



Camden Local Planning Panel

Determination and Statement of Reasons

DATE OF DETERMINATION	5 February 2019
PANEL MEMBERS	Stuart McDonald (Chair), Sue Francis, Debby Dewbery
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Electronic meeting held between 4 February 2019 and 5 February 2019.

MATTER TO BE DETERMINED

- CLPP03 – DA/2018/1388/1 – Construction of Two Storey Dwelling House, Swimming Pool and Cabana, with Associated Site Works – 8 Dunstan Street, Oran Park.

BACKGROUND

A public meeting was held at Camden Council on 22 January 2019 relating to this item.

The Panel at this meeting resolved to defer the matter to provide the applicant the opportunity to submit an amended written request to vary the height of building development standard. The amended request must more fully and properly address the provisions of clause 4.6 in Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the objectives of the development standard.

In response to the above resolution, the additional information was received, and a supplementary report and amended documentation was provided to the Panel. The supplementary report and amended documentation were electronically referred to the Panel on 4 February 2019 for further consideration and determination.

PANEL CONSIDERATION AND DECISION

CLPP03 ELECTRONIC DETERMINATION - SUPPLEMENTARY REPORT - DA/2018/1388/1 - CONSTRUCTION OF TWO STOREY DWELLING HOUSE, SWIMMING POOL AND CABANA, WITH ASSOCIATED SITE WORKS - 8 DUNSTAN STREET ORAN PARK

The Panel resolved to:

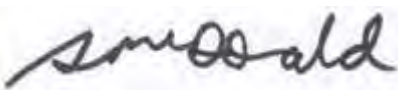
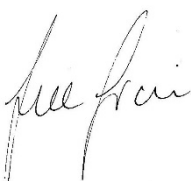

- i. support the applicants written request lodged pursuant to Clause 4.6 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, to vary the height of buildings development standard, and
- ii. approve DA/2018/1388/1 for the construction of a two storey dwelling house at 8 Dunstan Street, Oran Park subject to the attached conditions of consent.

REASONS FOR DETERMINATION

1. The Panel has considered the written request to vary State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the height of buildings development standard. The variation satisfies the objectives of the zone and standard and is acceptable in the particular circumstances of this case. There would be no public benefit in maintaining the development standard.
2. The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy No 55 – Remediation of Land and Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River.
3. The development is, subject to the recommended conditions, consistent with the objectives of the applicable development control plan, being Camden Development Control Plan 2011 and Camden Growth Centres Development Control Plan 2016.
4. The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
5. The development, subject to the recommended conditions, is unlikely to have any unacceptable adverse impacts upon the natural or built environments.
6. In consideration of the above reasons, the proposed development is a suitable and planned use of the site and its approval is within the public interest.

VOTES

Vote FOR: Stuart McDonald, Debby Dewbery
Vote AGAINST: Sue Francis

PANEL MEMBERS	
 Stuart McDonald Chairperson	 Sue Francis Expert Panel Member
 Debby Dewbery Community Representative – South Ward	

CAMDEN LOCAL PLANNING PANEL

**SUBJECT: ELECTRONIC DETERMINATION - SUPPLEMENTARY REPORT -
DA/2018/1388/1 - CONSTRUCTION OF TWO STOREY DWELLING
HOUSE, SWIMMING POOL AND CABANA, WITH ASSOCIATED SITE
WORKS - 8 DUNSTAN STREET ORAN PARK**

TRIM #: 19/26568

DA Number:	DA/2018/1388/1
Development:	Construction of two storey dwelling house, swimming pool and cabana, with associated site works
Estimated Cost of Development:	\$600,000
Site Address(es):	8 Dunstan Street ORAN PARK Lot 1491 DP1225553
Applicant:	Mrs N Essa
Owner(s):	Mrs N Essa
Number of Submissions:	None
Development Standard Variation(s):	State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 9, Camden Growth Centres Precinct Plan. 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:	Ray Lawlor, Planner, Gateway DA Team
Peer Reviewed By:	Cathryn Fuller, Team Leader Gateway

PURPOSE OF REPORT

The purpose of this supplementary report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for the construction of a two storey dwelling house with swimming pool and cabana at 8 Dunstan Street, Oran Park (Lot 1491 DP1225553).

The Panel exercises Council's consent authority functions for this DA as the proposed development exceeds the maximum height of buildings development standard by 80% (the proposed dwelling house has a maximum building height of 9 metres while the development standard prescribed for the site is 5 metres).

The Panel considered this item at its meeting of 22 January 2019 and it was resolved to defer the matter to provide the applicant an opportunity to submit an amended Clause 4.6 written request to vary the height of buildings development standard which

fully and properly addressed the provisions of clause 4.6 in Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the objectives of the development standard.

BACKGROUND

The DA is subject to Appendix 9, Camden Growth Centres Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP).

The Growth Centres SEPP prescribes a 5 metre maximum height of building development standard on the land, under clause 4.3 of Appendix 9 and the SEPP Height of Buildings Map.

The proposed two storey dwelling house has a maximum height of 9 metres and therefore exceeds the prescribed height limit. The application was accompanied by a written request under clause 4.6(3) of Appendix 9 of the Growth Centres SEPP to vary the development standard.

A report on the application was considered by the Panel at its meeting of 22 January 2019 (a copy of the previous assessment report considered by the Panel on 22 January 2019 is provided as an attachment).

At that meeting the Panel made the following resolution:

1. *The Panel resolved that the matter be deferred to provide the applicant the opportunity to submit an amended written request to vary the height of building development standard. The amended request must more fully and properly address the provisions of clause 4.6 in Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the objectives of the development standard.*
2. *The Panel resolved to determine the application by electronic means upon receipt and consideration of the amended written request and supplementary report.*
3. *The Panel request the Council consider a strategic review of the height of building development standard in the circumstances where there is inconsistency with the relevant background studies and development control plan provisions as they apply to the southern side of Dunstan Street.*

On 30 January 2019, the applicant's consultant submitted an amended clause 4.6 written request in accordance with the above-described resolution of the Panel.

In relation to the Panel's request for Council to consider a strategic review of the height of building development standard, it is noted that this relates to provisions of the Growth Centres SEPP where the Department of Planning has the lead role in any review and amendment of the development standards. Council's Acting Manager of Strategic Planning has advised that this matter has been raised previously with the relevant Department of Planning officers who have confirmed that this will be captured in future impending housekeeping amendments to the Growth Centres SEPP. Council will again raise this matter with the Department, in relation to the heritage listing for Oran Park (Catherine Park) House and the inconsistency with the relevant background studies and development control plan provisions as they apply to the southern side of Dunstan Street.

AMENDED CLAUSE 4.6 WRITTEN REQUEST

On 30 January 2019, the applicant's consultant submitted an amended clause 4.6 written request to address the matters raised in the Panel's resolution of 22 January 2019.

A copy of the amended clause 4.6 written request to vary or contravene the maximum height of buildings development standard is provided as an attachment to this report.

The amended clause 4.6 written request addresses the objectives of the particular standard and the objectives of the relevant zone in relation to the Public Interest of the development, as follows:

(i) **The Public Interest**

Objectives of the particular standard

Clause 4.3(2) of the Growth Centres SEPP refers to the relevant development standard sought to be varied. The objectives of the clause are detailed at Clause 4.3(1) and are:

- (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.*

Objectives (a) and (b) are relevant to the circumstances here. In respect to objective (b) and its objective of minimising visual impact, the key driver of the 5m or single storey building height restriction here is to protect view lines to and from Catherine Park House. However as detailed at Section 6.0 of this request:

- *There is a discrepancy between the Height of Buildings map Sheet HoB_004 of the Growth Centres SEPP and Figure 4-2 Oran Park House Quarter Concept contained in the Schedule 4 Catherine Fields (Part) Precinct of the Camden Growth Centre Development Control Plan.*
- *The correct interpretation of the heritage controls that should apply to the subject land would permit a 2 storey low density residential dwelling without adverse view line impacts.*

It is therefore considered that the proposed 2 storey dwelling would be consistent with the relevant objectives or intent of the height control standard here. The development would not have an unacceptable impact on view lines to and from Catherine Park House.

It is also considered that the design of the proposed 2 storey dwelling will adequately protect solar access to buildings and open space on adjoining properties. The dwelling setbacks and design articulation satisfies DCP requirements for solar access for both the dwelling, its private open space and adjoining properties.

Objectives for development in the applicable land use zone

The relevant objective of the applicable R2 Residential Low Density land use zone is:

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

The proposed development provides a housing type consistent with the overall intended low density residential environment of the locality.

It is therefore considered that the proposed development satisfies the 'public interest' tests outlined at clause 4.6(4)(a).

Also, in relation to why compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, the amended Clause 4.6 written request indicates that:

Compliance with the development standard would be unreasonable and unnecessary as the proposed dwelling height would not have an unacceptable impact on Catherine Park House, including view lines to and from.

It is considered that the amended clause 4.6 written request more fully and properly addresses the provisions of clause 4.6 in Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the objectives of the development standard.

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 applicants written request lodged pursuant to Clause 4.6 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, to vary the height of buildings development standard, and**
- ii. approve DA/2018/1388/1 for the construction of a two storey dwelling house at 8 Dunstan Street, Oran Park subject to the attached conditions of consent.**

REASONS FOR DETERMINATION

1. The Panel has considered the written request to vary State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the height of buildings development standard. The variation satisfies the objectives of the zone and standard and is acceptable in the particular circumstances of this case. There would be no public benefit in maintaining the development standard.
2. The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being,

State Environmental Planning Policy (Sydney Region Growth Centres) 2006, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy No 55 – Remediation of Land and Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River.

3. The development is, subject to the recommended conditions, consistent with the objectives of the applicable development control plan, being Camden Development Control Plan 2011 and Camden Growth Centres Development Control Plan 2016.
4. The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
5. The development, subject to the recommended conditions, is unlikely to have any unacceptable adverse impacts upon the natural or built environments.
6. In consideration of the above reasons, the proposed development is a suitable and planned use of the site and its approval is within the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Previous Assessment Report - 22/1/2019
3. Proposed Plans
4. Floor Plans - *Supporting Document*
5. SEPP and DCP Assessment Tables
6. Amended Clause 4.6 Written Request

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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No. Job 1.392/18	Name of Plan	Prepared by	Date
Sheet 2/13	Site Plan	VB Design	03/01/2019 Issue C
Sheet 3/13	Sediment Control Plan		
Sheet 5/13	Ground Floor Plan		
Sheet 6/13	First Floor Plan		
Sheet 7/13	Elevations - West & North		
Sheet 8/13	Elevations - East & South		
Sheet 9/13	Section A-A		
Sheet 10/13	Pool		
Sheet 11/13	Cabana		
Sheet 13/13	Stormwater Diagrams		

Document Title	Prepared by	Date
BASIX Certificate No: 956326S	Sustainability-Z Pty Ltd	26/8/2018
Waste Management Plan		3/9/2018

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

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

This 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.

- (6) **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 PCA prior to the excavation commencing.

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

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

- (8) **Swimming Pools and Spas** - The swimming pool/spa shall comply with:

- a) the *Swimming Pools Act 1992*;

- b) the Swimming Pools Regulation 2008;
- c) AS 1926.1-2012 'Swimming Pool Safety' Part 1: Safety barriers for swimming pools;
- d) AS 3500.2-2003 'Plumbing and drainage – Sanitary plumbing and drainage';
- e) AS1926.3 'Water recirculation systems'; and
- f) the BCA.

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 Certifying Authority.
- (2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **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 Certifying Authority prior to issue of a Construction Certificate.

- (4) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan: *'Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision: Tranche 31-34 Oran Park South', prepared by Douglas Partners, Project No 76618.37-2, dated November 2015.*

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Engineering Specifications, shall be submitted to the Certifying Authority.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (5) **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.
- (6) **Surface Water Collection from Swimming Pools and Spas** - Swimming pool surrounds and/or paving shall be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring properties. Details demonstrating compliance shall be provided to the Certifying Authority.
- (7) **Retaining Walls** – The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements;
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

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) **Notice of PCA Appointment** - 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 PCA, and of the person by whom the PCA was appointed;

- e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **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 PCA/developer (only where no PCA 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.
- (3) **Construction Certificate Required** - In accordance with the *EP&A Act 1979*, construction 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 Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent;
 - c) if Council is not the PCA, Council is notified of the appointed PCA 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 PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA 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 PCA.

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

- (5) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

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

- (6) **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.
- (7) **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.

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **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.

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
- a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.
- (6) **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.
- (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 PCA 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:

- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site:
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.
- (11) **Swimming Pool Fence Design** - The swimming pool or spa must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence must comply with the following requirements:
- a) The swimming pool safety fencing must strictly adhere to the design and location approved with the development consent, and any conditions of the development consent;
 - b) Fences and gates must strictly comply with AS1926-2012 – Swimming pool safety – Part 1: Safety barriers for swimming pools;
 - c) Fencing shall have a minimum effective height of 1.2m;
 - d) All swimming pool gates shall be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure;
 - e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible); and
 - f) Boundary fencing forming part of the swimming pool safety fencing shall maintain a minimum effective height of 1.8m and a 0.9m non climbable zone (measured from the top of the inside of the barrier).

The swimming pool safety fencing must be installed prior to the swimming pool being filled with water. The PCA, or an accredited certifier must inspect the swimming pool safety fencing.

- (12) **Waste Water From Swimming Pools and Spas** - All swimming pool waste water shall be disposed of as follows:

Sand Filters

- a) Where a Sydney Water sewer is available – waste water shall be drained or pumped to the sewer; or
- Where a Sydney Water sewer is not available (such as rural areas) – waste water shall be disposed of as follows:

- i) discharging to a rubble pit measured 600mm wide x 600mm deep x 3m long, located not less than 3m from any structure or property boundary; or
- ii) discharging to a tail out drain to disperse the water over a large grassed area or paddock, provided that the land fall does not direct water to buildings on the subject or adjoining properties, or create a nuisance to an adjoining property owner and subject to subclauses iii) and iv) below:-
- iii) waste water shall not be discharged to a septic tank or an on-site sewage management installation or disposal area; and
- iv) waste water shall not be discharged into a reserve, watercourse, easement or stormwater drainage system or otherwise adversely impact upon an adjoining property.

Cartridge Filters

Cartridge filters do not need to be connected to Sydney Water sewer or in rural properties to a rubble pit or tail out drain. However, when the cartridge needs cleaning it is to be hosed out in a location that does not adversely impact upon any effluent disposal area and adjoining properties, and must not cause water to enter a waterway, the stormwater system or roadway.

- (13) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform for the swimming pool. This area should not exceed 2 metres from the footprint of the swimming pool. Furthermore, any excavation or fill must not exceed 500mm in height and be placed closer than 500mm to the boundary, unless otherwise specifically approved by Council.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **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 PCA.
- (3) **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.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Filter & Recirculation Systems** - Prior to issue of an Occupation Certificate, a certificate of compliance, or other documentary evidence confirming that the

proposed recirculation system and filtration system complies with AS1926.3, must be provided to the PCA.

- (6) **Swimming Pool Register** - In accordance with Part 3A of the *Swimming Pools Act 1992* all swimming pools (including spas) are required to be registered on the NSW Swimming Pools Register. You can register your Swimming Pool online at www.swimmingpoolregister.nsw.gov.au

Prior to the issue of any occupation certificate you are required to provide evidence in the form of the Certificate of Registration to the PCA.

- (7) **Warning Notice** - A warning notice complying with the provisions of Clause 10 of the Swimming Pools Regulation 2008, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the *Swimming Pools Act 1992*.

The PCA shall ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.

Council also recommends that all owners and/or users of swimming pools obtain a copy of the 'Cardiopulmonary Resuscitation Guideline' known as "Guideline 7: Cardiopulmonary Resuscitation" published in February 2010 by the Australian Resuscitation Council (available through www.resus.org.au).

- (8) **Swimming Pool Landscaping** - Landscaping of the swimming pool enclosure and surrounds including the provision of outdoor furniture, construction of barbecues and pergolas must not reduce the effectiveness of the swimming pool safety fencing. All landscaping, furniture, and other similar structures shall be located at least 900mm from the outside of the pool safety fencing.
- (9) **Swimming Pool Barrier Certification** – Certification from the supplier of the swimming pool barrier is to be submitted to the PCA. The certification must state that the swimming pool barrier materials comply with the applicable Australian Standards.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
- a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
- (2) **Noise Nuisance Prevention** - The motor, filter, pump, and all sound producing equipment associated with or forming part of the swimming pool filtration system must be located so as not to cause a nuisance to adjoining property owners.

Should a noise nuisance arise, Council may serve Orders issued pursuant to the *Environmental Planning and Assessment Act 1979* requiring remedial works to be carried out. Action may also be initiated by the PCA where the PCA is not Council.

The location of equipment that causes offensive noise may require the equipment to be located within a suitable acoustic enclosure, or the relocation of such equipment.

- (3) **Prohibitions Within Swimming Pool Enclosure** - The area contained within the swimming pool safety fencing enclosure must not be used for other non related activities or equipment, such as the installation of children's play equipment or clothes drying lines.

- (4) **Swimming Pool Water Health Standards** - To maintain hygienic conditions, the swimming pool/spa must be maintained in a clean and healthy condition at all times. For this purpose the following health standards must be maintained:

- a) Chlorination without Cyanurate Sun Stabiliser
Free chlorine concentration must be maintained within the following range:

Outdoor swimming pools - not less than 1mg per litre;

Indoor swimming pools - water temperature 26 degrees C or below, not less than 1.5mg per litre;

water temperature above 26 degrees C not less than 2mg per litre;

Note – Cyanurate compounds must not be used in the disinfecting of indoor swimming pools and spa water.

- b) Chlorination with Cyanurate (Sun Stabiliser Added)
Free residual chlorine concentration must be not less than 3mg per litre.
The Cyanurate concentration must be maintained within the range 25 to 50mg per litre;

- c) pH must be maintained within the range of 7.5 and 8.1;

- d) Reserve Alkalinity

Where sodium or calcium hypochloride is used, must be not less than 60mg per litre; and

- e) Sodium hypochloride – liquid chlorine
Calcium hypochloride - granulated chlorine

Note – The above information is supplied by the NSW Department of Health.



CAMDEN LOCAL PLANNING PANEL MEETING

CLPP03

SUBJECT: DA/2018/1388/1 - CONSTRUCTION OF TWO STOREY DWELLING HOUSE, SWIMMING POOL AND CABANA, WITH ASSOCIATED SITE WORKS - 8 DUNSTAN STREET, ORAN PARK

TRIM #: 18/417868

DA Number:	DA/2018/1388/1
Proposed Development:	Construction of two storey dwelling house, swimming pool and cabana, with associated site works
Estimated Cost of Development:	\$600,000
Site Address(es):	8 Dunstan Street, Oran Park Lot 1491 DP1225553
Applicant:	Mrs N Essa
Owner(s):	Mrs N Essa
Number of Submissions:	None
Development Standard Variation(s):	State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 9, Camden Growth Centres Precinct Plan. 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:	Ray Lawlor, Planner, Gateway DA Team

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for the construction of a two storey dwelling house with swimming pool and cabana at 8 Dunstan Street, Oran Park (Lot 1491 DP1225553).

The Panel exercises Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, the development seeks to depart from the maximum height of building development standard prescribed in State Environmental Planning Policy (Sydney Region Growth Centres) 2006 by greater than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2018/1388/1 for the construction of a two storey dwelling house with swimming pool and cabana pursuant to 4.16 of the *Environmental Planning Assessment Act 1979* by:

1. Supporting the written request to vary the maximum height of buildings development standard, pursuant to Clause 4.6 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Camden Growth Centres Precinct Plan, and
2. Granting consent to the application subject to the conditions of consent attached to this report.

EXECUTIVE SUMMARY

Council has received a development application (DA) for the construction of a two storey dwelling house and inground swimming pool with cabana at 8 Dunstan Street, Oran Park.

The DA is subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Appendix 9, Camden Growth Centres Precinct Plan). The SEPP prescribes a 5 metre maximum height of building development standard on the land, under clause 4.3 of Appendix 9 and the SEPP Height of Buildings Map.

The proposed two storey dwelling house has a maximum height of 9 metres and thereby exceeds the prescribed height limit. The variation, and the applicants Clause 4.6 written request, is assessed in detail in this report and is supported by Council staff.

The 5 metre building height limit imposed on the land is the result of an anomaly or error in the Height of Buildings Map published in the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP). This is inconsistent with relevant provisions under Camden Growth Centres Development Control Plan which permits two storey development on the land.

Also, while the land is within the vicinity of Oran Park House, it is outside the curtilage of the listed State heritage item and outside sight lines and key view corridors.

A development application for the construction of a two-storey dwelling house with a building height of 8.2m at 2 Dunstan Street, Oran Park (DA/2018/1109/1) was approved by the Panel at its meeting on 20 November 2018. The circumstances surrounding that approval are similar/identical to the case in point.

The DA was publicly exhibited for a period of 14 days in accordance with the Camden Growth Centres Development Control Plan 2016. The exhibition period was from 30 November to 13 December 2018. No submissions were received.

The DA has been assessed against the *Environmental Planning Assessment Act 1979*, the *Environmental Planning Assessment Act Regulation 2000*, relevant environmental instruments, development control plans and policies.

Based on the assessment, it is recommended that the request to vary the maximum height of building development standard be supported and the DA be approved subject to the conditions attached to this report.



COMPLIANCE WITH KEY PLANNING CONTROLS

Control	Proposed	Variation
2.3 Zone objectives and Land Use Table (State Environmental Planning Policy (Sydney Region Growth Centres) 2006).	The proposed development is defined as a 'dwelling house'. The site is located within the R2 – Low Density Residential zone of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, the development is permissible under the environmental planning instrument.	None.
4.3 Height of Buildings (HOB).	Maximum HOB = 5m Proposed HOB = 9m	Yes.
Front Setback (min) 4.5m to building façade line, 3m to articulation zone.	The front setback to the building façade line is 4.646m and setback to the articulation zone is 3.265m.	None.
Side setback (min) Detached Boundary 0.9m.	Side setbacks of 900mm and 904mm.	None.
Rear setback (min) Ground Floor 4m. Upper Floor 6m.	The rear setbacks are Ground Floor = 6.814m Upper Floor = 10.814m	None.
Garages and Car Parking – Dwelling House 2 car parking spaces.	Double garage proposed with additional parking on the driveway.	None.

AERIAL PHOTO



Figure 1: Aerial Photo

THE SITE

The site is located on Dunstan Street and is adjacent to an item of State Heritage Significance (SHR: 1695) Oran Park House, refer to Figure 4. The area is zoned R2 Low Density Residential, which supports a diverse range of housing types to meet community housing needs within a low density residential environment.

The site area is 611.3m² with a lot width/frontage of 19.52m. The lot is approximately 1.8m lower than the land to the rear, with a concrete block feature retaining wall along the rear boundary. There is a fall across the lot of approx.1.7m from the rear north-east corner to south-west corner at the street. There is a restriction on title and positive covenant 1.8m wide in relation to the maintenance and protection of the retaining wall on the rear boundary, with the proposed development located outside this restricted area.



Figure 2: View of the subject site from Dunstan Street.



Figure 3: Dwellings in Dunstan Street, opposite the subject site.

DEVELOPMENT HISTORY

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

DA No.	Development
DA/2015/1517	<p>Staged Subdivision 1A to create 224 residential lots, 3 residue lots, earthworks, roads, services, drainage, retaining walls, landscaping and associated site works.</p> <ul style="list-style-type: none"> Stage 1A – Tranche 32: 58 Lots

	<ul style="list-style-type: none"> • Stage 1B – Tranche 32: 45 lots • Stage 1C – Tranche 32: 51 lots • Stage 4 – Tranche 31: 70 lots
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BACKGROUND

The site is located within the vicinity of Oran Park House which is an item of State heritage significance listed under the State Heritage register (SHR:1695). While the subject site is within the vicinity of Oran Park House, it is towards the rear of the item. It is located outside the listed area/curtilage and outside sight lines and view corridors from the frontage of Oran Park House. No concurrence or integrated development requirements from the Office of Environment and Heritage are triggered by the proposed development of the land.

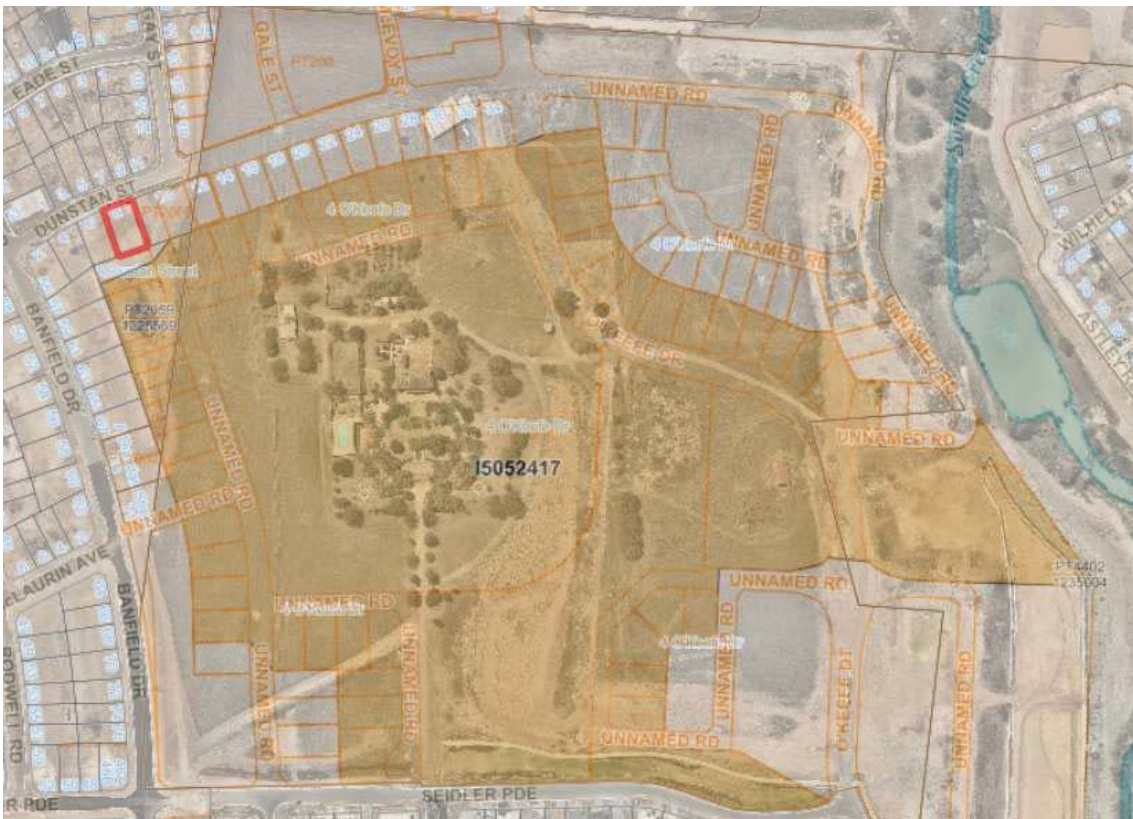


Figure 4: Location of the subject site in relation to the state listed heritage item (SHR:1695) - Oran Park House

The DA is subject to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Appendix 9, Camden Growth Centres Precinct Plan).

A maximum height of buildings development standard of 5 metres is prescribed for this site under clause 4.3 of Appendix 9 and the SEPP Height of Buildings Map. The proposed development has a maximum height of 9 metres, thereby exceeding the 5 metre height limit prescribed for this lot under the SEPP Height of Buildings Mapping (for the land around Oran Park House). The proposed development is however in accordance with the 9 metre building limit for land elsewhere in this precinct and immediately opposite the site.

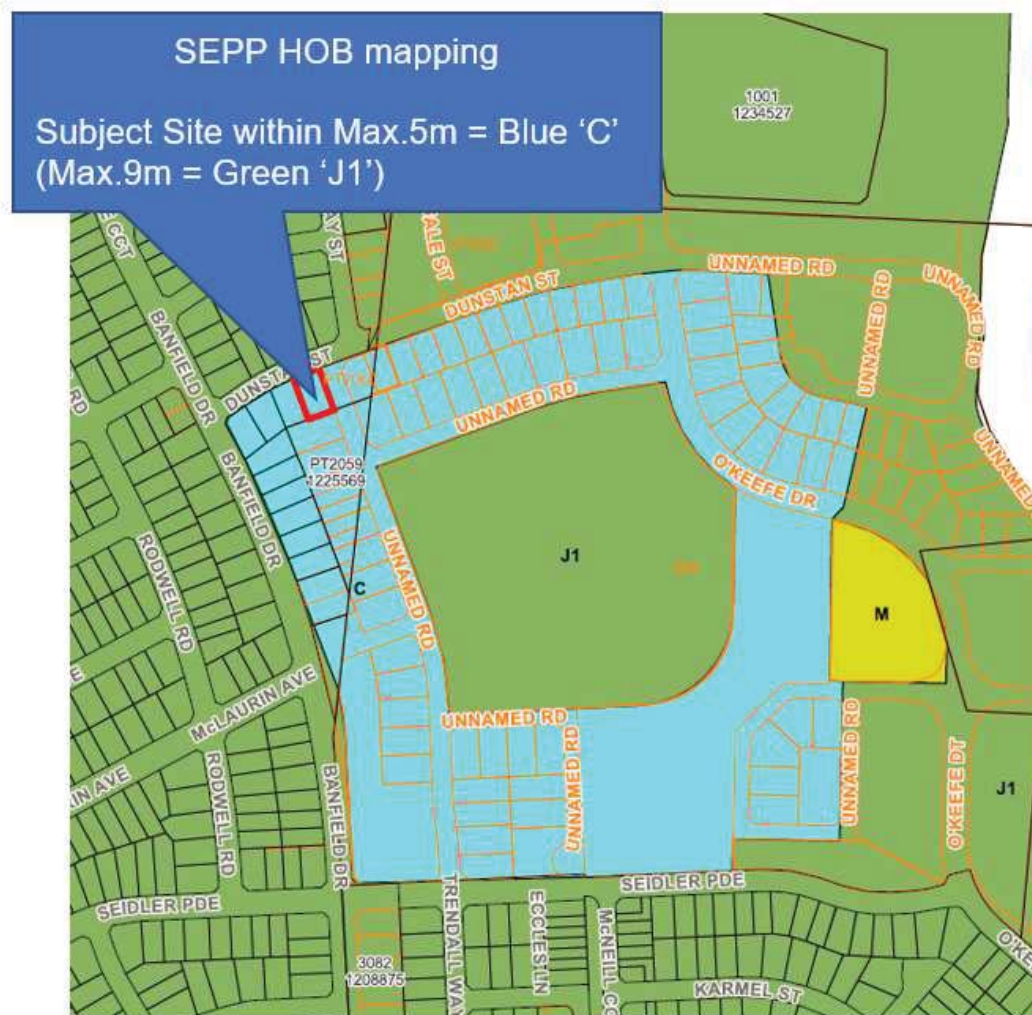


Figure 5: Height of Buildings Mapping in accordance with the State Environmental Planning Policy Growth Centres (2006) Maps

The 5 metre building height limit imposed on the site is the result of an anomaly or error in the drafting of the Height of Buildings Map in the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP).

The precursor studies and the relevant objectives and controls contained in Camden Growth Centres Precinct DCP indicate that the subject site was not intended to be included in the single storey / 5m building height area prescribed for the land surrounding the heritage item that is within the listed heritage curtilage. As shown below, the Oran Park House Quarter Concept (Figure 4-2 in the Camden Growth Centres Precinct DCP – Catherine Fields (Part) Precinct) identifies the site within area 7B Low Density residential (double storey) and not 7A Low Density residential (single storey) area.



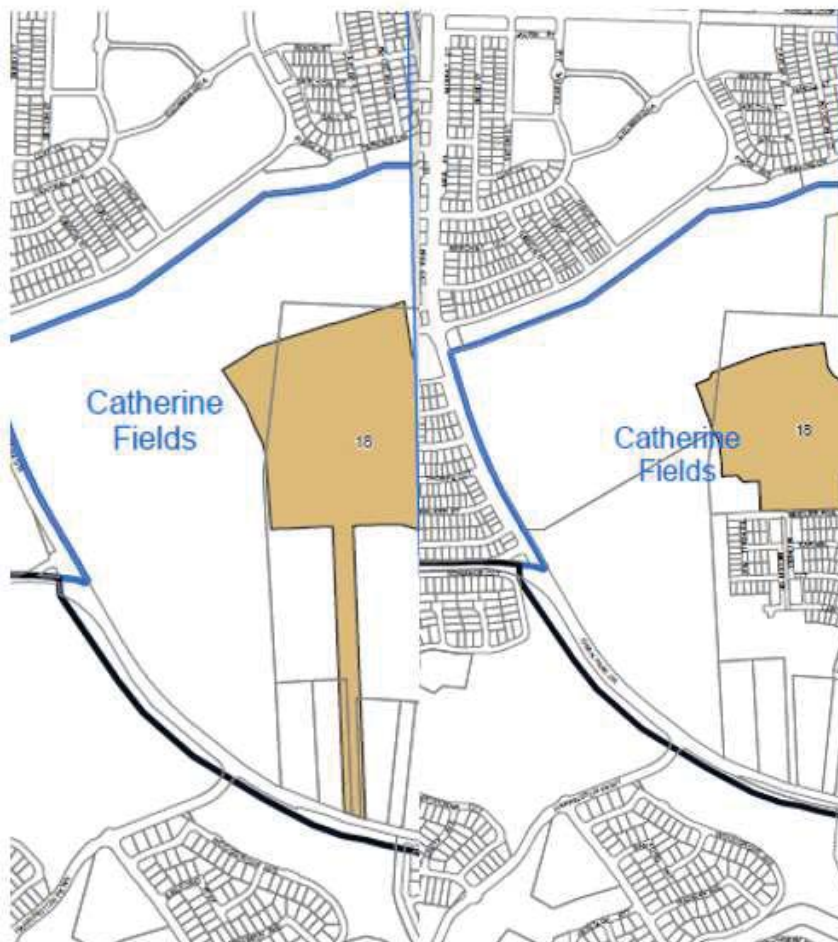
Figure 4-2: Oran Park House Quarter Concept

Figure 6: Oran Park House Quarter Concept - Camden Growth Centres Precinct DCP – Catherine Fields (Part) Precinct

This mapping was intended to protect the view corridors to the heritage item from public spaces. Consistent with the studies and the DCP, the single storey building height limit was not intended to extend to the subject site. The subject site is located to the rear of the item away from key view corridors and sight lines.

Council's Heritage Officer confirmed that the conflict between the DCP, the precursor studies and the Height of Building mapping in accordance with the SEPP resulted in erroneous SEPP mapping, and that single storey dwellings were never exclusively intended for this site.

Also, the precursor studies and the controls in the DCP were based upon consideration of the original heritage curtilage for Oran Park House. The heritage listing in the SEPP, was amended in 2017 following the listing of Oran Park House in the State Heritage Register.



Listing up to 1 June 2017

Listing from 1 June 2017

Figure 7: Amendments to the heritage listing for Oran Park House – 1 June 2017

An application, DA/2018/1109/1, for the construction of a two-storey dwelling house with a building height of 8.2m at 2 Dunstan Street, Oran Park (Lot 1488) was approved by the Panel on 20 November 2018, following consideration of a written request under Clause 4.6 of the SEPP. The circumstances surrounding that approval are similar/identical to the case in point.

THE PROPOSAL

DA/2018/1338/1 seeks approval for the construction of a two storey dwelling house.

Specifically, the proposed development involves:

- The construction of a two storey dwelling house having a maximum height of 9 metres;
- Installation of an inground swimming pool and cabana; and
- Associated site works / landscaping

The estimated cost of the proposed development is \$600,000.

AREA MASTER PLAN

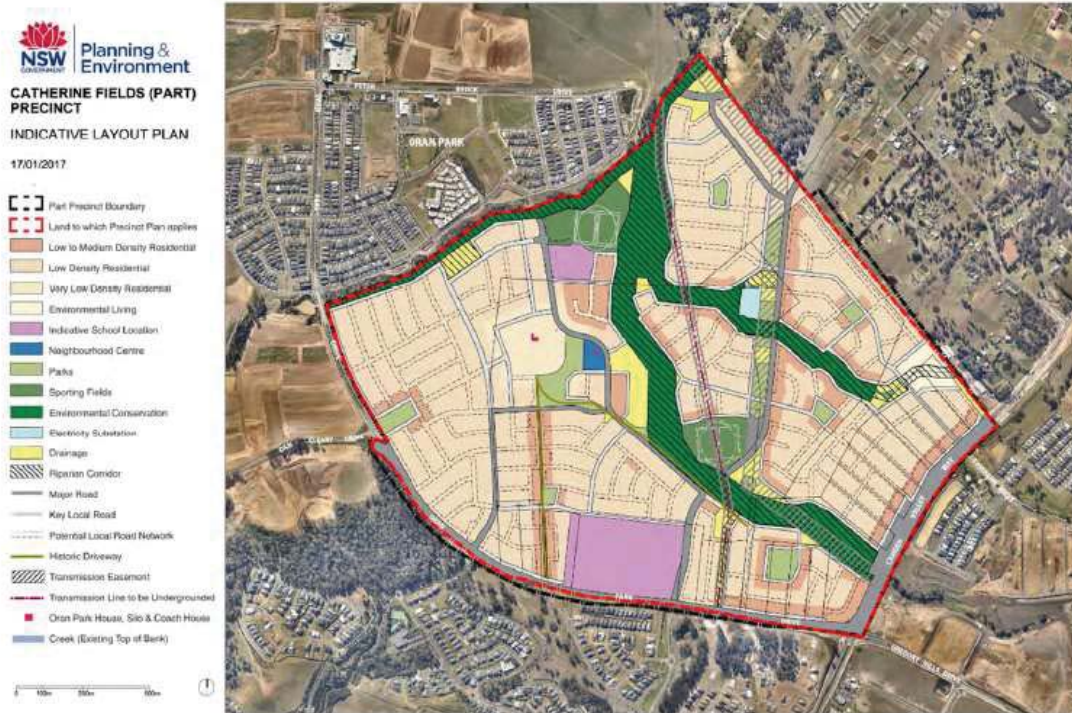


Figure 2-1: Indicative Layout Plan

Figure 8: Area Master Plan

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 proposed development are:

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy No 55 – Remediation of Land.
- Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River.
- 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 Development Application. The certificate demonstrates that the proposal will meet the required reduction targets and an appropriate condition of consent will be imposed to ensure future compliance with these targets.

State Environmental Planning Policy No. 55 – Remediation of Land



Contamination and remediation have been dealt with during the release and subdivision of the land for urban/residential purposes in this area. A Phase 2 contamination assessment was undertaken and submitted with the DA/2015/1517/1 for this part of the release area (*Report on Detailed Site Investigation, Tranches 31 to 34 Oran Park, Project 76618.37, Douglas Partners, June 2015*). One site required remediation, which was approved via DA/2015/1335/1. Identified areas of concern were not located in the vicinity of this lot.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

The proposed development is consistent with the aim of the SEPP (to protect the environment of the Hawkesbury-Nepean River System) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean system as a result of the proposed development, as the development proposes appropriate erosion and sediment control measures and water pollution control devices which will avoid adverse impacts on natural watercourses and ultimately the Hawkesbury-Nepean River system.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centre's SEPP)

Site Zoning

The site is zoned R2 – Low Density Residential pursuant to Appendix 9, clause 2.2 of the Growth Centre's SEPP.

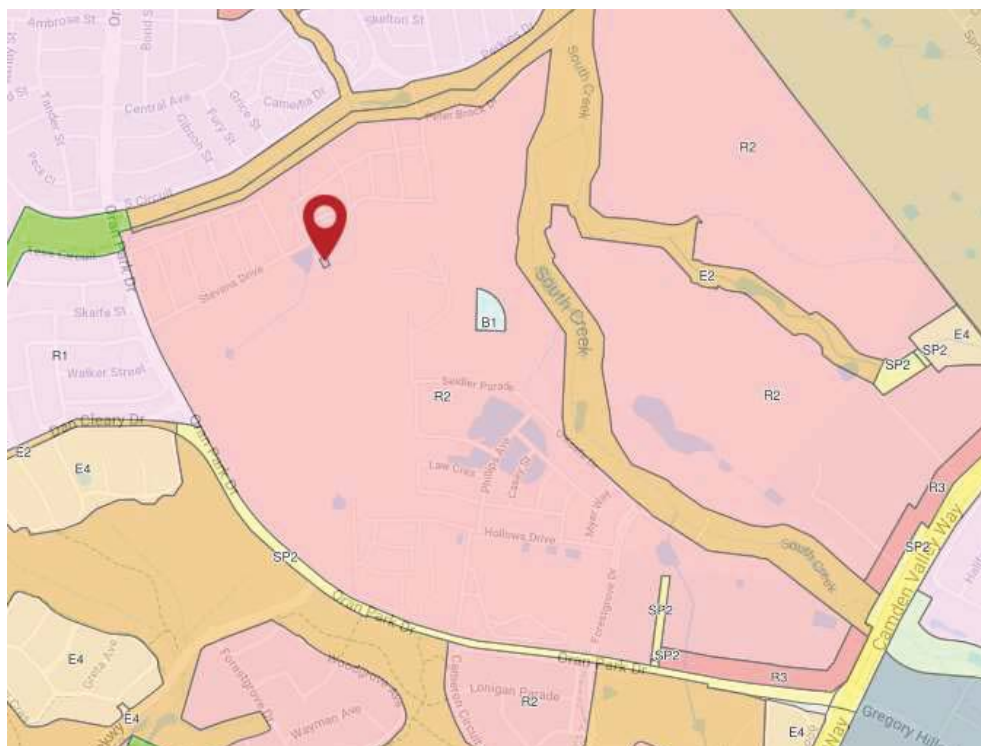


Figure 9: Land zonings – Growth Centres SEPP

Land Use/Development Definitions

The proposed development is defined as 'dwelling house' by the Growth Centres SEPP. The proposed inground swimming pool and cabana are permissible with consent being ancillary to the dwelling house.

Permissibility

The proposed development is permissible with consent in the R2 – Low Density Residential Zone pursuant to Clause 2.3 and the land use table contained in the Growth Centres SEPP. An assessment table in which the proposed development is considered against the Growth Centres SEPP is provided as an attachment to this report

Proposed Variation

Growth Centre's SEPP Variation – Clause 4.3 Height of Buildings

Growth Centre's SEPP Development Standard

Pursuant to Clause 4.3 of the Growth Centre's SEPP, the maximum height of buildings development standard applying to the land is 5 metres. The development proposes a two storey dwelling house with a ridge height of 9 metres, and therefore fails to comply with the maximum height of buildings development standard.

Variation Assessment

Pursuant to Clause 4.6(3) (Exceptions to Development Standards) of the Growth Centres SEPP, the applicant has submitted a written request seeking to justify the breach of the maximum height of buildings development standard on the basis that:

- *Compliance with the development standard is unreasonable or unnecessary in that the maximum 5m building height limit for the subject land is inconsistent with the recommended height controls for development surrounding Oran Park House, as set out in Schedule 4 Catherine Fields (Part) Precinct of the Camden Growth Centres Development Control Plan, and Figure 4.2 – Oran Park House Quarter Concept Plan.*
- *A precedent has been established by the approval of a 2 storey dwelling house exceeding the 5m height limit at 2 Dunstan Street, Lot 1488, which was approved by the Panel on 20/11/2018. The circumstances surrounding the variation to a 5m building height limit for the subject application would be very similar, if not identical.*
- *There are sufficient environmental planning grounds to justify contravening the development standard as the approval of a 2 storey dwelling would not be contrary to the environmental planning outcomes sought by the Oran Park House Quarter Concept Plan*
- *The proposal provides for a development that is consistent with the existing context of the area. The development is consistent with the objectives of the R2 Low Density Residential zone and the objectives of the maximum height of buildings for sites within the same vicinity of Oran Park House.*



- *The relevant objectives of the R2 zoning will be met as the proposed development sits comfortably within the overall intended low density residential environment of the locality.*
- *The height variation and the circumstances of the development do not raise any matters of State environmental planning significance.*
- *Maintaining the development standard would serve no public benefit in the circumstances of the case.*

A copy of the applicant's written request to contravene the maximum height of buildings development standard is provided as an attachment to this report.

Council Staff Assessment

In assessment of the applicant's written request, Council staff have considered the matters of consideration in respect to Clause 4.6. It is considered that the objectives of Clause 4.6(1) have been met. Pursuant to Clause 4.6(4) of the Growth Centres SEPP, it is considered that the applicant's justification adequately demonstrates the matters required to be demonstrated by Clause 4.6(3) of the Growth Centres SEPP have been met.

Council staff have reviewed the applicants written request and recommend that the variation request be supported for the following reasons:

- The variation to maximum height of building development standard is driven by an anomaly within the drafting of the SEPP that results in the 5 metre height restriction applying to the subject land even though the precursor studies and the relevant objectives and controls in the Camden Growth Centre Precinct DCP support the premise that the subject site was not intended to be included in the single storey / 5 metre building height area surrounding the heritage item.
- The proposal is similar in area and character to other dwellings that have been granted consent within other nearby streets in the Catherine Park Precinct, including the 2 storey dwelling house at 2 Dunstan Street, Lot 1488, which was approved by the Panel on 20 November 2018.
- The variation to the maximum height of buildings development standard does not result in residential amenity impacts upon surrounding properties and does not result in any impacts on key view corridors / sight lines around Oran Park House.
- Despite the numerical variation to the maximum height of buildings development standard, the proposed development satisfies all other key development controls pertaining to site coverage, landscaping and private open space;
- The variation does not result in residential amenity impacts upon surrounding properties;
- The proposed development is consistent with the objectives of the HoB development standard which seeks to maintain and preserve a state heritage item; and
- The objectives for the development are consistent with the zoning which include housing needs within a low density residential environment and a diverse range of housing types to meet community housing with a low-density environment.

Based on the above, it is considered that compliance with the development standard is unreasonable and unnecessary in the circumstances of this case and there are sufficient environmental planning grounds to justify contravening the development standard in this instance.

The Panel has the assumed concurrence of the Secretary of the Department of Planning and Environment. In this regard, the contravention of the development standard does not raise any matter of significance for State or regional environmental planning. To the extent that there is any public benefit in maintaining the development standards, that benefit is not of determinative weight, noting compliance with Clause 4.6(1) and the matters raised above.

Consequently, it is recommended that the Panel support this proposed variation to the Growth Centres SEPP to permit the proposed development.

Clause 5.10 Heritage Conservation

Pursuant to clause 5.10(5), while the proposed dwelling house is within the vicinity of Oran Park House it would not affect its heritage significance. The subject site is located to the rear of the item away from key view corridors and sight lines.

(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 SEPP

The exhibition period for the Draft Environment SEPP ended on 31 January 2018. The purpose of the SEPP is to consolidate seven (7) existing SEPP's into a consolidated document to simplify the controls for a number of water catchments, waterways, urban bushland and the Willandra Lakes World Heritage Property. Within this SEPP, the only relevant SEPP is SREP No. 20 Hawkesbury – Nepean River, which has been considered as part of this assessment.

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

The development control plans that apply to the proposed development are:

- Camden Development Control Plan 2011.
- Camden Growth Centres Development Control Plan 2016.

Camden Development Control Plan 2011 (Camden DCP)

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

Camden Growth Centres Development Control Plan 2016

An assessment table in which the proposed report is considered against the Camden Growth Centres 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 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 above assessment, the proposed development is unlikely to have a significant negative impact 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 proposed development.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Growth Centres Development Control Plan 2016/ Camden Development Control Plan 2011. The exhibition period was from 30 November 2018 to 13 December 2018.

There were no submissions.

(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 proposed development is consistent with the public interest.

EXTERNAL REFERRALS

No external referrals were required for this DA.

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 written request to vary clause 4.3 - maximum height of buildings development standard, pursuant to Clause 4.6 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Camden Growth Centres Precinct Plan, and**
- ii. approve DA/2018/1388/1 for the construction of a two storey dwelling house at 8 Dunstan Street, Oran Park subject to the attached conditions of consent.**

REASONS FOR DETERMINATION

1. The proposed development, subject to the recommended conditions, is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy (Sydney Region Growth Centres) 2006, State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, State Environmental Planning Policy No 55 – Remediation of Land and Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River.
2. The IHAP has considered and accepted the proposed maximum building height development standard variation request to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The proposed variation is considered acceptable in the particular circumstances of this case as the variation does not result in any impacts on key view corridors / sight lines around Oran Park House and will not result in residential amenity impacts upon surrounding properties.
3. The proposed development is, subject to the recommended conditions, consistent with the objectives of the applicable development control plans, being Camden Development Control Plan 2011 and Camden Growth Centres Development Control Plan 2016.
4. The proposed development is considered to be of an appropriate scale and form for the site and the character of the locality.
5. The proposed development, subject to the recommended conditions, is unlikely to have any unacceptable adverse impacts upon the natural or built environments.
6. In consideration of the above reasons, the proposed development is a suitable and planned use of the site and its approval is within the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Proposed Plans
3. Proposed Floor Plans - *Supporting Document*
4. LEP and DCP Assessment Tables
5. Clause 4.6 Written Request

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 documentation, and all recommendations made therein, except where amended by the conditions of this development consent:

Plan Reference/ Drawing No. Job 1.392/18	Name of Plan	Prepared by	Date
Sheet 2/13	Site Plan	VB Design	03/01/2019 Issue C
Sheet 3/13	Sediment Control Plan		
Sheet 5/13	Ground Floor Plan		
Sheet 6/13	First Floor Plan		
Sheet 7/13	Elevations - West & North		
Sheet 8/13	Elevations - East & South		
Sheet 9/13	Section A-A		
Sheet 10/13	Pool		
Sheet 11/13	Cabana		
Sheet 13/13	Stormwater Diagrams		

Document Title	Prepared by	Date
BASIX Certificate No: 956326S	Sustainability-Z Pty Ltd	26/8/2018
Waste Management Plan		3/9/2018

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

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

This 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.

- (6) **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 PCA prior to the excavation commencing.

- (7) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of tram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

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

- (8) **Swimming Pools and Spas** - The swimming pool/spa shall comply with:
- a) the *Swimming Pools Act 1992*;

- b) the Swimming Pools Regulation 2008;
- c) AS 1926.1-2012 'Swimming Pool Safety' Part 1: Safety barriers for swimming pools;
- d) AS 3500.2-2003 'Plumbing and drainage – Sanitary plumbing and drainage';
- e) AS1926.3 'Water recirculation systems'; and
- f) the BCA.

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 Certifying Authority.
- (2) **Building Platform** - This consent restricts excavation or fill for the purposes of creating a building platform. The building platform shall not exceed 2m from the external walls of the building. Where the external walls are within 2m of any property boundary, no parallel fill is permitted and a deepened edge beam to natural ground level shall be used. Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.
- (3) **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 Certifying Authority prior to issue of a Construction Certificate.

- (4) **Salinity (Dwellings & Outbuildings)** – The dwelling, landscaping and associated works for the development shall comply with the requirements of the salinity management plan: *'Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision: Tranche 31-34 Oran Park South', prepared by Douglas Partners, Project No 76618.37-2, dated November 2015.*

Alternatively, a site specific analysis including recommendations, prepared by a suitably qualified consultant and referencing Australian Standard AS2870-2011 and Council's Engineering Specifications, shall be submitted to the Certifying Authority.

Details demonstrating compliance shall be provided to the Certifying Authority with the Construction Certificate application.

- (5) **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.
- (6) **Surface Water Collection from Swimming Pools and Spas** - Swimming pool surrounds and/or paving shall be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring properties. Details demonstrating compliance shall be provided to the Certifying Authority.
- (7) **Retaining Walls** – The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements;
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

Details demonstrating compliance shall be provided to the Certifying Authority prior to issue of a Construction Certificate.

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) **Notice of PCA Appointment** - 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 PCA, and of the person by whom the PCA was appointed;

- e) if the PCA is an accredited certifier, his, her or its accreditation number, and a statement signed by the accredited certifier consenting to being appointed as PCA; and
 - f) a telephone number on which the PCA may be contacted for business purposes.
- (2) **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 PCA/developer (only where no PCA 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.
- (3) **Construction Certificate Required** - In accordance with the *EP&A Act 1979*, construction 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 Certifying Authority;
 - b) a Principal Certifying Authority (PCA) has been appointed by the person having benefit of the development consent;
 - c) if Council is not the PCA, Council is notified of the appointed PCA 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 PCA is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (4) **Sign of PCA 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 PCA.

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

- (5) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.

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

- (6) **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.
- (7) **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.

4.0 - During Works

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

- (1) **Construction Hours** - All work (including delivery of materials) shall be restricted to the hours of 7.00am to 5.00pm Monday to Saturday inclusive. Work is not to be carried out on Sundays or Public Holidays.
- (2) **Compliance with BCA** - All building work shall be carried out in accordance with the requirements of the BCA.
- (3) **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.

- (4) **Retaining Walls** - The following restrictions apply to any retaining wall erected within the allotment boundaries:
 - a) retaining walls shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
 - b) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries;
 - c) retaining walls shall not be erected within drainage easements; and
 - d) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.
- (5) **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 PCA shall not permit construction works beyond the frame inspection stage until this work has been carried out.
- (6) **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.
- (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 PCA 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:

- a) all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - b) the wheels of vehicles leaving the site;
 - i) do not track soil and other waste material onto any public road adjoining the site; and
 - ii) fully traverse the site's stabilised access point.
- (10) **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.
- (11) **Swimming Pool Fence Design** - The swimming pool or spa must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence must comply with the following requirements:
- a) The swimming pool safety fencing must strictly adhere to the design and location approved with the development consent, and any conditions of the development consent;
 - b) Fences and gates must strictly comply with AS1926-2012 – Swimming pool safety – Part 1: Safety barriers for swimming pools;
 - c) Fencing shall have a minimum effective height of 1.2m;
 - d) All swimming pool gates shall be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure;
 - e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible); and
 - f) Boundary fencing forming part of the swimming pool safety fencing shall maintain a minimum effective height of 1.8m and a 0.9m non climbable zone (measured from the top of the inside of the barrier).

The swimming pool safety fencing must be installed prior to the swimming pool being filled with water. The PCA, or an accredited certifier must inspect the swimming pool safety fencing.

- (12) **Waste Water From Swimming Pools and Spas** - All swimming pool waste water shall be disposed of as follows:

Sand Filters

- a) Where a Sydney Water sewer is available – waste water shall be drained or pumped to the sewer, or

Where a Sydney Water sewer is not available (such as rural areas) – waste water shall be disposed of as follows:

- i) discharging to a rubble pit measured 600mm wide x 600mm deep x 3m long, located not less than 3m from any structure or property boundary; or
- ii) discharging to a tail out drain to disperse the water over a large grassed area or paddock, provided that the land fall does not direct water to buildings on the subject or adjoining properties, or create a nuisance to an adjoining property owner and subject to subclauses iii) and iv) below:-
- iii) waste water shall not be discharged to a septic tank or an on-site sewage management installation or disposal area; and
- iv) waste water shall not be discharged into a reserve, watercourse, easement or stormwater drainage system or otherwise adversely impact upon an adjoining property.

Cartridge Filters

Cartridge filters do not need to be connected to Sydney Water sewer or in rural properties to a rubble pit or tail out drain. However, when the cartridge needs cleaning it is to be hosed out in a location that does not adversely impact upon any effluent disposal area and adjoining properties, and must not cause water to enter a waterway, the stormwater system or roadway.

- (13) **Building Platform** - This approval restricts excavation or fill for the purposes of creating a building platform for the swimming pool. This area should not exceed 2 metres from the footprint of the swimming pool. Furthermore, any excavation or fill must not exceed 500mm in height and be placed closer than 500mm to the boundary, unless otherwise specifically approved by Council.

5.0 - Prior to Issue of an Occupation Certificate

The following conditions of consent shall be complied with prior to the issue of an Occupation Certificate.

- (1) **Occupation Certificate Required**- An Occupation Certificate shall be obtained prior to any use or occupation of the development.
- (2) **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 PCA.
- (3) **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.
- (4) **Waste Management Plan** - The PCA shall ensure that all works have been completed in accordance with the approved waste management plan referred to in this development consent.
- (5) **Filter & Recirculation Systems** - Prior to issue of an Occupation Certificate, a certificate of compliance, or other documentary evidence confirming that the

proposed recirculation system and filtration system complies with AS1926.3, must be provided to the PCA.

- (6) **Swimming Pool Register** - In accordance with Part 3A of the *Swimming Pools Act 1992* all swimming pools (including spas) are required to be registered on the NSW Swimming Pools Register. You can register your Swimming Pool online at www.swimmingpoolregister.nsw.gov.au

Prior to the issue of any occupation certificate you are required to provide evidence in the form of the Certificate of Registration to the PCA.

- (7) **Warning Notice** - A warning notice complying with the provisions of Clause 10 of the *Swimming Pools Regulation 2008*, must be displayed and maintained in a prominent position in the immediate vicinity of the swimming pool, in accordance with Section 17 of the *Swimming Pools Act 1992*.

The PCA shall ensure that this warning notice is provided and displayed prior to the issue of the Occupation Certificate.

Council also recommends that all owners and/or users of swimming pools obtain a copy of the 'Cardiopulmonary Resuscitation Guideline' known as "Guideline 7: Cardiopulmonary Resuscitation" published in February 2010 by the Australian Resuscitation Council (available through www.resus.org.au).

- (8) **Swimming Pool Landscaping** - Landscaping of the swimming pool enclosure and surrounds including the provision of outdoor furniture, construction of barbecues and pergolas must not reduce the effectiveness of the swimming pool safety fencing. All landscaping, furniture, and other similar structures shall be located at least 900mm from the outside of the pool safety fencing.
- (9) **Swimming Pool Barrier Certification** - Certification from the supplier of the swimming pool barrier is to be submitted to the PCA. The certification must state that the swimming pool barrier materials comply with the applicable Australian Standards.

6.0 – Ongoing Use

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

- (1) **Residential Air Conditioning Units** - The operation of air conditioning units shall operate as follows:
- a) be inaudible in a habitable room during the hours of 10pm – 7am on weekdays and 10pm to 8am on weekends and public holidays; and
 - b) emit a sound pressure level when measured at the boundary of any neighbouring residential property, at a time other than those specified in (a) above, which exceeds the background (LA90, 15 minutes) by more than 5dB(A). The source noise level shall be measured as a LAeq 15 minute.
- (2) **Noise Nuisance Prevention** - The motor, filter, pump, and all sound producing equipment associated with or forming part of the swimming pool filtration system must be located so as not to cause a nuisance to adjoining property owners.

Should a noise nuisance arise, Council may serve Orders issued pursuant to the *Environmental Planning and Assessment Act 1979* requiring remedial works to be carried out. Action may also be initiated by the PCA where the PCA is not Council.

The location of equipment that causes offensive noise may require the equipment to be located within a suitable acoustic enclosure, or the relocation of such equipment.

- (3) **Prohibitions Within Swimming Pool Enclosure** - The area contained within the swimming pool safety fencing enclosure must not be used for other non related activities or equipment, such as the installation of children's play equipment or clothes drying lines.
- (4) **Swimming Pool Water Health Standards** - To maintain hygienic conditions, the swimming pool/spa must be maintained in a clean and healthy condition at all times. For this purpose the following health standards must be maintained:
 - a) Chlorination without Cyanurate Sun Stabiliser
Free chlorine concentration must be maintained within the following range:

Outdoor swimming pools - not less than 1mg per litre;

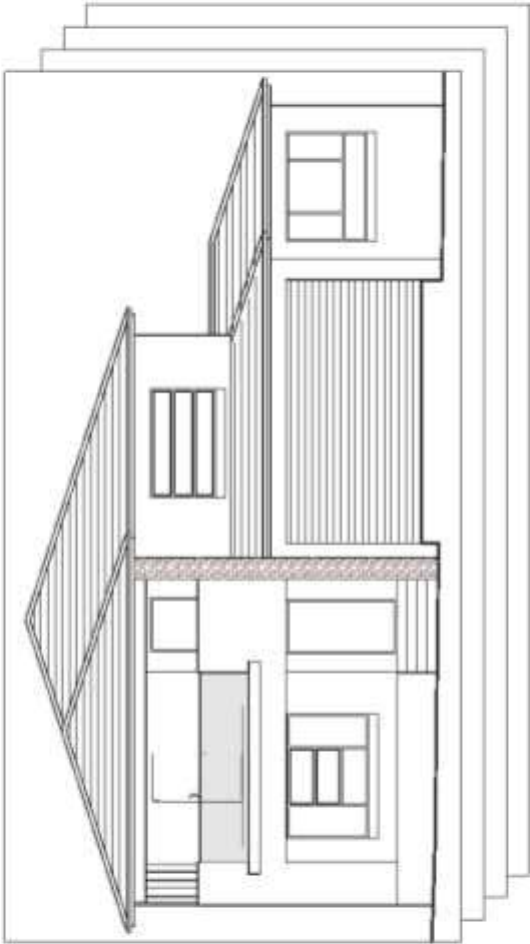
Indoor swimming pools - water temperature 26 degrees C or below, not less than 1.5mg per litre;

water temperature above 26 degrees C not less than 2mg per litre;
 - Note** – Cyanurate compounds must not be used in the disinfecting of indoor swimming pools and spa water.
 - b) Chlorination with Cyanurate (Sun Stabiliser Added)
Free residual chlorine concentration must be not less than 3mg per litre.
The Cyanurate concentration must be maintained within the range 25 to 50mg per litre;
 - c) pH must be maintained within the range of 7.5 and 8.1;
 - d) Reserve Alkalinity

Where sodium or calcium hypochloride is used, must be not less than 60mg per litre; and
 - e) Sodium hypochloride – liquid chlorine
Calcium hypochloride - granulated chlorine

Note – The above information is supplied by the NSW Department of Health.

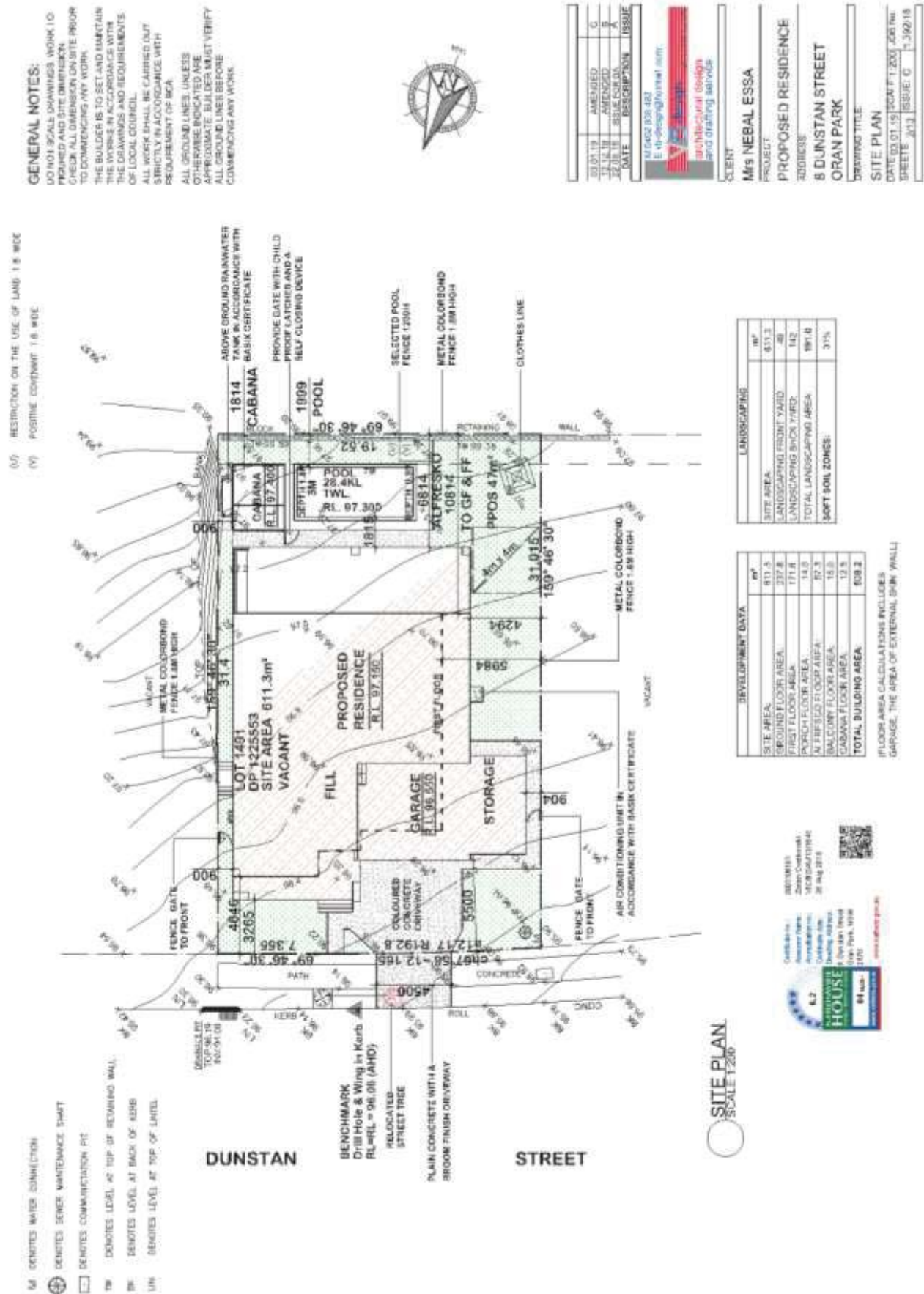
PROPOSED DWELLING HOUSE
8 DUNSTAN STREET, ORAN PARK

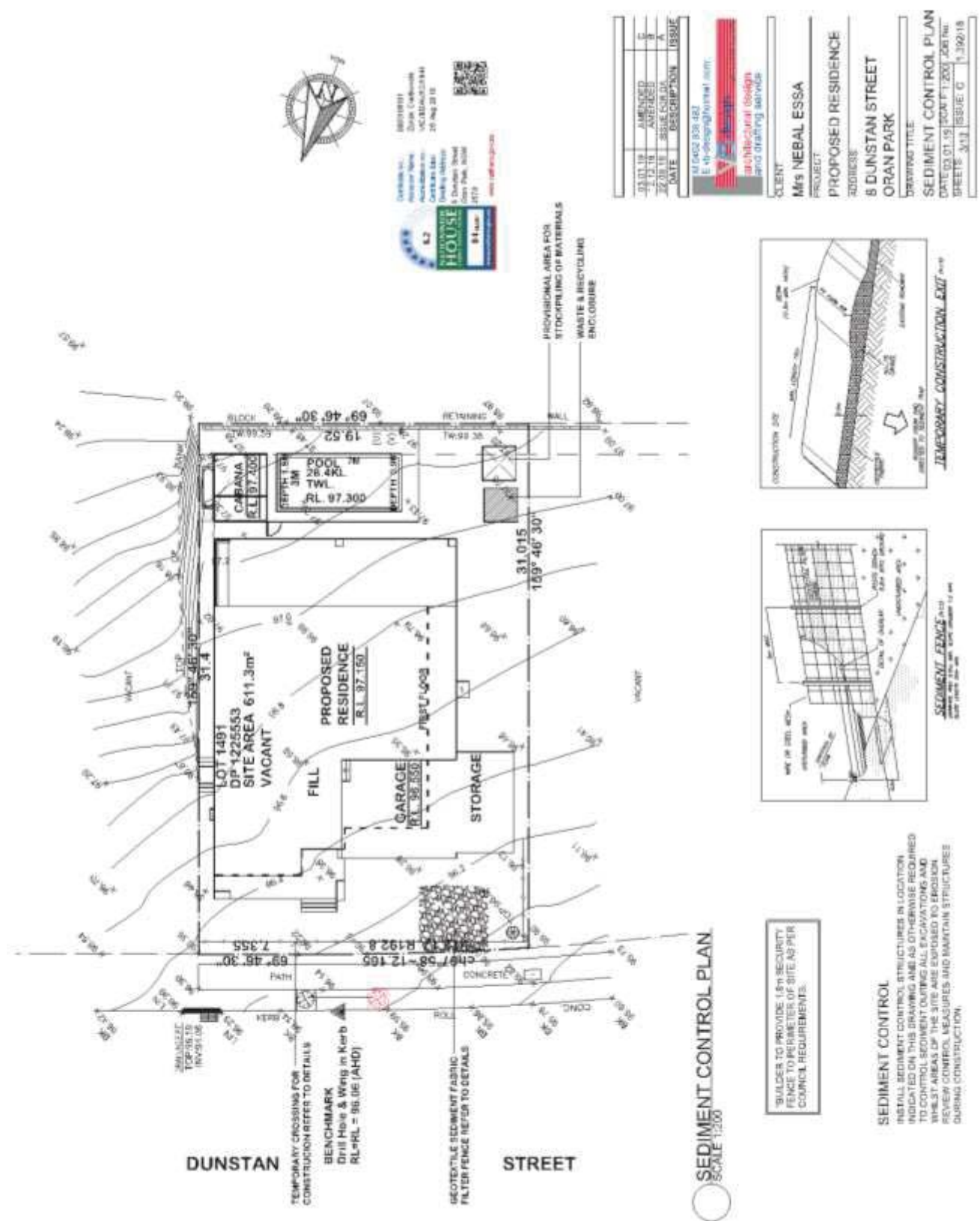


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AMENDED PLAN_REV "C" - 03.01.2019
DA/2018/1338/1

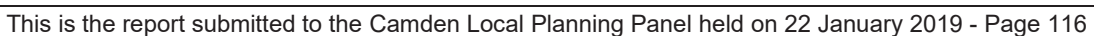


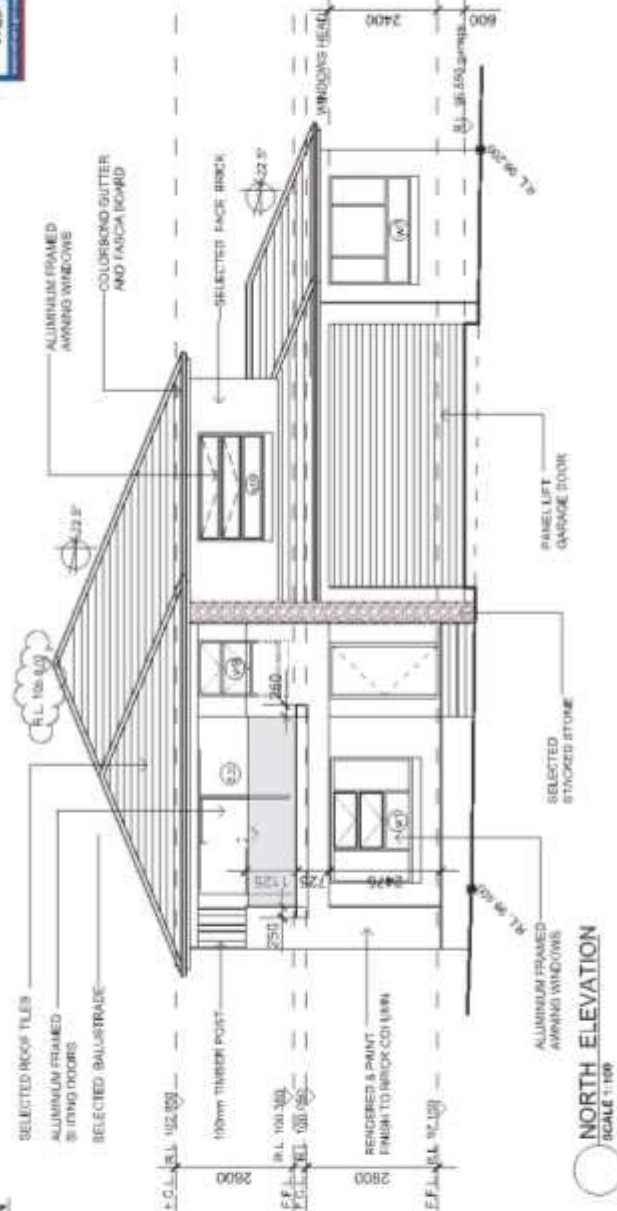




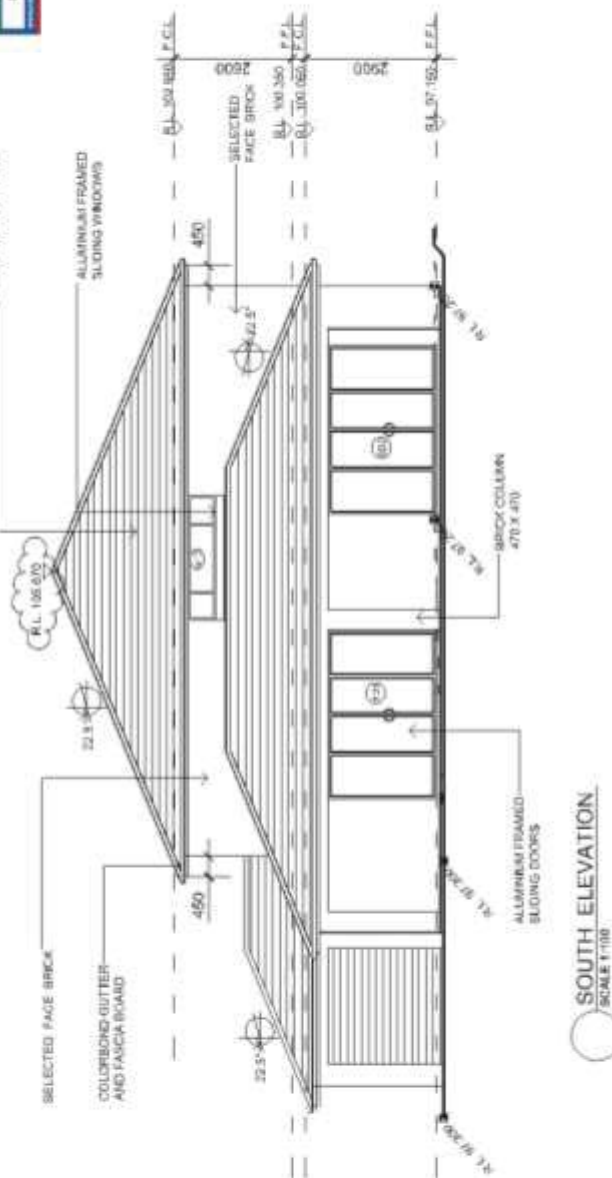
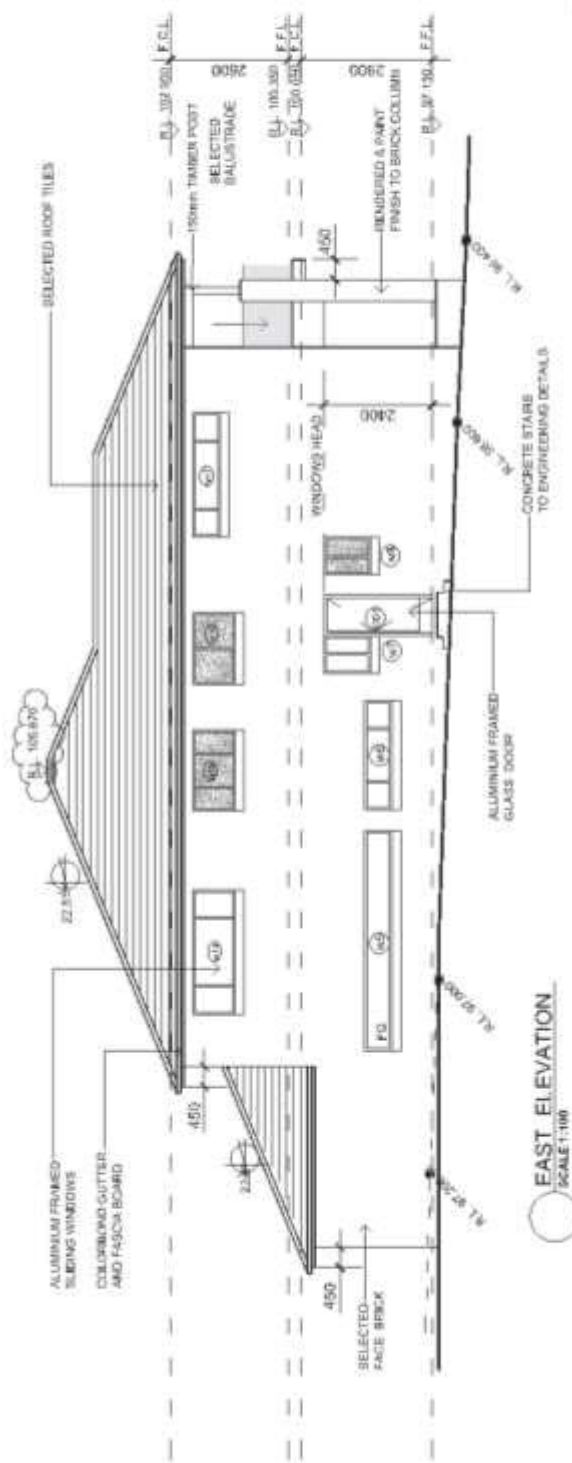
CLPP03

Attachment 2





CLIENT: Mrs NEBAL ESSA
PROJECT: PROPOSED RESIDENCE
ADDRESS: 8 DUNSTAN STREET
ORAN PARK
DRAWING TITLE:
DATE: 03.01.15
SHEET: 7/11
DATE: 03.01.15
SHEET: 7/11
DATE: 03.01.15
SHEET: 7/11



DATE	DESCRIPTION	ISSUE
02/02/18	AMENDED	C
12/12/18	AMENDED	B
22/01/18	NOTE FOR US	A

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and **Printing Service**

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PATIENT
Mrs NEBAL ESSA

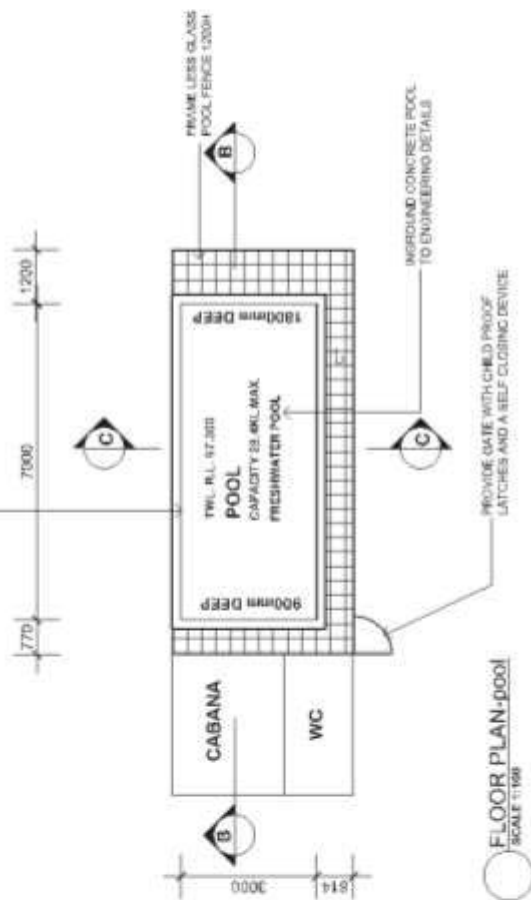
PROPOSED RESIDENCE

DUNSTAN STREET

ORAN PARK

CONCLUSIONS

DATE	ISSUE C	150218
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DATE	DESCRIPTION	ISSUE
22.08.18	STUE-HON-USA	A
12.10.18	AMF-20187	B
03.01.19	AMENDED	C

 MCGRAW-HILL
 1221 Avenue of the Americas
 New York, NY 10020-1396

Architectural design
and planning solutions

1000 JOURNAL OF CLIMATE

Mrs NEHAL ESSA

PROJECT _____

PROPOSED RESIDENCE

References

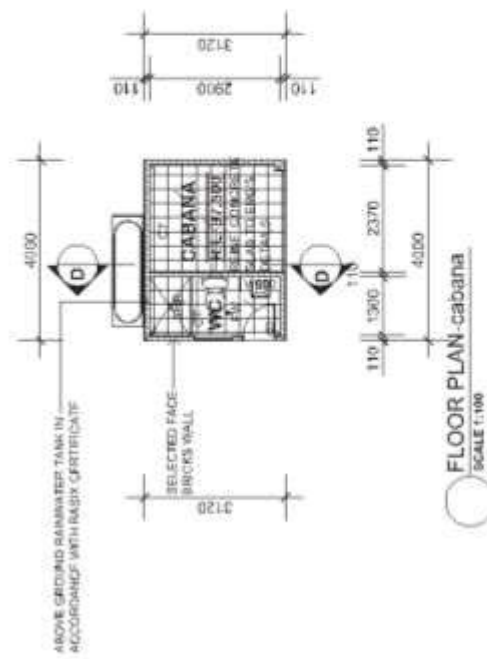
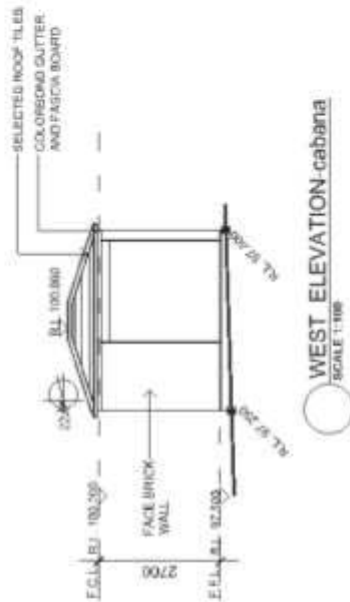
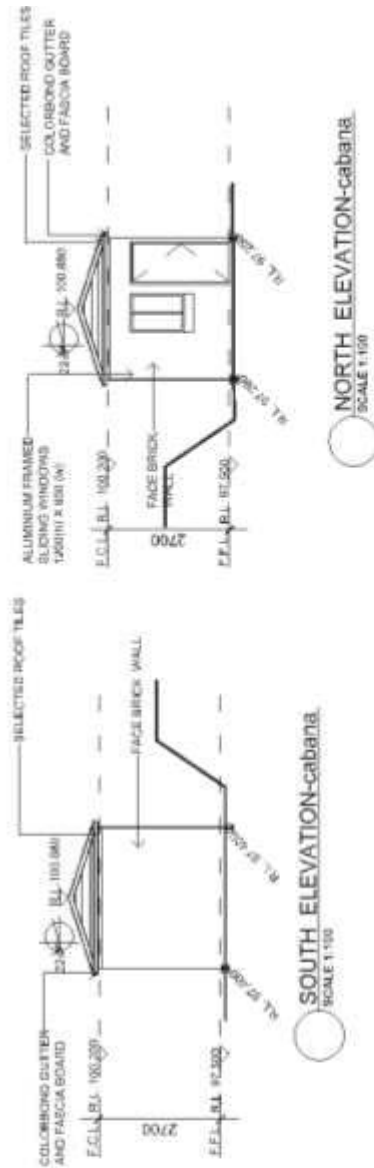
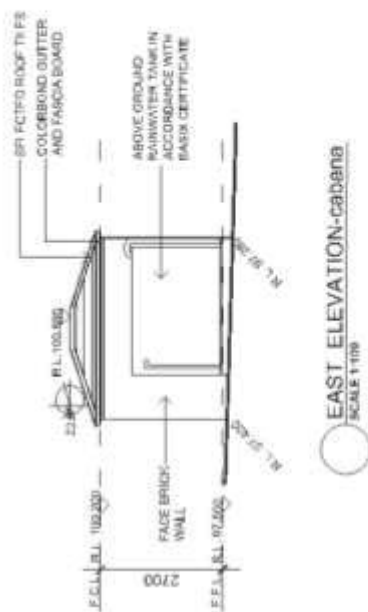
6 DUNSTAN STREET
CHANNINGWAY

URANI PARK

STILL MISSING

DATE 03 01 95 DEPT 11100 JCR PM.

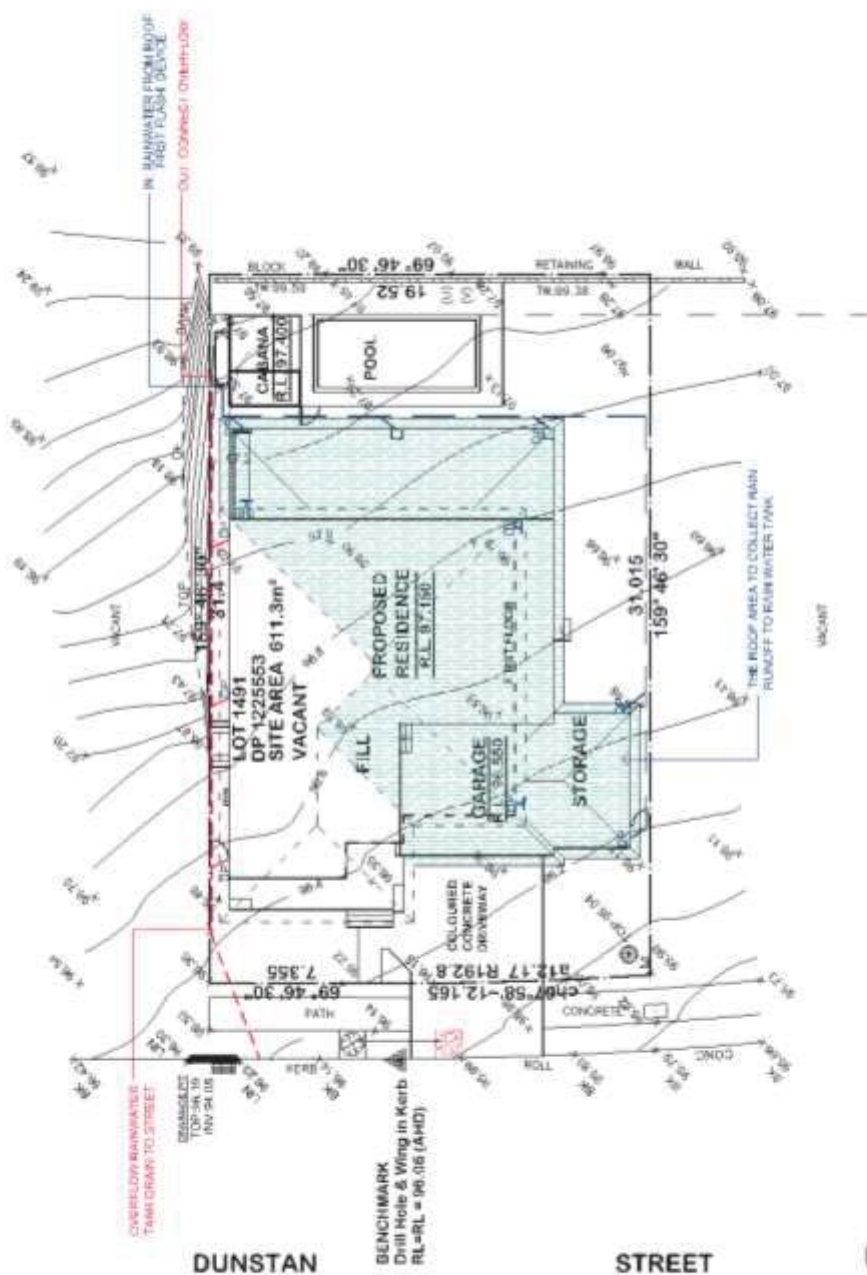
SHEETS	10-1	ISSUE: C	7.392.18
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DATE	DESCRIPTION	ISSUE
10.01.19	AMENDED	A
22.12.18	AMENDED	B
22.03.19	ISSUE FOR CONSTRUCTION	C

CLIENT	Mrs NEBAL ESSA
PROJECT	PROPOSED RESIDENCE
ADDRESS	8 DUNSTAN STREET
	ORAN PARK
DRAWING TITLE	CABANA
DATE	03.01.19
SHEETS	1/11
ISSUE	C





STORMWATER DIAGRAM
SCALE 1"=200'

DATE	DESCRIPTION	ISSUE
02.04.19	AMENDED	C
12.12.18	AMENDED	B
22.03.15	SUBJ FOR DA	A



STUDENT

Mrs NEBAL ESSA

PROJECT

PROPOSED RESIDENCE

[illegible]

6 DUNSTAN STREET
CORAN PARK

DRAWING TITLE: _____

STORMWATER DIAGRAMS

DATE 03-01-19	SCM F1-200	JOB NO.
SHEET 1	UNIT: C	4-10-18

Abstract

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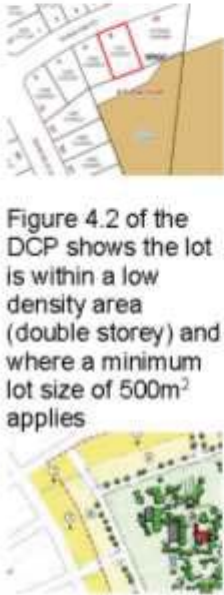
8.3
HOUSE
84 cases
Cognitive skills:
Attention, Memory
Social skills:
Communication
Cognitive skills:
Thinking skills in
Diverse Areas
Oral Skills, Writing
Skills

LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN ASSESSMENT TABLE

SEPP (Sydney Region Growth Centres) 2006 Development Standards			
	Standard	Proposed	Compliance
Height (cl.4.3)	≤ 5m	<p>A maximum 5m building height applies</p> <p>The proposed 2 storey dwelling house has a maximum height of 9 metres.</p>	No

Camden Growth Centres Precinct DCP Controls			
	Control	Proposed	Compliance
Site Analysis (4.1.1)	A site analysis plan must be provided	Site analysis plan provided	Yes
Cut & Fill (4.1.2)	Max 1m	< 1m	Yes
Sustainable Building Design (4.1.3)	Provision of a BASIX certificate	BASIX certificate has been provided	Yes
	Cross flow ventilation to be maximized	Suitable cross flow ventilation will be available	
Salinity, sodicity and aggressivity (4.1.4)	All development must comply with Salinity Management Plan	A salinity management plan is referenced in the relevant section 88B instrument which will be dealt with as a condition of consent.	Yes
Streetscape & Architectural Design (4.2.2)	Primary street façade to incorporate 2 design features	<p>entry feature / porch;</p> <p>balcony treatment to first floor element;</p> <p>recessing or projecting</p>	Yes

		architectural elements;	
Eaves (4.2.2)	≥ 450mm (except walls built to the boundary)	Minimum 450mm eaves provided to all elevations.	Yes
Roof pitch – main roof (4.2.2)	≥ 22.5° to ≤ 35°	22.5°	Yes
Front facades (4.2.2)	One habitable room window to the street	Ground floor study and first floor bedrooms face the street.	Yes
Streetscape (4.2.2)	Consistent street character (see Figure 4-3)	The proposed dwelling will provide for consistent residential street character.	Yes
Car Parking Requirements (4.2.8)	1 to 2 bedroom dwelling – 1 space > 2 bedroom dwelling – 2 spaces At least one space must be located behind the building line	More than 2 spaces can be provided, with wide double garage and parking on front driveway.	Yes
Visual & Acoustic Privacy (4.2.9)	Direct overlooking of main habitable areas & POS of adjacent dwellings minimised Windows not to face adjoining dwelling windows & POS (see DCP) Balconies not permitted on first floor side or rear portion of a dwelling (except where a balcony faces a public road/park)	Direct overlooking is minimized with first floor sitting room provided with a highlight window, otherwise the first-floor windows relate to bedrooms and bathrooms. First floor balcony opens off bedroom and faces the street	Yes
Fencing (4.2.10)	Front fence ≤ 1m Side/rear fence ≤ 1.8m	No front fencing proposed. 1.8m metal colorbond fencing to side and rear.	Yes

4.1 Development surrounding Oran Park House (Refer to: Figures 4.1/4.2)			
General			
	Control	Proposed	Compliance
Oran Park House State Heritage register curtilage	Subdivision and development - consent from Heritage Council (integrated development)	The lot is outside the curtilage / Heritage listing for Oran Park House	Yes
	To be generally consistent with indicative Oran Park House Quarter Concept, Figure 4.2	 <p>Figure 4.2 of the DCP shows the lot is within a low density area (double storey) and where a minimum lot size of 500m² applies</p>	
Special Heritage & Landscape Area	Consistent with relevant controls in section 4.1, see below		Yes
	Demonstrate no significant impacts upon the prominent nature of Oran Park House & Garden	There is a 1.8m retaining wall on the rear boundary of this lot and below the level of land/lot to the rear. The lots to the rear within the heritage curtilage of Oran Park House will be single storey. The lower level of this lot in conjunction with intervening	Yes

		future development of lots to the rear can minimize the impacts on Oran Park House and its curtilage.	
	Generally consistent with indicative Oran Park House Quarter Concept, Figure 4.2		Yes
	Development surrounding Oran Park House shall not detract from its visual prominence and its cultural landscape setting		Yes
	The first application for subdivision within the Special Heritage and Landscape Area (including the Oran Park House State Heritage Register curtilage (as proposed)) (refer to Figure 4-1) shall be accompanied by a detailed Public Domain, Landscape and Interpretation Plan	This does not involve further subdivision of the land and is not the first application for subdivision within the SHLA.	N/A

Front accessed dwellings with frontage width > 15m			
	Control	Proposed	Compliance
Front setback (4.2.3)	4.5m to building façade line or 3.5m if fronting open space	minimum 4.646m	Yes
Front articulation (4.2.3) Figure 4-4 to 4-6)	3m to articulation zone or 2m if fronting open space	3.265m	Yes
Garage line (4.2.3)	≥ 5.5m to garage line & ≥ 1m behind building	5.5m 1m	Yes
Side setback (4.2.4)	≥ 0.9m (ground) & ≥ 1.5m (side A) upper level and ≥ 0.9m (side B) upper level	Side A = 904mm ground floor and 5.984m upper floor. Side B = 900mm ground and upper levels.	Yes

Rear setback (4.2.4)	≥ 4m (ground) & ≥ 6m (upper)	6.814m to ground floor alfresco 10.814m to first floor	Yes
Height (4.2.1) Table 4-5	≤ 2 storeys. (3 storeys may be permitted see DCP – 4.2.5(1))	2 storeys but refer to Precinct Plan HOB maps – max 5m	Yes
Site Coverage (4.2.5)	Single storey dwellings ≤ 50% Two storey dwellings ≤ 50% at ground and ≤ 30% at upper floor	ground floor = 39% upper floor = 28%	Yes
Height of ground floor level (4.2.5)	≤ 1m above finished ground level	<1m	Yes
Landscaped area (4.2.6)	≥ 30% of lot area (excludes side setbacks)	landscaped areas approx. 195m ² = 31.8%	Yes
Principal private open space (4.2.7)	24m ² & min dimensions of 4m & gradient ≤ 1:10	>24sqm with 4m dimensions	Yes
Principal private open space solar access (4.2.7)	≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS and adjoining dwelling PPOS	Required solar access achieved.	Yes
Garage Size (4.2.1) – Table 4-5	Front or rear accessed single, tandem or double garage. No triple garages. Single width garages ≤ 3m or double garages door width ≤ 6m	Front accessed (wide) double garage, approx. 5.5 depth x 6.5m width. Adjoining storage area (with window, not roller door)	Yes

Swimming Pools			
	Control	Proposed	Compliance
Front Setback	Located behind building line	Located within the rear yard	Yes
Side and Rear Setback	1 metre (recommended)	side and rear setbacks > 1m	Yes
Privacy (D2.1.4)	Does not create adverse impact on privacy	located at the rear adjacent to rear reining wall, no privacy impacts	Yes

	Located away from bedroom areas of adjoining dwellings.		
Landscape	Minimum 30% Site	31%, excluding pool area	Yes
Private open space	≥ 20% Site Area		Yes
	Min PPOS of 24m ²	minimum 24m ²	Yes
Trees & Vegetation	Retain existing vegetation onsite	no existing vegetation	N/A
Site Constraints	Not impact on existing onsite sewerage management system and associated effluent disposal areas		No
	Existing infrastructure remains unaffected.		
Fencing (AS1926-2012)	Internal Fencing 1.2 metres with NCZ	Yes	Yes
	Boundary fencing 1.8 metres and 0.9 metre NCZ	1.8m fencing and rear retaining wall	
	Pool Gate Swing	outward	
	Windows Restricted	no windows within pool area	
	Doors not located within Pool Enclosure	no door within pool area, except for opening into poolside cabana	



Cnr Oran Park Drive &
Peter Brock Drive
Oran Park Town NSW 2570

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Fax: +61 2 9043 7591
ABN 31 133 939 965

CLPP03

14th December 2018

General Manager
Camden Council
70 Central Avenue
Oran Park NSW 2570

Dear Sir,

**DA 2018/1388/1 – REQUEST TO VARY DEVELOPMENT STANDARD – HEIGHT OF BUILDINGS
PROPOSED DWELLING HOUSE, DETACHED CABANA & INGROUND SWIMMING POOL
LOT 1491 DP 1225553, 8 DUNSTAN STREET, ORAN PARK**

1.0 Introduction

This request has been prepared on behalf of Mrs N S Essa, 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 as to why development consent can be granted, despite the development contravening a development standard. The relevant development standard is clause 4.3(2) *Height of Buildings* at Appendix 9 of the Growth Centres SEPP.

2.0 The Subject Land

The land the subject of the development application is known as Lot 1491 DP 1225553, 8 Dunstan Street, Oran Park. Dunstan Street is located to the north west of the heritage listed Catherine Park House.

3.0 The Development

Development consent is being sought to the construction of a 2 storey dwelling house, detached cabana and inground swimming pool.

4.0 Development Standard Contravened

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

- (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.

Attachment 5

The relevant *Height of Buildings Map* (Sheet HOB_004) stipulates a maximum height of 5m applying to the subject land.

5.0 Details of Contravention

The proposed dwelling house has a height greater than 5m. This is caused by the two-storey design of the building.

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 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.*

Why is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The application of a maximum 5m height of building limit for the subject land is not consistent with the recommended height controls for development surrounding the heritage listed Catherine Park House (formerly known as Oran Park House).

The location of the 5m building height limit area as shown on Sheet HOB_004 is intended to reflect the recommended height controls as detailed in *Figure 4-2: Oran Park House Quarter Concept* of Schedule 4 Catherine Fields (Part) Precinct of the Camden Growth Centre Development Control Plan. Along with height controls, Figure 4-2 contains other controls including residential density and minimum lot sizes.

At **Appendix 1** to this request is a plan overlaying residential lots, including Lot 1491, over Figure 4-2. As can be seen from the plan, Lot 1491 is located in *Area 7B* of Figure 4-2. *Area 7B* of the *Oran Park House Quarter Concept* allows for *Low Density Residential (double storey)*.

It is our understanding that this anomaly between Sheet HOB_004 and Figure 4-2 came about unintentionally as part of a SEPP amendment process. Greenfields met with Council on 27 June 2018 to discuss this same issue in relation to Lot 1488. At that meeting Council:

- (i) agreed that there is a discrepancy between Sheet HOB_004 and Figure 4-2;
- (ii) advised that Sheet HOB_004 is incorrect and a 5m height limit should not apply to Lot 1488;
- (iii) a housekeeping SEPP amendment would be undertaken to correct the anomaly. In the interim period, a clause 4.6 variation request would be the appropriate mechanism to address the anomaly.

A subsequent DA for a 2 storey dwelling exceeding the 5m height limit at Lot 1488 (DA 2018/1109) was approved on 20th November 2018.

It is our submission that the circumstances surrounding the variation of a 5m building height limit to Lot 1491 would be very similar, if not identical, to that for Lot 1488. On the basis of (i) the discrepancy of the Height of Building map Sheet HoB_004 with the *Oran Park House Quarter Concept Plan* and (ii) the precedent established by the approval of a 2 storey dwelling on Lot 1488, compliance with the 5m height limit development standard would be unreasonable and unnecessary in the circumstances of this case.

Are there sufficient environmental planning grounds to justify contravening the development standard?

The environmental planning grounds justifying the contravention of the development standard have for the most part been detailed above. In summary, the approval of a 2 storey dwelling on Lot 1491 would not be contrary to the environmental planning outcomes sought by the *Oran Park Quarter Concept Plan*.

7.0 Other matters for consideration

Clause 4.6(4) at Appendix 9 of the Growth Centres SEPP provides that Council must not grant consent to a development contravening a development standard unless it is satisfied that:

- (i) the written request adequately addresses the matters required to be demonstrated by sub-clause (3).
- (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 applicable land use zone.

In respect to (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 respect to (ii):

- The relevant objective of the *particular standard*, i.e. the 5m height restriction, is considered to be objective (b) of clause 5.10 (1) at Appendix 9 of the Growth Centres SEPP:

(b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views* (our emphasis)

The development is consistent with the outcomes sought by the *Oran Park Quarter Concept Plan*, which permits 2 storey dwellings at the location of Lot 1491. Accordingly, the development would have an acceptable impact on view lines to Catherine Park House, the relevant heritage consideration here.

- The relevant objective of the applicable *R2 Residential Low Density* land use zone is:

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

The proposed development sits comfortably within the overall intended residential environment of the locality.

The proposed development satisfies the 'public interest' test outlined at clause 4.6(4).

Clause 4.6(4)(b) requires the concurrence of the Director-General to the contravention of a development standard. Clause 4.6(5) outlines the matters the Director-General is required to consider in deciding whether to grant concurrence:

- (a) whether the contravention raises any matters of 'State environmental planning' significance.
- (b) The public benefit of maintaining the development standard.
- (c) Any other matters required to be taken into consideration.

The contravention dealt with by this request and the circumstances of the development do not raise any matters of State environmental planning significance.

Based on the discussions above, the maintaining of the development standard would serve no public benefit in the circumstances of this case.

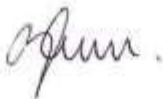
I am not aware of any other matters required to be taken into consideration.

8.0 Conclusion

This request has been made to provide justification as to why the proposed development, being a 2 storey dwelling house, detached cabana and inground swimming pool can be granted development consent despite the dwelling house contravening the applicable 5m height of building development standard at clause 4.3 at Appendix 9 of the Growth Centres SEPP.

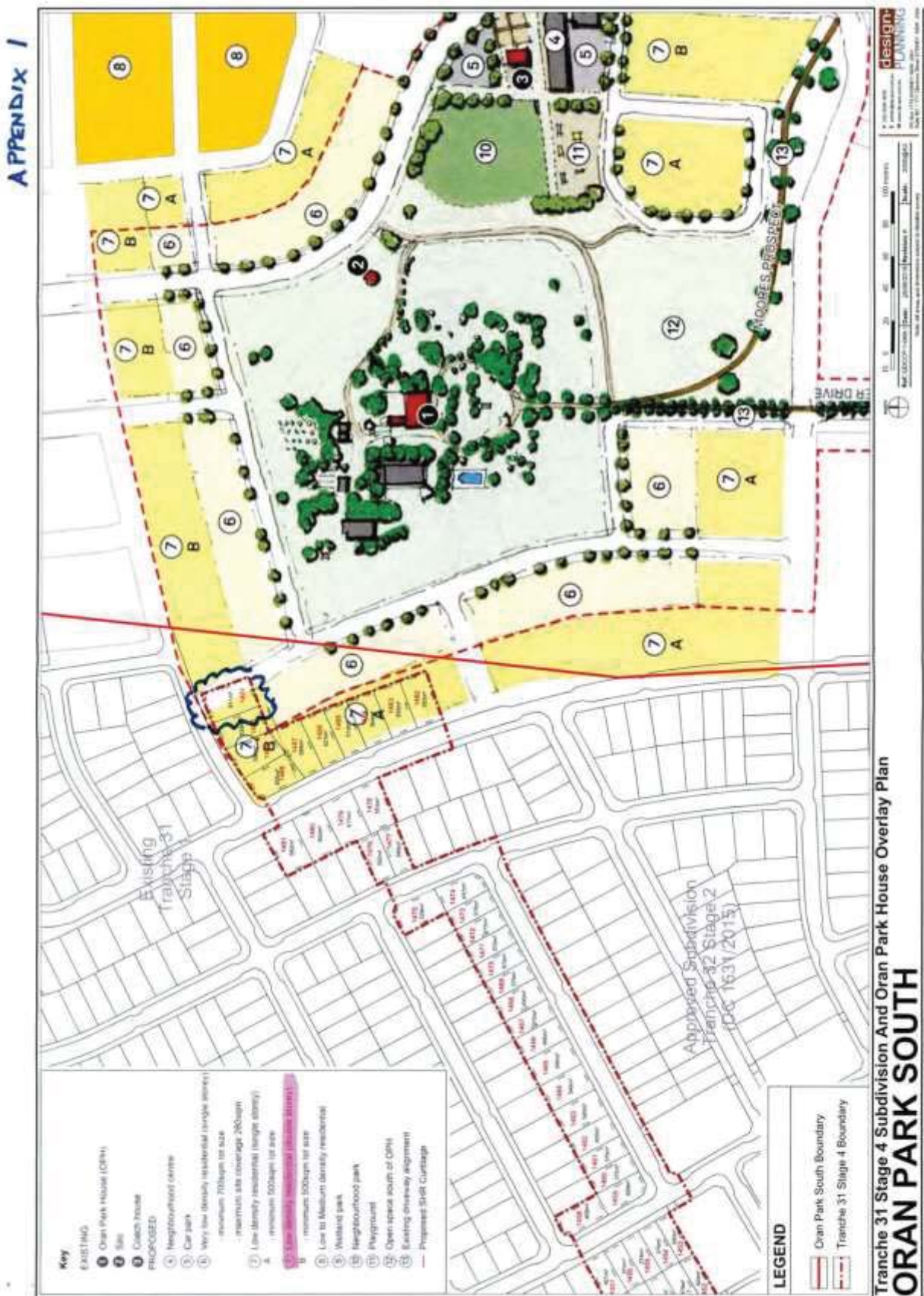
It is considered that the justification provided at Section 6.0 adequately deals with the matters required to be addressed by clause 4.6 and demonstrates environmental planning grounds that render strict compliance with the development standard as unreasonable and unnecessary. For the reasons outlined at Section 7.0 the proposed 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.



Paul Hume
Town Planner
Development Manager
Greenfields Development Company No. 2 Pty Limited

Appendix



PROPOSED DWELLING HOUSE

8 DUNSTAN STREET, ORAN PARK



CONTENTS:

COVER SHEET	1
SITE PLAN	2
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SITE ANALYSIS PLAN	4
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FIRST FLOOR PLAN	6
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DA/2018/1338/1

6.2
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HOUSE
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M DENOTES WATER CONNECTION

⊗ DENOTES SEWER MAINTENANCE SHAFT

□ DENOTES COMMUNICATION PIT

TW DENOTES LEVEL AT TOP OF RETAINING WALL

BK DENOTES LEVEL AT BACK OF KERB

LIN DENOTES LEVEL AT TOP OF LINTEL

(U) RESTRICTION ON THE USE OF LAND 1.8 WIDE

(V) POSITIVE COVENANT 1.8 WIDE

GENERAL NOTES:

DO NOT SCALE DRAWINGS. WORK TO FIGURED AND SITE DIMENSION. CHECK ALL DIMENSION ON SITE PRIOR TO COMMENCING ANY WORK.

THE BUILDER IS TO SET AND MAINTAIN THE WORKS IN ACCORDANCE WITH THE DRAWINGS AND REQUIREMENTS OF LOCAL COUNCIL.

ALL WORK SHALL BE CARRIED OUT STRICTLY IN ACCORDANCE WITH REQUIREMENT OF BCA.

ALL GROUND LINES, UNLESS OTHERWISE INDICATED ARE APPROXIMATE. BUILDER MUST VERIFY ALL GROUND LINES BEFORE COMMENCING ANY WORK.

DUNSTAN

STREET

BENCHMARK
Drill Hole & Wing in Kerb
RL=RL = 96.06 (AHD)

RELOCATED
STREET TREE

PLAIN CONCRETE WITH A
BROOM FINISH DRIVEWAY

SITE PLAN
SCALE 1:200



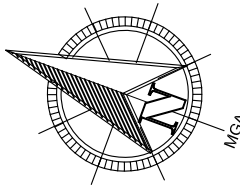
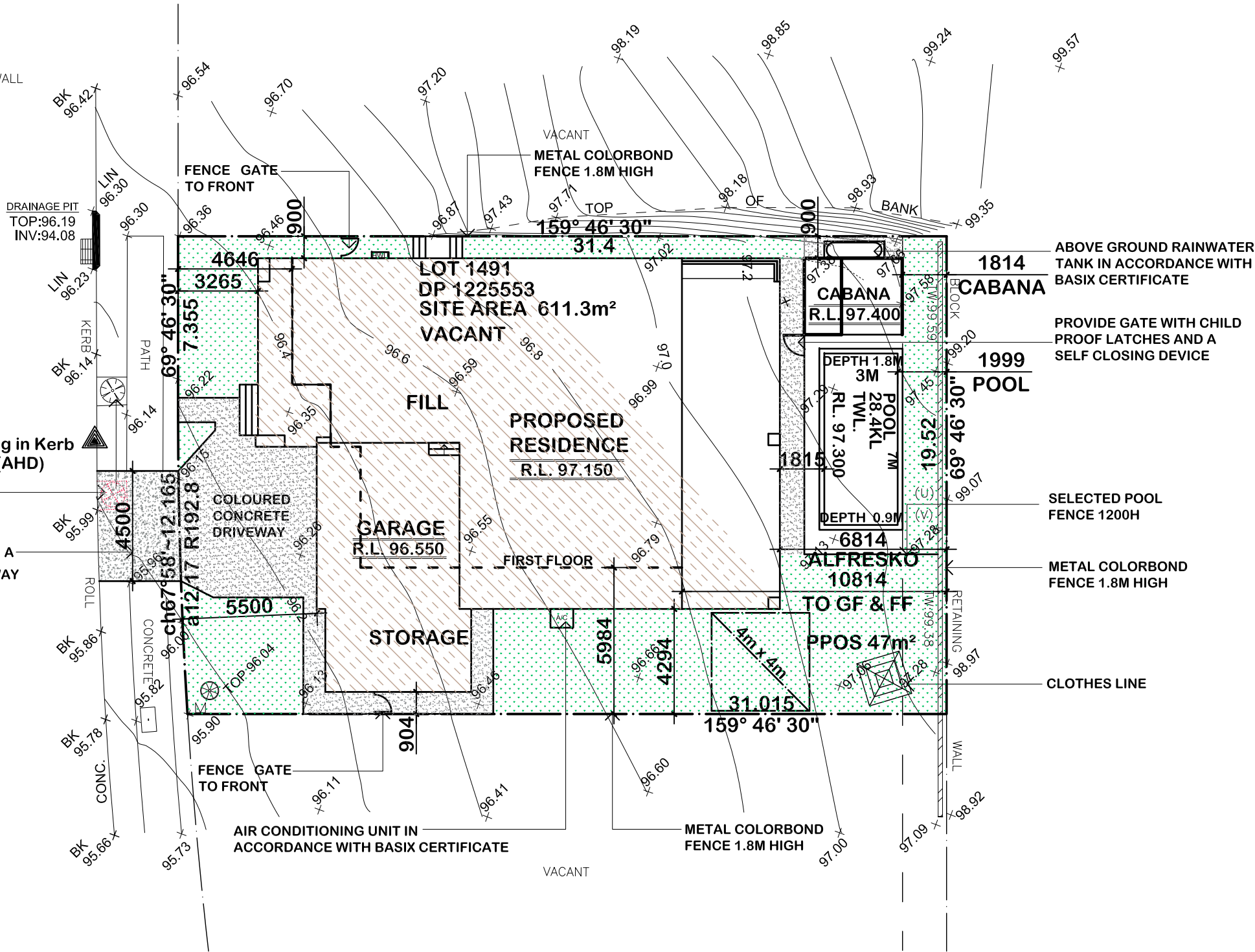
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DEVELOPMENT DATA	
	m ²
SITE AREA:	611.3
GROUND FLOOR AREA:	237.8
FIRST FLOOR AREA:	171.6
PORCH FLOOR AREA :	14.0
ALFRESCO FLOOR AREA:	57.3
BALCONY FLOOR AREA:	15.0
CABANA FLOOR AREA:	12.5
TOTAL BUILDING AREA:	508.2

(FLOOR AREA CALCULATIONS INCLUDES GARAGE, THE AREA OF EXTERNAL SKIN WALL)

LANDSCAPING	
	m ²
SITE AREA:	611.3
LANDSCAPING FRONT YARD:	49
LANDSCAPING BACK YARD:	142
TOTAL LANDSCAPING AREA:	191.0
SOFT SOIL ZONES:	31%



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22.08.18	ISSUE FOR DA	A

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CLIENT:

Mrs NEBAL ESSA

PROJECT:

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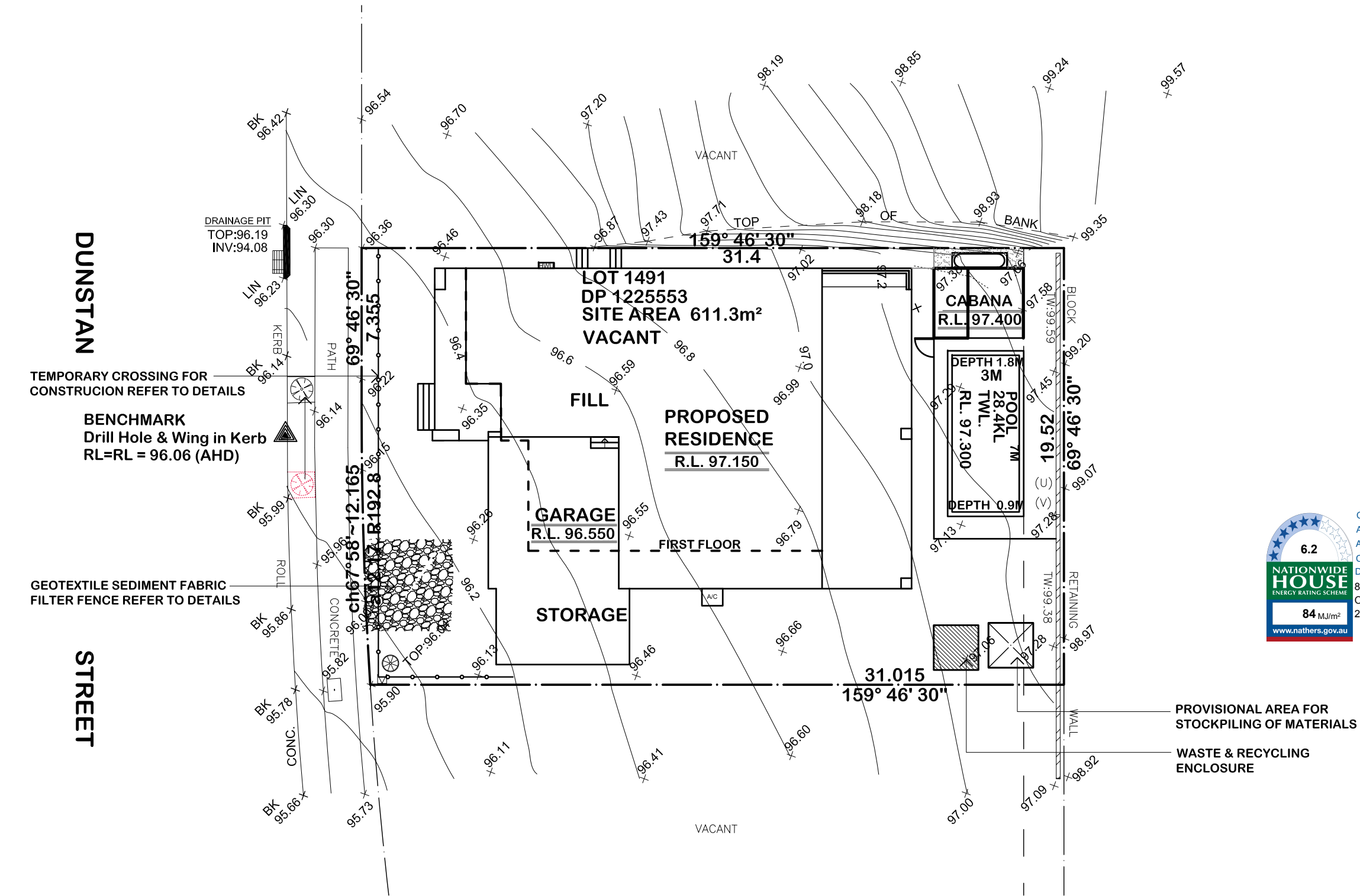
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8 DUNSTAN STREET
ORAN PARK

DRAWING TITLE:

SITE PLAN

DATE: 03.01.19	SCALE: 1:200	JOB No: 1.392/18
SHEETS: 2/13	ISSUE: C	



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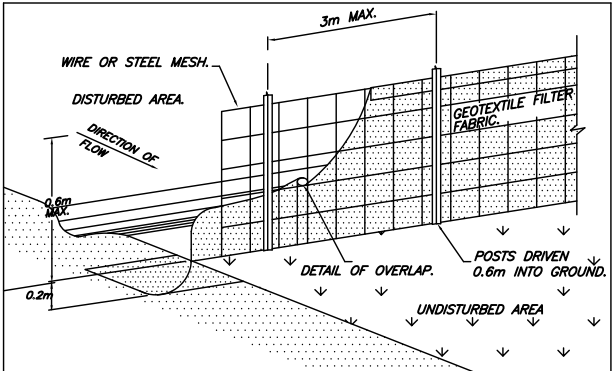
SEDIMENT CONTROL PLAN

SCALE 1:200

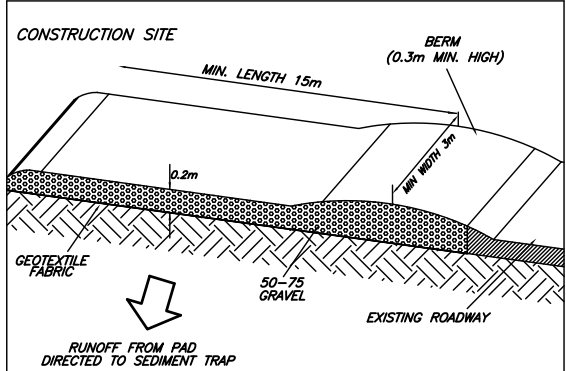
*BUILDER TO PROVIDE 1.8m SECURITY FENCE TO PERIMETER OF SITE AS PER COUNCIL REQUIREMENTS.

SEDIMENT CONTROL

INSTALL SEDIMENT CONTROL STRUCTURES IN LOCATION INDICATED ON THIS DRAWING AND AS OTHERWISE REQUIRED TO CONTROL SEDIMENT DURING ALL EXCAVATIONS AND WHILST AREAS OF THE SITE ARE EXPOSED TO EROSION. REVIEW CONTROL MEASURES AND MAINTAIN STRUCTURES DURING CONSTRUCTION.



SEDIMENT FENCE (N.T.S.)
DRAINAGE AREA 0.6ha MAX. SLOPE GRADIENT 1:2 MAX.
SLOPE LENGTH 60m MAX.



TEMPORARY CONSTRUCTION EXIT (N.T.S.)

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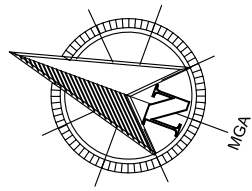
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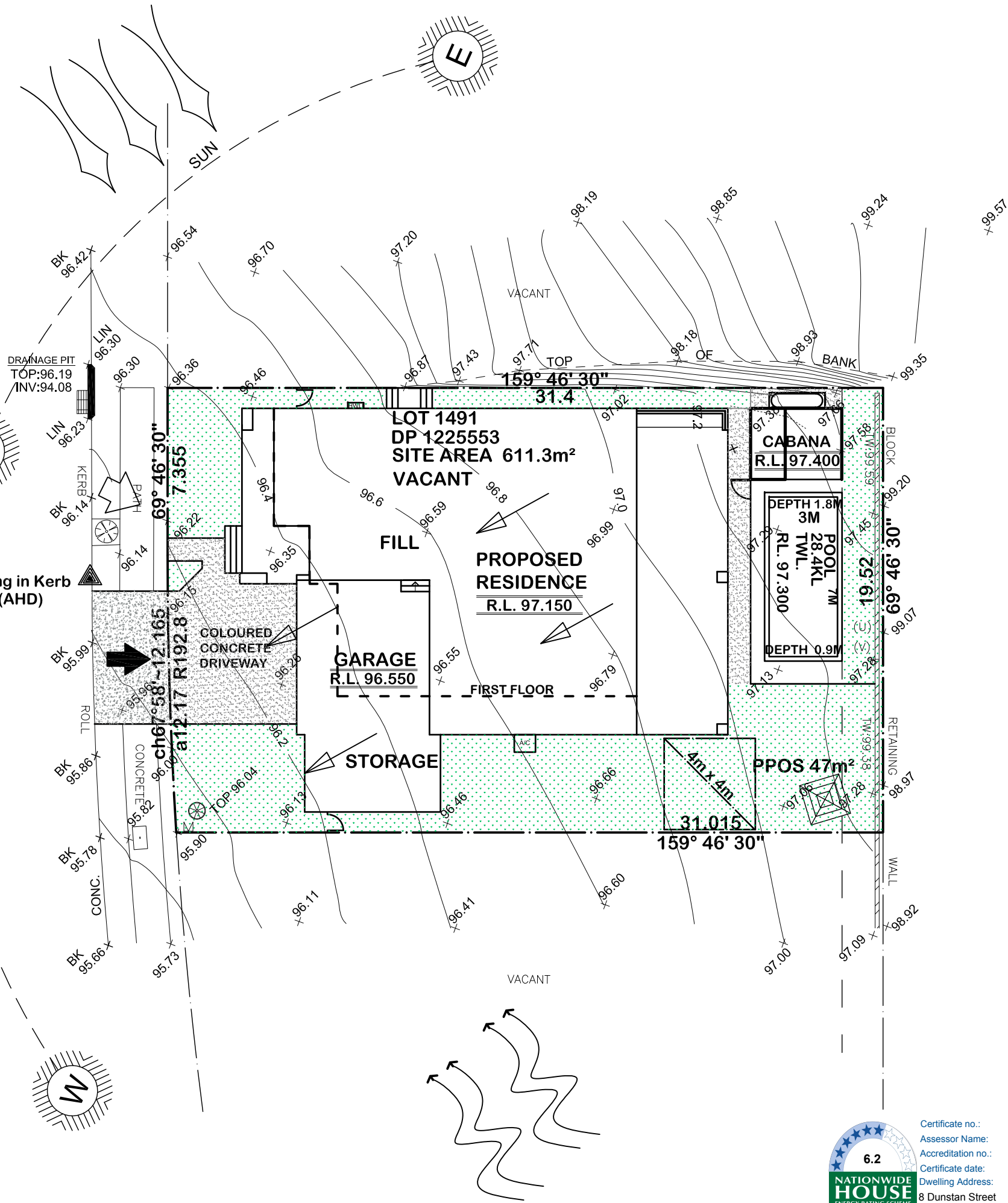
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DUNSTAN

STREET

WINTER



LEGEND	
	VIEWS
	GENERAL SLOPE OF LAND
	NORTHERN SUNLIGHT
	VEHICULAR SITE ENTRY
	WINTER WINDS
	SUMMER BREEZE
	NOISE SOURCE

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SHEETS: 4/13	ISSUE: C	1.392/18

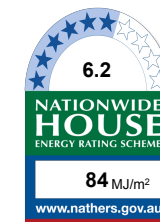
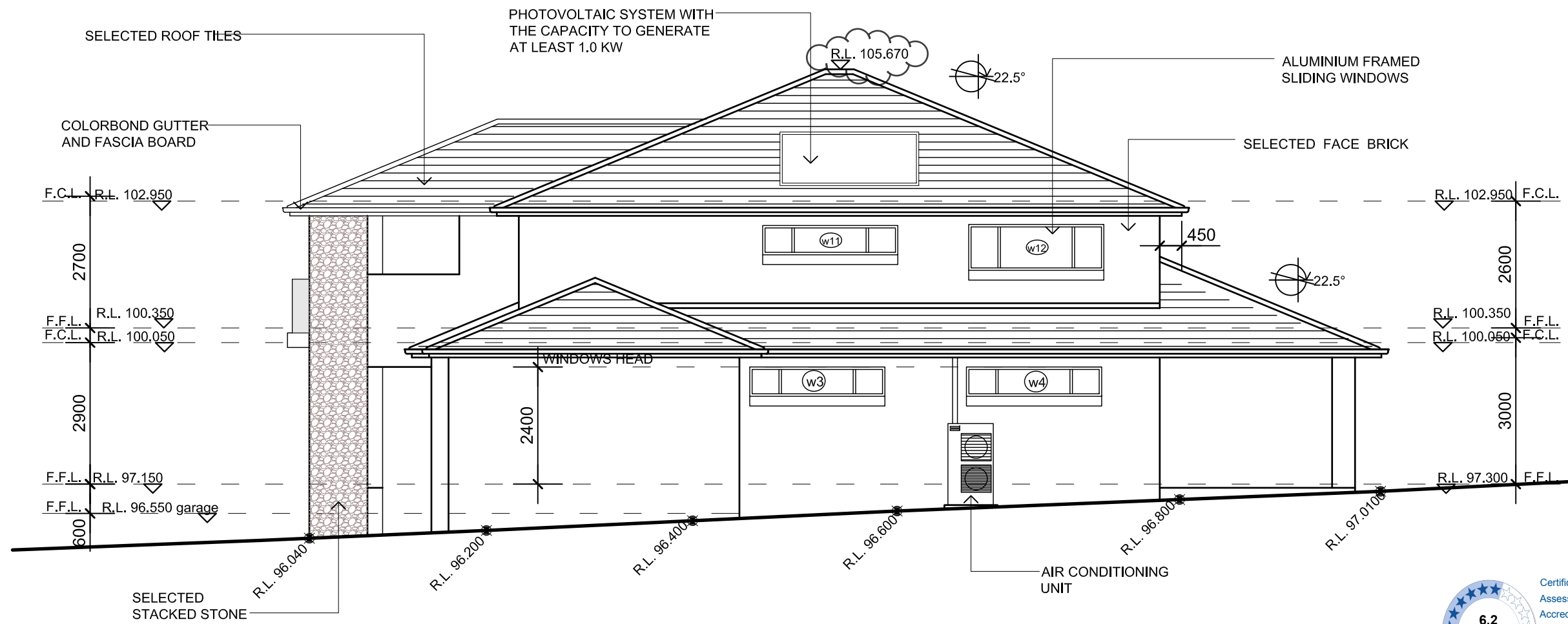
SITE ANALYSIS PLAN
SCALE 1:200

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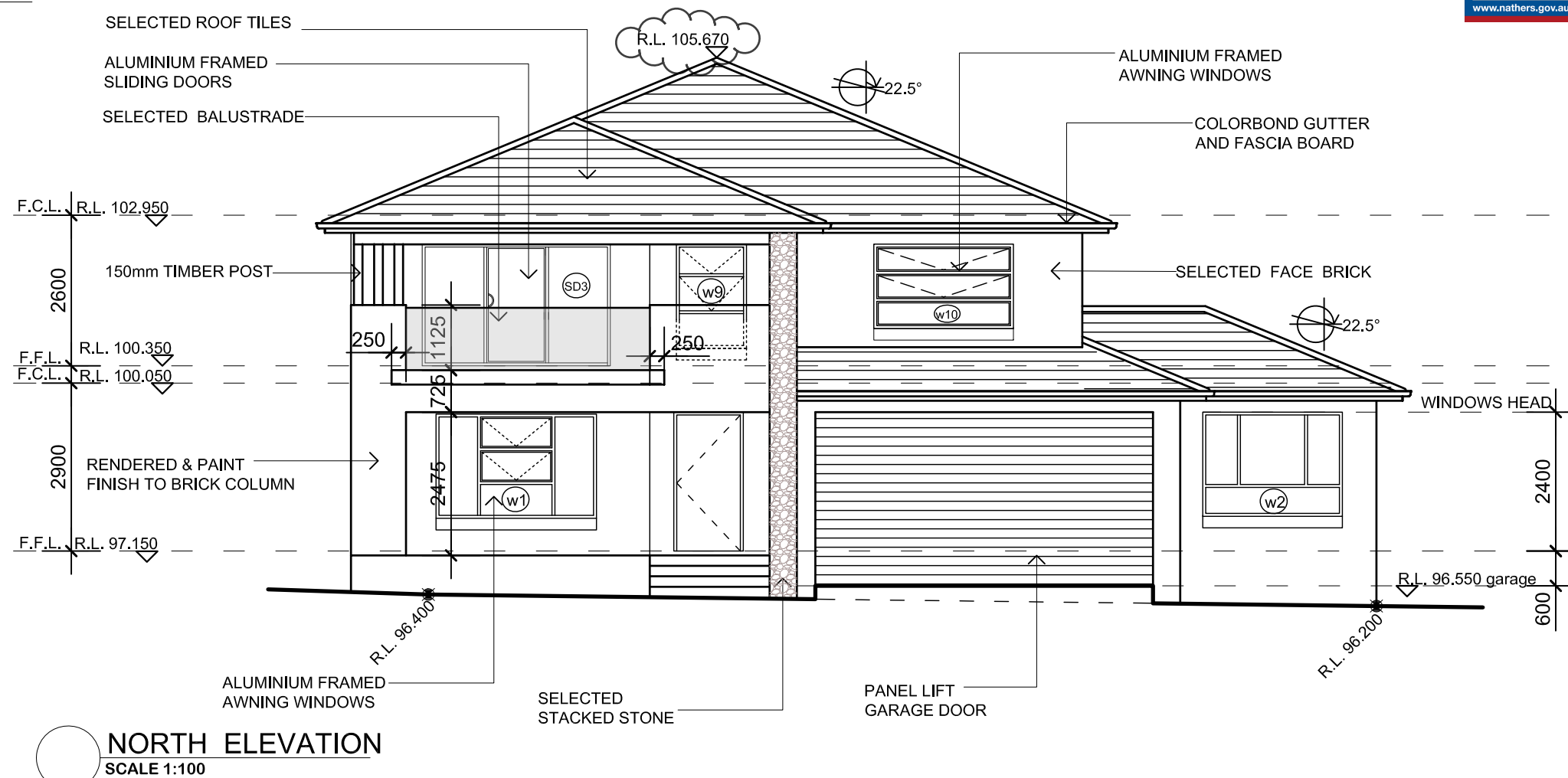


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WEST ELEVATION
SCALE 1:100

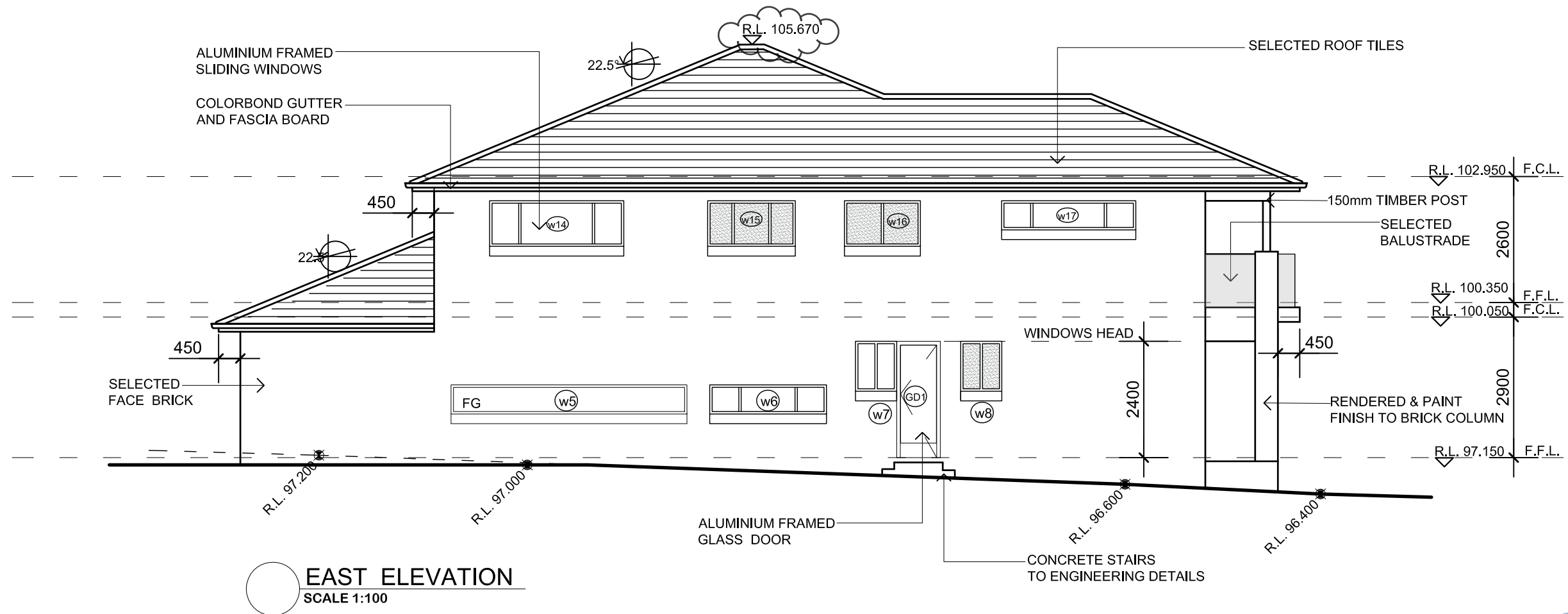


NORTH ELEVATION
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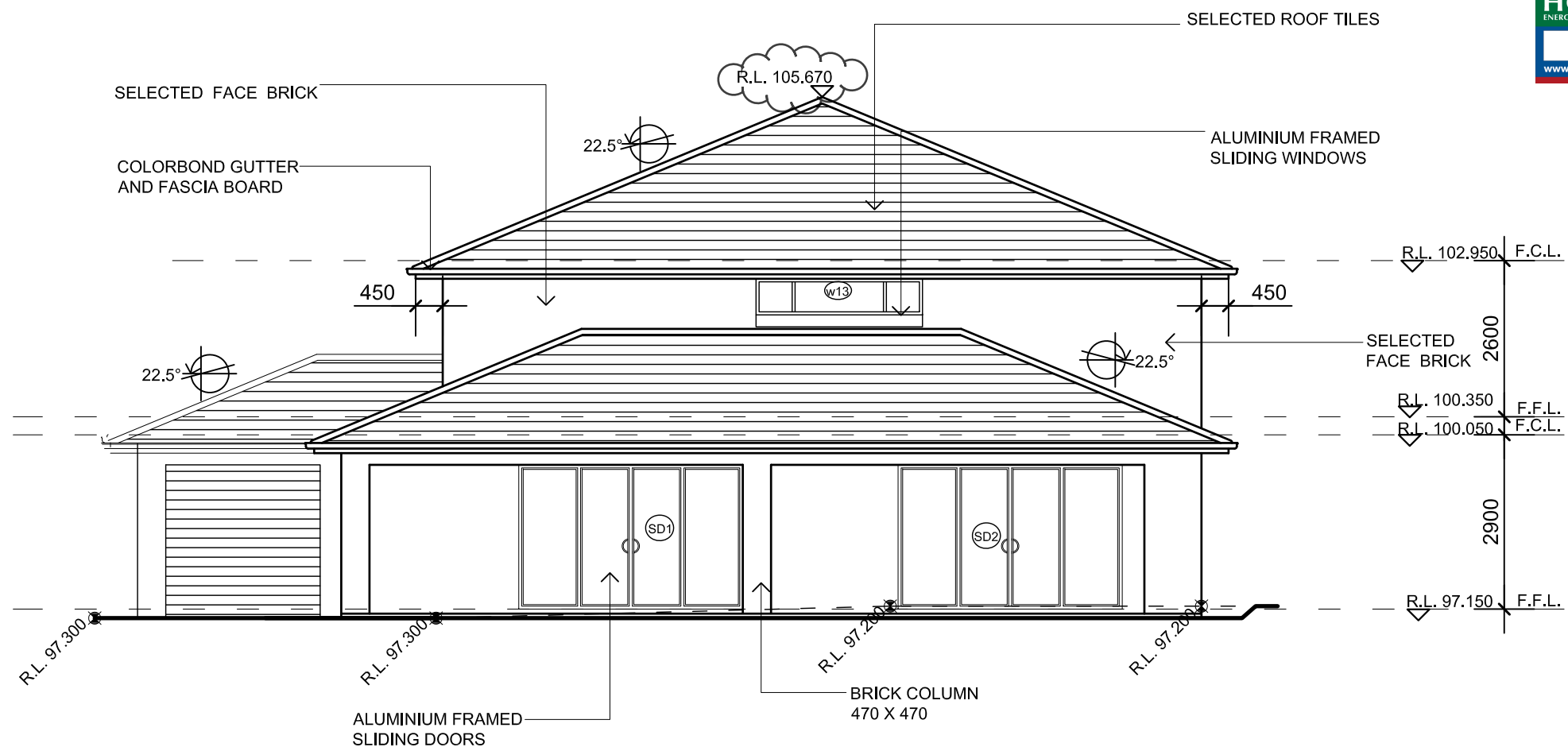
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EAST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



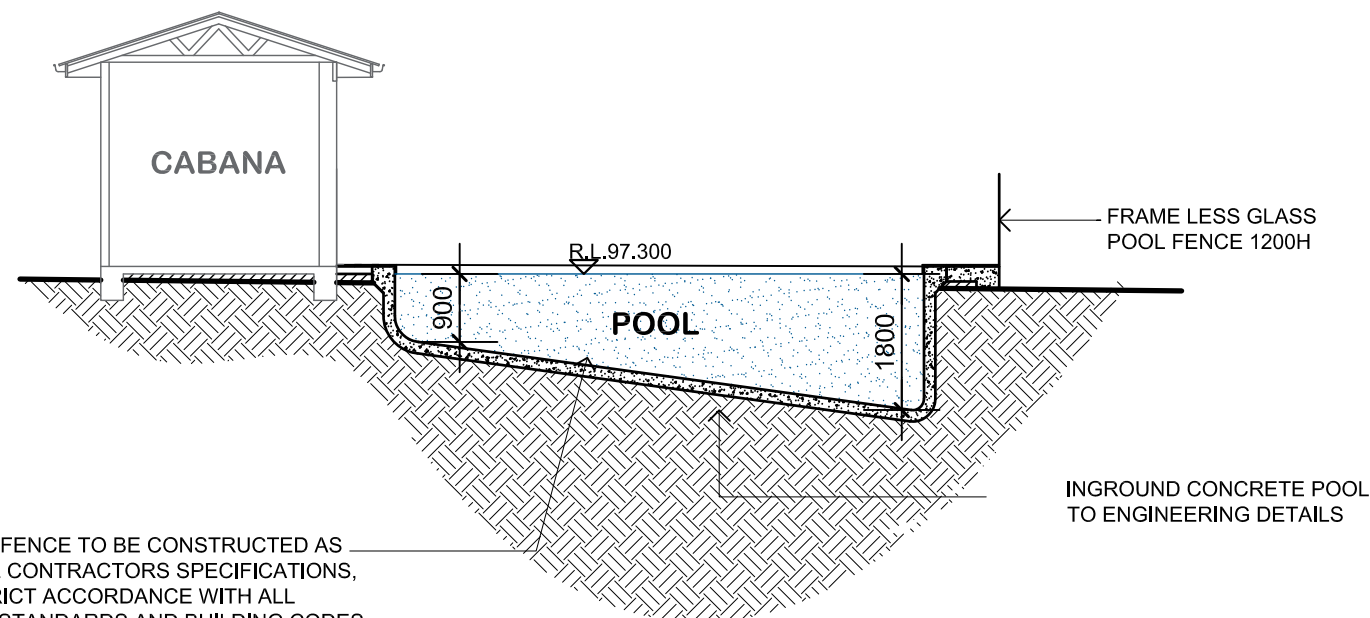
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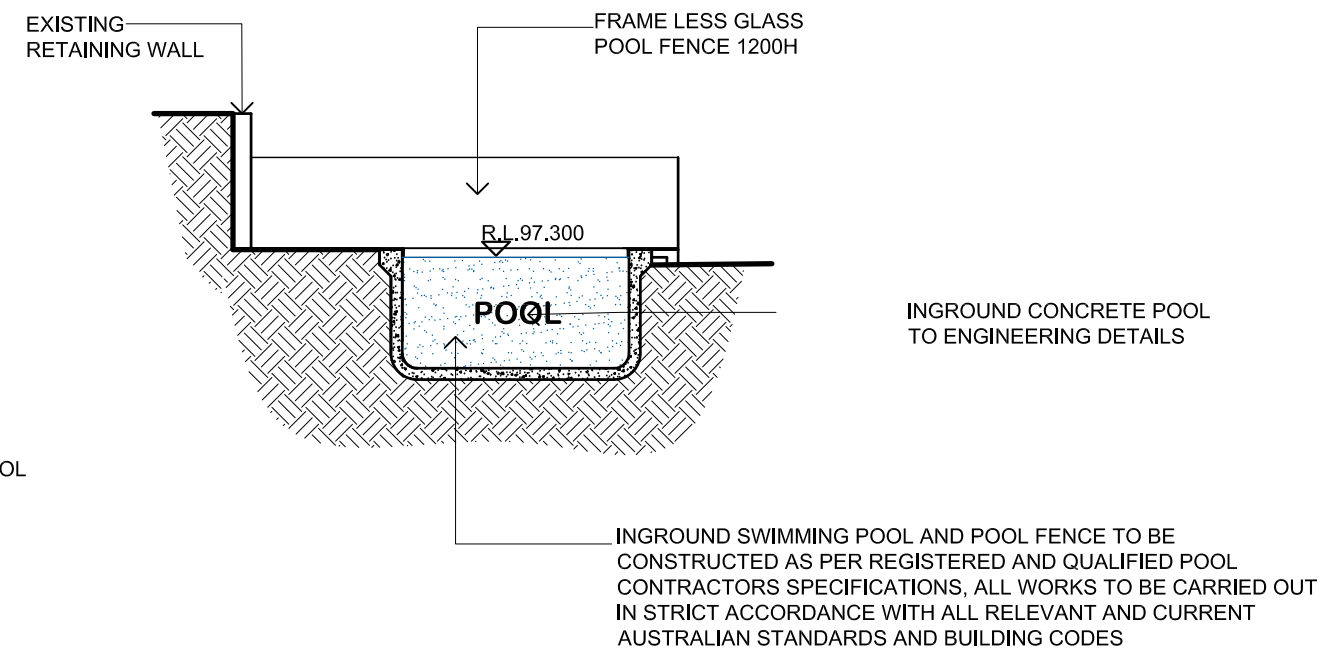
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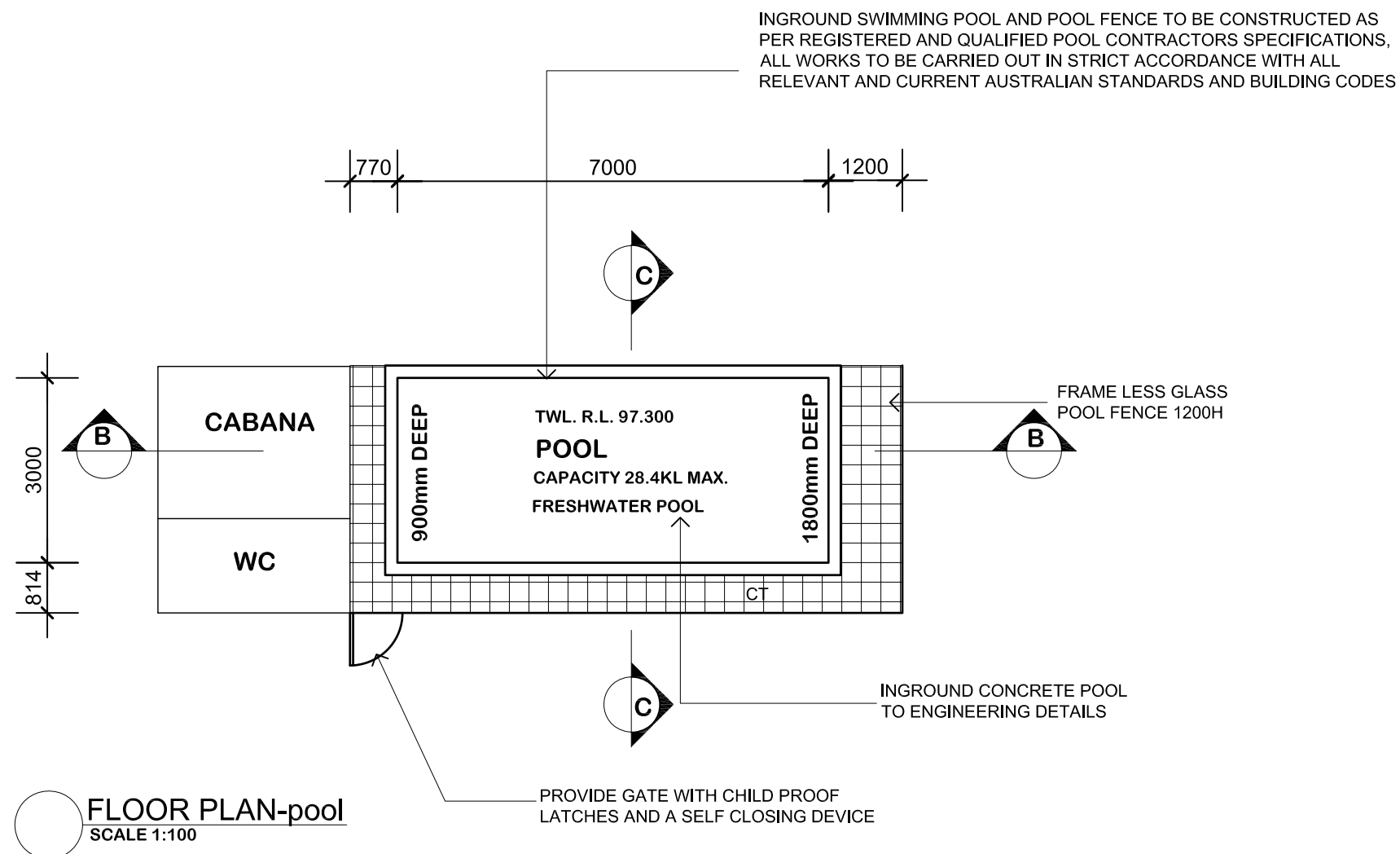
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PROJECT: PROPOSED RESIDENCE
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DRAWING TITLE: ELEVATIONS
DATE: 03.01.19 SCALE: 1:100 JOB No: 1.392/18
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 SECTION B-B
SCALE 1:100



SECTION C-C
SCALE 1:100



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PROJECT:

PROPOSED RESIDENCE

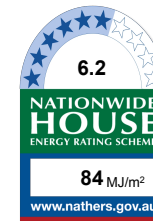
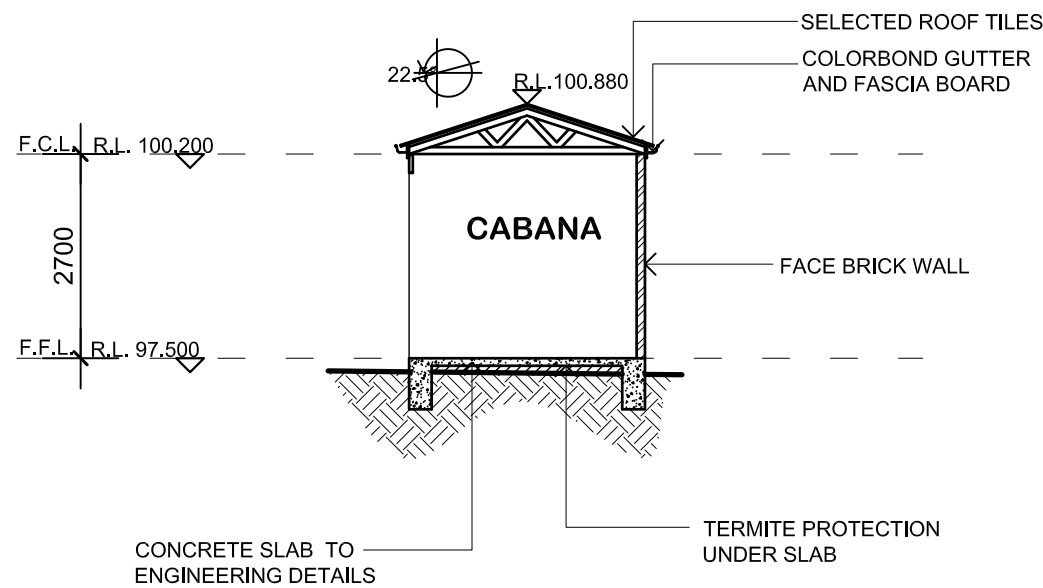
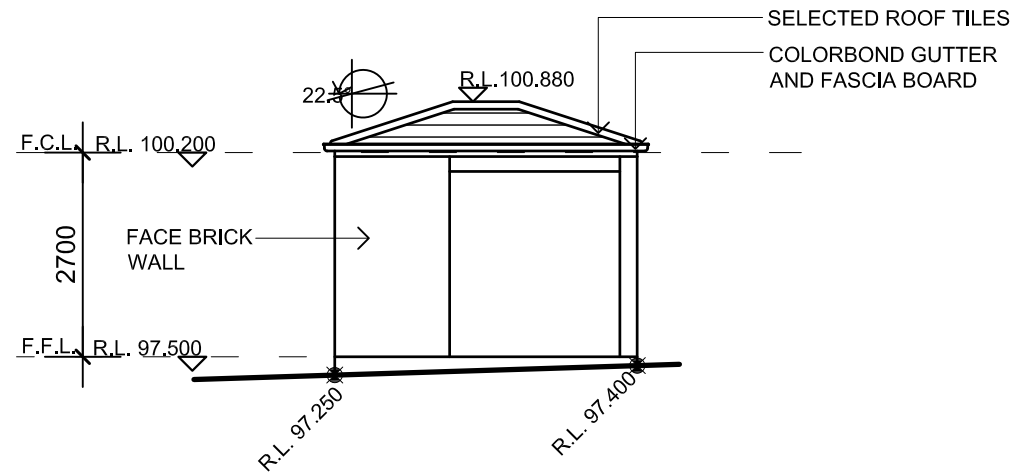
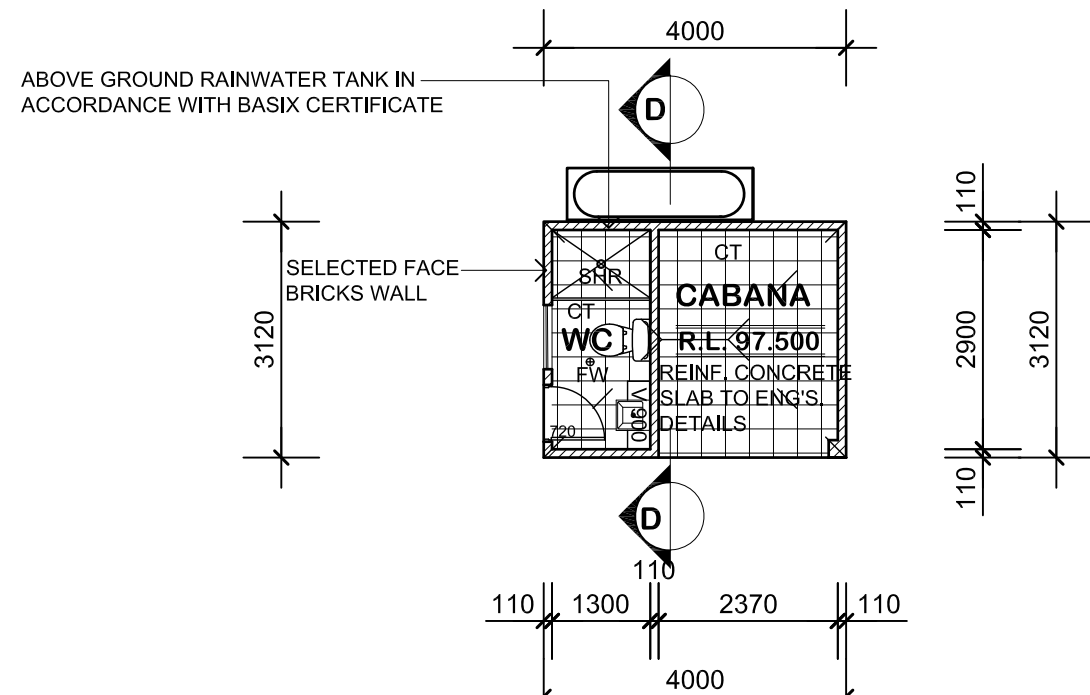
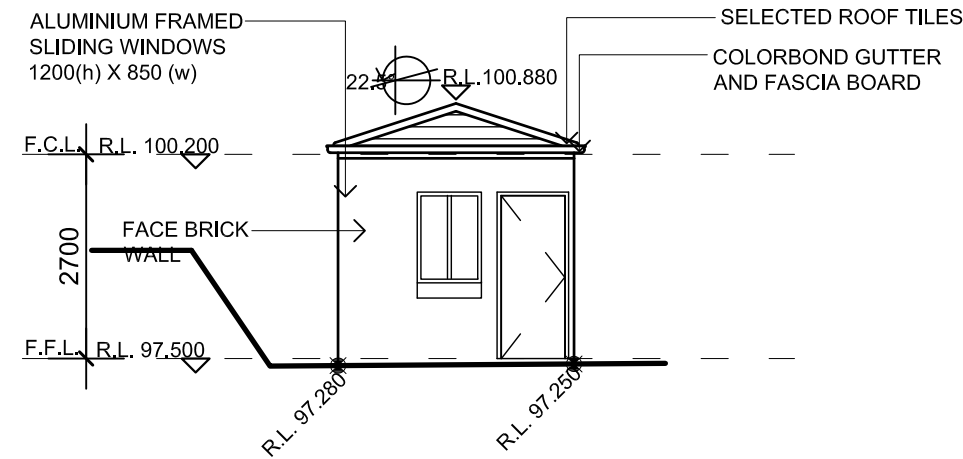
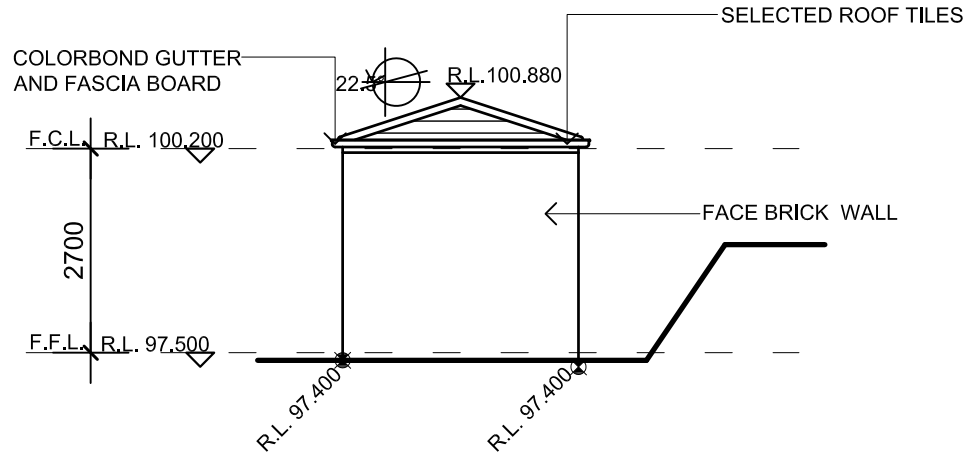
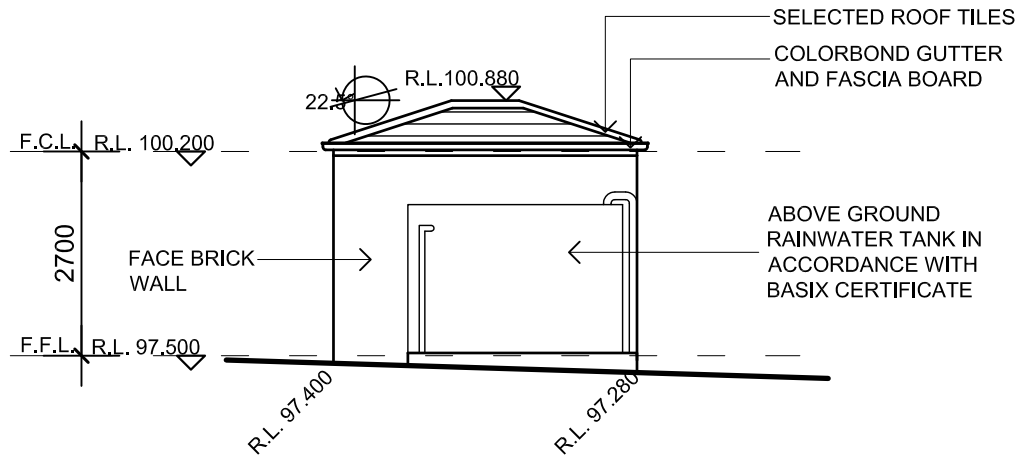
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8 DUNSTAN STREET
ORAN PARK

DRAWING TITLE:

POOL

DATE: 03.01.19	SCALE: 1:100	JOB No:
SHEETS: 10/13	ISSUE: C	1.392/18



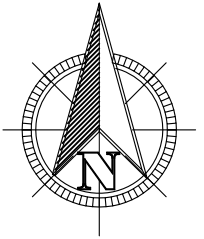
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Assessor Name: Zoran Cvetkovski
Accreditation no.: VIC/BDV/13/1641
Certificate date: 26 Aug 2018
Dwelling Address: 8 Dunstan Street
Oran Park, NSW
2570
www.nathers.gov.au






DATE	DESCRIPTION	ISSUE
03.01.19	AMENDED	C
12.12.18	AMENDED	B
22.08.18	ISSUE FOR DA	A

M 0402 836 482
E vb-design@hotmail.com
VB design
architectural design
and drafting service

CLIENT:
Mrs NEBAL ESSA
PROJECT:
PROPOSED RESIDENCE
ADDRESS:
8 DUNSTAN STREET
ORAN PARK
DRAWING TITLE:
CABANA
DATE: 03.01.19 SCALE: 1:100 JOB No:
SHEETS: 11/13 ISSUE: C 1.392/18

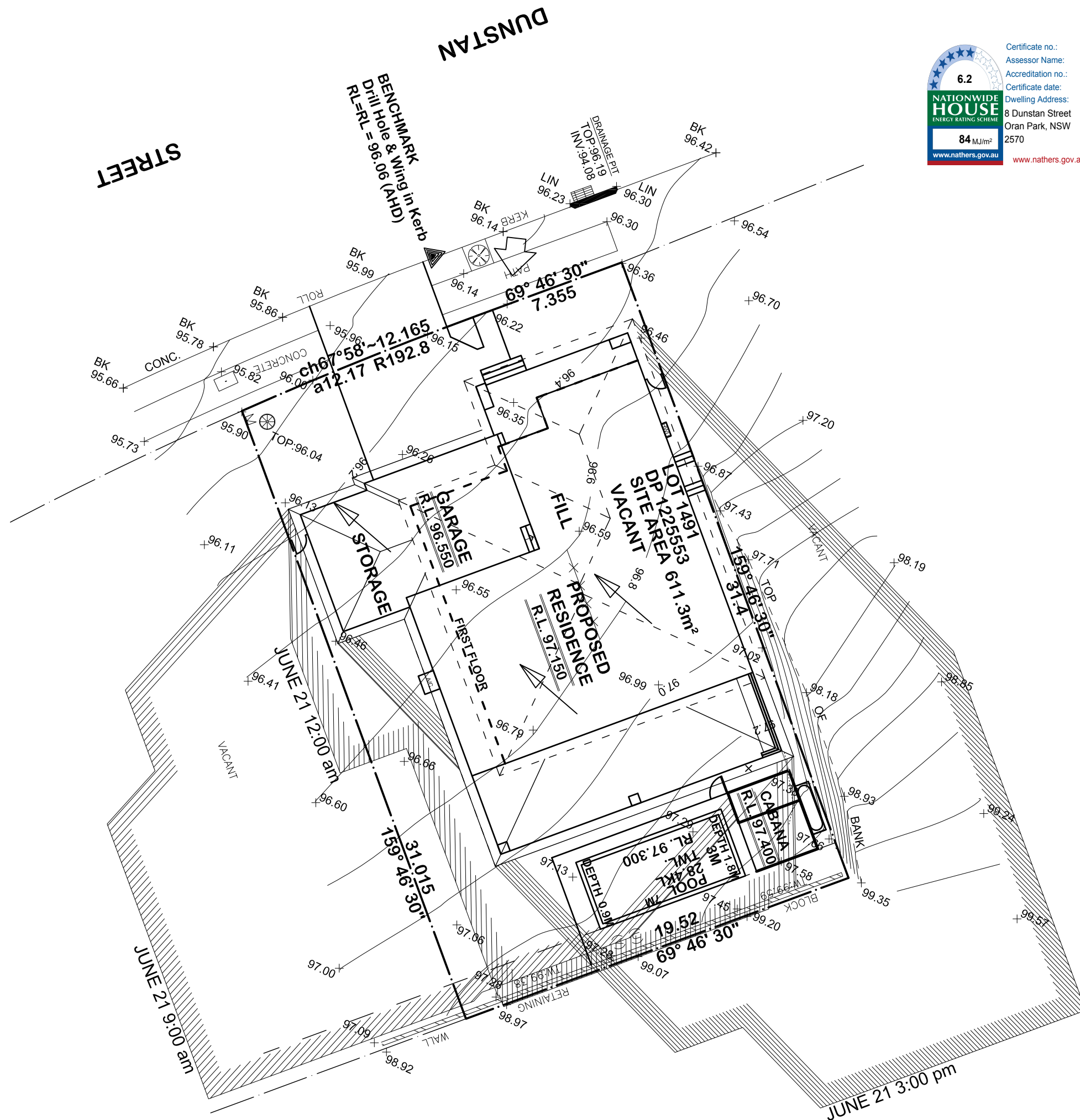


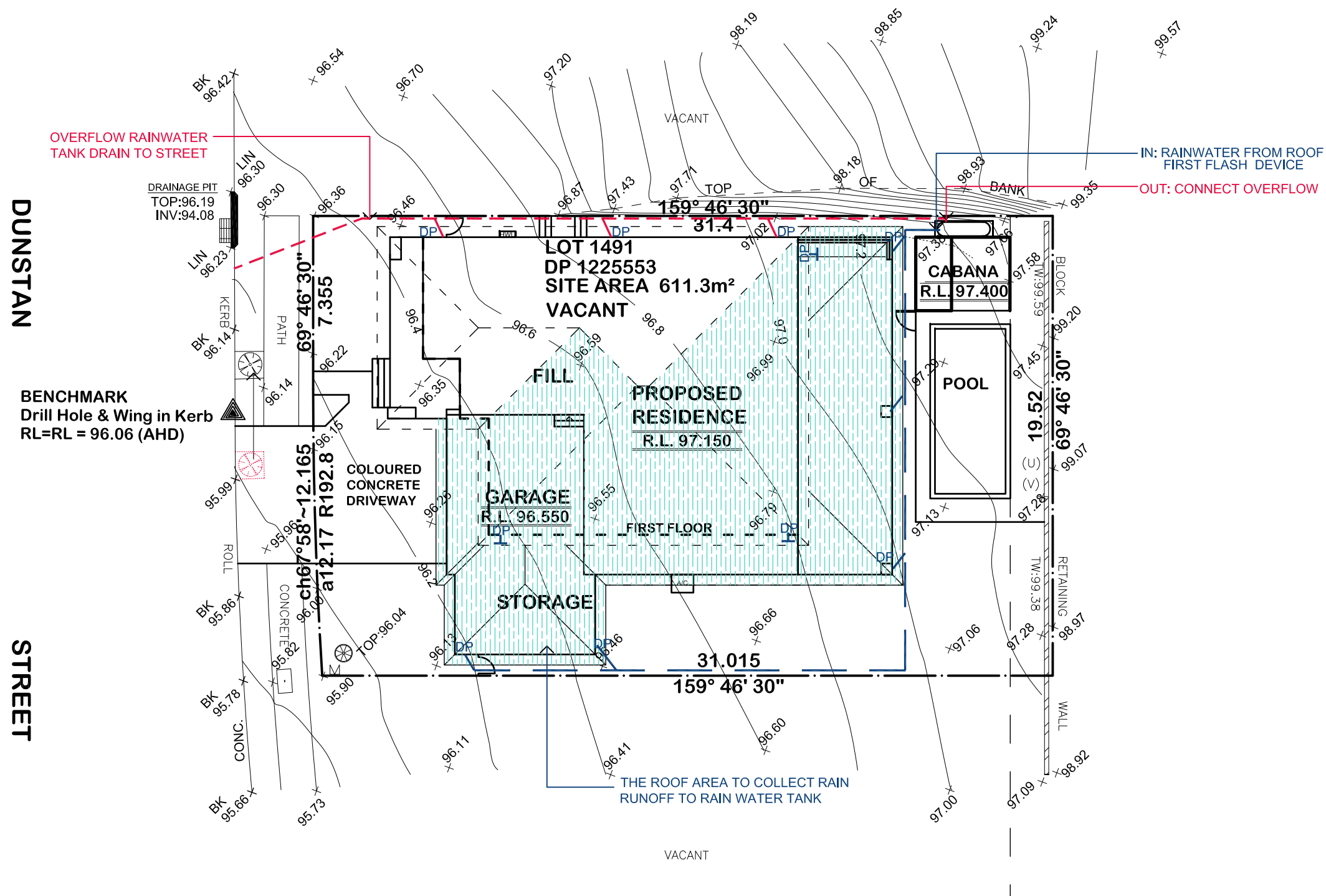
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VB design ABN 36 945 136 698
architectural design
and drafting service

DATE: 03.01.19	SCALE: 1:200	JOB No:
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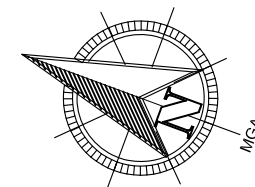




DUNSTAN

STREET

STORMWATER DIAGRAM
SCALE 1:200



DATE	DESCRIPTION	ISSUE
03.01.19	AMENDED	C
12.12.18	AMENDED	B
22.08.18	ISSUE FOR DA	A

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CLIENT:

Mrs NEBAL ESSA

PROJECT:

PROPOSED RESIDENCE

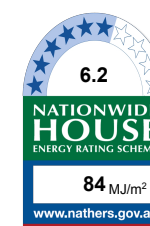
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8 DUNSTAN STREET
ORAN PARK

DRAWING TITLE:

STORMWATER DIAGRAMS

DATE: 03.01.19 SCALE: 1:200 JOB No:
SHEETS: 13/13 ISSUE: C 1.392/18



Certificate no.: 0003106101
Assessor Name: Zoran Cvetkovski
Accreditation no.: VIC/BDIV/13/1641
Certificate date: 26 Aug 2018

Dwelling Address:
8 Dunstan Street
Oran Park, NSW
2570

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LOCAL ENVIRONMENTAL PLAN AND DEVELOPMENT CONTROL PLAN ASSESSMENT TABLE



SEPP (Sydney Region Growth Centres) 2006 Development Standards			
	Standard	Proposed	Compliance
Height (cl.4.3)	≤ 5m	<p>A maximum 5m building height applies</p> <p>The proposed 2 storey dwelling house has a maximum height of 9 metres.</p>	No

Camden Growth Centres Precinct DCP Controls			
	Control	Proposed	Compliance
Site Analysis (4.1.1)	A site analysis plan must be provided	Site analysis plan provided	Yes
Cut & Fill (4.1.2)	Max 1m	<1m	Yes
Sustainable Building Design (4.1.3)	<p>Provision of a BASIX certificate</p> <p>Cross flow ventilation to be maximized</p>	<p>BASIX certificate has been provided</p> <p>Suitable cross flow ventilation will be available</p>	Yes
Salinity, sodicity and aggressivity (4.1.4)	All development must comply with Salinity Management Plan	A salinity management plan is referenced in the relevant section 88B instrument which will be dealt with as a condition of consent.	Yes
Streetscape & Architectural Design (4.2.2)	Primary street façade to incorporate 2 design features	<p>entry feature / porch;</p> <p>balcony treatment to first floor element;</p> <p>recessing or projecting</p>	Yes

		architectural elements;	
Eaves (4.2.2)	≥ 450mm (except walls built to the boundary)	Minimum 450mm eaves provided to all elevations.	Yes
Roof pitch – main roof (4.2.2)	≥ 22.5° to ≤ 35°	22.5°	Yes
Front facades (4.2.2)	One habitable room window to the street	Ground floor study and first floor bedrooms face the street.	Yes
Streetscape (4.2.2)	Consistent street character (see Figure 4-3)	The proposed dwelling will provide for consistent residential street character.	Yes
Car Parking Requirements (4.2.8)	1 to 2 bedroom dwelling – 1 space > 2 bedroom dwelling – 2 spaces At least one space must be located behind the building line	More than 2 spaces can be provided, with wide double garage and parking on front driveway.	Yes
Visual & Acoustic Privacy (4.2.9)	Direct overlooking of main habitable areas & POS of adjacent dwellings minimised Windows not to face adjoining dwelling windows & POS (see DCP) Balconies not permitted on first floor side or rear portion of a dwelling (except where a balcony faces a public road/park)	Direct overlooking is minimized with first floor sitting room provided with a highlight window, otherwise the first-floor windows relate to bedrooms and bathrooms. First floor balcony opens off bedroom and faces the street	Yes
Fencing (4.2.10)	Front fence ≤ 1m Side/rear fence ≤ 1.8m	No front fencing proposed. 1.8m metal colorbond fencing to side and rear.	Yes

**4.1 Development surrounding Oran Park House
(Refer to: Figures 4.1/4.2)**

General

	Control	Proposed	Compliance
Oran Park House State Heritage register curtilage	<p>Subdivision and development - consent from Heritage Council (integrated development)</p> <p>To be generally consistent with indicative Oran Park House Quarter Concept, Figure 4.2</p>	<p>The lot is outside the curtilage / Heritage listing for Oran Park House</p>  <p>Figure 4.2 of the DCP shows the lot is within a low density area (double storey) and where a minimum lot size of 500m² applies</p> 	Yes
Special Heritage & Landscape Area	Consistent with relevant controls in section 4.1, see below		Yes
	Demonstrate no significant impacts upon the prominent nature of Oran Park House & Garden	There is a 1.8m retaining wall on the rear boundary of this lot and below the level of land/lot to the rear. The lots to the rear within the heritage curtilage of Oran Park House will be single storey. The lower level of this lot in conjunction with intervening	Yes

		future development of lots to the rear can minimize the impacts on Oran Park House and its curtilage.	
	Generally consistent with indicative Oran Park House Quarter Concept, Figure 4.2		Yes
	Development surrounding Oran Park House shall not detract from its visual prominence and its cultural landscape setting		Yes
	The first application for subdivision within the Special Heritage and Landscape Area (including the Oran Park House State Heritage Register curtilage (as proposed)) (refer to Figure 4-1) shall be accompanied by a detailed Public Domain, Landscape and Interpretation Plan	This does not involve further subdivision of the land and is not the first application for subdivision within the SHLA.	N/A

Front accessed dwellings with frontage width > 15m			
	Control	Proposed	Compliance
Front setback (4.2.3)	4.5m to building façade line or 3.5m if fronting open space	minimum 4.646m	Yes
Front articulation (4.2.3) Figure 4-4 to 4-6)	3m to articulation zone or 2m if fronting open space	3.265m	Yes
Garage line (4.2.3)	≥ 5.5m to garage line & ≥ 1m behind building	5.5m 1m	Yes
Side setback (4.2.4)	≥ 0.9m (ground) & ≥ 1.5m (side A) upper level and ≥ 0.9m (side B) upper level	Side A = 904mm ground floor and 5.984m upper floor. Side B= 900mm ground and upper levels.	Yes

Rear setback (4.2.4)	≥ 4m (ground) & ≥ 6m (upper)	6.814m to ground floor alfresco 10.814m to first floor	Yes
Height (4.2.1) Table 4-5	≤ 2 storeys. (3 storeys may be permitted see DCP – 4.2.5(1))	2 storeys but refer to Precinct Plan HOB maps – max 5m	Yes
Site Coverage (4.2.5)	Single storey dwellings ≤ 50% Two storey dwellings ≤ 50% at ground and ≤ 30% at upper floor	ground floor = 39% upper floor = 28%	Yes
Height of ground floor level (4.2.5)	≤ 1m above finished ground level	<1m	Yes
Landscaped area (4.2.6)	≥ 30% of lot area (excludes side setbacks)	landscaped areas approx. 195m ² = 31.8%	Yes
Principal private open space (4.2.7)	24m ² & min dimensions of 4m & gradient ≤ 1:10	>24sqm with 4m dimensions	Yes
Principal private open space solar access (4.2.7)	≥ 3hrs solar access between 9am to 3pm on 21 June to ≥ 50% of PPOS and adjoining dwelling PPOS	Required solar access achieved.	Yes
Garage Size (4.2.1) – Table 4-5	Front or rear accessed single, tandem or double garage. No triple garages. Single width garages ≤ 3m or double garages door width ≤ 6m	Front accessed (wide) double garage, approx. 5.5 depth x 6.5m width. Adjoining storage area (with window, not roller door)	Yes

Swimming Pools			
	Control	Proposed	Compliance
Front Setback	Located behind building line	Located within the rear yard	Yes
Side and Rear Setback	1 metre (recommended)	side and rear setbacks >1m	Yes
Privacy (D2.1.4)	Does not create adverse impact on privacy	located at the rear adjacent to rear reining wall, no privacy impacts	Yes

	Located away from bedroom areas of adjoining dwellings.		
Landscape	Minimum 30% Site	31%, excluding pool area	Yes
Private open space	≥ 20% Site Area		Yes
	Min PPOS of 24m ²	minimum 24m ²	Yes
Trees & Vegetation	Retain existing vegetation onsite	no existing vegetation	N/A
Site Constraints	Not impact on existing onsite sewerage management system and associated effluent disposal areas		No
	Existing infrastructure remains unaffected.		
Fencing (AS1926-2012)	Internal Fencing 1.2 metres with NCZ	Yes	Yes
	Boundary fencing 1.8 metres and 0.9 metre NCZ	1.8m fencing and rear retaining wall	
	Pool Gate Swing	outward	
	Windows Restricted	no windows within pool area	
	Doors not located within Pool Enclosure	no door within pool area, except for opening into poolside cabana	

30th January 2019

General Manager
Camden Council
70 Central Avenue
Oran Park NSW 2570

Dear Sir,

**DA 2018/1388/1 – REQUEST TO VARY DEVELOPMENT STANDARD – HEIGHT OF BUILDINGS
PROPOSED DWELLING HOUSE, DETACHED CABANA & INGROUND SWIMMING POOL
LOT 1491 DP 1225553, 8 DUNSTAN STREET, ORAN PARK**

1.0 Introduction

This request has been prepared on behalf of Mrs N S Essa, 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 as to why development consent can be granted, despite the development contravening a development standard. The relevant development standard is clause 4.3(2) *Height of Buildings* at Appendix 9 of the Growth Centres SEPP.

2.0 The Subject Land

The land the subject of the development application is known as Lot 1491 DP 1225553, 8 Dunstan Street, Oran Park. Dunstan Street is located to the north west of the heritage listed Catherine Park House.

3.0 The Development

Development consent is being sought to the construction of a 2 storey dwelling house, detached cabana and inground swimming pool.

4.0 Development Standard Contravened

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

- (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 relevant *Height of Buildings Map* (Sheet HOB_004) stipulates a maximum height of 5m applying to the subject land.

5.0 Details of Contravention

The proposed dwelling house has a height greater than 5m. This is caused by the two-storey design of the building.

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 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.*

Why is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The application of a maximum 5m height of building limit for the subject land is not consistent with the recommended height controls for development surrounding the heritage listed Catherine Park House (formerly known as Oran Park House).

The location of the 5m building height limit area as shown on Sheet HOB_004 is intended to reflect the recommended height controls as detailed in *Figure 4-2: Oran Park House Quarter Concept* of Schedule 4 Catherine Fields (Part) Precinct of the Camden Growth Centre Development Control Plan. Along with height controls, Figure 4-2 contains other controls including residential density and minimum lot sizes.

At **Appendix 1** to this request is a plan overlaying residential lots, including Lot 1491, over Figure 4-2. As can be seen from the plan, Lot 1491 is located in *Area 7B* of Figure 4-2. *Area 7B* of the *Oran Park House Quarter Concept* allows for *Low Density Residential (double storey)*.

It is our understanding that this anomaly between Sheet HoB_004 and Figure 4-2 came about unintentionally as part of a SEPP amendment process. Greenfields met with Council on 27 June 2018 to discuss this same issue in relation to Lot 1488. At that meeting Council:

- (i) agreed that there is a discrepancy between Sheet HoB_004 and Figure 4-2;
- (ii) advised that Sheet HoB_004 is incorrect and a 5m height limit should not apply to Lot 1488;
- (iii) a housekeeping SEPP amendment would be undertaken to correct the anomaly. In the interim period, a clause 4.6 variation request would be the appropriate mechanism to address the anomaly.

A subsequent DA for a 2 storey dwelling exceeding the 5m height limit at Lot 1488 (DA 2018/1109) was approved on 20th November 2018.

It is our submission that the circumstances surrounding the variation of a 5m building height limit to Lot 1491 would be very similar, if not identical, to that for Lot 1488. On the basis of (i) the discrepancy of the Height of Building map Sheet HoB_004 with the *Oran Park House Quarter Concept Plan* and (ii) the precedent established by the approval of a 2 storey dwelling on Lot 1488, compliance with the 5m height limit development standard would be unreasonable and unnecessary in the circumstances of this case. Compliance with the development standard would be unreasonable and unnecessary as the proposed dwelling height would not have an unacceptable impact on Catherine Park House, including view lines to and from.

Are there sufficient environmental planning grounds to justify contravening the development standard?

The environmental planning grounds justifying the contravention of the development standard have for the most part been detailed above. In summary, the approval of a 2 storey dwelling on Lot 1491 would not be contrary to the environmental planning outcomes sought by the *Oran Park Quarter Concept Plan*.

7.0 Other matters for consideration

Clause 4.6(4)(a) at Appendix 9 of the Growth Centres SEPP provides that Council must not grant consent to a development contravening a development standard unless it is satisfied that:

- (i) the written request adequately addresses the matters required to be demonstrated by sub-clause (3).
- (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 applicable land use zone.

These are discussed below.

(i) Matters required to be addressed by sub-clause (3)

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).

(ii) The Public Interest

Objectives of the particular standard

As outlined at Section 4.0 of this request, Clause 4.3(2) of the Growth Centres SEPP refers to the relevant development standard sought to be varied. The objectives of the clause are detailed at Clause 4.3(1) and are:

- (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.*

Objectives (a) and (b) are relevant to the circumstances here. In respect to objective (b) and its objective of minimising visual impact, the key driver of the 5m or single storey building height

restriction here is to protect view lines to and from Catherine Park House. However as detailed at Section 6.0 of this request:

- There is a discrepancy between the Height of Buildings map Sheet HoB_004 of the Growth Centres SEPP and Figure 4-2 *Oran Park House Quarter Concept* contained in the Schedule 4 Catherine Fields (Part) Precinct of the Camden Growth Centre Development Control Plan.
- The correct interpretation of the heritage controls that should apply to the subject land would permit a 2 storey low density residential dwelling without adverse view line impacts.

It is therefore considered that the proposed 2 storey dwelling would be consistent with the relevant objectives or intent of the height control standard here. The development would not have an unacceptable impact on view lines to and from Catherine Park House.

It is also considered that the design of the proposed 2 storey dwelling will adequately protect solar access to buildings and open space on adjoining properties. The dwelling setbacks and design articulation satisfies DCP requirements for solar access for both the dwelling, its private open space and adjoining properties.

Objectives for development in the applicable land use zone

The relevant objective of the applicable *R2 Residential Low Density* land use zone is:

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

The proposed development provides a housing type consistent with the overall intended low density residential environment of the locality.

It is therefore considered that the proposed development satisfies the 'public interest' tests outlined at clause 4.6(4)(a).

Director-General concurrence

Clause 4.6(4)(b) requires the concurrence of the Director-General to the contravention of a development standard. Clause 4.6(5) outlines the matters the Director-General is required to consider in deciding whether to grant concurrence:

- (a) whether the contravention raises any matters of 'State environmental planning' significance.
- (b) The public benefit of maintaining the development standard.
- (c) Any other matters required to be taken into consideration.

The contravention dealt with by this request and the circumstances of the development do not raise any matters of State environmental planning significance.

Based on the discussions above, the maintaining of the development standard would serve no public benefit in the circumstances of this case.

I am not aware of any other matters required to be taken into consideration.

8.0 Conclusion

This request has been made to provide justification as to why the proposed development, being a 2 storey dwelling house, detached cabana and inground swimming pool can be granted development consent despite the dwelling house contravening the applicable 5m height of building development standard at clause 4.3 at Appendix 9 of the Growth Centres SEPP.

It is considered that the details provided at Sections 6.0 and 7.0 of this request deal with 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 as unreasonable and unnecessary and that support of the request 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.



Paul Hume
Town Planner
Development Manager
Greenfields Development Company No. 2 Pty Limited

Appendix

