- Site area
- 8 metre building height plane
- 5 metre building height plane
- 9 metre building height plane



BUILDING INFORMATION REGARDING: SUSTAINABILITY REQUIREMENTS, SITE CLASSIFICATION, GENERAL BUILDING INFORMATION.

DRYWEATHER LAYOUT IS DIAGRAMMATIC ONLY AND NO REPRESENTATION IS MADE TO THE AS-BUILT LOCATION OF DRAINAGE ASSETS (INCLUDING RFACE INLET PITS) OR THE TYPE OF STEM USED (CHARGED OR GRAVITY). ALL STORMWATER DESIGN IS SUBJECT TO CONTRACTORS COMMENDATIONS AND/OR ANY INSTRUCTION CONSTRAINTS OR ANGERS AT THE DISCRETION OF THE ILDER. THE STORMWATER SYSTEM IS T SUITABLE FOR ANY OTHER USE. ALL RFACE WATER DRAINAGE MUST BE NAGED BY OWNER INCLUDING ITALLATION OF ADDITIONAL DISCHARGE ES AND INLETS AS REQUIRED. THE ILDER PROVIDES CAPACITY FOR IPOSAL OF ROOF COLLECTED DR/WATER ONLY AND TAKES NO SPONSIBILITY FOR OVERFLOW OR MAGE TO PROPERTY IF OWNER ADDS ITIONAL DISCHARGE LOADS TO ISTING STANDARD PROVISIONS.

VEWAY AND RETAINING WALLS BY INER UNLESS NOTED OTHERWISE IN E TENDER AND/OR COLOUR ECTIONS DOCUMENTATION.

OPOSED TREES BY OWNER AFTER NDOVER UNLESS NOTED OTHERWISE IN THE TENDER DOCUMENTATION.

VD CLASSIFICATION	N2
THIN 1 KM. OF EAKING SALT WATER	NO
THIN 100 M. OF SALT WATER	NO
IMUM AHD FLOOR VEL APPLICABLE	NO
RVEY AREA	NEW
TITUDE	34° 00' 39" S
NGITUDE	150° 44' 48" E

APPROX. IMPORT/EXPORT FILL	
T VOLUME	16.52m ³
L VOLUME	14.46m ³
ERENCE	2.06m ³

EVEN CUT & FILL

SUBJECT TO MAXIMUM DRIVEWAY PROFILE AND/OR ANY FLOOD RELATED LEVELS

CLIENT TO REMOVE TREES, STUMPS INCLUDING ROOTS, MULCH & UNDERGROWTH AND BY OWNER SLASH/SCRAPE LONG GRASS FROM THE BUILDING AREA. WHERE STUMPS HAVE BEEN REMOVED THE GROUND IS TO BE FILLED AND COMPACTED.

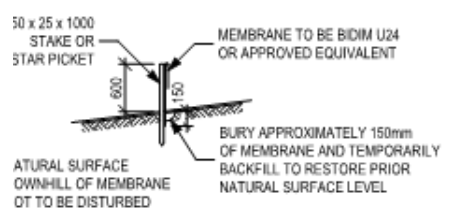
COMPLIANCE ACHIEVED / SUBJECT TO COUNCIL APPROVAL / DA - CAMDEN GROWTH CENTERS DCP (HERITAGE)

SITING SUBJECT TO RECEIPT OF ALL RELEVANT DOCUMENTATION PERTAINING TO RESTRICTIONS ON THE SUBJECT PROPERTY.

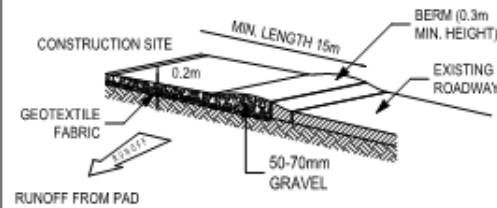
LAND IS SUBJECT TO:	
- ZONING	R2
- WIND CLASSIFICATION	N1
- < 1km TO BREAKING SALT	NO
- < 100m TO SALT WATER	NO
- BUSHFIRE	NO
- MINE SUBSIDENCE	NO
- ACID SULPHATE SOILS	NO
- FLOOD	NO
- BUILDING ENVELOPE	NO
- SLAB CLASSIFICATION	M
- HERITAGE	YES
- DEVELOPER GUIDELINES	CATHERINE PARK
- APPLICABLE 88B CLAUSES	7,8,14,16,17,18,19
- ANY ADDITIONAL RESTRICTIONS	OBSTACAL LIMITATION SURFACE
	WIND TURBINE BUFFER ZONE
	WILDLIFE BUFFER ZONE

BUILDING RESTRICTIONS:	
- FRONT SETBACK (MIN):	5.0m DEVELOPER
- SECONDARY SETBACK (MIN):	3.0m DEVELOPER
- GARAGE SETBACK (MIN):	6.0m DEVELOPER
- SIDE SETBACK (MIN):	0.9m
- REAR SETBACK (MIN):	5.0m DEVELOPER
- GFA (MAX):	N/A
- SITE COVERAGE (MAX):	353.3m ² (50%)
- BUILDING HEIGHT (MAX):	TWO STOREYS
- WALL BREAKS (MAX):	9.0m DEVELOPER
- LANDSCAPED AREA (MIN):	211.98m ² (30%)
- CUT (MAX):	1.0m
- FILL (MAX):	1.0m

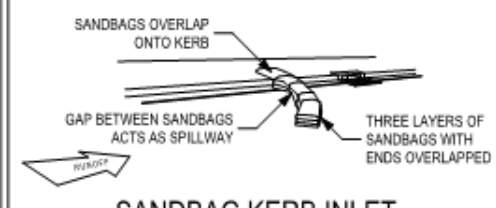
DROPPED EDGE BEAM AREA	
AREA (m ²)	7.37



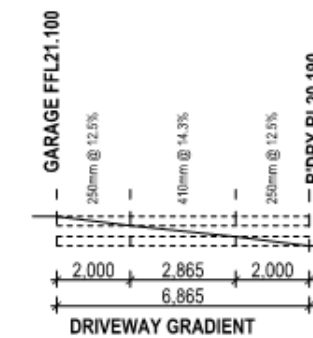
SILT FENCING DETAIL



TEMPORARY CONSTRUCTION EXIT



SANDBAG KERB INLET SEDIMENTATION TRAP



PRELIMINARY CONSTRUCTION DRAWING

DATE:
06/06/2022

DRAFTING OFFICE:
SYDNEY

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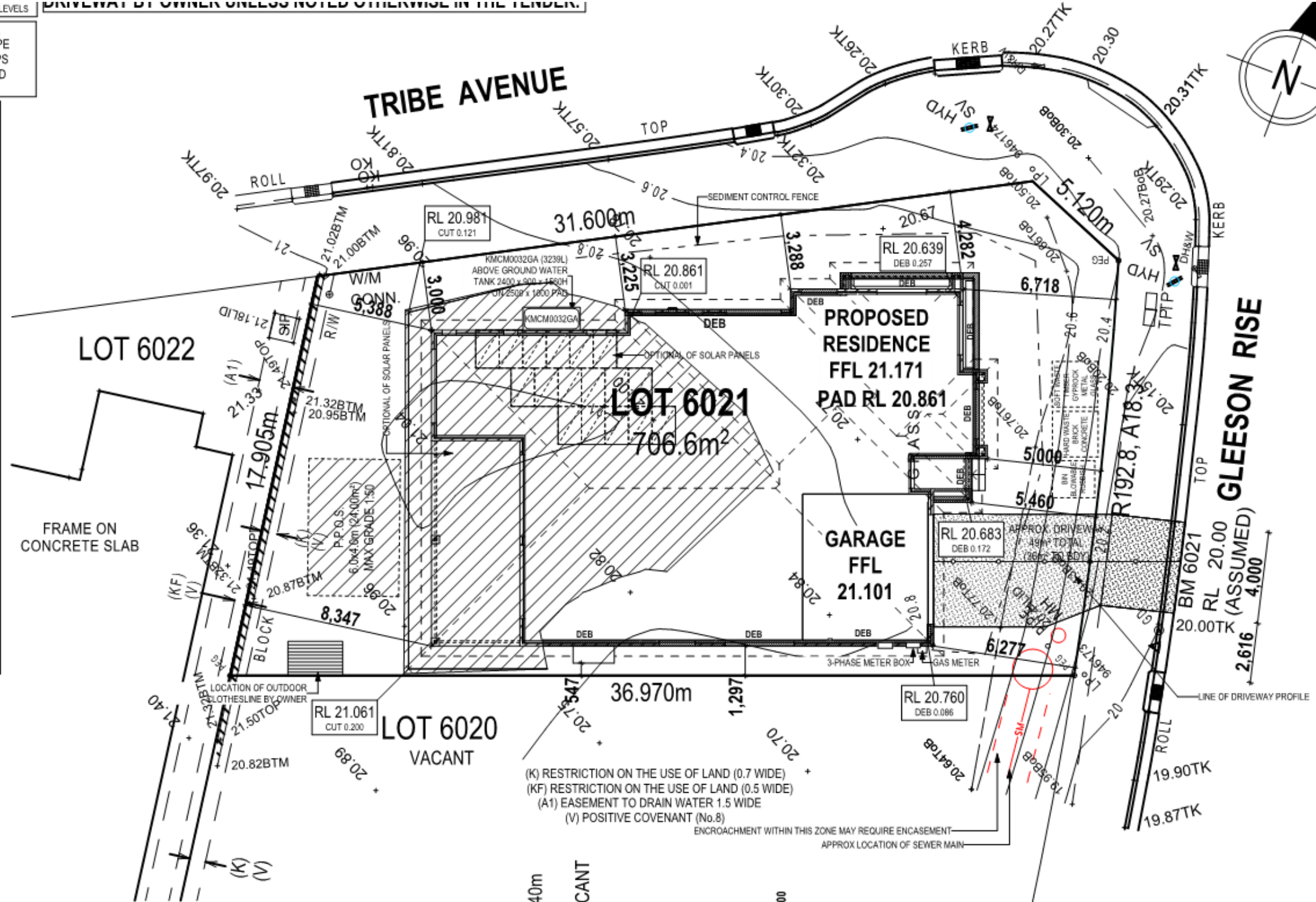
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5 PCV08	KDE 2022.03.17
6 AMEND AS PER PCV 009	JVA 2022.04.27
7 PRELIM CONSTRUCTION PLAN CHECK	GBD 2022.06.06
8 AMENDED AS PER RFI	CLG 2022.08.17

CLIENT:	MRS. MELISSA & MR. JASON SMALL
ADDRESS:	17 GLEESON RISE, ORAN PARK NSW 2570
LOT / SECTION / DP:	
COUNCIL:	

HOUSE DESIGN:	MIAMI 16
FACADE DESIGN:	PROVINCIAL
SHEET TITLE:	

HOUSE CODE:	H-MIACLAS14410
FACADE CODE:	F-MIAPROV01
SCALES:	

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BUILDING INFORMATION REGARDING:
SUSTAINABILITY REQUIREMENTS
SITE CLASSIFICATION
GENERAL BUILDING INFORMATION

DP CHARGED DOWNPIPE DIRECTED TO TANK
DP STANDARD DOWNPIPE DIRECTED TO STORMWATER DISCHARGE

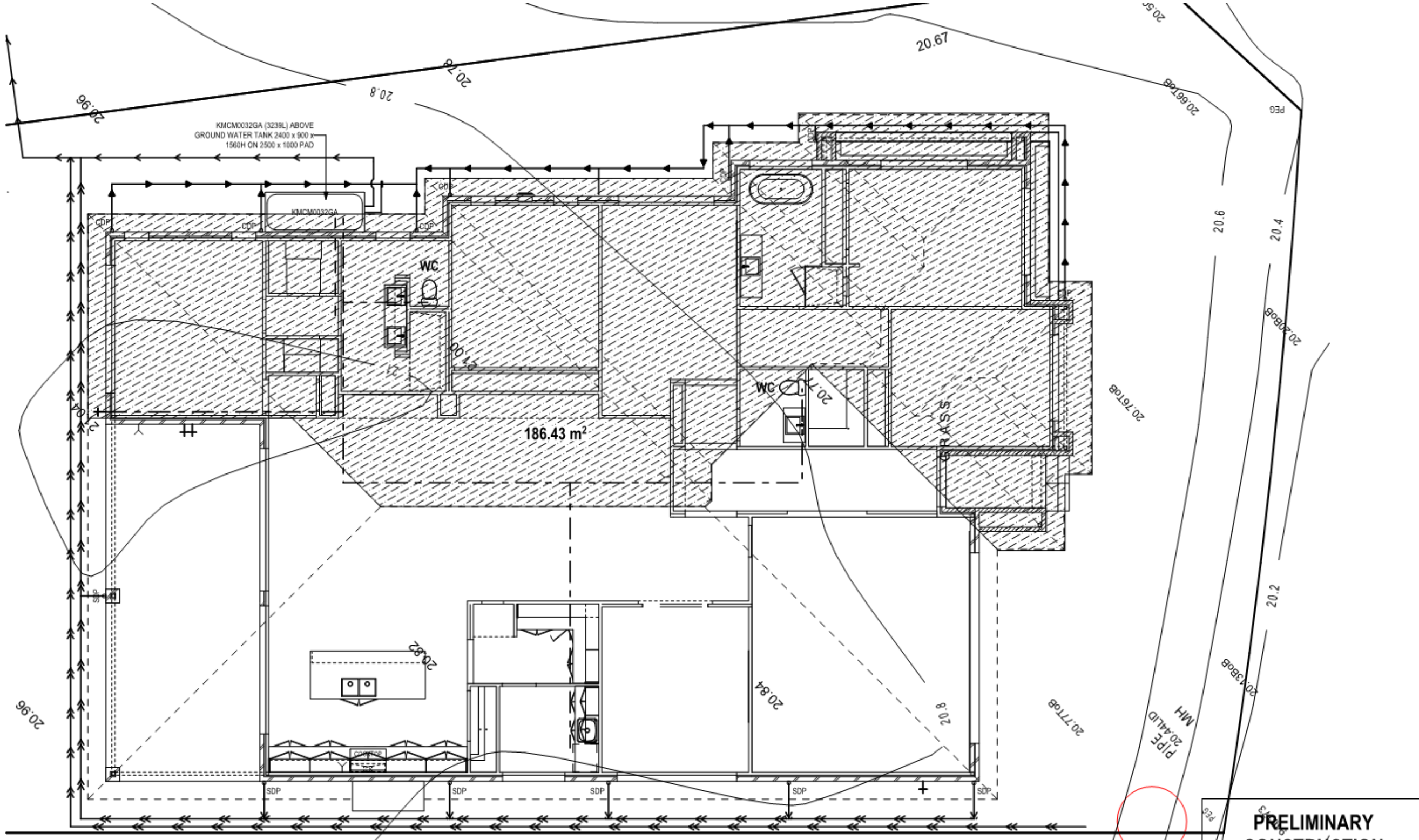
DRM WATER LAYOUT IS DIAGRAMMATICALLY AND NO REPRESENTATION IS MADE TO THE AS-BUILT LOCATION OF DRM WATER ASSETS (INCLUDING RFACE INLET PITS) OR THE TYPE OF STEM USED (CHARGED OR GRAVITY). ALL STORMWATER DESIGN IS SUBJECT TO CONTRACTORS COMMENDATIONS AND/OR ANY INSTRUCION CONSTRAINTS OR ANGES AT THE DISCRETION OF THE ILDER. THE STORMWATER SYSTEM IS T SUITABLE FOR ANY OTHER USE. ALL RFACE WATER DRAINAGE MUST BE NAGED BY OWNER INCLUDING TALLATION OF ADDITIONAL DISCHARGE ES AND INLETS AS REQUIRED. THE ILDER PROVIDES CAPACITY FOR IPOSAL OF ROOF COLLECTED DRM WATER ONLY AND TAKES NO SPONSBILITY FOR OVERFLOW OR MAGE TO PROPERTY IF OWNER ADDS DITIONAL DISCHARGE LOADS TO ISTING STANDARD PROVISIONS.

TE TO PLUMBER: ROOF WATER FROM LLECTION AREAS
BE DIVERTED TO WATER TANK. LANCE TO STREET KERB. LLECTION AREA = 186.43m²

STORMWATER OVERFLOW OTHER AN THAT BEING DIRECTED TO WATER K(S) TO BE DIRECTED TO STREET RB.

PLUMBING LEGEND

- WATER PUMP IN ACC. WITH LOCAL WATER AUTHORITY REQUIREMENTS
- TANK CAPACITY TO BE MAINTAINED AT MINIMUM 10% CAPACITY
- LL RECY. WATER TO BE IN APPROVED COLOUR CODED PIPEWORK (PURPLE)
- LL DRAINAGE LINES ARE FOR ROOF WATER/WATER TANK DRAINAGE ONLY
- RECYCLED COLD WATER LINE
- TANK COLD WATER LINE
- WATER LINE TO MAIN SUPPLY
- CHARGED LINE TO WATER TANK
- WATER TANK OVERFLOW
- STORMWATER OVERFLOW
- WM WASHING MACHINE
- WC WATER CLOSET
- YARD TAP



WATER MANAGEMENT
Scale: 1:100

PRELIMINARY CONSTRUCTION DRAWING
 DATE: 06/06/2022
 DRAFTING OFFICE: SYDNEY

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SUSTAINABILITY REQUIREMENTS
SITE CLASSIFICATION
GENERAL BUILDING INFORMATION

DP CHARGED DOWNPIPE DIRECTED TO TANK
STANDARD DOWNPIPE DIRECTED TO STORMWATER DISCHARGE

MECHANICAL VENTILATION TO BE CHARGED TO OUTDOOR AIR AS PER C REQUIREMENTS

RESISTANT PLASTERBOARD TO BE INSTALLED BEHIND COOKTOP

EXTERIOR STEPS AND LANDINGS BY INER UNLESS NOTED OTHERWISE

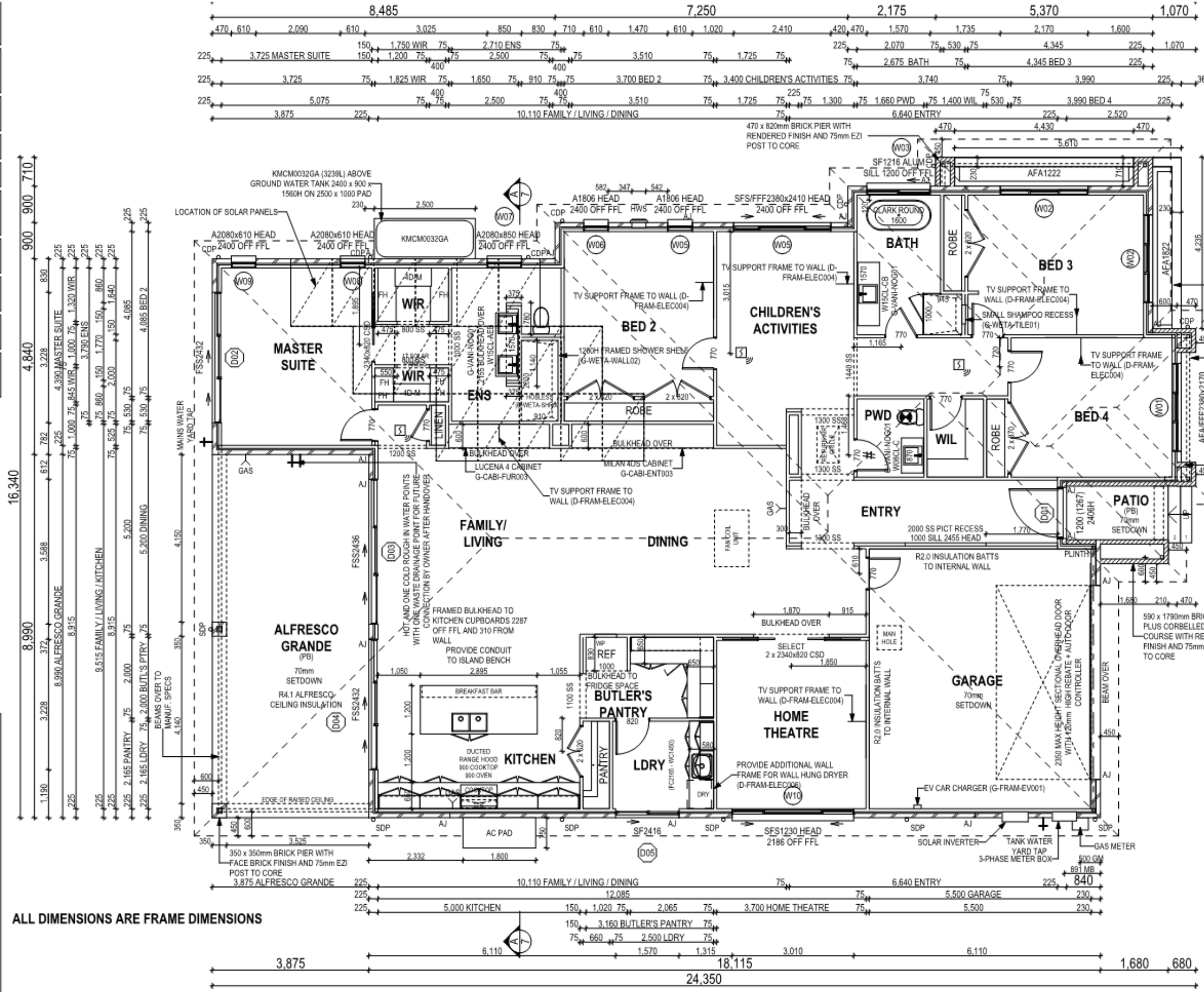
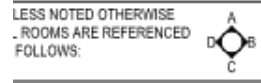
GROUND FLOOR BULKHEAD AND WARE SET OPENING FRAMES TO BE 15 ABOVE FFL UNLESS NOTED OTHERWISE

GROUND FLOOR INTERNAL DOORS TO 2340 HIGH UNLESS NOTED OTHERWISE (INCLUDES CAVITY SLIDING DOORS)

REFER TO WINDOW & DOOR SCHEDULES FOR FULL DETAILS OF ALL WINDOWS AND DOORS

INTERNAL WINDOW AND EXTERIOR DOOR OPERATIONS MAY BE ADJUSTED ON SITE SUIT BRICKWORK GAUGE

UNLESS NOTED OTHERWISE ROOMS ARE REFERENCED AS FOLLOWS:



CONDITIONING SYSTEM, NUMBER AND POSITIONING OF OUTLETS AND THE FINAL LOCATION OF THE RETURN AIR GRILLE WILL BE DETERMINED ON SITE BY THE AIR CONDITIONING CONTRACTOR AND IS SUBJECT TO TRUSS LAYOUT AND ANY OTHER CONSTRUCTION CONSTRAINTS.

FRAME MANUFACTURER TO PROVIDE CLEARANCE FOR PASSAGE OF FAN COIL UNIT FROM RETURN AIR OPENING TO FINAL FAN COIL LOCATION.

ANY PART OF THE FASCIA, GUTTERING OR DOWNPIPE THAT IS WITHIN 450mm OF ANY BOUNDARY IS TO BE NON-COMBUSTIBLE IN ACCORDANCE WITH THE NCC.

LOOR PLAN LEGEND

- 3 / WS HOB SPOUT / WALL SPOUT
- FACE BRICK / COMMON BRICK
- HEBEL
- SOUND INSULATION
- AJ BRICK ARTICULATION JOINT
- 3D DENOTES DRAWER SIDE
- EXHAUST FAN
- B.W LOAD BEARING WALL
- THIS DOOR OPENS FIRST
- SMOKE ALARM
- LIFT OFF HINGE
- WATER POINT
- WP FRIDGE WATER POINT
- GAS GAS BAYONET

ALL DIMENSIONS ARE FRAME DIMENSIONS

PRELIMINARY CONSTRUCTION DRAWING
DATE: 06/06/2022
DRAFTING OFFICE: SYDNEY

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REVISION	DRAWN
5 PCV08	KDE 2022.03.17
6 AMEND AS PER PCV 009	JVA 2022.04.27
7 PRELIM CONSTRUCTION PLAN CHECK	GBD 2022.06.06
8 AMENDED AS PER RFI	CLG 2022.08.17

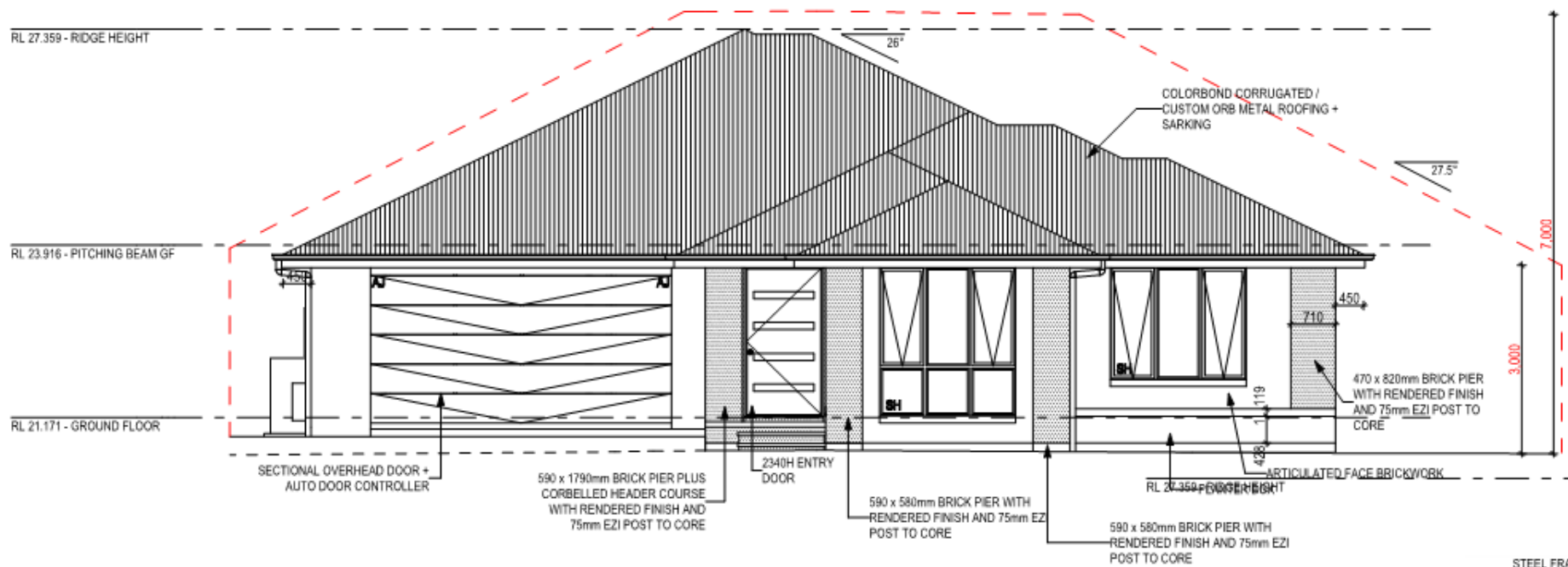
CLIENT:	MRS. MELISSA & MR. JASON SMALL
ADDRESS:	17 GLEESON RISE, ORAN PARK NSW 2570
LOT / SECTION / DP:	
COUNCIL:	

HOUSE DESIGN:	MIAMI 16
FACADE DESIGN:	PROVINCIAL
SHEET TITLE:	

HOUSE CODE:	H-MIACLAS14410
FACADE CODE:	F-MIAPROV01
SCALES:	

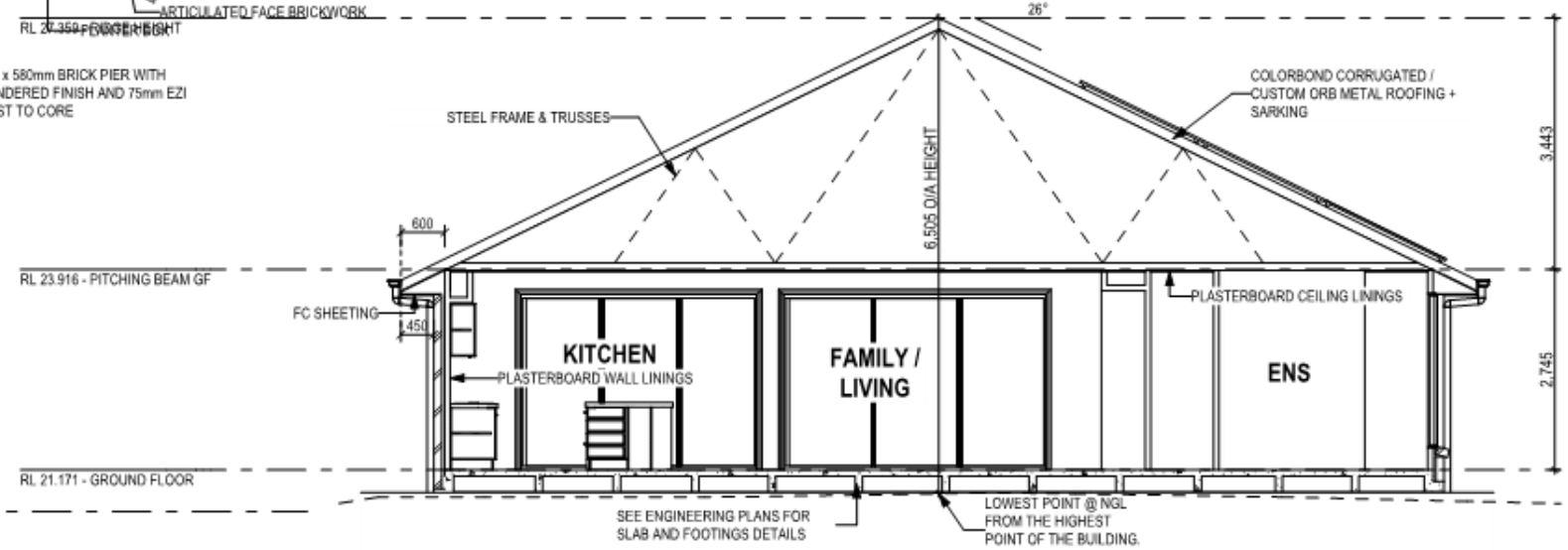
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606541

ALL BUILDING INFORMATION REGARDING:
 - SUSTAINABILITY REQUIREMENTS
 - SITE CLASSIFICATION
 - GENERAL BUILDING INFORMATION
 SH = SNAP HEADER SILL

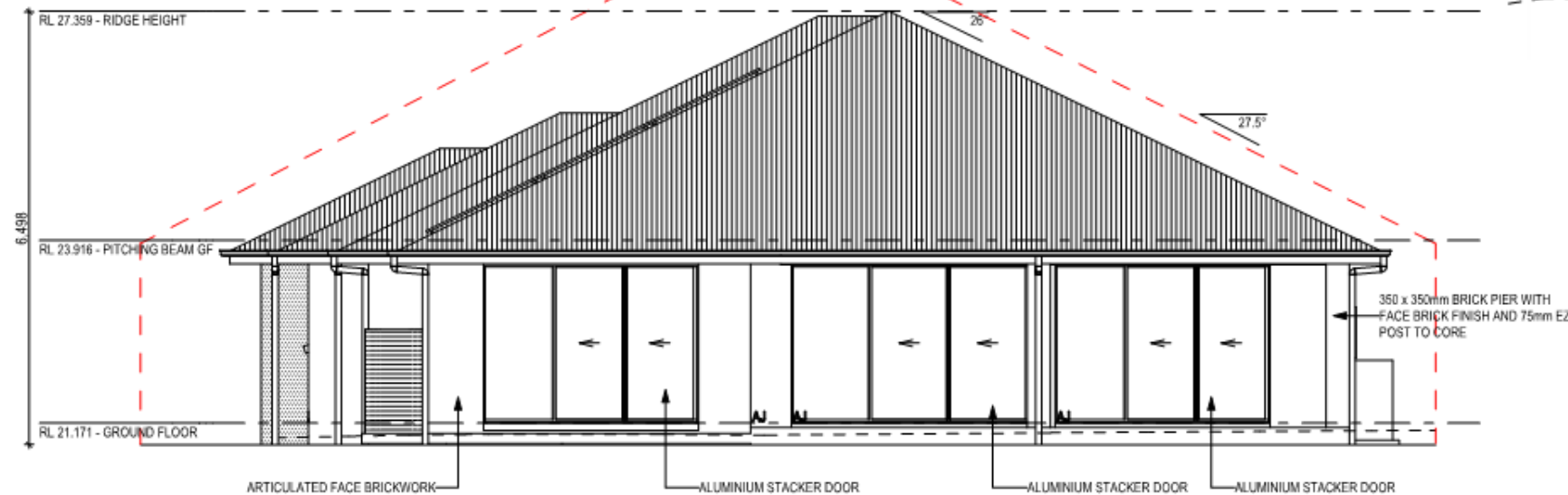


FRONT (EAST) ELEVATION
 Scale: 1:100

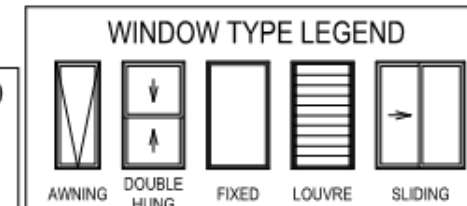
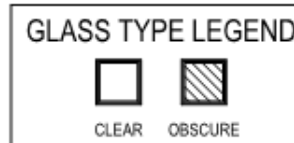
INSULATION TO BE INSTALLED IN ACCORDANCE WITH NCC AND RELEVANT AUSTRALIAN STANDARDS:
 - R2.0 BATTs TO EXTERNAL WALLS (EXCLUDING GARAGE)
 - R2.0 BATTs TO GARAGE INTERNAL WALLS
 - R4.1 CEILING BATTs (EXCLUDING GARAGE & PATIO)
 - SARKING UNDER ROOFING



SECTION A-A
 Scale: 1:100



REAR (WEST) ELEVATION
 Scale: 1:100



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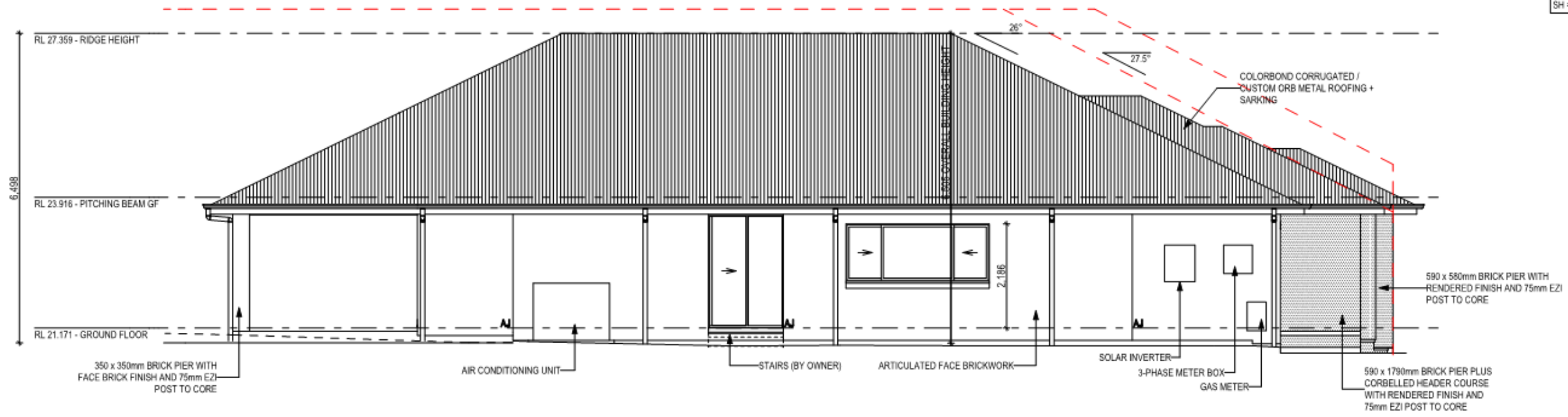
CLIENT:
MRS. MELISSA & MR. JASON SMALL
 ADDRESS:
17 GLEESON RISE, ORAN PARK NSW 2570
 LOT / SECTION / DP: COUNCIL:

HOUSE DESIGN:
MIAMI 16
 FACADE DESIGN:
PROVINCIAL
 SHEET TITLE:

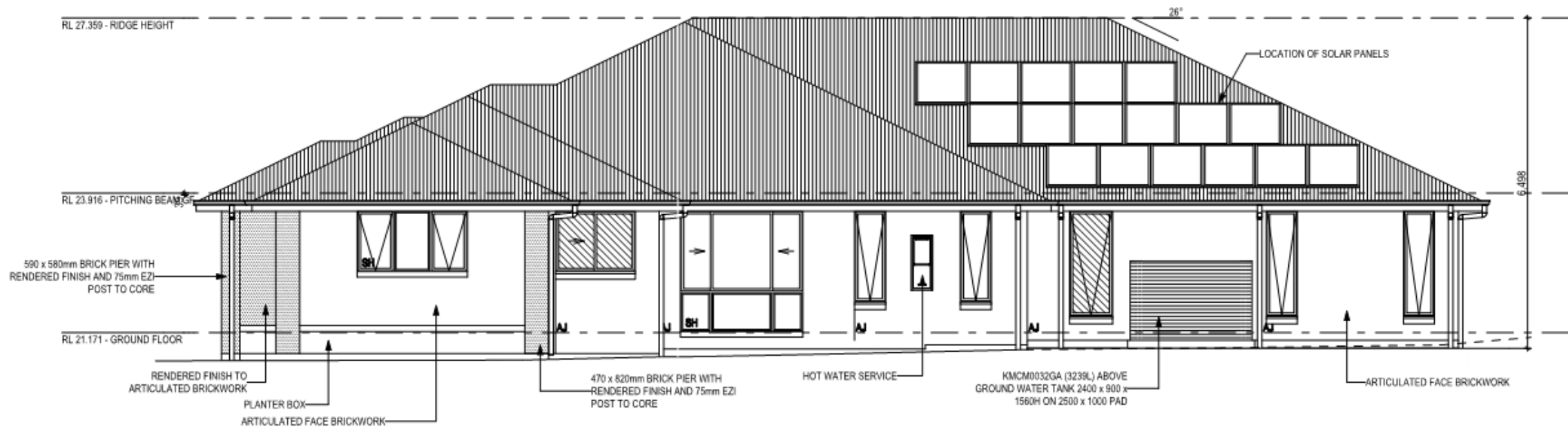
HOUSE CODE:
H-MIACLAS14410
 FACADE CODE:
F-MIAPROV01
 SHEET No.: SCALES:

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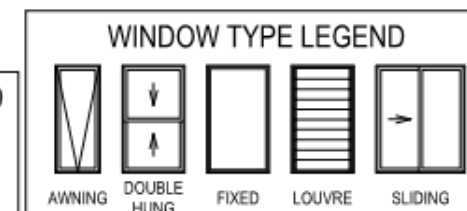
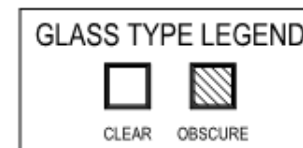
ALL BUILDING INFORMATION REGARDING:
 - SUSTAINABILITY REQUIREMENTS
 - SITE CLASSIFICATION
 - GENERAL BUILDING INFORMATION
 SH = SNAP HEADER SILL



LEFT (SOUTH) ELEVATION
 Scale: 1:100



RIGHT (NORTH) ELEVATION
 Scale: 1:100



PRELIMINARY CONSTRUCTION DRAWING
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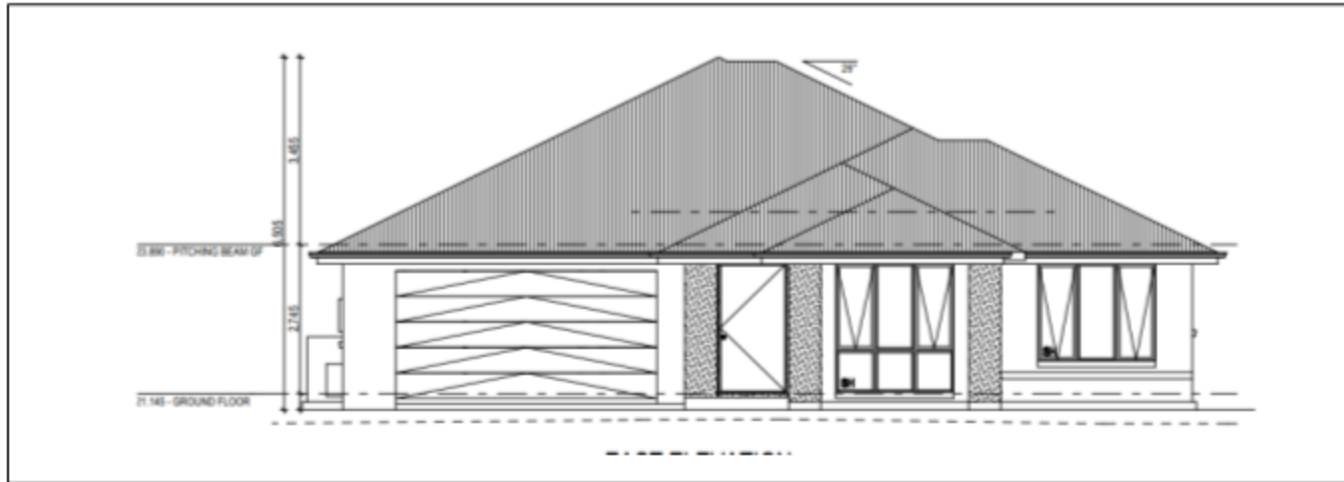
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EXTERNAL COLOUR PLAN



<p>McDonald Jones YOUR HOME. YOUR DREAM.</p>	SPECIFICATION STUART EVERITT DATE 9/2021	REVISION 1 DRAFT SALES PLAN - 01	DRAWN N/A	CHECKED N/A	CLIENT MRS MELISSA & MR JASON SMALL ADDRESS 17 GLEESON ROSE, ORAN PARK NSW 2579 LOT/SECTION/DP 8021 / / DP123500	COUNCIL CAMDEN COUNCIL	DRAWING NO. MJB016	HOUSE CODE H-MBCLAS14410	606541
	PROJECT CLPP04	DATE 9/2021	DRAWN N/A	CHECKED N/A	PROJECT NO. 17 GLEESON ROSE, ORAN PARK NSW 2579	COUNCIL CAMDEN COUNCIL	DRAWING NO. MJB016	HOUSE CODE H-MBCLAS14410	



AUSTRAL BRICKS
Whitsundays, Orpheus
Off White Mortar, Iron joint



METAL ROOFING
Custom Orb, Colorbond
Wallaby



WINDOWS
Bradnams, Custom Black
Matt



COLORBOND, WALLABY
Gutter & Rainwater Tank



TAUBMANS, SEALORD
Render to Front Façade Piers



COLORBOND, SURFMIST
Fascia



TAUBMANS, WALLABY
Front Entry Door & Downpipes



GARAGE DOOR
Flatline, Wallaby

BRICKWORKS

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Oran Park NSW 2570

 mail@camden.nsw.gov.au

 PO Box 183, Camden 2570

 camden.nsw.gov.au

 4654 7777

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