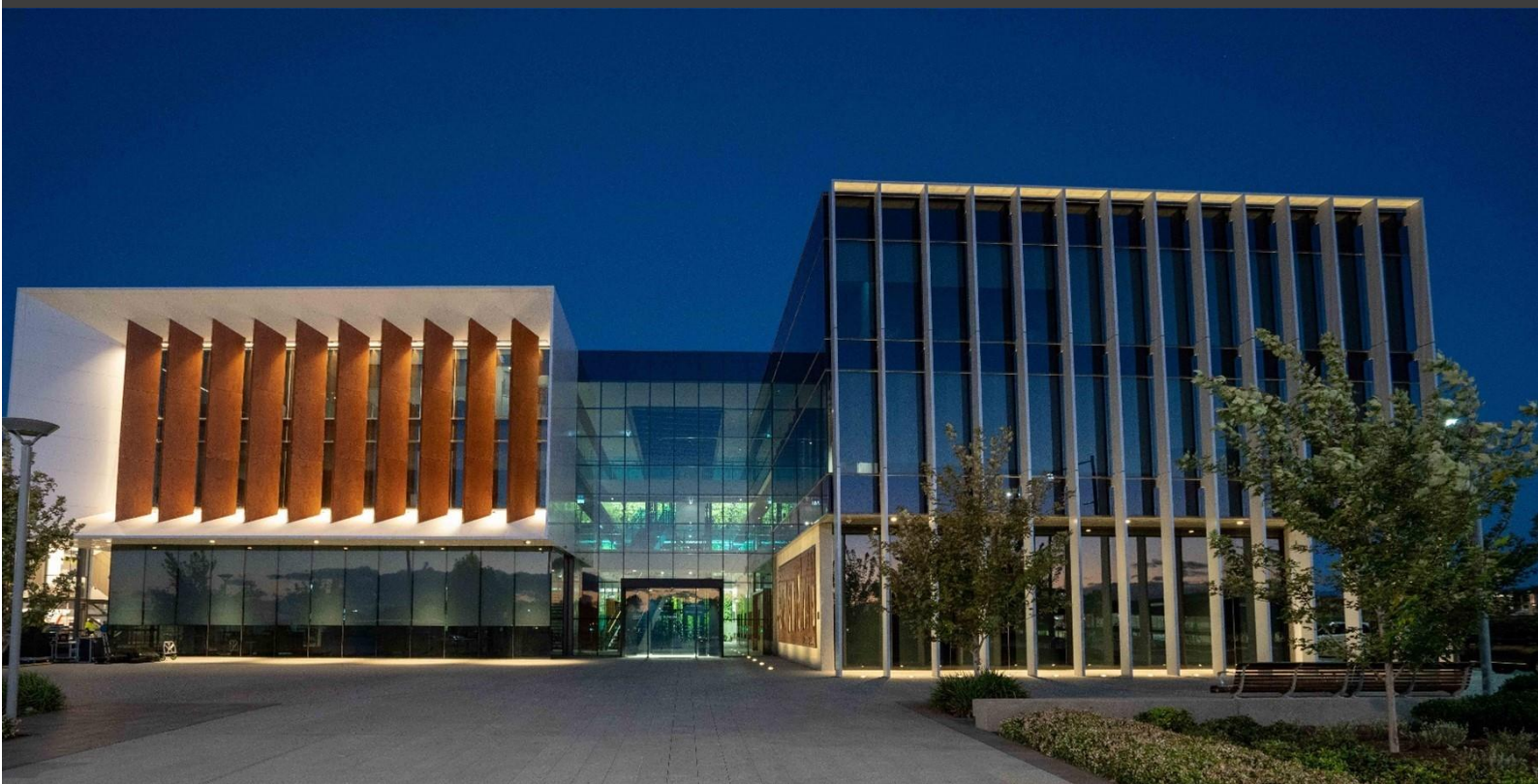


Business Paper

Camden Local Planning Panel
Electronic Determination

20 July 2022



camden
council

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CLPP01

SUBJECT: DA/2022/225/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE - 23 GLEESON RISE, ORAN PARK
FROM: Manager Statutory Planning
EDMS #: 22/281741

DA Number:	2022/225/1
Development:	Construction of a single storey dwelling house
Estimated Cost of Development:	\$490,221
Site Address(es):	23 Gleeson Rise, Oran Park
Applicant:	Masterton Homes
Owner(s):	Mr John Nunag
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 - Height of buildings
Classification:	Nominated Integrated
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Departure from Development Standards greater than 10%
Report Prepared By:	Jodie Schembri (Development Assessment Planner)

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for a single storey dwelling house at 23 Gleeson Rise, Oran Park.

The Panel is to exercise Council’s consent authority functions for this DA as, pursuant to the Minister for Planning’s Section 9.1 Direction, it is a development that contravenes the height of buildings development standard that applies to the site by more than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/225/1 for a single storey dwelling house pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a single storey dwelling house at 23 Gleeson Rise, Oran Park.

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 22 March to 18 April 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 5.759m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 5 of State Environmental Planning Policy (Precincts – Western Parkland) 2021.

A building height control of 9m for two-storey dwellings generally applies to residential development in this area. The 5m height control applies to this land given its proximity to the curtilage of the state heritage listed Oran Park House, with the lower building height creating a transition area of single storey dwelling houses in this location. The building height contravention is restricted to a portion of the pitched roof. The dwelling house is single storey with a design that is compatible with its heritage context (including an appropriately pitched roof).

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

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling does not exceed 7m; and
- the dwelling is consistent with roof pitches, setbacks and building envelopes contained in Schedule 4 of the Camden Growth Centre Precincts DCP.

The proposed dwelling house at 23 Gleeson Rise largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and was placed on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

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

The proposed development with a 5.759m building height to its 22.5 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey and is also consistent with the planning proposal for a merit-based assessment of building heights above 5m, including consistency with the proposed standard building envelope. The design is compatible with its heritage

setting, including its roof pitch, which will minimise visual impacts and protect adjoining development.

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m	5.759m to roof ridge	0.759m 15.18%

AERIAL PHOTO



Figure 1: Aerial photo of subject site

THE SITE

The site is legally described as Lot 6034 DP1235007 and more commonly referred to as 23 Gleeson Rise, Oran Park.

The site is a recently constructed lot in a ‘Greenfields’ subdivision, having been registered in May 2021. It has an area of 745.3m² with a street frontage of 20.2m and depth of 34.990m, with minimal change in level across the site. There is a 1.5m wide drainage easement along the rear of the lot with a drainage pit located in the northeast corner and a 0.5m restriction related to the maintenance of a retaining wall along the rear boundary.

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

ZONING PLAN



Figure 2: Subject site - R2 Low Density Residential zoning

AREA MASTER PLAN



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

CLPP01

HERITAGY LISTING



Figure 4: Subject site in relation to heritage listing

AREA MASTER PLAN



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

HISTORY

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

Date	Development
23 March 2018	DA/2017/491/1 – Consent was granted to a subdivision to create 141 residential lots, 2 super-lots, a lot containing Oran Park House and its improvements, 1 residue lot, 1 public reserve lot, construction of public roads, provision of services, earthworks, site works and retaining walls to be delivered in four stages. This resulted in creation of the subject lot.
29 January 2021	<p>DA/2021/77/1 – A DA was submitted to Council that sought concept approval to establish site-specific building height development standards on 66 residential lots (8m as opposed to 5m) and stage 1 consent for the construction of 3 dwelling houses.</p> <p>The DA was withdrawn at the request of Council officers as it was determined that the height change should be addressed as part of a Planning Proposal.</p> <p>Prior to the DA being withdrawn, Heritage NSW issued GTAs for the Concept DA. The GTAs required any dwellings proposed on the subject lots to comply with a building envelope, including:</p> <ul style="list-style-type: none"> • a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and • the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.
26 February 2021	Planning Proposal (PP/2021/1/1) was submitted to Council. The Planning Proposal seeks to create additional local provisions to increase building heights for residential development surrounding Oran Park House by introducing a building envelope as a means of varying the 5m building height control (based upon the building envelope recommended by Heritage NSW in the GTAs issued for DA/2021/77/1).
12 October 2021	Planning Proposal (PP/2021/1/1) received Gateway Determination from Department of Planning and Environment (DPE).
9 February 2022	Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.
14 June 2022	Council resolved to endorse Planning Proposal (PP/2021/1/1) and forward it to the DPE for the plan to be made.

THE PROPOSAL

DA/2022/225/1 seeks approval for the construction of a single storey dwelling house.

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

The estimated cost of development is \$490,221.

BACKGROUND

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

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

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

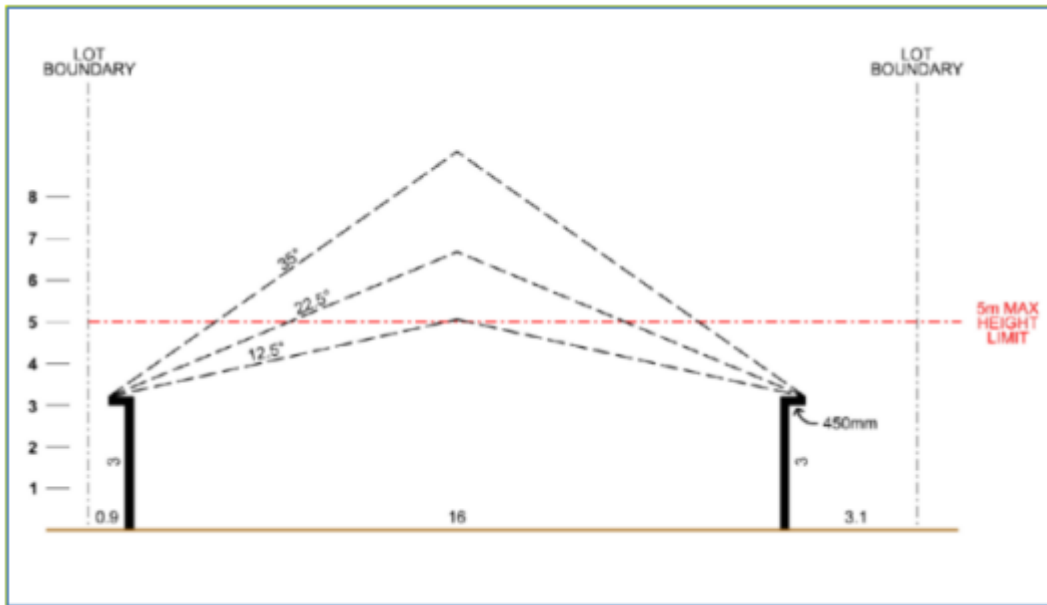


Figure 6: Five metre maximum building height limit compared to roof pitches



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

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

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling does not exceed 7m; and
- the dwelling is consistent with roof pitches, setbacks and building envelopes contained in Schedule 4 of the Camden Growth Centre Precincts DCP.

The proposed dwelling house at 23 Gleeson Rise complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the DPE, and the public exhibition period has closed (exhibited from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

ASSESSMENT

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

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

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

The environmental planning instruments that apply to the development are:

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

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

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

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

The SEPP seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context. The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

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

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

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

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

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

Site Zoning and Permissibility.

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

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

Planning Controls

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

Clause 4.6 – Exceptions to Development Standards

The proposed development will contravene the height of buildings development standard which applies under clause 4.3 of Appendix 5 of the Growth Centre SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 5.759m in height, breaching the development standard by 759cm and 15.18%.

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

- Compliance with the 5m height standard would detract from the design of the single storey dwelling and the overall streetscape;
- The development contravention will not impact on views and vistas from Oran Park House;
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not impact the intended type, or character of the desired development rather, aligns with the intended development of single storey dwellings;
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP;
- The request also demonstrates that relevant tests established in the Land and Environment Court (as set out in the Department's 2011 guideline for varying development standards) can be met:
 - The objectives of the standard and the R2 Low Density Residential zone are achieved notwithstanding non-compliance with the standard. A single storey detached dwelling which meets combined design requirements of setbacks, floor space ratio, and hipped roof forms ensures there are no significant adverse impacts. The objectives and intent of built form surrounding Oran Park House will be preserved.
 - If compliance was required, the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as intended in the heritage curtilage, consistent with the DCP controls and heritage guidelines.
 - Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and surrounds. The dwelling is consistent with the intended outcome for residential land surrounding Oran Park House with simple hipped and/or gabled roof forms of at least 22.5 degrees.

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

The justification contained within the Clause 4.6 written request demonstrates that compliance with the development standard is unreasonable and unnecessary in the

circumstances of the case and that there are sufficient planning grounds to justify contravening the development standard, in accordance with clause 4.6(3).

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

The proposed development with a 5.759m building height to its 22.5 degree pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey. Most of the dwelling is within the maximum height and its design is compatible to its heritage setting, including its roof pitch. The design of the dwelling will minimise visual impacts and protect adjoining development.

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

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

Consequently, it is recommended that the Panel support this proposed contravention to clause 4.3 of Appendix 5 of the Growth Centres SEPP.

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it (noting that provisions related to the Hawkesbury-Nepean River are now incorporated within the consolidated SEPP (Biodiversity and Conservation) 2021).

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

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

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

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

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling does not exceed 7m; and
- the dwelling is consistent with roof pitches, setbacks and building envelopes contained in Schedule 4 of the Camden Growth Centre Precincts DCP.

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

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

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

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

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

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

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

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

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 14 March to 11 April 2022. No submissions were received.

(e) the public interest

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

EXTERNAL REFERRALS

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

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

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

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

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

RECOMMENDED

That the Panel:

- i. **support the applicant's written request lodged pursuant to Clause 4.6(3) of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021; and**
- ii. **approve DA/2022/225/1 for the construction of a single storey dwelling house at 23 Gleeson Rise, Oran Park, subject to the conditions attached to this report.**

REASONS FOR DETERMINATION

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

ATTACHMENTS

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

Recommended Conditions**1.0 - General Conditions of Consent**

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Job No. 2016678, Sheet No. 01.00	Site Plan	Masterton Homes	13/05/2022
Job No. 2016678, Sheet No. 02.00	Floor Plan	Masterton Homes	13/05/2022
Job No. 2016678, Sheet No. 03.00	Elevations (North- East/North-West)	Masterton Homes	13/05/2022
Job No. 2016678, Sheet No. 03.01	Elevations (South- West/South-East)	Masterton Homes	13/05/2022
Job No. 2016678, Sheet No. 04.00	Sections	Masterton Homes	13/05/2022
Job No. 2016678, Sheet No. 06.02	Concept Drainage	Masterton Homes	13/05/2022
Job No. 2016678, Sheet No. 06.03	Concept Landscape	Masterton Homes	13/05/2022

Document Title	Prepared by	Date
BASIX Certificate No. 1258626S_02	Frys Energywise	28 April 2022
Waste Management Plan	Masterton Homes	27/08/2018
Schedule of External Finishes	Masterton Homes	19/05/2022

- (2) **Modified Documents and Plans** - The development shall be modified as follows:
- a) The Concept Landscape plan is to be amended to indicate at least two (2) alternative trees with large canopies in accordance with the preferred species listed at **Appendix C**, indigenous species are preferred.

Amended plans or documentation demonstrating compliance shall be provided to the certifier and Council prior to the issue of a Construction Certificate.

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

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

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

This requirement does not apply:

- a) to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
 - b) to the erection of a temporary structure, other than a temporary structure to which subsection (3) of Section 69 of the *Environmental Planning and Assessment Regulation 2021* applies.
- (7) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:

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

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

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

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

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

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

The general terms of approval/requirements are:

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

1. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

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

2. ABORIGINAL OBJECTS

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

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

3. COMPLIANCE

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

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

4. SECTION 60 APPLICATION

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

Reason: To meet legislative requirements.

2.0 - Prior to Issue of a Construction Certificate

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

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

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

- (3) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)'. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (4) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.
- (5) **Salinity (Dwellings and Outbuildings)** – The approved development shall comply with the requirements of the salinity management plan "Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park, prepared by Douglas Partners, Project 76559.00, Dated November 2015".

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

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

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
 - a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
 - a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
 - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
 - c) the name, address and telephone number of the principal certifier for the work.

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

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

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

- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this development consent.
- (9) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

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

4.0 - During Works

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

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,

unless approved in writing by Council.

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

If an excavation extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person causing the excavation must:

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

The above requirements do not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land gives written consent to the requirements not applying.

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

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

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

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

- (4) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
 - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
 - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
 - d) a waste storage area shall be located on the site;
 - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not be placed on public property (footpaths, roadways, public reserves, etc);
 - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** - The construction supervisor must ensure that:

- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site's stabilised access point.
- (10) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.
The validation report and associated sampling location plan must:
- a) be prepared by a person with experience in the geotechnical aspects of earthworks; and
 - b) be prepared in accordance with;

For Virgin Excavated Natural Material (VENM):

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

For Excavated Natural Material (ENM):

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

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

Where remediation work is required, the applicant will be required to obtain consent for the remediation works.
- (17) **Materials, colours and finishes** – The dwelling is to be constructed using the approved materials, colours and finishes.

5.0 - Prior to Issue of an Occupation Certificate

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

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

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

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Attachment 2

Clause.	Assessment.	Compliance.
<p>Appendix 5, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> To provide for the housing needs of the community within a low density residential environment. To enable other land uses that provide facilities or services to meet the day to day needs of residents. To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> The proposal will provide for the housing needs of the community within the low-density residential environment. The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it. The proposal will be an addition to the existing housing type typical to the immediate surrounds. 	Yes
<p>Appendix 5, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>Maximum height of buildings = 5.0m 'C'.</p>	<p>The proposed development has a maximum building height of 5.759m.</p>	No (Clause 4.6 written request submitted).
<p>Appendix 5, 4.4 Floor Space Ratio Max FSR 0:4:1.</p>	<p>273.7sqm and site area of 745.3sqm = Max FSR approx. 0.37:1</p>	Yes
<p>Appendix 5, 4.6 Exceptions to development standards</p>		Yes

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

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

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

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

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

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

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

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

Control	Assessment	Compliance
<ul style="list-style-type: none"> • verandahs, pergolas or similar features above garage doors. • Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback. <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.</p> <p>Front facades are to feature at least one habitable room with a window onto the street.</p> <p>Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.</p>	<p>All eaves 0.45m as identified on sectional drawings.</p> <p>Hipped roof pitch of 22.5 degrees proposed.</p> <p>Front façade to feature bedrooms with windows facing the street.</p> <p>Proposed garage to complement colour and finish of main dwelling.</p>	
<p>4.2.3 Front Setbacks.</p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p>	<p>Yes.</p>

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Attachment 3

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

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Attachment 3

Control	Assessment	Compliance
<p>4.2.4 Side and Rear Setbacks.</p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Noted. No landscape features within rear setback proposed within this DA.</p> <p>The proposal adopts side boundary setbacks greater than 0.9m.</p>	Yes.
<p>4.2.5 Dwelling Height, Massing and Siting.</p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Site coverage measured accordingly against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Less than 1m</p>	Yes.
<p>4.2.6 Landscaped Area.</p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p> <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Noted / complied.</p>	Yes.

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

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

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Attachment 3

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

CLPP01

Attachment 3

Control	Assessment	Compliance
<p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.89m</p> <p>Double garage internal dimensions = 6.8m x 5.96m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p>	
<p>4.2.9 <i>Visual and Acoustic Privacy.</i></p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm and noise is not to exceed background levels during the hours 10.00pm to 7.00am.</p> <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible comply with the criteria in Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden</p>	<p>Proposed development is single storey only. Proposed dwelling has an FFL <1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted/complied.</p> <p>Dwelling not impacted by road types.</p>	Yes.

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

Control	Assessment	Compliance
<p>Growth Centre Precincts Development Control Plan</p> <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council's Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p>	<p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development does not require architectural treatments regarding acoustic impacts.</p>	
<p>4.2.10 Fencing.</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>No front fencing proposed.</p> <p>Side boundary fences indicated at 2.0m behind the primary building line.</p>	Yes.
<p>Table 4-5 – Site coverage. Maximum 50% at ground floor. Maximum 30% at upper floor.</p>	<p>Site cover = $273.7 \div 745.1 \times 100 = 36.73\%$</p>	Yes.
<p>Table 4-5 – Soft landscaped area. Minimum 30% of the allotment area.</p>	<p>$266.9/745.1 = 35.8\%$</p>	Yes.
<p>Table 4-5 – Principal Private Open Space (PPOS). Minimum 24sqm with minimum dimensions of 4m.</p>	<p>PPOS = over 24sqm and 6mx4m dimension at side of lot.</p>	Yes.
<p>Table 4-5 – Solar Access.</p>		Yes.


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



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Control	Assessment	Compliance
50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.	No overshadowing of PPOS. Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.	
<p>Table 4-5 – Garages and carparking.</p> <p>Maximum double car garage door width 6m.</p> <p>3 bedrooms or more to provide at least 2 car spaces.</p>	<p>Double garage proposed. Width = 4.89m.</p> <p>2 spaces provided.</p>	Yes.
Control	Assessment	Compliance?
<p>4.1</p> <p>Development Surrounding Oran Park House.</p> <p>Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.</p> <p>Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.</p> <p>Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p>  <p>Development in these areas must be sympathetically designed to complement the topography of the site, the setting of</p>	<p>The proposed development generally complies with the Exemption Guidelines, with the exception that the design of dwellings for each street block is not being undertaken simultaneously and delivered as a complete package by one builder. This provision cannot be complied with as the lots have been subdivided and sold to individual property owners.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline DA's) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is attached to this report.</p> <p>The site is located inside the area identified in figure 4-1. Development is for a single storey dwelling and will not result in significant view lines illustrated in figure 4-1 being compromised. The proposed dwelling house is sympathetically designed and complements the setting of Oran Park House</p>	Yes.

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

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Control	Assessment	Compliance
<p>Oran Park House and associated outbuildings and the historical rural character without replicating architectural details.</p>		
<p>4.1.2 Oran Park House and Outer Heritage Curtilage Principals.</p>  <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p>	<p>The subject lot is located within area mapped as being 'very low density residential' and has been assessed in relation to the relevant controls.</p>	<p>Yes.</p>
<p>4.1.3 Landscape Elements – Views and Vistas.</p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p>  <p>Figure 4-3 – Significant Vistas within the Oran Park House curtilage to be preserved</p>	<p>The development will not impact significant vistas shown in figure 4-3.</p>	<p>Yes.</p>
<p>4.1.11 Residential Built Form.</p> <p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package. The block design</p>	<p>This DA does not provide for simultaneous design and delivery of development for this street elevation/street block. However, the dwelling is assessed as being suitable for the</p>	<p>Yes.</p>

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

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

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

Control	Assessment	Compliance												
The design of dwellings shall include an articulated front elevation in the direction of the Primary Street.	Front elevation articulated in the form of a stepped building line adopting articulation feature in the form of a porch.													
<p>4.1.14 Setbacks for Very Low Density Area Surrounding Oran Park House.</p> <p>Residential development must comply with the controls in Figure 4-8.</p> <table border="1"> <thead> <tr> <th></th> <th>Minimum</th> </tr> </thead> <tbody> <tr> <td>Front Dwelling Setback</td> <td>5m</td> </tr> <tr> <td>Front Garage Setback</td> <td>6m</td> </tr> <tr> <td>Rear Boundary Setback</td> <td>5m</td> </tr> <tr> <td>Side Boundary Setback</td> <td>0.9m (average 2m²)</td> </tr> <tr> <td>Corner Lot Side Boundary Setback</td> <td>3m</td> </tr> </tbody> </table> <p><small>Note: In addition to the minimum side boundary setback of 0.9m, the siting of dwellings is required to achieve an average 4m side separation between dwellings along an entire street block. Pursuant to Section 4.1.11 of this Section, the simultaneous delivery of dwellings within the heritage curtilage by one builder will ensure the average 4m separation is achieved.</small></p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	0.9m (average 2m ²)	Corner Lot Side Boundary Setback	3m	<p>Front setback = 6.3m. Front garage setback = 7.3m.</p> <p>Side boundary setback (north) = 1.5m. Side boundary setback (south) = 2.5m. Combined setback = 4.m (min)</p> <p>Rear setback = 8.46m.</p> <p>The front, side and rear setbacks comply with the setback requirements in the DCP.</p>	Yes.
	Minimum													
Front Dwelling Setback	5m													
Front Garage Setback	6m													
Rear Boundary Setback	5m													
Side Boundary Setback	0.9m (average 2m ²)													
Corner Lot Side Boundary Setback	3m													
<p>4.1.15 Building Height.</p> <p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>	The height will exceed the 5m control and is subject to a Clause 4.6 written request.	No. Variation supported.												
<p>4.1.16 Roofs.</p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p> <p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p> <p>Roofs must use neutral colour tones such as greys, greens or browns.</p>	<p>Proposed roof pitch is a maximum of 22.5 degrees.</p> <p>Roof adopts hipped formation.</p> <p>Eaves 0.45m in overhang as identified on plans and contained within prescribed building envelope.</p> <p>Colour schedule provided indicates light colours to be used which are supported by Council's Heritage Advisor.</p>	Yes.												
<p>4.1.17 Lofts, Attics and Dormer Windows.</p> <p>Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and where there will be no impact on the views</p>	Not a corner lot.	Yes.												

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

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Control	Assessment	Compliance
<p>and vistas to and from Oran Park House and grounds.</p> <p>Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development.</p>	<p>Proposed development does not adopt loft, attic or dormer window.</p>	
<p>4.1.18 Garages.</p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p>	<p>Garage is setback a minimum of 6m from front boundary.</p> <p>Does not exceed 50%</p> <p>The garage has been considered within the overall building design and is considered as being consistent with regards to the main dwellings materials, colours and proposed roof pitch.</p> <p>Garage can accommodate two cars with the ability for an additional two cars to be parked on the residential lot in front of the garage.</p>	Yes.
<p>4.1.19 Building Materials.</p> <p>Building materials and finishes are to be non-reflective.</p> <p>Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p>	<p>Colour and material schedule provided. Colours and materials provided are considered non-reflective and suitable.</p> <p>Colours and materials considered to align with recommended palette.</p> <p>Tile roofing material proposed.</p> <p>Noted / complied.</p>	Yes.

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

Control	Assessment	Compliance
<p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p> <ul style="list-style-type: none"> • Face brickwork with struck or tooled joints; • Light coloured mortar joints; and • Any rendered surfaces painted in neutral colours. 	Noted, front façade will adopt variation between rendering and exposed brick.	
<p>4.1.20 Landscaping.</p> <p>All parts of the residential allotment in front of the building and facing the street that are not built on or paved are to be landscaped, with materials such as turf, groundcover, garden beds, shrubs and trees.</p> <p>Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>	Landscape plan indicates all parts within the front setback that are not built on or paved, are landscaped with various landscaping features such as turf, groundcover, trees and plantings.	Yes.
<p>4.1.21 Driveways.</p> <p>Driveways are to:</p> <ul style="list-style-type: none"> • Have a maximum width of 6m. • Be designed with high quality stone pavers, large tiles, selected permeable paving or exposed aggregate. The colour and finish of stone pavers and tiles is to be subdued with a natural unpolished finish. <p>When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.</p>	<ul style="list-style-type: none"> • Driveway does not exceed 6m • driveway finish to be in keeping with roof finish of low solar absorbance <p>Noted – No concrete driveway proposed.</p>	Yes.
<p>4.1.21 Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</p> <p>Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.</p>	None of the said structures are located from view of the public.	Yes.
<p>4.1.25. Letterboxes</p> <p>Letterboxes must not be a visually prominent element on the streetscape.</p>		Yes.

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

Control	Assessment	Compliance
Letterboxes must be designed as an integrated feature of the fence	Letterbox located so as to not be a visually prominent element from view of the streetscape. There is no front fence proposed or required	

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Attachment 3



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Attachment 4

CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	23 Gleeson Rise ORAN PARK NSW
Lot:	6034 DP1235007
Date:	11 April 2022

urbanco
Suite 3.03 55 Miller Street PYRMONT NSW 2009
PO Box 546 PYRMONT NSW 2009
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Appendices

Appendix 1 – View Analysis

Figures

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

Tables

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

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Attachment 4

1 INTRODUCTION

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

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

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

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

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

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

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

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

2 STATUTORY PLANNING FRAMEWORK

2.1 Clause 4.6 - Exceptions to development standards

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

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

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

- (3) *Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

This document forms the written request required under Clause 4.6.

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

- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) *the consent authority is satisfied that—*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

2.2 Development Standards

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

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

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

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

3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

3.1 Development Standard Subject to Variation

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

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

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

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

Clause 4.1(2) requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

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



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

3.2 Subject Site

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



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

Table 1: Lots in DP1235007 Subject to Clause 4.6 Variation

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

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

Table 2: Land Details Subject to Clause 4.6 Variation Request

Address:	23 Gleeson Rise ORAN PARK NSW	
Lot:	6034	DP1235007

3.3 Proposal

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

3.4 Planning Context

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

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

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

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

3.5 Extent of Variation to Development Standard

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

Table 3: Extent of Variation to Development Standard

Proposed Building Height:	5.759m
Extent of Proposed Variation*:	15.18 %

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

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

1. *the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

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

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

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

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

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

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

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

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

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

Test 1(a): the objectives of the zone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

The underlying objective of the built form within the transition area between Catherine Park House and the broader urban development is to provide single storey homes on large allotments with greater separation between dwellings and simple hipped and/or gabled roofs with a pitch over 22.5⁰ (refer to Test 5). The design intention for these homes is to have 'stately' houses that respect the heritage values of Catherine Park House.

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

The proposed variation does not rely on this test.

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

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

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



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

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

4.1.16 Roofs**Controls**

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

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

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

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

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

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

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

4.5 Building Height**Controls**

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

And:

4.6 Roofs**Controls**

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

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

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

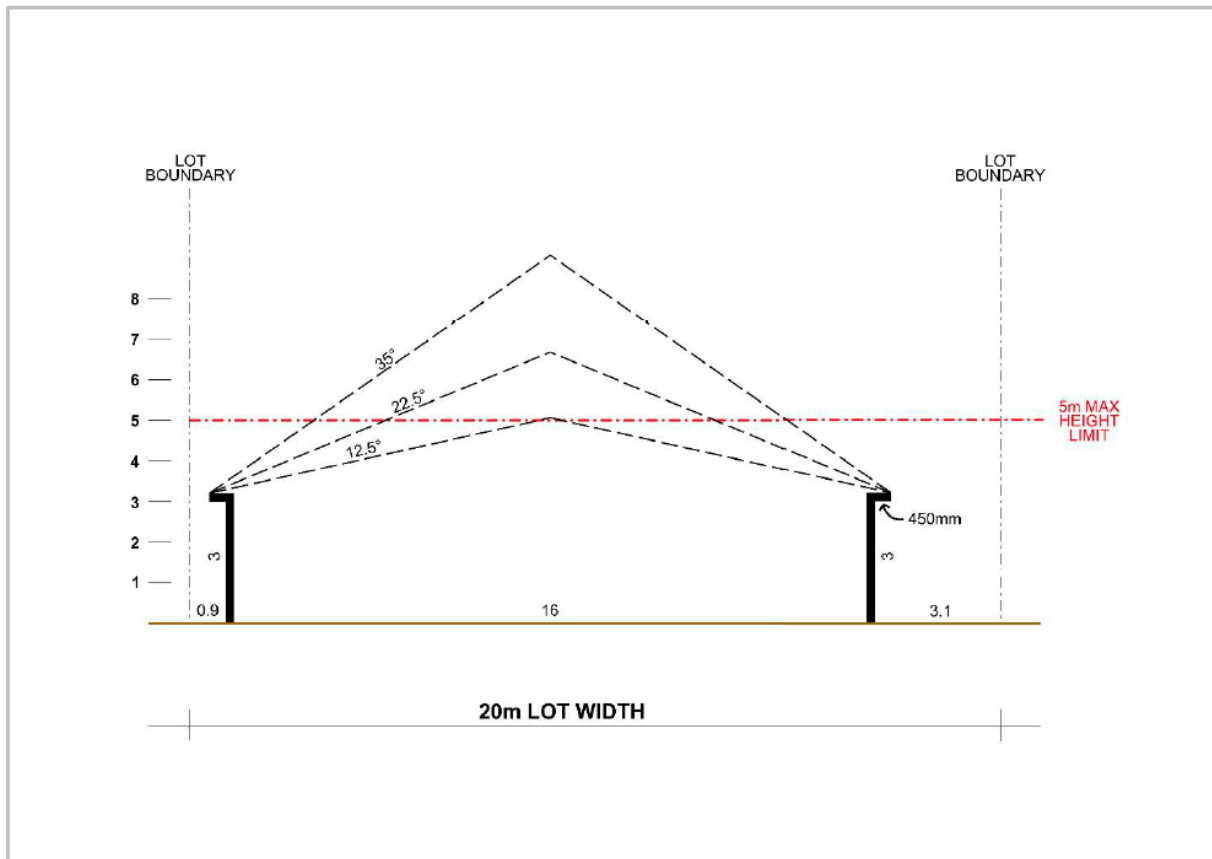


Figure 4 – Building Height & Roof Pitch

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

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

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

Conclusion

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

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

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

height development standard.

Better designed single storey dwellings & streetscapes

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

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

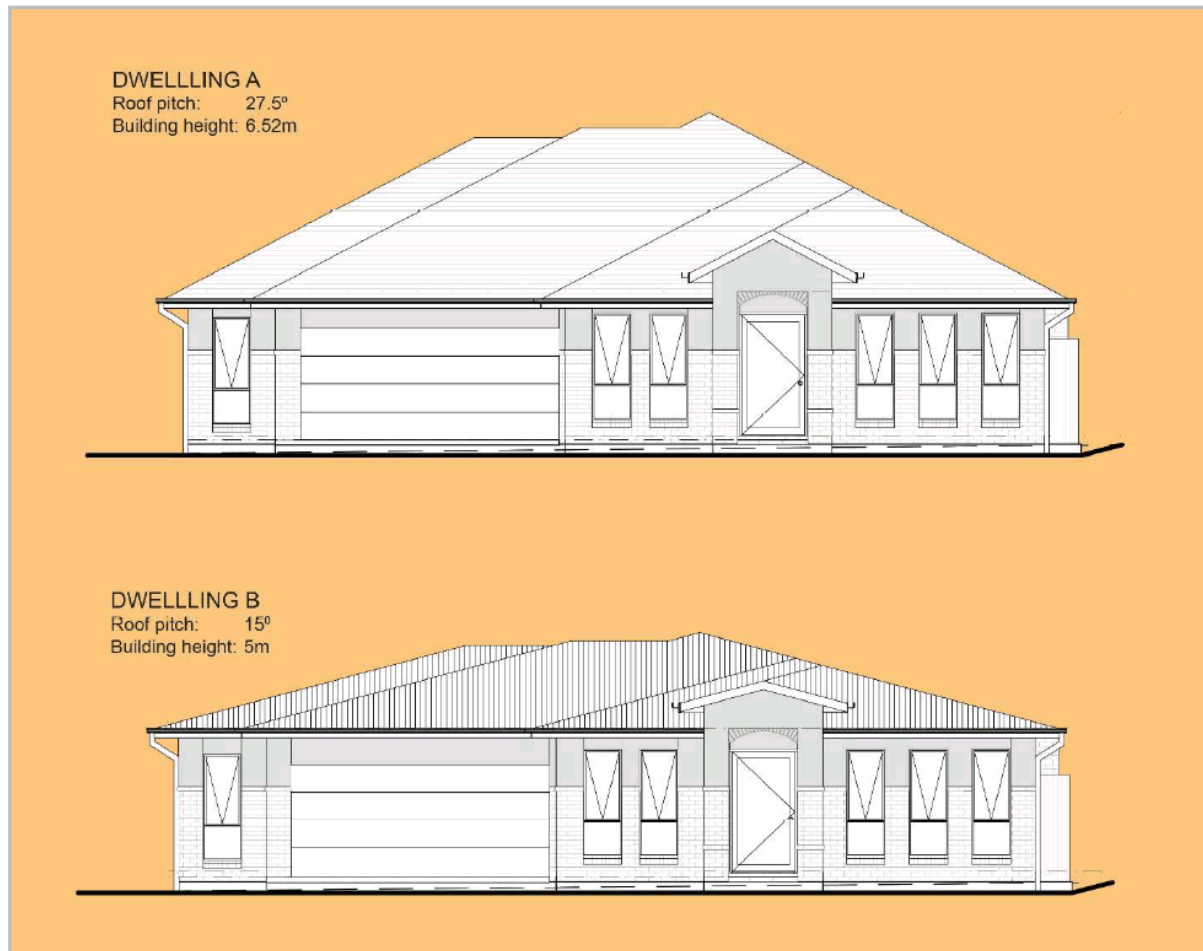


Figure 5 – Dwelling Roof Forms

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

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

No impact on views and vistas from Catherine Park House

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

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

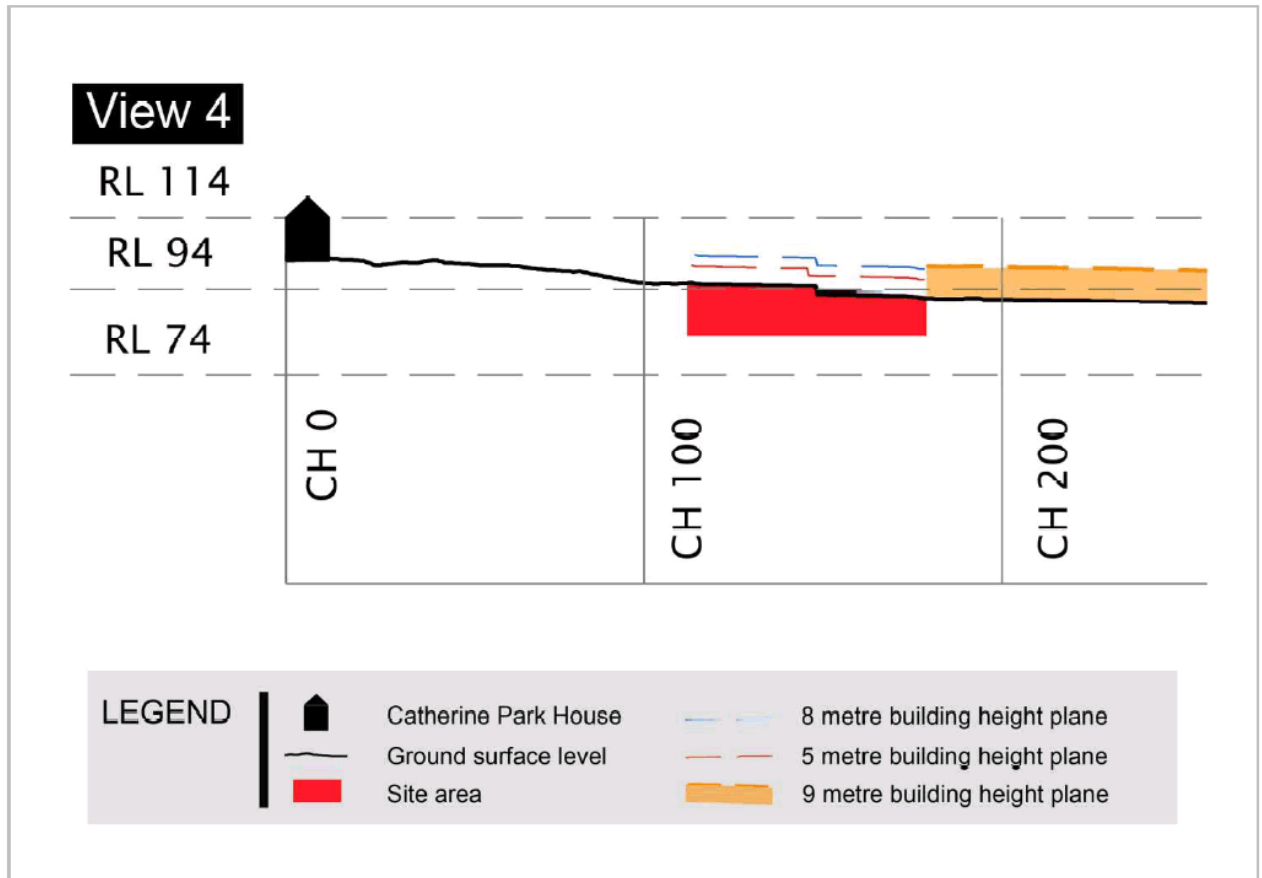


Figure 6 – Extract from View 4 in Views Analysis

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

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

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

Objectives and intent of built form surrounding Catherine Park House preserved

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

No significant environmental impact

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

Conclusion

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

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

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

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

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

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

4.4 Considerations for the Planning Secretary

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

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

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

CLPP01

Attachment 4

5 CONCLUSION

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

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

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

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

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

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

CLPP01

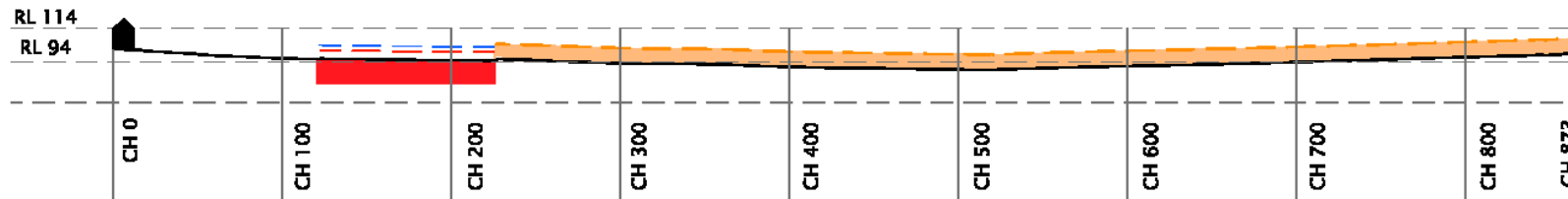
Attachment 4

APPENDIX 1
Views Analysis

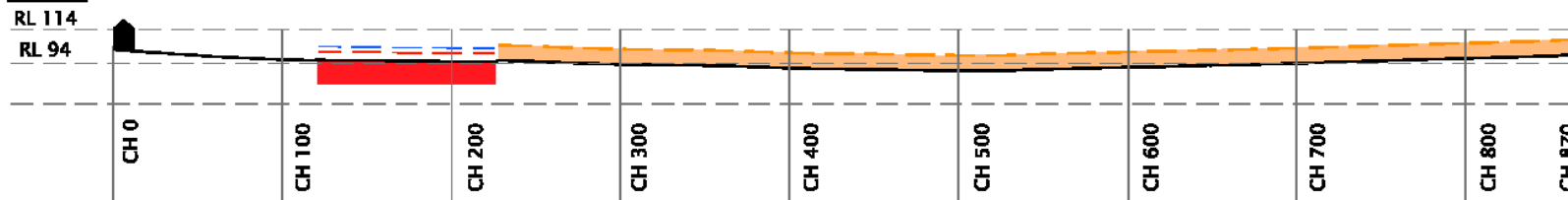
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

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

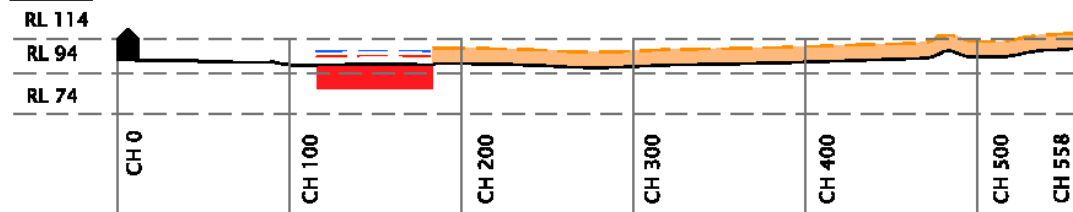
View 1



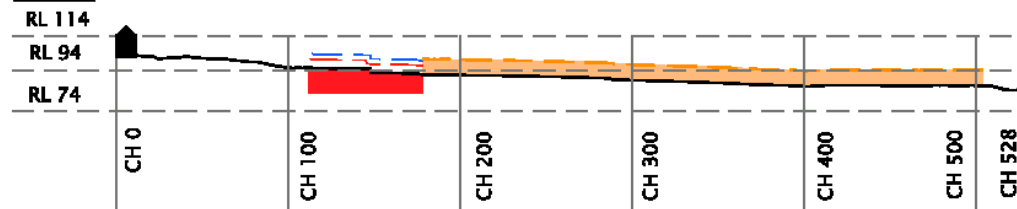
View 2



View 3

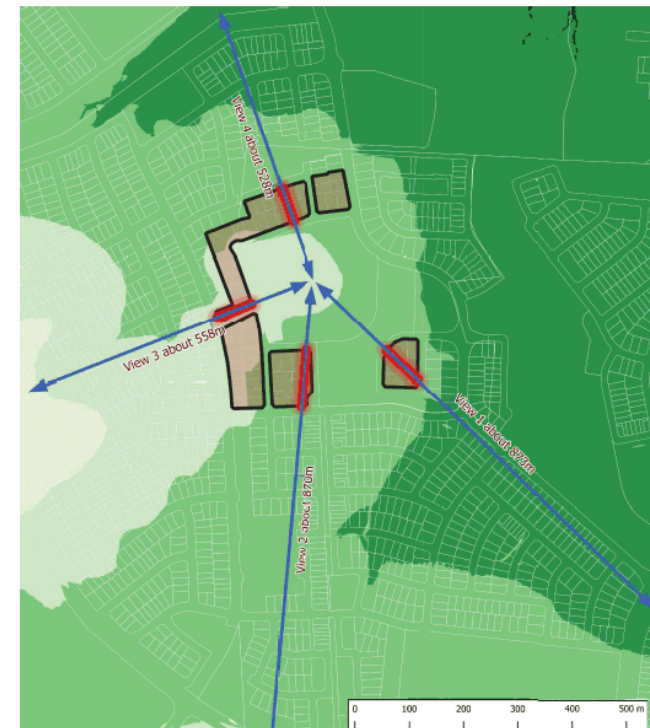


View 4



LEGEND

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





Heritage NSW

CLPP01

Our ref: DOC22/41407

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

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

Dear Ms. Fuller

ORAN PARK (SHR 01695) – REFERRALS TO HERITAGE NSW

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

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

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

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

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

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

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

Attachment 5

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

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

ABORIGINAL OBJECTS

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

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

COMPLIANCE

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

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

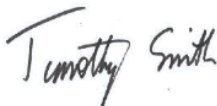
SECTION 60 APPLICATION

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

Reason: To meet legislative requirements.

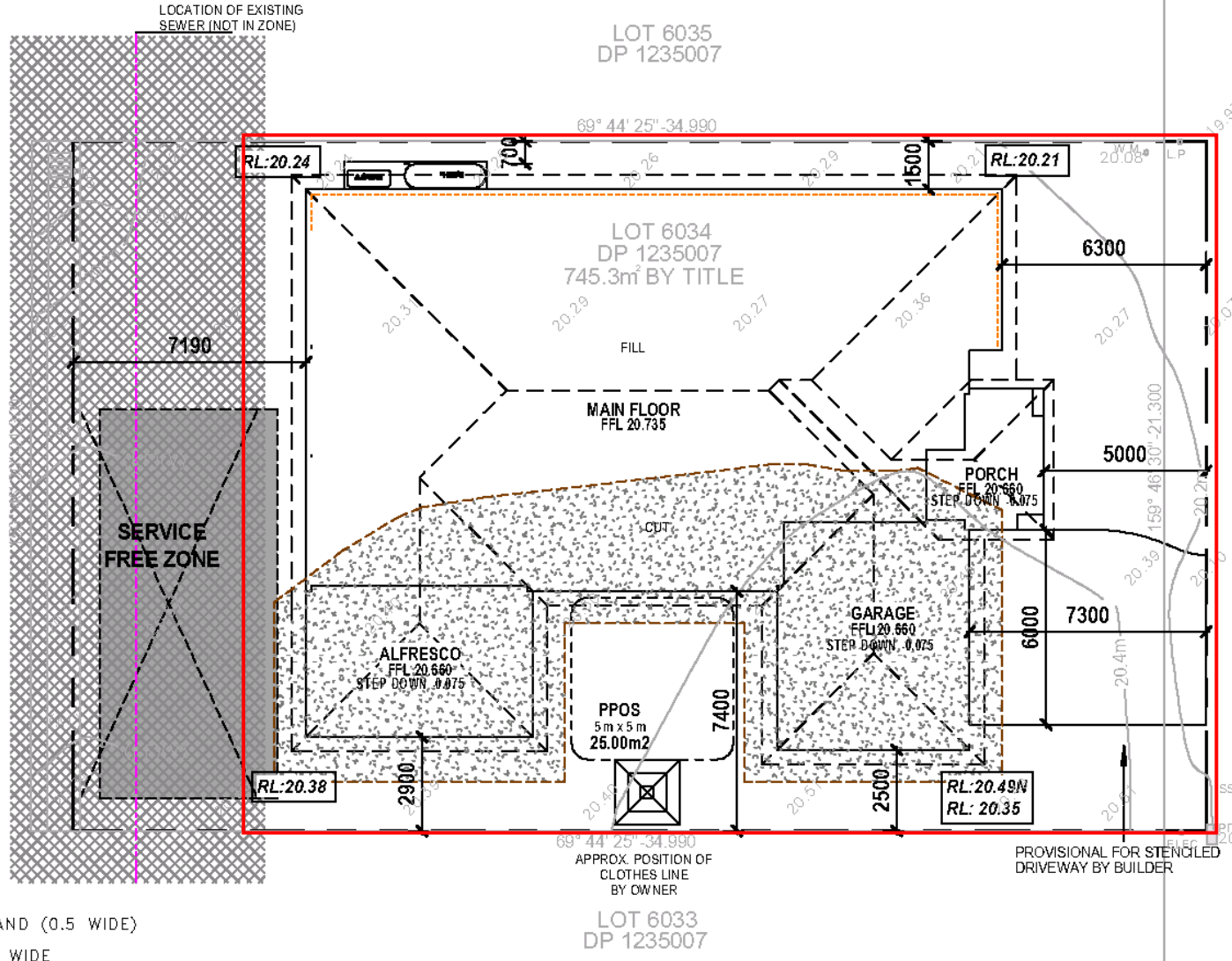
If you have any questions about this correspondence, please contact Veerle Norbury, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8616 or Veerle.Norbury@environment.nsw.gov.au. I want to thank Council for working proactively with Heritage NSW to find a pragmatic response that still provides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

Yours sincerely



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

	<p>1. ALL ACCESS TO SITE IS TO BE APPROVED BY SITE SUPERVISOR. DO NOT WORK OUTSIDE OF APPROVED HOURS UNLESS APPROVED BY COUNCIL.</p> <p>2. COUNCIL HOURS SET AS : MONDAY TO FRIDAY-7.00AM - 5.00PM SATURDAY- 7.00AM - 5.00PM SUNDAY- NO WORK PUBLIC HOLIDAYS- NO WORK</p>	<p>1. ALL RETAINING WALLS TO BE COMPLETED TO ENG'S DETAILS (IF REQUIRED).</p> <p>2. DISH DRAINS (IF REQUIRED) TO AUTHORITIES' REQUIREMENTS.</p> <p>3. DEMOLITION BY OWNER - ALL EXISTING TREES, STUMPS, CONCRETE PATHS, BUILDINGS, ETC., TO BE DEMOLISHED FROM BUILDING AREA PRIOR TO SECOND SITE INSPECTION.</p> <p>4. CONNECTION TO SEWER AND DRAINAGE EASEMENT TO BE TERMINATED AND CAPPED OFF BY OWNER'S TRADES PRIOR TO COMMENCEMENT OF WORKS BY MASTERTON.</p>	<p>1. EXCAVATE/FILL: TO FORM DATUM APPROXIMATE - 140mm / 140mm EXTENT OF EXCAVATION & BATTER TO BE DETERMINED ON SITE. BACKFILL AGAINST FOOT OF SLAB.</p> <p>2. SITE NOT FLOOD AFFECTED-DESIGN LEVELS MAY VARY BY +/- 100mm.</p> <p>3. SITE FLOOD AFFECTED-REFER TO FLOOD LEVEL BELOW.</p> <p>4. DROP EDGE BEAM (DEB) - LOCATION OF DEB STEPPING SHOWN APPROXIMATELY ONLY. FINAL DEB STEPPING TO BE DETERMINED ON SITE BY SUPERVISOR AND MAY VARY DUE TO SITE CONDITIONS.</p> <p>5. SEWER CONNECTION TO AUTHORITIES REQUIREMENTS AS PER TENDER.</p> <p>6. WATER CONNECTION TO SUPPLY AUTHORITIES MAIN AS PER TENDER.</p> <p>7. TEMPORARY PROTECTIVE FENCING TO BLOCK TO MEET SAFETY REQUIREMENTS</p> <p>8. SITE LEVELS SUBJECT TO SECOND SITE INSPECTION (KNOCKDOWN AND REBUILDS ONLY)</p> <p>9. SUBJECT TO RESULTS OF A SURVEY TO CONFIRM HOUSE / BOUNDARY POSITIONS AND DRIVEWAY GRADIENT.</p> <p>10. SUBJECT TO POSITION OF SERVICES.</p> <p>11. PROVIDE A CHECK SURVEY TO CERTIFY COUNCIL APPROVED FFL PRIOR TO FRAME ERECTION.</p>	<p>BASIX CERTIFICATE No. 1258626S ZON R2 DA No. 00000</p> <p>PROJECT SITE DETAILS LOT No. / HOUSE No. 6034 (2 DP NUMBER: 123507 SITE AREA: 745. NO. OF BEDROOMS:</p> <p>STORMWATER MIN. RAINWATER TANK CAPACITY 3000 MIN. ROOF AREA CONNECTED TO RAINWATER - 250.0 (REFER TO BASIX CERTIFICATE) RAINWATER USES: GARDEN TAPS, TOILET, LAUNDRY REMAINDER OF ROOFWATER & OVERFLOW TO: EASEMENT HYDRAULIC DESIGN REQUIRED: 1 (IF YES, REFER TO HYDRAULICS ENGINEER'S DRAWINGS)</p> <p>WATER KITCHEN TAP FITTING RATING: 4 ST/4 SHOWER HEAD RATING: 3 ST/4 TOILET RATING: DUAL FLUSH (3/6 litre) 4 ST/4 BATHROOM TAP FITTING RATING: 4 ST/4</p> <p>THERMAL COMFORT/ENERGY EXTERNAL WALL SURFACE: BRICK EXTERNAL WALL INSULATION: R 2 WALL COLOUR: MEDIUM ROOFING MATERIAL: TILE ROOF INSULATION: SARKIS ROOF COLOUR: DAF CEILING INSULATION: R 4 AIR CONDITIONING INCLUDED: Y EER: 3.5-34.0 OR HIGHER HOT WATER SYSTEM: GAS INSTANTANEOUS STAR RATING: 6 ST/4 COMPACT FLUORESCENT LIGHTING: AS PER BASIX COOKING APPLIANCES: GAS / ELECTRIC CLOTHES DRYING LINE REQUIRED: AS PER BASIX WIND DRIVEN VENTILATORS REQUIRED/QT: N</p> <p>WIP (WORKS IN PROGRESS) DRAINAGE REQUIRED: 1</p>
	<p>SITE LEGEND</p> <p> HATCHING INDICATES EXTENT OF CUT EXCAVATION</p>			



GLEESON RISE

- (V)-POSITIVE COVENANT (NO.8)
 (KF)-RESTRICTION ON THE USE OF LAND (0.5 WIDE)
 (A1)-EASEMENT TO DRAIN WATER 1.5 WIDE
- | | |
|-----------------------------|--------------------------------|
| BM BENCHMARK | BKB BACK OF KERB (ROLLED KERB) |
| RL REDUCED LEVEL | TKB TOP OF KERB (BARRIER KERB) |
| S.M.H SEWER MAN HOLE | TM TEXTA MARK |
| AHD AUSTRALIAN HEIGHT DATUM | DH DRILL HOLE |
| S SILL OF WINDOW | ELEC ELECTRICAL TURRET |
| H HEAD OF WINDOW | L.P LIGHT POLE |
| Ø DIAMETER OF TREE (APPROX) | |
| P.P POWER POLE | |
| W.M WATER METER | |

FLOOD LEVEL -	N/A
BAL RATING -	N/A
WIND CLASS -	N2
SLAB CLASS -	H1

1. HOUSE TOTAL AREA MEASURED FROM EXTERNAL FACE OF EXTERNAL WALL.
 2. TOTAL ROOF AREA MEASURED TO OUTSIDE OF GUTTERS. EXCLUDES PARAPETS & TRAFFICABLE TERRACES (GUTTER WIDTH 150mm).



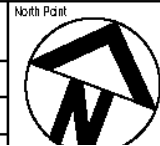
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CLIENT'S SIGNATURE 1: _____

CLIENT'S SIGNATURE 2: _____

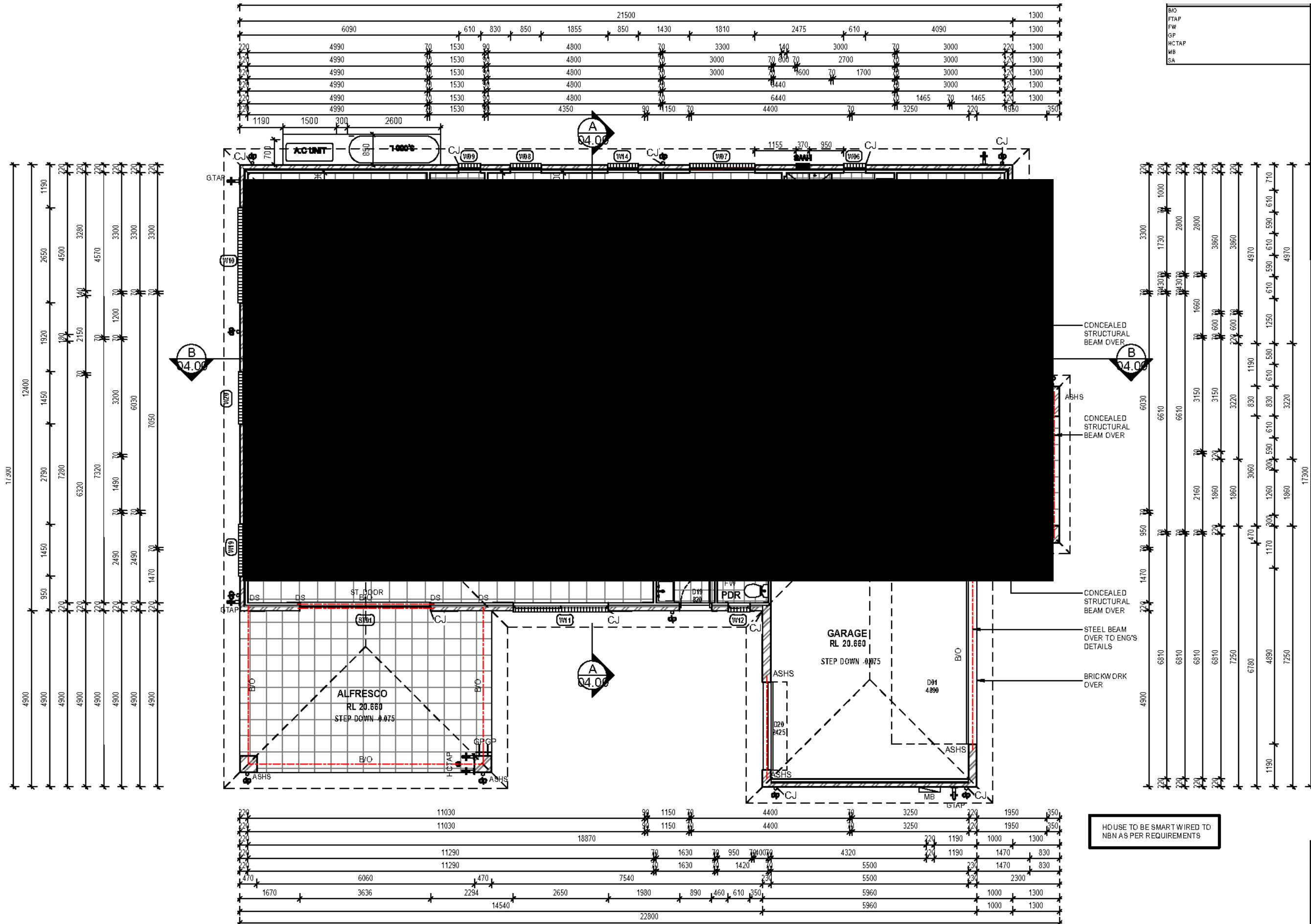
For: **MR JOHN DON NUNAG**
 Address: 23 GLEESON RISE, ORAN PARK NSW 2570
 Lot No: 6034 DP: 1235007



DWG: **SITE PLAN**
 Design: SYMPHONY GRANDE GARAGE LHS
 Facade: MODERN
 Stage: _____

COUNCIL SUBMISSION 2016678

Drawn Date: 13.05.21 Drawn By: MK Rev. Date: 13.05.2022 Scale @ A3: 1:200 Sheet No: 01 of 00 Revision: 7



FLOOD LEVEL -	N
BAL RATING -	N
WIND CLASS -	N
SLAB CLASS -	N

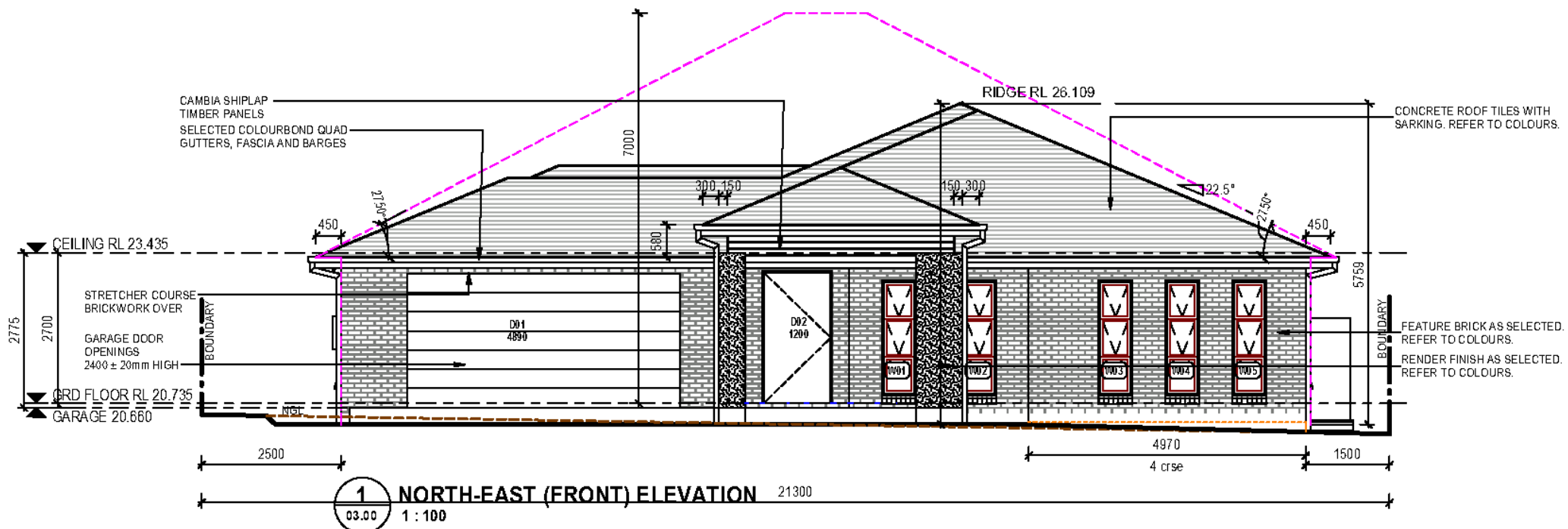
<p>MASTERTON</p> <p>19 SAPPHO ROAD AND HUME HIGHWAY, ARWICK FARM, NSW 2170 1-300-4HOMES(1300 446 637) WWW.MASTERTON.COM.AU</p>	<p>CLIENT'S SIGNATURE 1</p> <p>CLIENT'S SIGNATURE 2</p>	<p>For: MR JOHN DON NUNAG</p> <p>Address: 23 GLEESON RISE, ORAN PARK NSW 2570</p> <p>Lot No: 6034 DP: 1235007</p>	<p>North Point</p>	<p>DWG: FLOOR PLAN</p> <p>Design: SYMPHONY GRANDE GARAGE LHS</p> <p>Facade: MODERN</p> <p>Edition: ULTIMATE INCLUSIONS</p>	<p>Stage: COUNCIL SUBMISSION</p>	<p>Job No. 2016678</p>
		<p>DATE: _____</p> <p>I ACCEPT AND UNDERSTAND THE PLANS AND CONDITIONS THAT HAVE BEEN</p>		<p>Garage Location: IHS</p> <p>Drawn Date: 13.05.21 Drawn By: MK Rev. Date: 13.05.2022 Scale @ A3: 1:100</p> <p>Sheet No. 02 00 Revision: 7</p>		

WINDOW OPENING
 ALL OPENABLE PORTIONS OF A BEDROOM WINDOW TO BE FITTED WITH A DEVICE CAPABLE OF RESTRICTING OPENING SASH TO BE NO GREATER THAN 125mm WHERE THE WINDOW IS 2.0m OR MORE ABOVE THE SURFACE BELOW AND WINDOW SILL IS LESS THAN 1.7m ABOVE THE FLOOR (BCA VOL. 2/3.9.2.6).
 PROVIDE BARRIER PROTECTION TO ROOMS OTHER THAN BEDROOMS WHERE SURFACE BELOW IS 4m OR MORE. OPENABLE PART OF WINDOW MUST BE PROTECTED WITH A BARRIER HEIGHT NOT LESS THAN 85mm ABOVE FINISHED FLOOR. ANY BARRIERS MUST NOT PERMIT A 125mm SPHERE TO PASS THROUGH IT AND ANY HORIZONTAL ELEMENTS BETWEEN 150mm AND 760mm ABOVE THE FLOOR TO FACILITATE CLIMBING (BCA VOL. 2/3.9.2.7).

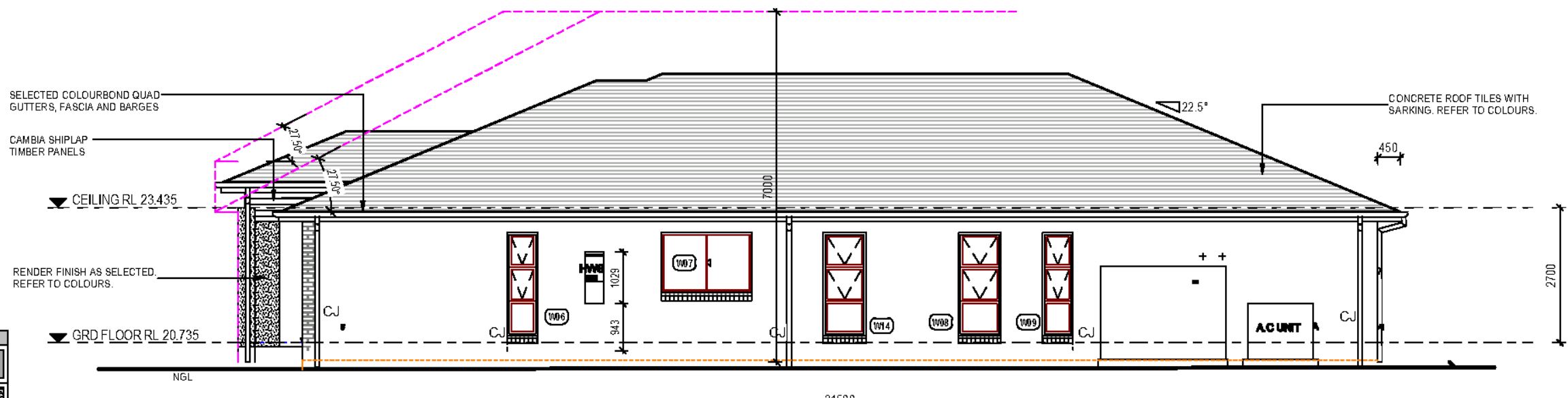
BALUSTRADES
 ALL BALUSTRADES TO BE MINIMUM 1000mm ABOVE FINISHED FLOOR LEVELS (BCA VOL. 2/3.9.2.3-4).
 ALL BALUSTRADES TO FIRST FLOOR BALCONIES WITH A HEIGHT OF 4.0m OR GREATER TO SURFACE BELOW, MUST BE CONSTRUCTED WITH NO HORIZONTAL FOOT HOLDS (BCA VOL. 2/3.9.2.3-E).
 INTERNAL STAIRS TO HAVE CONTINUOUS HANDRAIL.
 ALL GLASS BALUSTRADES TO BE FITTED WITH A TOP RAIL TO AUSTRALIAN STANDARD AS1288.

STAIR LANDINGS + TREADS
 STAIR LANDINGS WHERE IT IS POSSIBLE TO FALL 1.0m OR MORE MEASURED FROM SURFACE BELOW TO HAVE BALUSTRADE INSTALLED AS (BCA VOL. 2/3.9.2.2-4).
 STAIR TREAD SURFACE TO HAVE A SLIP RESISTANCE RATING IN ACCORDANCE WITH BCA VOL. 2/3.9.1.4(G) AND AS 4586.

- AC AIR CONDITIONING
- AC-D AIR CONDITIONING DROPPER
- ASHS ADJUSTABLE SHS
- B/O BEAM OVER
- BG BOX GUTTER
- BBO BBO GAS POINT
- CJ CONSTRUCTION JOINT
- DW DISHWASHER
- DP DOWNPIPE
- DPRH DOWNPIPE WITH RAINHEAD
- DPS DOWNPIPE WITH SPREADER
- DS DOUBLE STUD
- DW DISHWASHER
- EJ EXPANSION JOINT
- FJ FLOOR JOIST DIRECTION
- FS FRIDGE SPACE (WELL VENTILATED)
- FTAP COLD WATER FRIDGE TAP
- FW FLOOR WASTE
- GD GRATED DRAIN
- GP GAS POINT
- GTAP GARDEN TAP
- HCTAP HOT/COLD WATER TAPS WITH DRAINAGE POINT
- HWS HOT WATER SYSTEM
- LBW LOAD BEARING WALL
- MH MAN HOLE
- MW MICROWAVE
- P-WALL PARTI-WALL SYSTEM-FRL 60/60/60
- SA SMOKE ALARM (DETECTOR)
- SP STACK POINT-COORDINATE ON SITE BY PLUMBER/SURPERVISOR
- SHS SQUARE HOLLOW SECTION
- WMS WASHING MACHINE



1 NORTH-EAST (FRONT) ELEVATION
 03.00 1 : 100



B NORTH-WEST (RIGHT) ELEVATION
 03.00 1 : 100

FINISHES LEGEND

ROKA FINISH LED JOINT 1 CRS BELOW @ FLASHING LEVEL	[Pattern]
RYLIC RENDER LED JOINT 1 CRS BELOW @ FLASHING LEVEL	[Pattern]
ATURE ICK WORK	[Pattern]
ATURE ING	[Pattern]
ATURE ACK STONE	[Pattern]
ISHBY NER	[Pattern]
MBER CLADDING BIA - ALL STANDARD SITES BAU - BUSHFIRE AFFECTED SITES FER TO TENDER AND SIGNED OURS PLANS FOR EXTERNAL LOCATION DETAILS	[Pattern]

FLOOD LEVEL -	N
BAL RATING -	N
WIND CLASS -	N
SLAB CLASS -	F

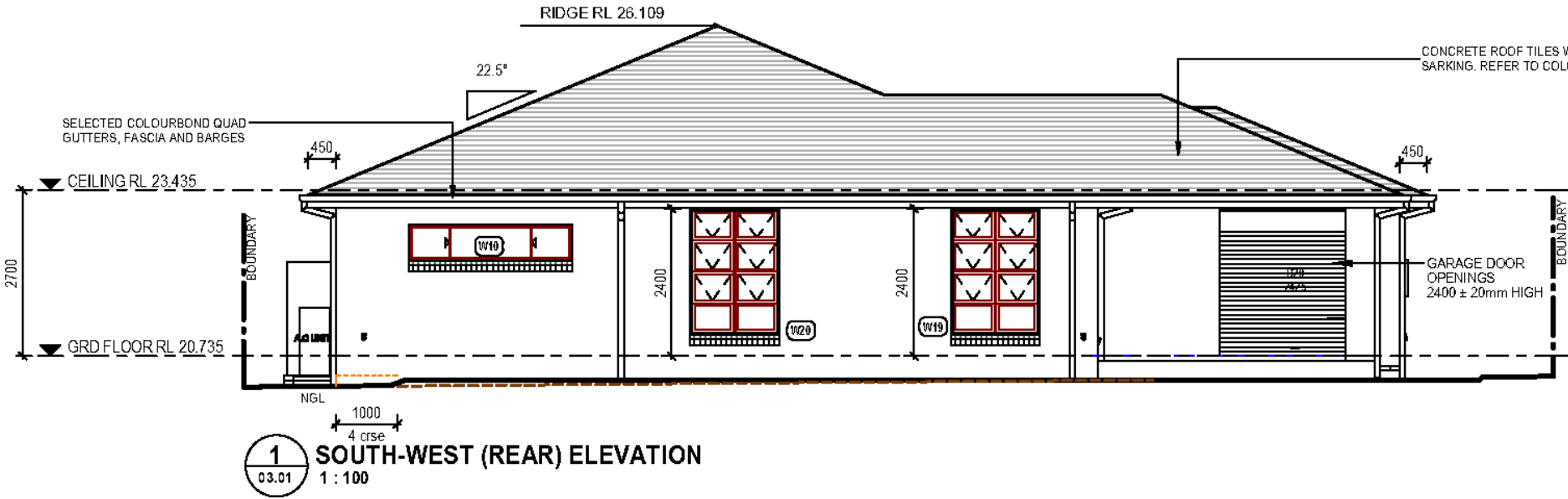
<p>MASTERTON 11 SAPHO ROAD AND HUME HIGHWAY, ARWICK FARM, NSW 2170 41300 4HOMES 1300 446 637 WWW.MASTERTON.COM.AU</p>	<p>CLIENT'S SIGNATURE 1</p> <p>MR JOHN DON NUNAG</p>	<p>For: MR JOHN DON NUNAG</p> <p>Address: 23 GLEESON RISE, ORAN PARK NSW 2570</p> <p>Lot No: 6034 DP: 1235007</p>	<p>North Point</p>	<p>DWG: ELEVATIONS</p> <p>Design: SYMPHONY GRANDE GARAGE LHS</p> <p>Facade: MODERN</p>	<p>Stage: COUNCIL SUBMISSION</p> <p>Job No: 2016678</p>
	<p>CLIENT'S SIGNATURE 2</p>	<p>ACCEPTED UNDERSTANDING THE PLANS AND DOCUMENTS THAT GOVERN THEM</p>	<p>Garage Location: LHS</p> <p>Drawn Date: 13.05.21 Drawn By: MK Rev. Date: 13.05.2022 Scale @ A3: 1:100 Sheet No: 03.00 Revision: 7</p>		

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 PROVIDE BARRIER PROTECTION TO ROOMS OTHER THAN BEDROOMS WHERE SURFACE BELOW IS 4m OR MORE. OPENABLE PART OF WINDOW MUST BE PROTECTED WITH A BARRIER HEIGHT NOT LESS THAN 965mm ABOVE FINISHED FLOOR. ANY BARRIERS MUST NOT PERMIT A 125mm SPHERE TO PASS THROUGH IT AND ANY HORIZONTAL ELEMENTS BETWEEN 150mm AND 760mm ABOVE THE FLOOR TO FACILITATE CLIMBING (BCA VOL. 2/3.9.2.7).

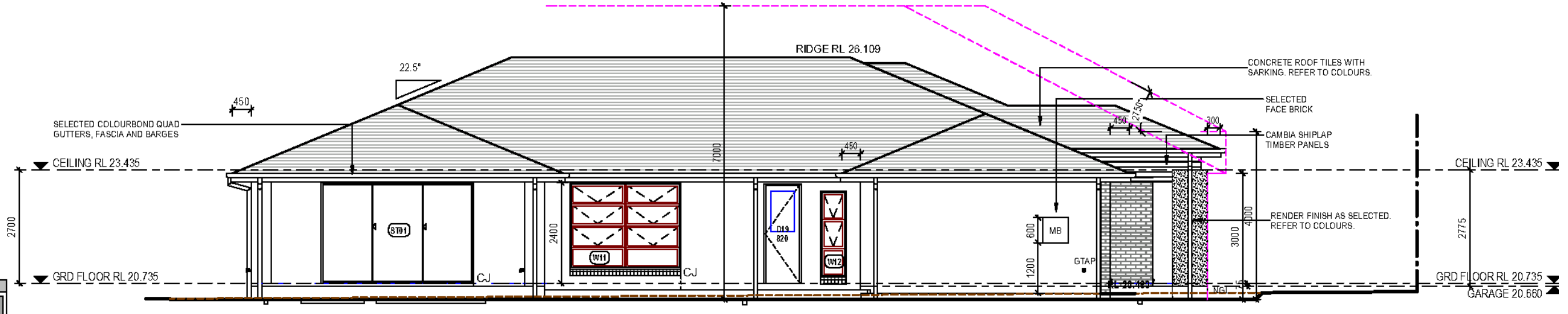
BALUSTRADES
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 STAIR TREAD SURFACE TO HAVE A SLIP RESISTANCE RATING IN ACCORDANCE WITH BCA VOL. 2/3.9.1.4(G) AND AS 4586.

AC	AIR CONDITIONING
AC-D	AIR CONDITIONING DROPPER
ASHS	ADJUSTABLE SHS
BO	BEAM OVER
BG	BOX GUTTER
BBQ	BBQ GAS POINT
CJ	CONSTRUCTION JOINT
DW	DISHWASHER
DP	DOWNPIPE
DPRH	DOWNPIPE WITH RAINHEAD
DPS	DOWNPIPE WITH SPREADER
DS	DOUBLE STUD
DW	DISHWASHER
EJ	EXPANSION JOINT
FJ	FLOOR JOIST DIRECTION
FS	FRIDGE SPACE (WELL VENTILATED)
FTAP	COLD WATER FRIDGE TAP
FW	FLOOR WASTE
GD	GRADED DRAIN
GP	GAS POINT
GTAP	GARDEN TAP
HCTAP	HOT/COLD WATER TAPS WITH DRAINAGE POINT
HWS	HOT WATER SYSTEM
LBW	LOAD BEARING WALL
MH	MAN HOLE
MW	MICROWAVE
P-WALL	PARTI-WALL SYSTEM-FRL 60/60/60
SA	SMOKE ALARM (DETECTOR)
SP	STACK POINT -COORDINATE ON SITE BY PLUMBER/SUPERVISOR
SHS	SQUARE HOLLOW SECTION
WMS	WASHING MACHINE



1 SOUTH-WEST (REAR) ELEVATION
 03.01 1 : 100



D SOUTH-EAST (LEFT) ELEVATION
 03.01 1 : 100

FINISHES LEGEND

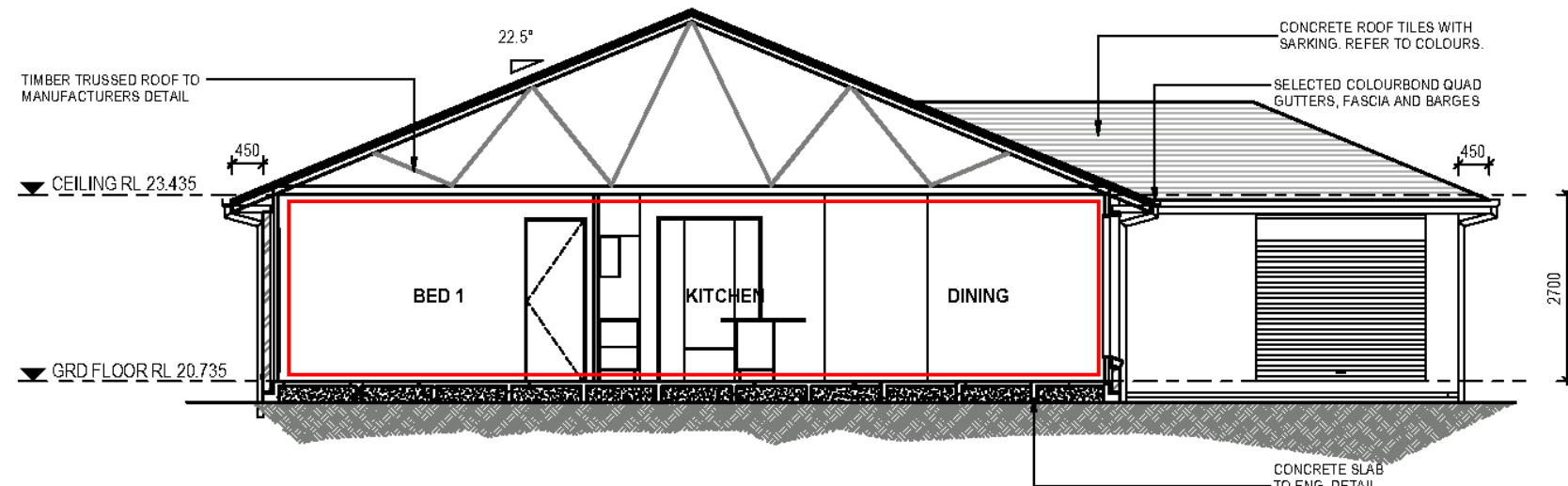
ROKA FINISH	RED JOINT 1 CRS BELOW @ FLASHING LEVEL
RYLIC RENDER	RED JOINT 1 CRS BELOW @ FLASHING LEVEL
ATURE BRICK WORK	
ATURE TILING	
ATURE STACK STONE	
ISHBY WNER	
MBER CLADDING	MBIA - ALL STANDARD SITES MBAU - BUSHFIRE AFFECTED SITES
FER TO TENDER AND SIGNED	OURS PLANS FOR EXTERNAL
PLICATION DETAILS	

FLOOD LEVEL -	N
BAL RATING -	N
WIND CLASS -	N
SLAB CLASS -	N

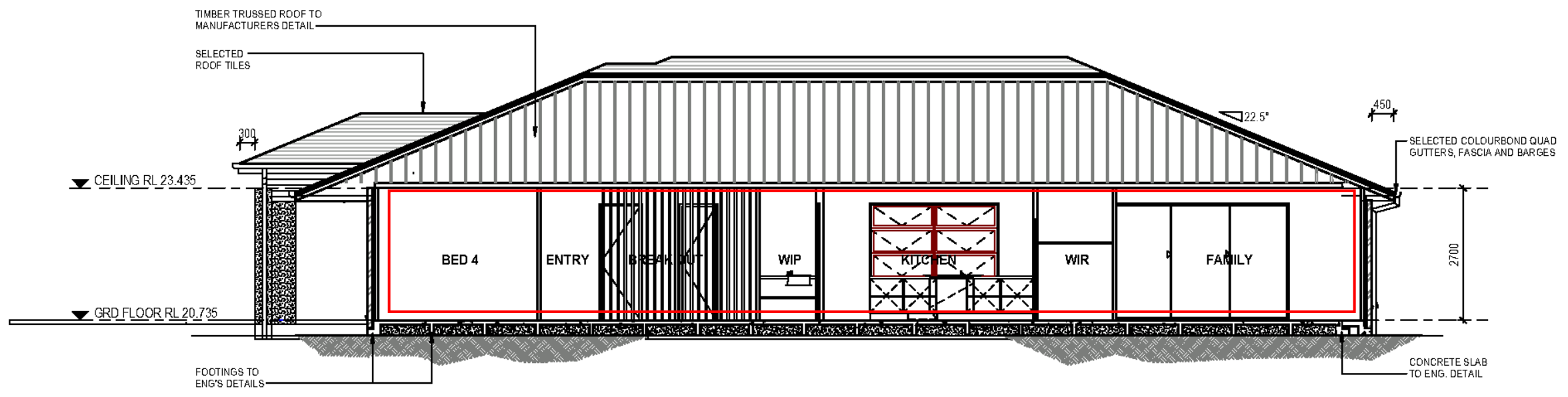
<p>MASTERTON</p> <p>100 SAPHO ROAD AND HUME HIGHWAY, ARSWICK FARM, NSW 2170 1-800-4HOME5 (1-300-446-637) WWW.MASTERTON.COM.AU</p>	<p>CLIENT'S SIGNATURE 1</p> <p>CLIENT'S SIGNATURE 2</p>	<p>For: MR JOHN DON NUNAG</p> <p>Address: 23 GLEESON RISE, ORAN PARK NSW 2570</p> <p>Lot No: 6034 DP: 1235007</p>	<p>North Point</p>	<p>DWG: ELEVATIONS</p> <p>Design: SYMPHONY GRANDE GARAGE LHS</p> <p>Facade: MODERN</p> <p>Edition: ULTIMATE INCLUSIONS</p>	<p>Stage: COUNCIL SUBMISSION</p> <p>Job No: 2016678</p>	<p>Drawn Date: 13.05.21 Drawn By: MK Rev. Date: 13.05.2022 Scale @ A3: 1 : 100 Sheet No: 03 01 Revision: 7</p>

- SQUARE SET OPENINGS TO GROUND FLOOR 2340mm HIGH (UNLESS SPECIFIED ON FLOOR PLANS).

INSULATION UPGRADES	
ADDITIONAL INSULATION UPGRADES TO FOLLOW:	
1.	R2.0 BRADFORD INSULATION BATTS TO EXTERN FRAMED WALLS OF LIVING AREAS & INCLUDING WALLS BETWEEN GARAGE & LIVING AREAS
2.	R4.1 BRADFORD INSULATION BATTS TO CEILING OF LIVING AREAS (EXCLUDING GARAGE)
3.	REFER TO BASIX BOX FOR STANDARD INSULATION REQUIREMENTS
4.	ENVIROSEAL WRAP INCLUDED



A SECTION A-A
04.00 1:100



B SECTION B-B
04.00 1:100

FLOOD LEVEL -	N
BAL RATING -	N
WIND CLASS -	N
SLAB CLASS -	F

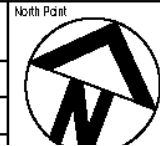


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CLIENT'S SIGNATURE 1
CLIENT'S SIGNATURE 2
I ACCEPT AND UNDERSTAND THE PLANS AND DOCUMENTS THAT HAVE BEEN
DATE

For
MR JOHN DON NUNAG
Address: 23 GLEESON RISE, ORAN PARK NSW 2570
Lot No: 6034 DP: 1235007

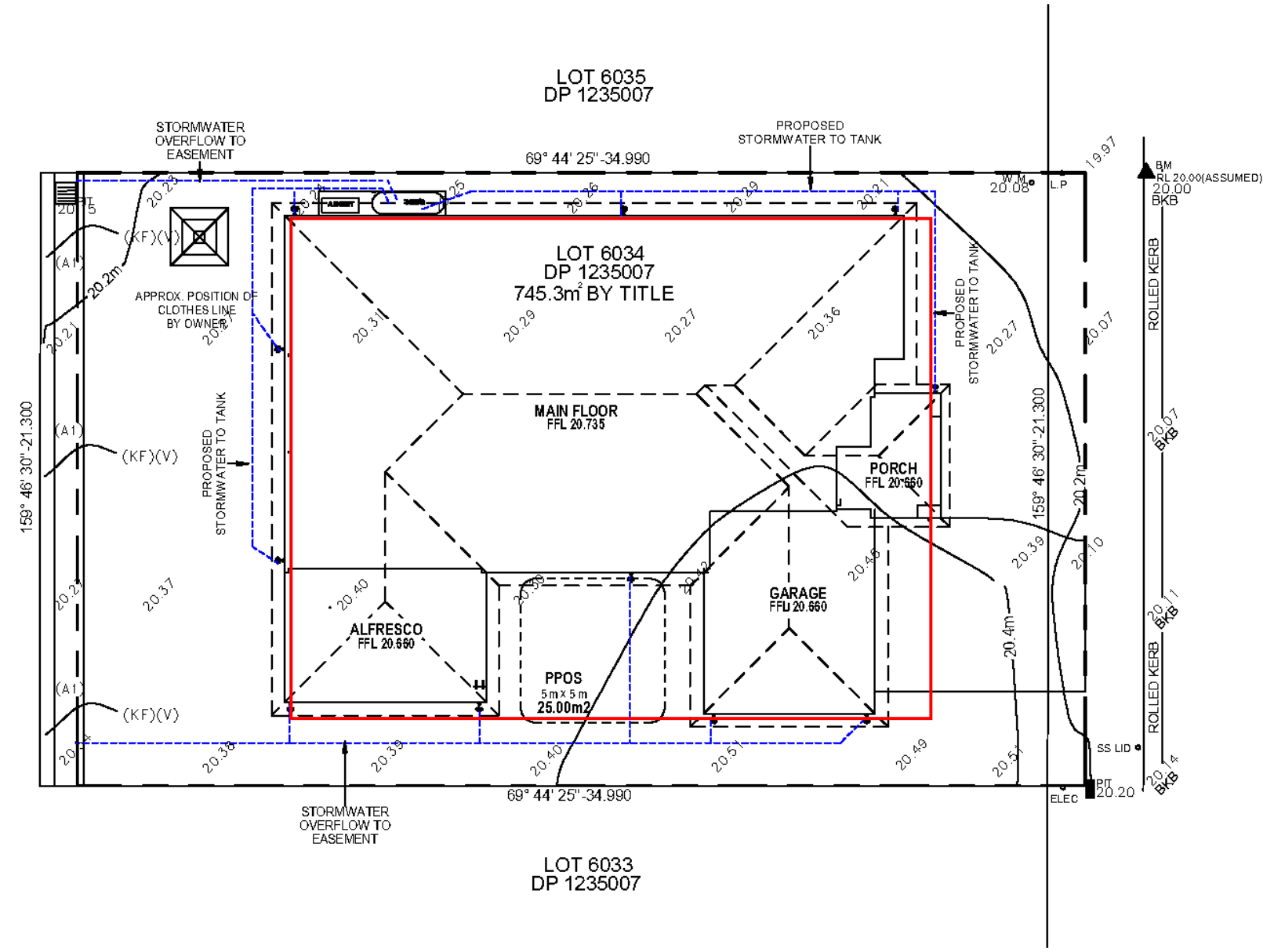


DWG: **SECTIONS**
Design: SYMPHONY GRANDE GARAGE LHS
Facade: MODERN
Editor: ULTIMATE INSULATIONS

COUNCIL SUBMISSION				2016678	
Stage:	Drawn Date:	Drawn By:	Rev. Date:	Scale @ A3:	Sheet No. / Revision:
	13.05.21	MK	13.05.2022	1:100	04.00 / 7

1. CONCRETE SLAB PLAN IS TO BE READ IN CONJUNCTION WITH ARCHITECTURALS & ENGINEERS DETAILS.
2. CONCRETE SLAB PLAN TO BE CHECKED BY SITE SUPERVISOR BEFORE POURING CONCRETE.
3. ALL PLUMBING AND DRAINAGE SETOUTS BE CHECKED BY PLUMBER BEFORE POURING OF CONCRETE.
4. STACK POINTS (SP) - FINAL LOCATIONS MAY VARY ON SITE, TO BE COORDINATE BY SUPERVISOR AND PLUMBER.
5. SHOWER FLOOR WASTE - DIMENSIONED TO CENTRE OF SHOWERS.
6. SHOWER GRATED DRAINS - DIMENSIONED TO EDGE OF WALL FACE.
7. GENERAL FLOOR WASTE - FINAL SETOUT TO BE COORDINATED BY PLUMBER.
8. BATH WASTE - FINAL SETOUT TO BE COORDINATED BY PLUMBER.
9. TANK OVERFLOW - 2 x CAPPED OFF POINT CONNECTED TO RAINWATER TANK OVERFLOW LINE TO BE COORDINATED ON SITE BY SUPERVISOR AND PLUMBER.
10. ALL EXTERNAL PATIOS / ALFRESCOS, SURFACE FINISH TO BE SUITABLE FOR TILING BY OWNER AFTER HANDOVER.

KEYNOTE LEGEND



GLEESON RISE

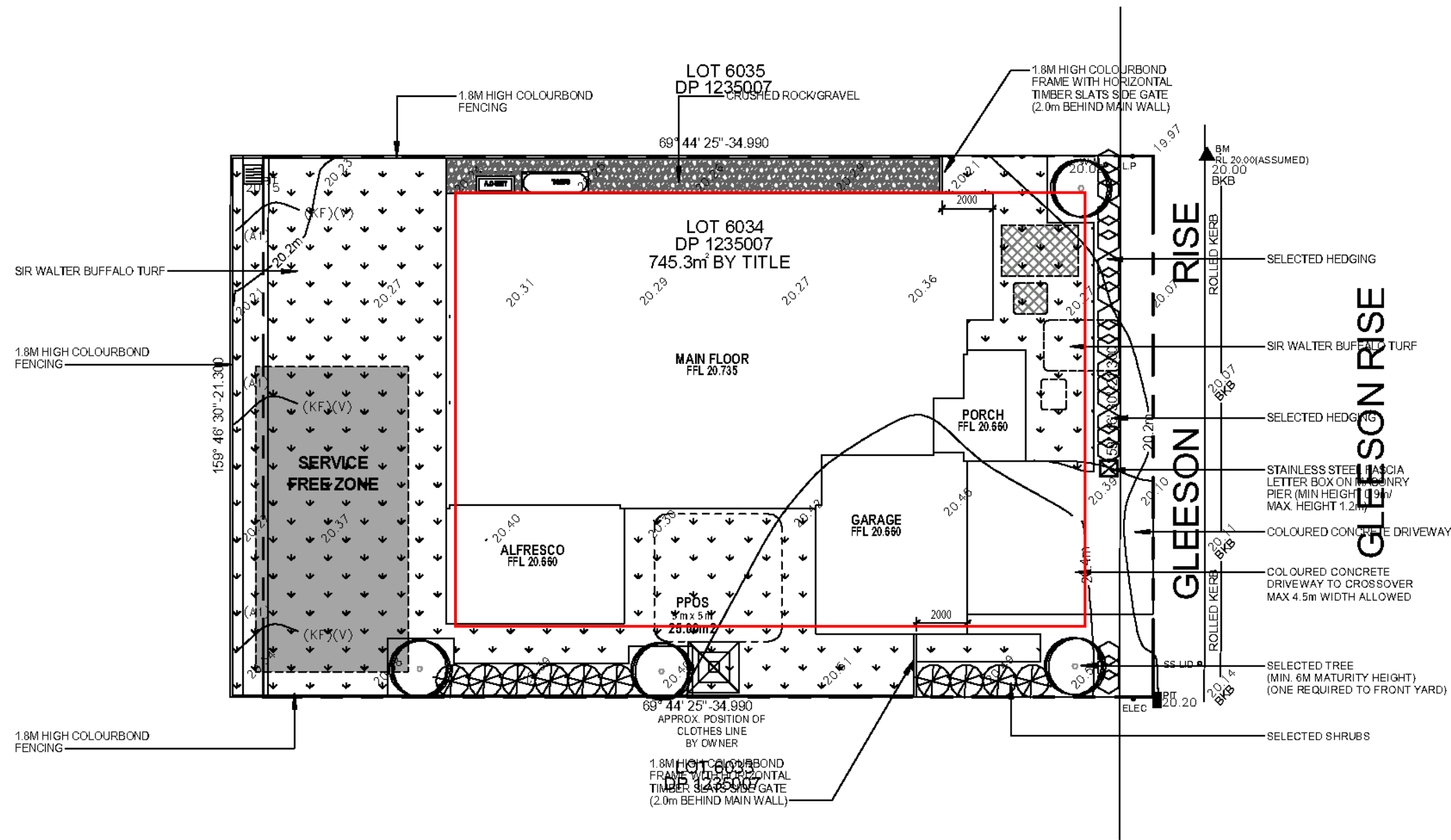
SALINITY AFFECTED

CONCRETE 32mPa
REFER TO TENDER AND ENGINEERS DRAWINGS FOR ADDITIONAL CONCRETE SPECIFICATION REQUIREMENTS

FLOOD LEVEL -	N
BAL RATING -	N
WIND CLASS -	N
SLAB CLASS -	N

<p>14 SAPPHO ROAD AND HUME HIGHWAY, ARWICK FARM, NSW 2170 1-300-4HOMES(1-300-446-637) WWW.MASTERTON.COM.AU</p>	<p>CLIENT'S SIGNATURE 1</p> <p>CLIENT'S SIGNATURE 2</p>	<p>For: MR JOHN DON NUNAG</p> <p>Address: 23 GLEESON RISE, ORAN PARK NSW 2570</p> <p>Lot No: 6034 DP: 1235007</p> <p>Council: CLPP01</p>	<p>North Point</p>	<p>DWG: CONCEPT DRAINAGE</p> <p>Design: SYMPHONY GRANDE GARAGE LHS</p> <p>Facade: MODERN</p> <p>Edition: ULTIMATE INCLUSIONS</p>	<p>Stage: COUNCIL SUBMISSION</p> <p>Job No: 2016678</p>
		<p>DATE: _____</p> <p>DATE: _____</p>		<p>Garage Location: LHS</p> <p>Drawn Date: 13.05.21 Drawn By: MK Rev. Date: 13.05.2022 Scale @ A3: 1:200</p> <p>Sheet No: 06 02 Revision: 7</p>	

IMPORTANT NOTE: OWNER TO COMPLETE ALL LANDSCAPING WORKS TO COMPLY WITH DEVELOPER REQUIREMENTS.




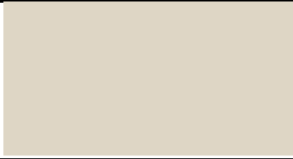


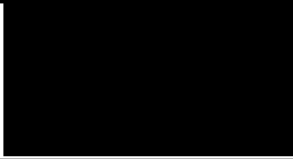



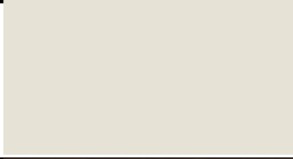

LEGEND

- SELECTED TREE (MIN. 6M MATURITY HEIGHT) - ORANGE JASMINE
- SELECTED SHRUBS - LAVENDER
- SELECTED HEDGING - JAPANESE BOX
- COLOURED CONCRETE DRIVEWAY, PATHWAY & CROSSOVER - GREY
- CRUSHED ROCK/GRAVEL
- PLAIN UNCOLOURED CONCRETE DRIVEWAY TO CROSSOVER ONLY
- SIR WALTER BUFFALO TURF
- STAINLESS STEEL FASCIA LETTER BOX ON MASONRY PIER (MIN HEIGHT 0.9m/ MAX HEIGHT 1.2m)
- 1.8M HIGH COLOURBOND FENCING
- 1.8M HIGH COLOURBOND FRAME WITH HORIZONTAL TIMBER SLATS SIDE GATE (2.0m BEHIND MAIN WALL)
- OUTDOOR CLOTHES LINE

FLOOD LEVEL -	N
BAL RATING -	N
WIND CLASS -	N
SLAB CLASS -	F

<p>MR. SAPHO ROAD AND HUME HIGHWAY, ARWICK FARM, NSW 2170 41300 4HOMES 1300 446 637 WWW.MASTERTON.COM.AU</p>	<p>CLIENT'S SIGNATURE 1</p> <p>CLIENT'S SIGNATURE 2</p>	<p>For: MR JOHN DON NUNAG</p> <p>Address: 23 GLEESON RISE, ORAN PARK NSW 2570</p> <p>Lot No: 6034 DP: 1235007</p>	<p>North Point</p>	<p>DWG: CONCEPT LANDSCAPE</p> <p>Design: SYMPHONY GRANDE GARAGE LHS</p> <p>Facade: MODERN</p>	<p>Stage: COUNCIL SUBMISSION</p> <p>Job No: 2016678</p>
		<p>DATE: _____</p> <p>ACCEPT AND UNDERSTAND THE PLANS AND DOCUMENTS THAT HAVE BEEN</p>		<p>Garage Location: LHS</p> <p>Drawn Date: 13.05.21 Drawn By: MK Rev. Date: 13.05.2022 Scale @ A3: 1:200 Sheet No: 06 03 Revision: 7</p>	

SCHEDULE OF EXTERNAL FINISHES

Proposal:	Single Storey Residential Dwelling	
Address:	Lot 6034 (No. 23) Gleeson Rise, Oran Park	
Masterton Homes Job number:	2016678	Dated: 19/05/2022
Client:	Mr Nunag	
Main Wall Finish	Austral - Chiffon Charcoal Iroed	
Render Colour	Marble Mist	
Cladding Colour	Stained Johnstone's in Porterhouse	
Tile Roof Colour	Atura Babylon	
Window Frames Colour	Black	
Gutters Colour	Wallaby	
Fascia Colour	Wallaby	
Downpipes Colour - see colours	Wallaby/Marble Mist	
Eaves Colour	Winter Ice	
Garage Door Colour	Classic Cedar	

Colours may vary on screen

CLPP02

CLPP02

SUBJECT: DA/2022/331/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE AND ASSOCIATED SITE WORKS - 73 O'KEEFE DRIVE, ORAN PARK

FROM: Manager Statutory Planning

EDMS #: 22/293702

DA Number:	2022/331/1
Development:	Construction of a single storey dwelling house and associated site works
Estimated Cost of Development:	\$300,000
Site Address(es):	73 O'Keefe Drive, Oran Park
Applicant:	Caleb Driver
Owner(s):	Caleb Driver
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 – Height of Buildings
Classification:	Local Development
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Departure from Development Standards greater than 10%
Report Prepared By:	Emily Langford (Development Assessment Planner)

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for a single storey dwelling house with associated site works at 73 O'Keefe Drive, Oran Park.

The Panel is to exercise Council's consent authority functions for this DA as, pursuant to the Minister for Planning's Section 9.1 Direction, it is a development that contravenes a development standard by more than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/331/1 for a single storey dwelling house with associated site works, pursuant to Section 4.16 of the Environmental Planning and Assessment Act 1979 by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a single storey dwelling house with associated site works at 73 O'Keefe Drive, Oran Park.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 11 April to 26 April 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 6.28m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 5 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

A building height control of 9m for two-storey dwellings generally applies to residential development in this area. The 5m height control applies to this land given its proximity to the curtilage of the state heritage listed Oran Park House, with the lower building height creating a transition area of single storey dwelling houses in this location. The building height contravention is restricted to a portion of the pitched roof. The dwelling house is single storey with a design that is compatible with its heritage context (including an appropriately pitched roof).

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

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling does not exceed 7m; and
- the dwelling is consistent with roof pitches, setbacks and building envelopes stated in Schedule 4 of the Camden Growth Centre Precincts DCP.

The proposed dwelling house at 73 O’Keefe Drive generally complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and was placed on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

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

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Precincts – Western Parkland City) 2021 – Clause 4.3 – Building Height – 5m	6.28m	1.28m / 25.6%

AERIAL PHOTO



Figure 1: Aerial photo of subject lot 6060.



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

THE SITE

The site is legally described as Lot 6060 in DP1235007 and commonly referred to as 73 O’Keefe Drive, Oran Park.

The site has an area of 569.2m² and is generally level with a small rise of approximately 600mm from the street frontage to western boundary. The lot is burdened by various easements and restrictions and the proposed development does not conflict with these easements and restrictions.

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

ZONING PLAN



Figure 3: Subject site - R2 Low Density Residential zoning

AREA MASTER PLAN



Figure 4. Red 'X' denoting location of lot 6060 (the lot) in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.

HISTORY

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

Date	Development
23 March 2018	DA/2017/491/1 – Consent was granted to a subdivision to create 141 residential lots, 2 superlots, a lot containing Oran Park House and its improvements, 1 residue lot, 1 public reserve lot, construction of public roads, provision of services, earthworks, site works and retaining walls to be delivered in four stages. This resulted in creation of the subject lot.
29 January 2021	<p>DA/2021/77/1 – A DA was submitted to Council that sought concept approval to establish site-specific building height development standards on 66 residential lots (8m as opposed to 5m) and stage 1 consent for the construction of 3 dwelling houses.</p> <p>The DA was withdrawn at the request of Council officers as it was determined that the height change should be addressed as part of a Planning Proposal.</p> <p>Prior to the DA being withdrawn, Heritage NSW issued general terms of approval (GTAs) for the Concept DA. The GTAs required any dwellings proposed on the subject lots to comply with a building envelope, including:</p> <ul style="list-style-type: none"> • a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and • the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.
26 February 2021	Planning Proposal (PP/2021/1/1) was submitted to Council. The Planning Proposal seeks to create additional local provisions to increase building heights for residential development surrounding Oran Park House by introducing a building envelope as a means of varying the 5m building height control (based upon the building envelope recommended by Heritage NSW in the GTAs issued for DA/2021/77/1).
12 October 2021	Planning Proposal (PP/2021/1/1) received Gateway Determination from Department of Planning and Environment (DPE).
19 October 2021	DA/2021/1621/1 – A DA was lodged to Council that sought approval for the construction of a single storey dwelling and associated site works. The application was withdrawn on 11 November 2021 due to insufficient information being provided with the DA.
9 February 2022	The Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.
14 June 2022	Council resolved to endorse Planning Proposal (PP/2021/1/1)

and forward it to the DPE for the plan to be made.

THE PROPOSAL

DA/2022/331/1 seeks approval for a single storey dwelling house with associated site works.

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

The estimated cost of the development is \$300,000.

BACKGROUND

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



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

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

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

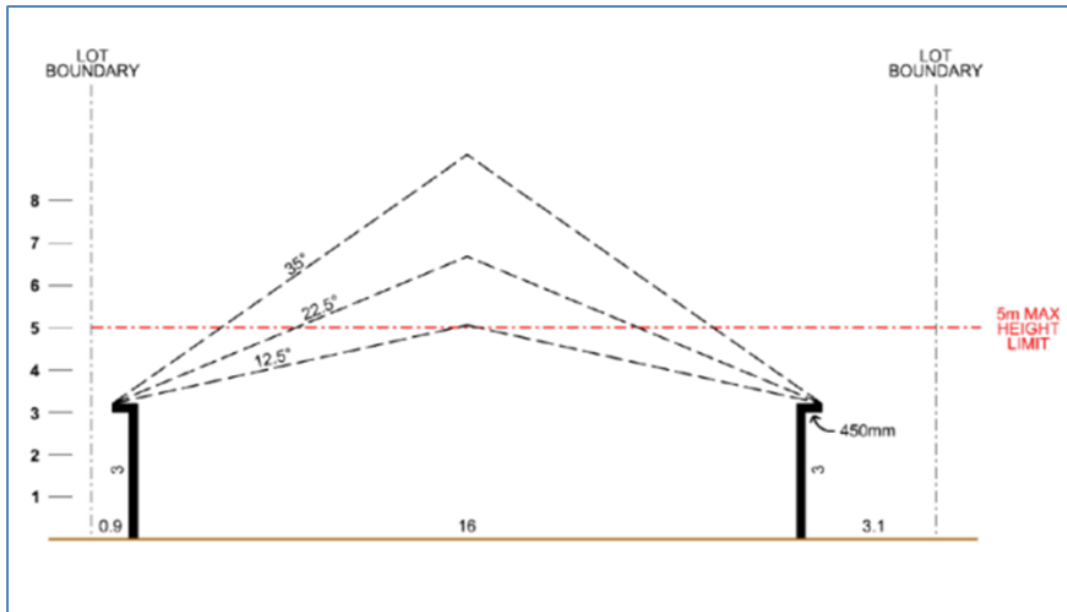


Figure 6. Indicating roof pitch, lot width and building height.



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

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

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling does not exceed 7m; and
- the dwelling is consistent with roof pitches, setbacks and building envelopes stated in Schedule 4 of the Camden Growth Centre Precincts DCP.

The proposed dwelling house at 73 O’Keefe Drive generally complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the DPE, and the public exhibition period has closed (exhibited from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

ASSESSMENT

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

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

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

The environmental planning instruments that apply to the development are:

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

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

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

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

The SEPP seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context. The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

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

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

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

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

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

Site Zoning and Permissibility.

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

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

Planning Controls

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

Clause 4.6 – Exceptions to Development Standards

The proposed development will contravene the height of buildings development standard which applies under clause 4.3 of Appendix 5 of the Growth Centre SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 6.28m in height, breaching the development standard by 1.28m and 25.6%.

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

- Compliance with the 5m height standard would detract from the design of the single storey dwelling and the overall streetscape;
- The development contravention will not impact on views and vistas from Oran Park House;
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not impact the intended type, or character of the desired development rather, aligns with the intended development of single storey dwellings;
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP;
- The request also demonstrates that relevant tests established in the Land and Environment Court (as set out in the Department's 2011 guideline for varying development standards) can be met:
 - The objectives of the standard and the R2 Low Density Residential zone are achieved notwithstanding noncompliance with the standard. A single storey detached dwelling which meets combined design requirements of setbacks, floor space ratio, and hipped roof forms ensures there are no significant adverse impacts. The objectives and intent of built form surrounding Oran Park House will be preserved.
 - If compliance was required, the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as intended in the heritage curtilage, consistent with the DCP controls and heritage guidelines.
 - Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and surrounds. The dwelling is consistent with the intended outcome for residential land surrounding Oran Park House with simple hipped and/or gabled roof forms of at least 22.5 degrees.

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

The justification contained within the Clause 4.6 written request demonstrates that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case and that there are sufficient planning grounds to justify contravening the development standard, in accordance with clause 4.6(3).

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

The proposed development with a 6.28m building height to its pitched roof ridge is otherwise consistent with the objectives of the development standard. The dwelling is single storey. Most of the dwelling is within the maximum height and its design is compatible to its heritage setting, including its roof pitch. The design of the dwelling will minimise visual impacts and protect adjoining development.

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

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

Consequently, it is recommended that the Panel support this proposed contravention to clause 4.3 of Appendix 5 of the Precincts – Western City Parkland SEPP.

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it (noting that provisions related to the Hawkesbury-Nepean River are now incorporated within the consolidated SEPP (Biodiversity and Conservation) 2021).

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

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

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

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

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling does not exceed 7m; and
- the dwelling is consistent with roof pitches, setbacks and building envelopes (as recommended by Heritage NSW) contained in Schedule 4 of the Camden Growth Centre Precincts DCP.

The proposed dwelling house generally complies with the above requirements however the front façade is not fully contained within the building height envelope (as recommended by Heritage NSW). The building height envelope requires entry features, porticos and other similar building elements to not exceed 4m in height and that such features must not exceed 30% of the building width / front façade. In this instance 42% of the building width / front façade is to consist of decorative design elements, being the gabled roof elements on the front elevation and the proposed gables are greater than 4 metres in height (refer image 8 and 9 below).

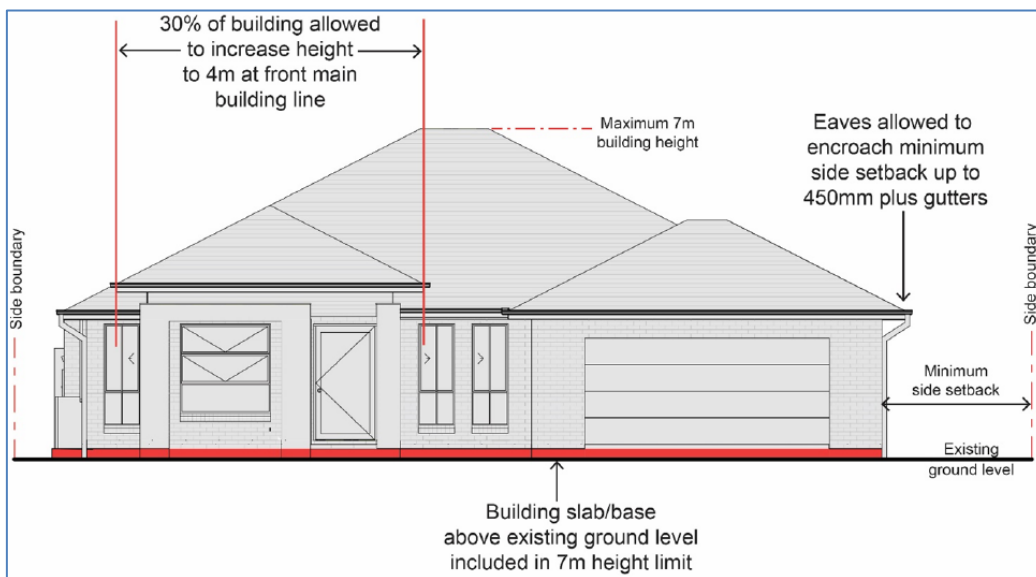


Image 8 – Building height envelopment control (front façade)

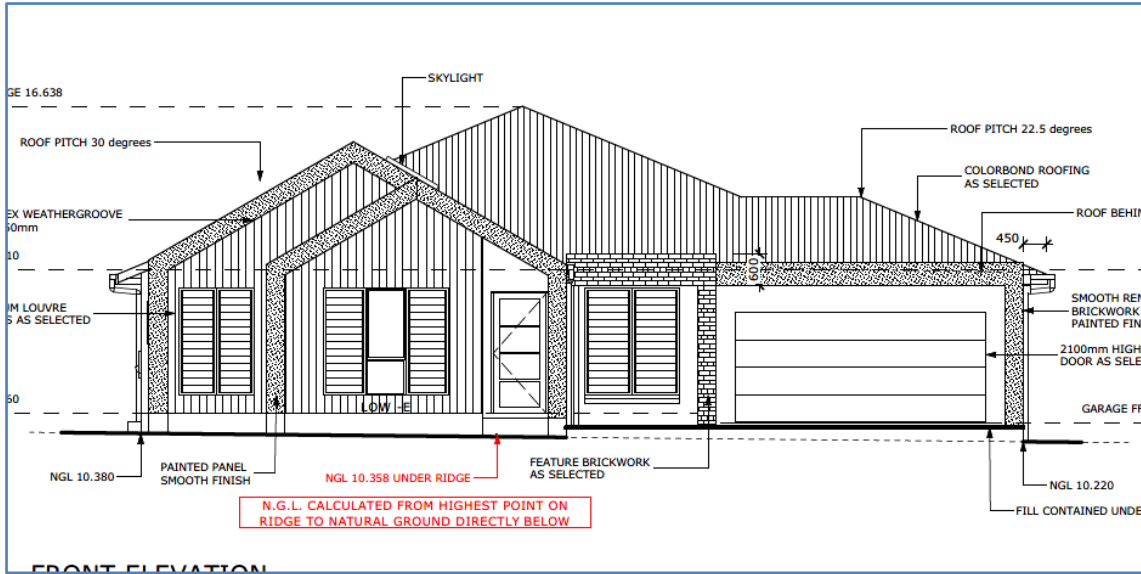


Image 9 – Front elevation of proposed dwelling house

The proposed variation is considered reasonable for the following reasons:

- The proposed dwelling house is not located within the heritage curtilage of Oran Park House. The standard building envelope was recommended by Heritage NSW for lots within the heritage curtilage.
- The proposed dwelling house is single storey, less than 7m in height and fully complies with all other controls as contained in the Camden Growth Centre DCP.
- On balance, the front façade of the proposed dwelling house is well articulated / modulated and consists of a variety of materials reducing any apparent visual bulk.
- Dwellings on lots outside the heritage curtilage can be approved under the relevant complying development / housing code provisions of SEPP (Exempt and Complying Development) 2008. Complying Development Certificates have been issued for the erection of single storey dwellings at 89, 77, 71, 69, 67, 63, 61, 57 Banfield Drive; 27 and 25 McEvoy Street; and 8, 4, 3 and 1 Gleeson Rise. While single storey, these dwellings had building heights greater than 5m and did not fully comply with the Standard Building Height Envelope (as recommended by Heritage NSW).

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

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

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

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

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

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

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

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

(c) *the suitability of the site for the development*

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

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 11 April to 26 April 2022 and no submissions were received.

(e) *the public interest*

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

EXTERNAL REFERRALS

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 applicant's written request lodged pursuant to Clause 4.6(3) of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021; and**

- ii. Approve DA/2022/331/1 for the construction of a single storey dwelling house at 73 O’Keefe Drive, Oran Park, subject to the conditions attached to this report.

REASONS FOR DETERMINATION

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

ATTACHMENTS

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

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Drawing No: 6488-1 Sheet: 2/12 Rev: M	Floor Plan	Macarthur Architectural Drafting Services	03/08/2021
Drawing No: 6488-1 Sheet: 3/12 Rev: M	Elevation Plan	Macarthur Architectural Drafting Services	03/08/2021
Drawing No: 6488-1 Sheet: 4/12 Rev: M	Elevation Plan	Macarthur Architectural Drafting Services	03/08/2021
Drawing No: 6488-1 Sheet: 5/12 Rev: M	Section Plan	Macarthur Architectural Drafting Services	03/08/2021
Drawing No: 6488-1 Sheet: 6/12 Rev: M	External Colour Plan	Macarthur Architectural Drafting Services	03/08/2021
Drawing No: 6488-1 Sheet: 7/12 Rev: M	Site Plan & Concept Stormwater Drainage Plan	Macarthur Architectural Drafting Services	03/08/2021
Drawing No: 6488-1 Sheet: 11/12 Rev: M	Landscape Plan	Macarthur Architectural Drafting Services	03/08/2021

Document Title	Prepared by	Date
BASIX Certificate No: 1241362S_02	Macarthur Architectural Drafting Services	25/03/2022
Waste Management Plan	Macarthur Architectural Drafting Services	16/09/2021

- (2) **Colour Schedule and Finish for Dwelling** – An amended colour schedule is to be submitted to and approved by Council / the accredited certifier prior to issue of a Construction Certificate indicating neutral, low reflective and natural tones (e.g. grey, green, brown) for the roof and driveway. The materials and colours shall be of low-medium absorbance (<0.6.5) in accordance with NSW BASIX requirements.
- (3) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (4) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.
- (5) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the principal certifier for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - a) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.
- (6) **Home Building Act – Insurance** - Building work that involves residential building work within the meaning of the *Home Building Act 1989*, shall not commence until such time as a contract of insurance is in force in accordance with Part 6 of that Act.
- This clause does not apply:
- a) to the extent to which an exemption is in force under Clause 187 or 188 of the EP&A Regulation 2000, subject to the terms of any condition or requirement referred to in Clause 187(6) or 188(4) of the EP&A Regulation 2000; or
- to the erection of a temporary building, other than a temporary structure to which subclause (1A) of Clause 98 of the EP&A Regulation 2000 applies.
- (7) **Shoring and Adequacy of Adjoining Property Works** - If the approved development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the consent shall, at the person's own expense:
- a) protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - b) where necessary, underpin the building, structure or work to prevent any such damage.

This condition does not apply if the person having the benefit of the consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying

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

- (8) **Infrastructure in Road and Footpath Areas** – Infrastructure must not be removed and/or reconstructed without prior written approval from Council. Any costs incurred due to the relocation, restoration or reconstruction of 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.

2.0 - Prior to Issue of a Construction Certificate

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

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

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

- (3) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)'. Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (4) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.

- (5) **Salinity (Dwellings and Outbuildings)** – The approved development shall comply with the requirements of the salinity management plan Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park, prepared by Douglas Partners, Project 76559.00 Dated November 2015.

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

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

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
 - f) a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;

- e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
- f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
- b) a principal certifier has been appointed by the person having benefit of the development consent;
- c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
- b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
- c) the name, address and telephone number of the principal certifier.
- The sign shall be maintained while the work is being carried out and removed upon the completion of works.
- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin to apply.
- A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.
- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction (the blue book)' and any Sediment and Erosion plans approved with this development consent.

- (9) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

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

4.0 - During Works

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

- (1) **Work Hours** - All work (including delivery of materials) shall be:
- restricted to between the hours of 7am to 5pm Monday to Saturday (inclusive), and
 - not carried out on Sundays or public holidays,
- unless approved in writing by Council.
- (2) **Excavations and Backfilling** - All excavations and backfilling associated with this development consent shall be executed safely, and be properly guarded and protected to prevent them from being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

If an excavation extends below the level of the base of the footings of a building on an adjoining allotment, the person causing the excavation shall:

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

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

This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

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

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

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

- (4) **Site Management** - The following practices are to be implemented during construction:

- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
- b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
- c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
- d) a waste storage area shall be located on the site;
- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
 - i) be a standard flushing toilet connected to a public sewer; or
 - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
 - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.

- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.

- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.

- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site's stabilised access point.
- (10) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

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

For Excavated Natural Material (ENM):

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

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

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

5.0 - Prior to Issue of an Occupation Certificate

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

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

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

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

Clause.	Assessment.	Compliance.
<p>Appendix 5, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. • To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. • To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The lot is located in an R2 Low Density Residential zone. The proposed development is characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone of Appendix 5 – SEPP (Precincts—Western Parkland City) 2021.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> • The proposal will provide for the housing needs of the community within the low-density residential environment. • The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it. • The proposal will be an addition to the existing housing type typical to the immediate surrounds. 	<p>Yes</p>
<p>Appendix 5, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p>	<p>The proposed development has a maximum building height of 6.28m.</p>	<p>No (Clause 4.6 written request submitted).</p>
<p>Appendix 5, 4.6 Exceptions to development standards</p> <p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p>	<p>The applicant has submitted a written request under Clause 4.6 of the Growth SEPP justifying the contravention to the maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered that the applicant's written request has adequately demonstrated that compliance with the development standard</p>	<p>Yes</p>

CLPP02

Attachment 2

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

CLPP02

Attachment 2

<p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>This clause prohibits the approval of certain development standard contraventions.</p>	<p>is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p>	
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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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

CLPP02

Attachment 3

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

CLPP02

Attachment 3

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

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

Control	Assessment	Compliance?
<p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.</p> <p>Front facades are to feature at least one habitable room with a window onto the street.</p> <p>Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.</p>	<p>All eaves measure at a minimum 450mm in width from the fascia board.</p> <p>Hipped roof pitch of 22.5 and 30 degrees proposed.</p> <p>Front façade to feature bed 2, bed 3 and study room with windows facing the street.</p> <p>Proposed garage to complement colour and finish of main dwelling.</p>	
<p>4.2.3 Front Setbacks.</p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p>	Yes.
<p>4.2.4 Side and Rear Setbacks.</p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>No encroachment of said structures into the rear setback.</p> <p>The proposal adopts side boundary setbacks greater than 0.9m.</p>	Yes.
<p>4.2.5 Dwelling Height, Massing and Siting.</p>		Yes.

CLPP02

Attachment 3

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

CLPP02

Attachment 3

Control	Assessment	Compliance?
<p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>Site coverage measured accordingly against tables 4-5 (lots >15m in width).</p> <p>FFL = 10.358 – lowest associated point of NGL = 10.760 = 0.402m</p>	
<p>4.2.6 Landscaped Area.</p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p> <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the location of any trees to be retained or planted.</p> <p>Surface water drainage shall be provided as necessary to prevent the accumulation of water.</p> <p>Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including native salt tolerant trees.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>Noted/complied.</p> <p>Stormwater to be conveyed to the kerb outlet.</p> <p>No concerns presented regarding the accumulation of surface water.</p>	Yes.
<p>4.2.7 Private Open Space.</p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>PPOS contained and achievable to rear north-west of lot. PPOS located appropriately.</p>	Yes.

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

Control	Assessment	Compliance?
<p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p>	<p>PPOS conveniently accessible from family room and alfresco. PPOS at grade <1:10.</p>	
<p>4.2.8 Garages, Storage, Site Access and Parking.</p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p> <p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.</p> <p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line via double car garage.</p> <p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p> <p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.8m.</p> <p>Double garage internal dimensions = 5.6 x 5.8m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p>	<p>Yes.</p>
<p>4.2.9 Visual and Acoustic Privacy.</p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony</p>	<p>Proposed development is single storey only. Proposed dwelling has an FFL <1.0m and therefore, presents no concerns relating to overlooking.</p>	<p>Yes.</p>

CLPP02

Attachment 3

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

CLPP02

Attachment 3

Control	Assessment	Compliance?
<p>location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm and noise is not to exceed background levels during the hours 10.00pm to 7.00am.</p> <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible comply with the criteria in Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden Growth Centre Precincts Development Control Plan</p> <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council’s Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p>	<p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted. Plant appropriately located to ensure no / minimal impact for residents of adjoining properties.</p> <p>Development requires architectural treatments regarding acoustic impacts. Condition recommended.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development requires architectural treatments regarding acoustic impacts. Condition recommended.</p>	

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

Control	Assessment	Compliance?
<p>4.2.10 Fencing.</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>No front fencing proposed.</p> <p>Side boundary return fences indicated at 2.0m behind the building line.</p>	Yes.
<p>Table 4-5 – Front setback. 4.5m to building façade.</p>	Primary eastern boundary setback = 5.24m.	Yes.
<p>Table 4-5 – Articulation zone. 3.0m if not fronting open space.</p>	Porch feature protrudes slight (max 200mm). Minimum 5.04m articulation zone achieved.	Yes.
<p>Table 4-5 – Garage setback. 5.5m to garage line and 1m behind the building line.</p>	Garage setback 7.004m from primary eastern boundary line. Garage setback 1.764m from primary building line, setback 7.04m from primary boundary line.	Yes.
<p>Table 4-5 – Side setbacks. Ground floor (Side A) = 0.9m Ground floor (Side B) = 0.9m.</p> <p>Upper floor (Side A) = 1.5m. Upper floor (Side B) = 0.9m.</p>	Side B (northern boundary) setback = 1.09m Side A (southern boundary) setback = 0.95m	Yes.
<p>Table 4-5 – Rear setback. Ground = 4.0.</p> <p>Upper floor = 6.0m.</p>	Rear southern boundary setback at ground = 4.046m.	Yes.
<p>Table 4-5 – Site coverage. Maximum 50% at ground floor. Maximum 30% at upper floor.</p>	NA – single storey only.	Yes.
<p>Table 4-5 – Soft landscaped area. Minimum 30% of the allotment area.</p>	Site Coverage = $262/569.2 \times 100 = 46.02\%$	Yes.
<p>Table 4-5 – Principal Private Open Space (PPOS). Minimum 24sqm with minimum dimensions of 4m.</p>	Landscaping = $209/569.2 \times 100 = 36.71\%$	Yes.
<p>Table 4-5 – Solar Access. 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours</p>	PPOS = 76sqm at dimensions >4.0m.	Yes.
<p>Table 4-5 – Solar Access. 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours</p>	No overshadowing of PPOS.	Yes.

CLPP02

Attachment 3

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

Control	Assessment	Compliance?
of sunlight between 9am and 3pm on June 21.	Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.	
Table 4-5 – Garages and carparking. Maximum double car garage door width 6m. 3 bedrooms or more to provide at least 2 car spaces.	Double garage proposed. Width = 4.8m. 2 spaces provided.	Yes.
Control	Assessment	Compliance?
4.1 Development Surrounding Oran Park House. Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.	The subject lot is located outside of the heritage curtilage. Development on the subject lot does not trigger nominated integrated development.	Yes.

CLPP02

Attachment 3



CLPP02

Attachment 4

CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	73 O'Keefe Drive ORAN PARK	
Lot:	6060	DP1235007
Date:	9 February 2022	

urbanco
 Suite 3.03 55 Miller Street PYRMONT NSW 2009
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Prepared for:

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

CLPP02

Attachment 4

1 INTRODUCTION

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

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

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

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

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

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

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

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

2 STATUTORY PLANNING FRAMEWORK

2.1 Clause 4.6 - Exceptions to development standards

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

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

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

- (3) *Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

This document forms the written request required under Clause 4.6.

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

- (4) *Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) *the consent authority is satisfied that—*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider—*
 - (a) *whether contravention of the development standard raises any matter of significance for State environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

2.2 Development Standards

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

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

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

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

3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

3.1 Development Standard Subject to Variation

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

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

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

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

Clause 4.1(2) requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

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



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

3.2 Subject Site

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



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

Table 1: Lots in DP1235007 Subject to Clause 4.6 Variation

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

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

Table 2: Land Details Subject to Clause 4.6 Variation Request

Address:	73 O'Keefe Drive ORAN PARK	
Lot:	6060	DP1235007

3.3 Proposal

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

3.4 Planning Context

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

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

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

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

3.5 Extent of Variation to Development Standard

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

Table 3: Extent of Variation to Development Standard

Proposed Building Height:	6.28 metres [Ref: Dwg No.6488-1 dated 3 Aug 2021]
Extent of Proposed Variation*:	25.6 %

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

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

1. *the objectives of the standard are achieved notwithstanding noncompliance with the standard;*
2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

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

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

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

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

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

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

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

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

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

Test 1(a): the objectives of the zone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

The underlying objective of the built form within the transition area between Catherine Park House and the broader urban development is to provide single storey homes on large allotments with greater separation between dwellings and simple hipped and/or gabled roofs with a pitch over 22.5⁰ (refer to Test 5). The design intention for these homes is to have 'stately' houses that respect the heritage values of Catherine Park House.

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable

The proposed variation does not rely on this test.

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

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

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



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

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

4.1.16 Roofs**Controls**

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

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

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

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

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

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

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

4.5 Building Height**Controls**

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

And:

4.6 Roofs**Controls**

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

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

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

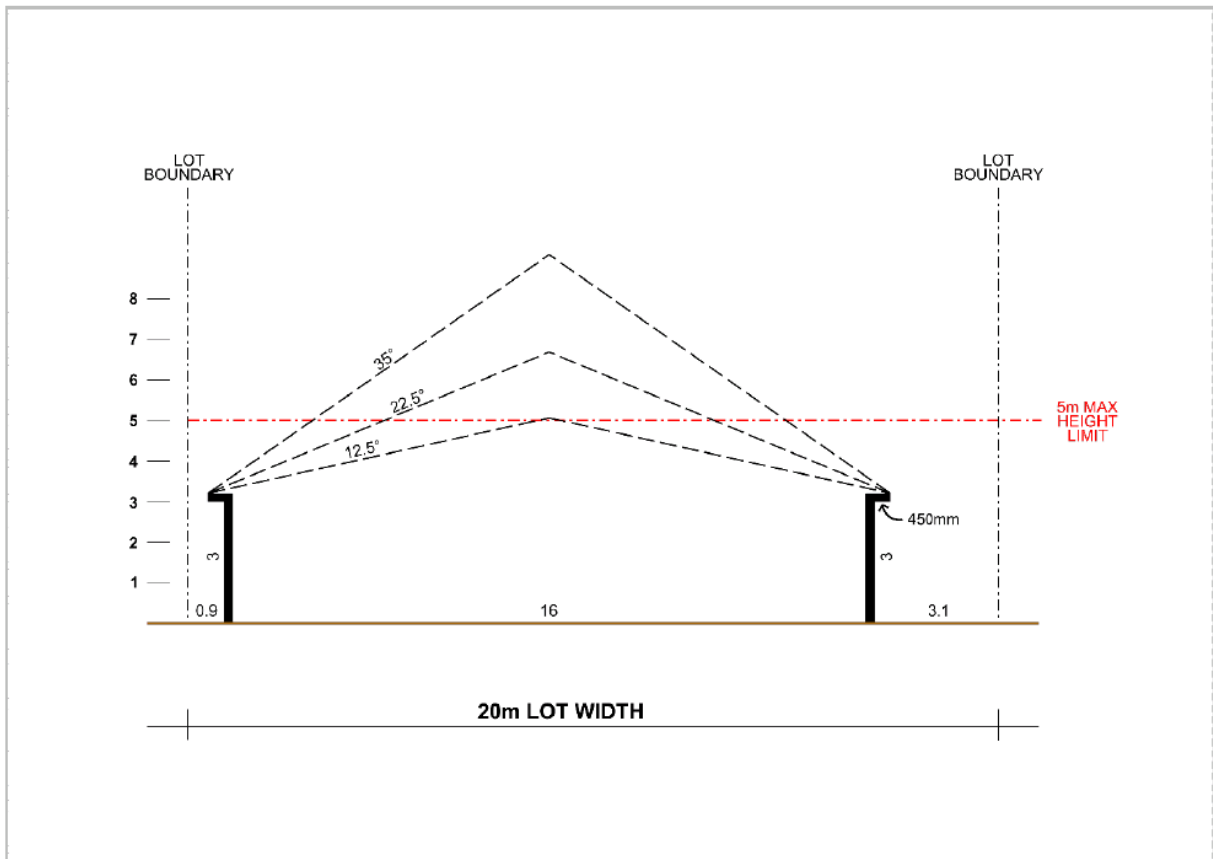


Figure 4 – Building Height & Roof Pitch

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

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

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

Conclusion

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

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

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

height development standard.

Better designed single storey dwellings & streetscapes

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

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

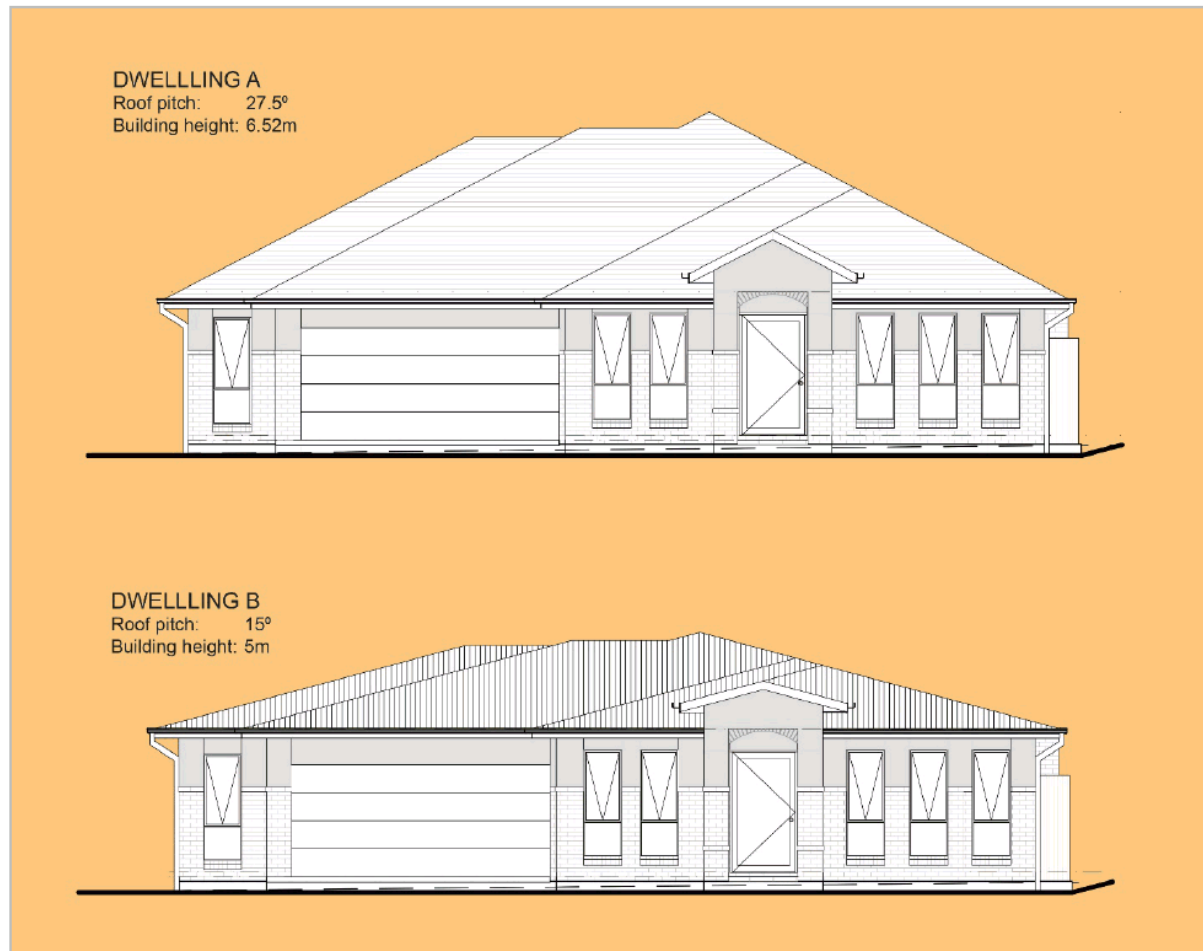


Figure 5 – Dwelling Roof Forms

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

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

No impact on views and vistas from Catherine Park House

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

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

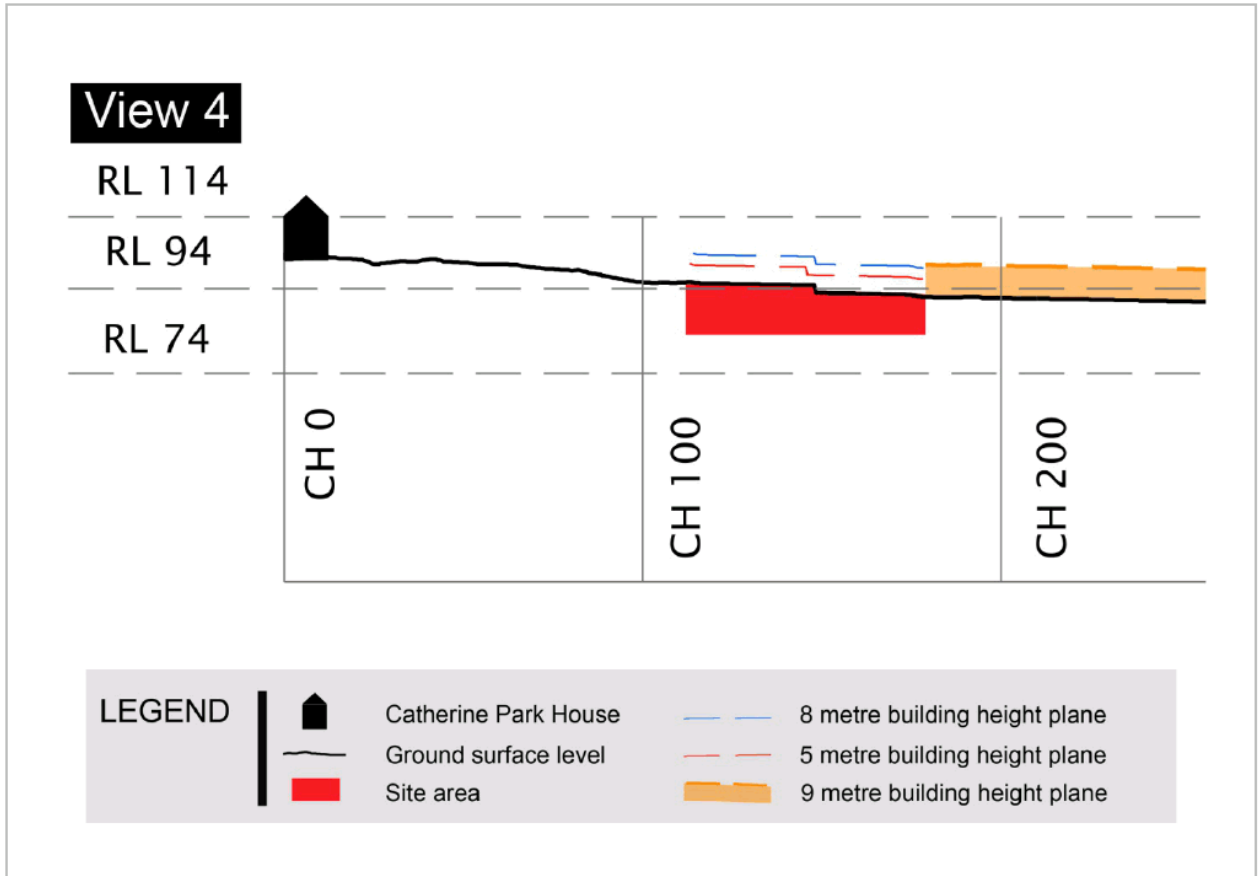


Figure 6 – Extract from View 4 in Views Analysis

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

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

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

Objectives and intent of built form surrounding Catherine Park House preserved

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

No significant environmental impact

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

Conclusion

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

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

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

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

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

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

4.4 Considerations for the Planning Secretary

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

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

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

CLPP02

Attachment 4

5 CONCLUSION

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

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

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

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

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

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

CLPP02

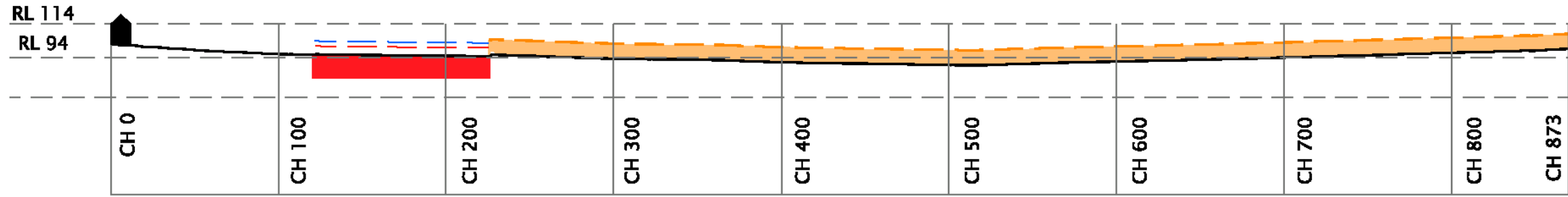
Attachment 4

APPENDIX 1
Views Analysis

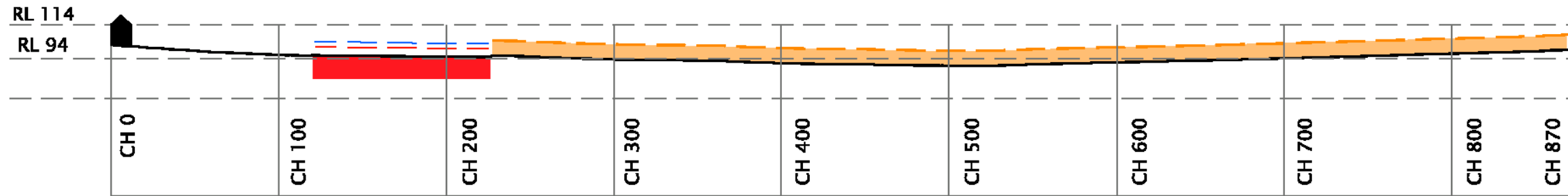
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

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

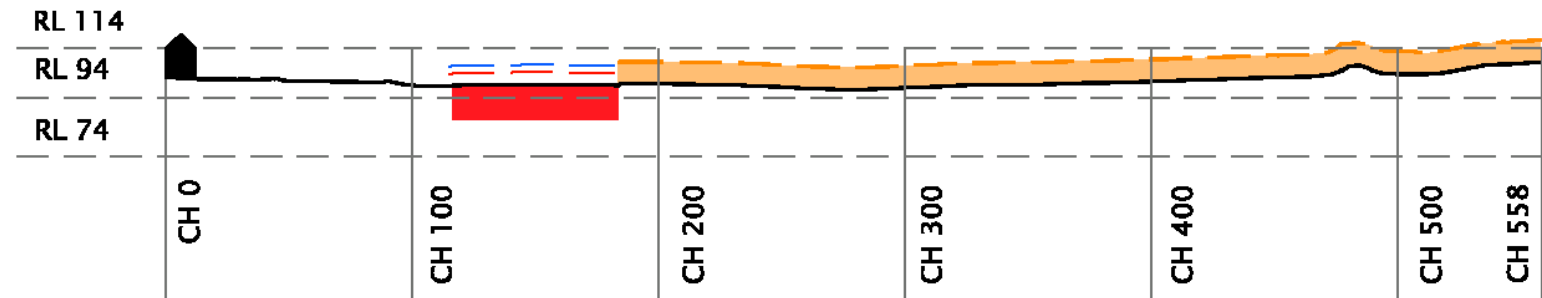
View 1



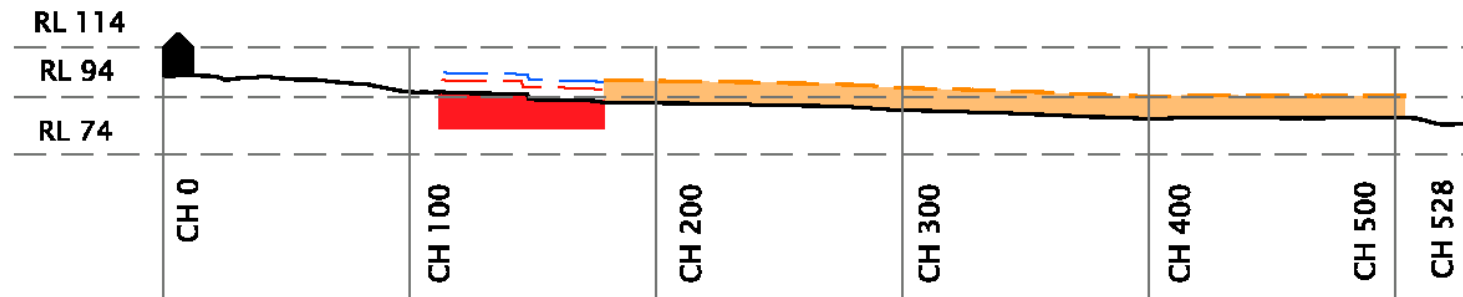
View 2



View 3

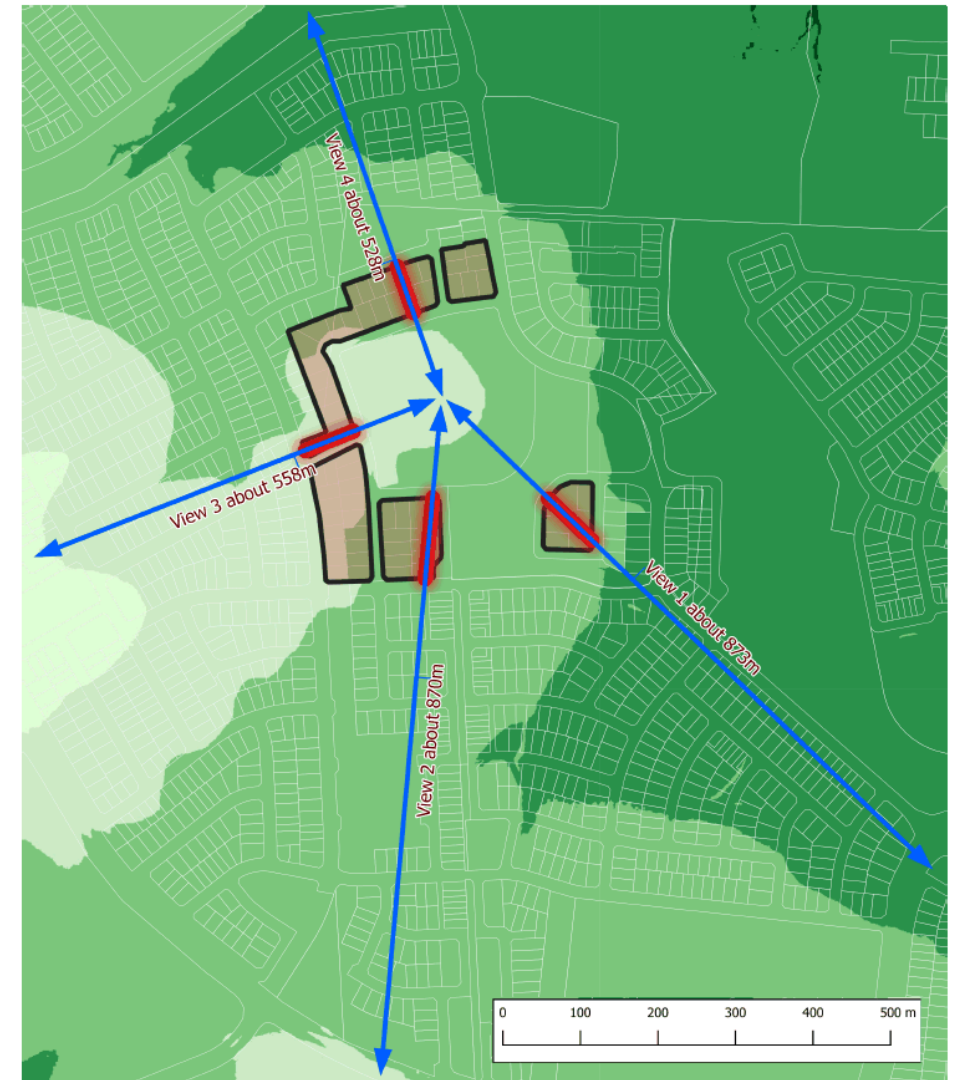


View 4



LEGEND

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

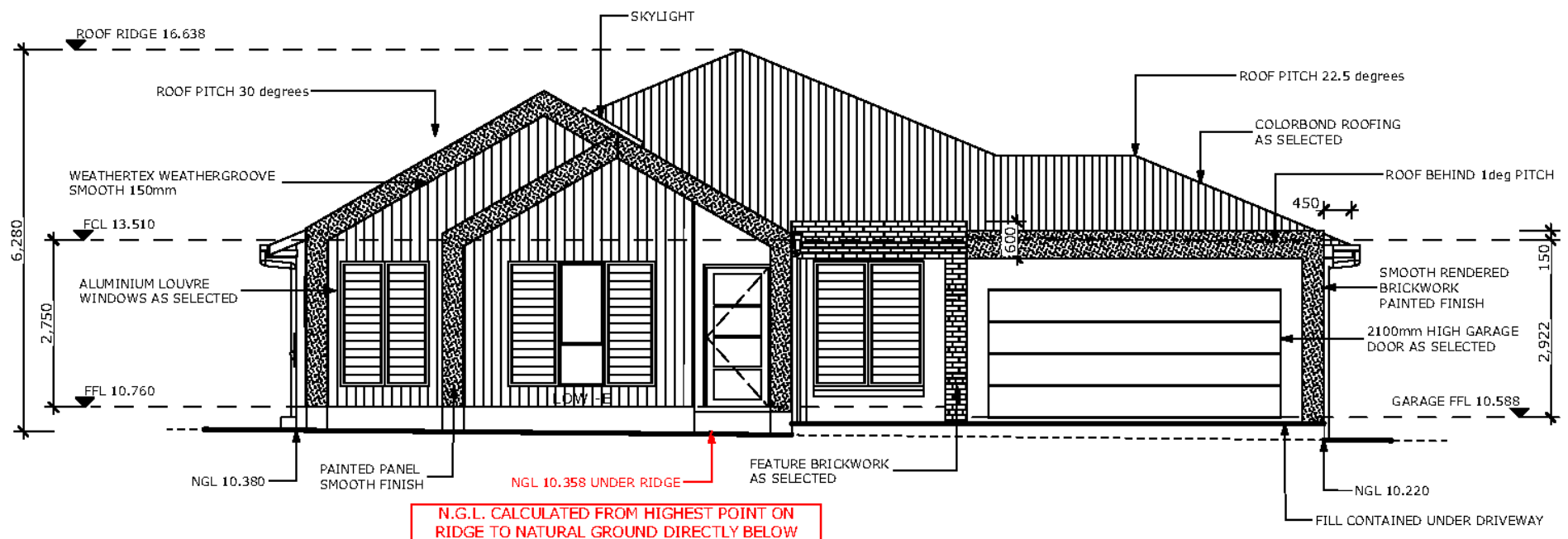


Attachment 4

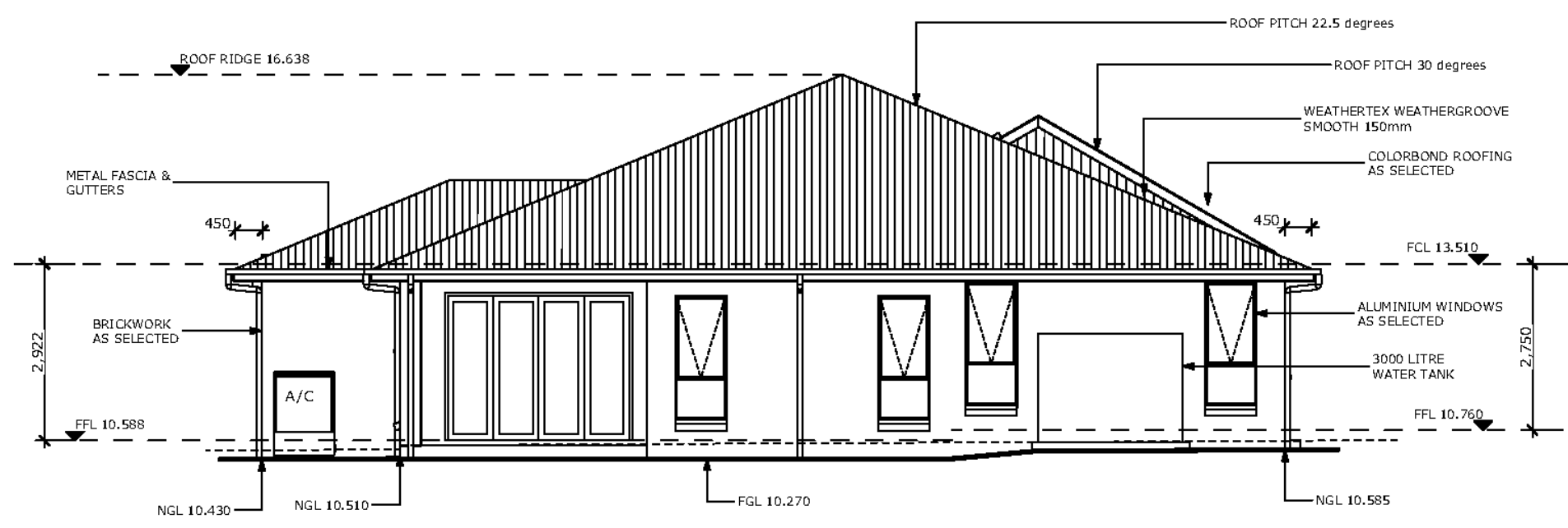
CLPP02

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FRONT ELEVATION
1:100



REAR ELEVATION
1:100

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FRONT & REAR ELEVATIONS

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	ISSUE: M



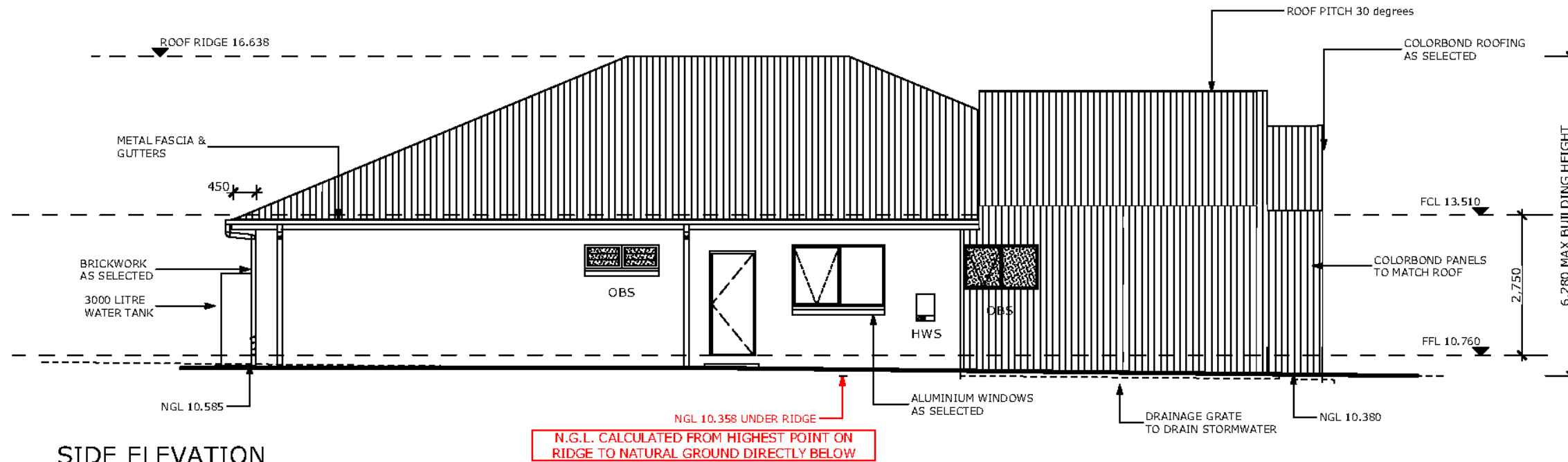
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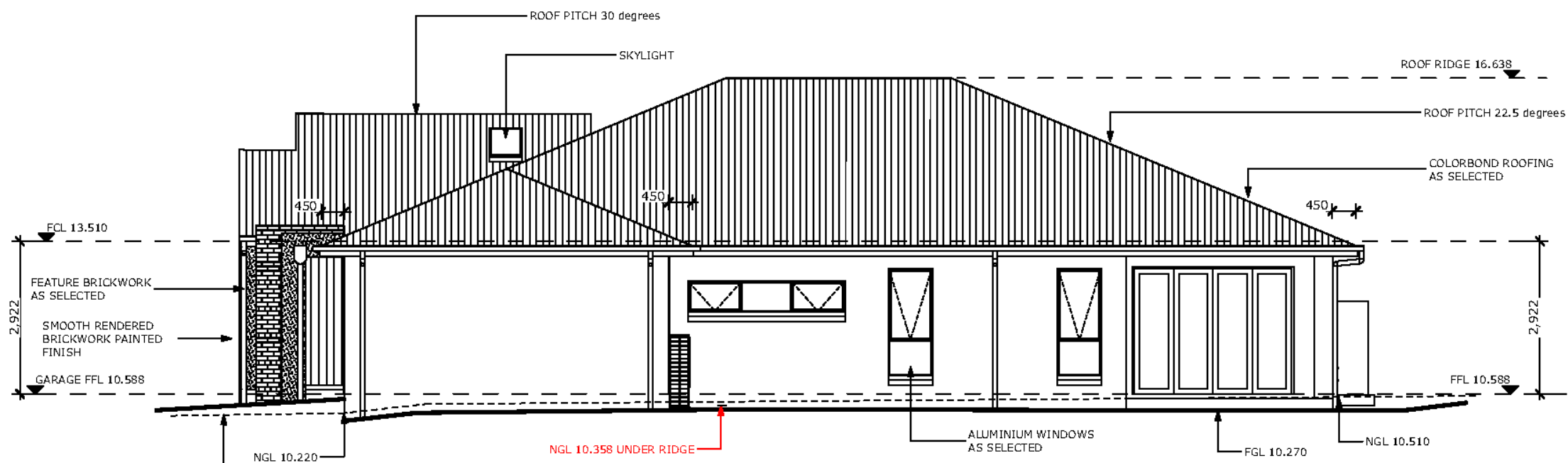
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SIDE ELEVATION
1:100



SIDE ELEVATION
1:100

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Water Commitments	
Fixtures	
The applicant must install showerheads with a minimum rating of 3 star (> 7.5 but <= 9 L/min) in all showers in the development.	
The applicant must install a toilet flushing system with a minimum rating of 3 star in each toilet in the development.	
The applicant must install taps with a minimum rating of 3 star in the kitchen in the development.	
The applicant must install basin taps with a minimum rating of 3 star in each bathroom in the development.	
Alternative water	
Rainwater tank	
The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	
The applicant must configure the rainwater tank to collect rain runoff from at least 357.03 square metres of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private dam).	
The applicant must connect the rainwater tank to:	
<ul style="list-style-type: none"> all toilets in the development the cold water tap that supplies each clothes washer in the development at least one outdoor tap in the development (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply) 	

Thermal Comfort Commitments	
General features	
The dwelling must not have more than 2 storeys.	
The conditioned floor area of the dwelling must not exceed 300 square metres.	
The dwelling must not contain open mezzanine area exceeding 25 square metres.	
The dwelling must not contain third level habitable attic room.	
Floor, walls and ceiling/roof	
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	

Construction	Additional insulation required (R-value)	Other specifications
Floor - concrete slab on ground	nil	
external wall - brick veneer	2.06 (or 2.60 including construction)	
external wall - framed (weatherboard, fibre cement, metal clad)	2.20 (or 2.60 including construction)	
internal wall shared with garage - plasterboard	nil	
ceiling and roof - flat ceiling / pitched roof	ceiling: 2.95 (top roof: foil backed blanket (55 mm))	unventilated; dark (solar absorptance > 0.70)

Note: • Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.
 Note: • In some climate zones, insulation should be installed with due consideration of condensation and associated interaction with adjoining building materials.

Thermal Comfort Commitments	
Windows, glazed doors and skylights	
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.	
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.	
The following requirements must also be satisfied in relation to each window and glazed door:	
<ul style="list-style-type: none"> For the following glass and frame types, the certifier check can be performed by visual inspection. <ul style="list-style-type: none"> Aluminium single clear Aluminium double (air) clear Timber/uPVC/fibreglass single clear Timber/uPVC/fibreglass double (air) clear For other glass or frame types, each window and glazed door must be accompanied with certification showing a U value no greater than that listed and a Solar Heat Gain Coefficient (SHGC) within the range of those listed. Total system U values and SHGC must be calculated in accordance with National Fenestration Rating Council (NFRC) conditions. Frame and glass types shown in the table below are for reference only. 	

Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension in mm)	Overshadowing
North facing					
MEDIA	600	3010	aluminium, single, clear	eave 600 mm, 645 mm above head of window or glazed door	not overshadowed
FAMILY	2100	950	aluminium, single, clear	eave 600 mm, 410 mm above head of window or glazed door	not overshadowed
FAMILY	2100	950	aluminium, single, clear	eave 600 mm, 410 mm above head of window or glazed door	not overshadowed
MEALB	2400	3090	aluminium, single, clear	solid overhang 450 mm, 370 mm above head of window or glazed door	not overshadowed
East facing					
STUDY	2100	1810	aluminium, single, clear	eave 600 mm, 250 mm above head of window or glazed door	not overshadowed
BED 2	2100	2410	Insulator: 6.6, BR OCT: 0.369 - 0.461 (glazings, depth, Lo-Ton Low-E)	eave 480 mm, 160 mm above head of window or glazed door	not overshadowed
BED 3	2100	1460	aluminium, single, clear	eave 480 mm, 90 mm above head of window or glazed door	not overshadowed
South facing					
BATH	900	1460	aluminium, single, clear	none	not overshadowed
BED 4	1200	1810	aluminium, single, clear	eave 600 mm, 300 mm above head of window or glazed door	not overshadowed
ENBUTE	450	1460	aluminium, single, clear	eave 600 mm, 300 mm above head of window or glazed door	not overshadowed
West facing					
BED 1	2100	950	aluminium, single, clear	eave 600 mm, 70 mm above head of window or glazed door	not overshadowed
BED 1	2100	950	aluminium, single, clear	eave 600 mm, 70 mm above head of window or glazed door	not overshadowed
MEALB	2100	950	aluminium, single, clear	eave 600 mm, 410 mm above head of window or glazed door	not overshadowed
MEALB	2100	950	aluminium, single, clear	eave 600 mm, 410 mm above head of window or glazed door	not overshadowed
FAMILY	2400	3090	aluminium, single, clear	solid overhang 450 mm, 370 mm above head of window or glazed door	not overshadowed

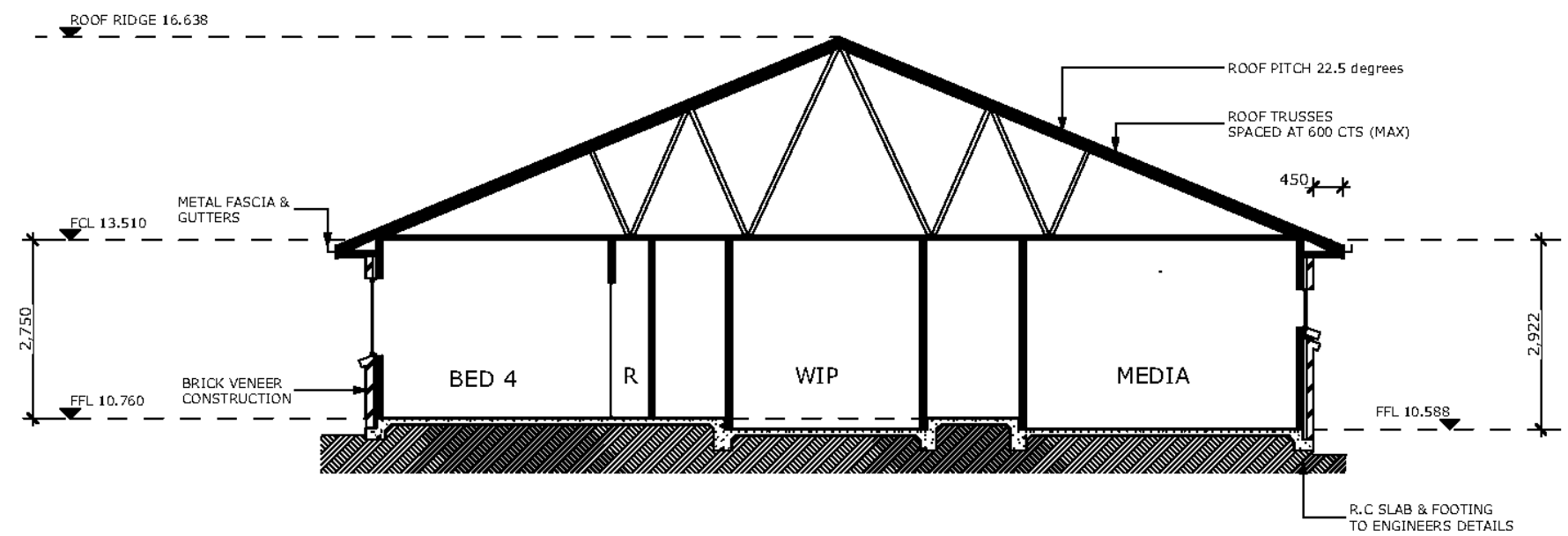
Energy Commitments	
Hot water	
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 4.5 stars.	
Cooling system	
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: 3-phase air conditioning; Energy rating: EER > 4.0	
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: 3-phase air conditioning; Energy rating: EER > 4.0	
The cooling system must provide for day/night zoning between living areas and bedrooms.	
Heating system	
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 3-phase air conditioning; Energy rating: EER > 4.0	
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 3-phase air conditioning; Energy rating: EER > 4.0	
The heating system must provide for day/night zoning between living areas and bedrooms.	
Ventilation	
The applicant must install the following exhaust systems in the development:	
At least 1 Bathroom: no mechanical ventilation (ie. natural); Operation control: n/a	
Kitchen: individual fan, ducted to facade or roof; Operation control: manual switch on/off	
Laundry: natural ventilation only, or no laundry; Operation control: n/a	
Artificial lighting	
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or light emitting diode (LED) lamps:	
<ul style="list-style-type: none"> at least 5 of the bedrooms / study; dedicated at least 4 of the living / dining rooms; dedicated the kitchen; dedicated all bathrooms/toilets; dedicated the laundry; dedicated all hallways; dedicated 	
Natural lighting	
The applicant must install a window and/or skylight in 2 bathroom(s)/toilet(s) in the development for natural lighting.	
Other	
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.	
The applicant must install a fixed outdoor clothes drying line as part of the development.	

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

TERMITE PROTECTION TO AS3660.1-2014



SECTION A.A
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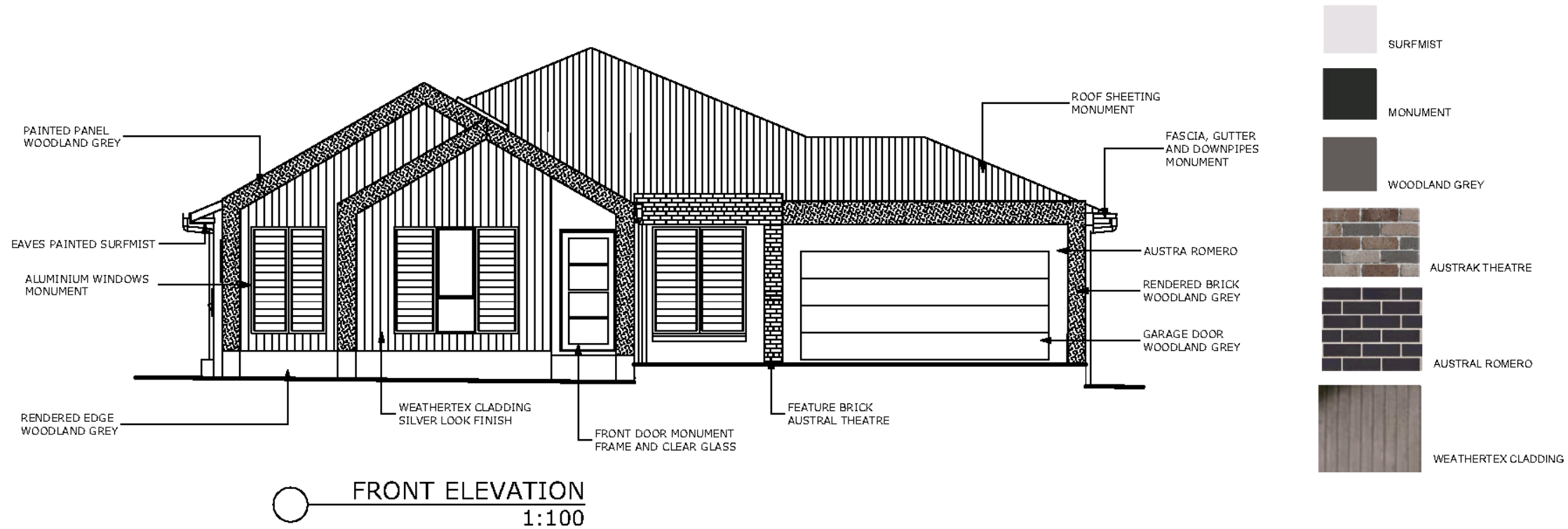
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COLOUR SELECTIONS

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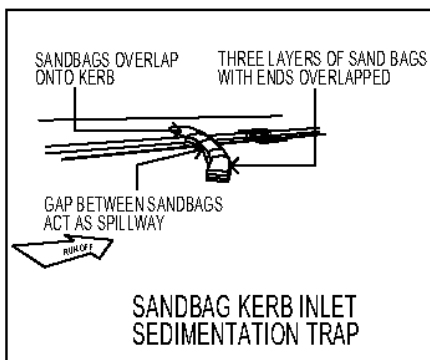
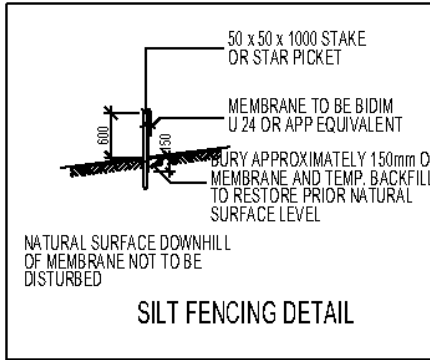


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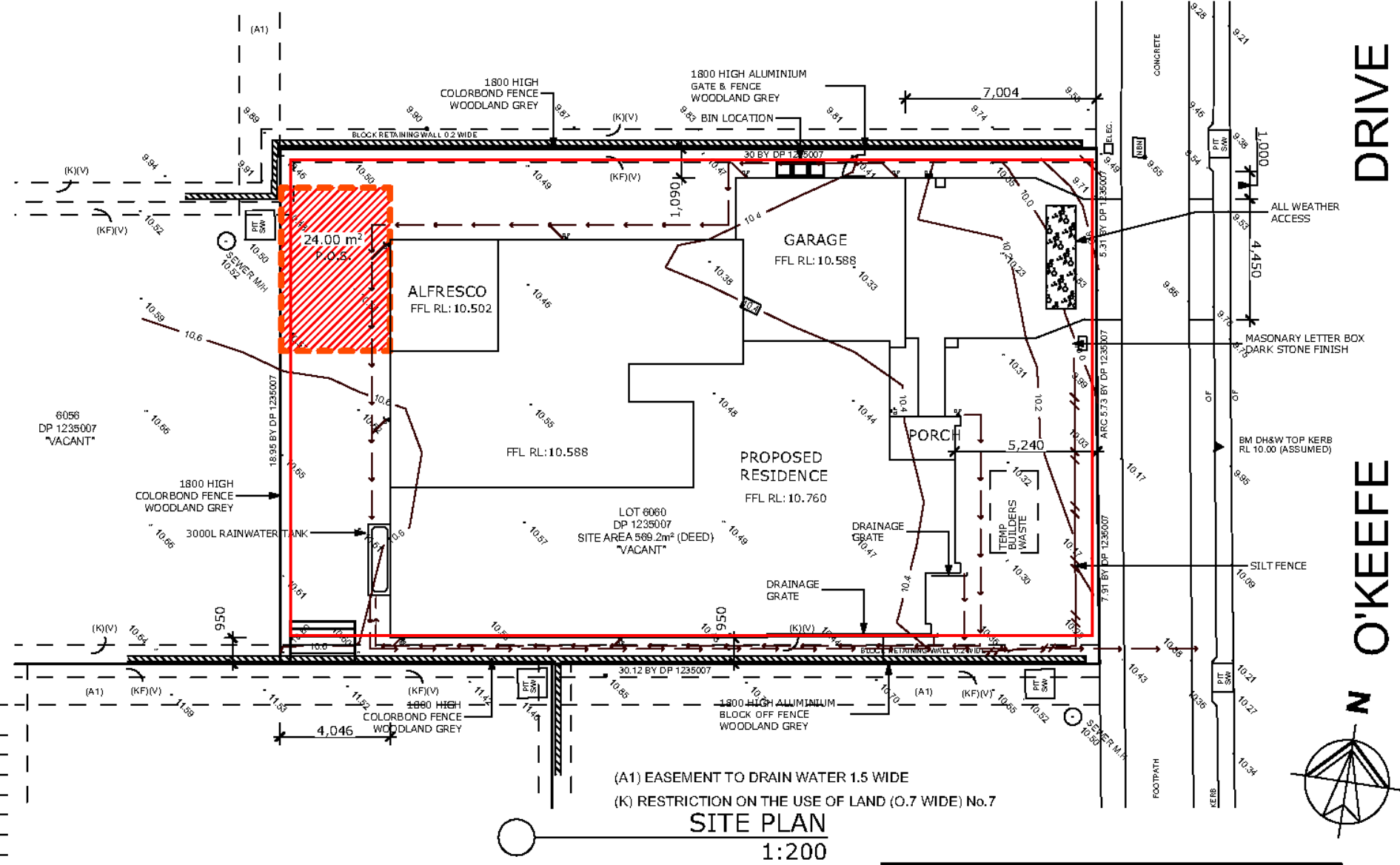
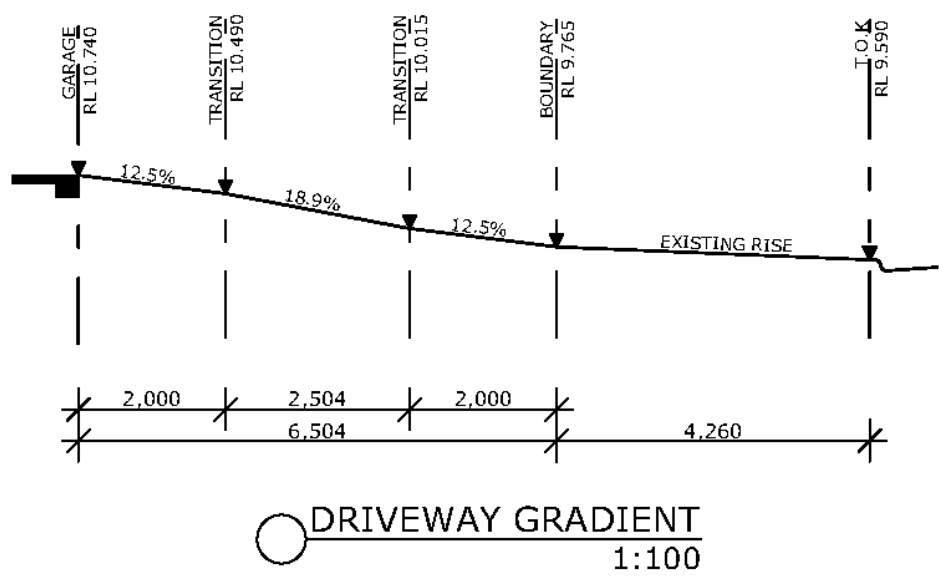
Z:\Archicad Drawings\6400 - 6499 \6488 - LOT 6060 CATHERINE PARK - BUILT BY SKYVIEW\6488-2 - LOT 6060 CATHERINE PARK - BUILT BY SKYVIEW.pln

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



DUST CONTROL MEASURES:
 IF THE SITE BECOMES DUSTY DURING HOTTER MONTHS (CLIENT) WILL SPRINKLE WATER ON THE DUST
 ANY AREA OF ROAD BASE WILL BE POSITIONED FOR HEAVY VEHICLES TO REDUCE & PROVIDE AN AREA TO WASH TRUCKS OFF (IF REQUIRED)
NOISE & VIBRATION MEASURES:
 ALL EXCAVATION WILL BE CARRIED OUT BETWEEN THE TIME SETOUT IN THE COUNCIL CONDITIONS
 MACHINERY SIZE WILL BE KEPT TO A MINIMUM REQUIRED FOR THE JOB

CUT / FILL NOTE
 F.F.L. +/- 90mm



STORMWATER TO TANK THEN STREET

DA Area Calculations:

Site Area	569.20	m2
Roof Area	344.55	m2
Site Cover	281.21	m2 or 49.4%
Conditioned Floor Area	215.94	m2
Landscape Area	202.27	m2 or 35.5%
Private Open Space	135.69	m2
Unconditioned Floor Area	14.79	m2

CLIENT
 BUILT BY SKYVIEW

JOB:
 PROPOSED DWELLING
 LOT 6060, DP 1235007
 73 O'KEEFE DRIVE - CATHERINE FIELD NSW 2557

DRAWING
 SITE PLAN & DRIVEWAY SECTION

SCALE: A3	DATE: 3.08.2021
DRAWING No: 6488-1	SHEET: 7/12
	ISSUE: M

M.A.D.S
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PLOT DATE: Friday, 1 July 2022

CLPP02

Attachment 5

Watering
Over watering is wasteful. It stops plants adapting to the site and encourages unwanted growth that requires extra maintenance. Water plants enough to enable them to establish. New plants require weekly watering during dry spells in the six months after planting. Installing a watering well when planting advanced trees will make it easier to keep them adequately watered in dry periods. When plants are established, they should only be watered when stressed or to obtain a lush appearance.

Fertilisers
Only use fertiliser on trees and shrubs when you know there are nutrient deficiencies in the soil that prevent them achieving their full growth potential. Lawns may be fertilised to maintain vigour and to ensure complete coverage.

Soil Preparation
Premium native garden mix is to be worked into soil to 200mm deeper and wider than plant pot size in garden beds.

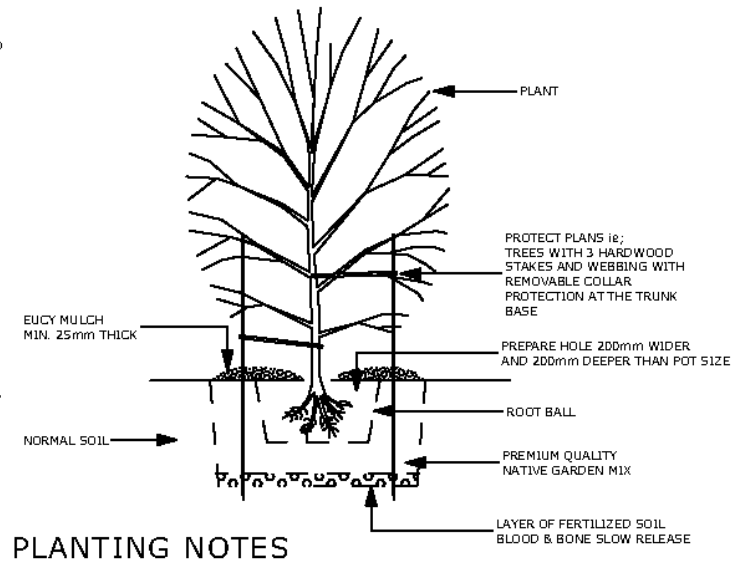
Mulching
Apply Eucy Mulch to control weeds and conserve moisture. Mulch needs to be at least 25mm thick to be effective, but less than 75mm thick to avoid waterlogging and nutrient imbalances.

Weeding and litter removal
Remove weeds to create a neat appearance and ensure that vigorous weeds do not take over from your preferred plants. Remove litter in the interest of neatness and public health.

Planting & maintenance
All plants to be planted in premium native garden mix.

Plant supports
Stake and tie advanced trees until their roots have developed enough to give them stability. Make sure the ties are removed as soon as the tree is stable. You can place indicator stakes beside small plants to provide protection, but they should not be tied.

Pruning
Prune plants to control their size, give them an appropriate form, and maintain their vigour. While plants can be pruned to achieve a particular effect, pruning should always be sensitive to the natural growth habits of the species. Trees should be pruned to obtain a strong branch framework and shrubs pruned to obtain the desired density and height. Pruning may also be required to ensure that security is not compromised by dense vegetation. All plants / gardens to be maintained for 6 months or until established. Any losses replaced.



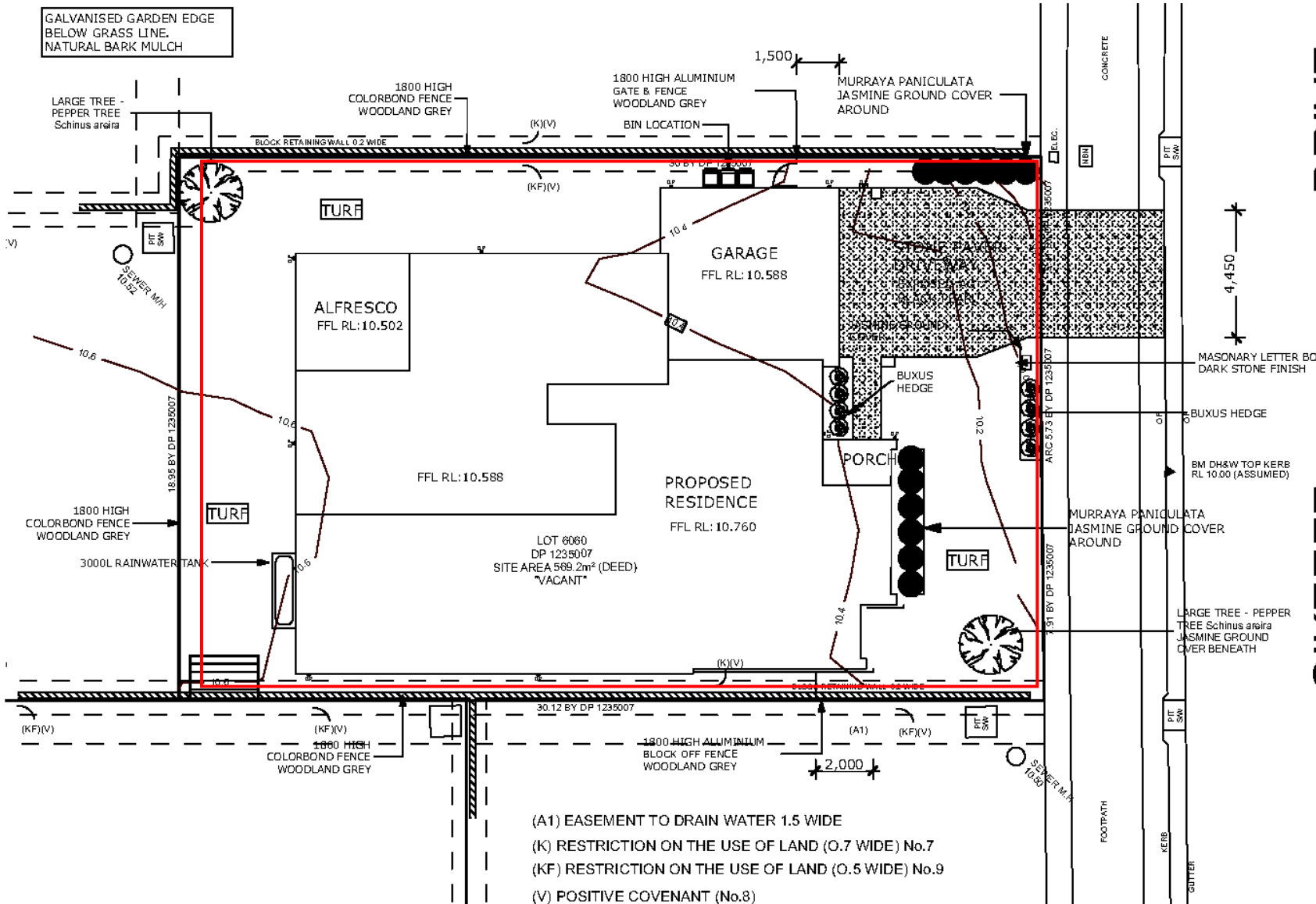
PLANTING NOTES



INDICATIVE GATE AND BLOCK OFF FENCE STYLE - 1800 HIGH ALUMINIUM WOODLAND GREY

No	NAME	POT	HEIGHT	QTY
1.	MURRAYA PANICULATA	150mm	1m HEDGE	12
2.	BUXUS MICROPHILLIA	150mm	0.5m HEDGE	10
3.	STAR JASMINE TRICOLOUR	150mm	G.COVER	18
4.	PEPPER TREE schinus areira	300mm	6m	2

GALVANISED GARDEN EDGE BELOW GRASS LINE. NATURAL BARK MULCH



DRIVE

O'KEEFE



INDICATIVE STONE LETTERBOX - 1200 HIGH DARK STONE



LANDSCAPE PLAN 1:200

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

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

Z:\Archicad Drawings\6400 - 6499 \6488 - LOT 6060 CATHERINE PARK - BUILT BY SKYVIEW\6488-2 - LOT 6060 CATHERINE PARK - BUILT BY SKYVIEW.pln

CLIENT
BUILT BY SKYVIEW

JOB:
PROPOSED DWELLING
LOT 6060, DP 1235007
73 O'KEEFE DRIVE - CATHERINE FIELD NSW 2557

DRAWING
LANDSCAPE PLAN

SCALE: A3	DATE: 3.08.2021
DRAWING No: 6488-1	SHEET: 11/12
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PLOT DATE: Friday, 1 July 2022

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