



# Camden Local Planning Panel

**Electronic Determination**  
**March 2022**

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# **CAMDEN LOCAL PLANNING PANEL**

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## CAMDEN LOCAL PLANNING PANEL

### CLPP01

**SUBJECT: DA/2021/1508/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE WITH ASSOCIATED SITE WORKS - 10 CONNOR WAY, ORAN PARK**

**TRIM #: 22/79736**

|  |   |
|--|---|
| DA Number:                             | 2021/1508/1   |
| Development:                           | Construction of a single storey dwelling house with associated site works |
| Estimated Cost of Development:         | \$390,000   |
| Site Address(es):                      | 10 Connor Way, Oran Park  |
| Applicant:                             | Mr David Dawood   |
| Owner(s):                              | Mr David Dawood   |
| 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:                    | Lachlan Hutton, 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 with associated site works at 10 Connor Way, 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 a development standard by more than 10%.

### SUMMARY OF RECOMMENDATION

That the Panel determine DA/2021/1508/1 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.



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## EXECUTIVE SUMMARY

Council is in receipt of a DA for a single storey dwelling house with associated site works at 10 Connor Way, Oran Park.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, 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 6 October to 2 November 2021 and no submissions were received.

The proposed dwelling house has a maximum building height of 5.658m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP).

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
- no more than 30% of the front building line is above 4m.

The proposed dwelling house at 10 Connor Way 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 publicly exhibited (from Wednesday 9 February until Wednesday 9 March 2022).

The applicant has submitted a Clause 4.6 written request to support 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.



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 (Sydney Region Growth Centres) Clause 4.3 – Building Height – 5m | 5.658m   | 0.658m / 13.1% |

**AERIAL PHOTO**



Figure 1. Aerial Photo of subject lot 6004.



Figure 2. Aerial photo of subject lot in relation to State Heritage Item Oran Park House.

## THE SITE

The site is legally described as Lot 6004 in DP1235007 and commonly referred to as 10 Connor Way, Oran Park.

The site has an area of 579m<sup>2</sup> and is generally level with a small rise of approximately 500mm from the street frontage to western boundary. There are retaining walls up to approximately 1.0m on the western boundary. The lot is burdened by various easements and restrictions, the proposed development does not conflict with these easements and restrictions.

The site is located within the vicinity of an item of state heritage significance, SHR:1695 Oran Park House (also known as Catherine Park House), refer to Figure 2 above.



## ZONING PLAN

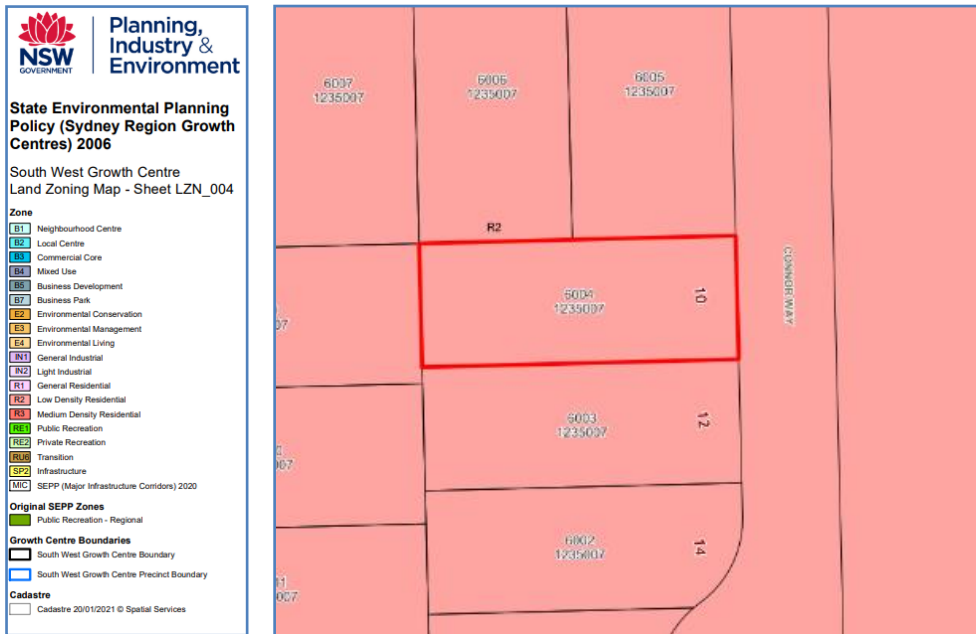


Figure 3. Subject lot 6004 - R2 Low Density Residential zone.

## AREA MASTER PLAN

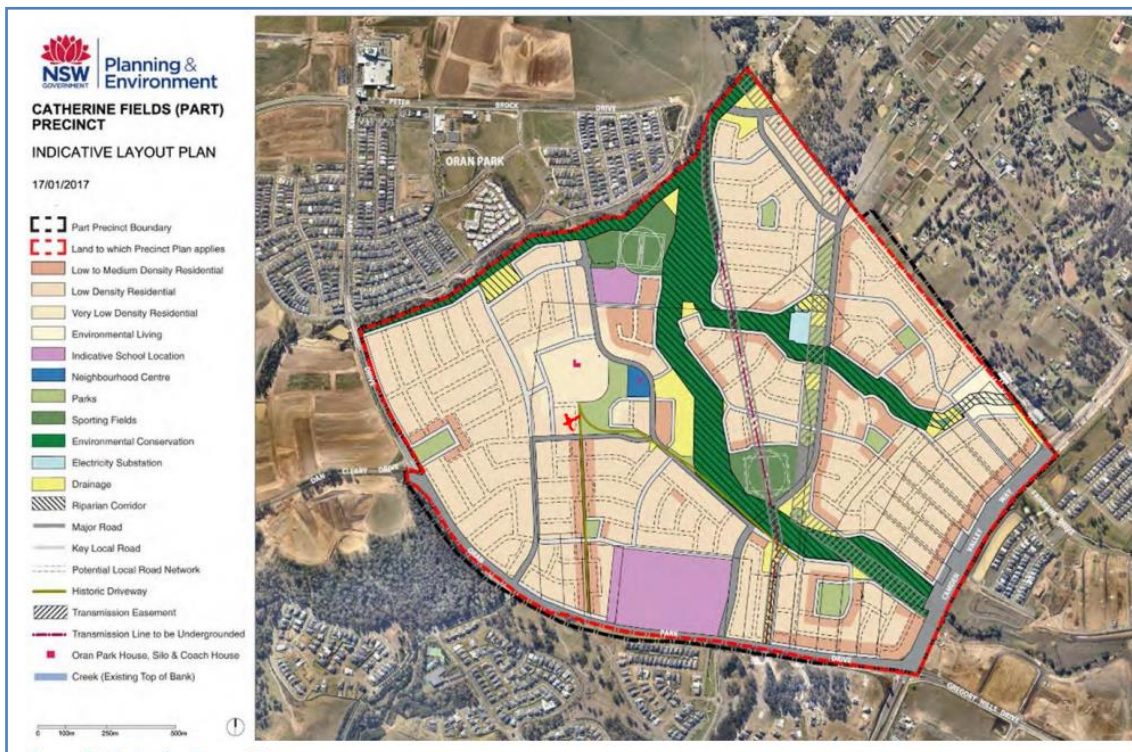


Figure 4. Red 'X' denoting location of lot 6004 (the lot) in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.



## HISTORY

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

| <b>Date</b>      | <b>Development</b>   |
|------------------|--|
| 23 March 2018    | DA/2017/491/1 – Consent was granted to a subdivision to create 141 residential lots, 2 superlots, 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 general terms of approval (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"> <li>• a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and</li> <li>• the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.</li> </ul> |
| 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  | The Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.  |

## THE PROPOSAL

DA/2021/1508/1 seeks approval for a single storey dwelling house with associated site works.

The proposed dwelling house consists of four bedrooms, study, media room, combined family/dining area, kitchen, laundry, bathroom and a double garage.

The estimated cost of the development is \$390,000.

**BACKGROUND**

The 5m height of buildings development standard was imposed on this land as the site is in close proximity to 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.

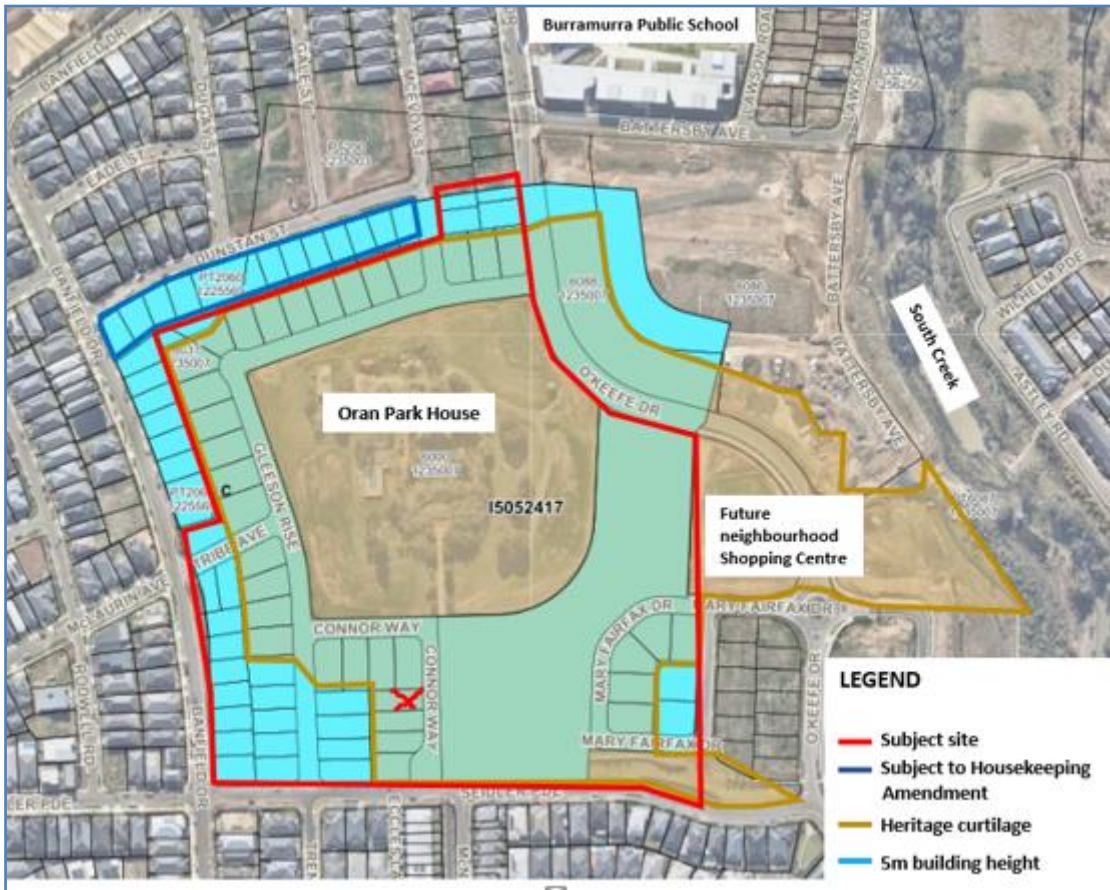


Figure 5. Extract from PP/2021/1/1 indicating the subject site, the heritage curtilage and the 5m building height development standard – subject lot marked as a red x.

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 Field (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. This is illustrated in Figures 6 and 7 below. Council’s development controls for dwelling houses in this area require a minimum roof pitch of 22.5 degrees.



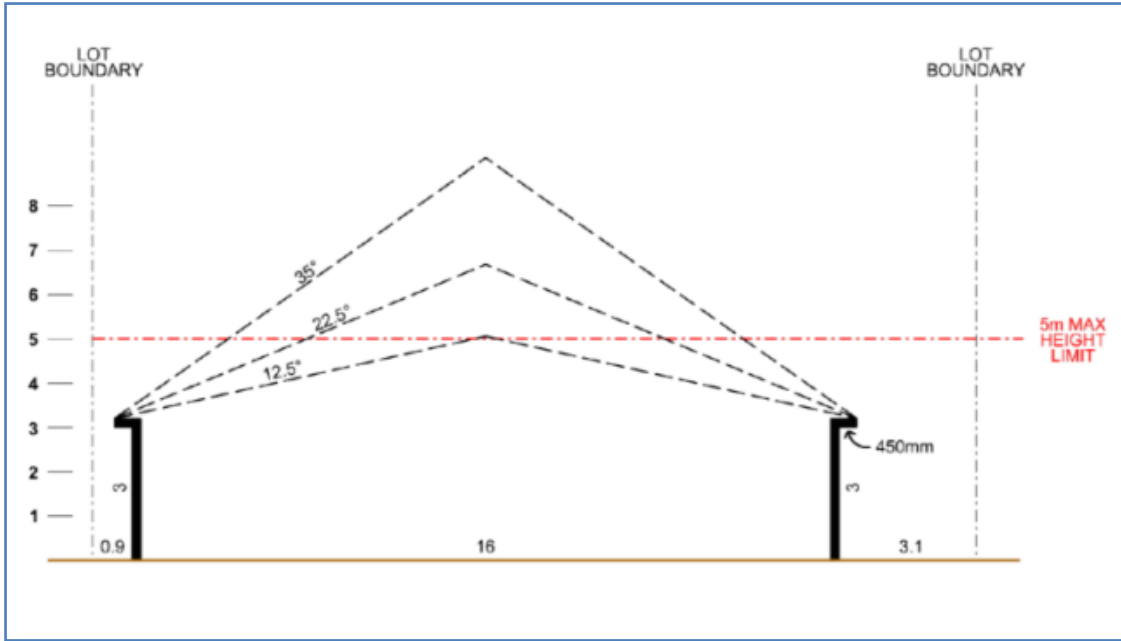


Figure 6. Indicating roof pitch, lot width and building height.



Figure 7. Comparison between roof pitch with compliant building height.

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer which seeks to amend Appendix 9 of the Growth 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 10 Connor Way 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 DPE and the public exhibition period has recently closed (exhibited from Wednesday 9 February until Wednesday 9 March 2022).

It is further 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 77, 67, 63, 61, 57 Banfield Drive and 4 Tribe Avenue. While single storey, these dwellings had building heights greater than 5m.

## **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 No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River; and
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

#### **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 No. 55 – Remediation of Land (SEPP 55)**

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 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.



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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.

#### Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)

SREP 20 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.

#### State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)

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

#### *Site Zoning and Permissibility*

The site is zoned R2 Low Density Residential pursuant to Appendix 9, Clause 2.2 of the Growth SEPP. The development is characterised as a 'dwelling house' by the Growth SEPP, meaning a building containing only one dwelling.

The development is permitted with consent in the R2 Low Density Residential Zone pursuant to the land use table in Appendix 9 of the Growth SEPP.

#### *Planning Controls*

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

#### *Clause 4.6 – Exceptions to Development Standards*

The application seeks to contravene the height of buildings development standard applying to the site. This development standard prescribes a maximum building height of 5m from existing natural ground level. The proposed development has a maximum height of 6.04m, thereby contravening the standard by 1.04m or 20.8%.

Pursuant to Clause 4.6(3) of Appendix 9 – Growth Centres SEPP, the applicant has provided a written request seeking to justify the contravention of the development standard for the following reasons:

- Compliance with the 5m height of buildings standard would detract from the design of the single storey dwelling and the overall streetscape;
- The height 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 a single storey dwelling with appropriately pitched roof. The objectives and intent of built form surrounding Oran Park House will therefore be preserved;
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP. The contravention will have no significant environmental impact; and
- 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°.

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).

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 Zone, in accordance with Clause 4.6(4).

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 house, 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 Low Density Residential 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 5m building height standard does not result in 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 Centres Precinct 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 – Height of Building of Appendix 9 of the Growth 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.

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.

Draft Planning Proposal State Environmental Planning Policy (Growth SEPP).

The development is consistent with this Draft Planning Proposal that 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
- 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 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 2000* 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 11 October to 8 November 2021 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 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

## **FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.



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## **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 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to the contravention of the maximum height of buildings development standard in Clause 4.3 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and**
- ii **approve DA/2021/1508/1 for the construction of a single storey dwelling house at 10 Connor Way, Oran Park, subject to the conditions attached to this report.**

## **REASONS FOR DETERMINATION**

1. The Panel has considered the written request to contravene Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the maximum height of buildings development 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 particular circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument, being Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
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 aforementioned 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/<br>Drawing No. |      | Name of Plan                         | Prepared by | Date        |
|--------------------------------|------|--------------------------------------|-------------|-------------|
| DWG, Sheet 1.                  | 2012 | Site Plan.                           | TJK Design. | 21/02/2022. |
| DWG, Sheet 2.                  | 2012 | Ground Floor Plan.                   | TJK Design. | 21/02/2022. |
| DWG, Sheet 3.                  | 2012 | East Elevation.<br>West Elevation.   | TJK Design. | 21/02/2022. |
| DWG, Sheet 4.                  | 2012 | South Elevation,<br>North Elevation. | TJK Design. | 21/02/2022. |
| DWG, Sheet 5.                  | 2012 | Section A-A.                         | TJK Design. | 21/02/2022. |
| DWG, Sheet 7.                  | 2012 | Sediment Control Plan.               | TJK Design. | 21/02/2022. |
| DWG, Sheet 8.                  | 2012 | Concept Stormwater Plan.             | TJK Design. | 21/02/2022. |
| DWG, Sheet 9.                  | 2012 | Schedule of Finishes.                | TJK Design. | 21/02/2022. |
| DWG, Sheet 10.                 | 2012 | Landscape Plan.                      | TJK Design. | 21/02/2022. |

| Document Title                      |  | Prepared by               | Date        |
|-------------------------------------|--|---------------------------|-------------|
| BASIX Certificate, No. 1229178S 02. |  | Sustainability-Z Pty Ltd. | 03/03/2022. |
| Waste Management Plan.              |  | Applicant.                | 23/09/2021. |

- (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 Integrated Development Application, dated 4 March 2022.

- (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*
- c) *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](http://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 to be placed on public property (footpaths, roadways, public reserves, etc);
  - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
    - i) be a standard flushing toilet connected to a public sewer; or

- ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
  - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (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](http://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.

### 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 (Sydney Region Growth Centres) 2006 (Growth SEPP)  
Assessment Table

| Clause.   | Assessment.  | Compliance.  |
|---|--|--|
| <p><b>Appendix 9, 2.3 Zone objectives and land use table</b></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"> <li>• To provide for the housing needs of the community within a low density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• 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.</li> <li>• 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.</li> <li>• To provide a diverse range of housing types to meet community housing needs within a low density residential environment.</li> </ul> | <p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a <i>'dwelling house'</i> 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"> <li>• The proposal will provide for the housing needs of the community within the low-density residential environment.</li> <li>• 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.</li> <li>• The proposal will be an addition to the existing housing type typical to the immediate surrounds.</li> </ul> | <p align="center">Yes</p>  |
| <p><b>Appendix 9, 4.3 Height of buildings</b></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 5.658m.</p>   | <p align="center">No (Clause 4.6 written request submitted).</p> |

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP)  
Assessment Table

**CLPP01**  
**Attachment 2**


|   |  |                           |
|---|--|---------------------------|
| <p><b>Appendix 9, 4.4 Floor Space Ratio</b><br/>Max FSR 0:45:1.</p>    | <p>No FSR applicable as the site is outside FSR affected area (refer map)</p>  | <p align="center">N/A</p> |
| <p><b>Appendix 9, 4.6 Exceptions to development standards</b></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</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> |



CLPP01

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP)  
Assessment Table

Attachment 2

|  |  |  |
|--|--|--|
| <p>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>This clause prohibits the approval of certain development standard contraventions.</p>  |  |  |
| <p><b>Appendix 9, 5.10 Heritage Conservation</b></p>  <p>Figure 4-2 – Oran Park House Outer Heritage Curtilage Principles</p> <p><b>Extract from Catherine Fields (Part) Precinct DCP – site marked in blue “x”.</b></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>. 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 GTAs are required from Heritage NSW. A copy of the GTAs issued by Heritage NSW is <b>attached</b> to this report.</p> |  |

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

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <p><b>4.1.1</b><br/><b>Site Analysis</b></p> <p>Site analysis plan is to be provided.</p>   | <p>Appropriate site analysis plan provided.</p>   | Yes.        |
| <p><b>4.1.2</b><br/><b>Cut and Fill</b></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 &lt;1.0m.</p> <p>There is no fill within 2.0m of a boundary.</p> <p>All fill contained by a deepened edge beam.</p> <p>NA.</p>   | Yes.        |
| <p><b>4.1.3</b><br/><b>Sustainable Building Design.</b></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>The design of the dwelling incorporates large open living spaces allowing for cross flow ventilation to occur.</p> <p>Living rooms and windows located appropriately so as to enable maximisation of capturing natural light.</p> | Yes.        |

CLPP01

Attachment 3

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

| 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 clothes line indicated on architectural plans located appropriately with regards to solar access.</p> <p>Roof to adopt 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><b>4.1.4</b><br/><b>Salinity, Sodicity and Aggressivity.</b></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 recommended condition of consent.</p>  | Yes.        |
| <p><b>4.2.2</b><br/><b>Streetscape and Architectural Design.</b></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"> <li>• entry feature or porch;</li> <li>• awnings or other features over windows;</li> <li>• balcony treatment to any first floor element;</li> <li>• recessing or projecting architectural elements;</li> <li>• open verandah;</li> </ul>  | <p>Primary western elevation to adopt the following design features:</p> <ul style="list-style-type: none"> <li>• Entry feature/porch with hipped roof over.</li> <li>• Windows.</li> <li>• Projecting architectural elements in the form of supporting posts.</li> </ul>   | Yes.        |

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

| Control   | Assessment   | Compliance? |
|---|--|-------------|
| <ul style="list-style-type: none"> <li>• bay windows or similar features; or</li> <li>• verandahs, pergolas or similar features above garage doors.</li> <li>• 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.</li> </ul> <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 0.450m as identified on sectional drawings.</p> <p>Hipped roof pitch of 22.5 degrees proposed.</p> <p>Front façade to feature bed 1 with windows facing the street.</p> <p>Proposed garage to be constructed in conjunction with the dwelling – proposed garage to complement colour and finish of main dwelling.</p> |             |
| <p><b>4.2.3</b><br/><b>Front Setbacks.</b></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 &gt;15m in width).</p>  | <p>Yes.</p> |

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

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <p><b>4.2.4</b><br/><b>Side and Rear Setbacks.</b></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 &gt;15m in width).</p> <p>No encroachment of said structures into the rear setback beyond the permitted rear setback.</p> <p>The proposal adopts side boundary setbacks greater than 0.9m.</p> | Yes.        |
| <p><b>4.2.5</b><br/><b>Dwelling Height, Massing and Siting.</b></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 &gt;15m in width).</p> <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width).</p> <p>FFL = 97.30 – 97.0 = 0.3m above finished natural ground level.</p>                 | Yes.        |
| <p><b>4.2.6</b><br/><b>Landscaped Area.</b></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>The proposal has been assessed against tables 4-5 (lots &gt;15m in width).</p>   | Yes.        |

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

| Control   | Assessment   | Compliance? |
|---|--|-------------|
| <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the 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>Noted.</p> <p>Stormwater to be conveyed to street – lot has natural fall to street.</p> <p>No concerns presented regarding the accumulation of surface water.</p>   |             |
| <p><b>4.2.7</b><br/><b>Private Open Space.</b></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 &gt;15m in width).</p> <p>PPOS contained and achievable to rear east of lot. PPOS located appropriately.</p> <p>PPOS conveniently accessible from family room and alfresco. PPOS at grade &lt;1:10.</p> | Yes.        |
| <p><b>4.2.8</b><br/><b>Garages, Storage, Site Access and Parking.</b></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>2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line via double car garage.</p>   | Yes.        |

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

| Control  | Assessment  | Compliance? |
|--|---|-------------|
| <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>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>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p> <p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 5m.</p> <p>Double garage internal dimensions = 7m 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><b>4.2.9</b><br/><b>Visual and Acoustic Privacy.</b></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>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 Growth Centre Precincts Development Control Plan</p> | <p>Proposed development is single storey only. Proposed dwelling has an FFL &lt;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>Dwelling not impacted by road types.</p>   | Yes.        |

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

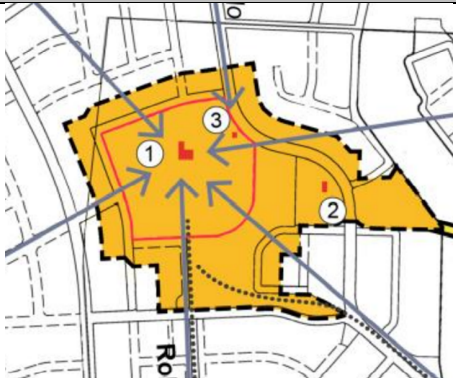

| Control   | Assessment   | Compliance? |
|---|--|-------------|
| <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls 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 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><b>4.2.10 Fencing.</b></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 &gt;2.0m behind the building line.</p>   | Yes.        |
| <p><b>Table 4-5 – Front setback.</b><br/>4.5m to building façade.</p>   | Primary eastern boundary setback = 6.95m.  | Yes.        |
| <p><b>Table 4-5 – Articulation zone.</b><br/>3.0m if not fronting open space.</p>   | Porch (articulation feature) setback 5.54m from primary eastern boundary line.   | Yes.        |
| <p><b>Table 4-5 – Garage setback.</b><br/>5.5m to garage line and 1m behind the building line.</p>  | Garage setback 8.45m from primary eastern boundary line and 1.5m from primary building line to garage building line.   | Yes.        |
| <p><b>Table 4-5 – Side setbacks.</b><br/>Ground floor (Side A) = 0.9m<br/>Ground floor (Side B) = 0.9m.</p> <p>Upper floor (Side A) = 1.5m.<br/>Upper floor (Side B) = 0.9m.</p>  | <p>Northern side boundary setback:<br/>Side (A) ground = 1.35m.</p> <p>Southern side boundary setback:<br/>Side (B) ground = 1.35m.</p>  | Yes.        |



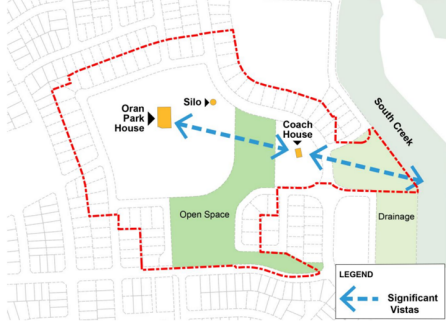
Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

| Control  | Assessment   | Compliance? |
|--|--|-------------|
|  | The proposed development is single storey only   |             |
| <b>Table 4-5 – Rear setback.</b><br>Ground = 4.0.<br><br>Upper floor = 6.0m.   | Rear western boundary setback at ground = 4.742m.<br><br>NA – single storey only.  | Yes.        |
| <b>Table 4-5 – Site coverage.</b><br>Maximum 50% at ground floor.<br>Maximum 30% at upper floor.   | 273.02/579*100 = 47.15%.   | Yes.        |
| <b>Table 4-5 – Soft landscaped area.</b><br>Minimum 30% of the allotment area.   | 188/579*100 = 32.46%.  | Yes.        |
| <b>Table 4-5 – Principal Private Open Space (PPOS).</b><br>Minimum 24sqm with minimum dimensions of 4m.  | Total PPOS = >24sqm provided at dimensions >4m   | Yes.        |
| <b>Table 4-5 – Solar Access.</b><br>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.<br>Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.   | Yes.        |
| <b>Table 4-5 – Garages and carparking.</b><br>Maximum double car garage door width 6m.<br>3 bedrooms or more to provide at least 2 car spaces.   | Double garage door proposed, width = 5m.<br><br>2 spaces provided.   | Yes.        |
| Control  | Assessment   | Compliance? |
| <b>4.1 Development Surrounding Oran Park House.</b><br><br>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.<br><br>Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.<br><br>Development must be designed to maintain significant view lines illustrated in Figure 4-1. | The development is integrated development and was referred to Heritage NSW for GTA.<br><br>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.<br><br>A copy of the GTAs issued by Heritage NSW is <b>attached</b> to this report. | Yes.        |

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

| 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>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><b>4.1.2</b><br/><b>Oran Park House and Outer Heritage Curtilage Principals.</b></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 not located within area mapped as being 'very low density residential'.</p>  | <p>Yes.</p> |
| <p><b>4.1.3</b><br/><b>Landscape Elements – Views and Vistas.</b></p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p>   | <p>The development is not located within significant vistas shown in figure 4-3.</p>   | <p>Yes.</p> |

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

| Control   | Assessment  | Compliance? |
|---|---|-------------|
|  <p>Figure 4-3 – Significant Vistas within the Oran Park House curtilage to be preserved</p>   |   |             |
| <p><b>4.1.11 Residential Built Form.</b></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.</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>The dwelling is assessed as being suitable for the site and Heritage NSW have issued GTAs for this development.</p>                     | <p>Yes.</p> |
| <p><b>4.1.12 Street Facades and Visible Elevations.</b></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"> <li>• front doors with side lights;</li> <li>• contemporary window treatments including aluminium or timber frames in neutral colours;</li> <li>• bay Windows (rectangular only);</li> <li>• entry portico; and</li> <li>• recessed garage doors setback behind the primary facade.</li> </ul> | <p>The dwelling has been designed to include contemporary features and materials and will have architectural merit.</p> <p>The dwelling has architectural merit that responds respectfully to the heritage significance of Oran Park House.</p> <p>The dwelling incorporates the following design features:</p> <ul style="list-style-type: none"> <li>• Aluminium awning windows to primary façade,</li> <li>• Entry portico.</li> <li>• Recessed garage doors setback behind the primary façade.</li> </ul> | <p>Yes.</p> |

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

| Control  | Assessment  | Compliance? |                        |    |                      |    |                       |    |                       |                    |                                  |    |   |      |
|--|---|-------------|------------------------|----|----------------------|----|-----------------------|----|-----------------------|--------------------|----------------------------------|----|---|------|
| <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 design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p>   | <p>Noted – no colonial style window treatments proposed.</p> <p>All windows to the front façade feature a dominate vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street façade.</p> <p>Noted / complied.</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><b>4.1.14</b><br/><b>Setbacks for Very Low Density Area Surrounding Oran Park House.</b></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 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 2m*) | Corner Lot Side Boundary Setback | 3m | <p>The lot is not located within very low density area surrounding Oran Park House.</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><b>4.1.15</b><br/><b>Building Height.</b></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>  | Yes.        |                        |    |                      |    |                       |    |                       |                    |                                  |    |   |      |
| <p><b>4.1.16</b><br/><b>Roofs.</b></p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p>  | <p>Proposed roof pitch is a maximum of 22.5 degrees.</p>  | Yes.        |                        |    |                      |    |                       |    |                       |                    |                                  |    |   |      |

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

| Control  | Assessment   | Compliance? |
|--|--|-------------|
| <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>Roof adopts hipped formation.</p> <p>Eaves 0.450m in overhang as identified on plans.</p> <p>Noted / complies</p>   |             |
| <p><b>4.1.17</b><br/><b>Lofts, Attics and Dormer Windows.</b></p> <p>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.</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>Lot is not a corner lot.</p> <p>Proposed development does not adopt loft, attic or dormer window.</p>   | Yes.        |
| <p><b>4.1.18</b><br/><b>Garages.</b></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 setback 8.45m from primary eastern boundary line.</p> <p>Garage width = <math>5.0/12.3 \times 100 = 40.63\%</math> of the dwelling (primary) façade.</p> <p>The garage has been considered within the overall building design and is consistent with regards to the main dwellings materials, colours and proposed roof pitch.</p> <p>Garage proposed being a double car 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><b>4.1.19</b><br/><b>Building Materials.</b></p>  |  | Yes.        |

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

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <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>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"> <li>• Face brickwork with struck or tooled joints;</li> <li>• Light coloured mortar joints; and</li> <li>• Any rendered surfaces painted in neutral colours.</li> </ul> | <p>Colour and material schedule provided. Colours and materials provided are considered non-reflective.</p> <p>Colours and materials considered to align with recommended palette.</p> <p>Corrugated roofing material proposed.</p> <p>The proposed roofing material is colourbond – Windspray.</p> <p>Mix of timber cladding and concreted rendering finish to external facades.</p> |             |
| <p><b>4.1.20</b><br/><b>Landscaping.</b></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>Landscaping plan indicates all parts within the front setback that are not built on or paved, are landscaped with various landscaping features such as turn, groundcover, trees and plantings.</p>   | Yes.        |
| <p><b>4.1.21</b><br/><b>Driveways.</b></p> <p>Driveways are to:</p> <ul style="list-style-type: none"> <li>• Have a maximum width of 6m.</li> <li>• 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.</li> </ul>  | <p>The driveway has a maximum width of 5.0m with an appropriate finish (refer landscape plan)</p>   | Yes.        |

CLPP01

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

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <p><b>4.1.21</b><br/><b>Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</b></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>   | <p>Yes.</p> |
| <p><b>4.1.25.</b><br/><b>Letterboxes</b></p> <p>Letterboxes must not be a visually prominent element on the streetscape.</p> <p>Letterboxes must be designed as an integrated feature of the fence</p>  | <p>Letterbox located so as to be a visually prominent element from view of the streetscape.</p> <p>There is no front fence proposed or required</p> | <p>Yes.</p> |

Attachment 3



**CLAUSE 4.6 VARIATION REQUEST**  
**Environmental Planning & Assessment Act 1979**

**New Single Storey Residential Dwelling**  
**Stage 6 | Catherine Park**

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**Address:** 10 Connor Way, Oran Park 2570

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**Lot:** 6004      **DP1235007**

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**Date:** 7 March 2022

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## Appendices

Appendix 1 – View Analysis

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## 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  
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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: | 10 Connor Way, Oran Park 2570 |           |
| Lot:     | 6004                          | 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:      | 5.658m [Ref: Dwg 2012 Sheet 4 dated 21 Feb 2022] |
| Extent of Proposed Variation*: | 13.16 %  |

\* Note: Extent of Proposed Variation =  $((BH / 5) \times 100) - 100$



## 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](http://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 500m<sup>2</sup> 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  
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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 500m<sup>2</sup> and 700m<sup>2</sup> 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](http://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.

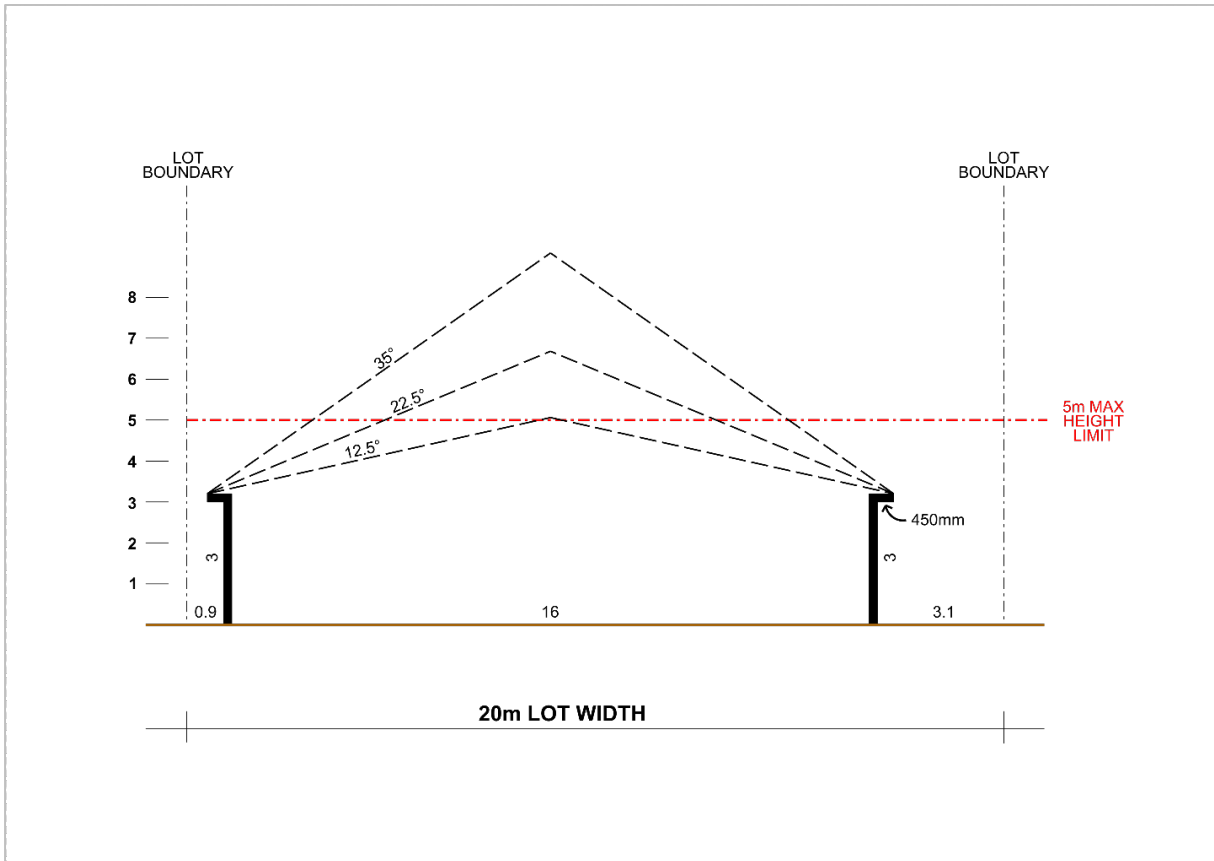


Figure 4 – Building Height & Roof Pitch

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 development 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



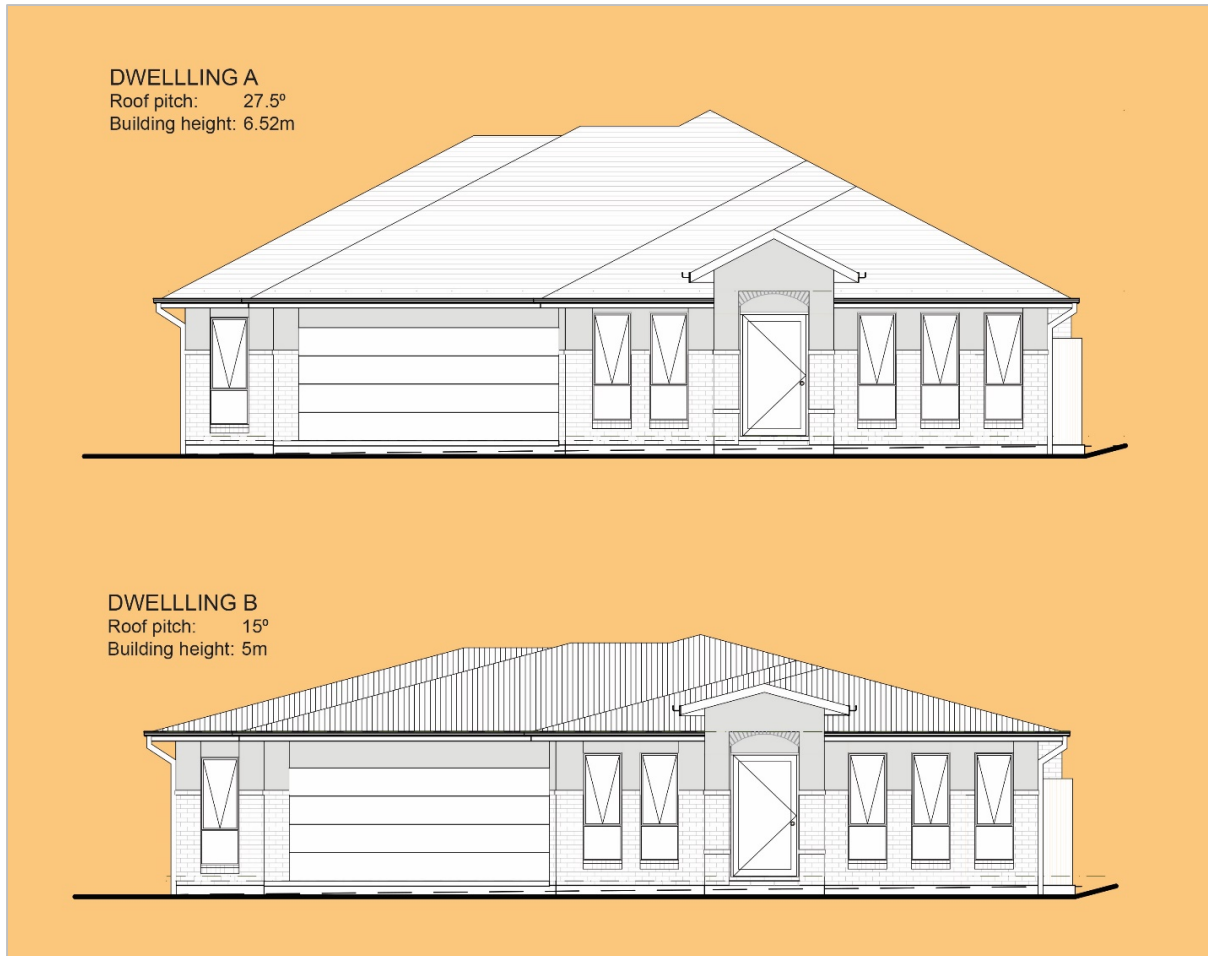
Clause 4.6 Variation to Building Height  
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height development standard.

**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**

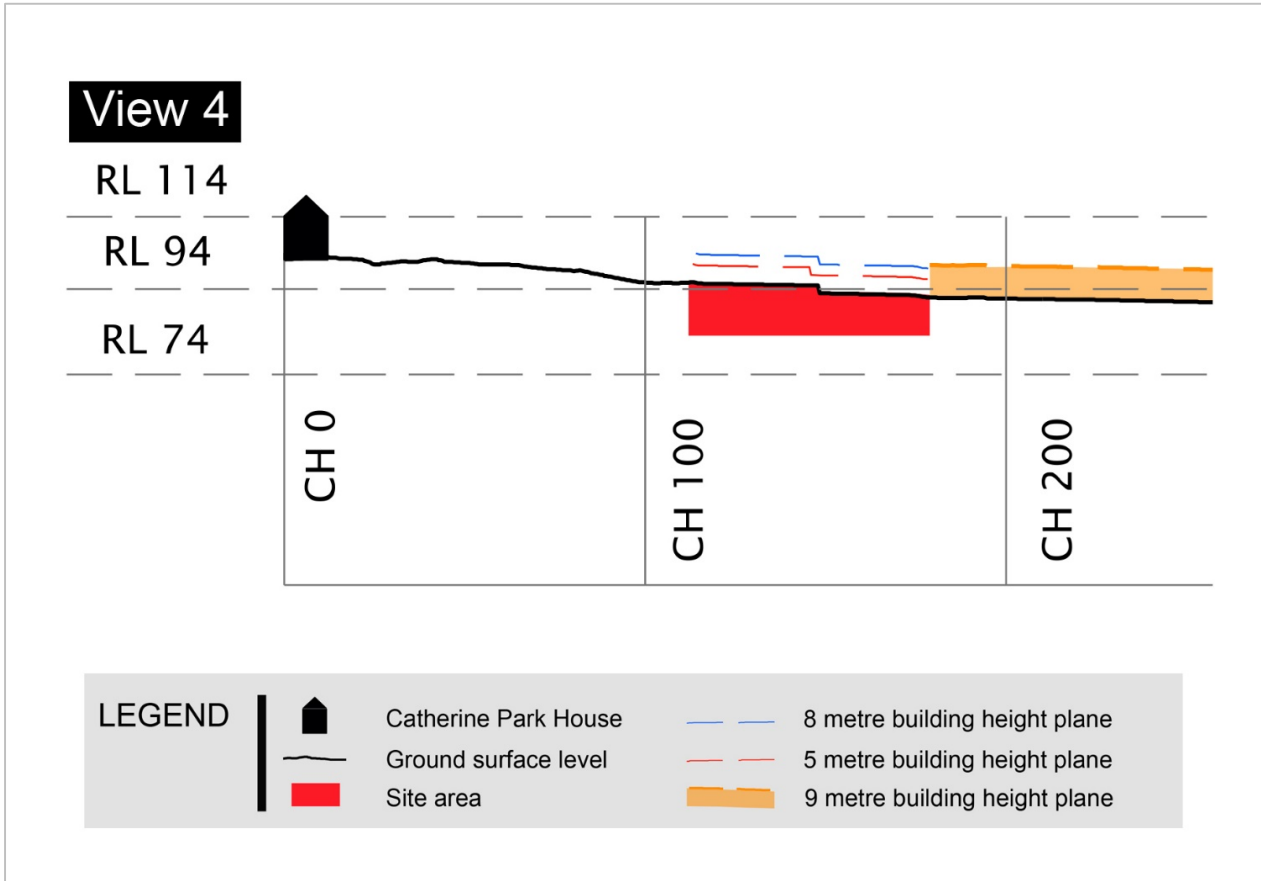
The Dwelling B roof form design is compromised by a 5 metre building height standard and presents poorly as it is not in proportion with the building. It has an underwhelming residential character due to its substandard design quality. Conversely, Dwelling A is significantly more impressive and attractive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



CLPP01

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

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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.

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**

**CLPP01**

**Attachment 4**



Heritage NSW

HMS Application ID: 720  
Your ref: CNR-33284

Lachlan Hutton  
Town Planner  
Camden Council  
PO BOX 183  
CAMDEN NSW 2570

By email: Lachlan.Hutton@camden.nsw.gov.au

Dear Mr Hutton

### HERITAGE COUNCIL OF NSW – GENERAL TERMS OF APPROVAL INTEGRATED DEVELOPMENT APPLICATION

**Address:** 10 Connor Way, ORAN PARK NSW 2570  
**SHR item:** 112-130 Oran Park Drive, Oran Park, SHR no. 01695  
**Proposal:** Single storey dwelling  
**IDA application no:** HMS ID 720, received 22 December 2022

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above integrated development application. In accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

#### APPROVED DEVELOPMENT

1. Development must be in accordance with:
  - a) Architectural drawings, prepared by TJK Design as listed below:

| Dwg No  | Dwg Title               | Date     | Rev |
|---|-------------------------|----------|-----|
| <b>Project Name: Lot 6004 Connor Way Catherine Park</b> |                         |          |     |
| 1   | Site Plan               | 21/02/22 | -   |
| 2   | Ground Floor Plan       | 21/02/22 | -   |
| 3   | East & West Elevation   | 21/02/22 | -   |
| 4   | South & North Elevation | 21/02/22 | -   |
| 5   | Section A-A             | 21/02/22 | -   |
| 7   | Sediment Control Plan   | 21/02/22 | -   |
| 8   | Concept Stormwater Plan | 21/02/22 | -   |
| 9   | Schedule of Finishes    | 21/02/22 | -   |
| 10  | Landscape Plan          | 21/02/22 | -   |

- b) *Heritage Assessment, 10 Connor Way Oran Park*, prepared by Urbanco, dated 3 December 2021

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

**EXCEPT AS AMENDED** by the following general terms of approval:

#### **UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

2. 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**

3. 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**

4. 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**

5. 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.*

#### **Advice**

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

**Right of Appeal**

If you are dissatisfied with this determination, section 70A of the Act gives you the right of appeal to the Land and Environment Court.

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](mailto:Veerle.Norbury@environment.nsw.gov.au).

Yours sincerely

  
**Rajeev Maini**

Manager

South Assessments

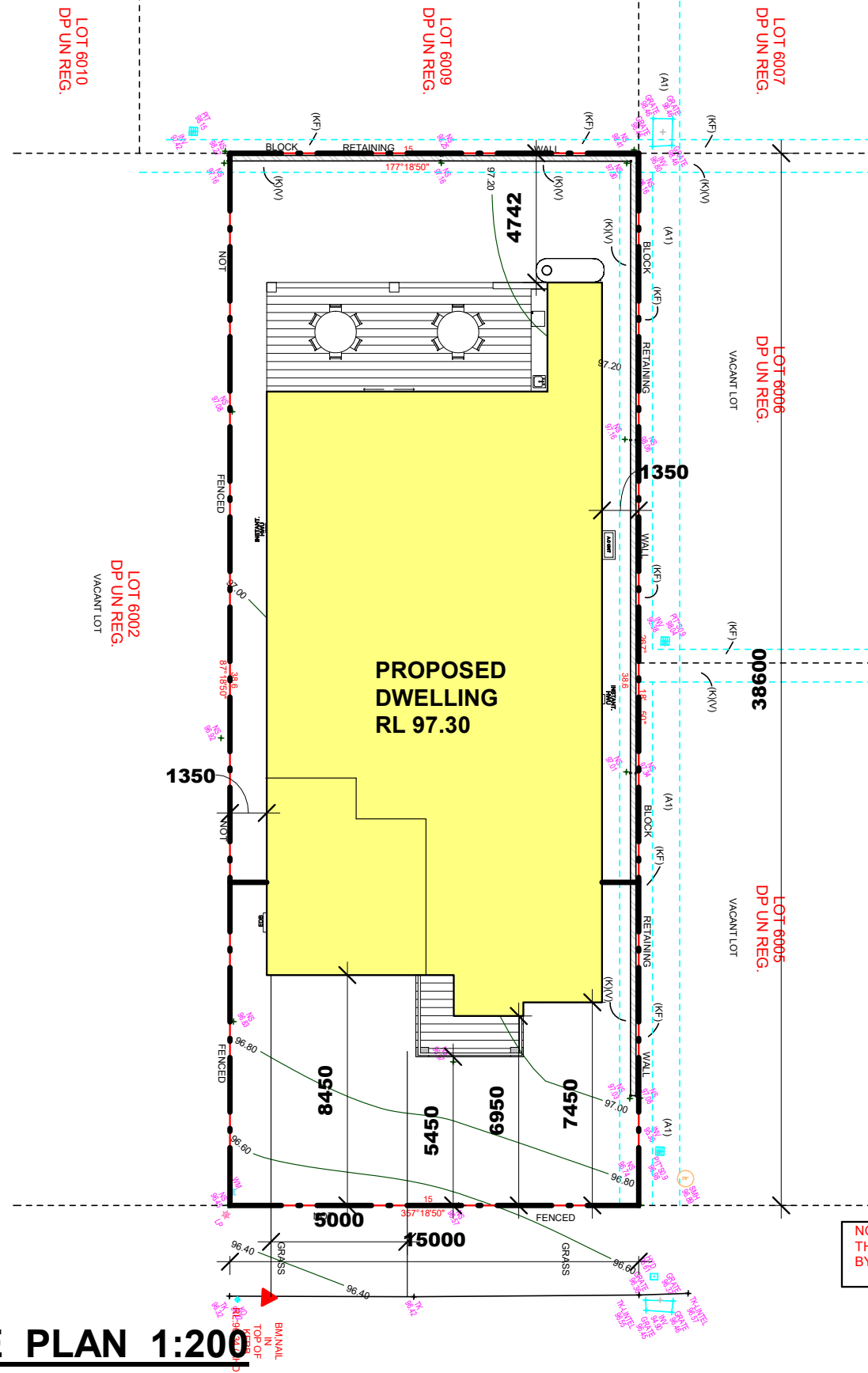
Heritage NSW

Department of Premier & Cabinet

**As Delegate of the Heritage Council of NSW**

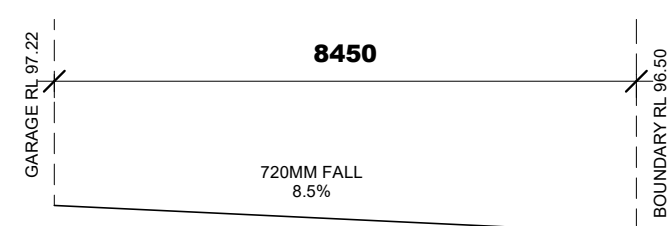
4 March 2022





**SITE PLAN 1:200**

|  |  |
|--|--|
| <b>BASIX COMMITMENTS -</b>   |  |
| - SHOWER HEADS , TOILET AND TAPS MUST BE MIN 5 STAR RATED<br>RW TANK 3000L - CONNECTED L'DRY TAPS, WC AND ONE OUTDOOR TAP<br>RW TANK TO COLLECT 300M2 OF ROOF AREA   |  |
| <b>THERMAL:</b><br>- EXTERNAL WALL INSULATION -R2.6 (including wall construction)<br>- CEILING TO HAVE MIN R VALUE 4<br>- FOIL/SARKING TO ROOF<br>- INSULATION TO BE INSTALLED AS PER THE BCA  |  |
| <b>WINDOWS:</b><br>ALL WINDOWS TO BE SINGLE CLEAR UNLESS OTHERWISE STATED IN BASIX<br>- WINDOW TO BE INSTALLED IN THE KITCHEN<br>- WINDOW/SKYLIGHTS TO BE INSTALLED IN AT LEAST 3 BATHROOMS  |  |
| - INSTALL AN OUTDOOR CLOTHES LINE<br>- ELECTRIC OVEN AND GAS HOT PLATES TO BE INSTALLED  |  |
| <b>ARTIFICIAL LIGHT:</b><br>- AT LEAST 4 OF THE BEDROOMS TO BE DEDICATED<br>- AT LEAST 34 OF THE LIVING ROOMS TO BE DEDICATED<br>- KITCHEN - DEDICATED<br>- ALL BATHROOMS / WC / L'DRY - TO BE DEDICATED<br>- ALL HALLWAYS TO BE DEDICATED   |  |
| <b>ENERGY:</b><br>HEATING AND COOLING TO BE 3 PHASE - 3.0-3.5 EER<br>LIVING ROOM AND BEDROOM ZONES TO BE INSTALLED<br>HOT WATER SYSTEM TO BE GAS INSTANTANOUS - 5 STAR<br>INDIVIDUAL FAN CONNECTED TO KITCHEN / MANUAL ON/OFF SWITCH.<br>NO FAN REQUIRED FOR L'DRY, BATHROOM IF NATURAL VENTILATED.<br>OTHER WISE DUCTED TO ROOF/FACADE<br><br>WELL VENTILATED FRIDGE SPACE REQUIRED |  |



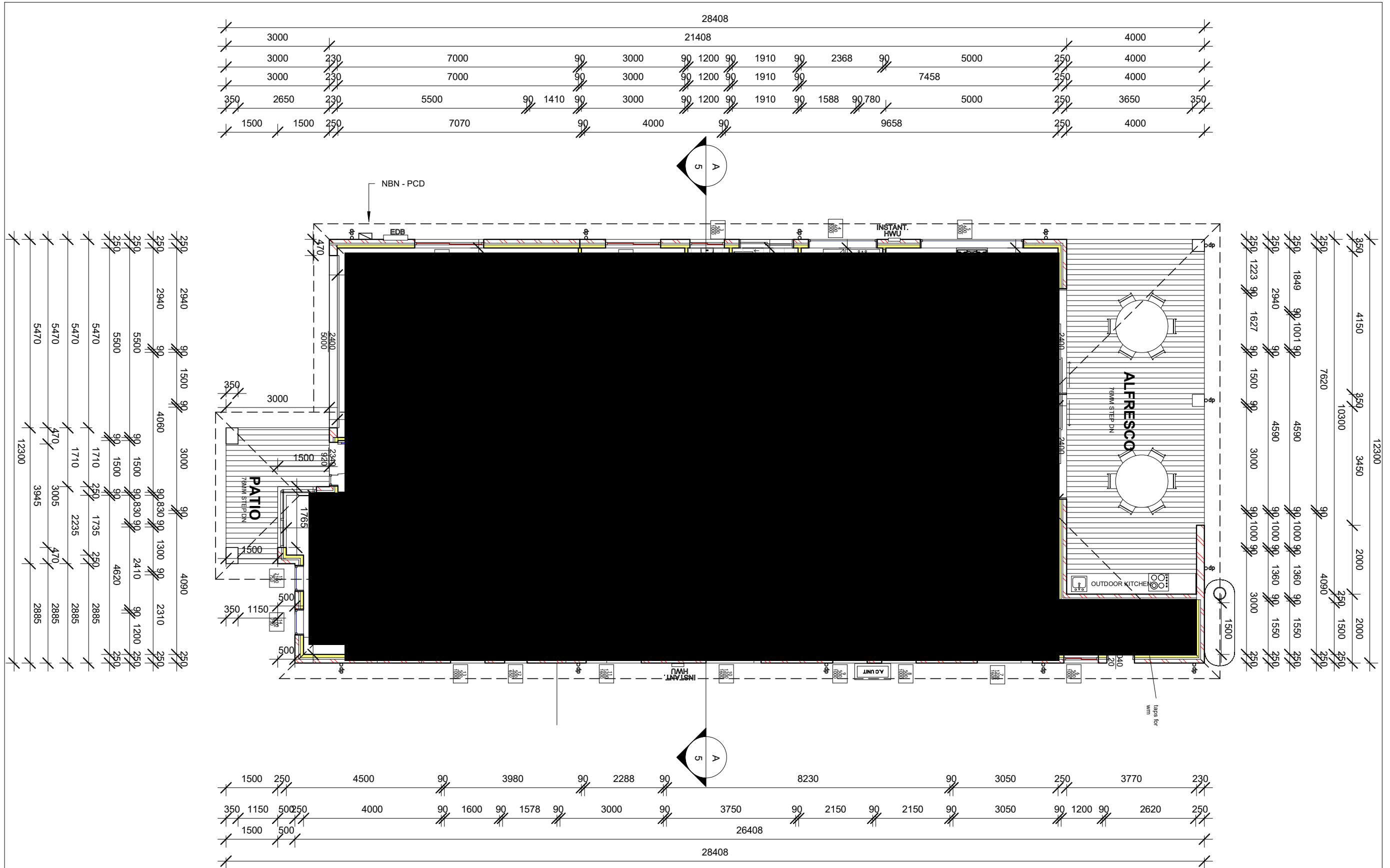
**NOTE:**  
THE HOME MUST BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY THE NBN NETWORK.

| AREA ANALYSIS                         |                 |
|---------------------------------------|-----------------|
| <b>SITE AREA</b>                      | <b>579.00M2</b> |
| <b>GROUND FLOOR</b>                   | <b>278.03M2</b> |
| <b>PATIO</b>                          | <b>8.48M2</b>   |
| <b>ALFRESCO</b>                       | <b>41.20M2</b>  |
| <b>TOTAL FLOOR AREA</b>               | <b>327.71M2</b> |
| <b>SITE COVERAGE</b>                  | <b>373.70M2</b> |
| <b>SOFT LANDSCAPE = 152M2 = 26.2%</b> |                 |

| No | Date | Description | By |
|----|------|-------------|----|
|    |      |             |    |

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E: tim@tjkdesign.com.au ph: 040035512

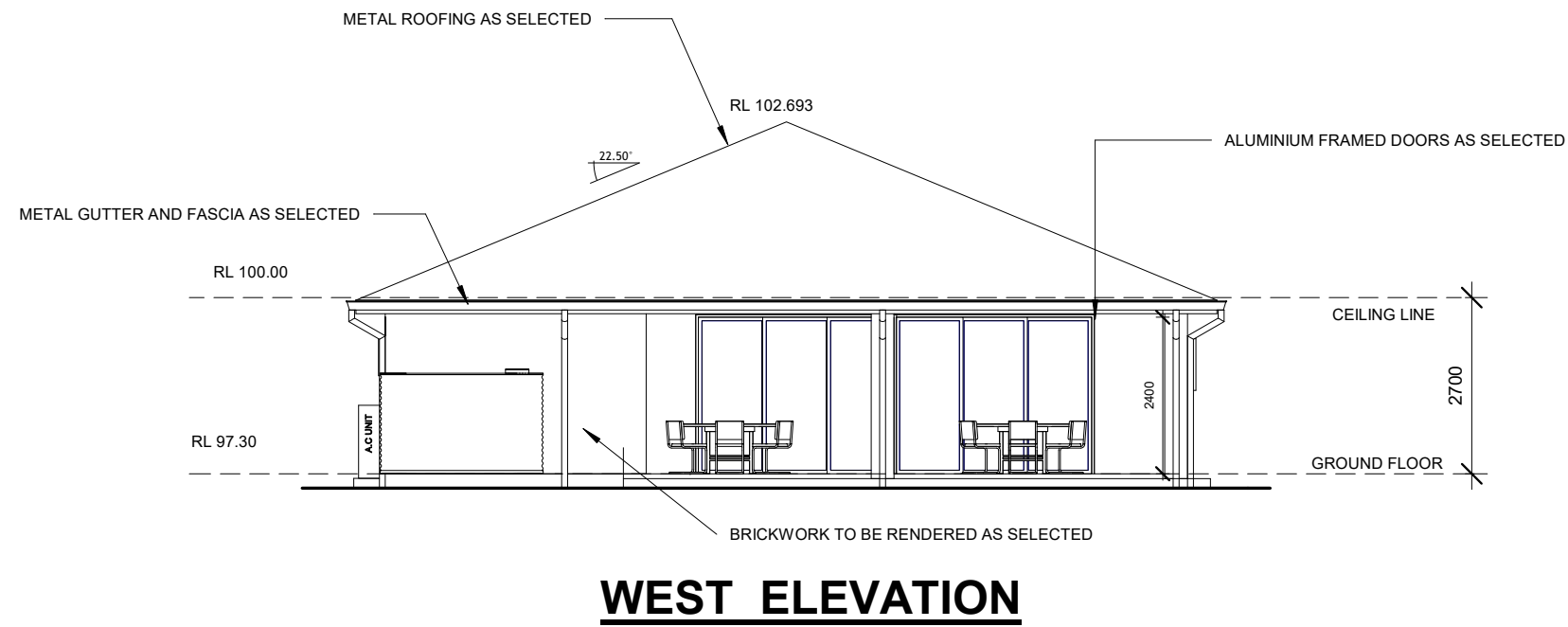
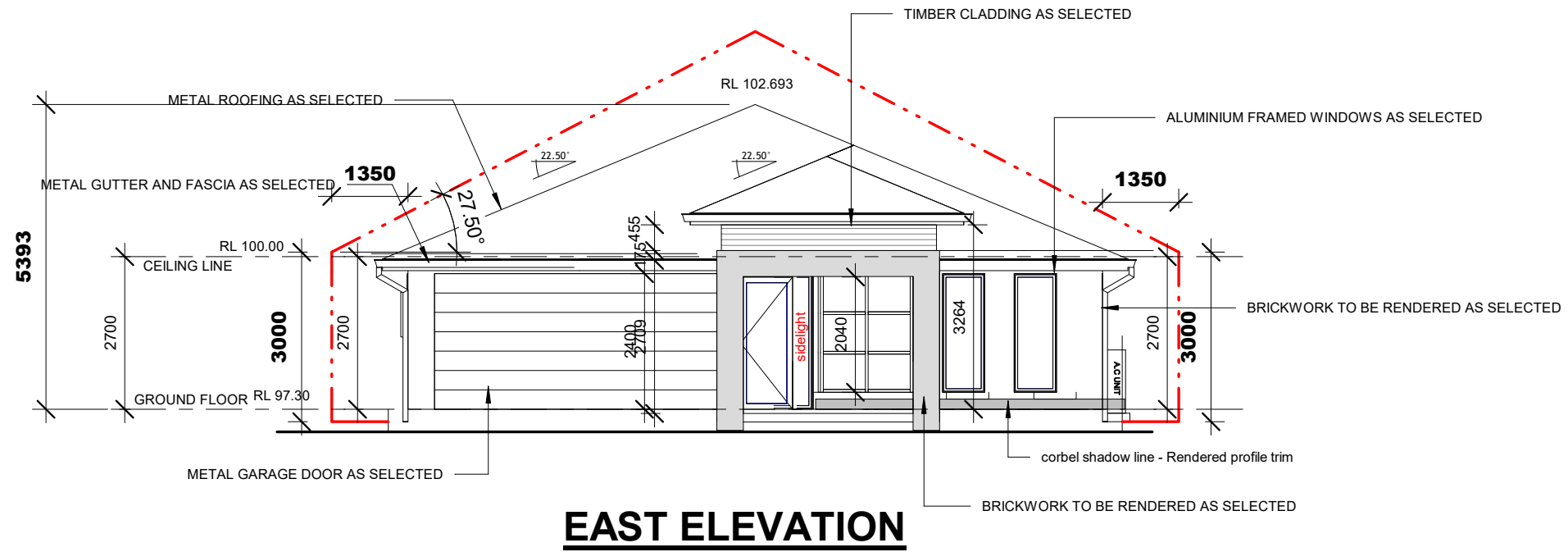
|   |  |                        |                      |                  |                            |                 |
|---|--|------------------------|----------------------|------------------|----------------------------|-----------------|
| ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK |  | <b>CLIENT</b> D.DAWOOD | <b>JOB RESIDENCE</b> | <b>TITLE:</b> DA | <b>DATE:</b> 21/02/22      | <b>SHEET:</b> 1 |
| <b>ADDRESS</b> LOT 6004 - CONNOR WAY CATHERINE PARK   |  | <b>CONNOR WAY</b>      |                      | <b>DWG</b> 2012  | <b>SCALE:</b> As indicated | <b>BY:</b> KV   |



**GROUND FLOOR PLAN**

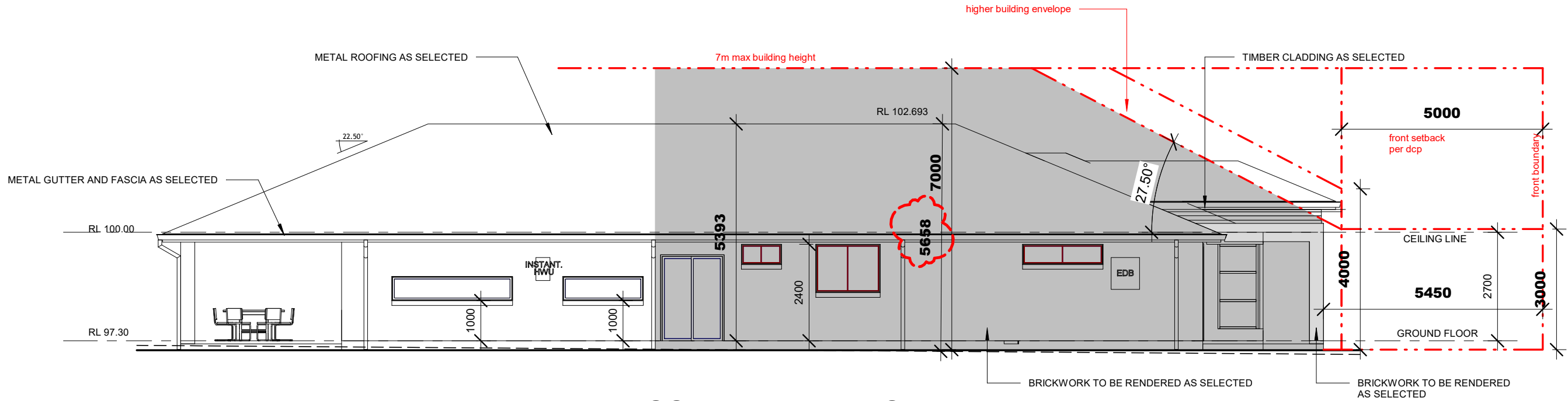
| No   | Date | Description | By |
|--|------|-------------|----|
|  |      |             |    |
| <p><b>CLIENT</b> D.DAWOOD      <b>JOB</b> RESIDENCE      <b>TITLE:</b> DA      <b>DATE:</b> 21/02/22      <b>SHEET:</b> 2</p> <p><b>ADDRESS</b> LOT 6004 - CONNOR WAY CATHERINE PARK      <b>DWG</b> 2012      <b>SCALE:</b> 1 : 100      <b>BY:</b> KV      <b>REV.</b></p> |      |             |    |
| <p><b>TJK DESIGN</b><br/>RESIDENTIAL - COMMERCIAL - INDUSTRIAL<br/>E: tim@tjkdesign.com.au ph: 0400035512</p>  |      |             |    |

\*ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK\*

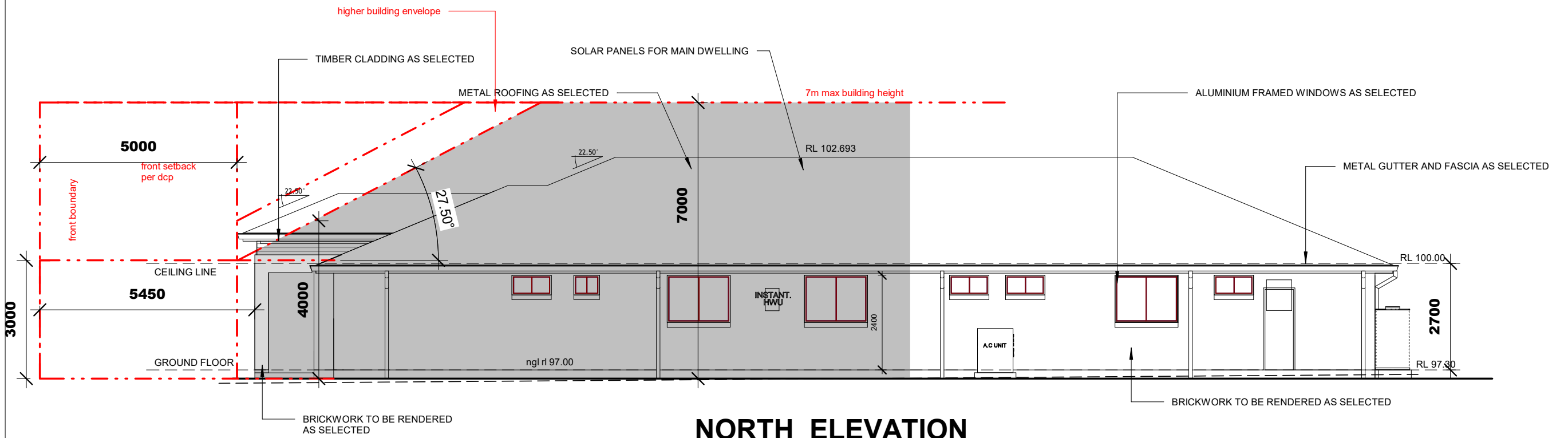


| No   | Date | Description                  | By |
|--|------|------------------------------|----|
|  |      |                              |    |
| <p>*ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK*</p> |      |                              |    |
| <p><b>CLIENT</b> D.DAWOOD</p>  |      | <p><b>JOB</b> RESIDENCE</p>  |    |
| <p><b>ADDRESS</b> LOT 6004 - CONNOR WAY CATHERINE PARK</p>   |      | <p><b>TITLE:</b> DA</p>      |    |
| <p><b>DWG</b> 2012</p>   |      | <p><b>DATE:</b> 21/02/22</p> |    |
| <p><b>SCALE:</b> 1 : 100</p>   |      | <p><b>SHEET:</b> 3</p>       |    |
| <p><b>BY:</b> KV</p>   |      | <p><b>REV.</b></p>           |    |

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 E: tim@tjkdesign.com.au ph: 040035512



**SOUTH ELEVATION**

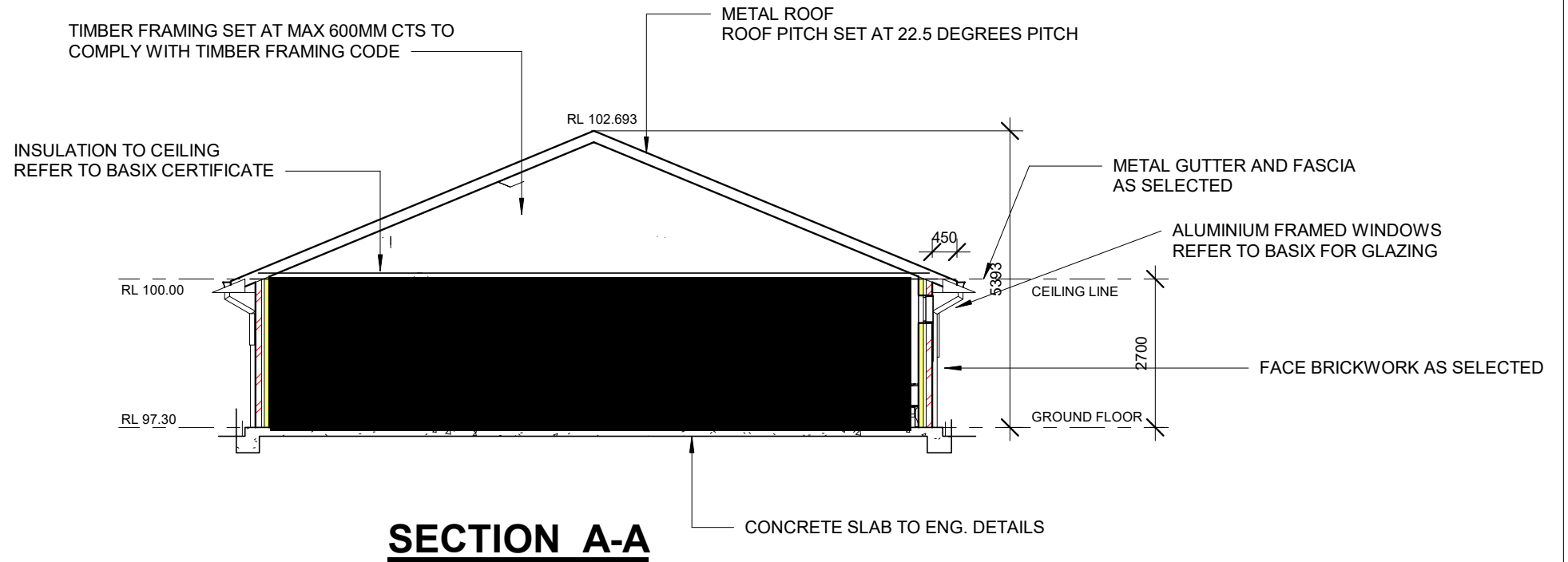


**NORTH ELEVATION**

| No  | Date | Description                  | By |
|---|------|------------------------------|----|
| <p>*ALL DIMENSIONS, LEVELS ,AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL,FABRICATION AND START OF WORK*</p> |      |                              |    |
| <p><b>CLIENT</b> D.DAWOOD</p>   |      | <p><b>JOB</b> RESIDENCE</p>  |    |
| <p><b>ADDRESS</b> LOT 6004 - CONNOR WAY CATHERINE PARK</p>  |      | <p><b>TITLE:</b> DA</p>      |    |
| <p><b>DATE:</b> 21/02/22</p>  |      | <p><b>SHEET:</b> 4</p>       |    |
| <p><b>DWG</b> 2012</p>  |      | <p><b>SCALE:</b> 1 : 100</p> |    |
| <p><b>BY:</b> KV</p>  |      | <p><b>REV.</b></p>           |    |
| <p><b>TJK DESIGN</b><br/>RESIDENTIAL - COMMERCIAL - INDUSTRIAL<br/>E: tim@tjkdesign.com.au ph: 0400035512</p>                           |      |                              |    |

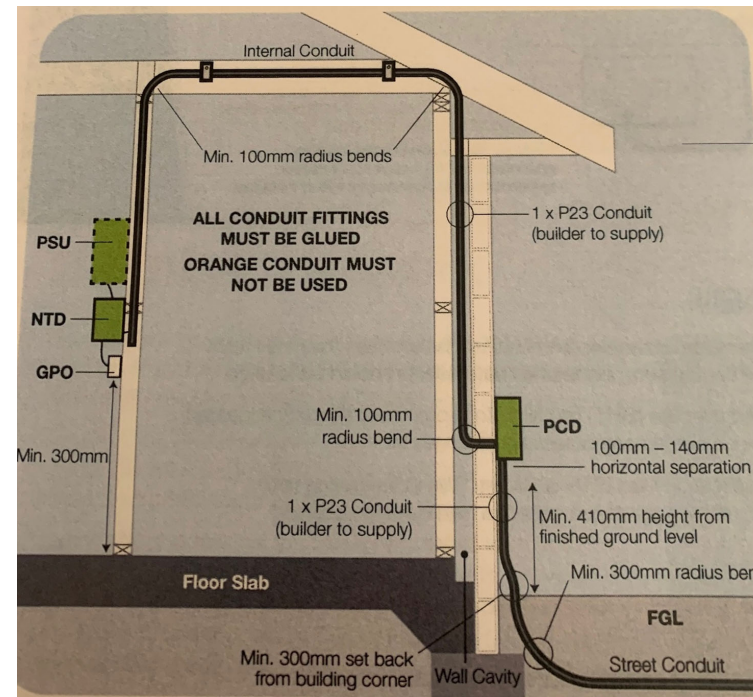
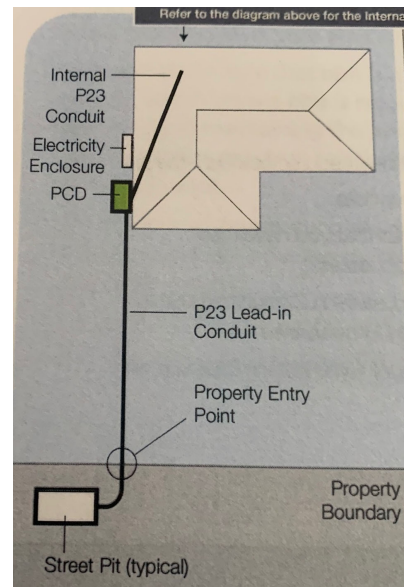
This is the report submitted to the Camden Local Planning Panel – Electronic Determination

| Window Schedule |       |        |
|-----------------|-------|--------|
| Mark            | Width | Height |
| 1               | 2000  | 500    |
| 2               | 1600  | 1200   |
| 3               | 1000  | 500    |
| 4               | 2000  | 600    |
| 5               | 3000  | 600    |
| 6               | 1000  | 500    |
| 7               | 1600  | 1200   |
| 8               | 1000  | 500    |
| 9               | 1000  | 500    |
| 10              | 1600  | 1200   |
| 11              | 1600  | 1200   |
| 12              | 650   | 500    |
| 13              | 1000  | 500    |
| 14              | 750   | 2100   |
| 15              | 750   | 2100   |
| 16              | 350   | 2400   |



'GENERAL NOTE'

- FRAMES AND TRUSSES TO SATISFY AS 1684 AAS TIMBER
- WINDOWS SIZES ARE INDICATIVE ONLY. SUBJECTED TO MANUFACTURERS BRANDS AND STYLES.
- TREADS 250mm MIN, 190 MAX.
- HANDRAILS & BALUSTERS 1000mm MIN HIGH
- BALUSTERS 125mm MAX. SPACING
- REFER TO ENGINEERS DETAILS FOR ALL STRUCTURAL MEMBERS
- PLUMBER TO PROVIDE FLOOR WASTE IN WET AREAS IN ACCORDANCE WITH AS.3740
- PROVIDE A Ø250mm REMOVEABLE INSPECTION COVER TO CEILINGS BELOW BATH & SPA WASTES
- ALL TOILET DOORS TO BE FITTED WITH LIFT OFF HINGES
- KITCHEN TO BE CONSTRUCTED TO MANUFACTURE DETAILS
- ALL BRICK DIMENSIONS ARE NOMINAL DIMENSIONS
- WEEP HOLES 2nd COURSE OPEN BRICK PERPENDS
- TERMITE PROTECTION TO COMPLY WITH AS. 3660
- GROUND LEVELS ARE APPROXIMATE
- SMOKE DETECTOR



NBN DETAILS - REFER TO THE STANDARDS OUTLINED IN THE NBN NETWORK

NOTE: THE HOME MUST BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY THE NBN NETWORK.

| No   | Date | Description           | By |
|--|------|-----------------------|----|
|  |      |                       |    |
| <p>'ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK'</p> |      |                       |    |
| <p>CLIENT D.DAWOOD</p>   |      | <p>JOB RESIDENCE</p>  |    |
| <p>ADDRESS LOT 6004 - CONNOR WAY CATHERINE PARK</p>  |      | <p>TITLE: DA</p>      |    |
| <p>DATE: 21/02/22</p>  |      | <p>SHEET: 5</p>       |    |
| <p>DWG 2012</p>  |      | <p>SCALE: 1 : 100</p> |    |
| <p>BY: KV</p>  |      | <p>REV.</p>           |    |
| <p><b>TJK DESIGN</b><br/>RESIDENTIAL - COMMERCIAL - INDUSTRIAL<br/>E: tim@tjkdesign.com.au ph: 040035512</p>                             |      |                       |    |



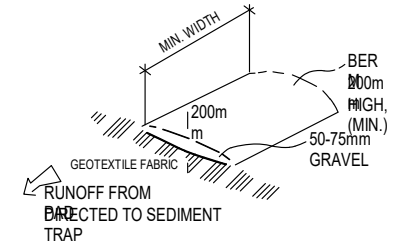
### SEDIMENT CONTROL NOTES

**SOIL CONSERVATION NOTE:**

- PRIOR TO COMMENCEMENT OF CONSTRUCTION PROVIDE 'SEDIMENT FENCE,' 'SEDIMENT TRAP' AND WASH-OUT AREA TO ENSURE THE CAPTURE OF WATER BORNE MATERIAL GENERATED FROM THE SITE.
- MAINTAIN THE ABOVE DURING THE COURSE OF CONSTRUCTION, AND CLEAR THE 'SEDIMENT TRAP' AFTER EACH STORM.

**'VEHICLE ACCESS TO SITE'**

- VEHICLE ACCESS TO THE BUILDING SITE SHOULD BE RESTRICTED TO A SINGLE POINT SO AS TO REDUCE THE AMOUNT OF SOIL DEPOSITED ON THE STREET PAVEMENT.



**'SEDIMENT TRAP'**

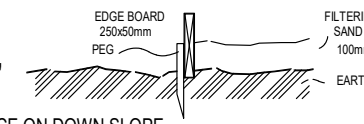
- 500mm x 500mm WIDE 300mm DEEP PIT, LOCATED AT THE LOWEST POINT TO THE TRAP SEDIMENT.

**'WASH-OUT AREA'**

- TO BE 1800mm x 1800mm ALLOCATED FOR THE WASHING OF TOOL & EQUIPMENT.

**'SEDIMENT FENCE'**

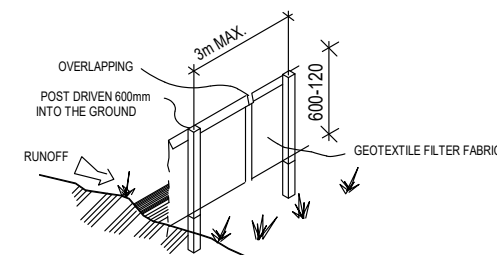
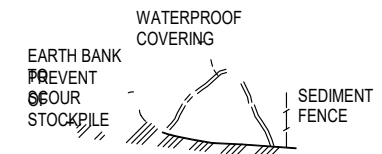
- PROVIDE 'SEDIMENT FENCE ON DOWN SLOPE BOUNDARY AS SHOWN ON PLAN. FABRIC TO BE BURIED BELOW GROUND AT LOWER EDGE.



**'BUILDING MATERIAL STOCKPILES'**

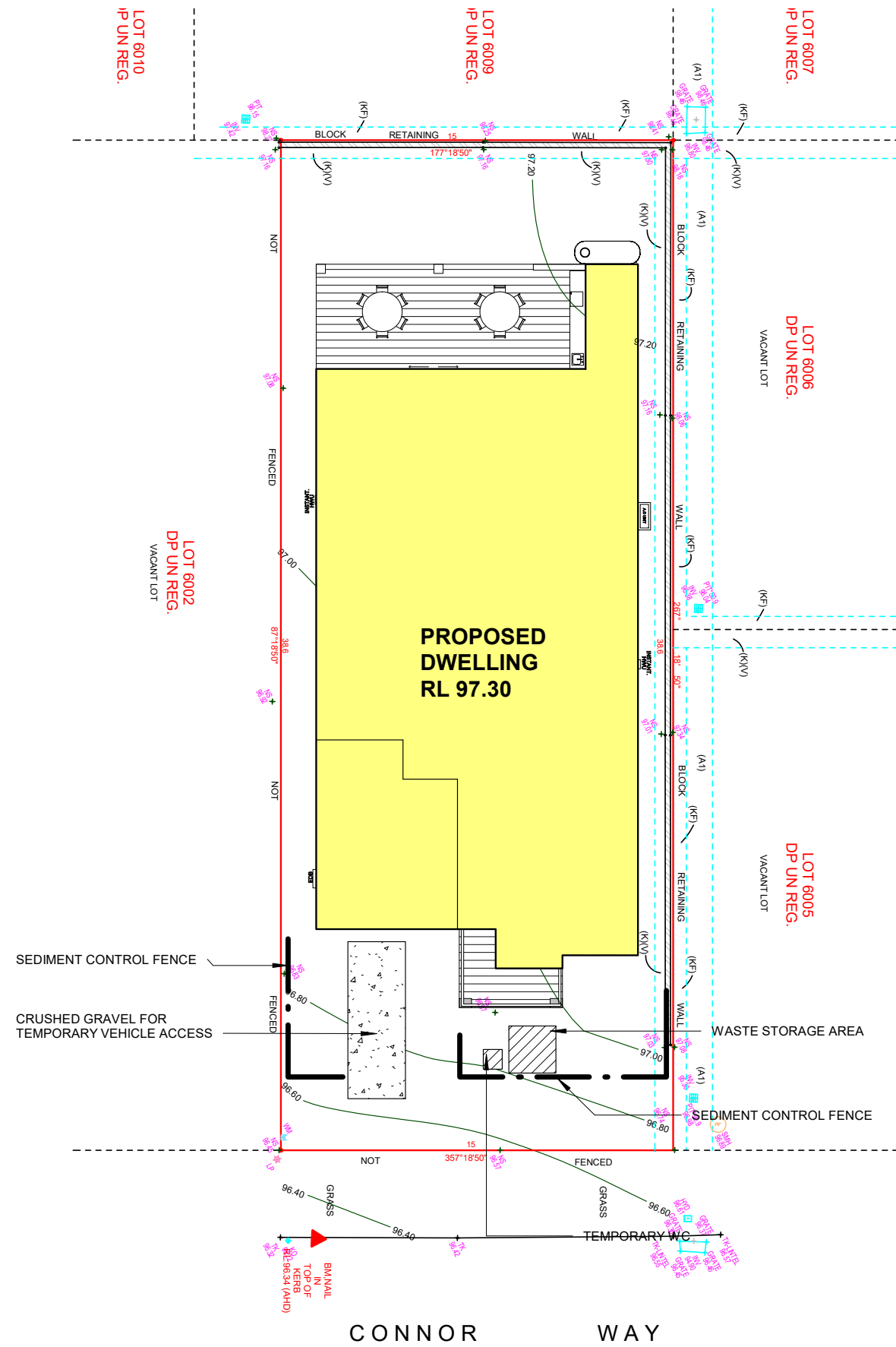
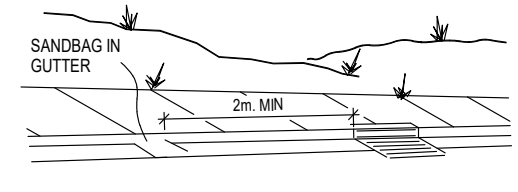
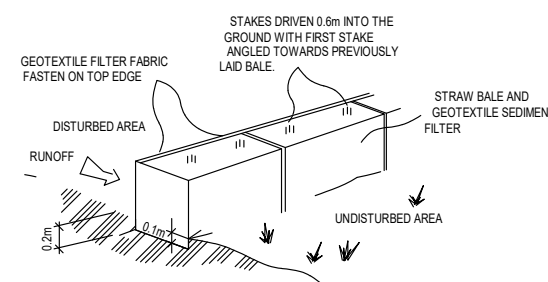
- ALL STOCKPILES OF BUILDING MATERIAL SUCH AS SAND AND SOIL MUST BE PROTECTED TO PREVENT SCOUR AND EROSION.

- THE SHOULD NEVER BE PLACED IN THE STREET GUTTER WHERE THEY WILL WASH AWAY WITH THE FIRST RAINSTORM.



**'SANDBAG KERB SEDIMENT TRAP'**

- IN CERTAIN CIRCUMSTANCES EXTRA SEDIMENT TRAPPING MAY BE NEEDED IN THE STREET GUTTER.



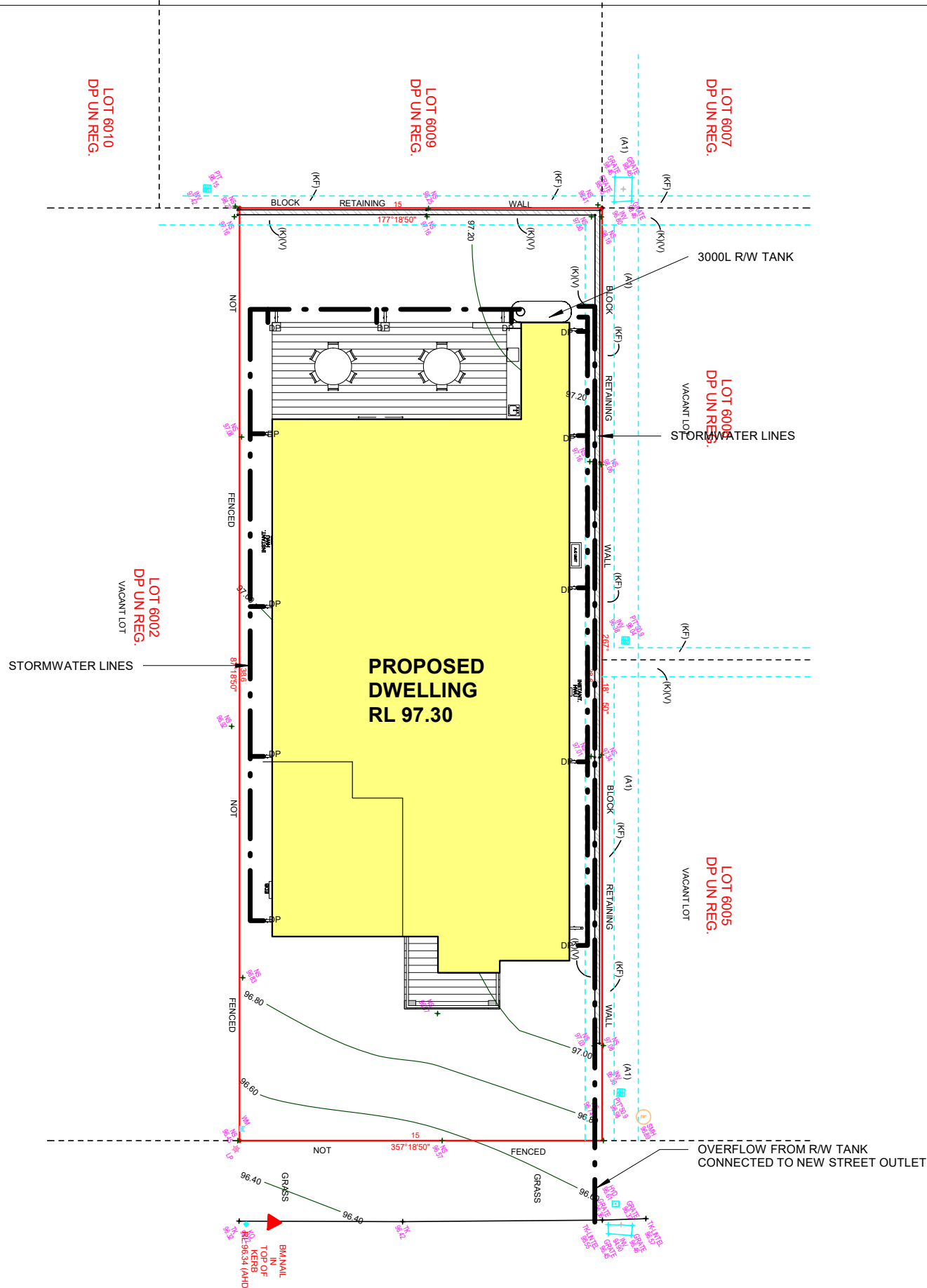
### SEDIMENT CONTROL PLAN

NOTE: SITE TO BE SECURED BY TEMPORARY METAL FENCE

| No   | Date | Description | By |
|--|------|-------------|----|
|  |      |             |    |
|  |      |             |    |
| <small>RESIDENTIAL - COMMERCIAL - INDUSTRIAL<br/>E: tim@tjkdesign.com.au ph: 040035512</small> |      |             |    |

|  |                             |  |   |   |
|--|-----------------------------|--|---|---|
| <p><b>CLIENT</b> D.DAWOOD</p> <p><b>ADDRESS</b> LOT 6004 - CONNOR WAY CATHERINE PARK</p> | <p><b>JOB</b> RESIDENCE</p> | <p><b>TITLE:</b> DA</p> <p><b>DWG</b> 2012</p> | <p><b>DATE:</b> 21/02/22</p> <p><b>BY:</b> KV</p> | <p><b>SHEET:</b> 7</p> <p><b>REV.</b></p> |
|--|-----------------------------|--|---|---|



**GENERAL STORMWATER NOTES**

1. ALL LINES ARE TO BE MIN. 100mm $\phi$  UPVC @ MIN 1.0% GRADE UNLESS NOTED OTHERWISE.
2. IT IS THE CONTRACTORS RESPONSIBILITY TO LOCATE & LEVEL ALL EXISTING SERVICES PRIOR TO THE COMMENCEMENT OF ANY EARTHWORKS. ALL DESIGN LEVELS SHOWN ON PLAN SHALL BE VERIFIED ON SITE PRIOR TO THE COMMENCEMENT OF ANY WORKS.
3. ALL PIPES TO HAVE MIN 100mm COVER IF LOCATED WITHIN THE PROPERTY AND 300mm ON COUNCIL PROPERTY.
4. ALL PITS IN DRIVEWAYS SHALL BE HEAVY DUTY GRATES. DIRECT SURFACE FLOW TO ALL GRATED SURFACE INLET PITS.
5. ALL WORKS TO BE DONE IN ACCORDANCE WITH COUNCIL'S DCP AND TO COUNCILS SATISFACTION.
6. LOCATION OF DOWNPIPES & FLOOR WASTES ARE INDICATIVE ONLY. DOWNPIPES & FLOOR WASTE SIZE, LOCATION QUANTITY TO BE DETERMINED BY BUILDER & IN ACCORDANCE WITH RELEVANT AUSTRALIAN STANDARDS.
7. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ARCHITECTURAL, LANDSCAPE & STRUCTURAL PLANS.
8. ANY DISCREPANCIES OR OMISSIONS SHALL BE REFERRED TO THE DESIGN ENGINEER AND COUNCIL ENGINEER FOR RESOLUTION.
9. ALL PITS OR GRATES IN TRAFFICABLE AREAS TO BE HEAVY DUTY.
10. ALL GUTTERS WILL BE FILLED WITH LEAF GUARDS AND SHOULD BE INSPECTED AND CLEANED TO ENSURE LEAF LITTER CANNOT ENTER THE DOWNPIPES.
11. ALL PIT GRATES ON SITE MUST BE HINGED WITH J-BOLT LOCKDOWN SYSTEMS.
12. PITS DEEPER THAN 1m REQUIRE STEP IRONS IN A STAGGERED MANNER. THE DEPTH OF ANY PIT IN EXCESS OF 2m SHALL BE STRUCTURALLY DESIGNED AND CERTIFIED BY A STRUCTURAL ENGINEER

**CONCEPT STORMWATER PLAN**

DOWN PIPE LOCATIONS TO BE CONFIRMED ON SITE



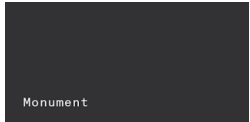







| No | Date | Description                            | By |
|----|------|--|----|
|    |      | <b>TJK DESIGN</b>                      |    |
|    |      | RESIDENTIAL - COMMERCIAL - INDUSTRIAL  |    |
|    |      | E: tim@tjkdesign.com.au ph: 0400035512 |    |

|  |   |                             |  |   |   |                              |
|--|---|-----------------------------|--|---|---|------------------------------|
| <p>ALL DIMENSIONS, LEVELS, AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL, FABRICATION AND START OF WORK</p> | <p><b>CLIENT</b> D.DAWOOD CONNOR</p> <p><b>ADDRESS</b> LOT 6004 - CONNOR WAY CATHERINE PARK</p> | <p><b>JOB</b> RESIDENCE</p> | <p><b>TITLE:</b> DA</p> <p><b>DWG</b> 2012</p> | <p><b>DATE:</b> 21/02/22</p> <p><b>BY:</b> KV</p> | <p><b>SHEET:</b> 8</p> <p><b>REV.</b></p> | <p><b>SCALE:</b> 1 : 200</p> |
|--|---|-----------------------------|--|---|---|------------------------------|



### SCHEDULE OF FINISHES

| ITEM            | DESCRIPTION   | IMAGE   |
|-----------------|---|---|
| FRONT DOOR      | HUMES XS26- SAVOY RANGE<br>STAINED TAUBMANS - CLASSIC CEDAR       |    |
| GARAGE DOOR     | METAL GARAGE DOOR - CLASSIC CEDAR<br>SLIMLINE TIMBER GRAIN FINISH |    |
| GUTTER/FACIA    | COLORBOND - MONUMENT  |    |
| DRIVEWAY        | HIGH QUALITY STOVE PAVERS,<br>LARGE TILES                         |    |
| WINDOW FRAMES   | ALUMINIUM - BRONZE FINISH   |    |
| BRICKWORK       | RENDER - SURFMIST   |  |
| METAL ROOF      | COLORBOND - WIND SPRAY  |  |
| METER /R/W TANK | COLORBOND - EVENING HAZE  |  |
| CLADDING        | CLASSIC CEDAR<br>TIMBER GRAIN FINISH                              |  |
| RENDER          | SHALE GREY  |  |

| No   | Date | Description                 | By |
|--|------|-----------------------------|----|
| <p><small>*ALL DIMENSIONS, LEVELS ,AREAS AND DRAWINGS SHALL BE CHECKED AND VERIFIED ON SITE BEFORE APPROVAL,FABRICATION AND START OF WORK*</small></p> |      |                             |    |
| <p><b>CLIENT</b> D.DAWOOD</p>  |      | <p><b>JOB</b> RESIDENCE</p> |    |
| <p><b>ADDRESS</b> LOT 6004 - CONNOR WAY CATHERINE PARK</p>   |      | <p><b>TITLE:</b> DA</p>     |    |
| <p><b>DATE:</b> 21/02/22</p>   |      | <p><b>SHEET:</b> 9</p>      |    |
| <p><b>DWG</b> 2012</p>   |      | <p><b>SCALE:</b></p>        |    |
| <p><b>BY:</b> KV</p>   |      | <p><b>REV.</b></p>          |    |
| <p><b>TJK DESIGN</b><br/>RESIDENTIAL - COMMERCIAL - INDUSTRIAL<br/>E: tim@tjkdesign.com.au ph: 040035512</p>   |      |                             |    |



## CAMDEN LOCAL PLANNING PANEL

### CLPP02

**SUBJECT: DA/2021/1824/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE WITH ASSOCIATED SITE WORKS - 73 BANFIELD DRIVE, ORAN PARK**

**TRIM #: 22/93237**

|  |   |
|--|---|
| DA Number:                             | DA/2021/1824/1  |
| Development:                           | Construction of a single storey dwelling with associated site works |
| Estimated Cost of Development:         | \$416,440   |
| Site Address(es):                      | 73 Banfield Drive, Oran Park  |
| Applicant:                             | Mr. Ross Molluso (Brolen Homes)                                     |
| Owner(s):                              | Mr. Youssef Samy Fathy Erian<br>Mrs. Mariam Erian                   |
| Number of Submissions:                 | Nil   |
| Development Standard Contravention(s): | Clause 4.3 – Height of buildings                                    |
| Classification:                        | Local Development   |
| Recommendation:                        | Approve with conditions   |
| Panel Referral Criteria:               | Departure from Development Standards greater than 10%               |
| Report Prepared By:                    | Brendan Croft, 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 73 Banfield 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, it is a development that contravenes a development standard by more than 10%.

### SUMMARY OF RECOMMENDATION

That the Panel determine DA/2021/1824/1 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 house at 73 Banfield Drive, Oran Park.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, 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 23 December 2021 to 20 January 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 6.17m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP).

A building height control of 9m for two-storey dwellings generally applies to residential development in this area. 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
- no more than 30% of the front building line is above 4m.

The proposed dwelling house at 74 Banfield Drive 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 publicly exhibited (from Wednesday 9 February until Wednesday 9 March 2022).

The applicant has submitted a Clause 4.6 written request to support 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 SITE

The site is legally described as Lot 6031 DP1235007 and commonly referred to as 73 Banfield Drive, Oran Park. The site has an area of 648.8m<sup>2</sup> and is generally level with a small slope of less than 500mm to the street and sloping across to the northern boundary. There are low retaining walls up to approximately 250-400mm on the side (northern boundary). This retaining wall is referred to as Restriction 'KF' on the Section 88B instrument. The lot is burdened by various other easements, covenants and restrictions, and the proposed development does not conflict with these easements and restrictions.

The site is located within the vicinity of an item of state heritage significance, SHR:1695 Oran Park House (also known as Catherine Park House) (refer to figure 2 above). The lot adjoins lots to the east that are within the curtilage however the subject lot is located outside of the boundary of the item and its curtilage (refer to Figure 2).



*Image 1 (above). Observing primary eastern elevation (image taken 18 January)*



Image 2 (above) observing secondary street elevation facing north-west (image taken 18 January)

**ZONING PLAN**

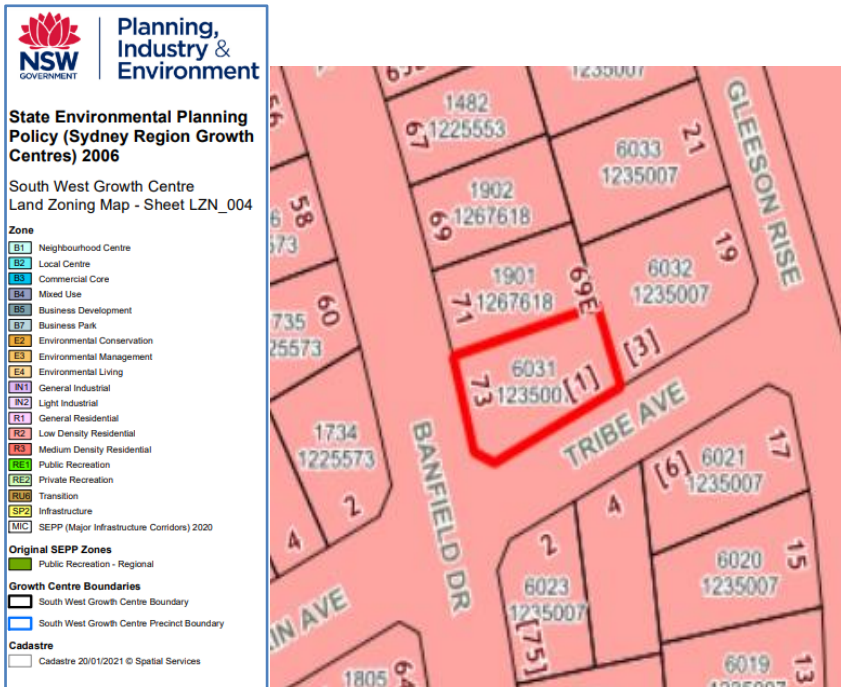


Figure 3. Subject Lot 6031 R2 Zoning.

**AREA MASTER PLAN**

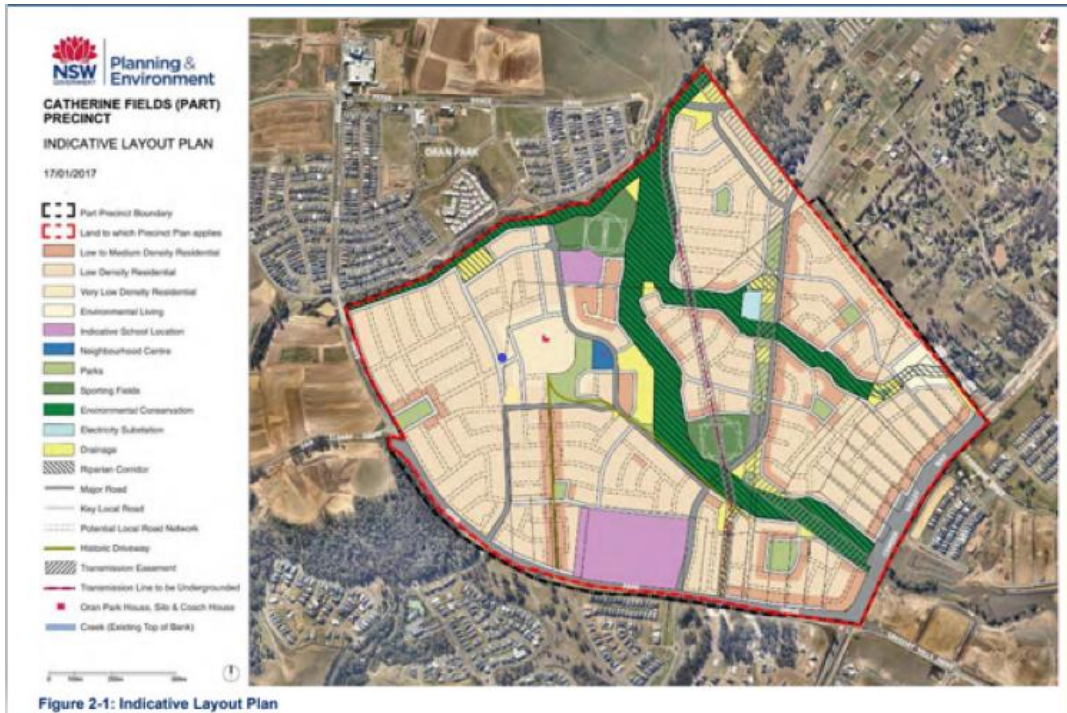


Figure 4. Blue 'dot' denoting approximate location of lot 6031 (the lot) in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.

**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 superlots, 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 general terms of approval (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"> <li>• a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and</li> <li>• the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.</li> </ul>   |
| 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  | The Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.  |

### THE PROPOSAL

DA/2021/1824/1 seeks approval to construct a single storey dwelling house with associated site works.

The proposed dwelling house consists of five bedrooms, playroom, theatre, combined dining/living area, kitchen, laundry, bathrooms and a double garage.

The estimated cost of the development is \$416,440.

### BACKGROUND

The 5m height of buildings development standard was imposed on this land as the site is in close proximity to 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 (generally 500-700m<sup>2</sup>) and width of the properties, coupled with the larger building footprint required single storey dwellings. This is illustrated in figures 5 and 6 below. Council's development controls for dwelling houses in this area require a minimum roof pitch of 22.5 degrees.

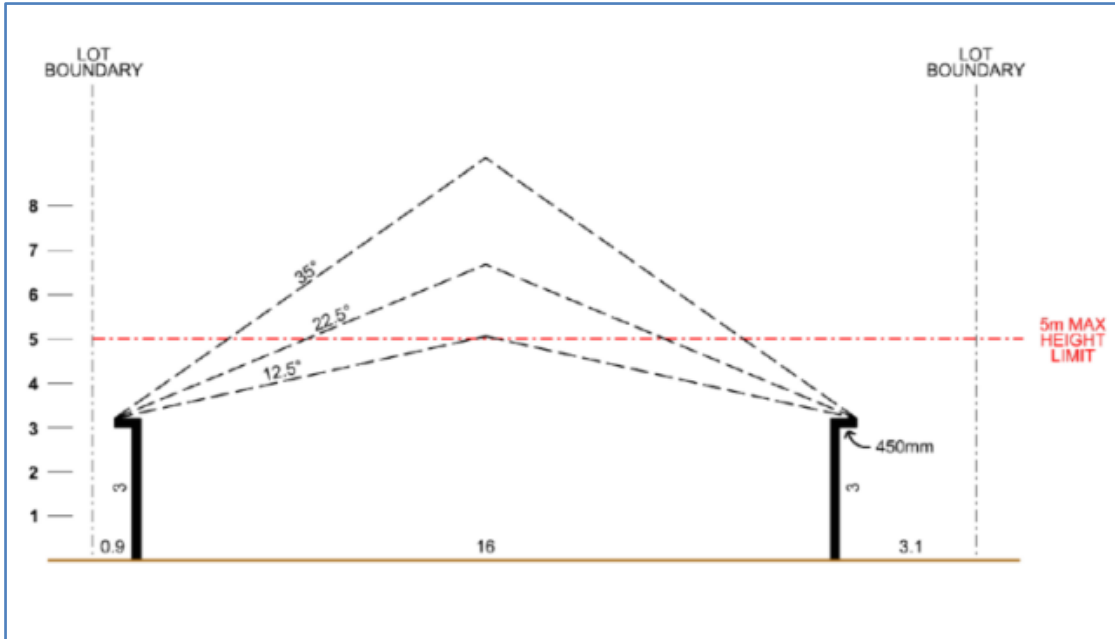


Figure 5. Indicating roof pitch, lot width and building height.



Figure 6. Comparison between roof pitch with compliant building height.

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer which seeks to amend Appendix 9 of the Growth 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 73 Banfield Drive 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 DPE and the public exhibition period has recently closed (exhibited from Wednesday 9 February until Wednesday 9 March 2022).

It is further 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 77, 67, 63, 61, 57 Banfield Drive and 4 Tribe Avenue. While single storey, these dwellings had building heights greater than 5m.

## **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 No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River; and
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006

#### **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 No. 55 – Remediation of Land (SEPP 55)**

SEPP 55 provides a State-wide planning approach to the remediation of contaminated land.

Clause 7 of SEPP 55 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.

#### Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)

SREP 20 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.

#### State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)

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

#### *Site Zoning and Permissibility*

The site is zoned R2 Low Density Residential pursuant to Appendix 9, Clause 2.2 of the Growth SEPP. The development is characterised as a 'dwelling house' by the Growth SEPP, meaning a building containing only one dwelling.

The development is permitted with consent in the R2 Low Density Residential Zone pursuant to the land use table in Appendix 9 of the Growth SEPP.

#### *Planning Controls*

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

#### *Clause 4.6 – Exceptions to Development Standards*

The application seeks to contravene the height of buildings development standard applying to the site. This development standard prescribes a maximum building height of 5m from existing natural ground level. The proposed development has a maximum height of 6.17m, thereby contravening the standard by 1.17 m or 23.4%

Pursuant to Clause 4.6(3) of Appendix 9 – Growth Centres SEPP, the applicant has provided a written request seeking to justify the contravention of the development standard for the following reasons:

- Compliance with the 5m height of buildings standard would detract from the design of the single storey dwelling and the overall streetscape;
- The height 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 a single storey dwelling with appropriately pitched roof. The objectives and intent of built form surrounding Oran Park House will therefore be preserved;
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP. The contravention will have no significant environmental impact; and
- The request also demonstrates that relevant tests established in the Land and Environment Court are met.

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).

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 Zone, in accordance with Clause 4.6(4).

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 house, 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 Low Density Residential 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 5m building height standard does not result in 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 Centres Precinct 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 the 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.

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.

Draft Planning Proposal State Environmental Planning Policy (Growth SEPP).

The development is consistent with this Draft Planning Proposal that 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
- 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 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.



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

The *Environmental Planning and Assessment Regulation 2000* 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 23 December 2021 to the 20 January 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 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

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.

## **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 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to the contravention of the maximum height of buildings development standard in Clause 4.3 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and**
- ii. **approve DA/2021/1824/1 for the construction of a single storey dwelling house at 73 Banfield 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 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the maximum height of buildings development 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 particular circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument, being Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
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 aforementioned 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. 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/<br>Drawing No.       | Name of Plan             | Prepared by               | Date       |
|--------------------------------------|--------------------------|---------------------------|------------|
| #DN563 210106 Page 1 of 9 Revision D | Site Plan                | Studio Block/Brolen Homes | 24/11/2021 |
| #DN563 210106 Page 2 of 9 Revision D | Ground Floor Plan        |                           |            |
| #DN563 210106 Page 3 of 9 Revision D | Elevations (SW/NW)       |                           |            |
| #DN563 210106 Page 4 of 9 Revision D | Elevations (SE/NE)       |                           |            |
| #DN563 210106 Page 5 of 9 Revision D | Section and Schedule     |                           |            |
| #DN563 210106 Page 8 of 9 Revision D | Concept Drainage Plan    |                           |            |
| #DN563 210106 Page 9 of 9 Revision D | Concept Landscape Plan   |                           |            |
| Page 1 of 1                          | External Colour Schedule | Brolen/Brickworks         | Undated    |

| Document Title              | Prepared by                 | Date       |
|-----------------------------|-----------------------------|------------|
| BASIX Certificate: 1254851S | Frys Energywise             | 29/10/2021 |
| Waste Management Plan       | Designs by PF + Consultants | Undated    |

- (2) **Colour Schedule and Finish for Dwelling** – An amended colour schedule is to be submitted to and approved by Council / the accredited certifier prior to issue of a Construction Certificate indicating neutral, low reflective and natural tones (e.g. grey, green, brown) for the roof and driveway. The materials and colours shall be of low-medium absorbance (<0.6.5) in accordance with NSW BASIX requirements.
- (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 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:
- a) in the case of work for which a principal contractor has been appointed:
    - i) has been informed in writing of the name and licence number of the principal contractor; and
    - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
  - b) in the case of work to be carried out by an owner-builder;
    - i) has been informed in writing of the name of the owner-builder; and
    - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (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 clause does not apply:

- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or

to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.

- (7) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
  - b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that 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:
- 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>
  - the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
  - the level for the driveway across the footpath area shall achieve a gradient of 4%; and
  - 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 Clause 103 of the EP&A Regulation 2000. 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
- 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 Clause 104 of the EP&A Regulation 2000. 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 (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
  - c) the name, address and telephone number of the principal certifier.

The sign shall be maintained while the work is being carried out and removed upon the completion of works.

- (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](http://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 this development consent shall be executed safely, and be properly guarded 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 on an adjoining allotment, the person causing the excavation shall:

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and
- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

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.

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 has given consent in writing to that condition not applying.

- (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 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 roof water shall be connected to the approved roof water 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 to be placed on public property (footpaths, roadways, public reserves, etc);
  - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
    - i) be a standard flushing toilet connected to a public sewer; or
    - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
    - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (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) **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.
- (7) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.

- (8) **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.
- (9) **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](http://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.
- (10) **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.
- (11) **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.
- (12) **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.
- (13) **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.
- (14) **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.
- (15) **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.

#### 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 (Sydney Region Growth Centres) 2006 (Growth SEPP)  
Assessment Table

| Clause.   | Assessment.   | Compliance.                                       |
|---|---|---|
| <p><b>Appendix 9, 2.3 Zone objectives and land use table</b></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"> <li>• To provide for the housing needs of the community within a low density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• 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.</li> <li>• 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.</li> <li>• To provide a diverse range of housing types to meet community housing needs within a low density residential environment.</li> </ul> | <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"> <li>• The proposal will provide for the housing needs of the community within the low-density residential environment.</li> <li>• 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.</li> <li>• The proposal will be an addition to the existing housing type typical to the immediate surrounds.</li> </ul> | <p align="center">Yes</p>                         |
| <p><b>Appendix 9, 4.3 Height of buildings</b></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 6.17m.</p>   | <p>No (Clause 4.6 written request submitted).</p> |
| <p><b>Appendix 9, 4.6 Exceptions to development standards</b></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 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</p>  | <p align="center">Yes</p>                         |

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP)  
Assessment Table

CLPP02

Attachment 2

|  |  |  |
|--|--|--|
| <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>This clause prohibits the approval of certain development standard contraventions.</p> | <p>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> |  |
|--|--|--|

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

| Control   | Assessment  | Compliance |
|---|---|------------|
| <p><b>4.1.1</b><br/><b>Site Analysis</b></p> <p>Site analysis plan is to be provided.</p>   | <p>Appropriate site analysis plan provided.</p>   | Yes.       |
| <p><b>4.1.2</b><br/><b>Cut and Fill</b></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 &lt;1.0m.</p> <p>DEB indicated to contain all fill within footprint.</p> <p>Less than 1m.</p> <p>NA.</p>   | Yes.       |
| <p><b>4.1.3</b><br/><b>Sustainable Building Design.</b></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.       |

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

| 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 to be conditioned to adopt 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 spaces.</p> |            |
| <p><b>4.1.4</b><br/><b>Salinity, Sodicity and Aggressivity.</b></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><b>4.2.2</b><br/><b>Streetscape and Architectural Design.</b></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"> <li>• entry feature or porch;</li> <li>• awnings or other features over windows;</li> <li>• balcony treatment to any first floor element;</li> <li>• recessing or projecting architectural elements;</li> <li>• open verandah;</li> <li>• bay windows or similar features; or</li> </ul>  | <p>Primary elevation to adopt the following design features;</p> <ul style="list-style-type: none"> <li>• Entry feature/porch with hipped roof over.</li> <li>• Windows.</li> <li>• Projecting architectural elements in the form of supporting posts.</li> </ul>  | Yes.       |

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

| Control  | Assessment   | Compliance  |
|--|--|-------------|
| <ul style="list-style-type: none"> <li>• verandahs, pergolas or similar features above garage doors.</li> <li>• 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.</li> </ul> <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 0.450m 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 be constructed in conjunction with the dwelling – proposed garage to complement colour and finish of main dwelling.</p> |             |
| <p><b>4.2.3</b><br/><b>Front Setbacks.</b></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 &gt;15m in width).</p>  | <p>Yes.</p> |

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

| Control   | Assessment  | Compliance |
|---|---|------------|
| <p><b>4.2.4</b><br/><b>Side and Rear Setbacks.</b></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 &gt;15m in width).</p> <p>No encroachment of said structures into the rear setback beyond the proposed building envelope.</p> <p>The proposal adopts side boundary setbacks greater than 0.9m.</p> | Yes.       |
| <p><b>4.2.5</b><br/><b>Dwelling Height, Massing and Siting.</b></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 &gt;15m in width).</p> <p>Site coverage measured accordingly against tables 4-5 (lots &gt;15m in width).</p> <p>Less than 1m</p>   | Yes.       |
| <p><b>4.2.6</b><br/><b>Landscaped Area.</b></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 &gt;15m in width).</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 street kerb</p> <p>No concerns presented regarding the accumulation of surface water.</p>  |            |
| <p><b>4.2.7</b><br/><b>Private Open Space.</b></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 &gt;15m in width).</p> <p>PPOS contained and achievable to rear east of lot. PPOS located appropriately.</p> <p>PPOS conveniently accessible from living and alfresco. PPOS at grade &lt;1:10.</p> | Yes.       |
| <p><b>4.2.8</b><br/><b>Garages, Storage, Site Access and Parking.</b></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.       |

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

| 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 = 5.01m</p> <p>Double garage internal dimensions = 5.6m 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><b>4.2.9</b><br/><b>Visual and Acoustic Privacy.</b></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>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 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>Proposed development is single storey only. Proposed dwelling has an FFL &lt;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>Dwelling not impacted by road types.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private spaces.</p> | Yes.       |


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

| Control  | Assessment  | Compliance |
|--|---|------------|
| <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>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><b>4.2.10 Fencing.</b></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 2.0m behind the building line.</p>  | Yes.       |
| <p><b>Table 4-5 – Front setback.</b><br/>4.5m to building façade.</p>  | Primary western boundary setback = 4.686m.  | Yes.       |
| <p><b>Table 4-5 – Articulation zone.</b><br/>3.0m if not fronting open space.</p>  | Porch (articulation feature) setback 3.547m from primary western boundary line.   | Yes.       |
| <p><b>Table 4-5 – Garage setback.</b><br/>5.5m to garage line and 1m behind the building line.</p>   | Garage setback 5.56m from primary boundary line.  | Yes.       |
| <p><b>Table 4-5 – Side setbacks.</b><br/>Ground floor (Side A) = 0.9m<br/>Ground floor (Side B) = 0.9m.</p> <p>Upper floor (Side A) = 1.5m.<br/>Upper floor (Side B) = 0.9m.</p>   | <p>Northern side boundary setback:<br/>Side (A) ground = 950mm</p> <p>The proposed development is single storey only</p>  | Yes.       |
| <p><b>Table 4-5 – Rear setback.</b><br/>Ground = 4.0.<br/>Upper floor = 6.0m.</p>  | <p>Rear eastern boundary setback at ground = 7.297m.<br/>NA – single storey only.</p>   | Yes.       |
| <p><b>Table 4-5 – Site coverage.</b></p>   |   | Yes.       |

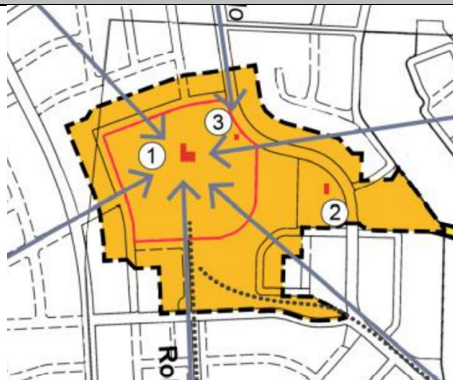
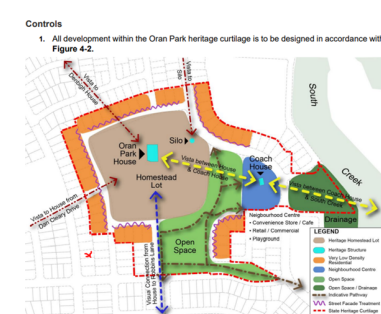
Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

CLPP02

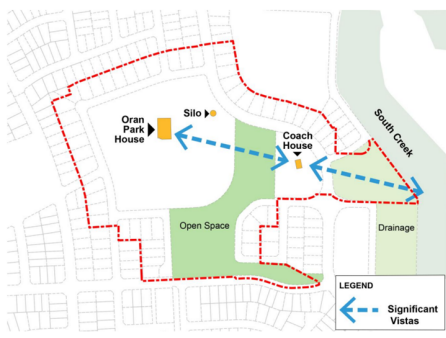
Attachment 3

| Control  | Assessment  | Compliance  |
|--|---|-------------|
| Maximum 50% at ground floor.<br>Maximum 30% at upper floor.  | Site cover = 285.5/648.8 = 44%  |             |
| <b>Table 4-5 – Soft landscaped area.</b><br>Minimum 30% of the allotment area.   | 264/648.8 = 40.7%   | Yes.        |
| <b>Table 4-5 – Principal Private Open Space (PPOS).</b><br>Minimum 24sqm with minimum dimensions of 4m.  | PPOS = over 24sqm and 6x4 dimension at rear of lot.   | Yes.        |
| <b>Table 4-5 – Solar Access.</b><br>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.<br>Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.  | Yes.        |
| <b>Table 4-5 – Garages and carparking.</b><br>Maximum double car garage door width 6m.<br>3 bedrooms or more to provide at least 2 car spaces.   | Double garage proposed. Width = 5.01m.<br><br>2 spaces provided.  | Yes.        |
| Control  | Assessment  | Compliance? |
| <p><b>4.1</b><br/><b>Development Surrounding Oran Park House.</b></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>Subject lot is located outside of the heritage curtilage.<br/>Development on the subject lot does not trigger nominated integrated development.</p> <p>Approval under NSW Heritage Act 1977 is not required as lot is not mapped within the gazette heritage curtilage.</p> <p>Development is located outside of area identified in figure 4-1. Development is for a single storey dwelling and will not result in</p> | Yes.        |

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

| 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>significant view lines illustrated in figure 4-1 being compromised.</p> <p>Outside the heritage area.</p>      |             |
| <p><b>4.1.2</b><br/><b>Oran Park House and Outer Heritage Curtilage Principals.</b></p>  <p>Controls<br/>1. All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2.</p> <p>Figure 4-2 – Oran Park House Outer Heritage Curtilage Principles</p> <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p> | <p>Proposed development is not located within the Oran Park heritage curtilage.</p>                               | <p>Yes.</p> |
| <p><b>4.1.3</b><br/><b>Landscape Elements – Views and Vistas.</b></p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p> <p>New plantings must be planted with consideration to the vistas identified in Figure 4-3 and must not obscure the cultural, historical or aesthetic significance of the place in any physical or visual way.</p>   | <p>Development is located outside of significant vista line as identified within figure 4.3.</p> <p>As above.</p> | <p>Yes.</p> |

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

| Control   | Assessment  | Compliance  |
|---|---|-------------|
|  <p>Figure 4-3 – Significant Vistas within the Oran Park House curtilage to be preserved</p>   |   |             |
| <p><b>4.1.11 Residential Built Form.</b></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.</p>   | <p>NA – development located outside of area identified under heritage.</p>  | <p>Yes.</p> |
| <p><b>4.1.12 Street Facades and Visible Elevations.</b></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"> <li>• front doors with side lights;</li> <li>• contemporary window treatments including aluminium or timber frames in neutral colours;</li> <li>• bay Windows (rectangular only);</li> <li>• entry portico; and</li> <li>• recessed garage doors setback behind the primary facade.</li> </ul> | <p>Whilst outside the prescribed heritage area the proposed development has a contemporary design that respects Oran Park House.</p> <p>The proposed development is located outside of the curtilage area.</p> <p>The proposal will adopt the following design features:</p> <ul style="list-style-type: none"> <li>• Entry porch.</li> <li>• Recessed garage doors setback behind the primary façade.</li> <li>• Rectangular windows.</li> </ul> | <p>Yes.</p> |

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

| Control  | Assessment   | Compliance |
|--|--|------------|
| <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 design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p> | <p>Noted – no colonial style window treatments proposed.</p> <p>All windows to the front façade feature a dominate vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street façade.</p> <p>Noted / complied.</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><b>4.1.14</b><br/><b>Setbacks for Very Low Density Area Surrounding Oran Park House.</b></p> <p>Residential development must comply with the controls in Figure 4-8.</p>  | <p>The subject lot is not identified as being within the area identified as being intended for 'very low density area'. The setback controls as per section 4.1.14 and figure 4.8 do not apply.</p>  | Yes.       |
| <p><b>4.1.15</b><br/><b>Building Height.</b></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 development is not within the heritage curtilage.</p>   | Yes.       |
| <p><b>4.1.16</b><br/><b>Roofs.</b></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>Proposed roof pitch is a maximum of 22.5 degrees.</p> <p>Roof adopts hipped formation.</p> <p>Eaves 0.450m in overhang as identified on plans.</p>  | Yes.       |



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

| Control  | Assessment   | Compliance  |
|--|--|-------------|
| <p>Roofs must use neutral colour tones such as greys, greens or browns.</p>  | <p>The colour schedule submitted with the DA indicates Bristille roofing / classic, deep shadow. A recommended condition of consent requires an amended lighter/neutral coloured roof (eg. grey, green, brown) with a low-medium absorbance (&lt;0.6.5) in accordance with NSW BASIX requirements</p>  |             |
| <p><b>4.1.17</b><br/><b>Lofts, Attics and Dormer Windows.</b></p> <p>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.</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>No variations proposed on corner lot</p> <p>Proposed development does not adopt loft, attic or dormer window.</p>   | <p>Yes.</p> |
| <p><b>4.1.18</b><br/><b>Garages.</b></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>The objectives of section 4.1.18 discuss protection of amenity and the creation of attractive streetscapes within the Oran Park Heritage Curtilage.</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 dwellings materials and colours.</p> <p>Garage proposed being a double car 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> | <p>Yes.</p> |
| <p><b>4.1.19</b><br/><b>Building Materials.</b></p> <p>Building materials and finishes are to be non-reflective.</p>   | <p>Colour and material schedule provided. Colours and materials provided are considered non-reflective.</p>  | <p>Yes.</p> |

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

| Control  | Assessment  | Compliance |
|--|---|------------|
| <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>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"> <li>• Face brickwork with struck or tooled joints;</li> <li>• Light coloured mortar joints; and</li> <li>• Any rendered surfaces painted in neutral colours.</li> </ul> | <p>Colours and materials are generally considered to align with recommended palette, with the exception of the roofing colour (appropriate condition recommended).</p> <p>Concrete roof tiles proposed.</p> <p>Noted / complied.</p> <p>Noted, front façade will adopt variation between rendering and exposed brick.</p> |            |
| <p><b>4.1.20</b><br/><b>Landscaping.</b></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>Landscaping 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><b>4.1.21</b><br/><b>Driveways.</b></p> <p>Driveways are to:</p> <ul style="list-style-type: none"> <li>• Have a maximum width of 6m.</li> <li>• 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.</li> </ul> <p>When concrete driveways are proposed, the design is to break up its mass through</p>   | <p>The driveway will;</p> <ul style="list-style-type: none"> <li>• Driveway does not exceed 6m</li> <li>• Condition to include driveway finish to be in keeping with roof finish of low solar absorbance</li> </ul> <p>Noted – No concrete driveway proposed.</p>   | Yes.       |

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

| Control   | Assessment  | Compliance |
|---|---|------------|
| the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.   |   |            |
| <p><b>4.1.21</b><br/><b>Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</b></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> | None of the said structures are located from view of the public.  | Yes.       |
| <p><b>4.1.25.</b><br/><b>Letterboxes</b></p> <p>Letterboxes must not be a visually prominent element on the streetscape.</p> <p>Letterboxes must be designed as an integrated feature of the fence</p>  | <p>Letterbox located so as to be a visually prominent element from view of the streetscape.</p> <p>There is no front fence proposed or required</p> | Yes.       |

CLPP02

Attachment 3

CLPP02

# Statement of Environmental Effects

Proposed Single Storey Dwelling

73 Banfield Drive, Oran Park

Attachment 4

## 1. INTRODUCTION

This application is lodged seeking consent from Council for the construction of a single storey dwelling at 73 Banfield Drive, Oran Park. The subject site is located within the Catherine Field (Part) Precinct which forms part of the Camden Growth Centre Precinct's identified in Appendix 9 of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

This site directly adjoins the heritage curtilage of Oran Park House, which has a maximum height limit of 5 metres. The proposal seeks consent for a dwelling with a height of 5.95 metres and is therefore supported by a request to vary a development standard utilizing the provisions of Clause 4.6 of SEPP Growth Centres.

## 2. PROPOSED DEVELOPMENT

The proposed development is for the construction of a single storey dwelling at 73 Banfield Drive, Oran Park. The dwelling will comprise the following:

- Five bedrooms, with a walk-in-robe and ensuite to the master bedroom and bedroom 2,
- A playroom,
- Office,
- Laundry,
- Kitchen,
- Combined living/dining area,
- Theatre,
- Water closet,
- Walk in linen press, and
- Double garage.

The proposed landscaping comprises a range of small and large plantings to complement the dwelling and meet the requirements of the DCP.

## 3. SITE AND SURROUNDS

The subject site is identified as Lot 6031 DP1235007 and is located at the north eastern corner of the intersection between Banfield Drive and Tribe Avenue, Oran Park. The site is generally flat with a slight slope to the rear boundary to the front boundary (east to west). The site is currently vacant.

The site is not identified as flood prone or bushfire prone land. The adjoining properties to the north and east are currently vacant lots with the expectation they will be developed for residential purposes in the near future.

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## 4. PLANNING FRAMEWORK

### 4.1 Section 4.15

Section 4.15(1) of the EP&A Act specifies the matters which a consent authority must consider when determining a development application. The relevant matters for consideration under Section 4.15(1) are addressed in Table below.

| Section  | Comment  |
|--|--|
| Section 4.15(1)(a)(i)<br>Any environmental planning instrument | Consideration of all relevant environmental planning instruments are addressed within this SEE.  |
| Section 4.15(1)(a)(ii)<br>Any proposed instrument              | Not applicable to this application.  |
| Section 4.15(1)(a)(iii)<br>Any development control plan        | Consideration of the Camden Growth Centres Precinct Development Control Plan is addressed within this SEE and an assessment is provided in <b>Appendix A</b> . |
| Section 4.15(1)(a)(iii)<br>Any planning agreement              | There are no planning agreements applying to the site or proposed development.   |
| Section 4.15(1)(a)(iv)<br>The Regulations                      | This application is made in accordance with the relevant requirements outlined in the <i>Environmental Planning and Assessment Regulation 2000</i> .           |
| Section 4.15(1)(b-e)   | Refer to Section 5.  |

### 4.2 Section 4.46 - Integrated Development

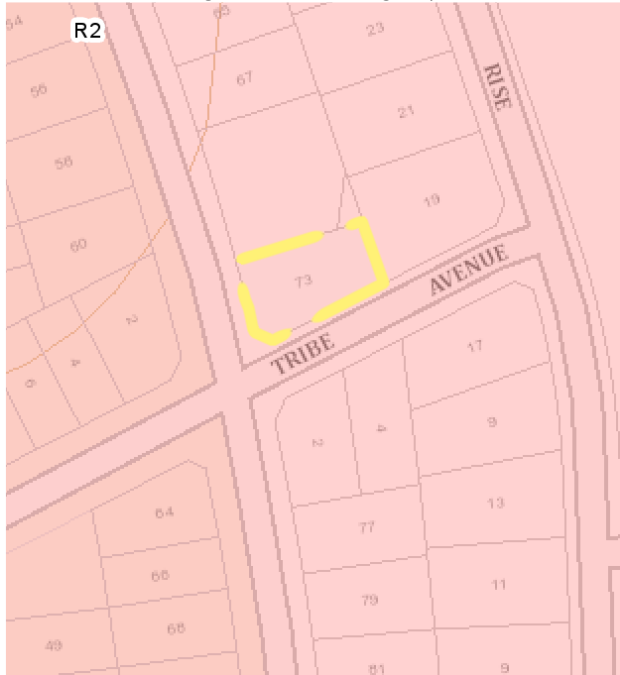
The proposal is not within the state heritage curtilage and therefore does not require referral under the Heritage Act 1977. The proposal does not trigger any other referrals under Section 4.46 of the *Environmental Planning and Assessment Act 1979*.

### 4.3 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

| SEPP Control | Compliance |
|--------------|------------|
|              |            |

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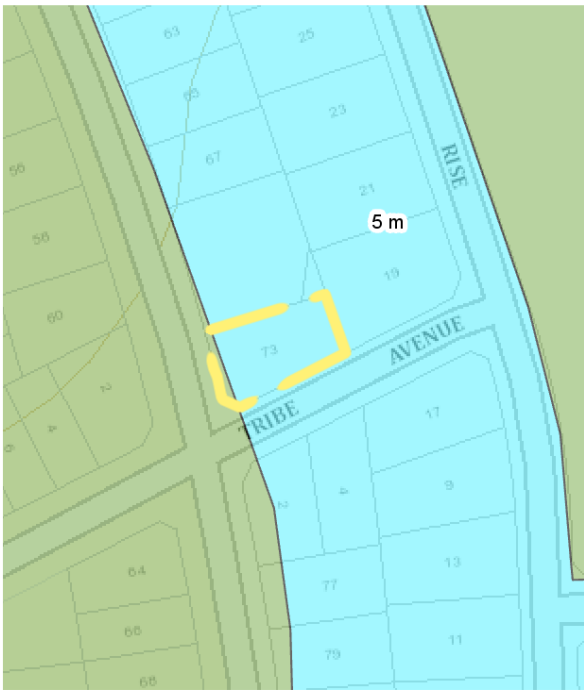
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|  |  |
|--|--|
| <p><b>Zoning</b></p>                           | <p>The subject site is zoned R2 Low Density Residential under <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> (SEPP Growth Centres), as illustrated in <b>Figure 1</b> below.</p> <p style="text-align: center;"><b>Figure 1: Land Zoning Map</b></p>  |
| <p><b>Permissibility</b></p>                   | <p>The proposed development is for a dwelling house.</p> <p><i>Dwelling houses</i> are permitted in the R2 zone with development consent as outlined in the Land Use Table in the SEPP.</p>  |
| <p><b>Clause 4.3 – Height of buildings</b></p> | <p>Clause 4.3 of SEPP Growth Centres establishes the maximum height of buildings in association with the Height of Buildings Map. The subject site has a maximum building height of 5 metres as illustrated in <b>Figure 2</b> below.</p> <p style="text-align: center;"><b>Figure 2: Height of Buildings Map</b></p>  |

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|  |   |
|--|---|
|  |  <p>The proposed dwelling has a height of 6.17 metres measured from natural ground level and therefore exceeds the maximum height permitted by 1.17 metres and does not comply with Clause 4.3. A request to vary this development standard utilising the provisions of Clause 4.6 is submitted as <b>Appendix A</b> to support this minor exceedance and is discussed further below.</p>   |
| <p><b>Clause 4.6 – Exceptions to development standards</b></p> | <p>As noted above, the proposed development is accompanied by a request to vary a development standard, being the maximum height of buildings permitted under Clause 4.3 of the Growth Centres SEPP. The request has been prepared utilising the criteria established by the Department of Planning, Industry and Environment and is supported by relevant caselaw and examples of variations of a similar nature which have been supported in the immediate locality. The request is submitted as <b>Appendix A</b> to this report.</p>      |
| <p><b>Clause 5.10 – Heritage conservation</b></p>              | <p>The subject site is located approximately 150 metres from Oran Park House. The site is located a sufficient distance from the heritage item to have any adverse impact on its heritage significance. The site is not located within the heritage mapped area under SEPP Growth Centres.</p> <p>The subject site does not contain any heritage items, is not within proximity or direct view to/ from any heritage items and is not within a Heritage Conservation Area. The proposal complies with Clause 5.10 of SEPP Growth Centres.</p> |

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#### 4.4 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 states that the consent authority must not consent to the carrying out of any development on land unless:

*it has considered whether the land is contaminated, and*

*if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The site has recently been subject to substantial earthworks as part of the parent subdivision. The registration of the subject lot required confirmation the land is not contaminated. Based on the work undertaken with the subdivision and no previous uses being undertaken on the site, the site is not considered to be contaminated and the proposal complies with the requirements of SEPP 55.

#### 4.5 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO. 20 – HAWKESBURY NEPEAN RIVER (NO 2-1997)

The proposed development includes the installation of erosion and sediment control measures to ensure the protection of the Hawkesbury-Nepean River catchment. The requirements of the SREP will be enforced and monitored throughout the construction phase of the development.

#### 4.6 Camden Development Control Plan – Schedule 4 Catherine Field (part) Precinct

**Appendix A** to this Statement sets out an assessment of the relevant sections of the DCP, having regard to the relevant considerations at Schedule 4 which specifically apply to the Catherine Field Part Precinct. The assessment found that the proposed integrated housing development satisfies relevant DCP requirements.

In summary, the development generally complies with the requirements of Catherine Field Part Precinct DCP. The proposal includes two variations which are minor in nature and are discussed further below.

### 5. IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST

This section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment. The impacts considered below have been identified through an assessment of the proposed development.

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## Context and Setting

The proposed development will not detract from the scenic qualities and features of the landscape.

The character and amenity of the locality and streetscape will be maintained through landscaping of the site at the completion of dwelling construction.

The design and layout of the proposed dwelling is compatible with the existing dwellings within the locality and is consistent with the vision for the Catherine Field Precinct, particularly those within close proximity to Oran Park House.

The proposed dwelling will not result in any adverse impact on adjoining properties given it is a single storey dwelling with no adjoining residential properties to the south.

The dwelling has been designed to maximise the northerly aspect to the private open space and living areas, and has been designed to minimise any potential visual or acoustic impacts.

The proposed dwelling will not detract from existing views and vistas enjoyed by adjoining properties and will not result in any adverse impact on the character of the locality.

## Traffic

The proposed dwelling will have direct access to the public road network and is within proximity to public transport options such as local bus routes and the future South West Rail Link. The proposed single dwelling will not result in any adverse or significant impact on traffic within the broader South West Growth Area given the eventual provision of up to 3,200 homes in the Catherine Field Precinct alone.

## Servicing

The subject site is serviced by sewer, water, electricity, and telecommunications which were provided at subdivision stage.

## Heritage

The site is located approximately 150 metres from Oran Park House which is an item of European heritage significance. The subject site is not located within the curtilage of the heritage item and will have no adverse impact on views or vistas to or from the heritage item.

Evidence of Aboriginal heritage does not exist on the subject site as confirmed in the AHIP issued for the site and works have already been undertaken on the site as part of the previous consent for subdivision, earthworks, drainage, and road construction.

## Stormwater

Stormwater drainage is proposed with the construction of the proposed dwelling with roof water being directed to a rainwater tank as per BASIX requirements. Overflow from the rainwater tank will be directed to the street drainage system.

## Natural Hazards

The subject site is not affected by flooding and is not identified as bushfire prone land.

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## Suitability of the Site

The site is considered suitable for the proposed development as the proposal is permissible, meets the objectives of the zone and is unlikely to result in any adverse impacts on the locality. Therefore, the subject site is suitable for the proposed development.

## Public Interest

The proposal is for a single storey dwelling and is unlikely to generate any issues of public interest.

## 6. CONCLUSION

The proposed development for a single storey dwelling is considered an appropriate land use given the context and compatibility of the development with the zoning of the site and existing adjoining/surrounding developments. Whilst the proposal is supported by a request to vary the maximum height limit permitted on the subject site, the development will not result in any adverse environmental impact and will provide a positive streetscape appearance with a variety of articulating features, colours, and materials.

This report has demonstrated that the proposal achieves compliance with the relevant development standards and controls and is consistent with the vision of the Catherine Field Precinct and broader South West Growth Area.

## Clause 4.6

### 1.0 Introduction

This request has been prepared on behalf of Mr and Mrs Erian, applicant for the subject DA.

This request is made in accordance with clause 4.6 Exceptions to development standards at Appendix 9 Camden Growth Centres Precinct Plan ('Appendix 9') to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

The request provides justification for the contravention to the development standards and establishes the ground on which, despite contravening a development standard, the development can be supported by Council. The relevant development standard is clause 4.3(2) Height of Buildings at Appendix 9 of the Growth Centres SEPP.

### 2.0 The Subject Site

The land the subject of the development application is known as Lot 6031 DP 1235007, 73 Banfield Drive, Oran Park. The subject site is located west of the heritage listed Catherine Park House. The subject site is a regular shaped corner block with an area of 648.8m<sup>2</sup>.

### 3.0 The Development

Development consent is being sought for the construction of a single storey dwelling house.

### 4.0 Development Standard Contravened

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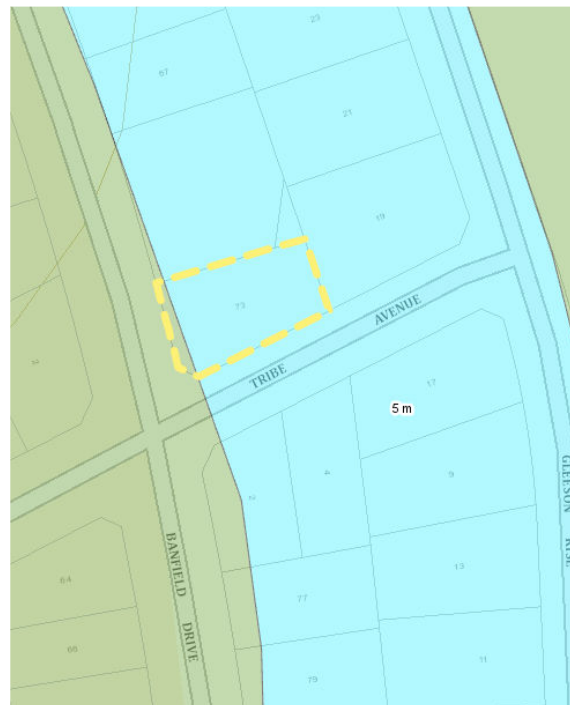
Clause 4.3(2) at Appendix 9 of the Growth Centres SEPP states:

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

Height of building is defined as the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

The Height of Buildings Map stipulates a maximum height of 5m applying to the subject land, as illustrated in **Figure 1** below.

**Figure 1 – Height of Buildings Map**



### 5.0 Details of Contravention

The proposed dwelling house has a height of 6.17 metres. This is caused by the roof pitch and the ceiling height of the dwelling.

### 6.0 Justification

Clause 4.6(3) at Appendix 9 of the Growth Centres SEPP provides:

- (3) *Consent must not be granted for development that contravenes a development*

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*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.*

A response to the matters for consideration under Clause 4.6(3)(a) and (b) are provided below.

4.6(3)(a) – Why is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The Department of Planning Industry and Environment's guideline 'Varying development standards: A Guide' (August 2011) suggests written applications to vary a development standard 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 has established the principle of a five-part test in determining whether compliance with a development standard is unnecessary.

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 objective or purpose would be defeated or thwarted if compliance was required therefore compliance is unreasonable;*
- 4. The compliance with 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 have been included in the zone.*

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

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

The objectives of the height of buildings standard in Clause 4.3 of the Growth Centres SEPP are outlined below:

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

The instrument imposes a maximum height, and a variation is submitted in accordance with the flexibility provided under Clause 4.6. The objective remains relevant, and the proposal does not remove the building height standard from the site.

*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 subject site is located within an area surrounded by other dwellings of a similar nature. Dwellings have been approved or constructed as single or two storey dwellings, with consistent setbacks, floor space and roof designs. The consistent design ensures there will be no significant overshadowing on adjoining properties, particularly from the subject site which adjoins a public road to the south and west. All lots within this area are larger lots to ensure a suitable level of visual privacy is maintained and private open space is provided. The proposed variation remains compliant with objective (b).

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

The site is within a low-density residential area. Objective (c) is not relevant to the site or proposed development.

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 subject site seeks to provide a single storey dwelling in a planned low density residential area, providing a suitable transition between Catherine Park House and surrounding residential development. The proposed building height will not result in an adverse impact as the proposed dwelling is a single storey detached dwelling on a large residential allotment in the R2 zone. The proposal is consistent with this objective.

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

A dwelling house is proposed and is located within close proximity to facilities and services. No other land uses are proposed on the site. The proposal is not inconsistent with this 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 proposed residential lot will provide adequate indoor and outdoor spaces to ensure future occupants are able to carry out a reasonable range of activities within the dwelling. The proposal is consistent with this 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.*

The proposed single storey dwelling is a single, permissible land use for the site. There are no other proposed uses with the development. The site is located within close proximity to the services listed in this objective to meet the day to day needs of its future occupants. 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 subject site is located within an area comprising a diverse range of residential lot sizes and dwelling types. The site is located within a planned low density area providing a suitable buffer around Catherine Park House. The proposed dwelling height does not intensify the residential density surrounding Catherine Park House and the single storey detached dwelling proposed ensures the nature of the R2 Low Density Residential is maintained. 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 variation requested does not rely on this test.

*Test 3: The underlying objective or purpose would be defeated or thwarted if compliance was required therefore compliance is unreasonable;*

The underlying objective of the 5m building height surrounding Catherine Park House is to minimise the visual impact of residential development on the significance of the heritage listed item. The specific controls for the area surrounding Catherine Park House encourage development in the form of single storey dwellings on large

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allotments with greater separation between dwellings, with hipped/gable roofs with a pitch over 22.5 degrees. The design intention for dwellings in this location are to provide characteristics that respect the heritage values of Catherine Park House.

If compliance was required, 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 compliance with 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;*

There are a number of instances where consent has been granted to dwellings within this area with a height greater than 5 metres. One example is a two storey dwelling at 8 Dunstan Street which is located approximately 140 metres from the subject site. Approval was granted to the construction of the dwelling by Camden Local Planning Panel which contravened the same development standard applying to the subject site. The granting of consent to that development was on the basis of the proposed variation satisfying the objectives of the zone and standard, noting there would be no public benefit in maintaining the development standard. The circumstances surrounding compliance with the development standard are the same and the proposed development is worthy of support on this basis.

*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 have been included in the zone.*

Compliance with the 5 metre building height development standard is unreasonable and detrimental to the current environmental character of the site and surrounds. Schedule 4 of the Camden Growth Centres Development Control Plan includes site specific controls for the residential allotments surrounding Catherine Park House. The controls outline the subject site is in an area identified low density residential (single storey) dwellings on lots with a minimum area of 500m<sup>2</sup>. The subject site is located outside of the heritage curtilage mapped under the Growth Centres SEPP and utilises the principles of the DCP to provide a dwelling with federation elements. The topography of the area surrounding Catherine Park House results in the subject site sitting below the ground level of adjoining lots which sit higher and in a more prominent position in relation to the heritage curtilage.

It is considered the subject site should not have been included in the area covered by the 5m height limit and compliance with the development standard is unreasonable in this instance.

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In considering the five part test and additional test 1(a), the proposed development achieves the objectives of the height of buildings development standard and the objectives of the R2 Low Density Residential zone. The above responses have demonstrated compliance with the 5m building height is unreasonable in this instance and would not result in a development outcome that is superior to the variation proposed.

Clause 4.6(3)(b) – Are there sufficient environmental planning grounds to justify contravening the development standard?

The decision of *Four2Five Pty Ltd V Ashfield Council [2015] NSWLEC 90* found that environmental planning grounds presented in a Clause 4.6 case are to be specific to the circumstances of the proposal. Those specific circumstances are established below.

The controls in the DCP and urban design criteria suggest a roof pitch of 22.5 degrees provides a dwelling that is of a proportionate scale with the rest of the dwelling. Providing a traditional roof pitch of 15 degrees will result in a poor visual design for the dwelling and will not comply with the criteria for dwellings utilising federation styles to complement the heritage significance of Catherine Park House.

Whilst the proposed dwelling height of 6.07 metres represents a variation of 21.4 percent, the intent of the Oran Park Quarter Concept plan in the Camden Growth Centres DCP and associated objectives are achieved. Consent has been granted to similar developments proposing a variation to the building height in the immediate locality, such as a two storey dwelling at 8 Dunstan Street, Oran Park (approved under DA/2018/1388/1 by Camden Local Planning Panel). The proposed variation would not set an undesirable precedent for similar developments in the locality and the proposed development is consistent with other developments within the heritage area surrounding Catherine Park House.

**7.0 Other matters for consideration**

Clause 4.6(4) at Appendix 9 of the Growth Centres SEPP provides that 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.*

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In response to Clause 4.6(4)(a)(i), it is considered that the details provided section 6.0 Justification of this request adequately address the matters required to be demonstrated by sub-clause (3).

In response to Clause 4.6(4)(a)(ii), it is considered the proposal is in the public interest because it is consistent with the objectives of Clause 4.3 and the R2 Low Density Residential zone of SEPP Growth Centres, as outlined in Section 6.0 of this report.

In response to Clause 4.6(4)(b), the concurrence of the Director-General is not required. Clause 4.6(5) establishes the following in relation to the concurrence of the Director-General:

*(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.*

The contravention dealt with by this request and the circumstances of the proposed development do not raise any matters of State environmental planning significance. There is no public benefit of maintaining the development standard and there are no other matters required to be taken into consideration by the Director-General.

## **8.0 Conclusion**

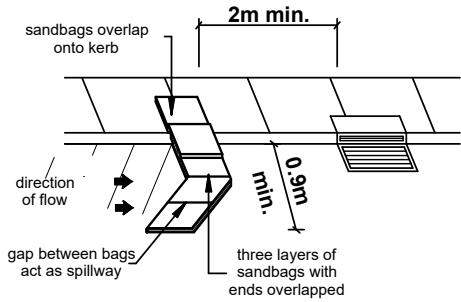
This request has been made to provide justification and support for a variation to the height limit permitted on the subject site. The proposed single storey dwelling satisfies the requirements of Clause 4.6 and achieves the intent of the objectives of the development standard, zone and relevant development controls outlined in Appendix 9 of the Growth Centres SEPP.

It is considered that the details provided in this request address the matters required to be addressed by clause 4.6 of the Growth Centres SEPP and demonstrates environmental planning grounds as to why strict compliance with the development standard are unreasonable and unnecessary. Support for the proposed variation will not set an undesirable precedent for development in the locality and the development will be in the public interest. The development raises no matters of State environmental planning significance.

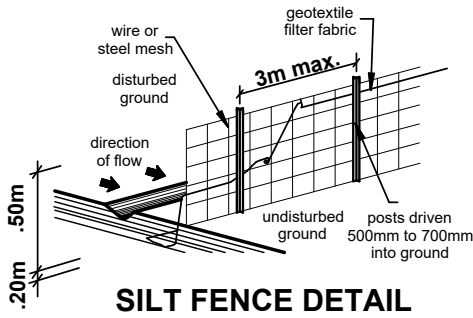
It is therefore concluded that this request is worthy of support for the purpose of granting development consent to the development.

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**KERB INLET SEDIMENT TRAP**



**SILT FENCE DETAIL**

**sediment control notes:**

- all erosion and sedimentation control measurements, including revegetation and storage of soil and topsoil, shall be implemented to the standards of the soil conservation of n.s.w.
- all drainage works shall be constructed around and stabilised as early as possible during development
- sediment traps shall be constructed around all inlet pits, consisting of 300mm wide x 300mm deep trench.
- all sediment basins and traps shall be cleaned when the structures are a maximum of 60% full of materials, including the maintenance period.
- all disturbed areas shall be revegetated as soon as the relevant works are completed.
- soil and topsoil stockpiles shall be located away from drainage lines and area where water may concentrate.
- filter shall be constructed by stretching a filter fabric (propex or approved equivalent between post at 2.2m centres). fabric shall be buried 150mm along its lower edge.

**Site Data Lot 6031  
NSW Greenfield**

site area = 648.8 sqm

floor space ratio  
permissible = 335 sqm  
provided = 257.5 sqm

landscaped area  
required = 194.6 sqm or 30% of the site  
provided = 285.4 sqm or 43.9% of the site

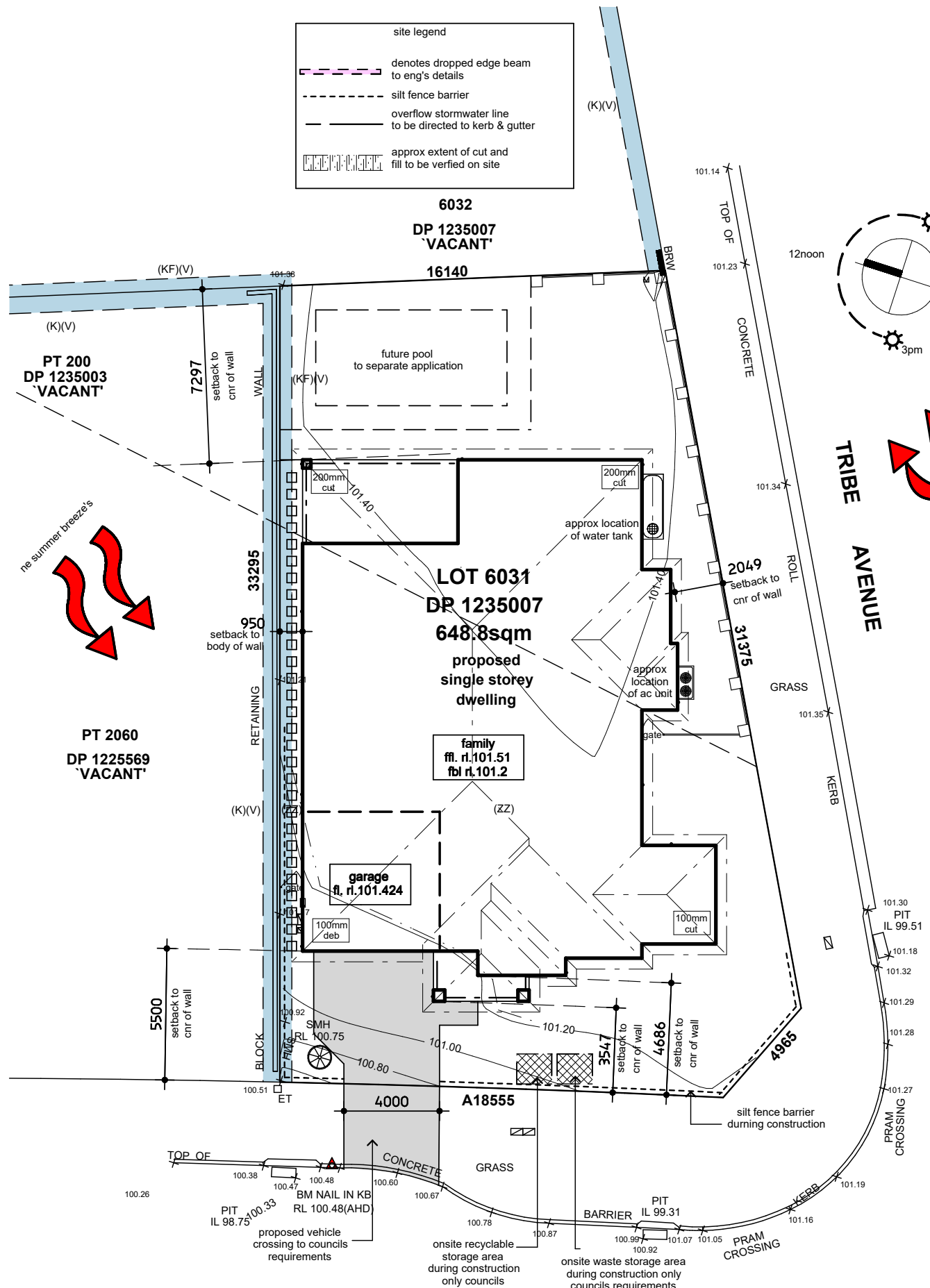
landscaped area to front  
area = 99 sqm  
required = 24.7 sqm or 25% of the site  
provided = 73.3 sqm or 74% of the site

articulation  
required = 8.17 sqm  
provided = 4.3 sqm

**Floor areas**

ground floor = 260.9 sqm  
garage floor = 33.5 sqm  
porch floor = 6.2 sqm  
alfresco = 22.7 sqm

total floor area = 323.3 sqm or 34.8 sqs



**SITE PLAN**

scale 1:200 @ a3

(K)RESTRICTION ON THE USE OF LAND 0.7 WIDE  
(KF)RESTRICTION ON THE USE OF LAND 0.5 WIDE  
(V)POSITIVE COVENANT (NO.8)  
(ZZ)BENEFITED BY RESTRICTION ON THE USE OF LAND(NO.14) (DP1208875)

home must be smart wired in accordance with the standards outlined by the NBN network

**general notes:**

- all aspects of construction to comply with the applicable performance requirements of the NCC
- Stormwater is to be collected within the site and conveyed in a pipeline to the appropriate point of discharge as directed by Council and as detailed on the approved plans.
- sewer to local authorities requirements.
- all ground lines are to be verified on-site by the builder.
- written dimensions to take precedence over scaling. any plan discrepancies to be referred back to designs by pf.
- finished floor levels may vary (+/- 100mm) from those indicated on plan, due to site clearing, demolition, contour inconsistencies etc.
- garage / driveway profiles must always comply to Australian standards AS 2890.
- see elevations regarding all dropped edge beam details.
- tender/contract relevant to this proposal are to take preference to this plan.
- window spacings shown on plan are approximate and may vary on site.
- plan to be read in-conjunction with engineering plans
- All retaining walls, driveways, garden steps & fencing by owner unless noted otherwise
- FIRST FLOOR WINDOW NOTE: all first floor bedroom windows to be provided with protection as per NCC Clause 3-9-2-6. first floor rooms (figure 3-9-2-5). other than bedrooms as per NCC Clause 3-9-2-7 (figure 3-9-2-6)
- window and door heights on elevations are approximate only and may vary on site
- No works are to be carried out over an easement. No works are to be carried out over council property without prior council approval

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client: Youssef Samy Fathy Erian & Mariam Erian  
address: Lot 6031 Banfield Drive ORAN PARK  
drawing no. DN563 | job no. 210106 | page no. 1 of 9

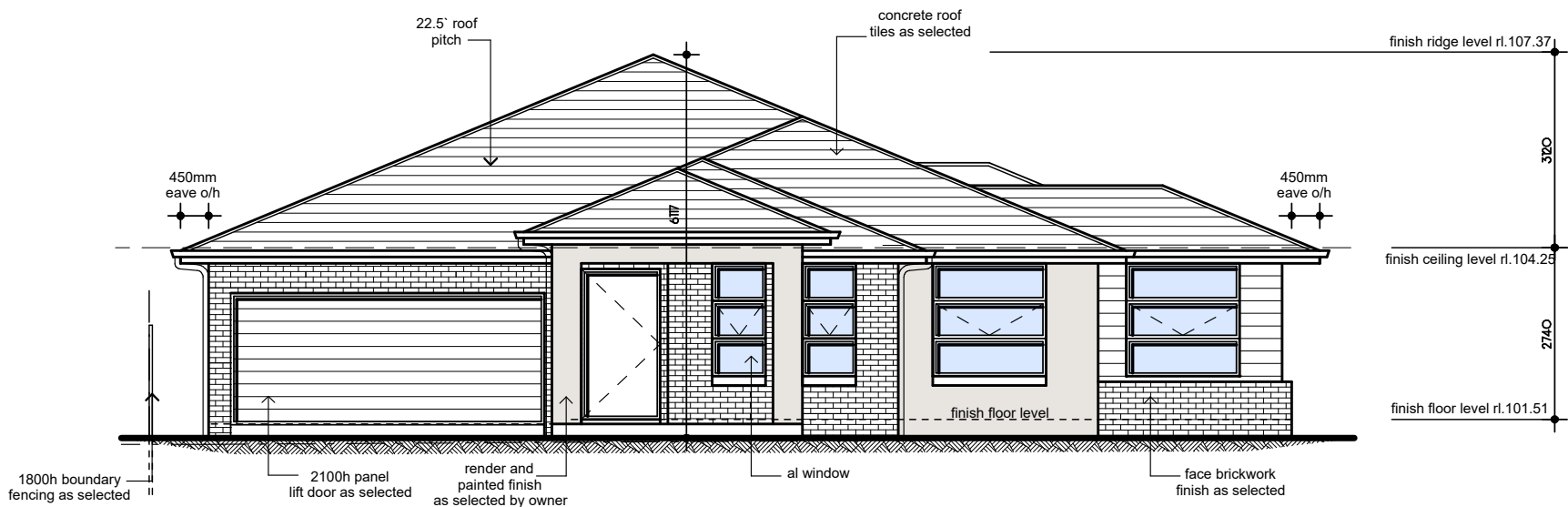
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B | 08.08.21 | issue for review  
C | 19.10.21 | PCV4 & 5  
D | 24.11.21 | issued for DA

**bdca**  
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BUILDING DESIGNER  
Accreditation no. 6598  
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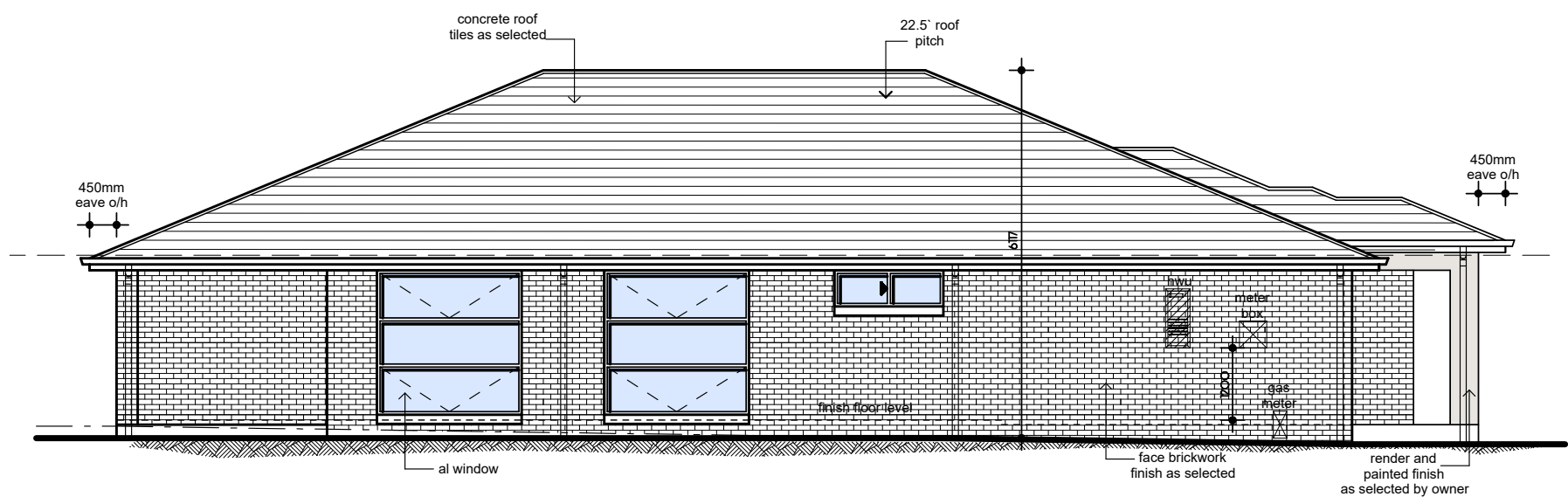






## SOUTH WEST ELEVATION

scale 1:100 @ A3



## NORTH WEST ELEVATION

scale 1:100 @ A3



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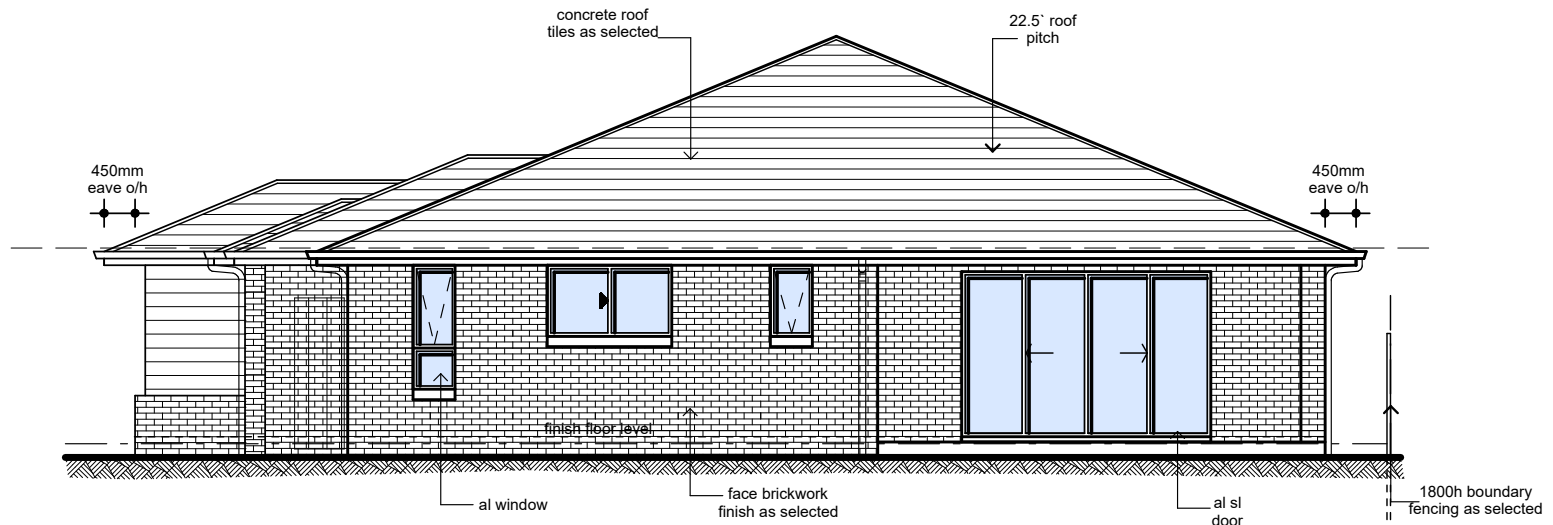
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**ORAN PARK**  
drawing no. | job no. | page no.  
**DN563 | 210106 | 3 of 9**

| rev | date     | description      |
|-----|----------|------------------|
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| B   | 08.08.21 | issue for review |
| C   | 19.10.21 | PCV4 & 5         |
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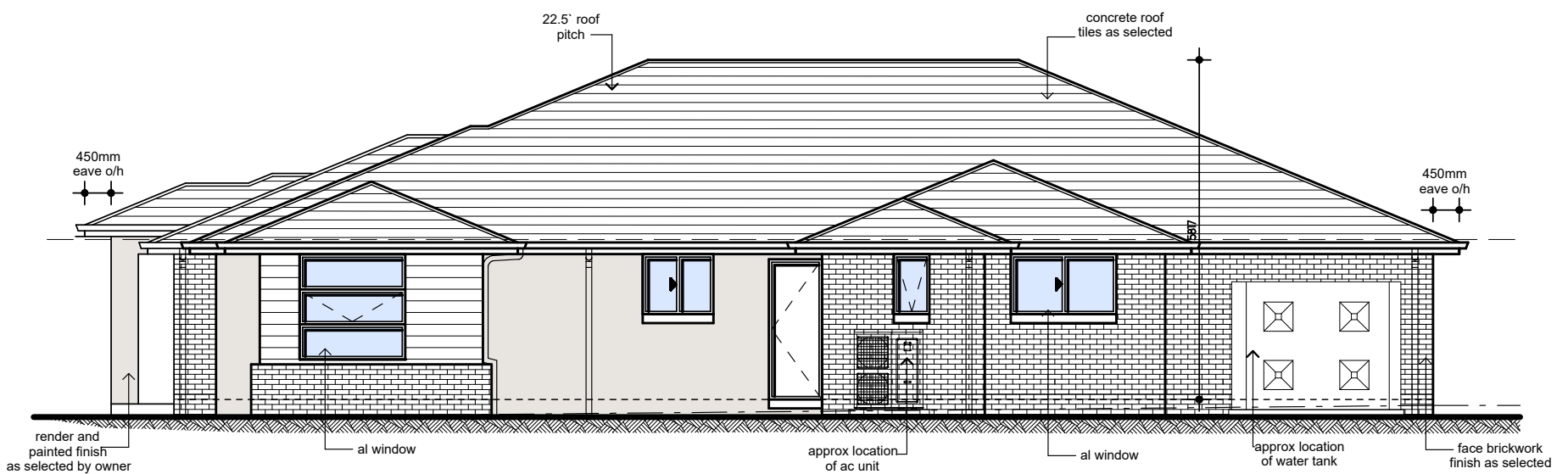


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### NORTH EAST ELEVATION

scale 1:100 @ A3



### SOUTH EAST ELEVATION

scale 1:100 @ A3



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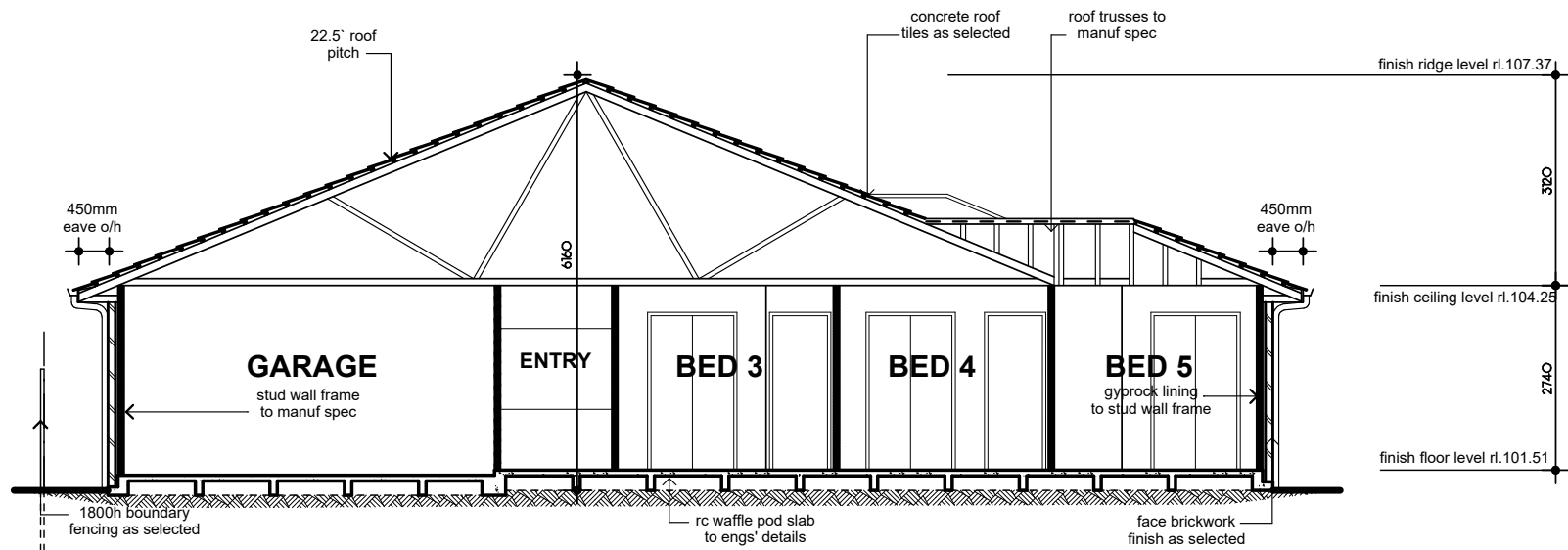
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### SECTION A-A

scale 1:100 @ A3

| window schedule ground floor |        |         |                          |      |      |  |
|------------------------------|--------|---------|--------------------------|------|------|--|
|                              | qty.   | code.   | notes.                   | ht   | wth  |  |
| W1                           | 1      | A1808T  | al awning window         | 1800 | 850  |  |
| W2                           | 1      | A1808T  | al awning window         | 1800 | 850  |  |
| W3                           | 1      | A1818T  | al awning window         | 1800 | 1810 |  |
| W4                           | 1      | A1818T  | al awning window         | 1800 | 1810 |  |
| W5                           | 1      | A1818T  | al awning window         | 1800 | 1810 |  |
| W6                           | 1      | SF1018  | al sliding window        | 1030 | 1810 |  |
| W7                           | 1      | SF1012  | al sliding window tg obs | 1030 | 1210 |  |
| W8                           | 1      | A1006   | al awning window tg obs  | 1030 | 610  |  |
| W9                           | 1      | SF1018  | al sliding window        | 1030 | 1810 |  |
| W10                          | 1      | A1806T  | al awning window         | 1800 | 610  |  |
| W11                          | 1      | SF1018  | al sliding window        | 1030 | 1810 |  |
| W12                          | 1      | A1006   | al awning window tg obs  | 1030 | 610  |  |
| W13                          | 1      | ASD2136 | al sliding door          | 2400 | 3650 |  |
| W14                          | 1      | A2424T  | al awning window         | 2400 | 2410 |  |
| W15                          | 1      | A2424T  | al awning window         | 2400 | 2410 |  |
| W16                          | 1      | SF0618  | al sliding window        | 600  | 1810 |  |
| 16                           | total. |         |                          |      |      |  |

sizes shown in table are frame opening sizes. window manufacturer to confirmed prior to manufacture, refer to elevations for window configurations

| door schedule ground floor |                     |      |
|----------------------------|---------------------|------|
| qty.                       | code.               | ht   |
| D1                         | 1200 solid          | 2340 |
| D2                         | 2/620 hollow        | 2340 |
| D3                         | 820 hollow          | 2340 |
| D4                         | 2/620 hollow        | 2340 |
| D5                         | 820 hollow          | 2340 |
| D6                         | 820 hollow          | 2340 |
| D7                         | 2/620 hollow        | 2340 |
| D8                         | 820 cavity slider   | 2340 |
| D9                         | 820 solid           | 2340 |
| D10                        | 820 hollow          | 2340 |
| D11                        | 2/820 cavity slider | 2340 |
| D12                        | 820 cavity slider   | 2340 |
| D13                        | 820 hollow          | 2340 |
| D14                        | 720 hollow          | 2340 |
| D15                        | 720 hollow          | 2340 |
| D16                        | 720 hollow          | 2340 |
| D17                        | 820 hollow          | 2340 |
| D18                        | 2/820 hollow        | 2340 |
| D19                        | 820 hollow          | 2340 |
| D20                        | 2/820 hollow        | 2340 |
| D21                        | 820 hollow          | 2340 |
| D22                        | 720 hollow          | 2340 |
| D23                        | 820 hollow          | 2340 |



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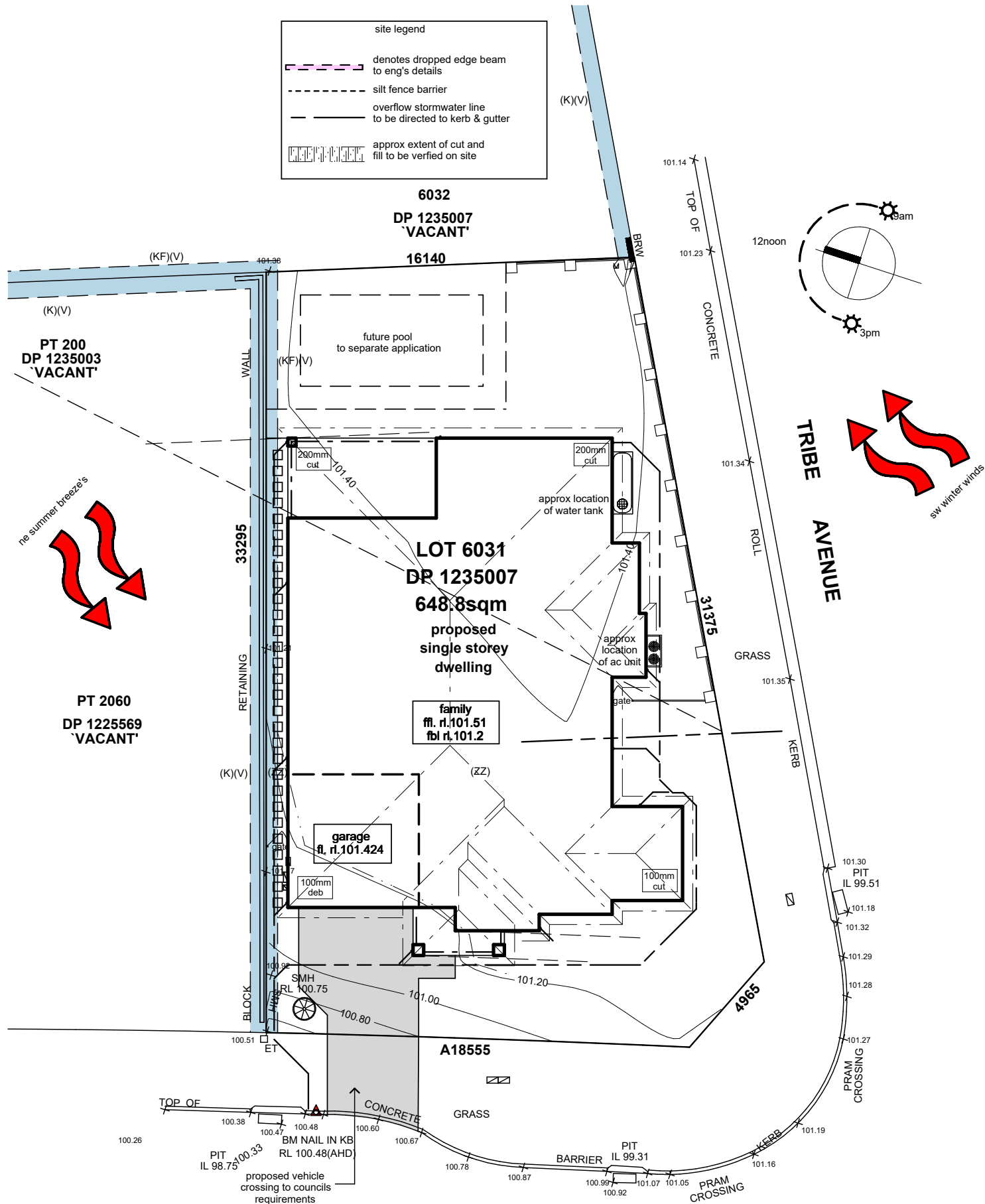
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**BANFIELD DRIVE**

## DRAINAGE PLAN

scale 1:200 @ a3

(K)RESTRICTION ON THE USE OF LAND 0.7 WIDE  
 (KF)RESTRICTION ON THE USE OF LAND 0.5 WIDE  
 (V)POSITIVE COVENANT (NO.8)  
 (ZZ)BENEFITED BY RESTRICTION ON THE USE OF LAND(NO.14) (DP1208875)

**home must be smart wired in accordance with the standards outlined by the NBN network**

**LEGEND**

- BENCH MARK
- COMMS PIT
- ET : ELECTRICAL TURRET
- WM : WATER METER
- MPF : METAL PANEL FENCE
- BRW : BLOCK RETAINING WALL
- IL : INVERT LEVEL OF PIT
- SMS : SEWER MAINTENANCE SHAFT
- SEWER LINE
- SHRUB

**view**

**noise**

**STUDIO BLOCK**  
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client:  
 Youssef Samy Fathy Erian & Mariam Erian  
 address:  
**Lot 6031 Banfield Drive**  
**ORAN PARK**  
 drawing no. | job no. | page no.  
**DN563 | 210106 | 8 of 9**

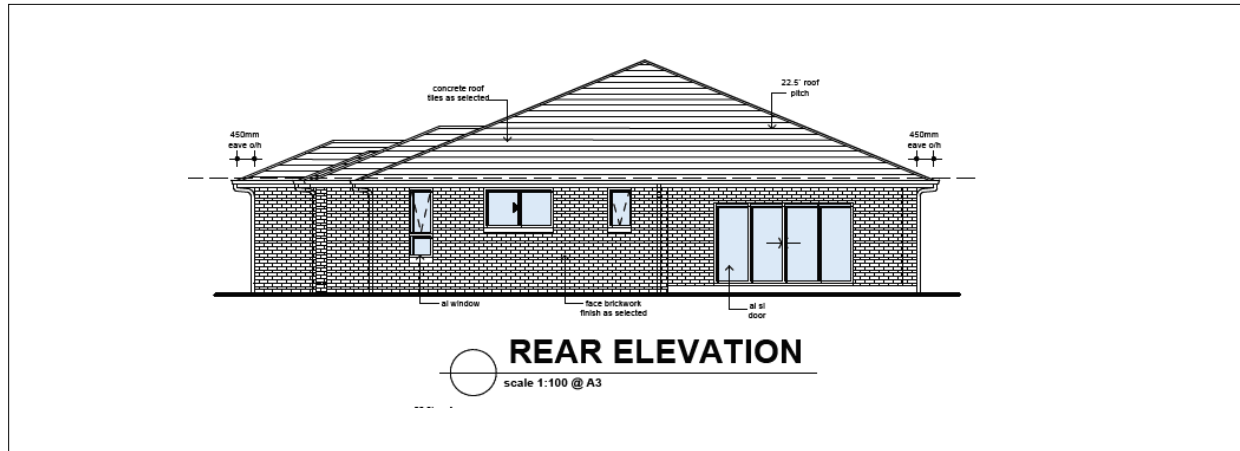
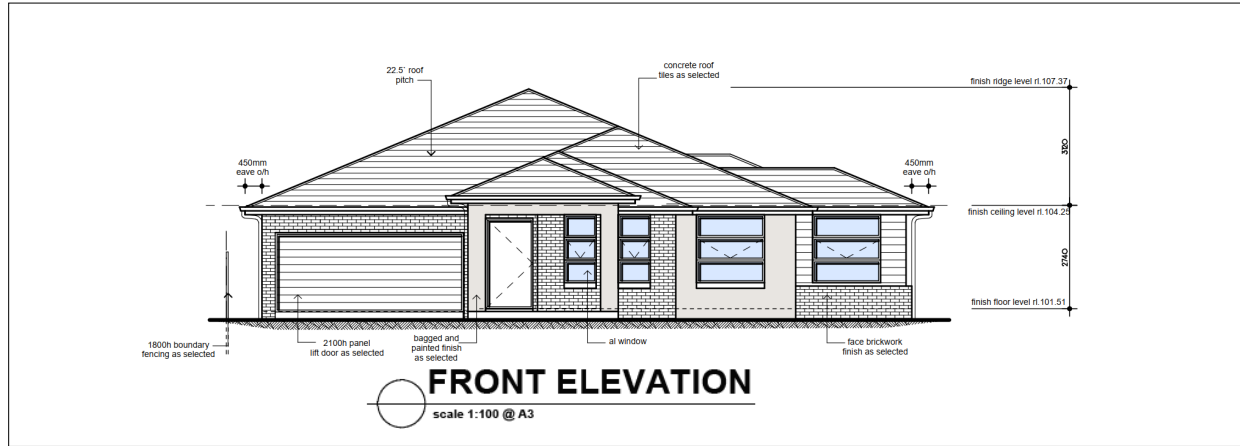
| rev | date     | description      |
|-----|----------|------------------|
| A   | 02.06.21 | prelim plan      |
| B   | 08.08.21 | issue for review |
| C   | 19.10.21 | PCV4 & 5         |
| D   | 24.11.21 | issued for DA    |



**ACCREDITED**  
 BUILDING DESIGNER  
 Accreditation no. 6598  
 membership no. 5682-21

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# EXTERNAL COLOUR PLAN



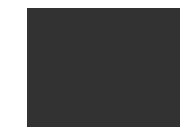
|  |   |   |                            |                            |  |  |
|--|---|---|----------------------------|----------------------------|--|--|
|  <b>STUDIO BLOCK</b><br>BY PASQUALIE FAGA<br>p: 0400540294<br>e: <a href="mailto:pat@studioblock.com.au">pat@studioblock.com.au</a><br>w: <a href="http://www.studioblock.com.au">www.studioblock.com.au</a><br>m: PO Box 223 Camden NSW 2570 | builder   | client:<br>Youssef Samy Fahy Erian & Marjan Erian<br>ADDRESS:<br>Lot 6031 Banfield Drive<br>ORAN PARK | rev   date<br>A   02.05.21 | description<br>prelim plan | <br><b>bdac</b><br>BUILDING DESIGNERS<br>ASSOCIATION OF AUSTRALIA<br>membership no. 9682-21 | <small>this drawing remains the property of Studio Block. Reproduction, copying or use in part or whole without written permission is strictly prohibited, and we will be taken against offenders. Studio Block takes no responsibility for any changes, amendments that may have occurred, omissions, pictures and photos are for illustration purposes only.</small> |
|  | preparing no.   job no.   page no.<br>DN563   210106   1 of 8 |   |                            |                            |  |  |



**AUSTRAL BRICKS**  
Wilderness Rosewood  
*Off White Mortar, Iron joint*



**BRISTLE ROOFING**  
Classic, Deep Shadow



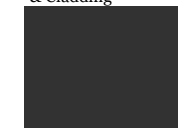
**WINDOWS**  
Southern Star, Monument



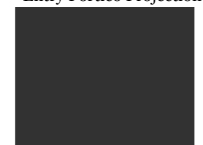
**COLORBOND, MONUMENT**  
Gutter, Fascia & Cladding



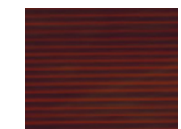
**TAUBMANS, STONEBRIDGE**  
Render & Paint to Front Entry Portico Projection



**COLORBOND, MONUMENT**  
Rainwater Tank



**COLORBOND, MONUMENT**  
Downpipes & Meter Box



**GARAGE DOOR**  
Timbagrain Slimline, Caoba



**JOHNSTONES STAIN, CAOBA**  
Front Entry Door

