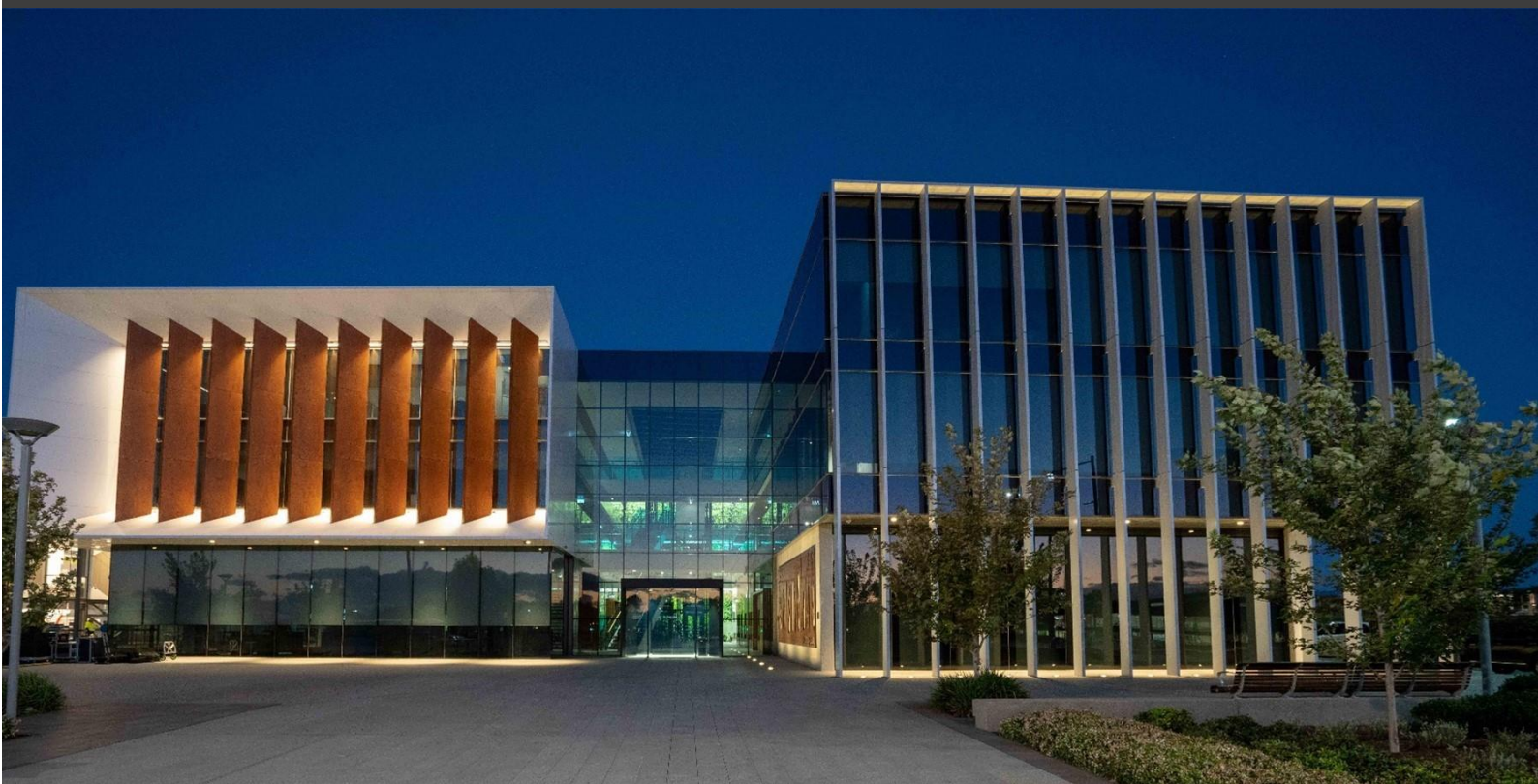


# Business Paper

Camden Local Planning Panel  
Electronic Determination

5 May 2022



camden  
council

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## CLPP01

**SUBJECT: DA/2022/80/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE AND ASSOCIATED SITE WORKS - 4 CONNOR WAY, ORAN PARK**

**EDMS #:** 22/160869

|  |  |
|--|--|
| DA Number:                             | 2022/80/1  |
| Development:                           | Construction of a single storey dwelling house and associated site works   |
| Estimated Cost of Development:         | \$385,000  |
| Site Address(es):                      | 4 Connor Way, Oran Park  |
| Applicant:                             | F Arriola, FJA Designs Pty Ltd   |
| Owner:                                 | Anna Zoccoli   |
| Number of Submissions:                 | None   |
| Development Standard Contravention(s): | Clause 4.3 – Height of Buildings<br>Camden Growth Centres Precinct Plan, Appendix 5<br>SEPP (Precincts – Western Parkland City) 2021 |
| Classification:                        | Nominated Integrated   |
| Recommendation:                        | Approve with conditions.   |
| Panel Referral Criteria:               | Departure from Development Standards greater than 10%  |
| Report Prepared By:                    | Ray Lawlor, Executive Planner  |

### PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for a single storey dwelling house at 4 Connor Way, Oran Park.

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

### SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/80/1 for a single storey dwelling house with associated sited 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 the construction of a single storey dwelling house and associated site works at 4 Connor Way, Oran Park.

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

The development is nominated integrated development requiring an approval under the NSW *Heritage Act 1977*, as the site is located within the curtilage of an item of state heritage significance. Heritage NSW have provided standard general terms of approval (GTA) to be applied to the consent, related to unexpected archaeological relics; aboriginal objects; compliance; and a section 60 application.

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 February to 14 March 2022 and no submissions were received.

The dwelling will have a maximum building height of 5.796m to its roof ridge. This exceeds the maximum 5m building height standard which applies under clause 4.3 Appendix 5 and the Height of Buildings Map (HoB\_004) of State Environmental Planning Policy (Precincts - Western Parklands City) 2021.

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

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

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

The proposed dwelling house at 4 Connor Way complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and has been publicly exhibited (from Wednesday 9 February until Wednesday 9 March 2022).

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

The proposed development with a 5.796m 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 to its heritage setting, including its roof pitch, which will minimise visual impacts and protect adjoining development.

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

**KEY PLANNING CONTROL VARIATIONS**

| Control  | Proposed | Variation       |
|--|----------|-----------------|
| SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m | 5.796m.  | 0.796m / 15.92% |

**AERIAL PHOTO**



Figure 1 - Aerial Photo of subject site, 4 Connor Way.

**THE SITE**

The site is legally described as Lot 6007 DP1235007, 4 Connor Way, Oran Park. The site is a recently constructed lot in a ‘greenfields’ subdivision, having been registered in May 2021. It has an area of 703.1m<sup>2</sup> with street frontage of 18.7m and depth of 37.6m, with approx. 0.37m change in level across the site from the northwest to southeast corner. There are low retaining walls on each side boundary. There is a 1.5m wide drainage easement along the rear of the lot and a 0.5m restriction related to the maintenance of the retaining walls.

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 4 Connor Way - R2 Zoning.

CLPP01

**BUILDING HEIGHT PLAN**



Figure 3 – Height of Building Map (5m height limit shown in blue)

**HERITAGE LISTING**

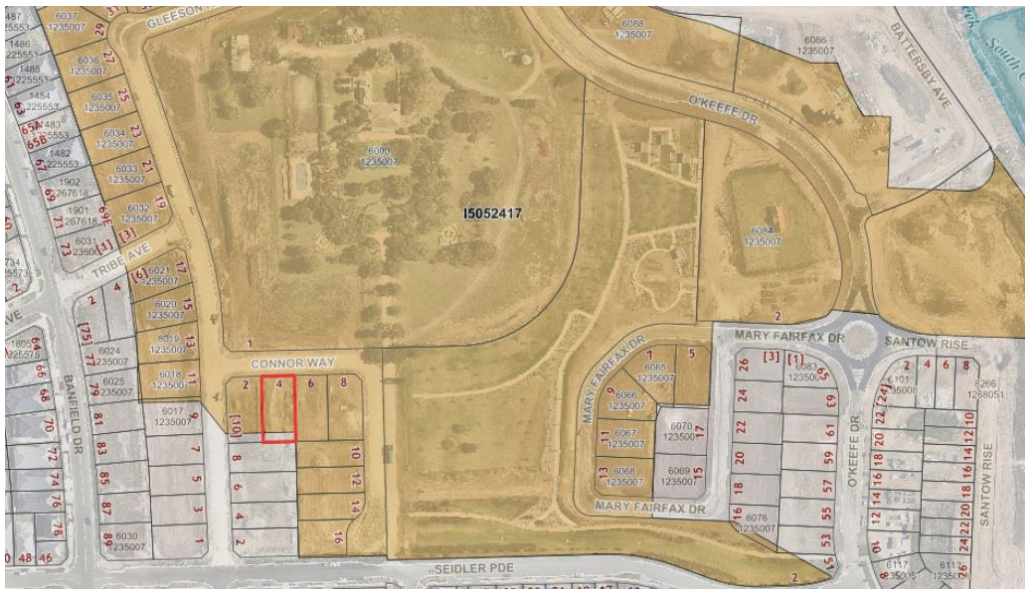


Figure 4 - Aerial photo of subject lot in relation to State Heritage Item Oran Park House.

**AREA MASTER PLAN**



Figure 5 - Red 'X' denoting location of lot (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> |

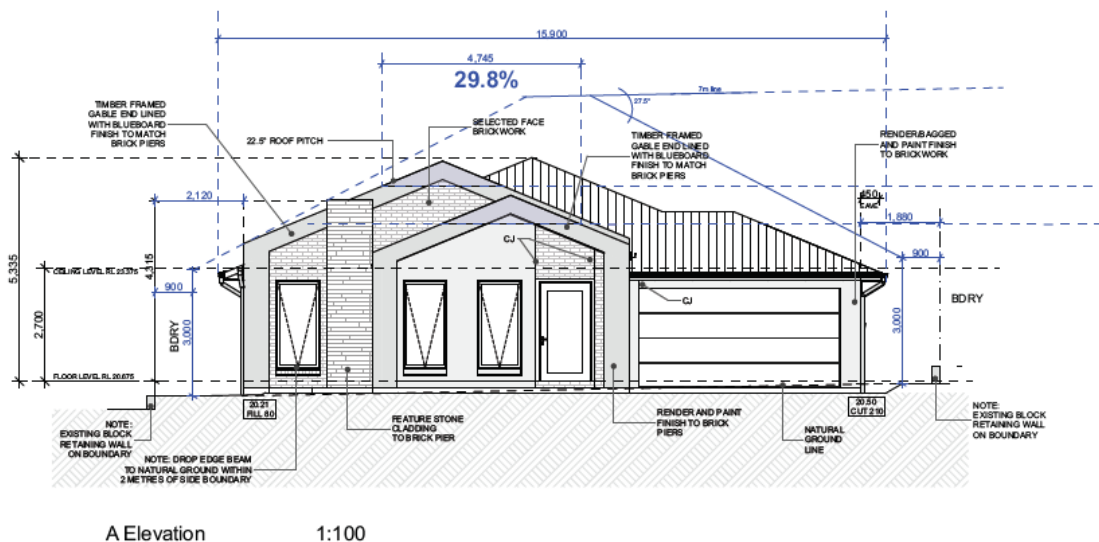


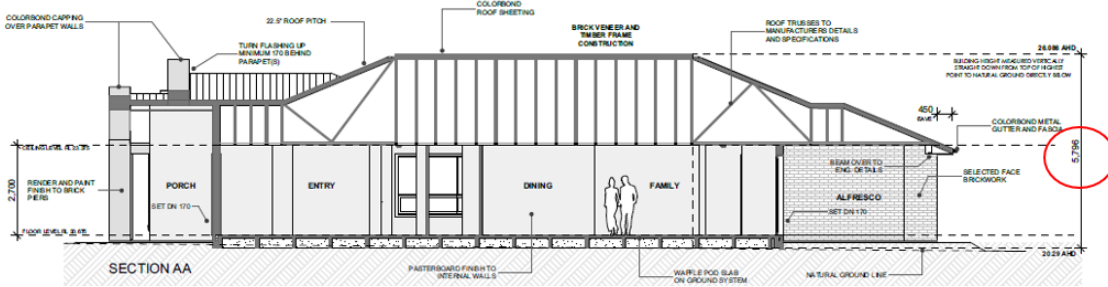
|                  |   |
|------------------|---|
|                  | <p>Prior to the DA being withdrawn, Heritage NSW issued GTAs for the Concept DA. The GTAs required any dwellings proposed on the subject lots to comply with a building envelope, including:</p> <ul style="list-style-type: none"> <li>• a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and</li> <li>• the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.</li> </ul> |
| 26 February 2021 | <p>Planning Proposal (PP/2021/1/1) was submitted to Council. The Planning Proposal seeks to create additional local provisions to increase building heights for residential development surrounding Oran Park House by introducing a building envelope as a means of varying the 5m building height control (based upon the building envelope recommended by Heritage NSW in the GTAs issued for DA/2021/77/1).</p>   |
| 12 December 2021 | <p>Planning Proposal (PP/2021/1/1) received Gateway Determination from Department of Planning and Environment (DPE).</p>  |
| 9 February 2022  | <p>Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.</p>  |

**THE PROPOSAL**

DA/2022/80/1 seeks approval for the construction of a single storey dwelling house and associated site works.

The estimated cost of the development is \$385,000.





5.796m building height, as circled in red

**BACKGROUND**

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

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

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

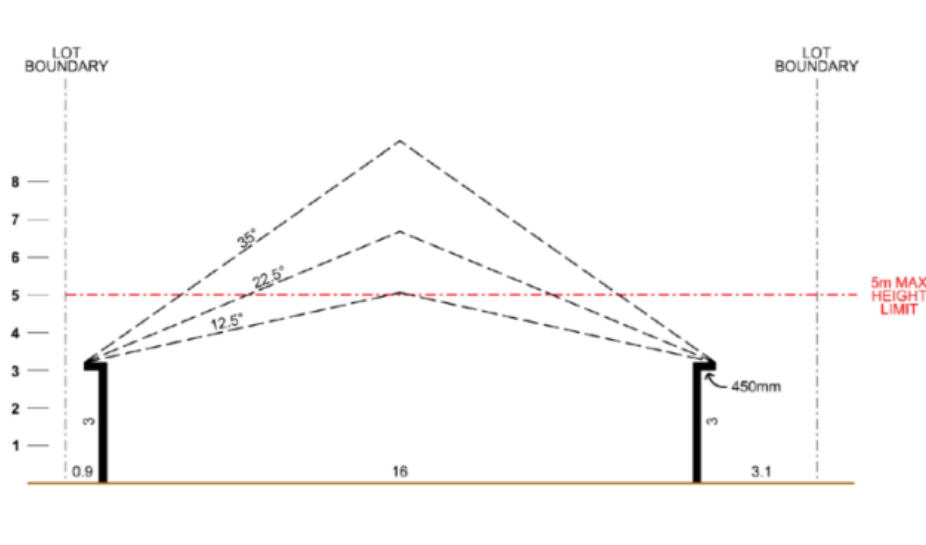


Figure 6 – Five metre maximum building height limit compared to roof pitches



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 which seeks to amend the SEPP to address the anomalies associated with the 5m height control. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision that will allow building heights above 5m providing:

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

The proposed dwelling house at 4 Connor Way complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the DPE and the public exhibition period has recently closed (exhibited from Wednesday 9 February until Wednesday 9 March 2022).

### 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 building standard which applies under clause 4.3 of Appendix 5 of the Growth Centre SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 5.796m in height, breaching the development standard by 0.796m or 15.92%.

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

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

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

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

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

The proposed development with a 6.27m 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 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.

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

The development is consistent with the Draft Remediation SEPP in that the land has been validated and is suitable for the proposed residential use.

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

The development is consistent with the Draft Planning Proposal that seeks to increase the allowable building heights by inserting a new additional local provision into

Appendix 5 of the SEPP that will enable a merit-based assessment to allow building heights above 5m, providing:

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

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

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

**(a)(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 February to 14 March 2022 and no submissions were received.

**(e) the public interest**

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

**EXTERNAL REFERRALS**

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

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

**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/2022/80/1 for the construction of a single storey dwelling house at 4 Connor Way, Oran Park, subject to the conditions attached to this report.**

### REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Appendix 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. Growth 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:

| <b>Plan Reference/<br/>Job No. FJ146<br/>Drawing No.</b> | <b>Name of Plan</b>     | <b>Prepared by</b> | <b>Date</b>         |
|--|-------------------------|--------------------|---------------------|
| Sheet 2  | Site Plan               | FJA Designs        | 29/03/2022<br>Rev P |
| Sheet 3  | Ground Floor Plan       |                    |                     |
| Sheet 4  | Elevations A & C        |                    |                     |
| Sheet 5  | Elevations B & D        |                    |                     |
| Sheet 6  | Section                 |                    |                     |
| Sheet 9  | Stormwater Concept Plan |                    |                     |
| Sheet 10   | Landscape Plan          |                    |                     |
| Sheet 13   | Colour Chart            |                    |                     |

| <b>Document Title</b>          | <b>Prepared by</b>               | <b>Date</b>              |
|--------------------------------|----------------------------------|--------------------------|
| BASIX Certificate No: 1260584S | Energi Thermal Assessors Pty Ltd | 22/11/2021               |
| Waste Management Plan          | FJA Designs                      | as submitted with the DA |

- (2) **Modified Documents and Plans** - The development shall be modified as follows:
- a) The approved stormwater concept plan is to be amended to provide for drainage overflow from the rainwater tank and downpipes to be connected to the existing pit in the easement, in the south eastern corner of the site.
  - b) The landscape plan is to include the planting of an additional tree, preferably within the rear of the property, capable of reaching a mature height of 5m to 8m.

Amended plans or documentation demonstrating compliance shall be provided to the certifier and Council prior to the issue of any 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:

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

#### **1. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

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

*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.

### **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 76550.00 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/builders intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
  - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - c) the name, address and telephone number of the principal certifier for the work.

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

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

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

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

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

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

#### 4.0 - During Works

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

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

unless approved in writing by Council.

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

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

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

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

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

- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the 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 to be placed on public property (footpaths, roadways, public reserves, etc);
  - f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
    - i) be a standard flushing toilet connected to a public sewer; or
    - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
    - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;

- the wheels of vehicles leaving the site:
    - do not track soil and other waste material onto any public road adjoining the site; and
    - fully traverse the site's stabilised access point.
- (10) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

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

For Excavated Natural Material (ENM):

- i) compliance with the Excavated Natural Material Order 2014 and the Resource Recovery Orders and Exemptions issued under Part 9 of the Protection of the Environment Operations (Waste) Regulation 2014
  - c) confirm that the fill material has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity") and is compatible with any salinity management plans approved for the site.
- (15) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (16) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.  
  
In the event that contamination is identified as a result of this assessment and if remediation is required, all works shall cease in the vicinity of the contamination and Council shall be notified immediately.  
  
Where remediation work is required, the applicant will be required to obtain consent for the remediation works.
- (17) **Materials, colours and finishes** – The dwelling is to be constructed using the approved materials, colours and finishes, as amended by condition 1.0(2).

#### 5.0 - Prior to Issue of an Occupation Certificate

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

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

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

| Clause.   | Assessment.  | Compliance.                                |
|---|--|--|
| <p><b>Appendix 5, 2.3 Zone objectives and land use table</b></p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.</li> <li>To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.</li> <li>To provide a diverse range of housing types to meet community housing needs within a low density residential environment.</li> </ul> | <p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone of Appendix 5 of the SEPP.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> <li>The proposal will provide for the housing needs of the community within the low-density residential environment.</li> <li>The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it.</li> <li>The proposal will be an addition to the existing housing type typical to the immediate surrounds.</li> </ul> | Yes  |
| <p><b>Appendix 5, 4.3 Height of buildings</b></p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>Maximum height of buildings = 5.0m.</p>   | <p>The proposed development has a maximum building height of 5.796m.</p>   | No (Clause 4.6 written request submitted). |
| <p><b>Appendix 5, 4.4 Floor Space Ratio</b><br/>Max FSR 0:45:1.</p>   | <p>215.78sqm and site area of 703.1m<sup>2</sup> = approx. 0.3:1</p>   | Yes  |
| <p><b>Appendix 5, 4.6 Exceptions to development standards</b></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</p>   | Yes  |

CLPP01

Attachment 2

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

CLPP01

Attachment 2

|  |  |  |
|--|--|--|
| <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> <ul style="list-style-type: none"> <li>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</li> <li>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ul> <p>Development consent must not be granted unless:</p> <ul style="list-style-type: none"> <li>(a) the consent authority is satisfied that:                     <ul style="list-style-type: none"> <li>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</li> <li>(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</li> </ul> </li> <li>(b) the concurrence of the Secretary has been obtained.</li> </ul> <p>This clause prohibits the approval of certain development standard contraventions.</p> | <p>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><b>Appendix 5, 5.10 Heritage Conservation</b></p>   | <p>The subject site is located within the curtilage of a State Heritage Item, namely Oran Park House. At the time of the SHR listing, site-specific exemptions were put in place to exempt certain development (including single storey dwelling houses) from the requirement for approval under the Heritage Act 1977 (<i>Catherine Park Estate – Oran Park House Heritage Exemption Guidelines</i>, prepared by Design + Planning, dated October 2014).</p>  |  |

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

|  |   |  |
|--|---|--|
|  | <p>The proposed development generally meets those guidelines with the exception of a control in Section 4.1 'Residential Built Form' that requires that <i>"The design and building of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder."</i></p> <p>This provision cannot be complied with as the lots have been subdivided and sold to individual property owners. As the proposed development does not meet this requirement, concurrence is required from Heritage NSW.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline the assessment process) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is <b>attached</b> to this report.</p> |  |
|--|---|--|

**CLPP01**

**Attachment 2**

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

CLPP01

Attachment 3

| Control  | Assessment  | Compliance? |
|--|---|-------------|
| <p><b>4.1.1</b><br/><b>Site Analysis</b></p> <p>Site analysis plan is to be provided.</p>  | <p>Appropriate site analysis plan provided.</p>   | Yes.        |
| <p><b>4.1.2</b><br/><b>Cut and Fill</b></p> <p>DAs are to illustrate where it is necessary to cut and/or fill land and provide justification for the proposed changes to the land levels.</p> <p>The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m.</p> <p>Fill within 2.0m of a property boundary shall be fully contained by the use of deepened (drop) edge beam construction with no fill permitted outside of this building footprint.</p> <p>The use of a deepened edge beam shall not exceed 1m above natural ground level.</p> <p>Where excavation or filling is required alongside a driveway, it shall be retained by a retaining wall.</p>  | <p>Cut and fill areas have been illustrated on the plans., along with the extent of cut and fill</p> <p>Plans indicates cut and fill &lt;1.0m, with cut up to 210mm and fill to 130mm</p> <p>Proposed fill will be able to achieve sufficient batter from boundary, and greater than 2m – D.E.B not required.</p> <p>D.E.B not required.</p> <p>NA.</p>   | Yes.        |
| <p><b>4.1.3</b><br/><b>Sustainable Building Design.</b></p> <p>The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.</p> <p>The provisions of BASIX will apply with regards to water requirements and usage.</p> <p>The design of dwellings is to maximise cross flow ventilation.</p> <p>The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and to minimise the need for mechanical heating and cooling.</p> <p>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>Proposed landscaping includes species from App C.</p> <p>The development complies with the requirements as set out by the provided BASIX certificate.</p> <p>The design of the dwelling incorporates large open living spaces allowing for cross flow ventilation to occur.</p> <p>Location of living rooms and windows located appropriately maximising natural light.</p> <p>Outdoor clothes line/s can be provided appropriately</p> <p>Roof to adopt lighter colour. This will assist in reducing contributions to the urban heat island effect.</p> | Yes.        |

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

| Control   | Assessment   | Compliance? |
|---|--|-------------|
| 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.  | The dwelling will attenuate noise where possible through separating communal areas from private living spaces.   |             |
| <p><b>4.1.4</b><br/><b>Salinity, Sodicity and Aggressivity.</b></p> <p>All development must comply with the Salinity Management Plan developed at the subdivision phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p> <p>Salinity shall be considered during the siting, design and construction of dwellings including: drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process.</p>   | <p>The development will comply with the requirements of the salinity management plan as adopted under parent subdivision DA.</p> <p>Salinity will be considered during the siting, design and construction the proposed dwelling via a condition of consent.</p>   | Yes.        |
| <p><b>4.2.2</b><br/><b>Streetscape and Architectural Design.</b></p> <p>The primary street facade of a dwelling should address the street and must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> <li>• entry feature or porch;</li> <li>• awnings or other features over windows;</li> <li>• balcony treatment to any first floor element;</li> <li>• recessing or projecting architectural elements;</li> <li>• open verandah;</li> <li>• bay windows or similar features; or</li> <li>• verandahs, pergolas or similar features above garage doors.</li> <li>• Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback.</li> </ul> <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> | <p>Primary street façade includes;</p> <ul style="list-style-type: none"> <li>• Entry feature/porch.</li> <li>• Projecting architectural elements with feature stone brick pier.</li> <li>• Suitable window treatment.</li> </ul> <p>All eaves 0.45m as identified on sectional drawings.</p> <p>Hipped and gable roof pitch of 25 degrees proposed.</p> | Yes.        |

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

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| Control   | Assessment   | Compliance? |
|---|--|-------------|
| <p>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>Front façade to feature 2 x bedroom windows facing the street.</p> <p>Proposed garage to be constructed in conjunction with the dwelling – proposed garage to complement colour and finish of main dwelling.</p>  |             |
| <p><b>4.2.3</b><br/><b>Front Setbacks.</b></p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>  | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p>   | Yes.        |
| <p><b>4.2.4</b><br/><b>Side and Rear Setbacks.</b></p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p> | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>No structures will encroach within the rear setback beyond the proposed building envelope.</p> <p>The proposal has side boundary setbacks greater than 0.9m.</p>   | Yes.        |
| <p><b>4.2.5</b><br/><b>Dwelling Height, Massing and Siting.</b></p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>  | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>FFL = 0.385m above finished natural ground level.</p> | Yes.        |

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

| Control  | Assessment   | Compliance? |
|--|--|-------------|
| <p><b>4.2.6</b><br/><b>Landscaped Area.</b></p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p> <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the 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 &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Noted / complied.</p> <p>Stormwater to be conveyed to drainage easement at rear which benefits this lot</p> <p>No concerns presented regarding the accumulation of surface water, which can drain to pit in the easement, along with proposed pits shown in concept SW plan.</p> | Yes.        |
| <p><b>4.2.7</b><br/><b>Private Open Space.</b></p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p> <p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p>  | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>PPOS contained and achievable to rear east of lot. PPOS located appropriately.</p> <p>PPOS conveniently accessible from family room and alfresco. PPOS at grade &lt;1:10.</p>  | Yes.        |
| <p><b>4.2.8</b><br/><b>Garages, Storage, Site Access and Parking.</b></p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p>   | <p>2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line in proposed double car garage.</p>   | Yes.        |

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

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| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.</p> <p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>   | <p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p> <p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.81m.</p> <p>Double garage internal dimensions = 5.5m x 5.6m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p> |             |
| <p><b>4.2.9</b><br/><b>Visual and Acoustic Privacy.</b></p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>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>Proposed development is single storey only. Proposed dwelling has an FFL &lt;1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted / appropriate conditions recommended.</p> <p>Dwelling not impacted by these road types.</p>  | Yes.        |

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

| Control   | Assessment   | Compliance? |
|---|--|-------------|
| <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council’s Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p> | <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces/bedrooms.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development does not require architectural treatments regarding acoustic impacts.</p> |             |
| <p><b>4.2.10 Fencing.</b></p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>  | <p>No front fencing proposed.</p> <p>Side boundary return fences indicated 2.0m behind the primary building line.</p>  | Yes.        |
| <p><b>Table 4-5 – Site coverage.</b><br/>Maximum 50% at ground floor.</p>   | <p>39.4%<br/>276.64sqm</p>   | Yes.        |
| <p><b>Table 4-5 – Soft landscaped area.</b><br/>Minimum 30% of the allotment area.</p>  | <p>approx. 220.5sqm<br/>31.3%</p>  | Yes.        |
| <p><b>Table 4-5 – Principal Private Open Space (PPOS).</b><br/>Minimum 24sqm with minimum dimensions of 4m.</p>   | <p>Total PPOS approx. 136sqm = &gt;24sqm provided at dimensions &gt;4.0m</p>   | Yes.        |
| <p><b>Table 4-5 – Solar Access.</b><br/>50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.</p>   | <p>Due to single storey dwelling PPOS can achieve suitable solar access to min area required, 50% of min 24sqm.<br/>Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.</p>  | Yes.        |
| <p><b>Table 4-5 – Garages and carparking.</b><br/>Maximum double car garage door width 6m.</p>  | <p>Double garage door width = 4.81m.</p>   | Yes.        |

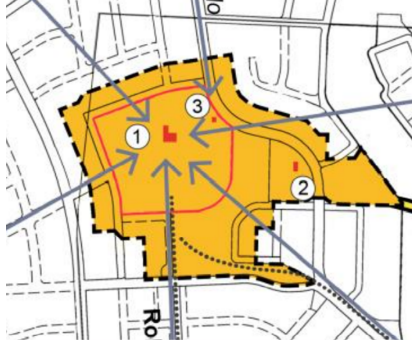
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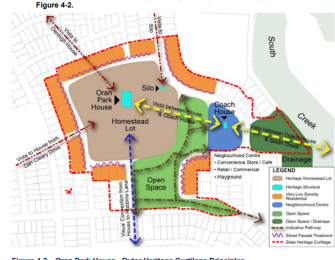

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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| Control  | Assessment  | Compliance? |
|--|---|-------------|
| 3 bedrooms or more to provide at least 2 car spaces.   | 2 spaces provided.  |             |
| <p><b>4.1 Development Surrounding Oran Park House.</b></p> <p>Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.</p> <p>Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.</p> <p>Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p>  <p>Development in these areas must be sympathetically designed to complement the topography of the site, the setting of Oran Park House and associated outbuildings and the historical rural character without replicating architectural details.</p> | <p>The proposed development generally complies with the Exemption Guidelines, with the exception that the design of dwellings for each street block is not being undertaken simultaneously and delivered as a complete package by one builder. This provision cannot be complied with as the lots have been subdivided and sold to individual property owners.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline DA's) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is <b>attached</b> 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.        |
| <p><b>4.1.2 Oran Park House and Outer Heritage Curtilage Principals.</b></p>   | <p>The subject lot is located within area mapped as being 'very low density residential' and has been assessed in relation to the relevant controls.</p>  | Yes.        |

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

| Control  | Assessment   | Compliance? |
|--|--|-------------|
| <p><b>Control</b></p> <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2:</p>  <p>Figure 4-2 – Oran Park House Outer Heritage Curtilage Principles</p> <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p> |  |             |
| <p><b>4.1.3</b><br/><b>Landscape Elements – Views and Vistas.</b></p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p>  <p>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><b>4.1.11</b><br/><b>Residential Built Form.</b></p> <p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package. The block design must be submitted and approved with the first development application for the construction of a dwelling within the street block.</p>   | <p>This DA does not provide for simultaneous design and delivery of development for this street elevation/street block. However, the dwelling is assessed as being suitable for the site and Heritage NSW have issued standards GTAs for instances where the development fully complies with the Exemption Guidelines with the exception of the 'one builder' requirement.</p> | <p>N/A.</p> |
| <p><b>4.1.12</b><br/><b>Street Facades and Visible Elevations.</b></p> <p>Residential developments are to have contemporary designs (i.e. architecture being produced now) and respect the heritage significance of Oran Park House but must not replicate historic styles.</p>  | <p>The dwelling has been designed to include contemporary features and materials and will have architectural merit.</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>All dwellings in the heritage curtilage area are to have architectural merit (i.e. architecture that is enduring and respects the heritage significance of Oran Park House).</p> <p>Building facades are to be visually interesting and articulated suitably to break up the building mass. At least three of the following design features are to be incorporated into the front facade:</p> <ul style="list-style-type: none"> <li>• front doors with side lights;</li> <li>• contemporary window treatments including aluminium or timber frames in neutral colours;</li> <li>• bay Windows (rectangular only);</li> <li>• entry portico; and</li> <li>• recessed garage doors setback behind the primary facade.</li> </ul> <p>Colonial style window treatments are not appropriate where visible from the public domain.</p> <p>Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion.</p> <p>Picture windows or fully glazed walls are permitted to the street façade.</p> <p>An entry portico is to be of contemporary design and appearance. Access to the entry portico may be from either the driveway or a separate path.</p> <p>Shadow lines are an appropriate element to complement the overall facade appearance.</p> <p>The design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p> | <p>The dwelling has architectural merit that can respect the heritage significance of Oran Park House.</p> <p>The dwelling incorporates suitable design features</p> <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 / complies.</p> <p>Noted / complies</p> <p>Front elevation articulated to the street</p> |  |                        |    |                      |    |                       |    |                       |                                 |                                  |    |   |             |
| <p><b>4.1.14</b><br/><b>Setbacks for Very Low Density Area Surrounding Oran Park House.</b></p> <p>Residential development must comply with the controls in Figure 4-8.</p> <table border="1" data-bbox="264 1585 491 1727"> <thead> <tr> <th></th> <th>Minimum</th> </tr> </thead> <tbody> <tr> <td>Front Dwelling Setback</td> <td>5m</td> </tr> <tr> <td>Front Garage Setback</td> <td>6m</td> </tr> <tr> <td>Rear Boundary Setback</td> <td>5m</td> </tr> <tr> <td>Side Boundary Setback</td> <td>0.9m (average 2m<sup>2</sup>)</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 <sup>2</sup> ) | Corner Lot Side Boundary Setback | 3m | <p>Front setback = 6.25m.<br/>Front garage setback = 8.48m.<br/>Rear setback = 6.5m.<br/>Side boundary setback (east) = min 2.10m<br/>Side boundary setback (west) = min. 2.52m</p> <p>Combined setback = 4.64m</p> | <p>Yes.</p> |
|   | Minimum   |  |                        |    |                      |    |                       |    |                       |                                 |                                  |    |   |             |
| Front Dwelling Setback  | 5m  |  |                        |    |                      |    |                       |    |                       |                                 |                                  |    |   |             |
| Front Garage Setback  | 6m  |  |                        |    |                      |    |                       |    |                       |                                 |                                  |    |   |             |
| Rear Boundary Setback   | 5m  |  |                        |    |                      |    |                       |    |                       |                                 |                                  |    |   |             |
| Side Boundary Setback   | 0.9m (average 2m <sup>2</sup> )   |  |                        |    |                      |    |                       |    |                       |                                 |                                  |    |   |             |
| Corner Lot Side Boundary Setback  | 3m  |  |                        |    |                      |    |                       |    |                       |                                 |                                  |    |   |             |
| <p><b>4.1.15</b><br/><b>Building Height.</b></p>  |   | <p>Yes, subject to clause 4.6 request.</p> |                        |    |                      |    |                       |    |                       |                                 |                                  |    |   |             |

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

| Control  | Assessment   | Compliance? |
|--|--|-------------|
| 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.  | The height will exceed the 5m control and is subject to a Clause 4.6 written request.  |             |
| <p><b>4.1.16</b><br/><b>Roofs.</b></p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p> <p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p> <p>Roofs must use neutral colour tones such as greys, greens or browns.</p>  | <p>Proposed roof pitch is a 22.5 degrees</p> <p>Roof adopts hipped and gable form.</p> <p>450mm provided</p> <p>Roof colour lighter grey</p>   | Yes.        |
| <p><b>4.1.17</b><br/><b>Lofts, Attics and Dormer Windows.</b></p> <p>Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.</p> <p>Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development.</p>  | <p>Lot is not a corner lot.</p> <p>Proposed development does not have loft, attic or dormer window.</p>  | Yes.        |
| <p><b>4.1.18</b><br/><b>Garages.</b></p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p> | <p>Garage setback 8.48m from front boundary line.</p> <p>Garage width &lt;50%</p> <p>The garage has been considered within the overall building design and is consistent with regards to the dwellings materials, colours and proposed roof pitch.</p> <p>Garage proposed being a double car garage can accommodate two cars with the ability for an additional two cars to be parked on the internal driveway</p> | Yes.        |
| <p><b>4.1.19</b><br/><b>Building Materials.</b></p>  |  | Yes.        |

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

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| Control   | Assessment   | Compliance? |
|---|--|-------------|
| <p>Building materials and finishes are to be non-reflective.</p> <p>Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p> <p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p> <ul style="list-style-type: none"> <li>• Face brickwork with struck or tooled joints;</li> <li>• Light coloured mortar joints; and</li> <li>• Any rendered surfaces painted in neutral colours.</li> </ul> | <p>Colour and material schedule provided. Colours and materials provided are considered non-reflective.</p> <p>Colours and materials considered to align with recommended palette.</p> <p>Corrugated roofing material proposed.</p> <p>The proposed roofing material is colourbond, windspray, which is lighter grey colour:</p> <p>Appropriate materials and finishes are provided with rendered walls with brick/stone feature</p> |             |
| <p><b>4.1.20</b><br/><b>Landscaping.</b></p> <p>All parts of the residential allotment in front of the building and facing the street that are not built on or paved are to be landscaped, with materials such as turf, groundcover, garden beds, shrubs and trees.</p> <p>Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>   | <p>Landscaping plan indicates all parts within the front setback that are not built on or paved, are landscaped with turf, groundcover, and trees.</p>   | Yes.        |
| <p><b>4.1.21</b><br/><b>Driveways.</b></p> <p>Driveways are to:</p> <ul style="list-style-type: none"> <li>• Have a maximum width of 6m.</li> <li>• Be designed with high quality stone pavers, large tiles, selected permeable paving or exposed aggregate. The colour and finish of stone pavers and tiles is to be subdued with a natural unpolished finish.</li> </ul>  | <p>The driveway has a maximum width of 5.5m.</p> <p>The driveway is proposed to have an exposed aggregate finish which is considered appropriate.</p>  | Yes.        |
| <p><b>4.1.21</b><br/><b>Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</b></p> <p>Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.</p>   | <p>None of these are proposed or shown on the DA plans</p>   | Yes.        |
| <p><b>4.1.25.</b><br/><b>Letterboxes</b></p>  |  | Yes.        |

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

| Control  | Assessment   | Compliance? |
|--|--|-------------|
| Letterboxes must not be a visually prominent element on the streetscape. | Letterbox will not be visually prominent element from view of the streetscape. |             |
| Letterboxes must be designed as an integrated feature of the fence       | There is no front fence proposed or required                                   |             |

CLPP01

Attachment 3



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

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

|                 |                        |
|-----------------|------------------------|
| <b>Address:</b> | 4 Connor Way ORAN PARK |
| <b>Lot:</b>     | 6007 <b>DP1235007</b>  |
| <b>Date:</b>    | 17 Janaury 2022        |

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## 1 INTRODUCTION

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

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

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

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

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

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

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

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

## 2 STATUTORY PLANNING FRAMEWORK

### 2.1 Clause 4.6 - Exceptions to development standards

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

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

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

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

This document forms the written request required under Clause 4.6.

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

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

### 2.2 Development Standards

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

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

---

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

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

CLPP01

Attachment 4



### 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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

CLPP01

**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: | 4 Connor Way ORAN PARK |           |
| Lot:     | 6007                   | 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:      | 5.796m [Ref: FJ146 Section Approval-5 20 Dec 2021] |
| Extent of Proposed Variation*: | 15.9 %   |

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

Attachment 4

## 4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

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

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

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

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

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

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

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

The 66 residential allotments have a land area of 500m<sup>2</sup> or greater and all residential allotments will contain a single storey detached dwelling with a combined average side setback of 4 metres and a maximum floor space ratio of 0.4:1. Single storey dwellings with hipped and/or gabled roofs are required on all allotments. The combined design requirements of setbacks, floor space ration and hipped and/or gabled roofs ensures there will be no significant overshadowing on adjoining properties. Single storey dwellings on large lots also ensures visual privacy of large areas of private open space will be preserved and visual impact is negligible. The proposed variation therefore meets Objective (b).

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

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

**Test 1(a): the objectives of the zone**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

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

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

The proposed variation does not rely on this test.

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

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

During the Precinct Planning for the Catherine Field Part Precinct prior to the zoning and development standards being adopted for the site, the intended outcome for the residential land surrounding Catherine Park House was to have single storey dwellings with simple hipped roof forms on large residential allotments. Hence minimum lot sizes of 500m<sup>2</sup> and 700m<sup>2</sup> were imposed and specific development controls were included in the Camden Growth Centre Precincts DCP to ensure this development outcome was realised. The heritage object was to ensure the housing surrounding Catherine Park House was subservient to the heritage item and have roof forms that are not detrimental to the heritage significance and character of the House.



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

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

#### 4.1.16 Roofs

##### Controls

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

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

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

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

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

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

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

#### 4.5 Building Height

##### Controls

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

And:

#### 4.6 Roofs

##### Controls

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

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

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

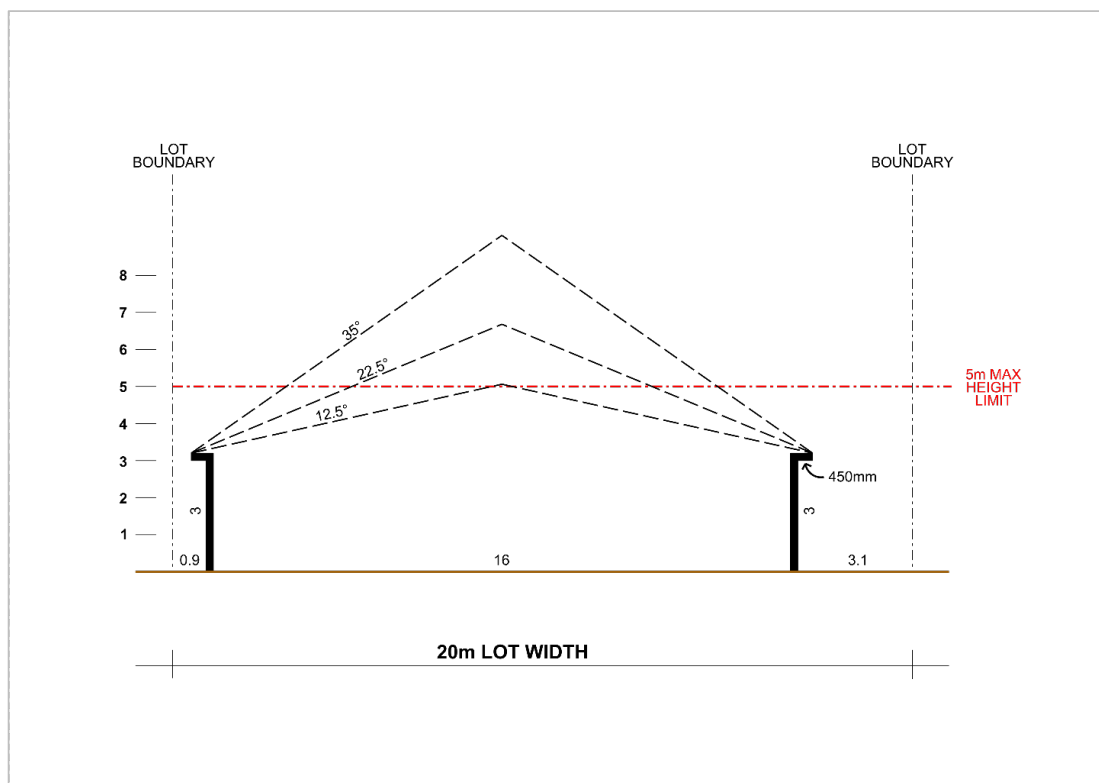


Figure 4 – Building Height & Roof Pitch

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

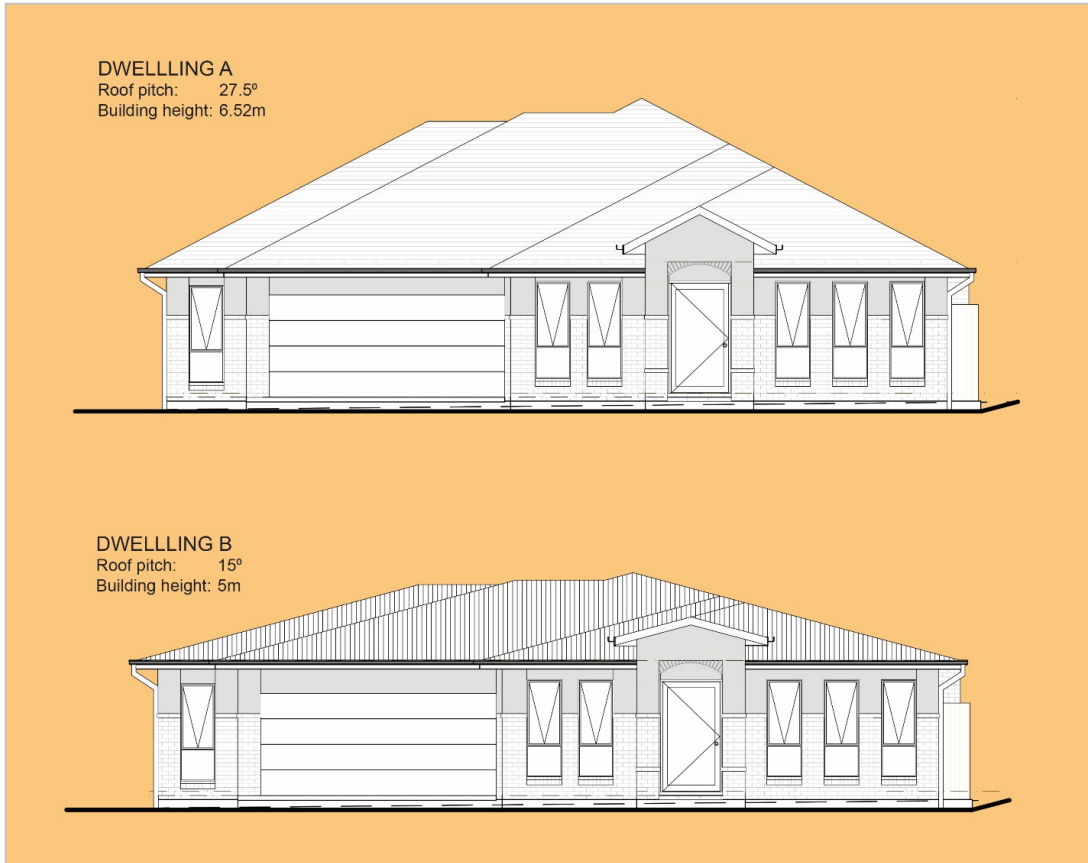


height development standard.

**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**

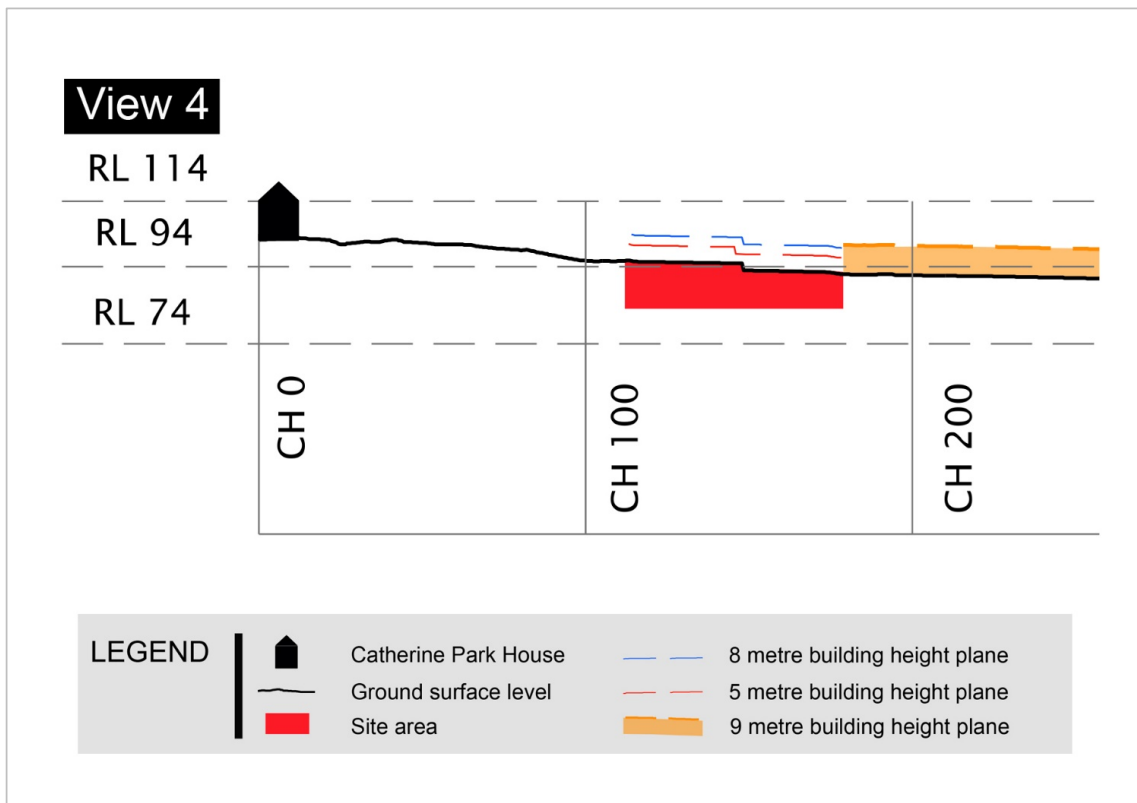
The Dwelling B roof form design is compromised by a 5 metre building height standard and presents poorly as it is not in proportion with the building. It has an underwhelming residential character due to its substandard design quality. Conversely, Dwelling A is significantly more impressive and attractive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

**APPENDIX 1**  
**Views Analysis**

**CLPP01**

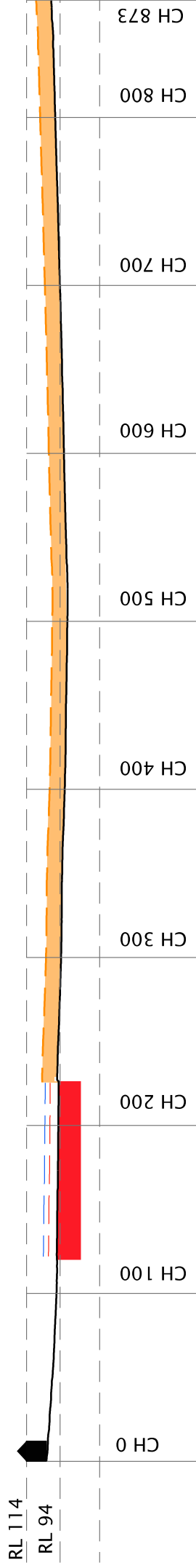
**Attachment 4**

# CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

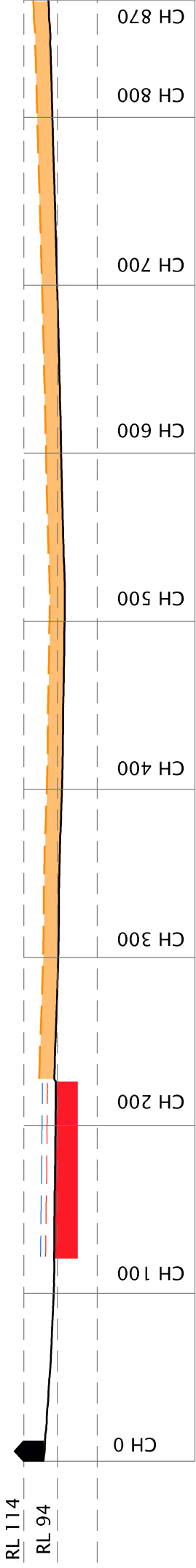
[Note: long section data provided by Registered Surveyor JMD Development Consultants]



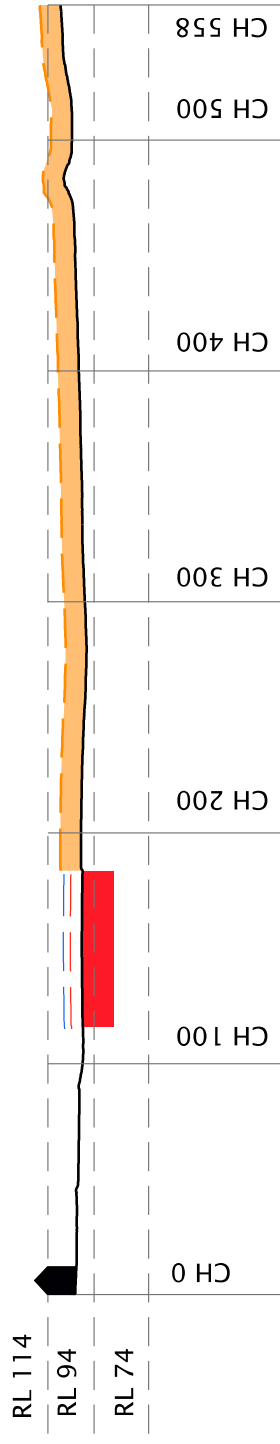
**View 1**



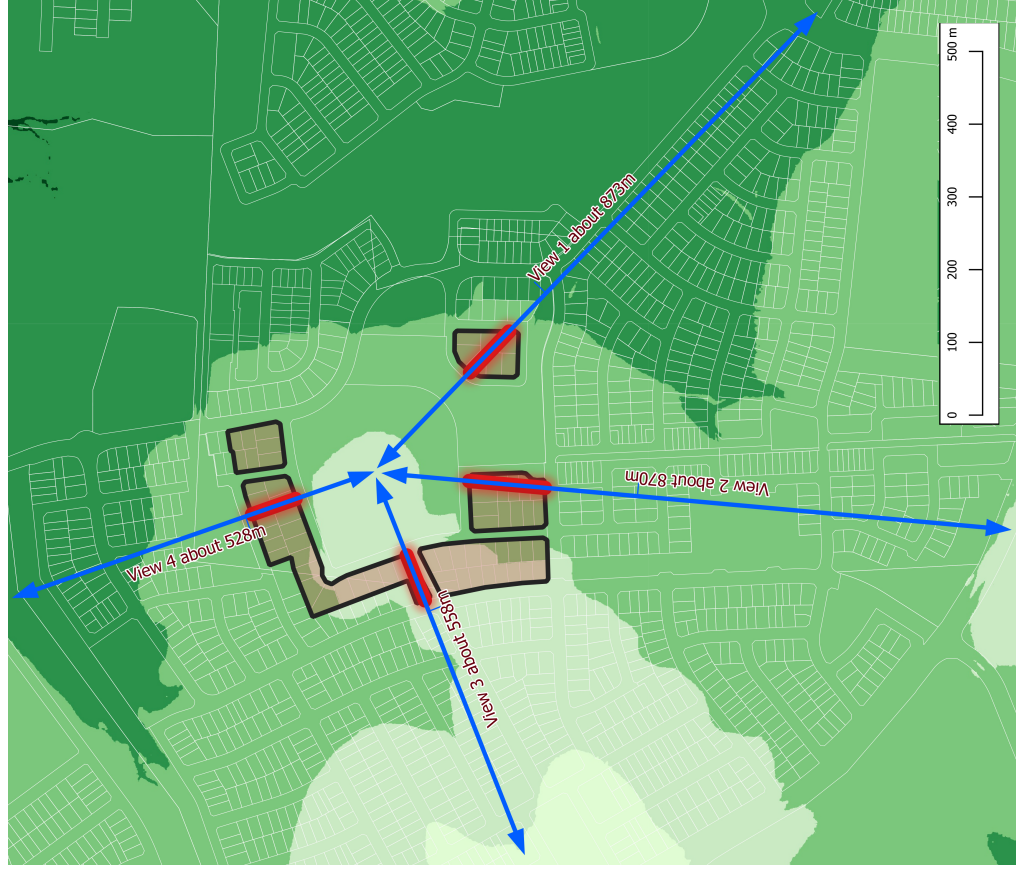
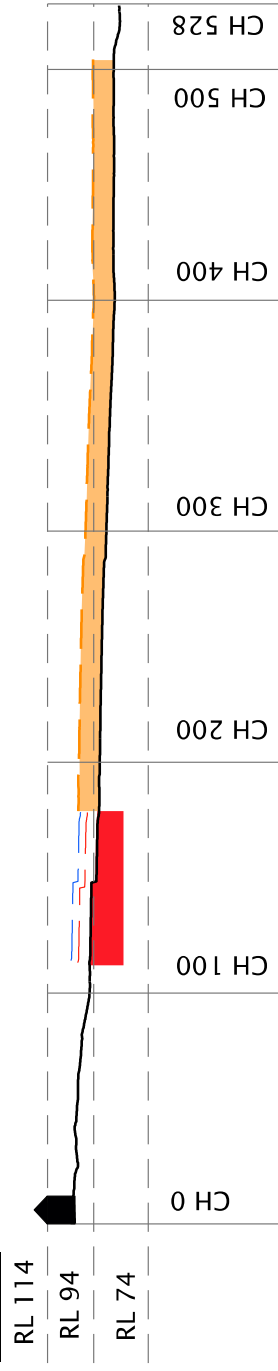
**View 2**



**View 3**



**View 4**



**LEGEND**

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



Heritage NSW

Our ref: DOC22/41407

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

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

Dear Ms. Fuller

### ORAN PARK (SHR 01695) – REFERRALS TO HERITAGE NSW

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

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

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

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

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

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

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

CLPP01

Attachment 5



**UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

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

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

**ABORIGINAL OBJECTS**

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

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

**COMPLIANCE**

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

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

**SECTION 60 APPLICATION**

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

*Reason: To meet legislative requirements.*

If you have any questions about this correspondence, please contact Veerle Norbury, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8616 or [Veerle.Norbury@environment.nsw.gov.au](mailto: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.

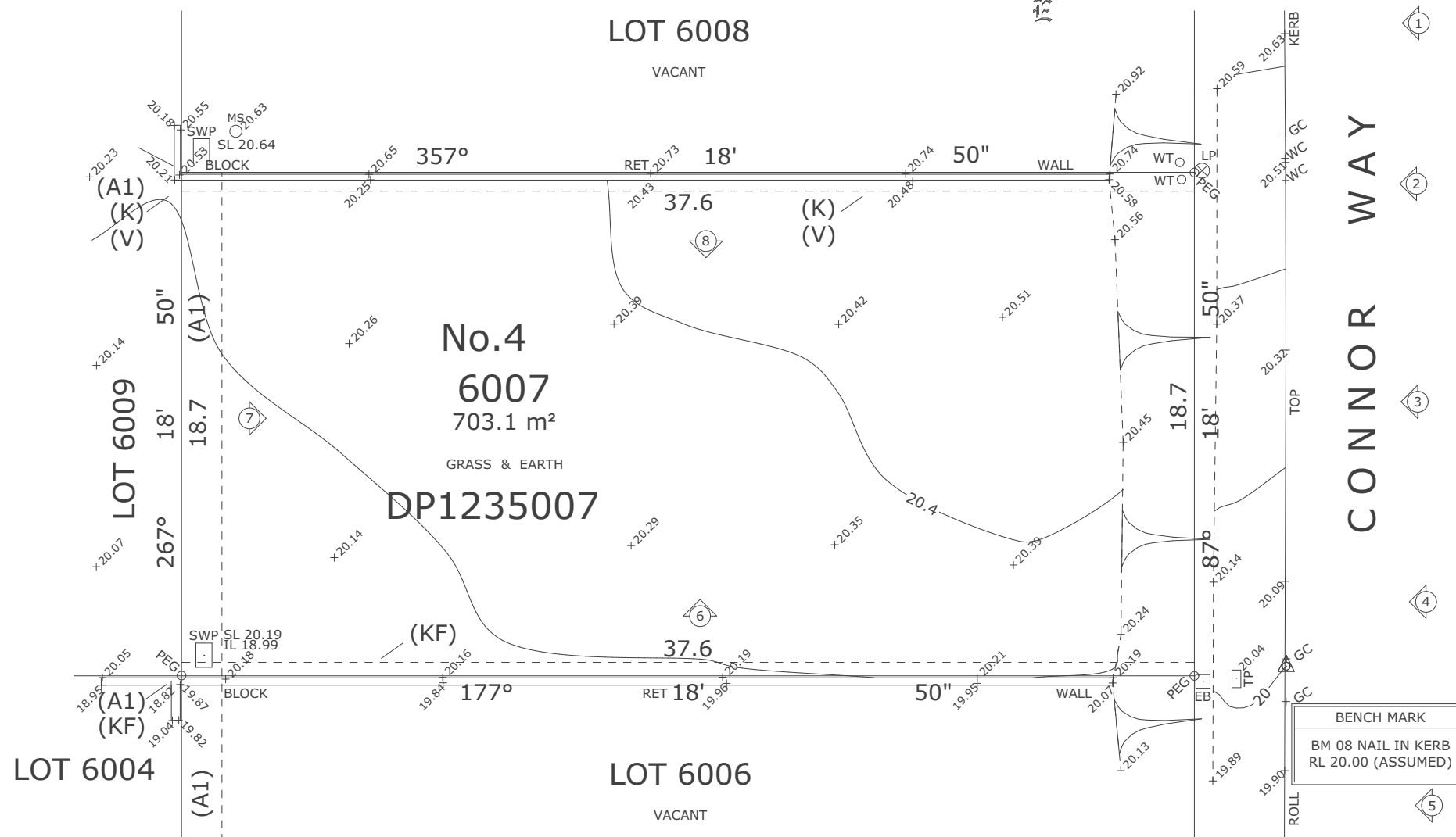
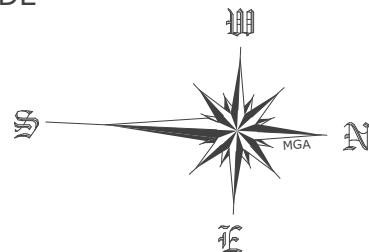
Yours sincerely



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

| REV | DESCRIPTION           | BY | DATE       |
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| P   | ADJUSTED FOR ENVELOPE | FA | 29/03/2022 |

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



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Building Design + Drafting Services

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**GENERAL BUILDING NOTES**

- THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS PROVIDED.
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- TENDER DOCUMENT SHALL TAKE PREFERENCE TO THESE DRAWINGS.
- FIGURED DIMENSIONS MUST TAKE PREFERENCE TO SCALING.
- LEVELS SHOWN ARE APPROXIMATE AND ARE TO BE CONFIRMED ON SITE BY SURVEYOR.
- DRAINAGE CONCEPT PLAN IS SCHEMATIC ONLY. RELATED WORKS TO BE VERIFIED BY LICENSED DRAINER AND/OR HYDRAULICS ENGINEER PRIOR TO WORK COMMENCEMENT.
- IF ENGINEER DRAWINGS ARE REQUIRED SUCH MUST TAKE PREFERENCE TO THESE DRAWINGS.
- ALL BOUNDARY CLEARANCES MUST BE VERIFIED BEFORE COMMENCEMENT OF BUILDING WORKS BY REGISTERED SURVEYOR.
- IN CASE OF ALTERATIONS OR DISCREPANCIES NOTIFY FJA DESIGNS OFFICE IMMEDIATELY.

**New Dwelling**

JOB NUMBER FJ146

**Survey**

CLIENT UrbanVue Projects Pty Ltd

LOCATION  
**4 Connor Way Oran Park NSW 2570**  
 DP 6007/-/DP1235007

LGA **CAMDEN COUNCIL**

DESIGNER FA - BDAA Accreditation No.6617

DESIGN: CUSTOM

FACADE: CUSTOM


SHEET NO: **APPROVAL- 1** SCALE: 1:200 @ A3

DATE PRINTED  
 Thursday, 31 March 2022

**CLPP01**

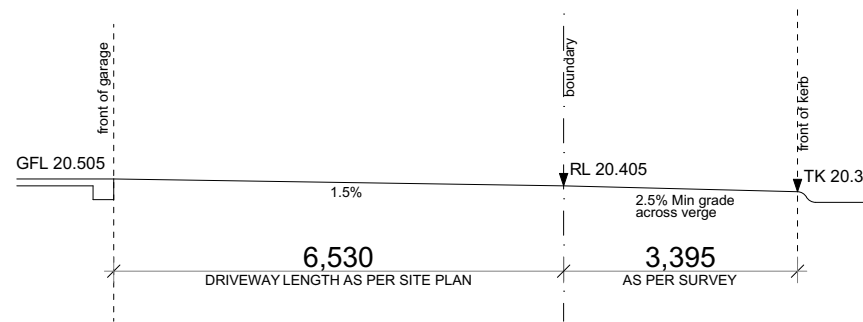
**Attachment 6**

|  |
|--|
| <b>FOR DA APPROVAL</b>   |
| <b>CONCEPT PLANS</b><br>NOT TO BE USED FOR CONSTRUCTION PURPOSES   |
| <b>SITE SOIL CLASSIFICATION</b><br>- H <sub>1</sub> CLASS  |
| <b>NATURAL GAS IS AVAILABLE TO SITE</b><br>YES   |
| <b>OVERHEAD POWERLINE PROTECTION</b><br>WORKS TO BE PERFORMED BY LOCAL SUPPLY AUTHORITY  |
| <b>SURFACE PICKUPS</b> TO BE PROVIDED WHERE REQUIRED. TO BE CONFIRMED ON SITE BY PLUMBER   |
| <b>POSITION OF STORMWATER DRAINAGE LINES AND DOWNPIPES</b> INDICATED ARE APPROXIMATE ONLY. TO BE CONFIRMED ONSITE  |
| 90mm DIAMETER PVC DOWNPIEPES - CHARGED SYSTEM  |
| <b>SEWER MAIN POSITION</b><br>TO BE CHECKED AND CONFIRMED  |
| <b>SALINITY AFFECTED - TBC</b>   |
| <b>INSULATION</b><br>SARKING THROUGHOUT<br>R VALUE TO EXTERNAL WALLS AS PER BASIX COMMITMENTS<br>R VALUE TO CEILING AS PER BASIX COMMITMENTS   |
| <b>NBN</b><br>NBN CONNECTION AS PER ESTATE REQUIREMENT- THE HOME MUST BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY THE NBN NETWORK MUST BE SHOWN ON THE PLANS AS PER OUR BUILDING CONTROLS AND GUIDELINES |
| <b>METER BOX</b><br>LOCATION OF METER BOX TO BE CONFIRMED ON SITE DURING CONSTRUCTION STAGE  |



**LEGEND**

- BM - BENCH MARK
- C - CONCRETE
- ELEC - ELECTRICITY KIOSK
- GB - GARDEN BED
- GR - GRATE (PIT)
- H - WINDOW HEADER
- HYD - HYDRANT
- KOP - KERB OUTLET POINT
- LNT - KERB INLET PIT LINTEL
- LP - LIGHT POLE
- PC - PRAM CROSSING
- S - WINDOW SILL
- SIP - SEWER INSPECTION POINT
- SMH - SEWER MANHOLE
- SV - STOP VALVE
- TEL - TELECOMMUNICATIONS PIT
- TK - TOP KERB
- VC - VEHICLE CROSSING
- WM - WATER METER
- 5/0.3 - TREE 5m SPREAD 0.3m TRUNK



**DRIVEWAY GRADIENT DETAIL**  
TAKEN FROM LEVELS ON THE RIGHT HAND SIDE OF DRIVEWAY.  
1:100

| 4 Connor Way Oran Park<br>NSW 2570<br>DP 6007/-DP1235007<br>CAMDEN COUNCIL                       |                             |
|--|-----------------------------|
| Area Calculations  |                             |
| Room Name  | Area                        |
| 1 Ground floor   | 230.14                      |
| 2 Garage   | 39.46                       |
| 3 Porch  | 11.06                       |
| 4 Alfresco   | 41.27                       |
|  | <b>321.93 m<sup>2</sup></b> |
| SITE DEVELOPMENT CALCULATION   |                             |
| Camden Growth Centre Precincts<br>Development Control Plan for lots with<br>frontage width ≥ 15m |                             |
| <b>LAND SIZE: 703.1m<sup>2</sup></b>   |                             |
| <b>LOT WIDTH: 18.7m</b>  |                             |
| SITE COVERAGE  |                             |
| REQUIREMENT: 50% MAX GROUND  |                             |
| GROUND FLOOR AREA: 230.14m <sup>2</sup>  |                             |
| GARAGE AREA: 39.46m <sup>2</sup>   |                             |
| TOTAL: 269.6m <sup>2</sup> <b>38.4%</b>  |                             |
| LANDSCAPED AREA  |                             |
| <b>30% Landscape area minimum.</b>   |                             |
| FOOTPRINT AREA: 321.94m <sup>2</sup>   |                             |
| HARDSTAND AREAS: 42.24+70.94m <sup>2</sup>   |                             |
| TOTAL: 435.12  |                             |
| LANDSCAPE AREA: 267.98m <sup>2</sup> <b>38.1%</b>  |                             |

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**NOTES:**

DRIVE GRADE IS APPROX ONLY AND TO BE CONFIRMED WITH A CONTOUR SURVEY PREPARED BY REGISTERED SURVEYOR.  
SEWER POSITION TO BE CONFIRMED WITH SEWER DIAGRAM WHEN AVAILABLE

ANY RETAINING WALLS REQUIRED TO BE COMPLETED TO ENGINEERS DETAILS AND SPECIFICATIONS LENGTH AND HEIGHTS TO BE CONFIRMED ON SITE.  
ALL RETAINING WALLS ARE TO BE BUILT BY THE OWNER AFTER HANDOVER UNLESS OTHERWISE STATED ON THE TENDER DOCUMENTATION  
TREES WITHIN BUILDING AREA & 3.0m SURROUNDING TO BE FELLED & REMOVED. REMOVAL OF TREES IS BY THE OWNER PRIOR TO CONSTRUCTION WORKS COMMENCEMENT.

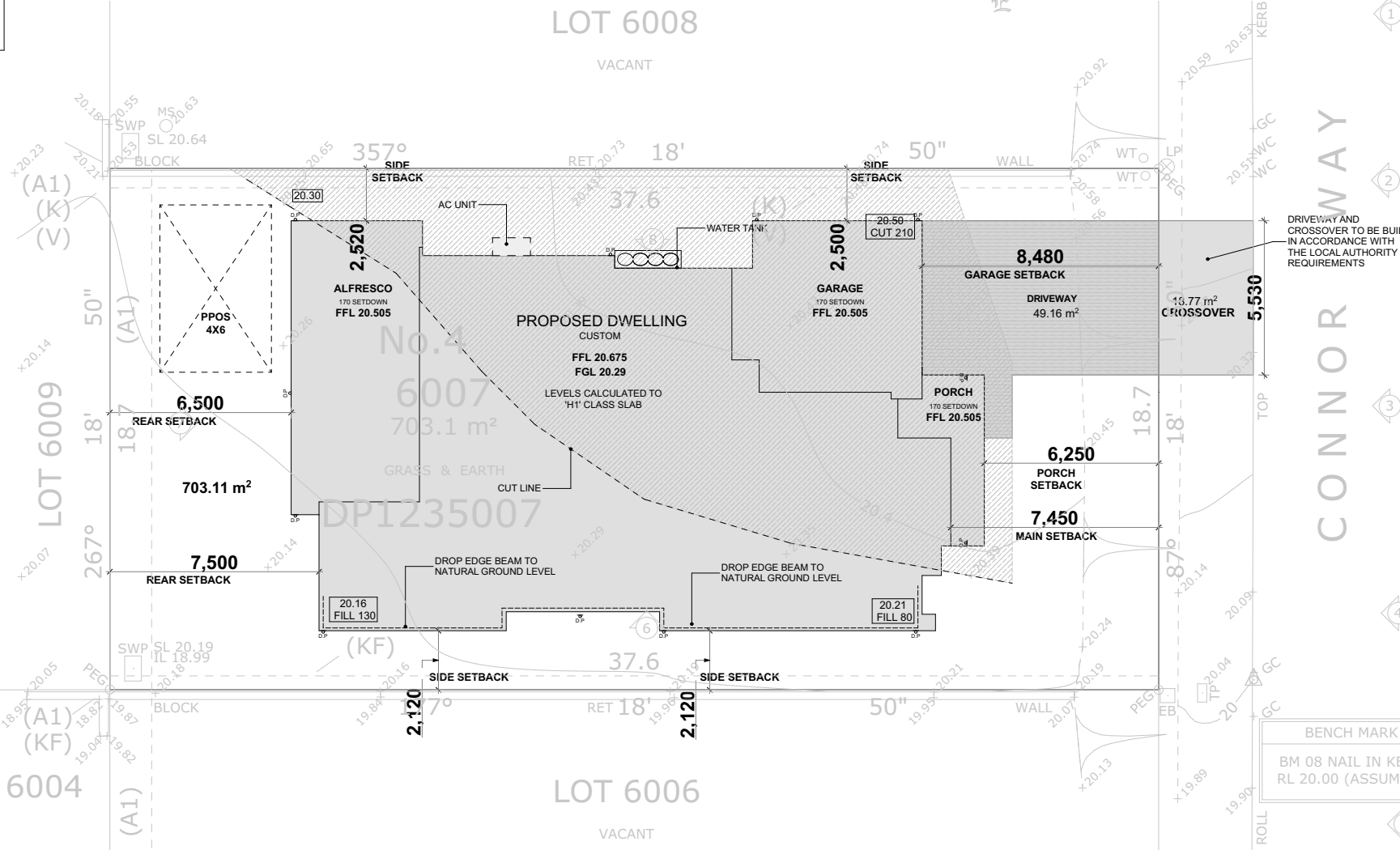
ALL PROPOSED FINISH FLOOR LEVELS AND CUT/FILL REQUIREMENTS SUBJECT TO CONFIRMATION UPON COMPLETION OF ARCHITECTURAL PLANS.  
ALL PROPOSED FINISH FLOOR LEVELS ARE SUBJECT TO CONFIRMATION WITH STEP-DOWNS NOMINATED PRIOR TO EXCAVATION BY BUILDER, EXCAVATOR AND/OR CONCRETOR.  
ALL FLOOR AREA CALCULATIONS ARE TO BE CONFIRMED UPON THE COMPLETION OF FINAL ARCHITECTURAL PLANS.  
ALL ALLOWANCES FOR STEPS/STAIRS THAT MAY BE REQUIRED ARE SUBJECT TO FINAL ARCHITECTURAL PLANS.  
ALL ALLOWANCES FOR RETAINING WALLS ARE SUBJECT TO FINAL ARCHITECTURAL PLANS.

BUILDER TO PROVIDE TEMPORARY ALL WEATHER VEHICLE ACCESS (GRAVEL/ROCK AGGREGATE) DURING CONSTRUCTION  
BUILDER TO PROVIDE 1.8m SECURITY FENCE TO PERIMETER OF SITE AS PER COUNCIL REQUIREMENTS.  
BUILDER TO PROVIDE SEDIMENT CONTROL FENCE AS PER COUNCIL REQUIREMENTS.  
PROVIDE CONTAMINATED FREE SOIL COMPACTED IN ACCORDANCE WITH ENGINEERS DETAILS AND SPEC.

MAINTAIN NATURAL GROUND LINE, ALL FILL TO BE CONTAINED WITHIN BUILDING ENVELOPE VIA DEB.

ROOF PLUMBER TO LOCATE DOWNPIPES AS INDICATED ON FLOOR PLANS PER SPEC. PROVIDED.  
STORMWATER PIPES TO BE 90MM DIA (MIN.) AT 1 DEG. GRADE (MIN.).  
STORMWATER DRAINAGE TO THE STREET IN ACCORDANCE WITH COUNCIL'S STORMWATER REQUIREMENTS INVERT LEVELS TO BE CONFIRMED.

**SURVEYORS NOTES:**  
DATUM ASSUMED UNLESS NOTED OTHERWISE  
LOCATION OF FENCES ARE APPROXIMATE ONLY  
ONLY VISIBLE SERVICES HAVE BEEN LOCATED ACCURATELY  
NO U/GROUND SERVICES SEARCH HAS BEEN CARRIED OUT  
BOUNDARY DIMENSIONS AND AREA ARE BY TITLE ONLY.

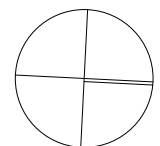


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|  |                           |
|--|---------------------------|
| <b>New Dwelling</b>                                |                           |
| JOB NUMBER   | FJ146                     |
| <b>Site Plan</b>                                   |                           |
| CLIENT   | UrbanVue Projects Pty Ltd |
| LOCATION<br><b>4 Connor Way Oran Park NSW 2570</b> |                           |
| DP 6007/-DP1235007                                 |                           |
| LGA <b>CAMDEN COUNCIL</b>                          |                           |
| DESIGNER FA - BDAA Accreditation No.6617           |                           |
| DESIGN:  | CUSTOM                    |
| FACADE:  | CUSTOM                    |
| SHEET NO:  | APPROVAL- 2               |
| SCALE:   | 1:200, 1:100 @ A3         |
| DATE PRINTED                                       | Thursday, 31 March 2022   |

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| O   | PLANS FOR LODGEMENT   | FA | 31/01/2022 |
| P   | ADJUSTED FOR ENVELOPE | FA | 29/03/2022 |



Attachments for the Camden Local Planning Panel – Electronic Determination – 5 May 2022 - Page 73



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**New Dwelling**

JOB NUMBER FJ146

**Ground Floor Plan**

CLIENT UrbanVue Projects Pty Ltd

LOCATION  
**4 Connor Way Oran Park NSW 2570**  
 DP 6007/-/DP1235007

LGA **CAMDEN COUNCIL**

DESIGNER FA - BDAA Accreditation No.6617

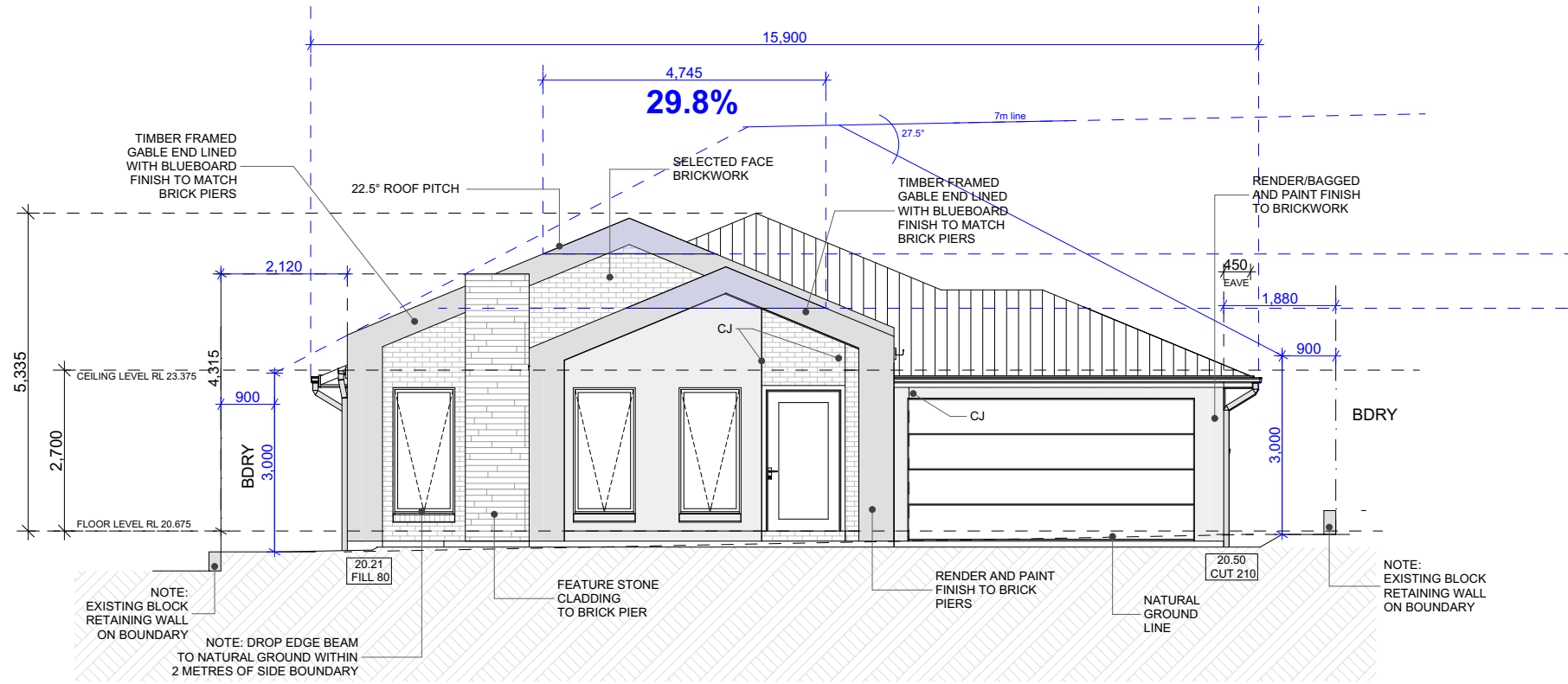
DESIGN: CUSTOM

FACADE: CUSTOM

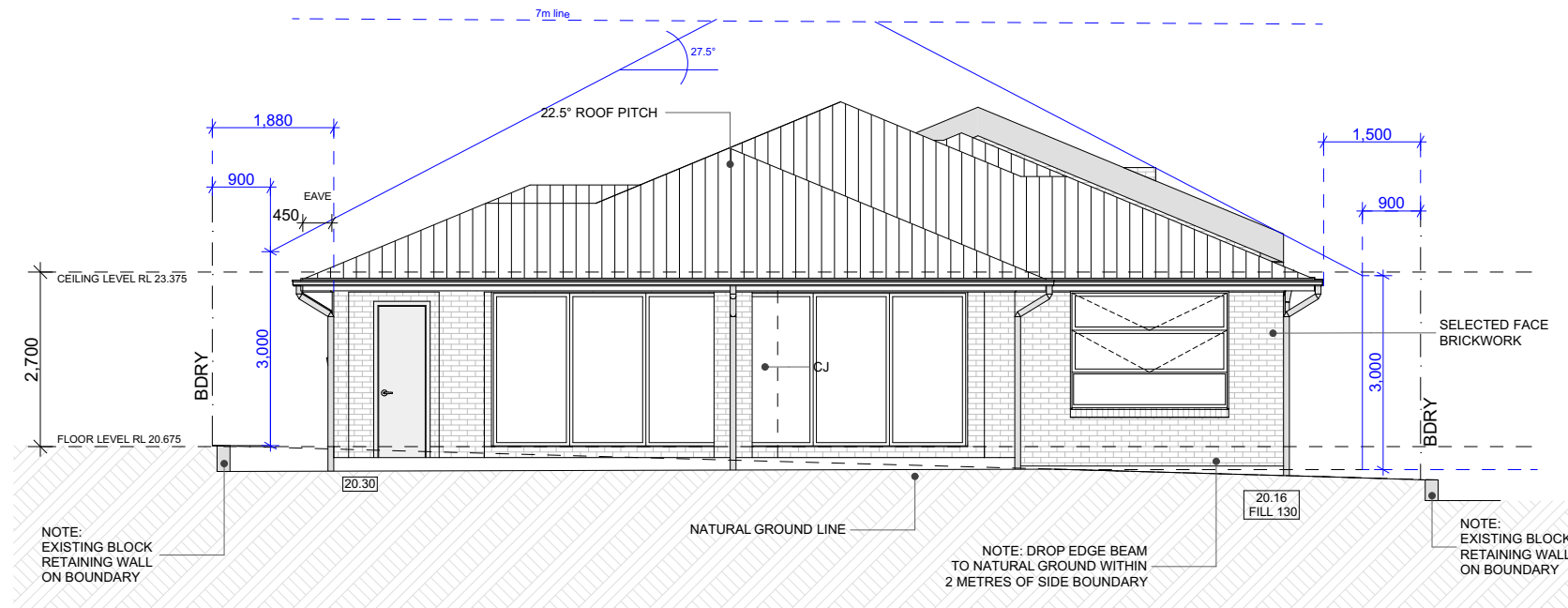
SHEET NO: **APPROVAL- 3** SCALE: 1:100 @ A3

DATE PRINTED  
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A Elevation 1:100



C Elevation 1:100

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New Dwelling

JOB NUMBER FJ146

Elevations

CLIENT UrbanVue Projects Pty Ltd

LOCATION 4 Connor Way Oran Park NSW 2570

DP 6007/-/DP1235007

LGA CAMDEN COUNCIL

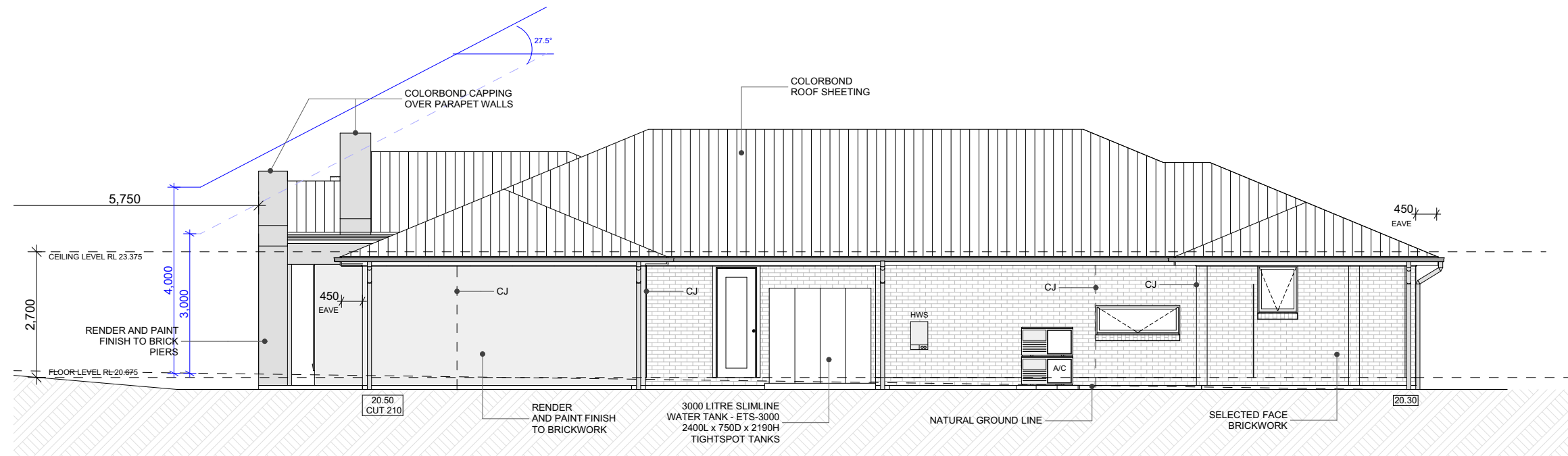
DESIGNER FA - BDAA Accreditation No.6617

DESIGN: CUSTOM

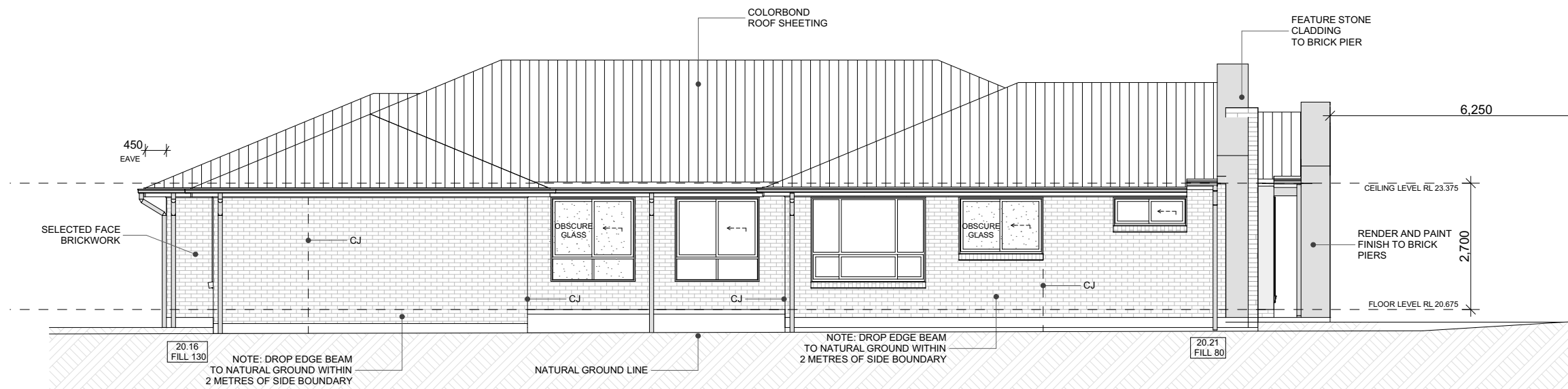
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SCALE: 1:100 @ A3

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B Elevation 1:100



D Elevation 1:100

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**New Dwelling**

JOB NUMBER FJ146

**Elevations**

CLIENT UrbanVue Projects Pty Ltd

**LOCATION**

4 Connor Way Oran Park NSW 2570

DP 6007/-/DP1235007

**LGA CAMDEN COUNCIL**

DESIGNER FA - BDAA Accreditation No.6617

DESIGN: CUSTOM

FACADE: CUSTOM

SHEET NO: APPROVAL- 5  
SCALE: 1:100 @ A3

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**New Dwelling**

JOB NUMBER FJ146

**Section**

CLIENT UrbanVue Projects Pty Ltd

LOCATION  
**4 Connor Way Oran Park NSW 2570**  
DP 6007/-/DP1235007

LGA **CAMDEN COUNCIL**

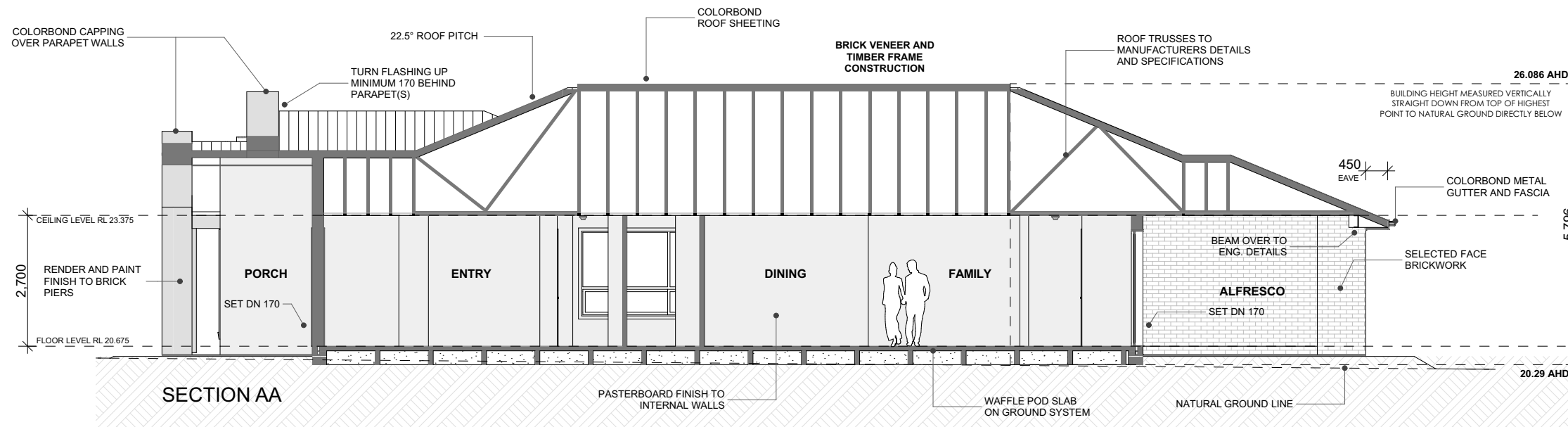
DESIGNER FA - BDAA Accreditation No.6617

DESIGN: CUSTOM

FACADE: CUSTOM

SHEET NO: **APPROVAL- 6** SCALE: 1:100 @ A3

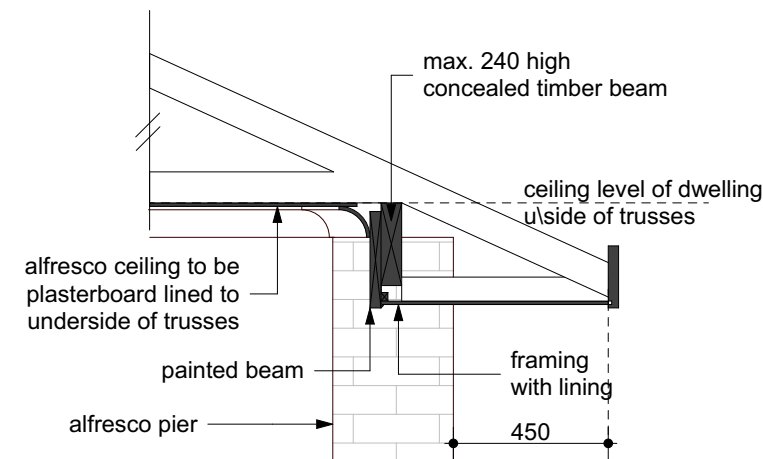
DATE PRINTED  
Thursday, 31 March 2022



SECTION AA

AA Section 1:100

| Window List |        |       |             |                            |           |
|-------------|--------|-------|-------------|----------------------------|-----------|
| Window Code | Height | Width | Head height | Surface Area               | Quantity  |
| W01         | 2,100  | 1,030 | 2,400       | 2.16                       | 1         |
| W02         | 2,100  | 1,030 | 2,400       | 2.16                       | 1         |
| W03         | 2,100  | 1,030 | 2,400       | 2.16                       | 1         |
| W04         | 600    | 1,800 | 1,540       | 1.08                       | 1         |
| W05         | 1,000  | 850   | 2,570       | 0.85                       | 1         |
| W06         | 1,800  | 2,450 | 2,400       | 4.41                       | 1         |
| W07         | 1,800  | 1,800 | 2,400       | 3.24                       | 1         |
| W08         | 1,800  | 1,800 | 2,400       | 3.24                       | 1         |
| W09         | 1,800  | 2,450 | 2,400       | 4.41                       | 1         |
| W10         | 1,200  | 1,800 | 2,400       | 2.16                       | 1         |
| W11         | 600    | 1,570 | 2,400       | 0.94                       | 1         |
|             |        |       |             | <b>26.81 m<sup>2</sup></b> | <b>11</b> |



**Detail D02**

scale 1:20

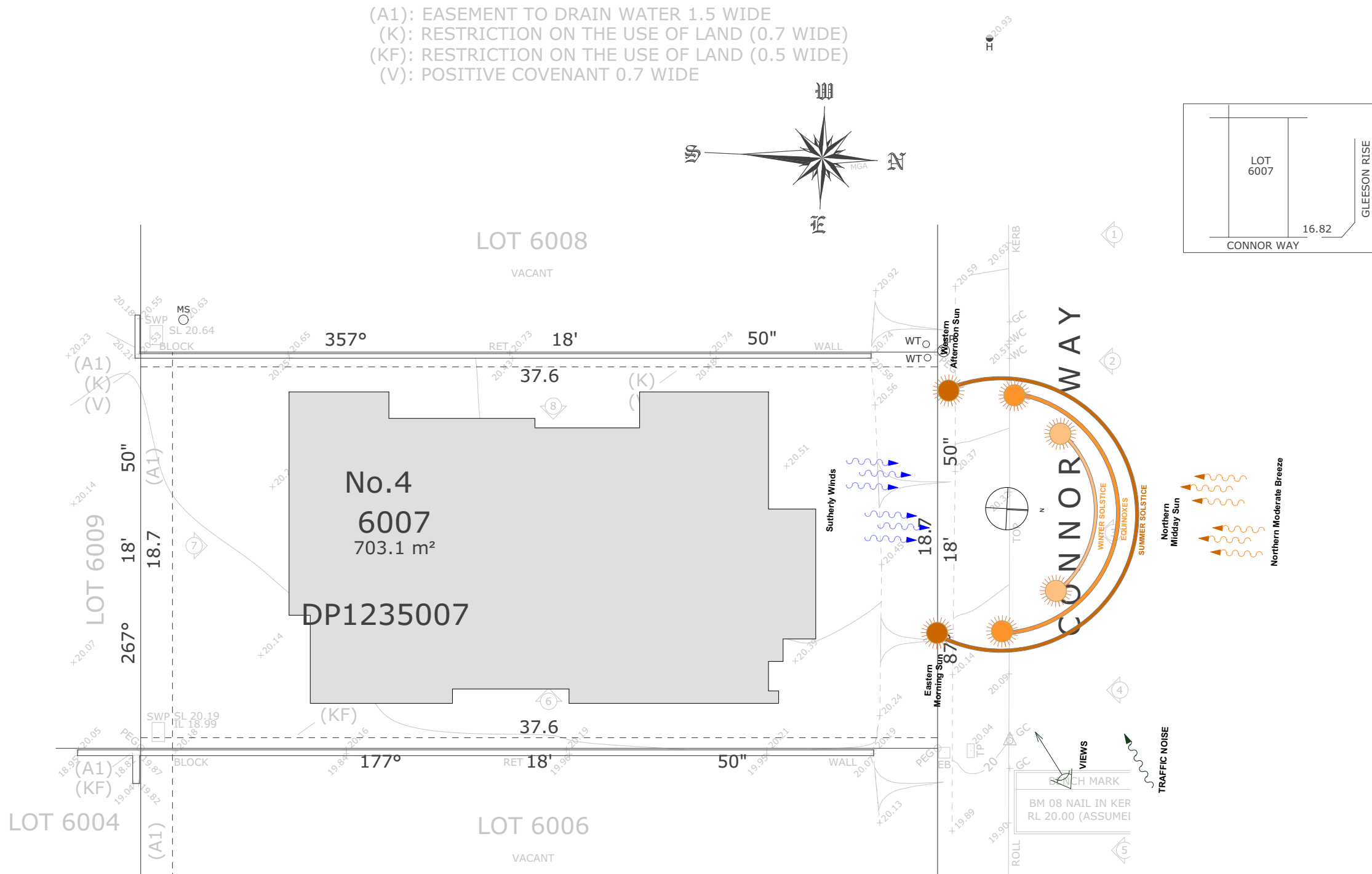
detail of eave step up to alfresco ceiling

note: roof tiles, battens & gutter not indicated on detail

**CODE KEY**

|         |                                      |
|---------|--------------------------------------|
| CSD=    | CAVITY SLIDING DOOR                  |
| LOH=    | LIFT OF HINGE DOORS                  |
| DG=     | DOUBLE GLASS (REFER TO TENDER)       |
| OBS=    | OBSCURE GLAZING AS SELECTED          |
| RD=     | ROBE DOOR                            |
| MR=     | MIRROR                               |
| SP=     | SPECIALY MADE                        |
| SQ SET= | SQUARE SET OPENING                   |
| SHR=    | SHOWER LOCATION                      |
| AA=     | ALUMINIUM AWNING WINDOW              |
| AS=     | ALUMINIUM SLIDING WINDOW             |
| ASD=    | ALUMINIUM SLIDING DOOR               |
| ASSD=   | ALUMINIUM STACKER DOOR               |
| CR=     | OPEN CORNER (NO POST)                |
| EXT=    | EXTERNAL DOOR (CLEAR GLAZING U.N.O.) |

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



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**New Dwelling**

JOB NUMBER FJ146

**Site Analysis Plan**

CLIENT UrbanVue Projects Pty Ltd

LOCATION

**4 Connor Way Oran Park NSW 2570**

DP 6007/-/DP1235007

LGA **CAMDEN COUNCIL**

DESIGNER FA - BDAA Accreditation No.6617

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FACADE: CUSTOM

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**New Dwelling**

JOB NUMBER FJ146

**Site Management Plan**

CLIENT UrbanVue Projects Pty Ltd

LOCATION

**4 Connor Way Oran Park NSW 2570**

DP 6007/-/DP1235007

LGA **CAMDEN COUNCIL**

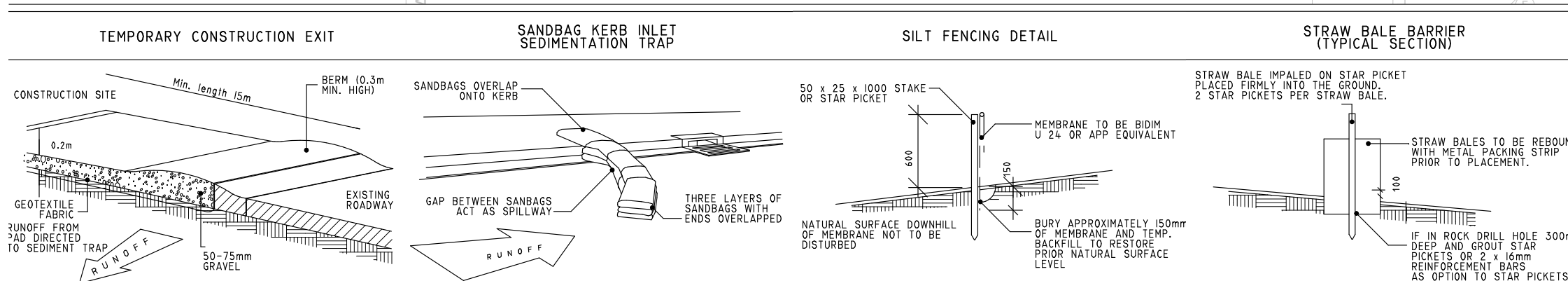
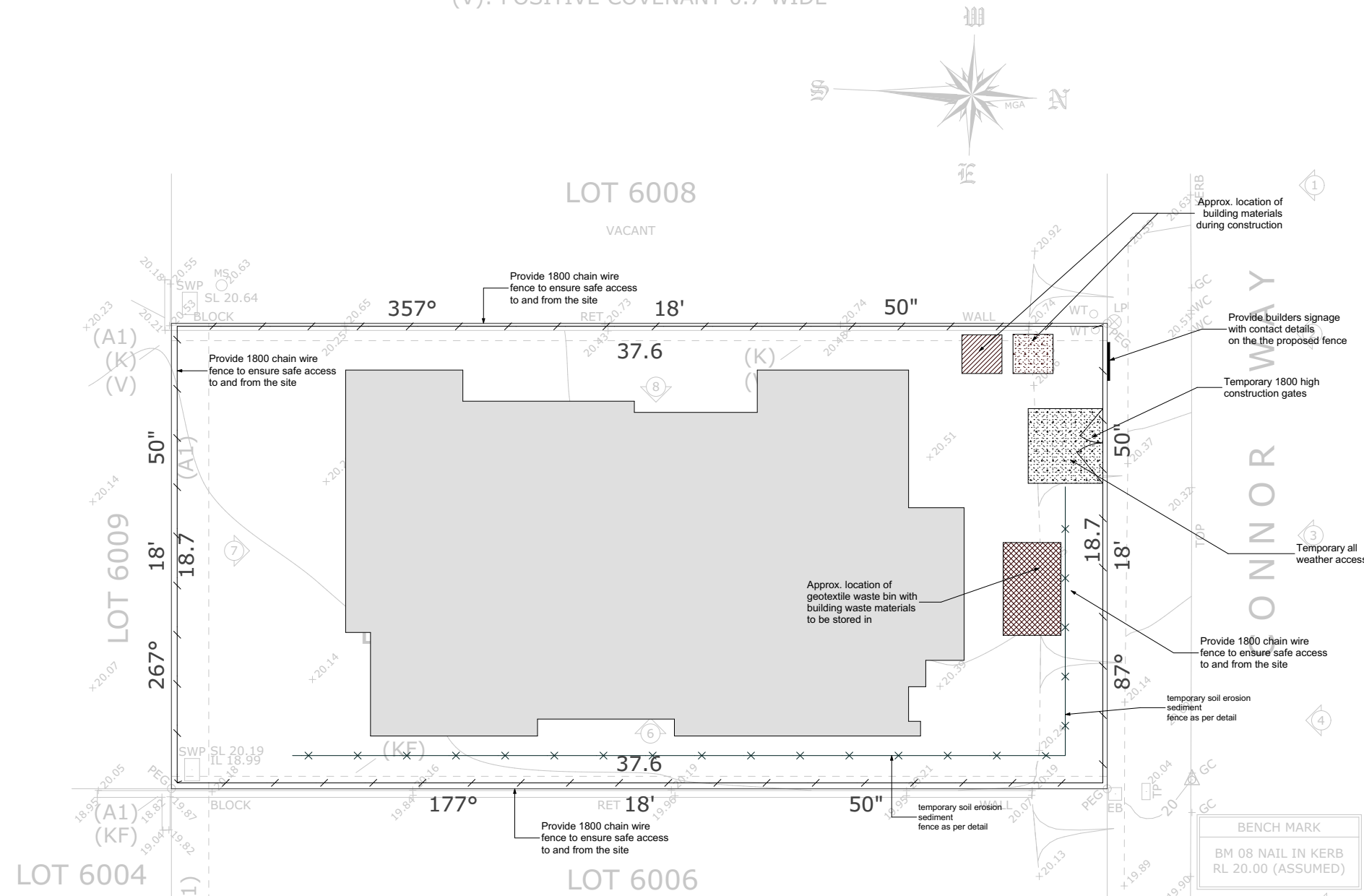
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DESIGN: CUSTOM

FACADE: CUSTOM

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**New Dwelling**

JOB NUMBER FJ146

**Stormwater concept Plan**

CLIENT UrbanVue Projects Pty Ltd

LOCATION  
**4 Connor Way Oran Park NSW 2570**  
 DP 6007/-/DP1235007

LGA **CAMDEN COUNCIL**

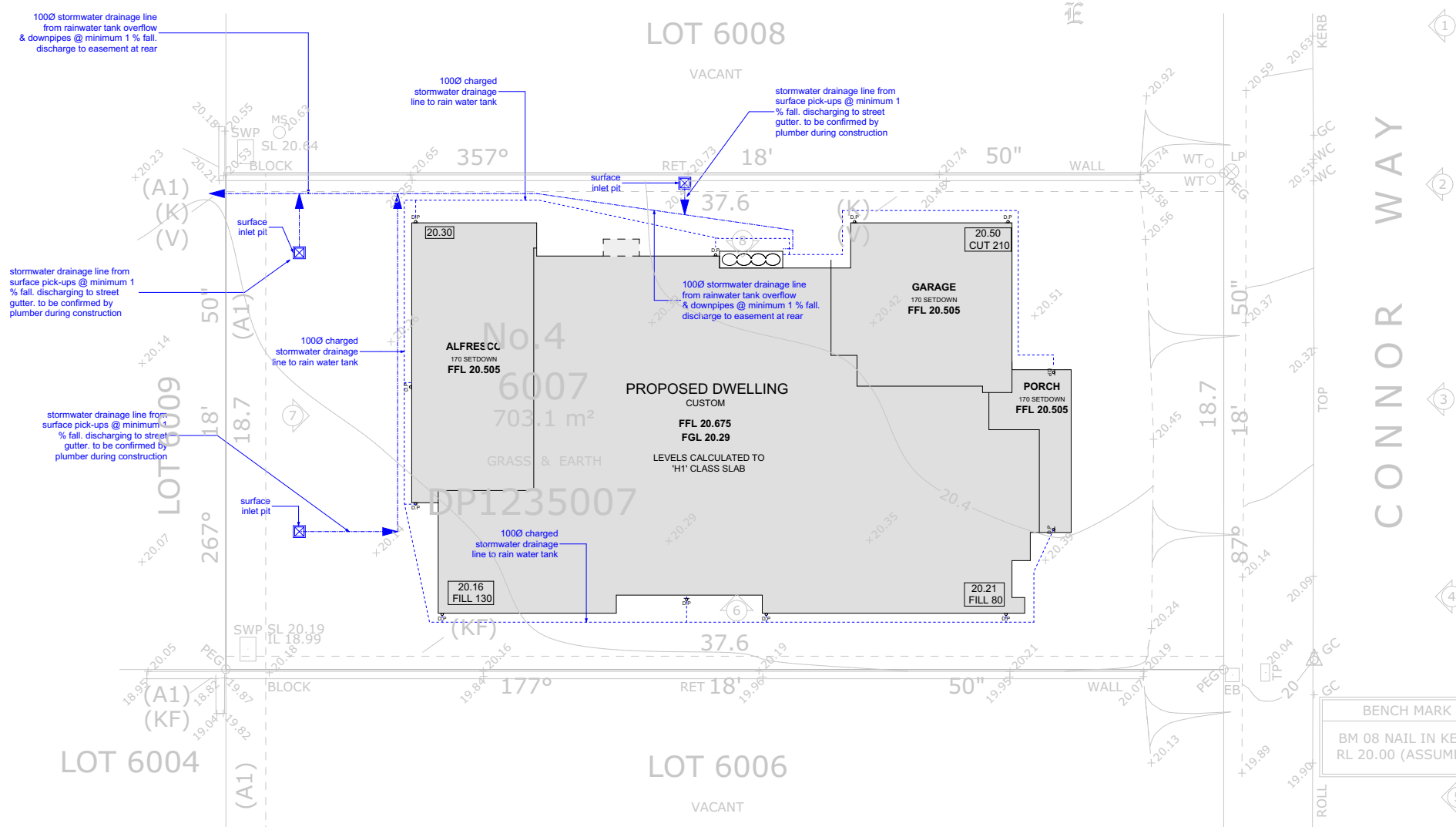
DESIGNER FA - BDAA Accreditation No.6617

DESIGN: CUSTOM

FACADE: CUSTOM

SHEET NO: **APPROVAL- 9** SCALE: 1:200 @ A3

DATE PRINTED  
 Thursday, 31 March 2022



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|                       |                                 |
|-----------------------|---------------------------------|
| <b>New Dwelling</b>   |                                 |
| JOB NUMBER            | FJ146                           |
| <b>Landscape Plan</b> |                                 |
| CLIENT                | UrbanVue Projects Pty Ltd       |
| LOCATION              | 4 Connor Way Oran Park NSW 2570 |
| DP                    | DP 6007/-/DP1235007             |
| LGA                   | CAMDEN COUNCIL                  |
| DESIGNER              | FA - BDAA Accreditation No.6617 |
| DESIGN:               | CUSTOM                          |
| FACADE:               | CUSTOM                          |
| SHEET NO:             | SCALE:                          |
| <b>APPROVAL- 10</b>   | 1:200 @ A3                      |
| DATE PRINTED          | Thursday, 31 March 2022         |



Db- Dietes bicolor - Fortnight Lilly -45 off  
 1.0 high x 0.75 wide (250dia)



As- Acemena smithii - Lilly Pilly -30 off  
 1.5m high x 1.0m wide (250dia)



PROPOSED LETTERBOX EXAMPLE  
 STONE AS PER FACADE SELECTION



SELECTED GARDEN BED EDGING



Fg- Fraxinus griffithii - Evergreen Ash- 1off - 5m high (50 litre)



Lg Liriope giganteum, Liriope muscari 40-60cm

**PLANT SCHEDULE**

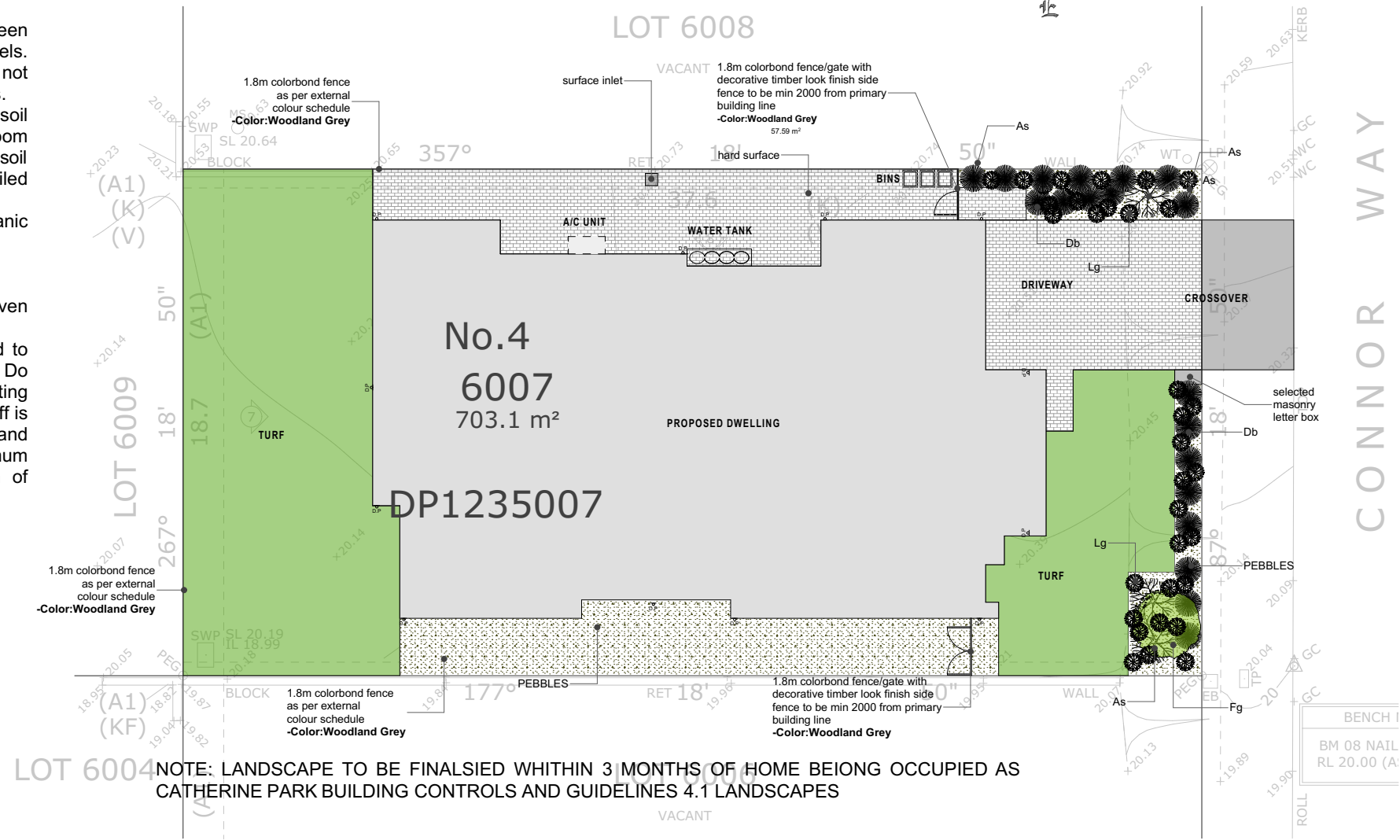
|    |   |        |
|----|---|--------|
| As | Acemena smithii - Lilly Pilly<br>1.5m high x 1.0m wide (250dia)   | 7 off  |
| Db | Dietes bicolor - Fortnight Lilly<br>1.0 high x 0.75 wide (250dia) | 14 off |
| Fg | Fraxinus griffithii - Evergreen Ash<br>5m high (50 litre)         | 1 off  |
| Lg | Liriope giganteum,<br>Liriope muscari 40-60cm                     | 25 off |

**GARDEN BED AREAS**

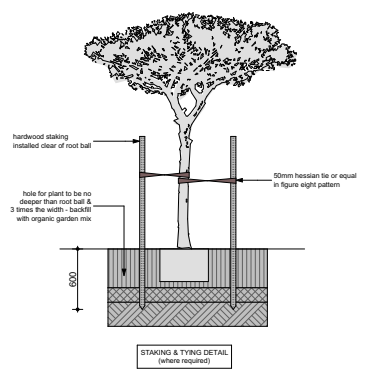
Ensure that mass planting areas have been excavated to 300mm below finished levels. Rip to a further depth of 150mm. Do not excavate within 1500mm of existing trees. Supply and install 300.. depth of top soil mix, comprising of one (1) part mushroom compost to three (3) parts top soil. Top soil shall be either imported or from stockpiled site top soil i.e. free of clay. Install minimum 75mm depth of organic mulch.

**TURF**

Turf shall be select species with an even thickness of not less than 30mm. Excavate / Grade all areas to be turfed to 100mm below required finished levels. Do not excavate within 1500mm of existing trees. Ensure that all surface water runoff is directed towards inlet pits (if required) and away from dwelling. Ripp to a minimum depth of 150mm. Install 80mm depth of imported or onsite stock piled top soil.



NOTE: LANDSCAPE TO BE FINALISED WITHIN 3 MONTHS OF HOME BEING OCCUPIED AS CATHERINE PARK BUILDING CONTROLS AND GUIDELINES 4.1 LANDSCAPES





## BASIX® commitments

|                         |                  |
|-------------------------|------------------|
| Assessor                | Mr. Daniel Warda |
| Date                    | 22 / 11 / 21     |
| BASIX Certificate No.   | 1260584S         |
| NatHERS Certificate No. | 0006811038       |

## Project details

|              |  |
|--------------|--|
| Site Address | Lot 6007, 4 Connor Way, Oran Park NSW 2570 |
| Municipality | Camden                                     |
| Reference    | FJ146                                      |

## Thermal Comfort

|  |  |            |  |
|--|--|------------|--|
| Floors   | 300mm Waffle pod slab  |            |  |
| Ceiling Between Floors   | N/A  |            |  |
| External Walls   | R2.5 High Density Insulation to all external walls   Medium                |            |  |
| Internal Walls   | R2.5 High Density Insulation to Garage internal walls                      |            |  |
| Ceilings   | R5.0 Bulk Insulation to all first floor trussed ceilings over living areas |            |  |
| Roof   | Colorbond   Dark   |            |  |
| Roof Insulation  | Sarking  |            |  |
| Windows:   |  |            |  |
| A&L Sliding Door (Aluminium Framed - Single Glazed 4mm Clear)    | U-Value: 6.09  | SHGC: 0.72 |  |
| A&L Sliding Windows (Aluminium Framed - Single Glazed 4mm Clear) | U-Value: 6.11  | SHGC: 0.76 |  |
| A&L Awning Windows (Aluminium Framed - Single Glazed 4mm Clear)  | U-Value: 5.79  | SHGC: 0.65 |  |

\*Refer to NatHERs Certificate for location and dimensions of windows.

|           |     |
|-----------|-----|
| Skylights | N/A |
|-----------|-----|

| Water              |                               | Energy            |                                |
|--------------------|-------------------------------|-------------------|--------------------------------|
| Landscape Area     | 389m <sup>2</sup>             | Hot Water         | Gas Instantaneous   6 star     |
| W.C's              | 4 star                        | Air-Con (Heating) | 1-Phase Ducted A/C   3.0 - 3.5 |
| Kitchen Taps       | 4 star                        | Air-Con (Cooling) | 1-Phase Ducted A/C   3.0 - 3.5 |
| Shower Heads       | 3 star (> 6 but <= 7.5 L/min) | Ventilation       | As Per Basix Assessment        |
| Basin Taps         | 3 star                        | PV System         | N/A                            |
| Alternative Water  | 3000L Rainwater Tank          | Cooking           | Gas Cooktop & Electric Oven    |
| Roof Water to Tank | 250m <sup>2</sup>             | Drying            | Outdoor Clothesline            |
| Alt. Water Uses    | Garden, WC & Laundry          | Lighting          | Primary LED                    |

Phone: 0488 203 606

Email: giuseppe@energiassessments.com.au

ABN: 77 614 736 284

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### New Dwelling

JOB NUMBER FJ146

### BASIX requirements

CLIENT UrbanVue Projects Pty Ltd

LOCATION  
**4 Connor Way Oran Park NSW 2570**  
DP 6007/-/DP1235007

LGA **CAMDEN COUNCIL**

DESIGNER FA - BDAA Accreditation No.6617

DESIGN: CUSTOM

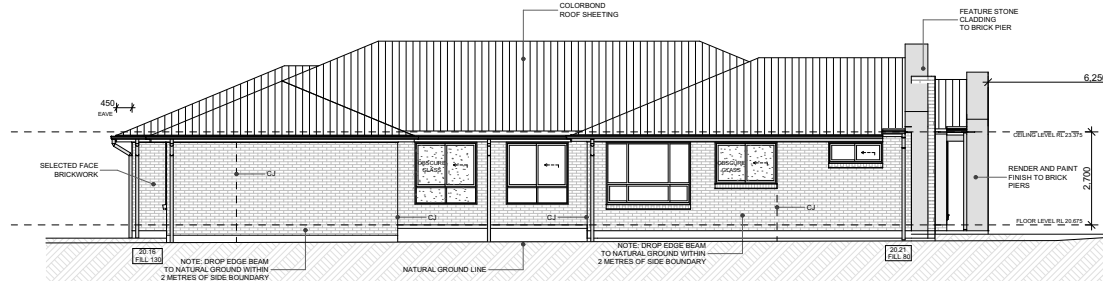
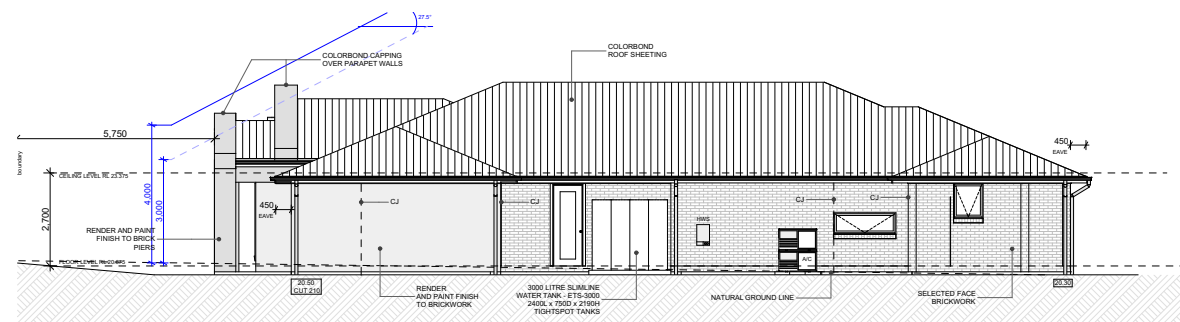
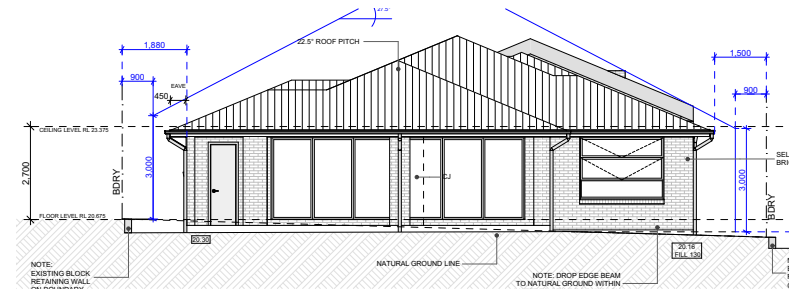
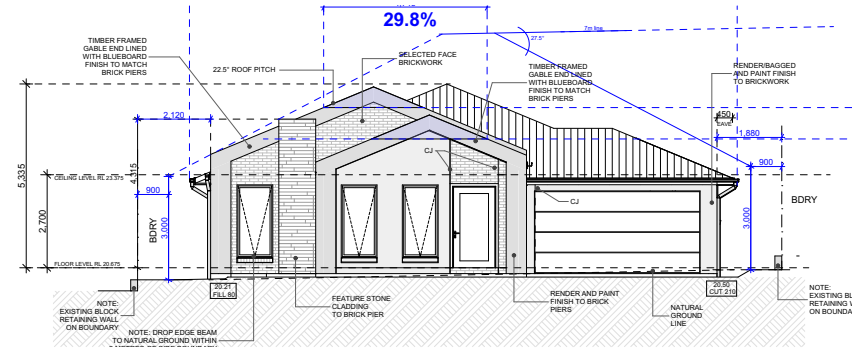
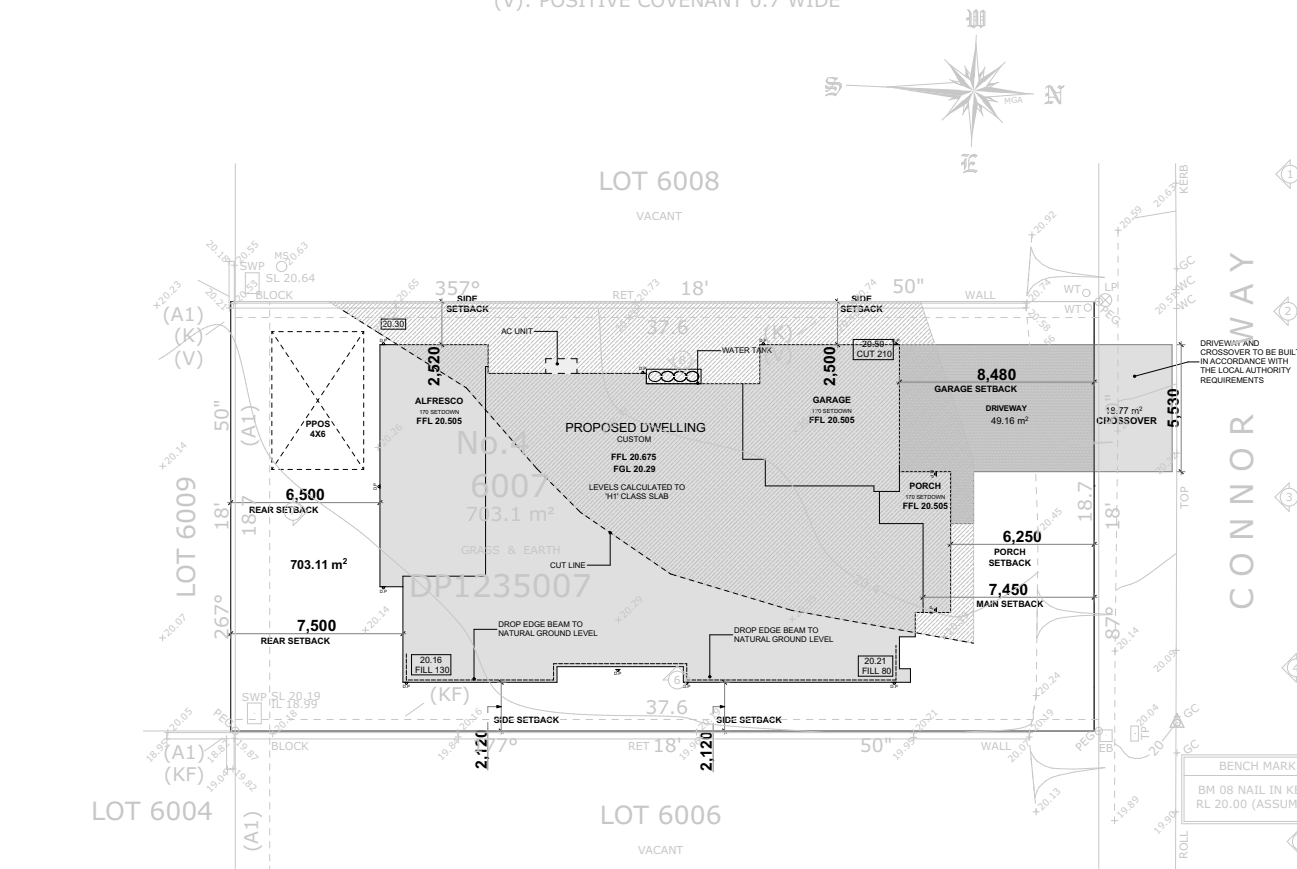
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(A1): EASEMENT TO DRAIN WATER 1.5 WIDE  
 (K): RESTRICTION ON THE USE OF LAND (0.7 WIDE)  
 (KF): RESTRICTION ON THE USE OF LAND (0.5 WIDE)  
 (V): POSITIVE COVENANT 0.7 WIDE



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New Dwelling

JOB NUMBER FJ146

Notification Plan

CLIENT UrbanVue Projects Pty Ltd

LOCATION  
 4 Connor Way Oran Park NSW 2570  
 DP 6007/-/DP1235007

LGA CAMDEN COUNCIL

DESIGNER FA - BDAA Accreditation No.6617

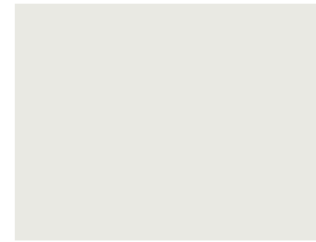
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FACADE: CUSTOM

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DATE PRINTED  
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Main Render – Surfmist



Gable Render – Gully



Roof, and Gutters –  
Colorbond - Windspray



Garage Door & Front Door –  
Bush Cherry



Brickwork – PGH Volcanic



Windows – Night Sky



Stone - Echo Ridge,  
southern hedge stone



Driveway - Holcim Geostone  
– Coolah Exposed

**MATERIALS SHOWN ARE DEPICTIVE ONLY AND MAY NOT REFLECT THE SELECTED FINISHES.**



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**New Dwelling**

JOB NUMBER FJ146

**Colour Chart**

CLIENT UrbanVue Projects Pty Ltd

LOCATION  
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DP 6007/-/DP1235007

LGA **CAMDEN COUNCIL**

DESIGNER FA - BDAA Accreditation No.6617

DESIGN: CUSTOM

FACADE: CUSTOM

SHEET NO: **APPROVAL- 13** SCALE:  
@ A3

DATE PRINTED  
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1. FALLS, SLIPS, TRIPS

a) WORKING AT HEIGHTS

DURING CONSTRUCTION
Wherever possible, components for this building should be prefabricated off-site or at ground level to minimise the risk of workers falling more than two metres.

DURING OPERATION OR MAINTENANCE
For houses or other low-rise buildings where scaffolding is appropriate:
Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible.

b) SLIPPERY OR UNEVEN SURFACES

FLOOR FINISHES Specified
If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet.

STEPS, LOOSE OBJECTS AND UNEVEN SURFACES
Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied.

Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not moved or cracked so that they become uneven and present a trip hazard.

2. FALLING OBJECTS

LOOSE MATERIALS OR SMALL OBJECTS

Construction, maintenance or demolition work on or around this building is likely to involve persons working above ground level or above floor levels. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

- 1. Prevent or restrict access to areas below where the work is being carried out.
2. Provide toeboards to scaffolding or work platforms.
3. Provide protective structure below the work area.
4. Ensure that all persons below the work area have Personal Protective Equipment (PPE).

BUILDING COMPONENTS

During construction, renovation or demolition of this building, parts of the structure including fabricated steelwork, heavy panels and many other components will remain standing prior to or after supporting parts are in place. Contractors should ensure that temporary bracing or other required support is in place at all times when collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

3. TRAFFIC MANAGEMENT

For building on a major road, narrow road or steeply sloping road:
Parking of vehicles or loading/unloading of vehicles on this roadway may cause a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.

4. SERVICES

GENERAL
Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or around this site. Where known, these are identified on the plans but the exact location and extent of services may vary from that indicated. Services should be located using an appropriate service (such as Dial Before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used.

5. MANUAL TASKS

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the component mass. All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur.

6. HAZARDOUS SUBSTANCES

ASBESTOS
For alterations to a building constructed prior to 1990:
If this existing building was constructed prior to:
1990 - it therefore may contain asbestos
1986 - it therefore is likely to contain asbestos

POWDERED MATERIALS

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation while using powdered material or when sanding, drilling, cutting or otherwise disturbing or creating powdered material.

TREATED TIMBER

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material when sanding, drilling, cutting or using treated timber in any way that may cause harmful material to be released. Do not burn treated timber.

VOLATILE ORGANIC COMPOUNDS

Many types of glue, solvents, spray packs, paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

SYNTHETIC MINERAL FIBRE

Fibreglass, rockwool, ceramic and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near bulk insulation material.

TIMBER FLOORS

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

7. CONFINED SPACES

EXCAVATION

Construction of this building and some maintenance on the building will require excavation and installation of items within excavations. Where practical, installation should be carried out using methods which do not require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

ENCLOSED SPACES

For buildings with enclosed spaces where maintenance or other access may be required:
Enclosed spaces within this building may present a risk to persons entering for construction, maintenance or any other purpose. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

SMALL SPACES

For buildings with small spaces where maintenance or other access may be required:
Some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for warning signs and barriers to unauthorised access. These should be maintained throughout the life of the building. Where workers are required to enter small spaces they should be scheduled so that access is for short periods. Manual lifting and other manual activity should be restricted in small spaces.

8. PUBLIC ACCESS

Public access to construction and demolition sites and to areas under maintenance causes risk to workers and public. Warning signs and secure barriers to unauthorised access should be provided. Where electrical installations, excavations, plant or loose materials are present they should be secured when not fully supervised.

9. OPERATIONAL USE OF BUILDING RESIDENTIAL BUILDINGS

This building has been designed as a residential building. If it, at a later date, is used or intended to be used as a workplace, the provisions of the Work Health and Safety Act 2011 or subsequent replacement Act should be applied to the new use.

NON-RESIDENTIAL BUILDINGS

For non-residential buildings where the end-use has not been identified:
This building has been designed to requirements of the classification identified on the drawings. The specific use of the building is not known at the time of the design and a further assessment of the workplace health and safety issues should be undertaken at the time of fit-out for the end-user.

For non-residential buildings where the end-use is known:
This building has been designed for the specific use as identified on the drawings. Where a change of use occurs at a later date a further assessment of the workplace health and safety issues should be undertaken.

10. OTHER HIGH RISK ACTIVITY

All electrical work should be carried out in accordance with Code of Practice: Managing Electrical Risks at the Workplace, AS/NZ 3012 and all licensing requirements. All work using Plant should be carried out in accordance with Code of Practice: Managing Risks of Plant at the Workplace. All work should be carried out in accordance with Code of Practice: Managing Noise and Preventing Hearing Loss at Work. Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.

Table with columns: REV, DESCRIPTION, BY, DATE. Rows A through P listing revision history.



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GENERAL BUILDING NOTES

- 1. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH SPECIFICATIONS PROVIDED.
2. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH BUILDER'S TENDER/CONTRACT DOCUMENTATION.
3. TENDER DOCUMENT SHALL TAKE PRECEDENCE TO THESE DRAWINGS.
4. FIGURED DIMENSIONS MUST TAKE PREFERENCE TO SCALING.
5. LEVELS SHOWN ARE APPROXIMATE AND ARE TO BE CONFIRMED ON SITE BY SURVEYOR.
6. DRAINAGE CONCEPT PLAN IS SCHEMATIC ONLY. RELATED WORKS TO BE VERIFIED BY LICENSED DRAINER AND/OR HYDRAULICS ENGINEER PRIOR TO WORK COMMENCEMENT.
7. IF ENGINEER DRAWINGS ARE REQUIRED SUCH MUST TAKE PREFERENCE TO THESE DRAWINGS.
8. ALL BOUNDARY CLEARANCES MUST BE VERIFIED BEFORE COMMENCEMENT OF BUILDING WORKS BY REGISTERED SURVEYOR.
9. IN CASE OF ALTERATIONS OR DISCREPANCIES NOTIFY FJA DESIGNS OFFICE IMMEDIATELY.

New Dwelling

JOB NUMBER FJ146

General Specifications

CLIENT UrbanVue Projects Pty Ltd

LOCATION
4 Connor Way Oran Park NSW 2570
DP 6007/-/DP1235007

LGA CAMDEN COUNCIL

DESIGNER FA - BDAA Accreditation No.6617

DESIGN: CUSTOM

FACADE: CUSTOM

SHEET NO: APPROVAL- 14
SCALE: @ A3

DATE PRINTED
Thursday, 31 March 2022

THESE NOTES MUST BE READ AND UNDERSTOOD BY ALL INVOLVED IN THE PROJECT.

THIS INCLUDES (but is not excluded to): OWNER, BUILDER, SUB-CONTRACTORS, CONSULTANTS, RENOVATORS, OPERATORS, MAINTENORS, DEMOLISHERS.

## CLPP02

CLPP02

**SUBJECT: DA/2022/123/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING AND SWIMMING POOL - 31 GLEESON RISE, ORAN PARK**

**EDMS #: 22/161012**

|  |  |
|--|--|
| DA Number:                             | DA/2022/123/1  |
| Development:                           | Construction of a single storey dwelling house and swimming pool   |
| Estimated Cost of Development:         | \$650,200  |
| Site Address(es):                      | 31 Gleeson Rise, Oran Park   |
| Applicant:                             | Mrs Amira Buzzese  |
| Owner:                                 | Mrs Amira Buzzese  |
| Number of Submissions:                 | Nil  |
| Development Standard Contravention(s): | Clause 4.3 – Height of Buildings<br>Camden Growth Centres Precinct Plan, Appendix 5<br>SEPP (Precincts – Western Parkland City) 2021 |
| Classification:                        | Nominated Integrated   |
| Recommendation:                        | Approve with conditions  |
| Panel Referral Criteria:               | Departure from Development Standards greater than 10%  |
| Report Prepared By:                    | Brendan Croft, Development Assessment Officer  |

### PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for a single storey dwelling house and swimming pool at 31 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 a development standard by more than 10%.

### SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/123/1 for a single storey dwelling house and swimming pool 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 the construction of a single storey dwelling house and swimming pool at 31 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 development is nominated integrated development requiring an approval under the NSW *Heritage Act 1977*, as the site is located within the curtilage of an item of state heritage significance. Heritage NSW have provided standard general terms of approval (GTA) to be applied to the consent, related to unexpected archaeological relics; aboriginal objects; compliance; and a section 60 application.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 01/03/2022 to 28/03/2022 and no submissions were received.

The dwelling will have a maximum building height of 6.4m to its roof ridge. This exceeds the maximum 5m building height standard which applies under clause 4.3 Appendix 5 and the Height of Buildings Map (HoB\_004) of State Environmental Planning Policy (Precincts - Western Parklands City) 2021.

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

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

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

The proposed dwelling house at 31 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 Department of Planning and Environment (DPE) and has been publicly exhibited (from Wednesday 9 February until Wednesday 9 March 2022).

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

The proposed development with a 6.4m 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 to its heritage setting, including its roof pitch, which will minimise visual impacts and protect adjoining development.

The dwelling will have a minimum rear setback of 4.736m to the rear northern boundary. This does not meet the 5m requirement under Schedule 4 of the Camden Growth Centres Precincts Development Control Plan (DCP). It is considered that the dwelling design allows for adequate separation between adjoining dwellings and the design is sympathetic and in keeping with the heritage character. The development only proposes minor point encroachments and maintains a 5m distance to the primary rear building line. This results in no / minimal impact on the amenity enjoyed by adjoining development.

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

**KEY PLANNING CONTROL VARIATIONS**

| Control  | Proposed | Variation    |
|--|----------|--------------|
| SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m | 6.4m     | 1.4m / 21.8% |

**AERIAL PHOTO**



Figure 1 – Aerial photo of subject site, 31 Gleeson Rise.

**THE SITE**

The site is legally described as Lot 6038 DP1235007, 31 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 848.1m<sup>2</sup> with street frontage to a rounded corner/bend from the public road and a minimum depth of 31.03m, with gradual slope to the rear of the lot from the southeast to northwest corner. There are low retaining walls on each side boundary. There is a 1.5m wide drainage easement along the rear of the lot.

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**

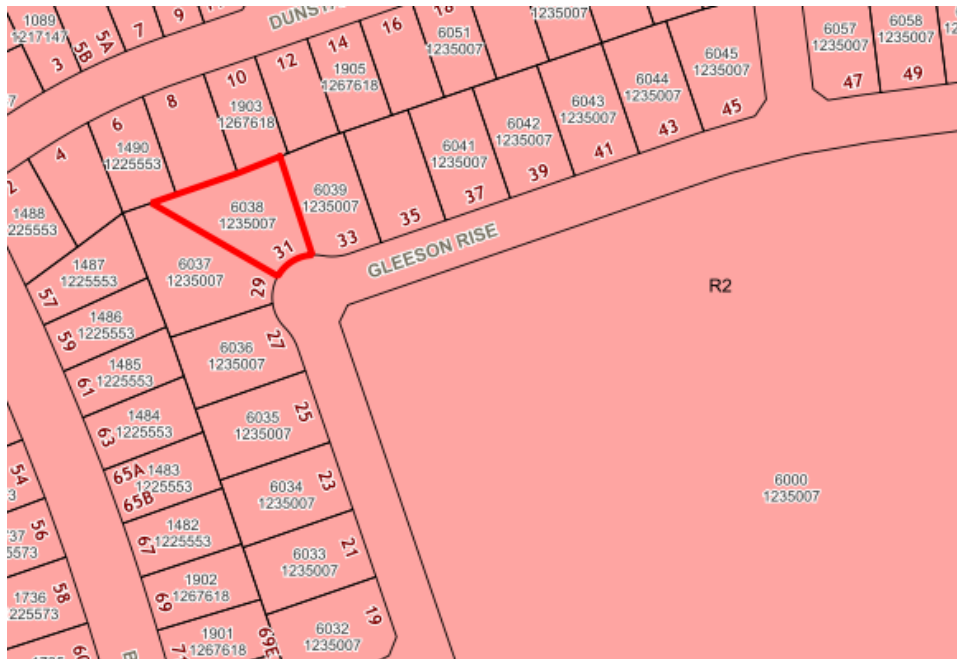


Figure 2 – Subject site

**AREA MASTER PLAN**

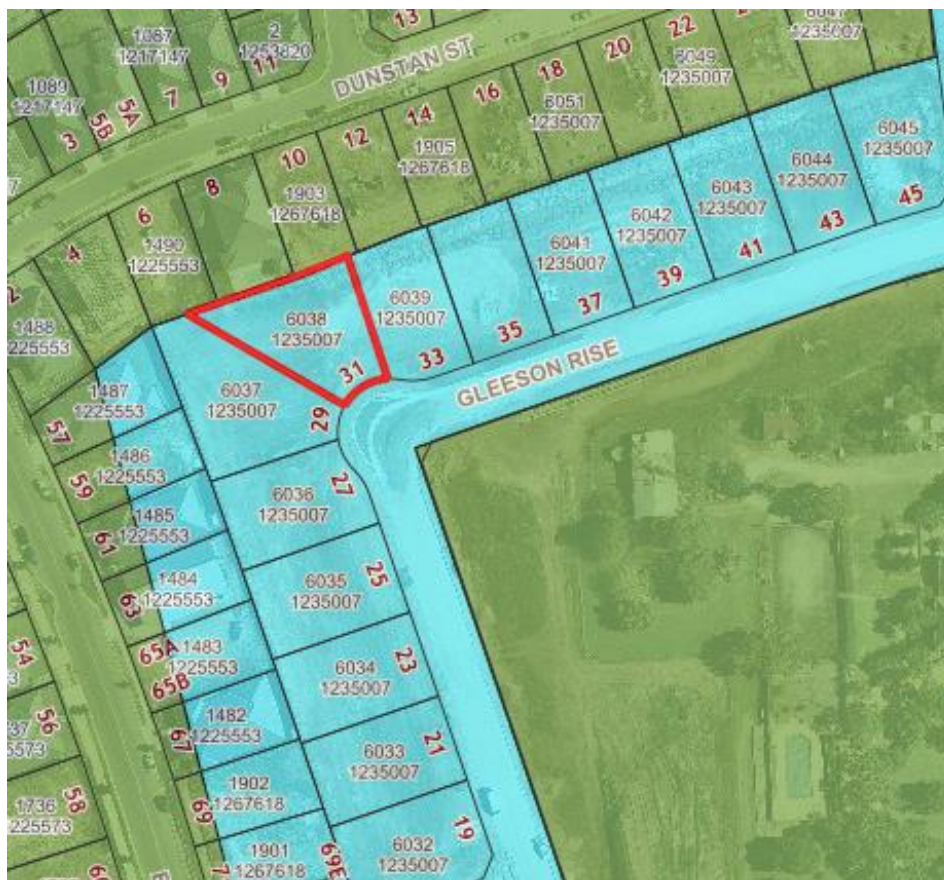


Figure 3 – Height of Building Map (5m height limit shown in blue)

**HERITAGE PLAN**



Figure 4 - Aerial photo of subject lot in relation to State Heritage Item Oran Park House.

**AREA MASTER PLAN**



Figure 5 - Red dot denoting location of lot (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 GTAs for the Concept DA. The GTAs required any dwellings proposed on the subject lots to comply with a building envelope, including:</p> <ul style="list-style-type: none"> <li>• a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and</li> <li>• the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.</li> </ul> |
| 26 February 2021 | Planning Proposal (PP/2021/1/1) was submitted to Council. The Planning Proposal seeks to create additional local provisions to increase building heights for residential development surrounding Oran Park House by introducing a building envelope as a means of varying the 5m building height control (based upon the building envelope recommended by Heritage NSW in the GTAs issued for DA/2021/77/1).   |
| 12 December 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.  |

**THE PROPOSAL**

DA/2022/123/1 seeks approval for the construction of a single storey dwelling and swimming pool.

The estimated cost of the development is \$650,200.00.

CLPP02

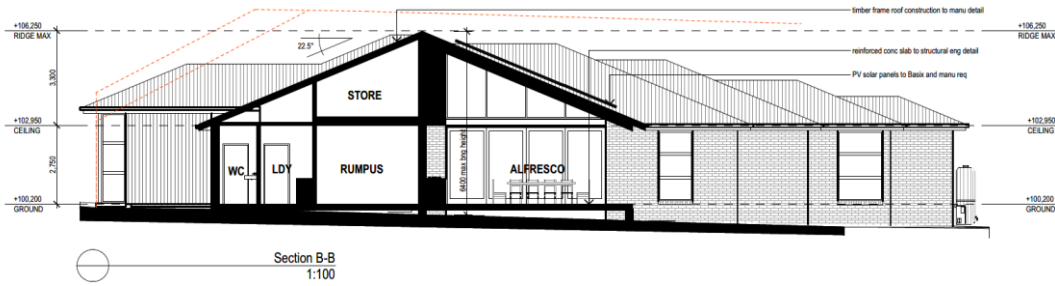


Image 1 and 2 (above) - 6.4m building height shown with elevation and section plan.

**BACKGROUND**

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

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

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

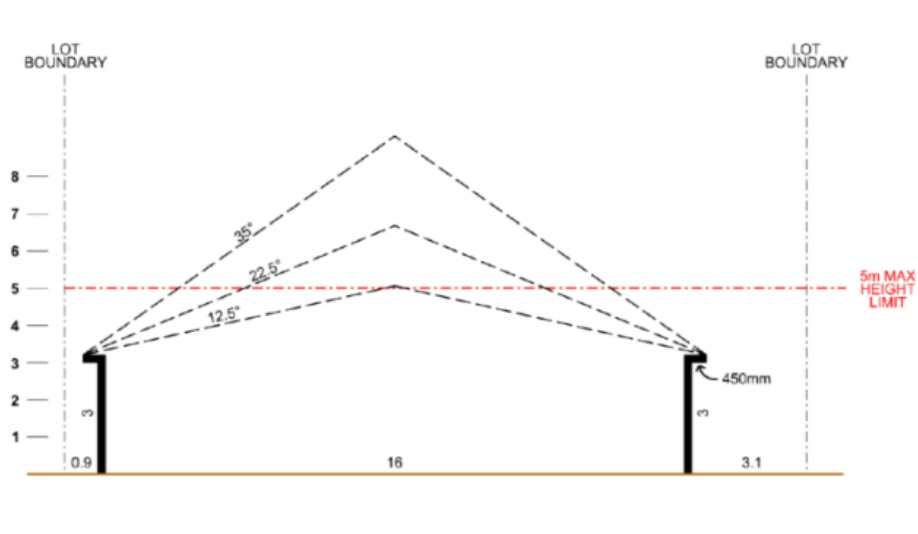


Figure 6 – Five metre maximum building height limit compared to roof pitches



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 which seeks to amend the SEPP to address the anomalies associated with the 5m height control. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision that will allow building heights above 5m providing:

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

The proposed dwelling house at 31 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 recently closed (exhibited from Wednesday 9 February until Wednesday 9 March 2022).

**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 Centres SEPP's planning controls is provided in the **attached** documents.

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

The proposed development will contravene the height of building standard which applies under clause 4.3 of Appendix 5 of the Growth Centre SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 5.796m in height, breaching the development standard by 1.4m or 21.8%.

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

- Compliance with the 5m height standard would detract from the design of the single storey dwelling and the overall streetscape;
- The development contravention will not impact on views and vistas from Oran Park House;
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not impact the intended type, or character of the desired development rather, aligns with the intended development of single storey dwellings;
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP;
- The request also demonstrates that relevant tests established in the Land and Environment Court (as set out in the Department's 2011 guideline for varying development standards) can be met:
  - The objectives of the standard and the R2 Low Density Residential zone are achieved notwithstanding 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 6.4m 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 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.

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

The development is consistent with the Draft Remediation SEPP in that the land has been validated and is suitable for the proposed residential use.

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

The development is consistent with the Draft Planning Proposal that seeks to increase the allowable building heights by inserting a new additional local provision into

Appendix 5 of the SEPP that will enable a merit-based assessment to allow building heights above 5m, providing:

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

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

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

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

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

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

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions attached to this report.

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

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

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

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

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 1 March to 28 March 2022 and no submissions were received.

**(e) the public interest**

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

**EXTERNAL REFERRALS**

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

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

**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 Parkland City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021; and**
- ii. **approve DA/2022/123/1 for the construction of a single storey dwelling and swimming pool at 31 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 Centres 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 suitable and planned use of the site, and its approval is in the public interest.

## ATTACHMENTS

1. Recommended Conditions
2. SEPP Assessment Table
3. Growth 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/<br>Job No.        | Name of Plan                           | Prepared by                     | Date       |
|-----------------------------------|--|---------------------------------|------------|
| Drawing 12001 –<br>201 Revision H | Site Plan                              | LYMT                            | 05/04/2022 |
| Drawing 12001 –<br>202 Revision G | Ground Floor Plan                      |                                 |            |
| Drawing 12001 –<br>204 Revision G | Elevations (North-<br>East/South-West) |                                 |            |
| Drawing 12001 –<br>203 Revision G | Elevations (North-<br>West/South-East) |                                 |            |
| Drawing 12001 –<br>205 Revision G | Section (AA-BB)                        |                                 |            |
| Drawing 12001 –<br>206 Revision G | Section (C-C)                          |                                 |            |
| Drawing 12001 –<br>207 Revision G | Concept Landscape Plan                 |                                 |            |
| Drawing 12001 –<br>000 Revision E | Cover Sheet/Colour Chart               |                                 |            |
| Drawing 211606<br>Sheet 2 Issue 1 | Concept Stormwater Plan                | C.K.<br>Engineering<br>Services | 14/02/2022 |

| Document Title                 | Prepared by    | Date                        |
|--------------------------------|----------------|-----------------------------|
| BASIX Certificate No: 1276180S | LYMT Pty. Ltd. | 03/02/2022                  |
| Waste Management Plan          | Applicant      | as submitted with the<br>DA |

- (2) **Modified Documents and Plans** - The development shall be modified as follows:
- The approved stormwater concept plan is to be amended to reflect updated side and rear setbacks as per approved site plan.
  - The landscape plan is to include the planting of an additional tree, preferably within the rear of the property, capable of reaching a mature height of 5m to 8m.

Amended plans or documentation demonstrating compliance shall be provided to the certifier and Council prior to the issue of any 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:

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

#### 1. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

*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.

#### 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 76550.00 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.

- (7) **Retaining Walls and Feature Walls** – The following restrictions apply to any retaining wall erected within the allotment boundaries, (including the feature wall located along eastern boundary near pool area):
- a) retaining walls shall be designed and certified by a suitably qualified structural engineer;
  - b) retaining walls in cut shall be constructed a minimum of 300mm from any property boundary to ensure all associated drainage and backfill remain wholly within the subject property;
  - c) retaining walls in fill shall be constructed to ensure all associated drainage and backfill remain wholly within the subject property;
  - d) adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, a stormwater disposal system within the property boundaries.
  - e) retaining walls shall not be erected within drainage easements; and
  - f) retaining walls shall not be erected in any other easement present on the land without the approval of the relevant authority benefited.

### 3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*. The notice shall include:
  - a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
  - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
  - f) a telephone number on which the principal certifier may be contacted for business purposes.

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

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

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

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

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

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

#### 4.0 - During Works

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

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

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

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

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

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

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

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

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

- (4) **Site Management** - The following practices are to be implemented during construction:
  - a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
  - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
  - d) a waste storage area shall be located on the site;
  - e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);

- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
- i) be a standard flushing toilet connected to a public sewer; or
  - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
  - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
  - the wheels of vehicles leaving the site:
    - do not track soil and other waste material onto any public road adjoining the site; and
    - fully traverse the site's stabilised access point.
- (10) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.

- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

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

For Excavated Natural Material (ENM):

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



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

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

- (17) **Materials, colours and finishes** – The dwelling is to be constructed using the approved materials, colours and finishes, as amended by condition 1.0(2).

#### **5.0 - Prior to Issue of an Occupation Certificate**

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

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

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

| Clause.   | Assessment.   | Compliance.                                       |
|---|---|---|
| <p><b>Appendix 5, 2.3 Zone objectives and land use table</b></p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.</li> <li>To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.</li> <li>To provide a diverse range of housing types to meet community housing needs within a low density residential environment.</li> </ul> | <p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone of Appendix 9 – SEPP (Sydney Region Growth Centres) 2006.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> <li>The proposal will provide for the housing needs of the community within the low-density residential environment.</li> <li>The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it.</li> <li>The proposal will be an addition to the existing housing type typical to the immediate surrounds.</li> </ul> | <p>Yes</p>  |
| <p><b>Appendix 5, 4.3 Height of buildings</b></p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>Maximum height of buildings = 5.0m 'C'.</p>   | <p>The proposed development has a maximum building height of 6.4m.</p>  | <p>No (Clause 4.6 written request submitted).</p> |
| <p><b>Appendix 5, 4.4 Floor Space Ratio</b><br/>Max FSR 0:45:1.</p>   | <p>276.13sqm and site area of 848.1sqm = approx. 0.33:1</p>   | <p>Yes</p>  |
| <p><b>Appendix 5, 4.6 Exceptions to development standards</b></p>   |   | <p>Yes</p>  |

CLPP02

Attachment 2

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

CLPP02

Attachment 2

|  |  |                           |
|--|--|---------------------------|
| <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><b>Appendix 5, 5.10 Heritage Conservation</b></p>   | <p>The subject site is located within the curtilage of a State Heritage Item, namely Oran Park House. At the time of the SHR listing, site-specific exemptions were put in place to exempt certain development (including single storey dwelling houses) from the requirement for approval under the Heritage Act 1977 (<i>Catherine Park Estate – Oran Park House Heritage Exemption Guidelines</i>, prepared by Design + Planning, dated October 2014).</p> <p>The proposed development generally meets those guidelines with the exception of a control in Section 4.1 'Residential Built</p>   | <p align="center">Yes</p> |

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

|  |   |  |
|--|---|--|
|  | <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 <b>attached</b> to this report.</p> |  |
|--|---|--|

**CLPP02**

**Attachment 2**

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

CLPP02

Attachment 3

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

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

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

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

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| Control  | Assessment  | Compliance |
|--|---|------------|
| <ul style="list-style-type: none"> <li>• verandahs, pergolas or similar features above garage doors.</li> <li>• Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback.</li> </ul> <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.</p> <p>Front facades are to feature at least one habitable room with a window onto the street.</p> <p>Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.</p> | <p>All eaves 0.450m as identified on sectional drawings.</p> <p>Hipped roof pitch of 22.5 degrees proposed.</p> <p>Front façade to feature bedroom with windows facing the street.</p> <p>Proposed garage to complement colour and finish of main dwelling.</p> |            |
| <p><b>4.2.3</b><br/><b>Front Setbacks.</b></p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>   | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p>  | Yes.       |

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

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

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

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| Control   | Assessment  | Compliance |
|---|---|------------|
| <p>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><b>4.2.7</b><br/><b>Private Open Space.</b></p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p> <p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p> | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>PPOS contained and achievable to rear of lot. PPOS located appropriately.</p> <p>PPOS conveniently accessible from living and alfresco. PPOS at grade &lt;1:10.</p> | Yes.       |
| <p><b>4.2.8</b><br/><b>Garages, Storage, Site Access and Parking.</b></p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p> <p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.</p>   | <p>2 carparking spaces provided.</p> <p>2 carparking spaces provided behind the building line via double car garage.</p> <p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p>   | Yes.       |

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

| Control  | Assessment   | Compliance |
|--|--|------------|
| <p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>   | <p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 5.59m</p> <p>Double garage internal dimensions = 5.6x6.2m</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p>              |            |
| <p><b>4.2.9</b><br/><b>Visual and Acoustic Privacy.</b></p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>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 &lt;1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted/complied.</p> <p>Dwelling not impacted by road types.</p> | Yes.       |

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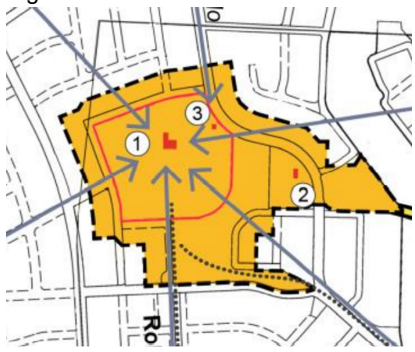
## Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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| Control   | Assessment  | Compliance |
|---|---|------------|
| <p>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><b>4.2.10 Fencing.</b></p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>  | <p>No front fencing proposed.</p> <p>Side boundary return fences indicated at 2.0m behind the building line.</p>  | Yes.       |
| <p><b>Table 4-5 – Site coverage.</b><br/>Maximum 50% at ground floor.<br/>Maximum 30% at upper floor.</p>   | <p>Site cover = <math>331.5/848.1 = 39.1\%</math></p>   | Yes.       |
| <p><b>Table 4-5 – Soft landscaped area.</b><br/>Minimum 30% of the allotment area.</p>  | <p><math>260.9/848.1 = 30.8\%</math></p>  | Yes.       |
| <p><b>Table 4-5 – Principal Private Open Space (PPOS).</b><br/>Minimum 24sqm with minimum dimensions of 4m.</p>   | <p>PPOS = over 24sqm and 6mx4m dimension at rear of lot.</p>  | Yes.       |
| <p><b>Table 4-5 – Solar Access.</b></p>   |   | Yes.       |


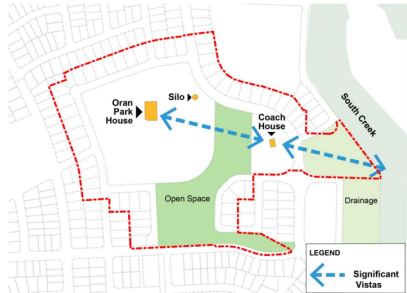
## Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

| 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.<br>Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.  |             |
| <b>Table 4-5 – Garages and carparking.</b><br>Maximum double car garage door width 6m.<br>3 bedrooms or more to provide at least 2 car spaces.   | Double garage proposed. Width = 5.9m.<br><br>2 spaces provided.   | Yes.        |
| Control  | Assessment  | Compliance? |
| <p><b>4.1</b><br/><b>Development Surrounding Oran Park House.</b></p> <p>Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.</p> <p>Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.</p> <p>Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p>  <p>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 <b>attached</b> 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><b>4.1.2</b><br/><b>Oran Park House and Outer Heritage Curtilage Principals.</b></p>  <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p>  | <p>The subject lot is 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><b>4.1.3</b><br/><b>Landscape Elements – Views and Vistas.</b></p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p>  <p>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><b>4.1.11</b><br/><b>Residential Built Form.</b></p> <p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package. The block design must be submitted and approved with the</p>  | <p>This DA does not provide for simultaneous design and delivery of development for this street elevation/street block. However, the dwelling is assessed as being suitable for the site and Heritage NSW have issued standards GTAs for instances where the development fully complies with the</p> | <p>Yes.</p> |

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

| Control   | Assessment   | Compliance |
|---|--|------------|
| first development application for the construction of a dwelling within the street block.   | Exemption Guidelines with the exception of the 'one builder' requirement.  |            |
| <p><b>4.1.12</b><br/><b>Street Facades and Visible Elevations.</b></p> <p>Residential developments are to have contemporary designs (i.e. architecture being produced now) and respect the heritage significance of Oran Park House but must not replicate historic styles.</p> <p>All dwellings in the heritage curtilage area are to have architectural merit (i.e. architecture that is enduring and respects the heritage significance of Oran Park House).</p> <p>Building facades are to be visually interesting and articulated suitably to break up the building mass. At least three of the following design features are to be incorporated into the front facade:</p> <ul style="list-style-type: none"> <li>• front doors with side lights;</li> <li>• contemporary window treatments including aluminium or timber frames in neutral colours;</li> <li>• bay Windows (rectangular only);</li> <li>• entry portico; and</li> <li>• recessed garage doors setback behind the primary facade.</li> </ul> <p>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"> <li>• Entry porch.</li> <li>• Recessed garage doors setback behind the primary façade.</li> <li>• Rectangular windows.</li> </ul> <p>Noted – no colonial style window treatments proposed.</p> <p>All windows to the front façade feature a dominate vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street façade.</p> <p>Noted/complied.</p> <p>Noted/complied.</p> | Yes.       |

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Attachment 3

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

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Attachment 3

| Control   | Assessment   | Compliance               |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |
|---|--|--------------------------|------------------------|----|----------------------|----|-----------------------|----|-----------------------|---------------------------------|----------------------------------|----|--|--------------------------|
| <p>The design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p>   | <p>Front elevation articulated in the form of a stepped building line adopting articulation feature in the form of a porch.</p>  |                          |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |
| <p><b>4.1.14</b><br/><b>Setbacks for Very Low Density Area Surrounding Oran Park House.</b></p> <p>Residential development must comply with the controls in Figure 4-8.</p> <table border="1"> <thead> <tr> <th></th> <th>Minimum</th> </tr> </thead> <tbody> <tr> <td>Front Dwelling Setback</td> <td>5m</td> </tr> <tr> <td>Front Garage Setback</td> <td>6m</td> </tr> <tr> <td>Rear Boundary Setback</td> <td>5m</td> </tr> <tr> <td>Side Boundary Setback</td> <td>0.9m (average 2m<sup>2</sup>)</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 <sup>2</sup> ) | Corner Lot Side Boundary Setback | 3m | <p>Front setback = 5.37m.<br/>Front garage setback = 6m.</p> <p>Side boundary setback (east) = min 2.763m (min)<br/>Side boundary setback (west) = min. 1.35m<br/>Combined setback = 4.113m (min)</p> <p>Rear setback = 4.736m.</p> <p>The front and side setbacks comply with the setback requirements in the DCP. The DCP prescribes a minimum rear setback of 5m. The proposed development has a minimum rear setback of 4.736m. This minor variation is considered reasonable as the variation are only point encroachments and the majority of the dwelling house has a rear setback greater than 5 metres. The proposed variation will not cause any amenity impacts for residents of adjoining properties and the proposed dwelling house otherwise satisfies all other controls in the DCP (site coverage, landscaped area etc).</p> | No. Variation supported. |
|   | Minimum  |                          |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |
| Front Dwelling Setback  | 5m   |                          |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |
| Front Garage Setback  | 6m   |                          |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |
| Rear Boundary Setback   | 5m   |                          |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |
| Side Boundary Setback   | 0.9m (average 2m <sup>2</sup> )  |                          |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |
| Corner Lot Side Boundary Setback  | 3m   |                          |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |
| <p><b>4.1.15</b><br/><b>Building Height.</b></p> <p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>   | <p>The height will exceed the 5m control and is subject to a Clause 4.6 written request.</p>   | No. Variation supported. |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |
| <p><b>4.1.16</b><br/><b>Roofs.</b></p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p> <p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p> <p>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.</p> <p>Colour schedule provided indicates light colours to be used which are supported by Council's Heritage Advisor.</p> | Yes.                     |                        |    |                      |    |                       |    |                       |                                 |                                  |    |  |                          |

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

| Control  | Assessment  | Compliance |
|--|---|------------|
| <p><b>4.1.17</b><br/><b>Lofts, Attics and Dormer Windows.</b></p> <p>Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.</p> <p>Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development.</p>  | <p>No variations proposed on corner lot</p> <p>Proposed development does not adopt loft, attic or dormer window.</p>  | Yes.       |
| <p><b>4.1.18</b><br/><b>Garages.</b></p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p> | <p>Garage 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><b>4.1.19</b><br/><b>Building Materials.</b></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</p>  | <p>Colour and material schedule provided. Colours and materials provided are considered non-reflective and suitable.</p> <p>Colours and materials considered to align with recommended palette.</p> <p>Corrugated roofing material proposed.</p>  | Yes.       |

CLPP02

Attachment 3



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

CLPP02

Attachment 3

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

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

| Control  | Assessment  | Compliance |
|--|---|------------|
| shall be located so they are screened/minimised from public view.  |   |            |
| <p><b>4.1.25.</b><br/><b>Letterboxes</b></p> <p>Letterboxes must not be a visually prominent element on the streetscape.</p> <p>Letterboxes must be designed as an integrated feature of the fence</p> | <p>Letterbox located so as to be a visually prominent element from view of the streetscape.</p> <p>There is no front fence proposed or required</p> | Yes.       |

CLPP02

Attachment 3



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

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

|                 |                                 |
|-----------------|---------------------------------|
| <b>Address:</b> | 31 Gleeson Rise, Oran Park 2570 |
| <b>Lot:</b>     | 6038 <b>DP1235007</b>           |
| <b>Date:</b>    | 2 February 2022                 |

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## 1 INTRODUCTION

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

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

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

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

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

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

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

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

## 2 STATUTORY PLANNING FRAMEWORK

### 2.1 Clause 4.6 - Exceptions to development standards

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

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

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

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

This document forms the written request required under Clause 4.6.

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

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

### 2.2 Development Standards

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

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

---

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

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

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Attachment 4



### 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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

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**Table 1: Lots in DP1235007 Subject to Clause 4.6 Variation**

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

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

**Table 2: Land Details Subject to Clause 4.6 Variation Request**

|          |                                 |           |
|----------|---------------------------------|-----------|
| Address: | 31 Gleeson Rise, Oran Park 2570 |           |
| Lot:     | 6038                            | 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:      | 6.4m [Ref: Dwg No. 205 E 31.01.2022] |
| Extent of Proposed Variation*: | 21.8 %                               |

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

Attachment 4

## 4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

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

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

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

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

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

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

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

The 66 residential allotments have a land area of 500m<sup>2</sup> or greater and all residential allotments will contain a single storey detached dwelling with a combined average side setback of 4 metres and a maximum floor space ratio of 0.4:1. Single storey dwellings with hipped and/or gabled roofs are required on all allotments. The combined design requirements of setbacks, floor space ration and hipped and/or gabled roofs ensures there will be no significant overshadowing on adjoining properties. Single storey dwellings on large lots also ensures visual privacy of large areas of private open space will be preserved and visual impact is negligible. The proposed variation therefore meets Objective (b).

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

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

**Test 1(a): the objectives of the zone**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

Clause 4.6 Variation to Building Height  
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If compliance was required, it will not enable the underlying objective will be thwarted as the 5 metre building height limit does not allow the range of dwelling designs as was intended in the DCP and Heritage Exemption Guidelines. Accordingly, compliance with the 5 metre maximum building height standard is considered unreasonable.

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

The proposed variation does not rely on this test.

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

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

During the Precinct Planning for the Catherine Field Part Precinct prior to the zoning and development standards being adopted for the site, the intended outcome for the residential land surrounding Catherine Park House was to have single storey dwellings with simple hipped roof forms on large residential allotments. Hence minimum lot sizes of 500m<sup>2</sup> and 700m<sup>2</sup> were imposed and specific development controls were included in the Camden Growth Centre Precincts DCP to ensure this development outcome was realised. The heritage object was to ensure the housing surrounding Catherine Park House was subservient to the heritage item and have roof forms that are not detrimental to the heritage significance and character of the House.



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

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

#### 4.1.16 Roofs

##### Controls

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

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

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

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

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

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

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

#### 4.5 Building Height

##### Controls

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

And:

#### 4.6 Roofs

##### Controls

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

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

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

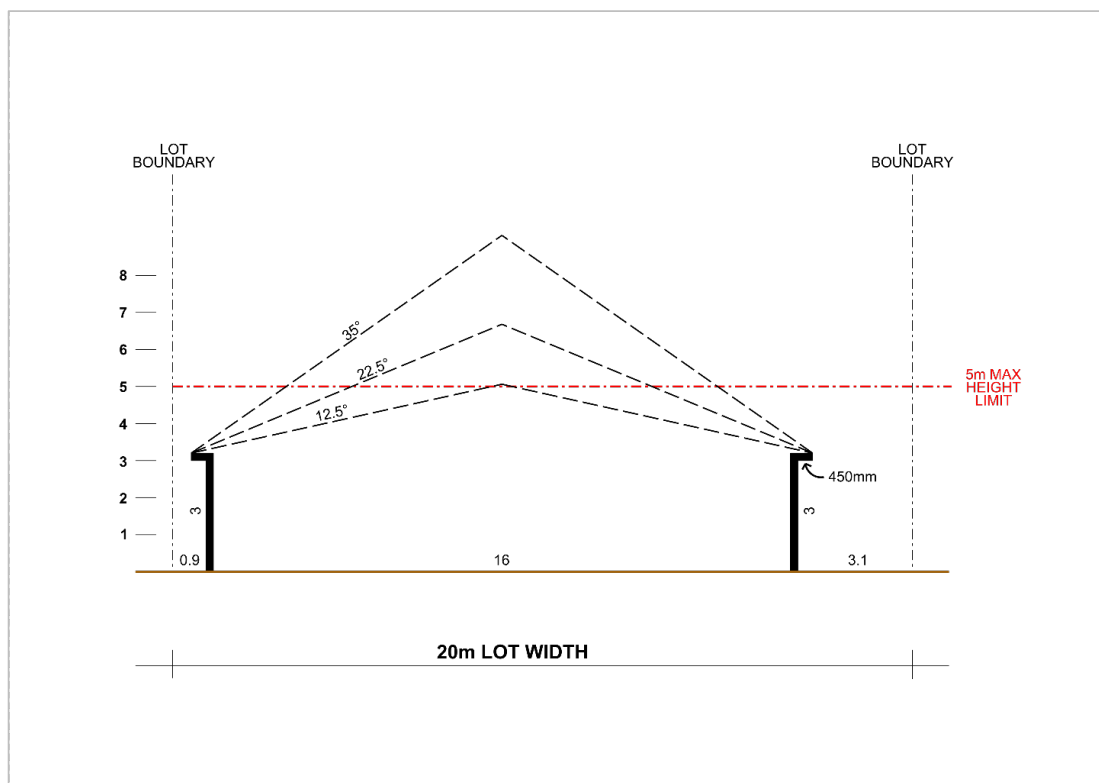


Figure 4 – Building Height & Roof Pitch

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



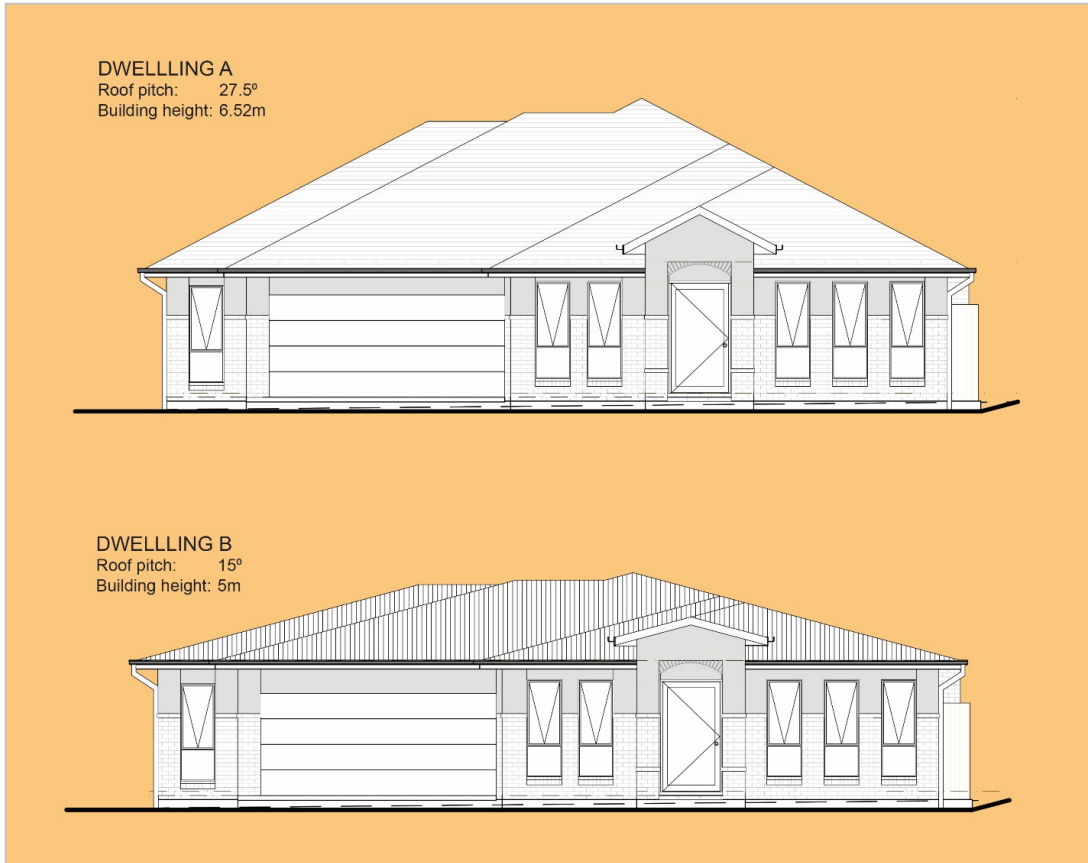
Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

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**

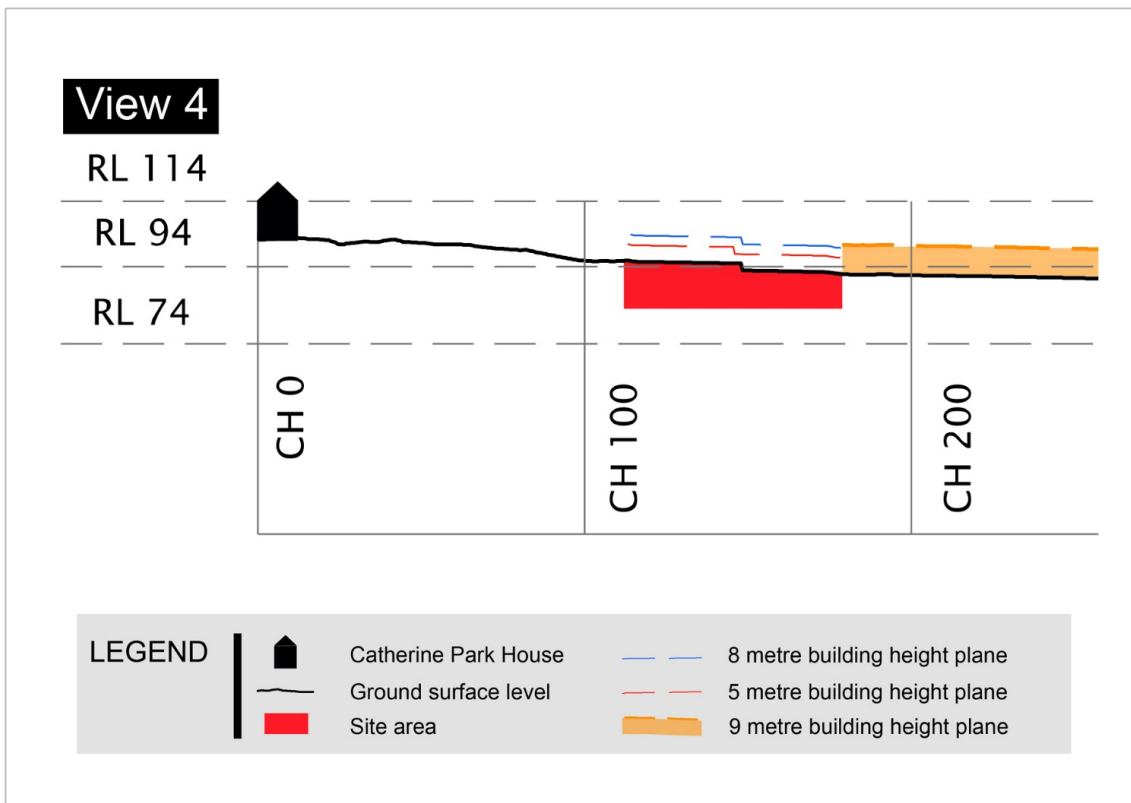
The Dwelling B roof form design is compromised by a 5 metre building height standard and presents poorly as it is not in proportion with the building. It has an underwhelming residential character due to its substandard design quality. Conversely, Dwelling A is significantly more impressive and attractive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

**APPENDIX 1**  
**Views Analysis**

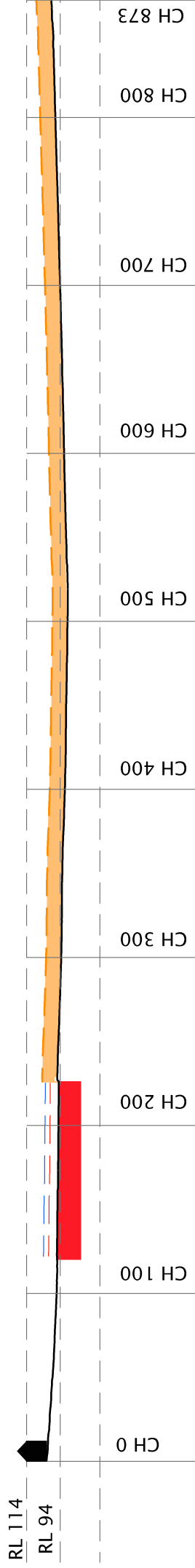
**CLPP02**

**Attachment 4**

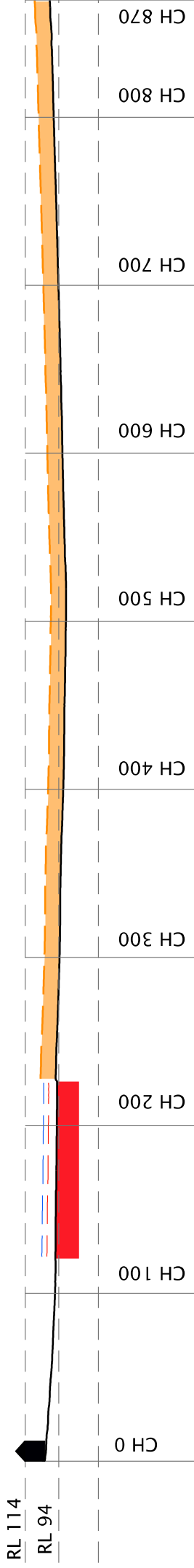
# CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

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

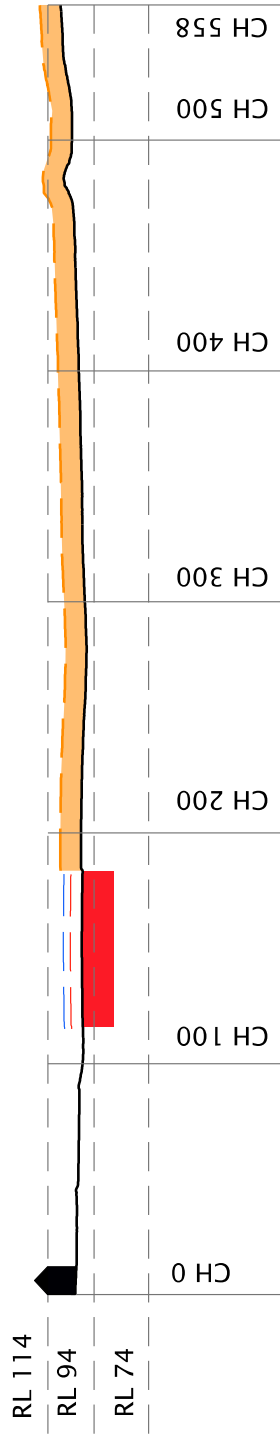
**View 1**



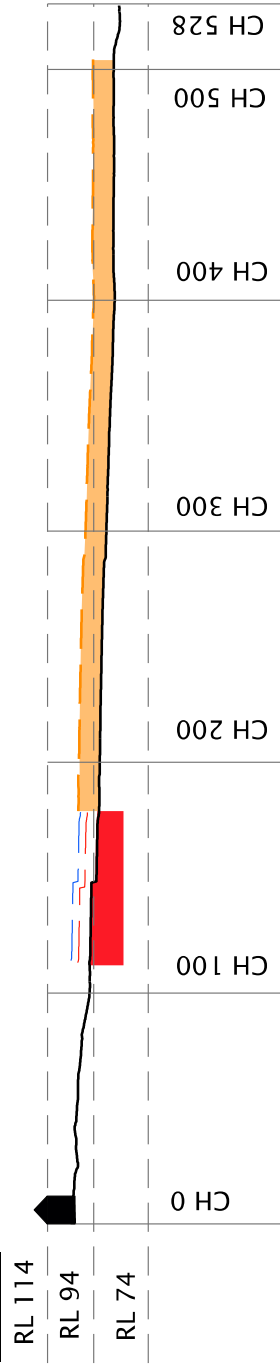
**View 2**



**View 3**

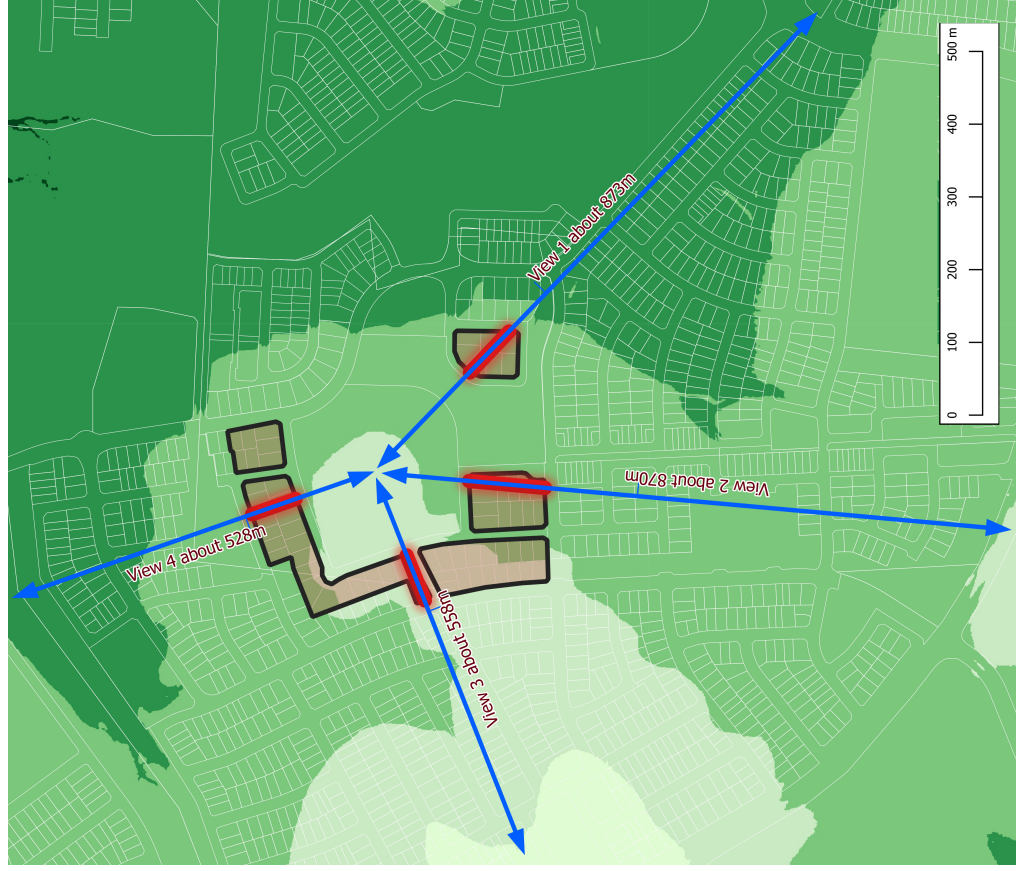


**View 4**



**LEGEND**

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





Heritage NSW

Our ref: DOC22/41407

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

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

Dear Ms. Fuller

### ORAN PARK (SHR 01695) – REFERRALS TO HERITAGE NSW

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

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

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

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

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

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

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

CLPP02

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](mailto: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

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| amendments |   |    |            |
|------------|---|----|------------|
| Revision   | Description   | By | Date       |
| G          | For Development Application- side setback increased to 1350 | AD | 22.03.2022 |
| H          | For Development Application- side setback increased to 1350 | AD | 05.04.2022 |

notes

**Basix Requirements**

**Water Commitments**

The applicant must install with the following minimum ratings  
 -4 star >6 but <=6L/m spray force to all showerheads in the development  
 -4 star to all toilets in the development  
 -5 star to all kitchen taps in the development  
 -5 star to all bathroom taps in the development

This applicant must provision to connect the development to a rainwater tank with a minimum capacity of 3500L to collect min 430 sqm of roof area. This connection must meet the requirements of all applicable regulatory authorities.

The applicant must connect the rainwater tank to:  
 - all toilets in the development  
 - all clothes washers in the development  
 - atleast 1 outdoor tap  
 - one outdoor tap located within 10m of the swimming pool

**Thermal**

- External wall brick veneer- (3.06 or 3.6 including construction)  
 - External wall clad- (3.20 or 3.6 including construction)  
 - Flat ceiling pitched roof - Ceiling R3.95 (up) -Roof Foil backed blanket 55mm- Unventilated dark solar absorptance >0.7  
 - Raked Ceiling pitched roof-Ceiling R4.24 (up) -Roof Foil backed blanket 55mm- Unventilated dark solar absorptance >0.7

Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.

**Windows**

aluminium single glazing to W08,W09,W12,W13 & AD03

Remainder of windows to have aluminium single  
 Lo Tsol Low E- U 5.6 Shgc 0.324-0.396  
 -Refer floor plan for sizes-

**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 6 star better.

**Heating and Cooling System**

3 phase ac heating and cooling to living and bedrooms Energy rating minimum EER 3-3.5  
 zoned day/ night between living and bedroom areas.

**Ventilation**

- Atleast one bathroom - No mechanical ventilation ie natural  
 -Kitchen -individual fan ducted to facade or roof manual switch on/ off  
 - Laundry -natural ventilation

**Artificial Lighting**

The primary lighting to following rooms to be compact fluorescent or LED (dedicated) lamps to  
 - atleast 4 of the bedrooms/ study  
 - atleast 4 of the living/ dining rooms  
 -the kitchen  
 - all bathrooms/ toilets - all hallways  
 - laundry

**Natural Lighting**

Applicant must  
 -install a window to the kitchen  
 -install window/ skylight to 3 of the bathrooms/ wc

**Alternative Energy**

Applicant must install  
 -Gas cooktop and Electric oven  
 -Fixed outdoor & sheltered indoor clothes line  
 Photovoltaic system with capacity to generate min 5.5Kw of electricity

**Swimming Pool & Spa**

Must be outdoors and have a pool cover  
 Pool max capacity 44KL  
 Spa Max Capacity 4KL  
 Install Gas heating to pool and spa  
 Install timer to pool and spa

north point



client  
 MRS AMIRA BRUZZESE

project  
 12001 - PROPOSED RESIDENCE  
 31 Gleeson Rise, Cran Park

drawing  
 Site Plan

1:100 @ A3 \ drawing no. \ 201 H

All building work and material to comply with councils building in saline environments policy



SITE PLAN  
 1:200





North East Elevation  
1:100



South West Elevation  
1:100

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amendments

| Revision | Description   | By | Date       |
|----------|---|----|------------|
| F        | For Development Application                                 | AD | 03.02.2021 |
| G        | For Development Application- side setback increased to 1350 | AD | 05.04.2022 |

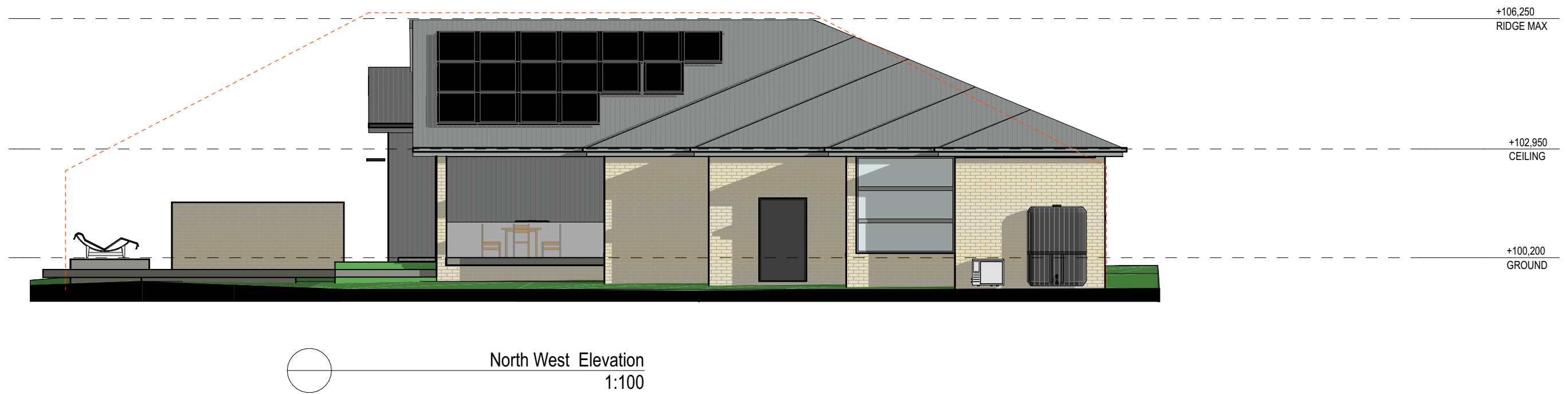
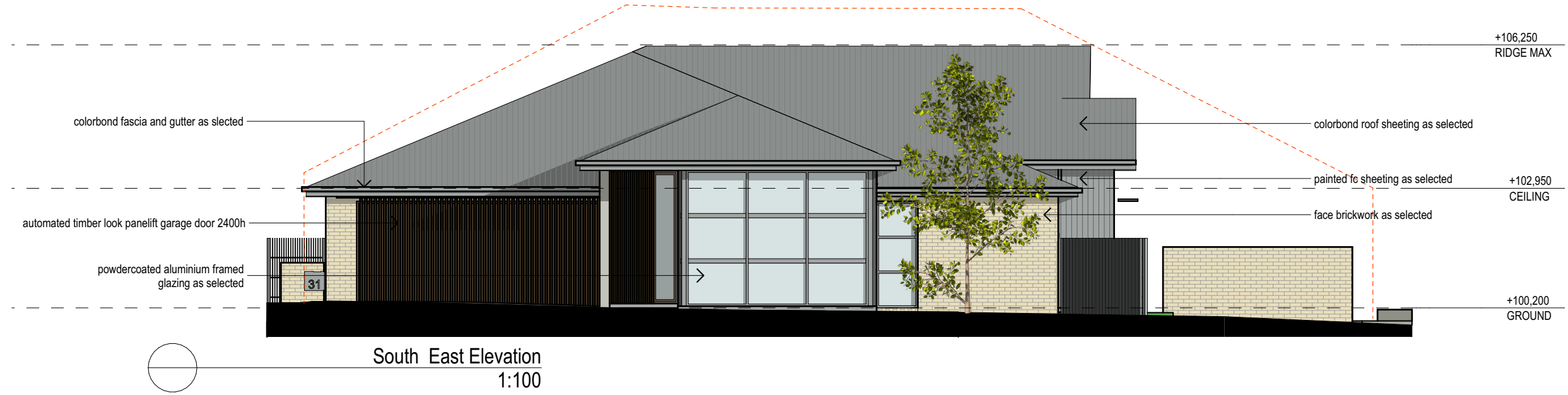
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31 Gleeson Rise, Oran Park

drawing  
North East & South West Elevations  
1:100 @ A3 \ drawing no. \ 204 G

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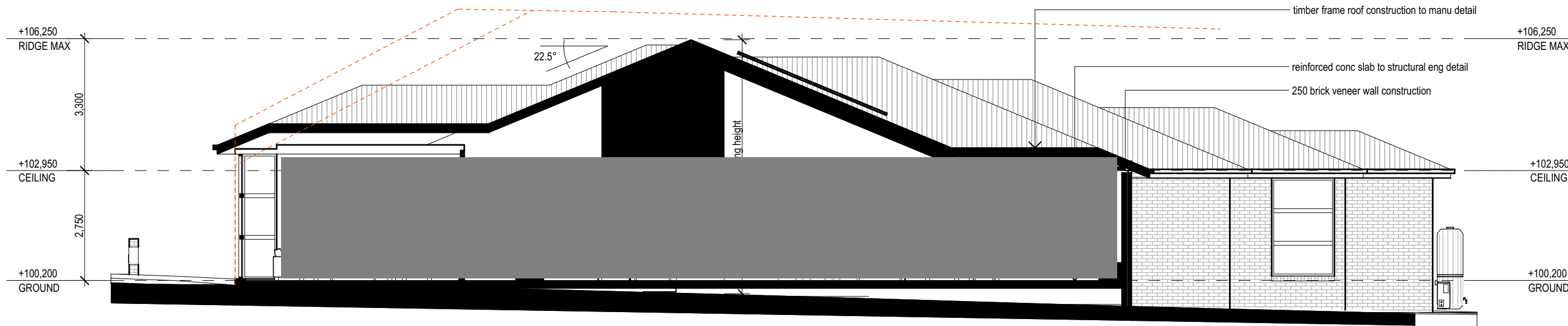
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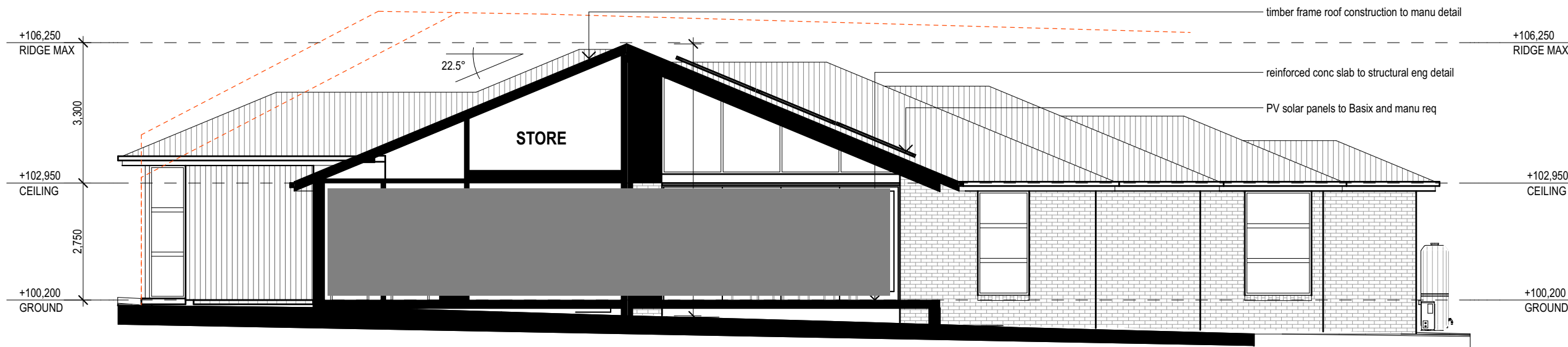
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 31 Gleeson Rise, Oran Park

drawing  
 South East & North West Elevations  
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Section A-A  
1:100



Section B-B  
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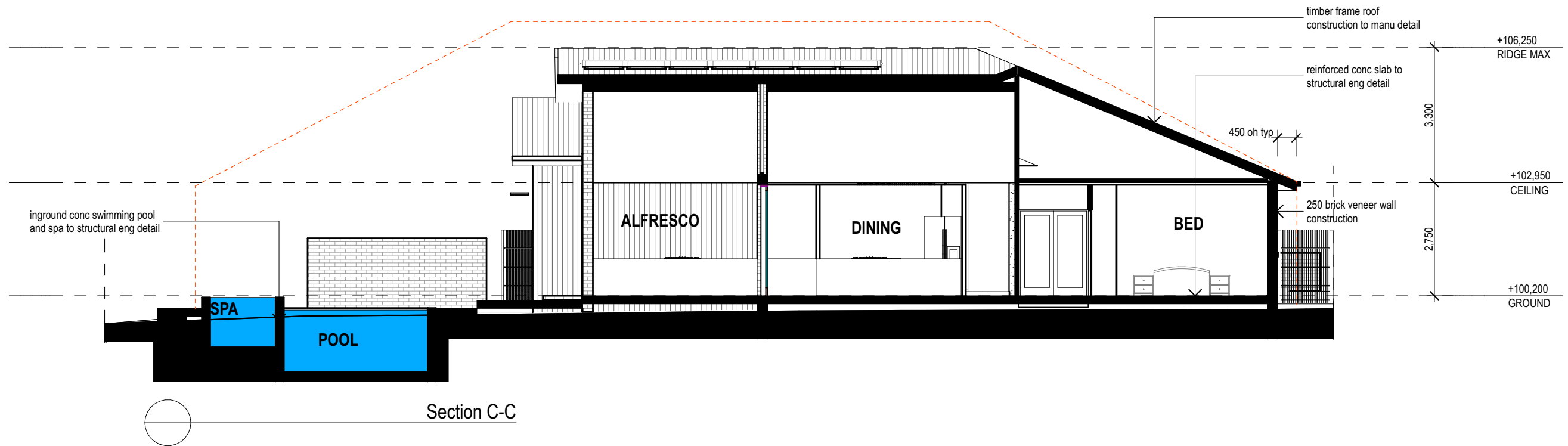
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client  
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drawing  
Sections A-A & B-B  
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 12001 - PROPOSED RESIDENCE  
 31 Gleeson Rise, Oran Park

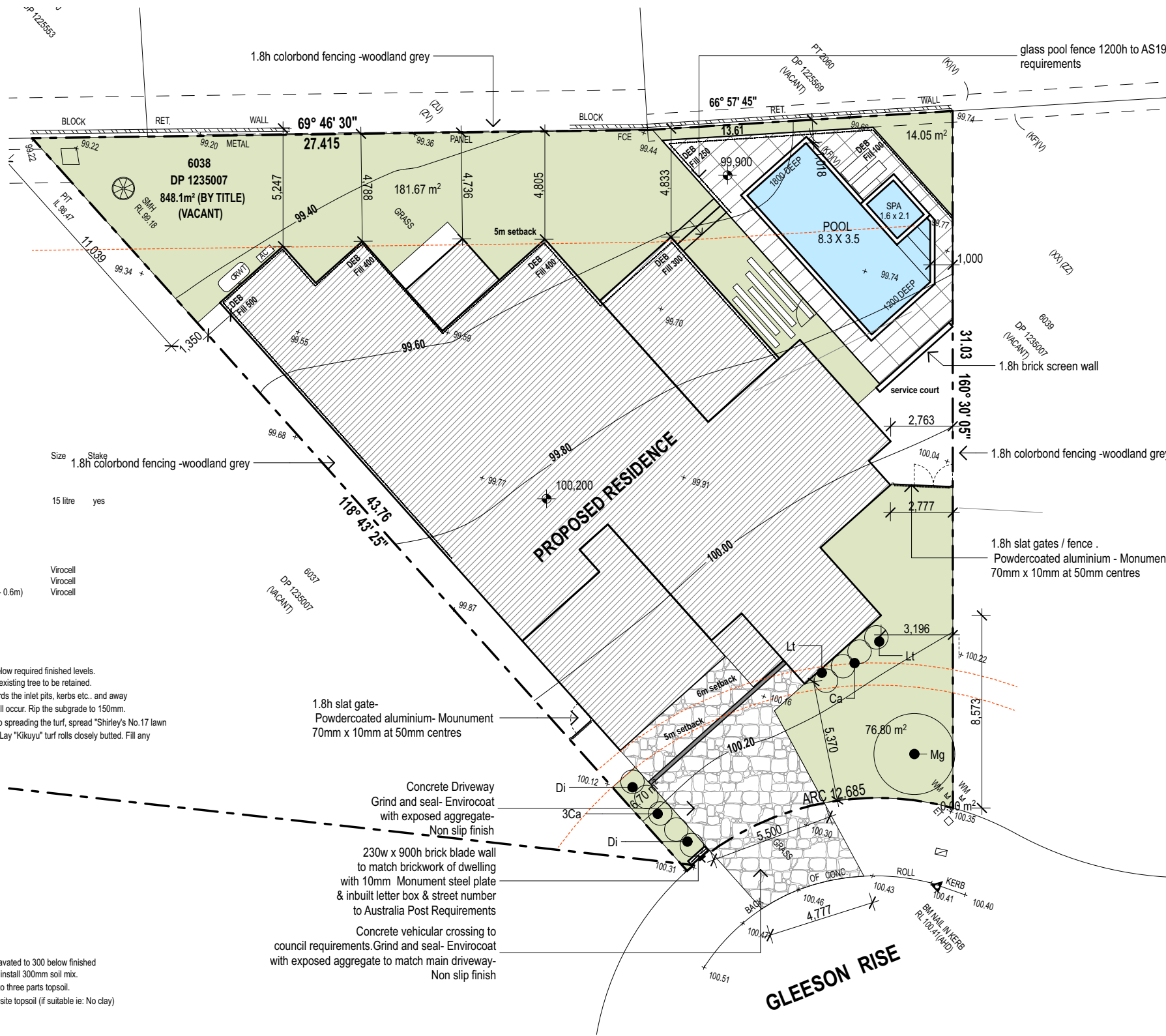
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 Sections C-C  
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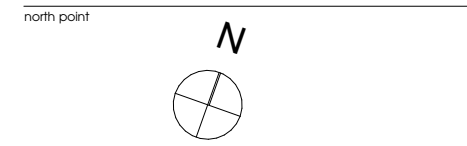
PLANT SCHEDULE

| Code         | Latin Name (Common Name - Mature Height)                       | Size     | Stake    |
|--------------|--|----------|----------|
| Trees        |  |          |          |
| MG           | Magnolia Grandiflora - 6m)                                     | 15 litre | yes      |
| Groundcovers |  |          |          |
| Ca           | Carex appressa (Tall flat sedge - 0.6m)                        |          | Virocell |
| Di           | Dianella longifolia (Smooth flax lily - 0.8m)                  |          | Virocell |
| Lt           | Lomandra longifolia 'Tanika' (Fine leaf dwarf lomandra - 0.6m) |          | Virocell |

LEGEND

- Turf  
Excavate / grade all areas to be turfed to 120mm below required finished levels. Do not excavate within 1500mm of the trunk of any existing tree to be retained. Ensure that all surface water runoff is directed towards the inlet pits, kerbs etc., and away from buildings. Ensure that no pooling or ponding will occur. Rip the subgrade to 150mm. Install 100mm depth of imported topsoil. Just prior to spreading the turf, spread "Shirley's No.17 lawn fertilizer" over the topsoil at the recommended rate. Lay "Kikuyu" turf rolls closely butted. Fill any small gaps with topsoil. Water thoroughly.
  - Concrete garden edging (Refer to detail)
  - Existing trees to be retained
  - Existing trees to be removed
  - Planting areas  
Ensure that the mass planting areas have been excavated to 300 below finished levels. Rip to a further depth of 150mm. Supply and install 300mm soil mix. Soil mix to comprise of one part approved compost to three parts topsoil. Topsoil shall be either imported topsoil or stockpiled site topsoil (if suitable ie: No clay) Install 75mm depth of selected mulch.
- Note:  
Maintenance:  
All landscape works are to be maintained for a period of three months from the date of practical completion. This includes all watering, weeding, spraying and re-mulching necessary to achieve vigorous growth. Any defects which arise during this period are to be rectified immediately. Any plants or areas of turf which fail during this period are to be replaced at no additional cost.

CONCEPT LANDSCAPE PLAN 1:200



client  
MRS AMIRA BRUZZESE

project  
12001 - PROPOSED RESIDENCE  
31 Gleeson Rise, Cran Park

drawing  
Landscape Plan  
1:100 @ A3 \ drawing no. \ 207 G

LYMT

CLPP02

Attachment 6



# PROPOSED RESIDENCE - 31 GLEESON RISE- ORAN PARK

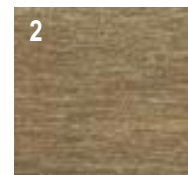
□ This drawing is copyright and the property of the author, and must not be retained, copied or used without the authority of LYMT Pty Ltd.  
 □ Larger scale drawings and written dimensions take preference.  
 □ Do not scale from drawing.  
 □ All dimensions to be checked on site before commencement of work.  
 □ All discrepancies to be brought to the attention of the author.  
 www.lymt.com.au  
 info@lymt.com.au  
 Nominated Architect NSW  
 James Marston Reg. 11118

| amendments |  |    |            |
|------------|--|----|------------|
| Revision   | Description                                | By | Date       |
| D          | Revised Estate Submission                  | AD | 18.10.2021 |
| E          | Revised Estate Submission- Colours amended | AD | 31.01.2022 |

notes



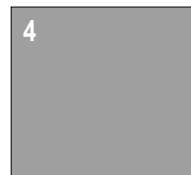
**1**  
Main Wall  
Recycled brick- Nautilus  
or similar exposure grade



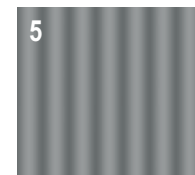
**2**  
Garage Door & Cladding.  
Front entry door  
Decowood Smoked Ash  
or similar



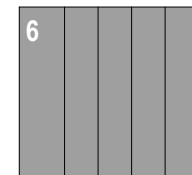
**3**  
Concrete Look Finish



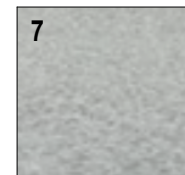
**4**  
Windows, fascia, Gutter &  
Downpipes, Sun Hoods &  
Side Gates  
Windspray



**5**  
Main wall/ Roof- Corrugated  
Colorbond cladding  
Windspray



**6**  
Feature Wall  
Axon linea cladding  
133mm vertical-  
paint finish windspray



**7**  
Driveway  
Geostone exposed  
aggregate-  
Non slip finish



north point

client  
MRS AMIRA BRUZZESE

project  
12001 - PROPOSED RESIDENCE  
31 Gleeson Rise, Oran Park

drawing  
Cover Sheet  
1:100 @ A3 \ drawing no. \ 000 E

# LYMT

## CLPP03

CLPP03

**SUBJECT: DA/2022/20/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE AND ASSOCIATED SITE WORKS - 25 GLEESON RISE, ORAN PARK**

**EDMS #:** 22/161029

|  |   |
|--|---|
| DA Number:                             | 2022/20/1   |
| Development:                           | Construction of a single storey dwelling house with associated site works |
| Estimated Cost of Development:         | \$443,967   |
| Site Address(es):                      | 25 Gleeson Rise, Oran Park  |
| Applicant:                             | Mrs Sapna, Sidhu  |
| Owner(s):                              | Mr Grant Withers<br>Mrs Charlotte Withers                                 |
| Number of Submissions:                 | None  |
| Development Standard Contravention(s): | Clause 4.3 – Height of Buildings  |
| Classification:                        | Nominated Integrated  |
| Recommendation:                        | Approve with conditions.  |
| Panel Referral Criteria:               | Departure from Development Standards greater than 10%                     |
| Report Prepared By:                    | Lachlan Hutton, Development Assessment Officer                            |

### PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for a single storey dwelling house with associated site works at 25 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 a development standard by more than 10%.

### SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/20/1 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 25 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 25 January to 23 February 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 6.238m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 5 and the Height of Buildings Map (HoB\_004) of State Environmental Planning Policy (Precincts - Western Parklands City) 2021.

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

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

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

The proposed dwelling house at 25 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 Department of Planning and Environment (DPE) and is currently on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022).

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

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

**KEY PLANNING CONTROL VARIATIONS**

| Control  | Proposed | Variation       |
|--|----------|-----------------|
| SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m | 6.238m   | 1.238m / 24.76% |

**AERIAL PHOTO**



Figure 1. Aerial Photo of subject lot 6035.



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 6035 in DP1235007 and commonly referred to as 25 Gleeson Rise, Oran Park.

The site has an area of 789.1m<sup>2</sup> and is generally level with a small rise of approximately 500mm from the street frontage to western boundary. There are retaining walls up to approximately 1.62m on the western boundary. The lot is burdened by various easements and restrictions, the proposed development does not conflict with these easements and restrictions.

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

**ZONING PLAN**

**NSW** | **Planning, Industry & Environment**  
**State Environmental Planning Policy (Sydney Region Growth Centres) 2006**  
 South West Growth Centre  
 Land Zoning Map - Sheet LZN\_004

**Zone**

- Neighbourhood Centre
- Local Centre
- Commercial Core
- Mixed Use
- Business Development
- Business Park
- Environmental Conservation
- Environmental Management
- Environmental Living
- General Industrial
- Light Industrial
- General Residential
- Low Density Residential
- Medium Density Residential
- Public Recreation
- Private Recreation
- Transition
- Infrastructure
- SEPP (Major Infrastructure Corridors) 2020

**Original SEPP Zones**

- Public Recreation - Regional

**Growth Centre Boundaries**

- South West Growth Centre Boundary
- South West Growth Centre Precinct Boundary

**Cadastre**

- Cadastre 2010/2021 © Spatial Services

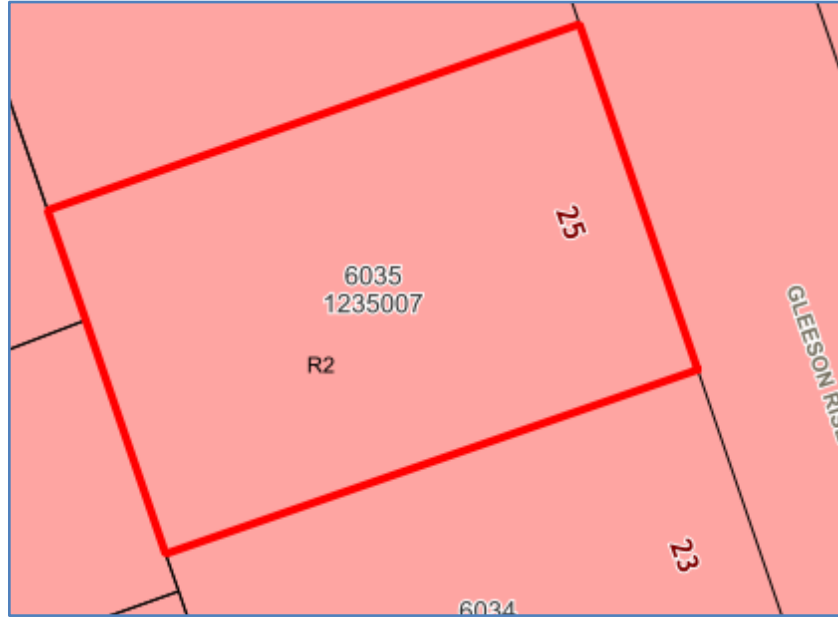


Figure 3. Subject lot 6035 R2 Zoning.

**AREA MASTER PLAN**

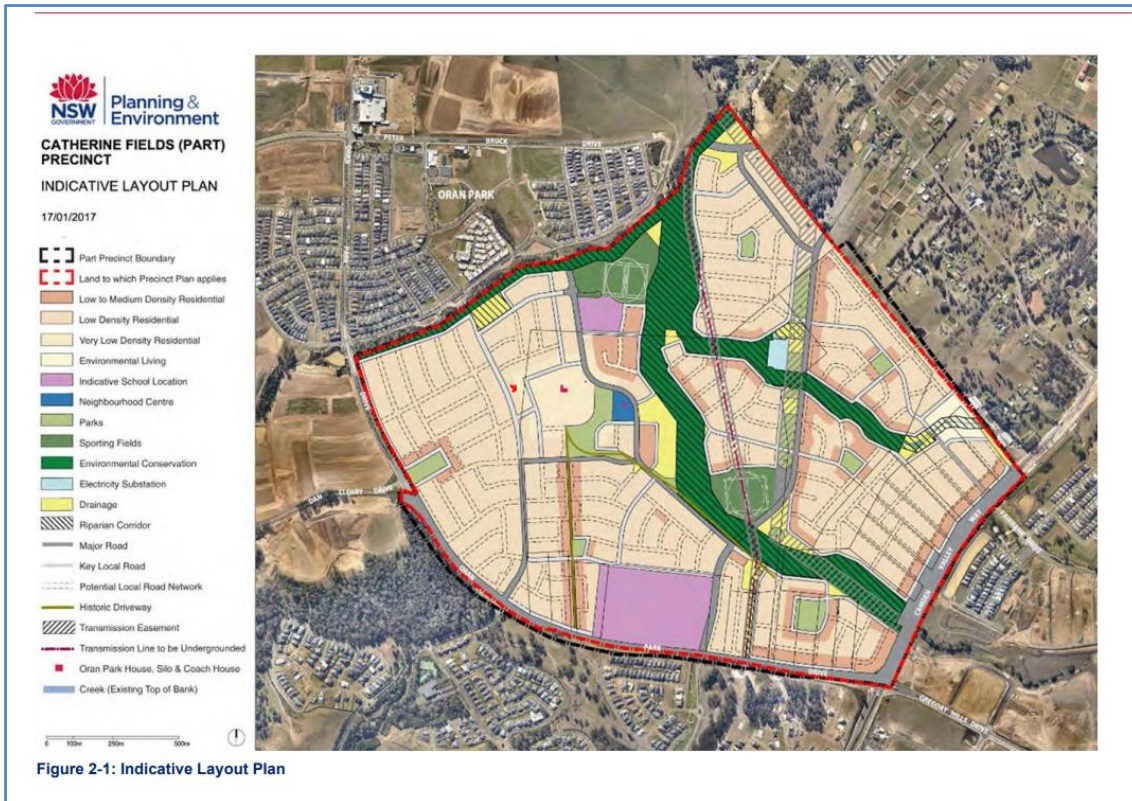


Figure 4. Red 'X' denoting location of lot 6035 (the lot) in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.

**HISTORY**

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

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

**THE PROPOSAL**

DA/2022/20/1 seeks approval for a single storey dwelling house with associated site works.

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

The estimated cost of the development is \$443,967.

**BACKGROUND**

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

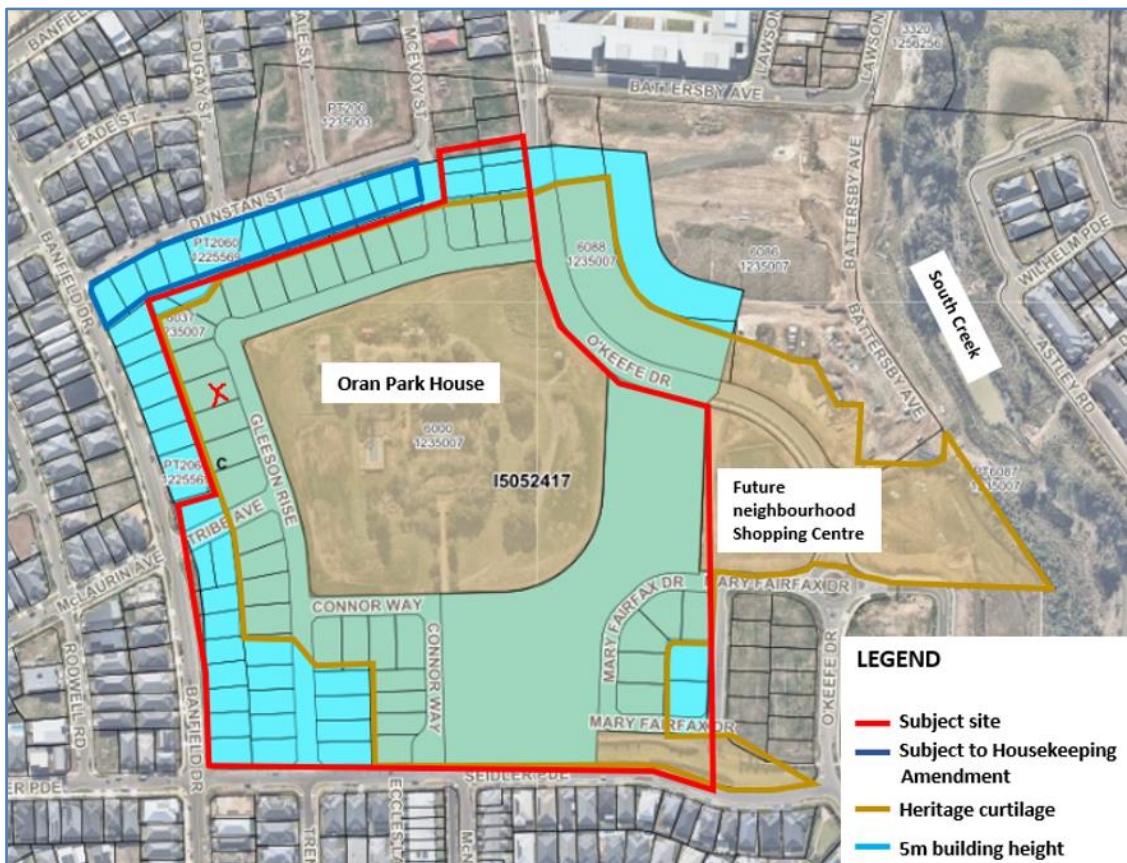


Figure 5. Extract from PP/2021/1/1 indicating the subject site, the heritage curtilage and the 5m building height development standard – subject lot marked as a red x.

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



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

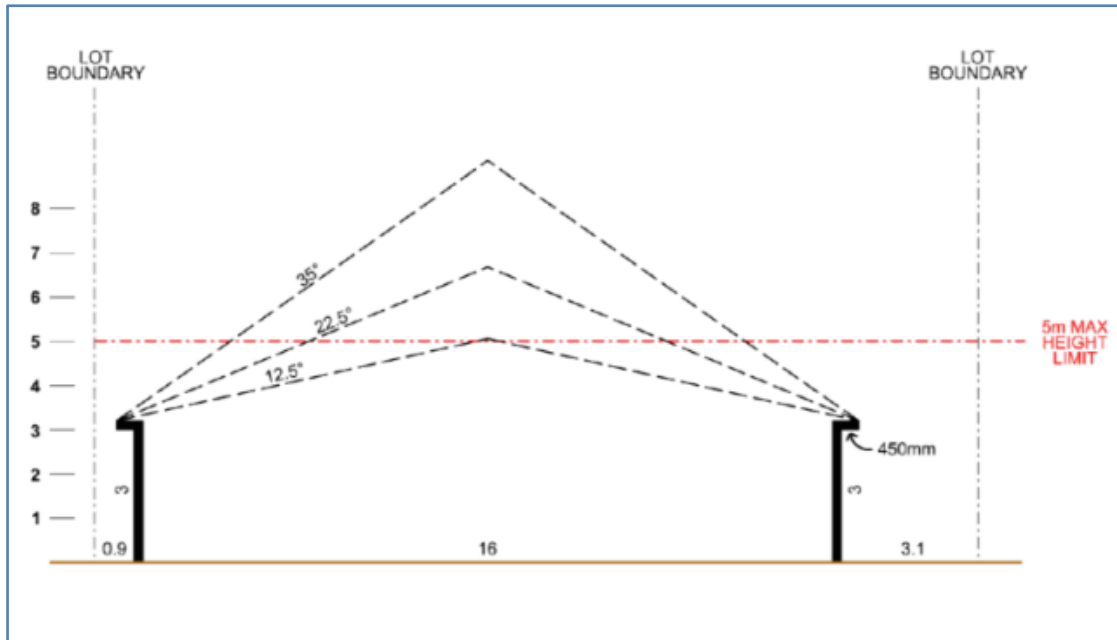


Figure 6. Indicating roof pitch, lot width and building height.



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

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

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

The proposed dwelling house at 25 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 is currently on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022).

## 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.

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

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

Clause 4.6 Chapter 4 of the 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.

#### 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 (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 North West Growth Centre, the South West Growth Centre, and the Wilton Growth Area

##### *Site Zoning and Permissibility*

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

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

##### *Planning Controls*

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

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

The application seeks to contravene the height of buildings development standard applying to the site. This development standard prescribes a maximum building height of 5m from existing natural ground level. The proposed development has a maximum height of 6.238m, thereby contravening the standard by 1.238m or 24.76%

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

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

The proposed development will be in the public interest because it is consistent with the objectives of the standard and the objectives for development within the R2 Zone, in accordance with clause 4.6(4).

1. Indicative Layout Plan.

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

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

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

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

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

The development is consistent with the Draft Remediation SEPP in that the land has been validated and is suitable for the proposed residential use.

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

The development is consistent with this Draft Planning Proposal that seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 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 is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);
- the dwelling does not exceed 7m; and
- no more than 30% of the front building line is above 4m.

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

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

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

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

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

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the conditions **attached** to this report.

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

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

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

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

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 25 January to 23 February 2022 and no submissions were received.

**(e) the public interest**

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

**EXTERNAL REFERRALS**

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

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

Conditions that require compliance with these external referral recommendations are included in the recommended conditions of consent.

**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/2022/20/1 for the construction of a single storey dwelling house at 25 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 development standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances and that, despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the particular circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument, being Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021.
3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

### ATTACHMENTS

1. Recommended Conditions
2. SEPP Assessment Table
3. Growth 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/<br>Drawing No.      | Name of Plan  | Prepared by      | Date         |
|-------------------------------------|---|------------------|--------------|
| Job No. 29914912, Sheet 2, Rev K.   | Site Plan.  | Clarendon Homes. | 03/03/20221. |
| Job No. 29914912, Sheet 3, Rev K.   | Ground Floor Plan.  | Clarendon Homes. | 03/03/20221. |
| Job No. 29914912, Sheet 4, Rev K.   | Elevation 1, Elevation 2.                                       | Clarendon Homes. | 03/03/20221. |
| Job No. 29914912, Sheet 5, Rev K.   | Elevation 3, Elevation 4.                                       | Clarendon Homes. | 03/03/20221. |
| Job No. 29914912, Sheet 6, Rev K.   | Section A-A.  | Clarendon Homes. | 03/03/20221. |
| Job No. 29914912, Sheet 2.1, Rev K. | Construction Management Plan Erosion and Sediment Control Plan. | Clarendon Homes. | 03/03/20221. |
| Job No. 29914912, Sheet 2.2, Rev K. | Concept Stormwater Management Plan.                             | Clarendon Homes. | 03/03/20221. |
| Job No. 29914912, Sheet 2.2, Rev K. | Colour and Material Schedule.                                   | Clarendon Homes. | 03/03/20221. |
| Job No. 210278, Sheet 1, Issue F.   | Landscape Plan.   | Dapple Designs.  | 30/03/2022.  |

| Document Title                      | Prepared by      | Date        |
|-------------------------------------|------------------|-------------|
| BASIX Certificate, No. 1227691S_02. | Frys Energywise. | 20/12/2021. |
| Waste Management Plan.              | Applicant.       | 18/10/2021. |

- (2) **Modified Plans** - The development shall be modified as follows:

- a) Plan titled "Concept Stormwater Management Plan" revision K, dated 03/03/2022 shall be amended to indicate stormwater lines connecting to the designated connection point for the allotment directly to the SIP. Stormwater lines are not permitted to run within easements (KF), (V) or (A1).

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

- (3) **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.*

- (4) **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.
- (5) **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.
- (6) **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.

- (7) **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.

- (8) **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.

- (9) **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](http://www.sydneywater.com/tapin) to apply.

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

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

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

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

#### 4.0 - During Works

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

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

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

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

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

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

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

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

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](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))

Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.

- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.
- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

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

For Excavated Natural Material (ENM):

- i) compliance with the Excavated Natural Material Order 2014 and the Resource Recovery Orders and Exemptions issued under Part 9 of the Protection of the Environment Operations (Waste) Regulation 2014
  - c) confirm that the fill material has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity") and is compatible with any salinity management plans approved for the site.
- (15) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.

- (16) **Unexpected Finds Contingency (General)** - Should any suspect materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash material, etc.) be encountered during any stage of works (including earthworks, site preparation or construction works, etc.), such works shall cease immediately until a certified contaminated land consultant has been contacted and conducted a thorough assessment.

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


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

#### 5.0 - Prior to Issue of an Occupation Certificate

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

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

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

| Clause.   | Assessment.   | Compliance.                                       |
|---|---|---|
| <p><b>Appendix 5, 2.3 Zone objectives and land use table</b></p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.</li> <li>To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.</li> <li>To provide a diverse range of housing types to meet community housing needs within a low density residential environment.</li> </ul> | <p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a <i>‘dwelling house’</i> which is permitted with consent in the R2 Low Density Residential zone of Appendix 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"> <li>The proposal will provide for the housing needs of the community within the low-density residential environment.</li> <li>The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it.</li> <li>The proposal will be an addition to the existing housing type typical to the immediate surrounds.</li> </ul> | <p>Yes</p>  |
| <p><b>Appendix 5, 4.3 Height of buildings</b></p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p>  <p>Maximum height of buildings = 5.0m 'C'.</p>   | <p>The proposed development has a maximum building height of 6.238m.</p>  | <p>No (Clause 4.6 written request submitted).</p> |

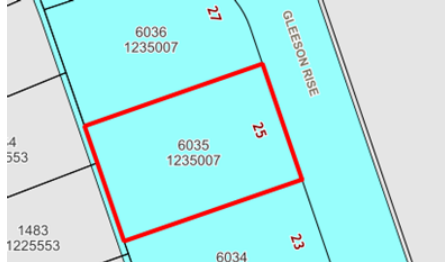
CLPP03

Attachment 2

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

CLPP03

Attachment 2

|  |  |                           |
|--|--|---------------------------|
| <p><b>Appendix 5, 4.4 Floor Space Ratio</b><br/>Max FSR 0:45:1.</p>   | <p align="center">328/789.1*100<br/>0.41.1</p>   | <p align="center">Yes</p> |
| <p><b>Appendix 5, 4.6 Exceptions to development standards</b></p> <p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <ul style="list-style-type: none"> <li>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</li> <li>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</li> </ul> <p>Development consent must not be granted unless:</p> <ul style="list-style-type: none"> <li>(a) the consent authority is satisfied that: <ul style="list-style-type: none"> <li>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</li> <li>(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</li> </ul> </li> <li>(b) the concurrence of the Secretary has been obtained.</li> </ul> | <p>The applicant has submitted a written request under Clause 4.6 of the Growth SEPP justifying the contravention to the maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered that the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p> | <p align="center">Yes</p> |

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

|   |  |  |
|---|--|--|
| <p>This clause prohibits the approval of certain development standard contraventions.</p> |  |  |
| <p><b>Appendix 5, 5.10 Heritage Conservation</b></p>                                      | <p>The subject site is located within the curtilage of a State Heritage Item, namely Oran Park House. At the time of the SHR listing, site-specific exemptions were put in place to exempt certain development (including single storey dwelling houses) from the requirement for approval under the Heritage Act 1977 (<i>Catherine Park Estate – Oran Park House Heritage Exemption Guidelines</i>, prepared by Design + Planning, dated October 2014).</p> <p>The proposed development generally meets those guidelines with the exception of a control in Section 4.1 'Residential Built Form' that requires that <i>"The design and building of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder."</i></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 standards GTAs issued by Heritage NSW is <b>attached</b> to this report.</p> |  |

CLPP03

Attachment 2

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

CLPP03

Attachment 3

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <p><b>4.1.1</b><br/><b>Site Analysis</b></p> <p>Site analysis plan is to be provided.</p>   | <p>Appropriate site analysis plan provided.</p>   | Yes.        |
| <p><b>4.1.2</b><br/><b>Cut and Fill</b></p> <p>DAs are to illustrate where it is necessary to cut and/or fill land and provide justification for the proposed changes to the land levels.</p> <p>The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m.</p> <p>Fill within 2.0m of a property boundary shall be fully contained by the use of deepened (drop) edge beam construction with no fill permitted outside of this building footprint.</p> <p>The use of a deepened edge beam shall not exceed 1m above natural ground level.</p> <p>Where excavation or filling is required alongside a driveway, it shall be retained by a retaining wall.</p> | <p>Cut and fill plan provided.</p> <p>Cut and fill plan indicates cut and fill &lt;1.0m.</p> <p>Fill contained by D.E.B.</p> <p>D.E.B max 0.2m in height.</p> <p>NA.</p>  | Yes.        |
| <p><b>4.1.3</b><br/><b>Sustainable Building Design.</b></p> <p>The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.</p> <p>The provisions of BASIX will apply with regards to water requirements and usage.</p> <p>The design of dwellings is to maximise cross flow ventilation.</p> <p>The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas</p>  | <p>Provided.</p> <p>The development complies with the requirements as set out by the provided BASIX certificate.</p> <p>Design of dwelling incorporates large open living spaces allowing for cross flow ventilation to occur.</p> <p>Location of living rooms and windows located appropriately so as to enable maximisation of capturing natural light.</p> | Yes.        |

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

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

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

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| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <ul style="list-style-type: none"> <li>• open verandah;</li> <li>• bay windows or similar features; or</li> <li>• verandahs, pergolas or similar features above garage doors.</li> <li>• Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback.</li> </ul> <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.</p> <p>Front facades are to feature at least one habitable room with a window onto the street.</p> <p>Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.</p> | <p>All eaves are <math>\geq 0.450\text{m}</math> in overhang.</p> <p>Hipped roof pitch of 22.5 degrees proposed.</p> <p>Front façade to feature 3 habitable rooms with windows facing the street.</p> <p>Proposed garage to be constructed in conjunction with the dwelling – proposed garage to complement colour and finish of main dwelling.</p> |             |
| <p><b>4.2.3</b><br/><b>Front Setbacks.</b></p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>  | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p>  | <p>Yes.</p> |

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

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <p><b>4.2.4</b><br/><b>Side and Rear Setbacks.</b></p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p> | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>No encroachment of said structures into the rear setback beyond the proposed building envelope.</p> <p>The proposal adopts side boundary setbacks greater than 0.9m.</p>  | Yes.        |
| <p><b>4.2.5</b><br/><b>Dwelling Height, Massing and Siting.</b></p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>  | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>Site coverage measured accordingly against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>FFL = 20.385 – lowest associated point of NGL = 20.00 = 0.385m</p> | Yes.        |
| <p><b>4.2.6</b><br/><b>Landscaped Area.</b></p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p>  | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p>  | Yes.        |

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

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|---|---|-------------|
| <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the location of any trees to be retained or planted.</p> <p>Surface water drainage shall be provided as necessary to prevent the accumulation of water.</p> <p>Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including native salt tolerant trees.</p>   | <p>Noted/complied.</p> <p>Stormwater to be conveyed to drainage easement (SIP) to rear (west) of lot.</p> <p>No concerns presented regarding the accumulation of surface water.</p>   |             |
| <p><b>4.2.7</b><br/><b>Private Open Space.</b></p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p> <p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p> | <p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>PPOS contained and achievable to rear east of lot.<br/>PPOS located appropriately.</p> <p>PPOS conveniently accessible from family room and alfresco. PPOS at grade &lt;1:10.</p> | Yes.        |
| <p><b>4.2.8</b><br/><b>Garages, Storage, Site Access and Parking.</b></p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p>  | <p>2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line via double car garage.</p>  | Yes.        |

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

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.</p> <p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>             | <p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p> <p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.31m.</p> <p>Double garage internal dimensions = 5.640 x 7.79m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p> |             |
| <p><b>4.2.9</b><br/><b>Visual and Acoustic Privacy.</b></p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>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>Proposed development is single storey only. Proposed dwelling has an FFL &lt;1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted / appropriate conditions recommended.</p>  | Yes.        |

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

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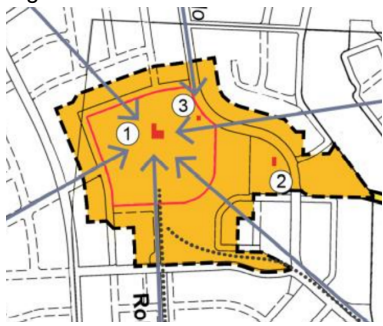

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| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible 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>Dwelling not impacted by road types.</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><b>4.2.10 Fencing.</b></p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>  | <p>No front fencing proposed.</p> <p>Side boundary return fences indicated at 2.0m behind the building line.</p>  | Yes.        |
| <p><b>Table 4-5 – Site coverage.</b><br/>Maximum 50% at ground floor.</p>   | <p>Site coverage = <math>303.295/789.1 \times 100 = 34.43\%</math>.</p>   | Yes.        |


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

| Control  | Assessment   | Compliance? |
|--|--|-------------|
| Maximum 30% at upper floor.  |  |             |
| <b>Table 4-5 – Soft landscaped area.</b><br>Minimum 30% of the allotment area.   | 275/789.1*100 = 34.84%.  | Yes.        |
| <b>Table 4-5 – Principal Private Open Space (PPOS).</b><br>Minimum 24sqm with minimum dimensions of 4m.  | PPOS = 124.9sqm at dimensions >4.0m.   | Yes.        |
| <b>Table 4-5 – Solar Access.</b><br>50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.  | No overshadowing of PPOS.<br>Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.   | Yes.        |
| <b>Table 4-5 – Garages and carparking.</b><br>Maximum double car garage door width 6m.<br>3 bedrooms or more to provide at least 2 car spaces.   | Double garage proposed. Width = 4.31m.<br><br>2 spaces provided.   | Yes.        |
| <p><b>4.1</b><br/><b>Development Surrounding Oran Park House.</b></p> <p>Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.</p>  <p>Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.</p> | <p>The proposed development generally complies with the Exemption Guidelines, with the exception that the design of dwellings for each street block is not being undertaken simultaneously and delivered as a complete package by one builder. This provision cannot be complied with as the lots have been subdivided and sold to individual property owners.</p> <p>The development is thereby integrated development and was referred to Heritage NSW for concurrence. 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 <b>attached</b> to this report.</p> <p>The site is located inside the area identified in figure 4-1. Development is for a single storey</p> | Yes.        |

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

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <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 Oran Park House and associated outbuildings and the historical rural character without replicating architectural details.</p> | <p>dwelling and will not result in significant view lines illustrated in figure 4-1 being compromised. The proposed dwelling house is sympathetically designed and complements the setting of Oran Park House</p> |             |
| <p><b>4.1.2</b><br/><b>Oran Park House and Outer Heritage Curtilage Principals.</b></p>  <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p>  | <p>Proposed development is located within the Oran Park heritage curtilage and has been assessed against the 'very low density residential' controls below.</p>   | <p>Yes.</p> |
| <p><b>4.1.3</b><br/><b>Landscape Elements – Views and Vistas.</b></p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p> <p>New plantings must be planted with consideration to the vistas identified in Figure 4-3 and must not obscure the</p>   | <p>Development is located outside of significant vista line as identified within figure 4.3.</p> <p>As above.</p>   | <p>Yes.</p> |

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

| Control   | Assessment   | Compliance? |
|---|--|-------------|
| <p>cultural, historical or aesthetic significance of the place in any physical or visual way.</p>  <p>Figure 4-3 – Significant Vistas within the Oran Park House curtilage to be preserved</p>   |  |             |
| <p><b>4.1.11 Residential Built Form.</b></p> <p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package. The block design must be submitted and approved with the first development application for the construction of a dwelling within the street block.</p>   | <p>This DA does not provide for simultaneous design and delivery of development for this street elevation/street block. However, the dwelling is assessed as being suitable for the site and Heritage NSW have issued standards GTAs for instances where the development fully complies with the Exemption Guidelines with the exception of the ‘one builder’ requirement.</p>   | <p>Yes.</p> |
| <p><b>4.1.12 Street Facades and Visible Elevations.</b></p> <p>Residential developments are to have contemporary designs (i.e. architecture being produced now) and respect the heritage significance of Oran Park House but must not replicate historic styles.</p> <p>All dwellings in the heritage curtilage area are to have architectural merit (i.e. architecture that is enduring and respects the heritage significance of Oran Park House).</p> <p>Building facades are to be visually interesting and articulated suitably to break up the building mass. At least three of the following design features are to be incorporated into the front facade:</p> <ul style="list-style-type: none"> <li>• front doors with side lights;</li> <li>• contemporary window treatments including aluminium or timber frames in neutral colours;</li> <li>• bay Windows (rectangular only);</li> <li>• entry portico; and</li> </ul> | <p>The dwelling has been designed to include contemporary features and materials and will have architectural merit.</p> <p>The dwelling has architectural merit that responds respectfully to the heritage significance of Oran Park House.</p> <p>The proposal will adopt the following design features:</p> <ul style="list-style-type: none"> <li>• Aluminium/timber awning windows to primary façade,</li> <li>• Entry portico.</li> <li>• Recessed garage doors setback behind the primary façade.</li> </ul> | <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?              |
|---|--|--------------------------|
| <ul style="list-style-type: none"> <li>recessed garage doors setback behind the primary facade.</li> </ul> <p>Colonial style window treatments are not appropriate where visible from the public domain.</p> <p>Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion.</p> <p>Picture windows or fully glazed walls are permitted to the street façade.</p> <p>An entry portico is to be of contemporary design and appearance. Access to the entry portico may be from either the driveway or a separate path.</p> <p>Shadow lines are an appropriate element to complement the overall facade appearance.</p> <p>The design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p> | <p>Noted – no colonial style window treatments proposed.</p> <p>All windows to the front façade feature a dominate vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street façade.</p> <p>Noted / complied.</p> <p>Noted / complied.</p> <p>Front elevation articulated in the form of a stepped building line adopting articulation feature in the form of a porch.</p> |                          |
| <p><b>4.1.14</b><br/><b>Setbacks for Very Low Density Area Surrounding Oran Park House.</b></p> <p>Residential development must comply with the controls in Figure 4-8.</p>   | <p>Front setback (east) = 5.050m.<br/>Front garage setback (east) = 8.207m.<br/>Rear setback (west) = 5.494m.<br/>Side boundary setback (north) = 2.852m.<br/>Side boundary setback (south) = 1.5m.</p> <p>Combined side boundary setback = 4.352m.</p>  | Yes.                     |
| <p><b>4.1.15</b><br/><b>Building Height.</b></p> <p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>   | <p>The height will exceed the 5m control and is subject to a Clause 4.6 written request.</p>   | No. Variation supported. |
| <p><b>4.1.16</b><br/><b>Roofs.</b></p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p>   | <p>Proposed roof pitch is a maximum of 22.5 degrees.</p>   | Yes.                     |

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

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|--|--|-------------|
| <p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p> <p>Roofs must use neutral colour tones such as greys, greens or browns.</p>  | <p>Roof adopts hipped formation.</p> <p>Eaves 0.450m-0.6m in overhang as identified on plans.</p> <p>Colour schedule provided indicates 'woodland grey' colour to be used.</p>   |             |
| <p><b>4.1.17</b><br/><b>Lofts, Attics and Dormer Windows.</b></p> <p>Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.</p> <p>Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development.</p>  | <p>Lot is not a corner lot.</p> <p>Proposed development does not adopt loft, attic or dormer window.</p>   | Yes.        |
| <p><b>4.1.18</b><br/><b>Garages.</b></p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p> | <p>The objectives of section 4.1.18 discuss protection of amenity and the creation of attractive streetscapes within the Oran Park Heritage Curtilage.</p> <p>The width of the garage being <math>4.31/18.23 = 23.64\%</math>.</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 proposed being a double car garage can accommodate two cars with the ability for an additional two cars to be parked on the residential lot in front of the garage.</p> | Yes.        |
| <p><b>4.1.19</b><br/><b>Building Materials.</b></p> <p>Building materials and finishes are to be non-reflective.</p>   | <p>Colour and material schedule provided. Colours and materials provided are considered non-reflective.</p>  | Yes.        |

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

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|--|---|-------------|
| <p>Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p> <p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p> <ul style="list-style-type: none"> <li>• Face brickwork with struck or tooled joints;</li> <li>• Light coloured mortar joints; and</li> <li>• Any rendered surfaces painted in neutral colours.</li> </ul> | <p>Colours and materials considered to align with recommended palette.</p> <p>Corrugated roofing material proposed.</p> <p>The proposed roofing material is custom orb, windspray</p> <p>Austral bricks (Wilderness, Silver Birch), rendering and cladding shale grey and, stockton ranch garage door proposed.</p> |             |
| <p><b>4.1.20</b><br/><b>Landscaping.</b></p> <p>All parts of the residential allotment in front of the building and facing the street that are not built on or paved are to be landscaped, with materials such as turf, groundcover, garden beds, shrubs and trees.</p> <p>Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>  | <p>Landscaping plan indicates all parts within the front setback that are not built on or paved, are landscaped with various landscaping features such as turf, groundcover, trees and plantings.</p>   | Yes.        |
| <p><b>4.1.21</b><br/><b>Driveways.</b></p> <p>Driveways are to:</p> <ul style="list-style-type: none"> <li>• Have a maximum width of 6m.</li> <li>• Be designed with high quality stone pavers, large tiles, selected permeable paving or exposed aggregate. The colour and finish of stone pavers and tiles is to be subdued with a natural unpolished finish.</li> </ul> <p>When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured</p>  | <ul style="list-style-type: none"> <li>• The driveway has a maximum width of 5.8m taken from the width of the garage. Portion extending south is to provide access to the portico.</li> <li>• Driveway will be of light exposed aggregate.</li> </ul> <p>Noted.</p>   | Yes.        |

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

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| concrete. Stencilled concrete finishes on driveways are not appropriate.  |   |             |
| <p><b>4.1.21</b><br/><b>Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</b></p> <p>Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.</p> | None of the said structures are located from view of the public.  | Yes.        |
| <p><b>4.1.25.</b><br/><b>Letterboxes</b></p> <p>Letterboxes must not be a visually prominent element on the streetscape.</p> <p>Letterboxes must be designed as an integrated feature of the fence</p>  | <p>Letterbox located so as to be a visually prominent element from view of the streetscape.</p> <p>There is no front fence proposed or required</p> | Yes.        |

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Attachment 3



yours locally

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18 October 2020

General Manager  
 Camden Council  
 PO Box 183  
 CAMDEN NSW 2570

Dear Sir/Madam

**PROPERTY: NO. 25 GLEESON RISE, ORAN PARJ**  
**PROPOSAL: CONSTRUCTION OF SINGLE STOREY DWELLING**  
**SUBJECT: CLAUSE 4.6 VARIATION TO HEIGHT OF BUILDINGS**

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Local Consultancy has been engaged by Clarendon Homes to provide a letter of variation request to the overall building height of the proposed single storey dwelling proposed at the subject site. This requires a variation to Clause 4.3 Height of Buildings of Appendix 9 Camden Growth Centres Precinct Plan of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

The proposal provides for a dwelling height of 6.238m, exceeding Councils control. It is requested Council consider the following request for variation to Clause 4.3 of SEPP (Sydney Region Growth Centres) 2006 under the provisions of Clause 4.6 during the assessment of this application.

#### Clause 4.3 Height of Buildings

Clause 4.6 under Appendix 9 Camden Growth Centres Precinct Plan of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, is intended to provide an appropriate level of flexibility in applying development standards to development to achieve a better outcome in certain circumstances. In this instance, the proposed dwelling design with variation to the building height provisions provides a better building design outcome than strict compliance.

Subclause (2) states:

"Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument."

This allows a variation to be sought to development standards under Clause 4.6. In accordance with Subclauses (3), (4) and (5) the following written request seeks to:

- Justify contravention of the maximum building height development standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances and that there are sufficient environmental planning grounds particular to the circumstances of the proposed development and the subject site to justify the contravention;
- Demonstrate that the proposed development will be in the public interest as it remains consistent with the objectives for development in the R2 Low Density zone as well as the objectives of the building height development standard;
- Demonstrate that the contravention of the building height development standard does not raise any matter of significance for State or regional environmental planning; and
- Consider the public benefit of maintaining the building height development standard.

NSW Land and Environment Case Law

In order to clarify the extent of the matters required to be addressed within a request for a variation under Clause 4.6, consideration has been given to the following case law:

Wehbe v Pittwater [2007] NSWLEC827  
Four2Five Pty Ltd v Ashfield Council [2015] NSWLEC90  
Randwick City Council v Micaul Holdings Pty LTD [2016] NSWLEC7  
Initial Action Pty Ltd v Woollahra Muncipal Council [2018] NSW LEC118

Review of these cases indicates that a request for a variation under the provisions of Clause 4.6 is more onerous than previously required under SEPP 1. The case of Randwick v Micaul indicates that Council, as the consent authority, maintains a high level of discretion with regard to the level of justification required in order to support a variation request.

The following request provides an assessment of the proposed variation to the maximum building height with respect to the test methodology and requirements outlined within the relevant Case Law and requirements of NSW Councils.

The five part test in determining whether compliance with a development standard is unnecessary (as per the above listed cases) is as follows:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard (as per Case Law, this also includes the objectives of the Land Use Zone);
2. The underlying object or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Councils 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.

These are explored in greater detail below following a description of the standard to be varied.

Description of the development standard to be varied

The Environmental Planning Instrument that applies to the land is Appendix 9 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). The subject site is zoned R2 Low Density and a variation is sought to 'Clause 4.3 Height of buildings', specifically subclause (2) which states that the maximum height of a building is not to exceed the maximum height shown on the land as per the Height of Buildings map.

The maximum permitted building height as per the height of buildings map is 5m as the site is within the Catherine Park House Heritage curtilage. The proposed dwelling provides a maximum height of 6.238m to provide a suitable roof pitch.

The maximum height proposed requires a variation of 1.238m to the maximum height of buildings therefore results in a percentage variation of 24.76%. The exception to the development standard is requested as a result of the dwelling providing an appropriate roof pitch, whilst understanding the heritage values and concerns of the site. The roof pitch is considered to be a key design objective for residential dwellings within the heritage curtilage. Roof pitches are required to be within 22.5 degrees to avoid flatter roof forms.

Five Part Test

1. Compliance with the objectives of the development standard

(1) The objectives of this clause 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.

The proposed maximum height of 6.238m for the section of the roof impacted does not impact upon the dwelling being able to achieve the objectives of the zone or the objectives of the development standard. The proposal is considered to have a positive impact on the streetscape character of the area and a positive result for the residents of the dwelling which will have access to suitable living spaces for internal amenity.

The dwelling continues to meet objectives of the building height controls as it is considered consistent with the site constraints and will not detract from the prevailing building height or desired future streetscape character of the area.

(a) to establish the maximum height of buildings,

The proposed increase to the maximum height of buildings does not result in an overall impact upon the height of buildings within the greater area. The variation is largely the result of roof pitch to better satisfy the heritage requirements of the area, then a dwelling design that disregards the maximum building height. This objective is considered to be upheld through the implications of a Clause 4.6 request.

(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 bulk and scale of the dwelling as viewed from the street and surrounding properties would be consistent with the dwellings within the area which will all be subject to similar design controls, being a single storey design with common FSR requirements.

The proposed increase to overall dwelling height will not result in any detrimental visual impact as the variation is minimal and forms part of the requirement to provide a suitably designed hipped or gabled roof. Solar access and open space will be maintained to the subject site and surrounding properties given the suitable design and orientation of dwellings and allotments.

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

This objective is not relevant to the subject site being a low density residential site.

1a. Compliance with the objectives of the zone

The objectives of the R2 Zone are listed below along with a comment in respect to maintained compliance:

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

The proposed dwelling height will maintain the low density residential environment of the area. The area consists largely of single storey dwellings on larger allotments to maintain the low density character.

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

The proposed development does not hinder the provision of any future facilities or services to meet the day to day needs of the 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.



Residents will still be able to carry out a range of activities, without affecting adjoining properties. Suitable allocation of POS areas is provided on each allotment and the requirement of a single storey dwelling design with simple roof forms ensures privacy, amenity and overshadowing concerns are negligible.

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

The proposed development does not hinder the provision of any educational, recreational or other activities that are compatible with the amenity of the low density residential area.

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

The larger area of the residential subdivision will cater for a diverse range of housing types, the subject site and direct surrounds are subject to the low density larger lot controls which cater for single storey residential dwellings.

2. Is the underlying objective or purpose of the standard not relevant?

The proposed variation does not rely on this test.

3. Is the underlying objective or purpose defeated or thwarted if compliance was required and therefore compliance is unreasonable?

The underlying objective of the maximum height provision within the Growth Centres SEPP and highlighted within the Heritage Exemption Guidelines prepared is to provide a transition area between the Heritage Item of Catherine Park House and the broader residential subdivision of Oran Park. This transitional area is to provide single storey dwellings on larger allotments with simple roof forms, having a roof pitch between 22.5 and 35 degrees.

The underlying intention of the objective is to allow for stately dwellings that have a suitable roof pitch to remain in keeping with the Heritage item. If compliance was required, it would not allow for the range of stately dwelling designs as was intended by the DCP and Heritage Exemption Guidelines.

4. Has the development standard been virtually abandoned or destroyed by the Councils own actions in granting consents departing from the standard?

The proposed variation does not rely on this test.

5. Is compliance with the development standard unreasonable or inappropriate due to existing use of land and current environmental character?

Compliance with the 5m maximum building height is considered unreasonable and detrimental to the overall environmental character of the site and surrounds.

The objective of the zoning and development standard over these developments was to ensure the development surrounding Catherine Park House was kept to single storey dwellings on larger allotments. This was to ensure that the housing surrounding Catherine

Park House was subservient to the heritage item and would incorporate roof forms considered to be in keeping with the heritage significance and character of Catherine Park House.

Schedule 4 of the Camden Growth Centres DCP include site specific controls for the residential allotments surrounding Catherine Park House. These provisions include controls for the roof design of dwellings:

#### 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 a 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 4500mm.
4. Roofs must use neutral colour tones such as greys, greens or browns.

In order to comply with the above, a dwelling must have a hipped or gabled roof form with a minimum roof pitch of 22.5 degrees and eaves of 450mm or larger.

Further to this, The Heritage Exemption Guidelines apply to the portion of allotments within the heritage curtilage and require the below design requirements in order 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

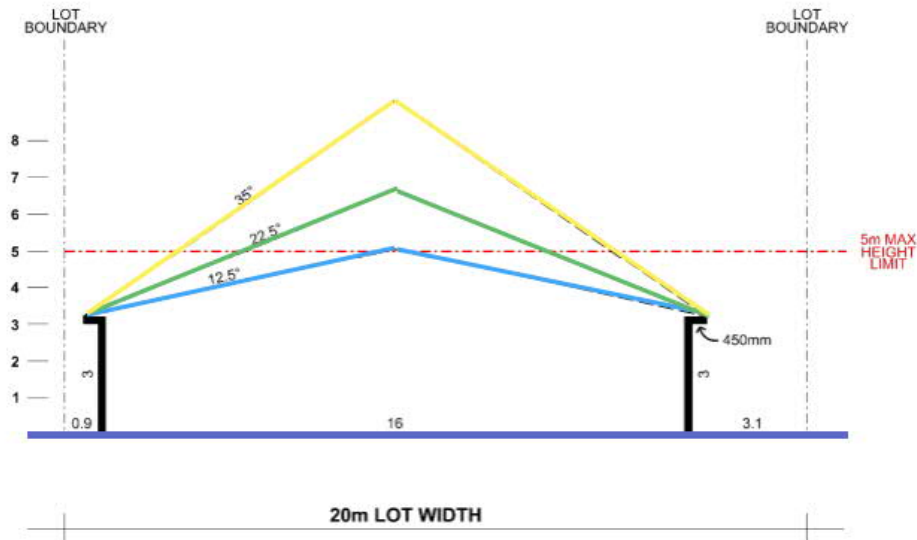
##### Controls

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 above outlined controls demonstrate the underlying intended outcomes for development within the heritage curtilage. The outcome that is stressed is the importance of a single storey dwelling with suitable degree roof pitch.

The below diagram outlines a potential dwelling design that achieves the appropriate roof pitch controls, and the relationship with the maximum building height, on a lot that has a minimum width of 20m (the subject site has a minimum width of 22.61m, however,

widening of the dwelling on the allotment would not decrease overall height) and provides appropriate setbacks and eave overhang.



The diagram above demonstrates roof forms that would be achieved for various roof pitches, and how this is reflected on the maximum building height provision of 5m.

The proposed roof pitch of 22.5 degrees is a suitable design outcome for the site, with any reductions in the pitch having a detrimental impact upon the design of the dwelling when interpreted within the heritage curtilage. The above diagram outlines that even the minimum roof pitch imposed (22.5 degrees) would require some degree of variation to the maximum height provisions.

To allow more appropriate roof forms and designs, the 5m maximum building height is considered unreasonable. With respect to the heritage values of Catherine Park house, the implications of the 5m maximum building height on roof forms is considered to be detrimental to the overall streetscape character and appearance.

The proposed building height of 6.238m is considered to be a reasonable outcome to provide a dwelling design that remains in keeping with the design of dwellings surrounding Catherine Park House.

The proposed dwelling design is consistent with the Heritage Exemption Guidelines adopted for the area. The Guidelines provide a deemed to comply assessment framework to exempt dwellings within the Heritage curtilage from requiring referral to Heritage NSW under Integrated Development. Further heritage impact assessments are not required if the dwellings meet with the necessary design standards (outlined above). As the dwelling complies with the requirements under the Exemption guidelines, it is considered reasonable

to allow the variation and unreasonable to prohibit the suitable design of the single storey dwelling.

Further to the above, a Planning Proposal seeks to include a building envelope as defined by Heritage NSW which shows a building height maximum of 7m. This has not yet been exhibited, however, is understood to provide a more suitable building envelope in keeping with the requirements under the Heritage Exemption Guidelines.

The design of the dwelling remains suitable for the area, maintaining a single storey design, with complementary roof pitch that will maintain the heritage values of the area. The dwelling is considered to be in keeping with the Heritage NSW Exemption Guidelines and it is considered unreasonable to enforce strict compliance on the overall height when the proposed design has a better outcome on the heritage values.

Conclusion- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

The requested variation to the maximum building height provision is considered to be a reasonable and appropriate design outcome for the following reasons:

- The development standard objectives and zone objectives are able to be maintained despite contravention to the numerical requirement.
- The proposed building height responds to the requirements under Schedule 4 of the Camden Growth Centres DCP and Heritage Exemption Guidelines which govern the desired future character of development within the heritage curtilage.
- The proposed building height remains within the requirements of the Heritage NSW building envelope as contained within the Planning Proposal.
- The proposed dwelling height is considered reasonable to produce a high quality dwelling design that responds the requirements of dwellings within the heritage curtilage.

Sufficient environmental planning grounds that are particular to the circumstances of the proposed development

There are sufficient environmental planning grounds in these circumstances to justify contravening the building height development standard. The development is not considered to be overdevelopment of the site and sufficient grounds for the variation are provided below:

- The dwelling proposed is able to maintain the objectives of the R2 Low Density Residential Zone, as well as the objectives of development standards Clause 4.3 Height of buildings.
- The bulk and scale of the dwelling is consistent with the anticipated surrounding dwellings and the larger streetscape.
- The high quality design, with suitable materials and finishes ensures the dwelling remains well articulated and will further ensure the variation to the height of the dwelling will not result in any adverse environmental impacts to the adjoining properties or public domain, or the heritage item.

- The proposal is a well considered, high quality design solution that sensitively responds to the site context and character and scale of the surrounding built form, particularly with respect to Catherine Park house, to ensure a suitable design that will suit the transitional area between heritage and the broader urban context.

In determining if there are sufficient environmental planning grounds the Initial Action judgment considers that it is appropriate to apply the Objectives of Section 1.3 of the EP&A Act in order to demonstrate that the grounds exist to warrant a variation.

The objectives of 1.3 are listed along with a comment with respect to compliance in the table below.

| Objective  | Comment  |
|--|--|
| (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources.      | This object is not relevant to this development.   |
| (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment. | The proposal will facilitate an ecologically sustained development given that no negative impact on environmental and social considerations are present. This in turn will serve to offer the ongoing sustainment of the economic health of the area.                      |
| (c) to promote the orderly and economic use and development of land.   | The proposed development will maintain the orderly and economic use of the land by providing a development and land use that is consistent with that envisaged by Council through zoning.  |
| (d) to promote the delivery and maintenance of affordable housing.   | This object is not relevant to this development.   |
| (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats.                              | There is no anticipated impact upon any threatened species of ecological communities.  |
| (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).   | The built heritage item – Catherine Park House, will not be affected by the proposed building height. The dwelling design (with suitable roof pitch and roof design) does not affect the intended type and character of residential development for the transitional area. |
| (g) to promote good design and amenity of the built environment.   | The proposed development is a high quality design that remains within the a suitable built form and scale to be aesthetically  |

|   |  |
|---|--|
|   | appropriate. The proposed development is considered to appropriately respond to the established and changing character of the development identified within both the immediate and broader context. The development maintains the amenity of the area through a suitable design. |
| (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.          | The proposed development will comply with all relevant BCA codes and will promote the health and safety of occupants.  |
| (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State. | This object is not relevant to this development.   |
| (j) to provide increased opportunity for community participation in environmental planning and assessment.  | The proposed development has been publicly notified to meet with this objective.   |

Based on the above, the consent authority can be satisfied that the proposed development remains consistent with the Objects of the Act despite the variation to the minor height breach.

Does the development remain within the public interest?

There is overall public benefit in maintaining the development standards, however, there is also benefit to providing flexibility in specific circumstances. Strict compliance with the development standards would waive the opportunity to provide a superior design outcome that is in keeping with the height, scale and character of the surrounding built form.

Council approves development applications which depart from the building height development standard with larger percentage variations than that of the proposed, subject to satisfactory environmental performance. On balance, the proposed variation to the building height development standard is considered to be an appropriate use of the provisions of Clause 4.6.

Conclusion

The contravention of the development standard in this case will not raise any issues of State or regional planning significance as it relates to local and contextual site conditions. The proposed works will provide for the housing needs of the residents by improving the functionality and amenity of the existing dwelling while retaining the low density character of the built form which will in turn assist in meeting local housing demand.

Variations under the provisions of Clause 4.6 are understood to be permitted in circumstances where the non-compliant development is found to be able to meet with the objectives of the zone, but does not expressly need to result in a better outcome than a compliant proposal. In this case, the proposed height of the dwelling is considered to meet

CLPP03

with the objectives of the zone and would result in a better outcome than the roof that exists and would therefore have a better overall outcome.

Numerical provisions such as building height are considered to be in force as a guide to achieve the objectives of the control. In this instance the objectives of the building height control are achieved through the proposed siting of the dwelling, despite the increase in building height. The variation is not anticipated to result in any detrimental impact to surrounding properties and despite the minor variation is largely compliant with Councils controls.

It is requested that Council consider this variation due to the minimal impact upon the surrounding properties and the public places. The proposed height will not have any detrimental impact beyond that of the existing dwelling or a compliant proposal.

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Attachment 4

The variation is not considered to result in any impact that would warrant strict compliance with the height controls. It is considered that such modifications would have no apparent benefit that is not already achieved.

Numerical provisions such as overall height is considered to be in force as a guide to achieve the objectives of the control. In this instance the objectives of the control are achieved, despite the variation to the height.

It is requested that Council consider this variation during the assessment of the development application.



Giselle Pineda  
Student Town Planner  
Local Consultancy Services Pty Ltd  
October 2021



Heritage NSW

Our ref: DOC22/41407

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

By email: [Cathryn.Fuller@camden.nsw.gov.au](mailto: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](mailto:heritagemailbox@environment.nsw.gov.au)

CLPP03

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.

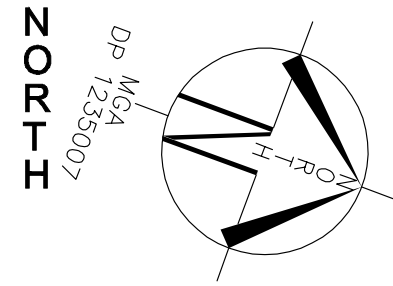
*Reason: To meet legislative requirements.*

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](mailto: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

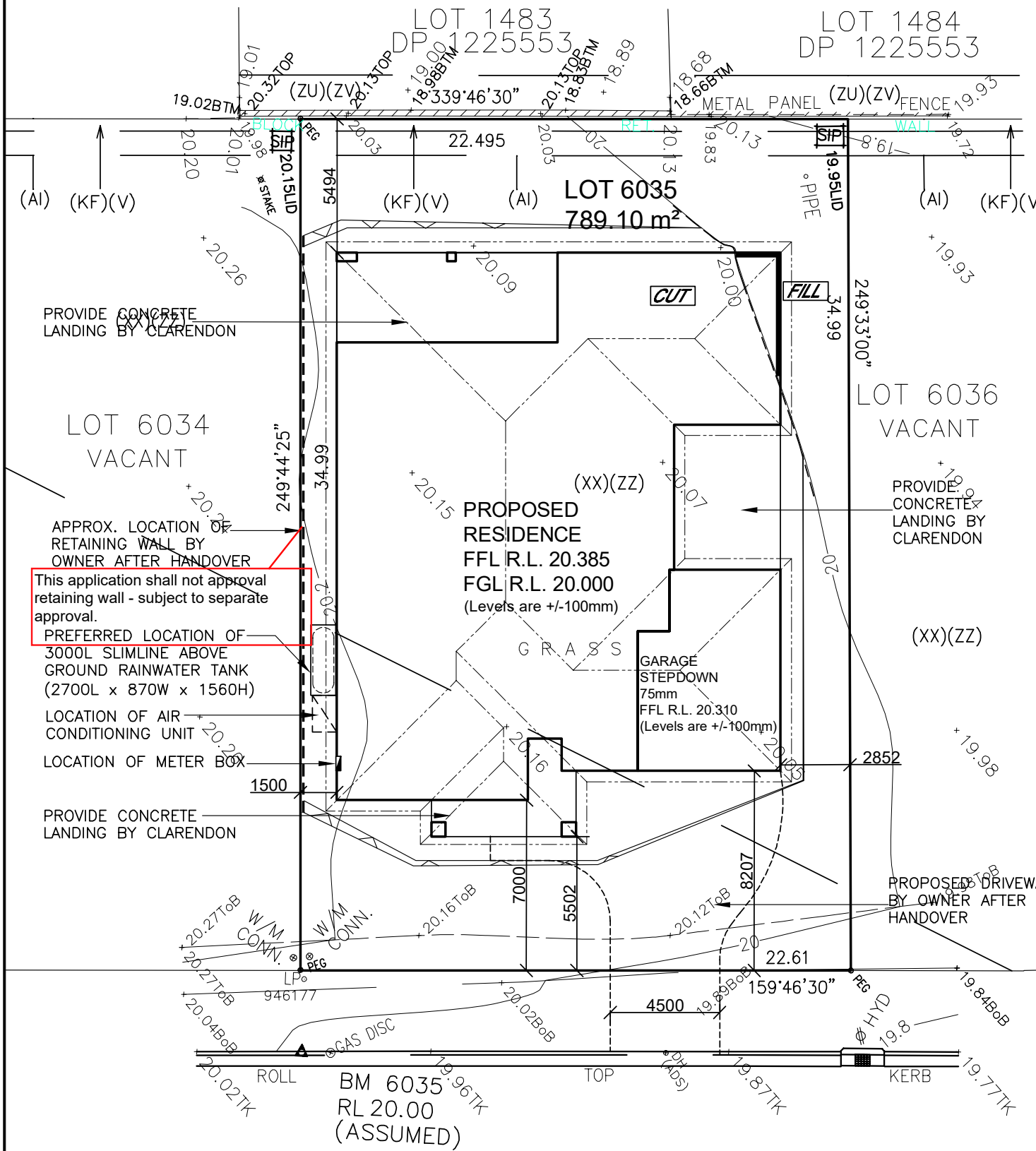


- (A1) EASEMENT TO DRAIN WATER 1.5 WIDE
- (KF) RESTRICTION ON THE USE OF LAND (0.5 WIDE)
- (V) POSITIVE COVENANT (No.8)
- (ZU) RESTRICTION ON THE USE OF LAND 1.8 WIDE (DP 1225553)
- (ZV) POSITIVE COVENANT 1.8 WIDE (DP 1225553)
- (XX) BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 1.5 WIDE (DP 1225553)
- (ZZ) BENEFITED BY RESTRICTION ON THE USE OF LAND (No.14) (DP 1208875)

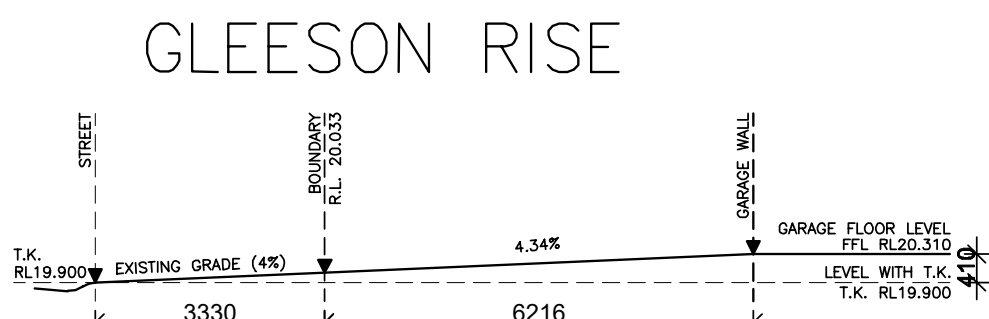
**LOT 6035**  
**D.P: 1235007**  
**L.G.A: CAMDEN**

**SITING HAS BEEN COMPLETED**  
**IN ACCORDANCE WITH**  
**CAMDEN GROWTH CENTRE DCP 2007**

|  |                       |
|--|-----------------------|
| <b>SITE AREA</b>   | 789.10 m <sup>2</sup> |
| <b>ROOF AREA</b>   | 427.40 m <sup>2</sup> |
| <b>SITE COVERAGE</b>   |                       |
| GROUND FLOOR COVERAGE:   | 337.44 m <sup>2</sup> |
| (EXCLUDES PORCH, ALFRESCO, DRIVEWAY, ETC.)   | 42.76 %               |
| <b>MAX. ALLOWABLE BY COUNCIL:</b>  | 50 %                  |
| <b>LANDSCAPED AREA</b>   |                       |
| TOTAL LANDSCAPE AREA:  | 332.15 m <sup>2</sup> |
| (EXCLUDES HARD SURFACES)   | 42.09 %               |
| <b>MIN. REQUIRED BY COUNCIL:</b>   | 30 %                  |
| <b>PRIVATE OPEN SPACE</b>  |                       |
| TOTAL OPEN SPACE AREA:   | 123.69 m <sup>2</sup> |
| (MIN. DIMENSION OF 4.0m)   |                       |
| <b>MIN. REQUIRED BY COUNCIL:</b>   | 24 m <sup>2</sup>     |
| <b>HEIGHT RESTRICTION</b>  |                       |
| MAXIMUM RIDGE HEIGHT   | 9.5 m                 |
| (F.F.L. MUST BE ACCURATE. CHANGES IN LEVELS MAY NOT COMPLY WITH REQUIREMENTS)  |                       |
| <b>WIND CLASSIFICATION: "N2"</b>   |                       |
| <b>SLAB CLASSIFICATION: "H1"</b>   |                       |
| <b>NOTE:</b>   |                       |
| ALL GROUND LINES ARE APPROXIMATE. EXTENT OF FILL & BATTER WILL BE DETERMINED ON SITE. SEDIMENT BARRIERS ARE TO BE CUSTOMISED SITE SPECIFIC |                       |



**NOTE:**  
 ALL GROUND LINES ARE APPROXIMATE. EXTENT OF FILL & BATTER WILL BE DETERMINED ON SITE. SEDIMENT BARRIERS ARE TO BE CUSTOMISED SITE SPECIFIC



**SALINE AFFECTED SOILS**  
 REFER TO ENGINEER'S DETAIL

**STORMWATER TO EASEMENT VIA RAINWATER TANK**

**SITE PLAN**

SCALE 1:200

GENERAL NOTES

- A) THIS SURVEY IS SPECIFICALLY FOR CONTOUR PURPOSES ONLY. THE BOUNDARIES OF THE SUBJECT PROPERTY HAVE NOT BEEN INVESTIGATED
- B) AREAS AND DIMENSIONS ARE SUBJECT TO SURVEY
- C) SERVICES SHOWN HAVE BEEN DERIVED FROM VISUAL EVIDENCE APPARENT AT THE TIME OF SURVEY. THE RELEVANT SERVICE AUTHORITY SHALL BE CONTACTED TO VERIFY THE EXISTENCE AND POSITION OF ALL SERVICES PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION OR EXCAVATION
- D) CONTOURS ARE INDICATIVE OF SURFACE TOPOGRAPHY ONLY. SURVEYED SPOT LEVELS ARE THE ONLY VALUES TO BE RELIED ON FOR REDUCED LEVELS ON PARTICULAR FEATURES.

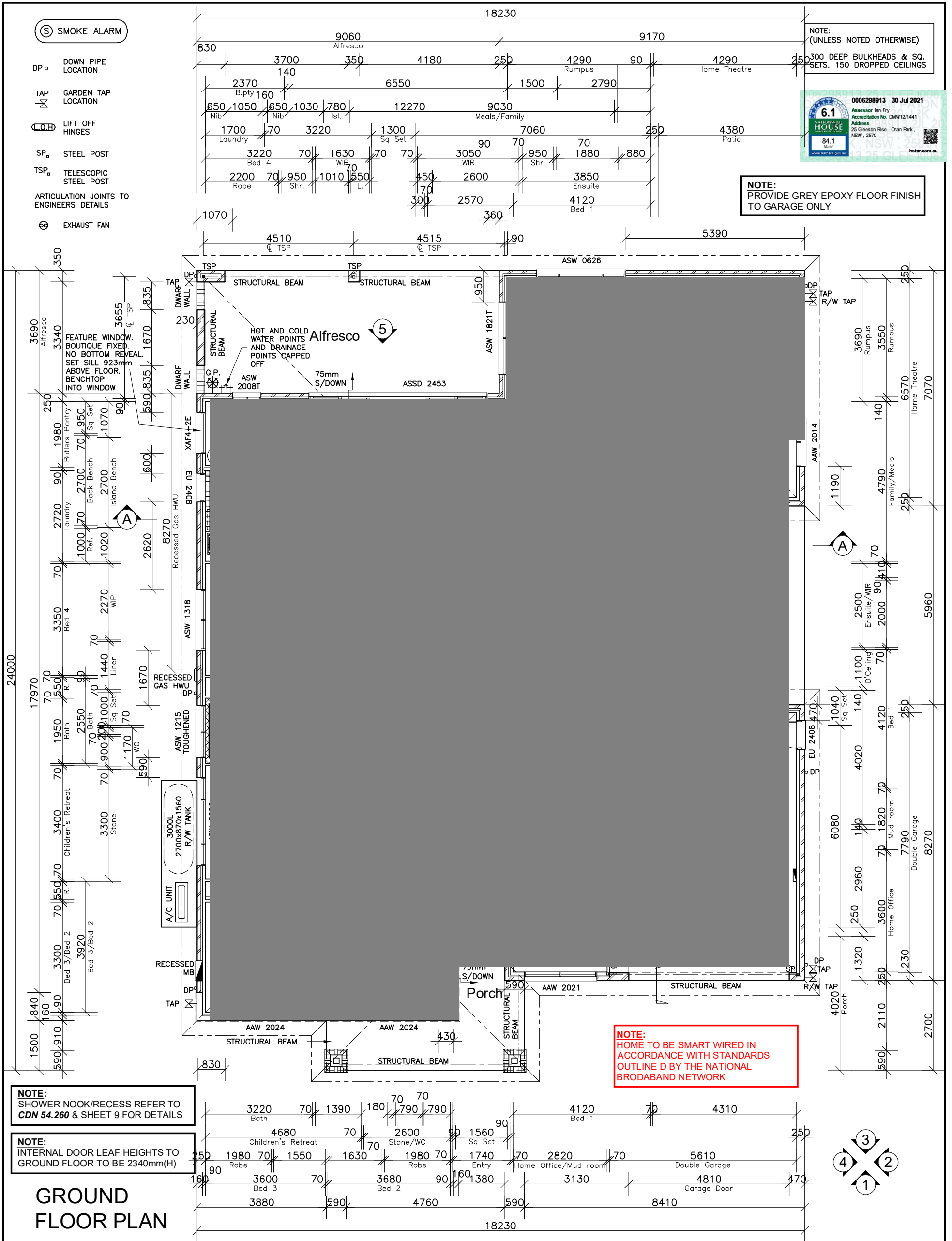
**DRIVEWAY GRADIENT PROFILE**

SCALE- 1:100

|   |  |  |  |  |   |        |
|---|--|--|--|--|---|--------|
| <b>ClarendonHomes</b><br>BL No. 2298C<br>ABN 18 003 892 706<br>Clarendon Homes (NSW) P/L<br>21 Solent Circuit, Baulkham Hills NSW 2153<br>T: (02) 8851 5300 | © ALL RIGHTS RESERVED<br>This plan is the property of CLARENDON HOMES (NSW) P/L. Any copying or altering of the drawing shall not be undertaken without written permission from CLARENDON HOMES (NSW) P/L.<br># ALL DIMENSIONS TO STRUCTURAL ELEMENTS. DIMENSIONS TO BE READ IN PREFERENCE TO SCALING. | PRODUCT:<br><b>LAKESIDE 31</b><br>Hamptons<br>R/H Garage<br>Sapphire Specification | CLIENT:<br>Mr. WITHERS<br>Mrs. WITHERS<br>SITE ADDRESS:<br>Lot 6035, No. 25<br>Gleeson Rise<br>ORAN PARK, 2570 | <b>DA DRAWINGS</b>                         |   |        |
|   |  |  |  | DRAWN: SM<br>RATIO @ A3: 1:200<br>SHEET: 2 | DATE: 03.03.21<br>CHECKED: SM<br>JOB No: 29914912 | Rev: K |

CLPP03

Attachment 6

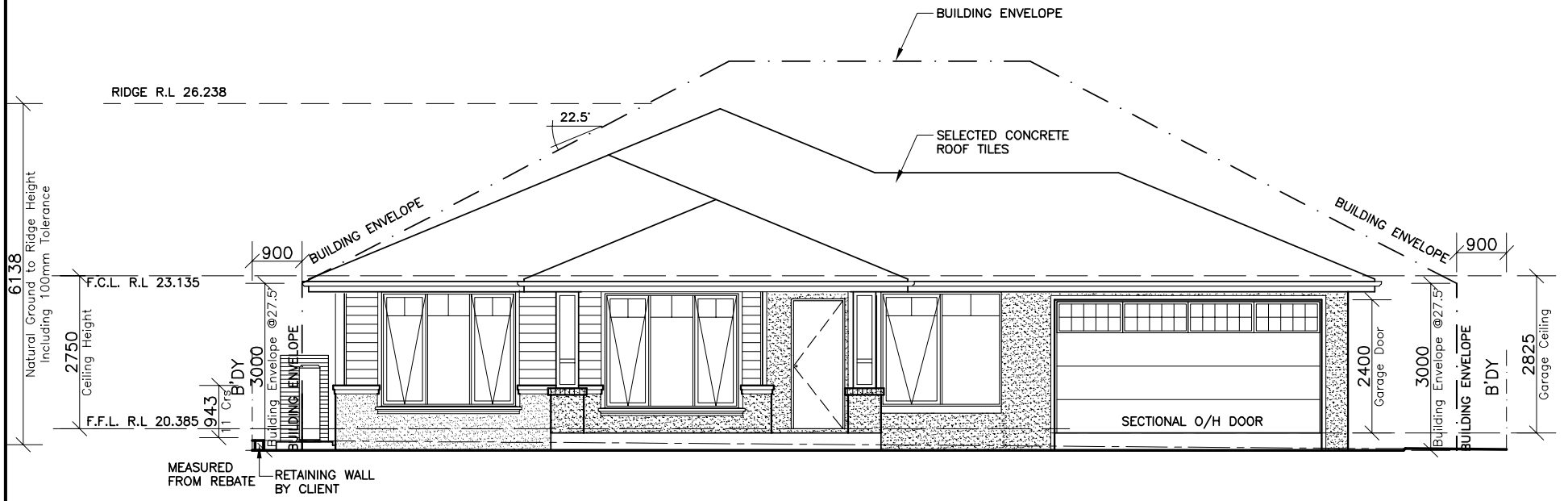


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| BL No. 2298C<br>ABN 18 003 892 706   |  |  |  |  |  |   |  | DRAWN:<br>PG.        | DATE:<br>26.03.21   | Rev: |
| Clarendon Homes (NSW) P/L<br>21 Solent Circuit, Baulkham Hills NSW 2153<br>T: (02) 8851 5300 |  |  |  |  |  |   |  | RATIO @ A3:<br>1:100 | CHECKED:<br>J.S     | K    |
|  |  |  |  |  |  |   |  | SHEET:<br>3          | JOB No:<br>29914912 |      |

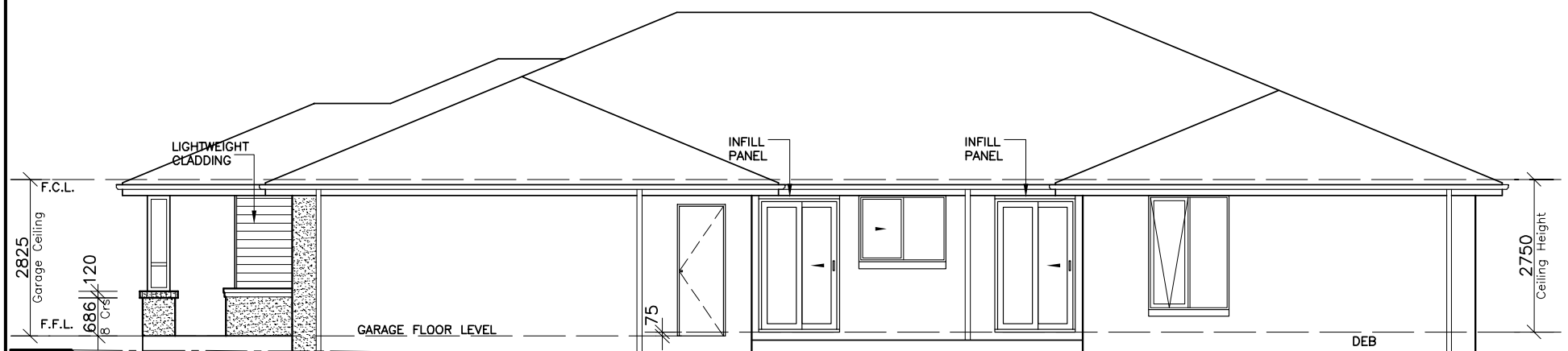
NOTE:  
REFER TO SHEETS 12 & 13 FOR ALL  
MOULDING & TIMBER TRIM DETAILS

NOTES:  
FOR DROP-OFF'S REFER  
TO FRAMING DETAILS  
CDN 21.010-21.080

 Selected Render Coating



ELEVATION 1  
-SOUTH EAST-



ELEVATION 2  
-NORTH EAST-



CLIENT'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

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ELEMENTS. DIMENSIONS TO BE READ  
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PRODUCT:  
**LAKESIDE 31**  
Hamptons  
R/H Garage  
Sapphire Specification

CLIENT:  
**Mr. WITHERS**  
**Mrs. WITHERS**  
SITE ADDRESS:  
Lot 6035, No. 25  
Gleeson Rise  
ORAN PARK, 2570

DA DRAWINGS

|                      |                     |      |
|----------------------|---------------------|------|
| DRAWN:<br>PG.        | DATE:<br>26.03.21   | Rev: |
| RATIO @ A3:<br>1:100 | CHECKED:<br>J.S     | K    |
| SHEET:<br>4          | JOB No:<br>29914912 | NSW  |

CLPP03

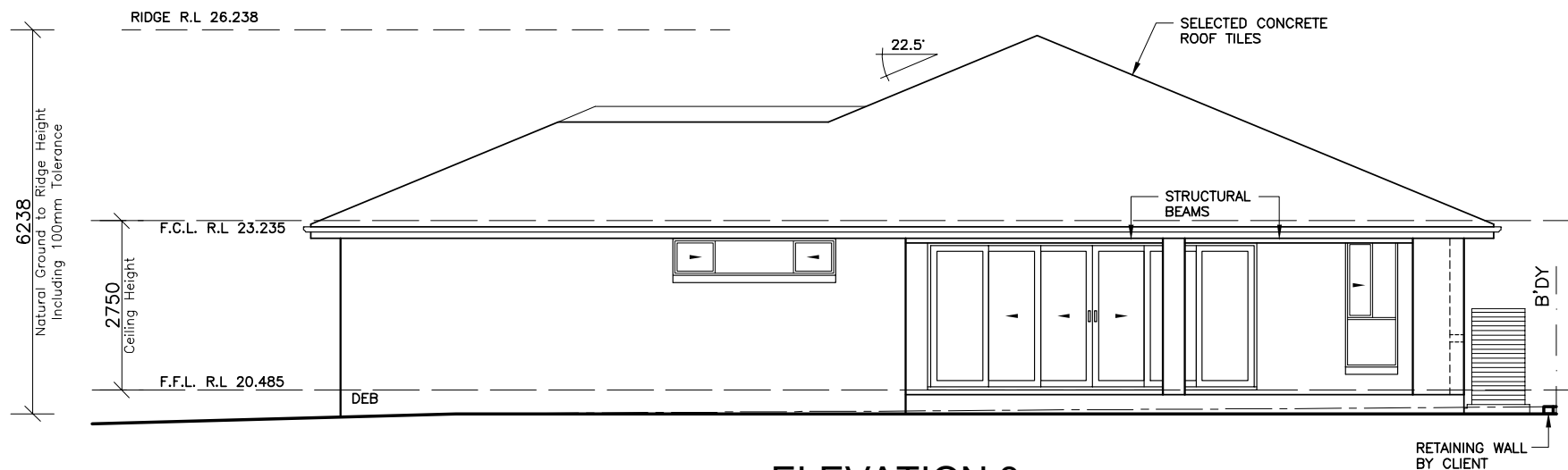
Attachment 6

NOTE:  
REFER TO SHEETS 12 & 13 FOR ALL  
MOULDING & TIMBER TRIM DETAILS

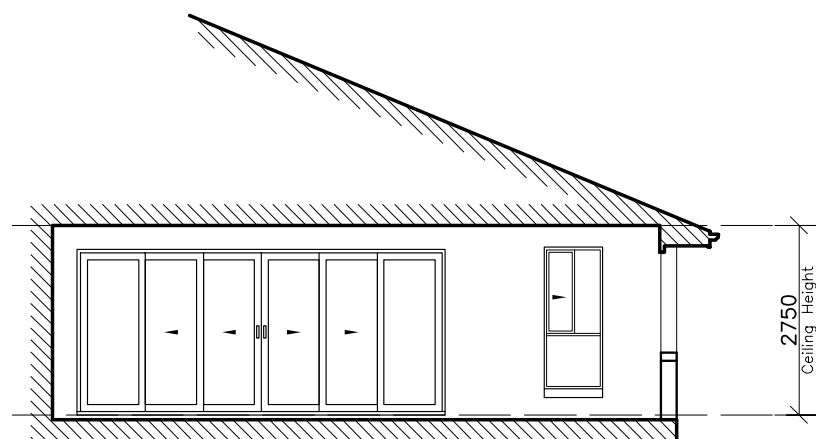
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FOR DROP-OFF'S REFER  
TO FRAMING DETAILS  
**CDN 21.010-21.080**



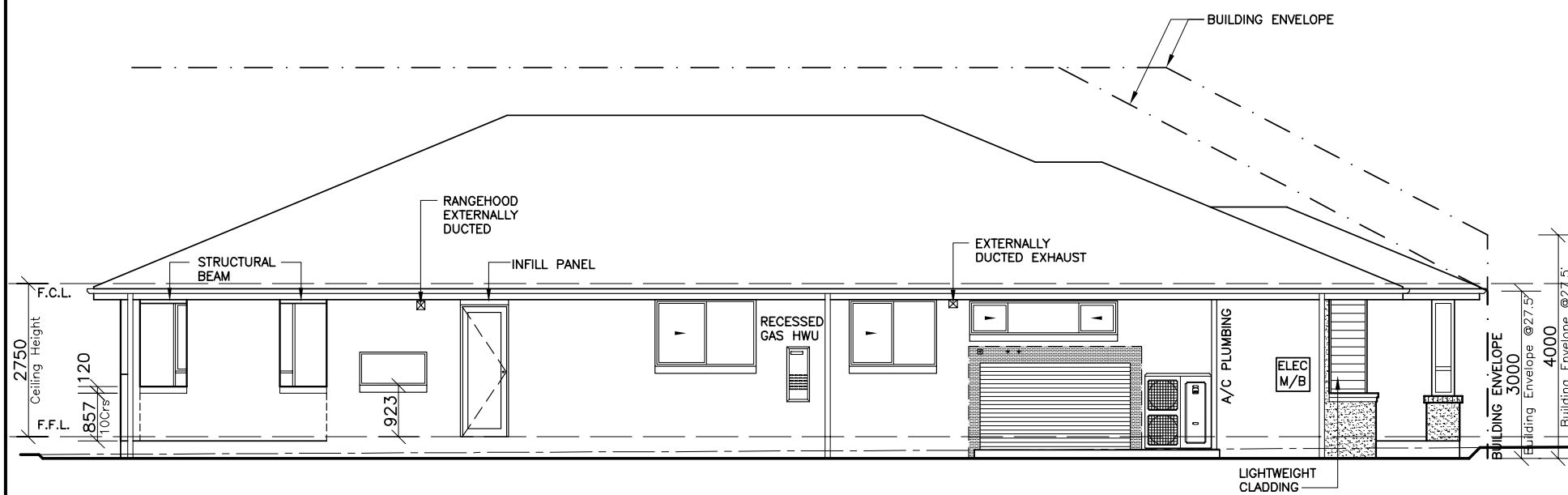
Selected Render Coating



ELEVATION 3  
-NORTH WEST-



ELEVATION 5



ELEVATION 4  
-SOUTH WEST-



CLIENT'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**ClarendonHomes**

BL No. 2298C  
ABN 18 003 892 706

Clarendon Homes (NSW) P/L  
21 Solent Circuit, Baulkham Hills NSW 2153  
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**LAKESIDE 31**  
Hamptons  
R/H Garage  
  
Sapphire Specification

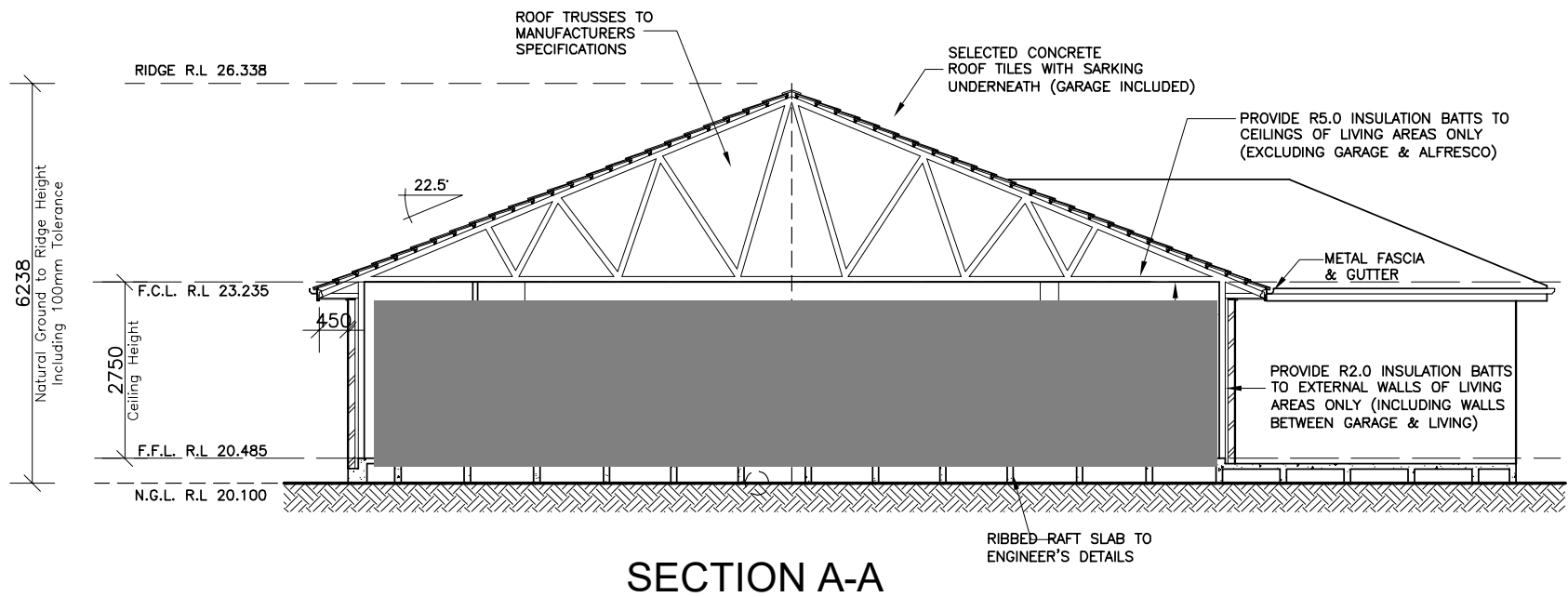
CLIENT:  
**Mr. WITHERS**  
**Mrs. WITHERS**  
  
SITE ADDRESS:  
Lot 6035, No. 25  
Gleeson Rise  
ORAN PARK, 2570

DA DRAWINGS

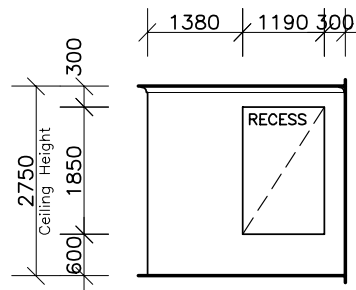
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| DRAWN:<br>PG.        | DATE:<br>26.03.21   | Rev: |
| RATIO @ A3:<br>1:100 | CHECKED:<br>J.S     | K    |
| SHEET:<br>5          | JOB No:<br>29914912 | NSW  |

**NOTE:**  
INTERNAL DOOR LEAF HEIGHTS TO  
GROUND FLOOR TO BE 2340mm(H)

PROVIDE R1.5 INSULATION BATTS TO  
INTERNAL WALLS OF LAUNDRY AND BATH



SECTION A-A



HALLWAY DETAIL

SCALE: 1:100  
VIEWED FROM ENTRY

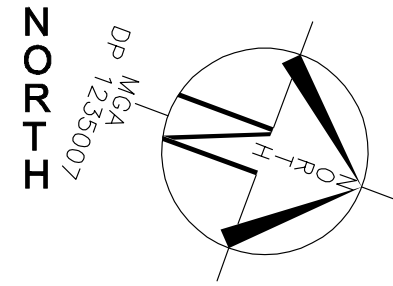


|                                       |  |   |  |  |  |  |  |   |  |  |
|---------------------------------------|--|---|--|--|--|--|--|---|--|--|
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|---------------------------------------|--|---|--|--|--|--|--|---|--|--|

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 BL No. 2298C  
 ABN 18 003 892 706  
 Clarendon Homes (NSW) P/L  
 21 Solent Circuit, Baulkham Hills NSW 2153  
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CLPP03

Attachment 6

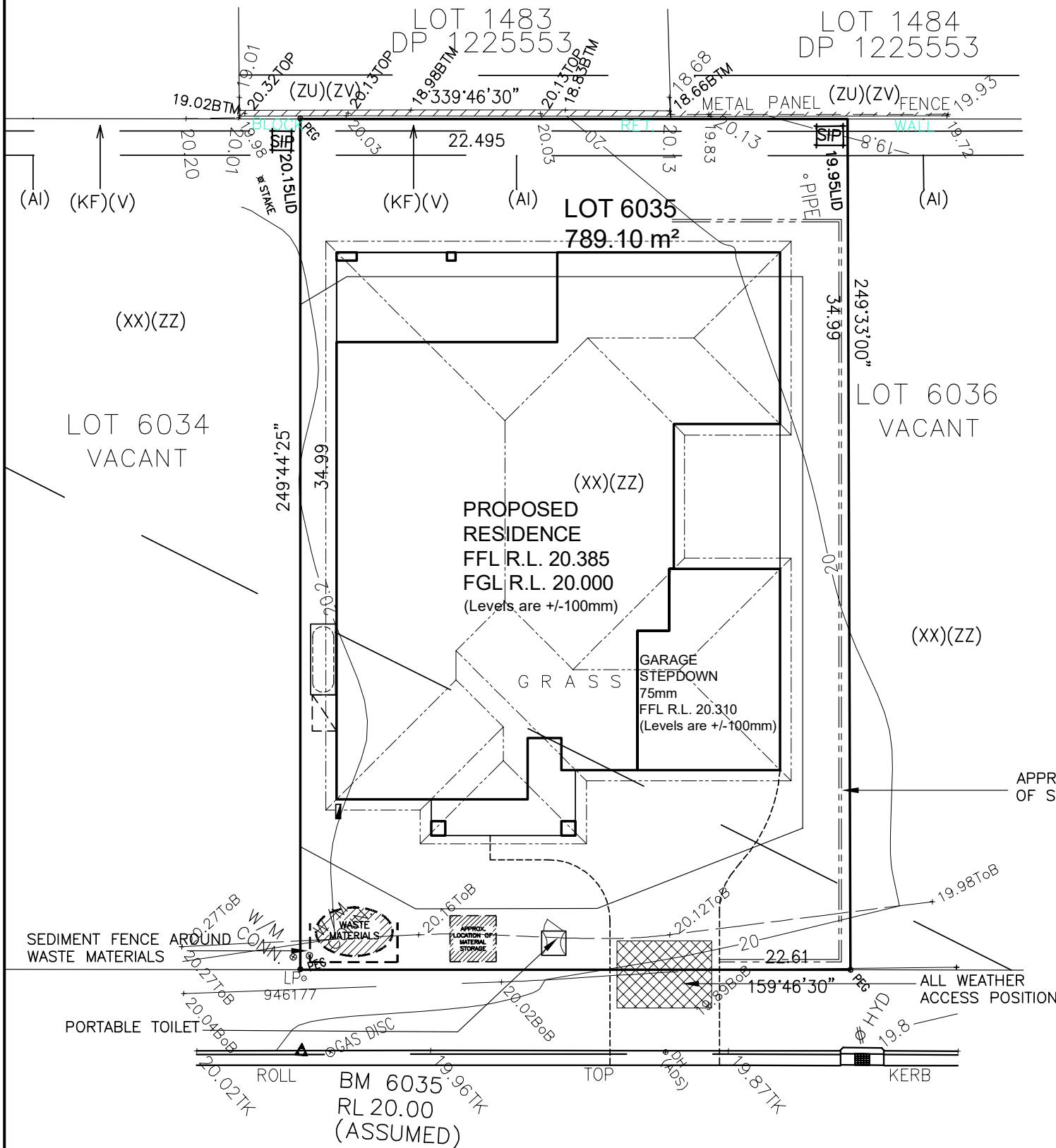


- (A1) EASEMENT TO DRAIN WATER 1.5 WIDE
- (KF) RESTRICTION ON THE USE OF LAND (0.5 WIDE)
- (V) POSITIVE COVENANT (No.8)
- (ZU) RESTRICTION ON THE USE OF LAND 1.8 WIDE (DP 1225553)
- (ZV) POSITIVE COVENANT 1.8 WIDE (DP 1225553)
- (XX) BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 1.5 WIDE (DP 1225553)
- (ZZ) BENEFITED BY RESTRICTION ON THE USE OF LAND (No.14) (DP 1208875)

**LOT 6035**  
**D.P: 1235007**  
**L.G.A: CAMDEN**

---

**SITING HAS BEEN COMPLETED**  
**IN ACCORDANCE WITH**  
**CAMDEN GROWTH CENTRE DCP 2007**



**NOTE:**  
 TEMPORARY SECURITY FENCING TO THE PERIMETER OF THE BOUNDARY WHERE REQUIRED TO PREVENT PUBLIC ACCESS ONTO THE SITE

**NOTE:**  
 GROUND LINES ARE APPROXIMATE. EXTENT OF CUT AND FILL BATTERS WILL BE DETERMINED ON SITE. SEDIMENT BARRIERS ARE CUSTOMISED TO SITE CONDITIONS

**SEDIMENT CONTROL NOTES**

1. ALL EROSION AND SEDIMENTATION CONTROL MEASURES, INCLUDING REVEGETATION AND STORAGE OF SOIL AND TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW AND INSPECTED DAILY BY THE SITE MANAGER.
2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED AND STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE x 300mm DEEP TRENCH.
4. ALL SEDIMENT BASINS AND TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 60% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
6. SOIL AND TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES AND AREA WHERE WATER MAY CONCENTRATE. ALL ROADS AND FOOTPATHS TO BE SWEEP DAILY.
7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT) BETWEEN POST AT 3.0m CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.
8. DUST PREVENTION MEASURES TO BE MAINTAINED AT ALL TIMES.

**SEDIMENT FENCE**  
 NOT TO SCALE

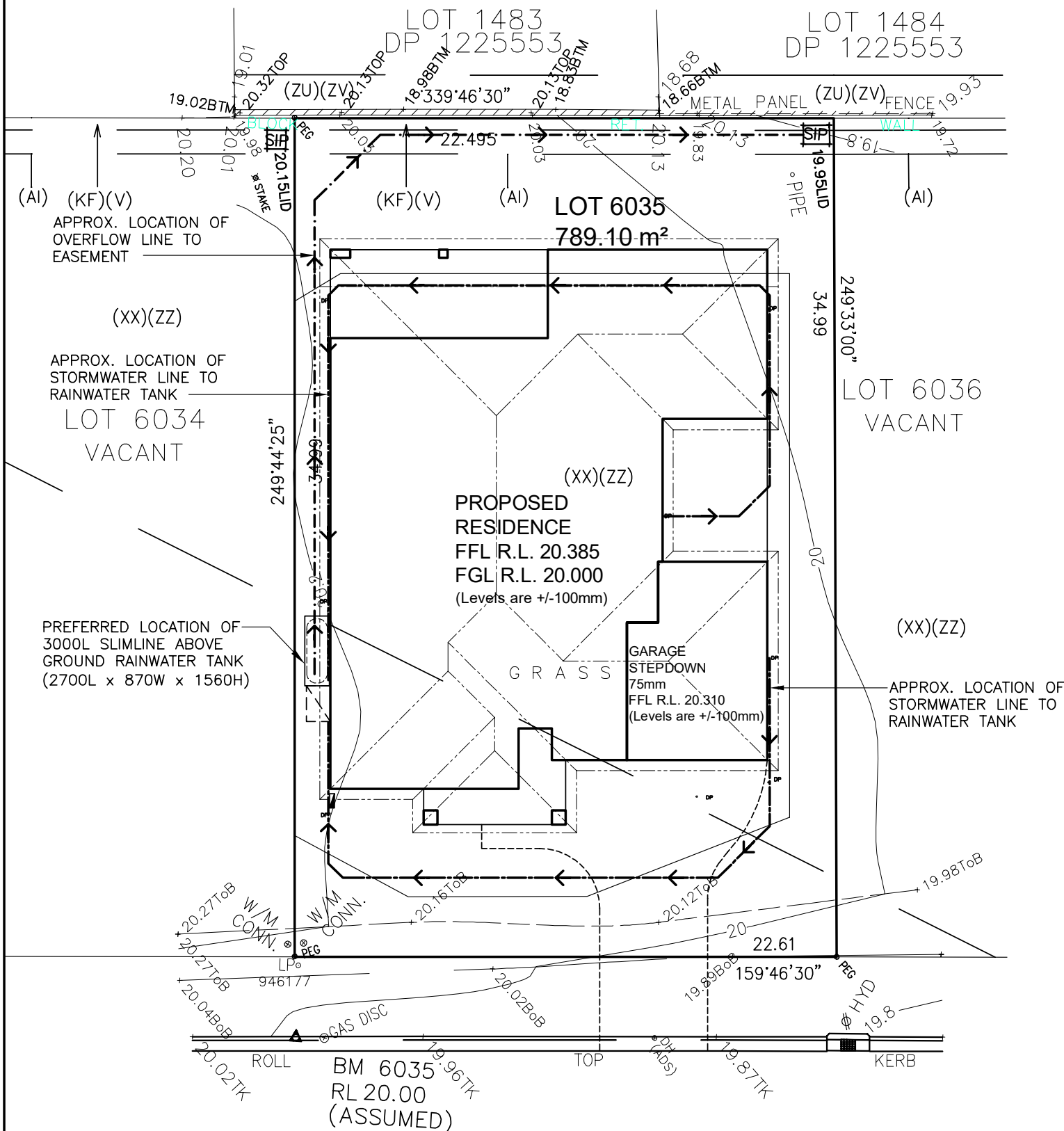
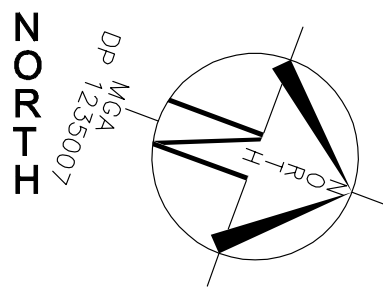
## CONSTRUCTION MANAGEMENT PLAN EROSION AND SEDIMENT CONTROL PLAN

|   |  |   |   |  |               |                   |      |  |                      |                 |          |  |               |
|---|--|---|---|--|---------------|-------------------|------|--|----------------------|-----------------|----------|--|---------------|
| CLIENT'S SIGNATURE: _____   | DATE: _____  |   |   |  |               |                   |      |  |                      |                 |          |  |               |
| <p>BL No. 2298C<br/>                 ABN 18 003 892 706</p> <p>Clarendon Homes (NSW) P/L<br/>                 21 Solent Circuit, Baulkham Hills NSW 2153<br/>                 T: (02) 8851 5300</p> | <p>© ALL RIGHTS RESERVED<br/>                 This plan is the property of CLARENDON HOMES (NSW) P/L. Any copying or altering of the drawing shall not be undertaken without written permission from CLARENDON HOMES (NSW) P/L.</p> <p><b># ALL DIMENSIONS TO STRUCTURAL ELEMENTS. DIMENSIONS TO BE READ IN PREFERENCE TO SCALING.</b></p> | <p>PRODUCT:<br/> <b>LAKESIDE 31</b><br/>                 Hamptons<br/>                 R/H Garage</p> <p>Sapphire Specification</p> | <p>CLIENT:<br/>                 Mr. WITHERS<br/>                 Mrs. WITHERS</p> <p>SITE ADDRESS:<br/>                 Lot 6035, No. 25<br/>                 Gleeson Rise<br/>                 ORAN PARK, 2570</p>   |  |               |                   |      |  |                      |                 |          |  |               |
|   |  |   | <p><b>DA DRAWINGS</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">DRAWN:<br/>PG.</td> <td style="width: 25%;">DATE:<br/>26.03.21</td> <td style="width: 25%;">Rev:</td> <td style="width: 25%;"></td> </tr> <tr> <td>RATIO @ A3:<br/>1:200</td> <td>CHECKED:<br/>J.S</td> <td colspan="2" style="text-align: center; font-size: 2em;"><b>K</b></td> </tr> <tr> <td>SHEET:<br/>2.1</td> <td>JOB No:<br/>29914912</td> <td colspan="2" style="text-align: center; font-size: 1.5em;"><b>NSW</b></td> </tr> </table> |  | DRAWN:<br>PG. | DATE:<br>26.03.21 | Rev: |  | RATIO @ A3:<br>1:200 | CHECKED:<br>J.S | <b>K</b> |  | SHEET:<br>2.1 |
| DRAWN:<br>PG.   | DATE:<br>26.03.21  | Rev:  |   |  |               |                   |      |  |                      |                 |          |  |               |
| RATIO @ A3:<br>1:200  | CHECKED:<br>J.S  | <b>K</b>  |   |  |               |                   |      |  |                      |                 |          |  |               |
| SHEET:<br>2.1   | JOB No:<br>29914912  | <b>NSW</b>  |   |  |               |                   |      |  |                      |                 |          |  |               |

**LOT 6035**  
**D.P: 1235007**  
**L.G.A: CAMDEN**

SITING HAS BEEN COMPLETED  
 IN ACCORDANCE WITH  
 CAMDEN GROWTH CENTRE DCP 2007

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- (ZZ) BENEFITED BY RESTRICTION ON THE USE OF LAND (No.14) (DP 1208875)



**CONCEPT STORMWATER MANAGEMENT PLAN**

**STORMWATER TO EASEMENT VIA RAINWATER TANK**

|  |  |  |  |  |  |  |  |   |  |
|--|--|--|--|--|--|--|--|---|--|
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| ClarendonHomes<br>BL No. 2298C<br>ABN 18 003 892 706<br>Clarendon Homes (NSW) P/L<br>21 Solent Circuit, Baulkham Hills NSW 2153<br>T: (02) 8851 5300 |  |  |  |  |  |  |  |   |  |



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# LIFESTYLE




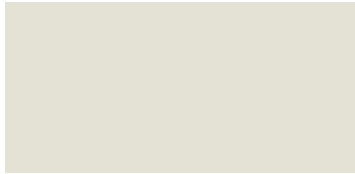
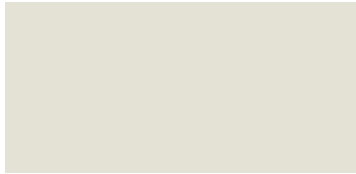

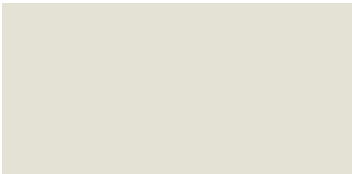


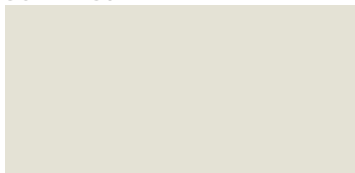

## - STUDIO -

### BY CLARENDON HOMES

CLPP03

|                      |   |                    |                        |
|----------------------|---|--------------------|------------------------|
| <b>Client:</b>       | Mr Grant Andrew & Mrs Charlotte Withers   |                    |                        |
| <b>Site Address:</b> | Lot 6035, Gleeson Rise ORAN PARK NSW 2570 |                    |                        |
| <b>Job Number:</b>   | 29914912                                  | <b>House Type:</b> | Lakeside 31 – Hamptons |
| <b>Date Issued:</b>  | 28.06.2021                                | <b>Developer:</b>  | Catherine Park Estate  |

|                           |        |                           |       |
|---------------------------|--------|---------------------------|-------|
| <b>Roof BASIX Rating:</b> | Medium | <b>Wall BASIX Rating:</b> | Light |
|---------------------------|--------|---------------------------|-------|

|  |  |   |
|--|--|---|
| <b>Main Brick: Austral, Wilderness – Silver Birch</b><br> | <b>Feature: Render Colour: Shale Grey CB21</b><br>                                | <b>Roof Type/Style: Colorbond Colour: Windspray</b><br>    |
| <b>Window Frame Colour: Surfmist</b><br>                 | <b>Gutter: Surfmist Fascia: Surfmist</b><br>                                     | <b>Downpipes: Shale Grey Watertank: Woodland Grey</b><br> |
| <b>Front Entry Door Colour: Surfmist CB23</b><br>       | <b>Lightweight Cladding: Shale Grey CB21</b><br>                                | <b>Garage Door Type: Stockton ranch w/Windows</b><br>    |
| <b>Garage Door Colour: Surfmist</b><br>                 | <b>Driveway Type: Exposed Aggregate</b><br><b>*By client after handover</b><br> | <b>Letterbox: To compliment facade</b><br><b>*By client after handover</b>  |

Attachment 6

NOTE: Colours are indicative only and should not be used as a true representation of the product.

DocuSigned by:  Date 05 April 2022 | 2:55 PM AEST  
 C1430560CBFF4AC...

**ClarendonColourStudio** Consultant: Olivia Mercer P: 02 8850 9089  
 E: omercer@clarendon.com.au



**CLPP04**

**CLPP04**

**SUBJECT: DA/2021/1698/1 - ALTERATIONS AND ADDITIONS TO EXISTING DWELLING - 5 MENANGLE ROAD, CAMDEN**  
**EDMS #: 22/160717**

|  |   |
|--|---|
| DA Number:                             | 2021/1698/1                                       |
| Development:                           | Alterations and additions to an existing dwelling |
| Estimated Cost of Development:         | \$200,000   |
| Site Address(es):                      | 5 Menangle Road, Camden                           |
| Applicant:                             | Black Cow Studio                                  |
| Owner(s):                              | Mr B. Edwards                                     |
| Number of Submissions:                 | Two submissions received                          |
| Development Standard Contravention(s): | None  |
| Classification:                        | Local development                                 |
| Recommendation:                        | Approve with conditions                           |
| Panel Referral Criteria:               | Partial demolition of a local heritage item       |
| Report Prepared By:                    | Annabelle Jones, Town 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 alterations and additions to an existing dwelling at 5 Menangle Road, Camden.

The Panel is to exercise Council’s consent authority functions for this DA as, pursuant to the Minister for Planning’s Section 9.1 Direction, the development involves the partial demolition of a local heritage item.

**SUMMARY OF RECOMMENDATION**

That the Panel determine DA/2021/1698/1 for alterations and additions to an existing dwelling pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

**EXECUTIVE SUMMARY**

Council is in receipt of a DA for alterations and additions to an existing dwelling at 5 Menangle Road, Camden.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 16 to 29 November 2021 and two submissions were received. Neither of these objected to the proposal, however they raised concerns about the level of detail provided in the submitted Heritage Impact Statement (HIS), and in particular, with regard to the proposed roof. Clarification was also sought on the extent of original fabric to be demolished.

Council staff raised similar concerns during a preliminary assessment of the DA and requested the applicant to provide an amended HIS and plans which satisfactorily addressed the extent of changes proposed. The amended documents were provided to both submitters, who later both confirmed their concerns were fully addressed, subject to ensuring that the new window and door openings were constructed of timber to match the original dwelling. The applicant provided further revised plans agreeing to this request.

The subject site is zoned B4 – Mixed Use under Camden Local Environmental Plan 2010. While ‘dwelling houses’ are a prohibited form of development in the zone, the subject dwelling house has existing use rights. The site will retain its current use as a private residence and the proposed alterations and additions will not create any conflict with any adjoining land uses. The works will ensure that the subject heritage item is suitably adapted and maintained for continued use as a private residence.

There are no development standard contraventions proposed. Two minor DCP variations are proposed for the southern side setback (362mm instead of 900mm) and the height of finished floor level above natural ground level. The variations are assessed in detail 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 DEVELOPMENT CONTROL VARIATIONS**

| Camden DCP 2019 Control   | Proposed  |
|---|---|
| Side setback: Minimum 900mm   | 360mm to southern side                                  |
| Finished floor level (FFL) above natural ground level (NGL): Maximum 1m | Dwelling 1.9m above NGL<br>Alfresco deck 2.1m above NGL |

**AERIAL PHOTO**

**CLPP04**



**THE SITE**

The subject site is known as 5 Menangle Road, Camden and is legally described as Lot 1 in DP 927039.

The site is located on land zoned B4 Mixed Use and is identified as local heritage item I62 - “Cottage” under Schedule 5 of the Camden Local Environmental Plan 2010. The site is also located within Camden’s Heritage Conservation Area and is in proximity to other local heritage items including various dwellings and the State listed St John’s Church, on the opposite side of Menangle Road to the north east.

The site contains an early 1900’s single storey weatherboard cottage with some later additions to the rear. The dwelling is in good condition, with a wraparound verandah at the front and bullnose metal roof with timber posts and decorative supports. The site slopes down away from Menangle Road and a detached shed exists in the rear north western corner. There are no significant trees or vegetation immediately adjacent to the dwelling or within the site.

CLPP04

SITE PHOTOGRAPHS



**ZONING PLAN**



**HERITAGE MAP**



**HISTORY**

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

| Date            | Development  |
|-----------------|--|
| 8 December 1981 | BA/1981/629 issued for carport adjacent to front verandah (has since been demolished).       |
| 29 June 1982    | BA/1982/264 issued for garage (detached shed which remains in-situ to the rear of the site). |

## THE PROPOSAL

DA/2021/1698/1 seeks approval for alterations and additions to an existing dwelling.

Specifically, the development involves:

- demolition of the existing rear wall, laundry, undercroft storage and rear access stairs;
- reconfiguration of the existing laundry and bathroom and extension of existing family/dining room and kitchen, including new timber windows and bi-fold doors;
- construction of an enlarged rear deck with metal lattice privacy screens to both sides (1.6m high) and stairs down to rear garden;
- restoration of existing front window hood (cleaned and repainted) and repainting of all existing timber window frames from “subtle khaki” to “antique white USA”;
- installation of a new timber picket front fence with “acorn” profile, painted “antique white USA”; and
- removal of broken concrete slabs in driveway and extension of two existing concrete wheel strips to detached metal garage.

The estimated cost of the development is \$200,000.

## ASSESSMENT

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

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

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

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- Camden Local Environmental Plan 2010.

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

Chapter 9 of the SEPP aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is consistent with the aim of SREP 20 and all of its planning controls. There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the development. Appropriate erosion, sediment and water pollution control measures have been proposed as part of the development.



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

A BASIX Certificate was submitted with the application indicating that the proposal achieves full compliance with the BASIX requirements. Conditions are recommended to ensure the BASIX Certificate is updated to reflect the heritage requirement for timber windows (rather than aluminium) as shown on the amended plans and to ensure all other BASIX commitments are implemented into the development.

### 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.

The site history demonstrates that the subject site has only been used for residential purposes and it is assessed that the land is suitable for the proposed ongoing residential use.

### Camden Local Environmental Plan 2010 (Camden LEP)

#### *Site Zoning*

The site is zoned B4 Mixed Use pursuant to Clause 2.2 of the Camden LEP.

#### *Land Use/Development Definitions*

The development is characterised as alterations and additions to an existing 'dwelling house' by the Camden LEP.

#### *Permissibility*

While 'dwelling houses' are a prohibited form of development in the zone, the subject dwelling house has existing use rights. The site will retain its current use as a private residence and the proposed alterations and additions will not create any conflict with any adjoining land uses. The works will ensure that the subject heritage item is suitably adapted and maintained for continued use as a private residence.

The proposal is consistent with the objectives of the B4 zone.

#### *Planning Controls*

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

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

The development is consistent with the Draft Remediation SEPP in that the land is suitable for the proposed ongoing residential use.

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

Camden Development Control Plan 2019 (Camden DCP)

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

*DCP Variation 1 – Section 4.2.4 (Side Setback)*

The DCP requires minimum side setbacks of 900mm, while the proposal includes a 360mm dwelling setback on the southern side.

*Variation Assessment*

The variation is supported for the following reasons:

- the proposed dwelling extension is only 1.2m longer towards the rear than the existing rear addition, therefore the additional impact will be minimal;
- no new window openings are proposed in this southern side wall, which will enclose the reconfigured laundry, kitchen and pantry area and the existing window at this location will be closed in. Therefore, there will be no direct sightlines from any living room windows into the adjoining property;
- efforts have been made to provide an increased side setback (1.410m) to the new alfresco deck, which will provide a total building separation of 4m to the dwelling to the south, which is 2.2m in excess of what the DCP requires. As a result, reasonable privacy and acoustic amenity will be achieved;
- the continuation of this setback for the dwelling extension will enable the existing floor to be fully retained; and
- the setback will enable a seamless construction of the side wall cladding to be attached to the original dwelling.

*DCP Variation 2 – Section 4.2.5 (Height, Site Coverage and Siting)*

The DCP permits a maximum finished floor level (FFL) of 1m above natural ground level (NGL). The proposal includes a FFL of 1.9m above NGL for the dwelling and 2.1m above NGL for the alfresco deck.

### *Variation Assessment*

This variation is supported for the following reasons:

- a 23m setback is proposed from the alfresco deck to the rear boundary;
- as visible in the aerial photo above, the lot to the rear (west) contains a detached shed and carport adjacent to the subject rear boundary, therefore no active private open space will be overlooked; and
- 1.6m high metal “lattice” privacy screens will be provided to both sides of the alfresco deck, further mitigating potential privacy impacts to either side.

Consequently, it is recommended that the Panel support these two proposed variations to the Camden DCP.

***(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.

The development has been assessed against the

***(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 16 to 29 November 2021. Two submissions were received. Neither of these objected to the proposal. The following discussion addresses the issues raised in the submissions.

1. *Concerns raised about insufficient detail provided in the submitted Heritage Impact Statement (HIS) for a locally listed heritage item. The extent of changes to the original heritage fabric is unclear. If the rear wall being demolished is original, then this should not be supported.*

Officer comment:

Council staff raised similar concerns and requested an amended HIS and plans to fully demonstrate the proposed impacts and what alternate options were considered. The revised information was reviewed by Council staff and a site inspection was undertaken with the owner and architect. This revealed that the existing rear skillion roof and multiple cladding profiles indicate that the existing laundry and family/dining room are likely to have been later additions to the original cottage; although their exact date of construction is unknown. These areas are not entirely unsympathetic; however, they do not fully comply with current building standards and their removal to enable adaptation of the existing floor plan is supported by Council's Heritage Officer.

2. *Concerns raised that the larger shaped roofline with a hipped, but flatter angle to the rear may detract from the significance of the cottage. It is not clear how the new and old roof meet.*

Officer comment:

The amended HIS now adequately demonstrates that the alternate option of extending the new skillion roof the whole way over the alfresco deck would result in an alfresco ceiling height of 2m, which is not practical and will provide low amenity for current and future residents. The amended elevation and section plans also sufficiently show that the new skillion roof will be kept beneath the existing roofline, with a streamlined join.

3. *Concerns raised about the compatibility of replacement materials and construction, with particular regard to new aluminum windows.*

Officer comment:

This issue was reiterated by one of the submitters after reviewing the first set of amended plans. The plans and materials and colours schedule were then amended a final time and now include labelling for new timber windows and doors to match the original ones. It is now considered that all issues raised in the submissions have been satisfactorily addressed.

**(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 approve DA/2021/1698/1 for alterations and additions to an existing dwelling at 5 Menangle Road, Camden, subject to the conditions attached to this report.**

### REASONS FOR DETERMINATION

1. The development is consistent with the objectives of the applicable environmental planning instruments, being State Environmental Planning Policy (Biodiversity and Conservation) 2021; State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004; State Environmental Planning Policy (Resilience and Hazards) 2021; and Camden Local Environmental Plan 2010.
2. The development is consistent with the objectives of Camden Development Control Plan 2019.
3. The development is considered to be of an appropriate scale and form for the site and the character of the locality.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

### ATTACHMENTS

1. Recommended Conditions
2. Camden LEP Assessment Table
3. Camden DCP Assessment Table
4. Architectural Plans

## Recommended Conditions

### 1.0 - General Conditions of Consent

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

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

| Plan Reference/<br>Drawing No. | Name of Plan          | Prepared by      | Date       |
|--------------------------------|-----------------------|------------------|------------|
| 18-10, Dwg.<br>DC-01, Rev. D   | Site Plan             | Black Cow Studio | 28/03/2022 |
| 18-10, Dwg.<br>DC-00, Rev. D   | Demolition Plan       | Black Cow Studio | 28/03/2022 |
| 18-10, Dwg.<br>DC-02, Rev. D   | Floor Plan            | Black Cow Studio | 28/03/2022 |
| 18-10, Dwg.<br>DC-03, Rev. D   | Elevations            | Black Cow Studio | 28/03/2022 |
| 18-10, Dwg.<br>DC-04, Rev. D   | Elevation and Section | Black Cow Studio | 28/03/2022 |
| 18-10, Dwg.<br>DC-05, Rev. D   | Stormwater Plan       | Black Cow Studio | 28/03/2022 |
| 18-10, Dwg.<br>DC-61, Rev. D   | Finishes Schedule     | Black Cow Studio | 28/03/2022 |

| Document Title  | Prepared by      | Date       |
|---|------------------|------------|
| BASIX Certificate No. A437773<br>Note – This certificate is required to be amended, as per condition 1.0(2) | Lenard Anderson  | 28/10/2021 |
| Waste Management Plan   | Black Cow Studio | 01/10/2021 |
| Heritage Impact Statement, Revision 3   | Black Cow Studio | 22/02/2022 |

- (2) **Modified Documents and Plans** - The development shall be modified as follows:
- a) BASIX Certificate No. A437773 dated 28/10/2021 is required to be updated to enable the window materials for windows W1 and W2 to be constructed of timber frames, not aluminium.
  - b) The new front fence shall have a maximum height of 1.2m from natural ground level and minimum apertures of 25mm between each timber fence paling.

Amended plans or documentation demonstrating compliance shall be provided to the certifier and Council prior to the issue of any 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 consent applies.
- (4) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the

BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

- (5) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the principal certifier for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
    - i) has been informed in writing of the name and licence number of the principal contractor; and
    - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
  - b) in the case of work to be carried out by an owner-builder;
    - i) has been informed in writing of the name of the owner-builder; and
    - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.

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

This clause does not apply:

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

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

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

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

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

## 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) **Smoke Alarms** - In accordance with the EP&A Regulation 2021, where not existing, smoke detectors complying with AS 3786 shall be installed. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (2) **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.
- (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) **Salinity (Dwellings and Outbuildings)** – The approved development must comply with the salinity management requirements of Council's Engineering Specifications and the National Construction Code.  
  
Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (5) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.
- (6) **Appropriate Heritage Knowledge and Experience** – All works must be carried out under the supervision of a tradesperson or heritage consultant with knowledge and experience in heritage conservation related to the work being undertaken.
- (7) **Archival Recording** - An archival record of the existing building(s) and site shall be completed and provided to the accredited certifier and Council for the subject property. The recording shall be in accordance with the NSW Heritage Office guidelines "Photographic Recording of Heritage Items using Film or Digital Capture" (2006) (or as amended).
- (8) **Heritage Management Document** - A report prepared by a suitably qualified heritage consultant demonstrating compliance with the recommendations of the heritage management document shall be provided to the accredited certifier and Council.

### 3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.



- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
  - b) the address of the land on which the work is to be carried out;
  - c) the registered number and date of issue of the relevant development consent;
  - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
  - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
- a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
  - b) a description of the work to be carried out;
  - c) the address of the land on which the work is to be carried out;
  - d) the registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
  - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
  - b) a principal certifier has been appointed by the person having benefit of the development consent;
  - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
  - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and

- e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- that unauthorised entry to the work site is prohibited;
  - 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
  - the name, address and telephone number of the principal certifier.

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

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

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

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

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

#### 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 existing drainage system.

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

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

- (4) **Site Management** - The following practices are to be implemented during construction:
- a) stockpiles of topsoil, sand, aggregate, spoil or other material shall be kept clear of any drainage path, easement, natural watercourse, kerb or road surface and shall have measures in place to prevent the movement of such material off site;
  - b) builder's operations such as brick cutting, washing tools, concreting and bricklaying shall be confined to the building allotment. All pollutants from these activities shall be contained on site and disposed of in an appropriate manner;
  - c) waste shall not be burnt or buried on site or any other properties, nor shall wind-blown rubbish be allowed to leave the site. All waste shall be disposed of at a licenced waste disposal facility;
  - d) a waste storage area shall be located on the site;

- e) all building materials, plant, equipment and waste control containers shall be placed on the building site. Building materials, plant and equipment (including water closets), shall not to be placed on public property (footpaths, roadways, public reserves, etc);
- f) toilet facilities shall be provided at, or in the vicinity of, the work site at the rate of 1 toilet for every 20 persons or part thereof employed at the site. Each toilet shall:
- i) be a standard flushing toilet connected to a public sewer; or
  - ii) have an on-site effluent disposal system approved under the *Local Government Act 1993*; or
  - iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (7) **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.
- (8) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: [www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm))
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (9) **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.
- (10) **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.

- (11) **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.
- (12) **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.
- (13) **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.

- (14) **Relics Discovery During Works** - If any relic surviving from the past is uncovered during the work that could have historical significance (but is not an Aboriginal object):
- all work must stop immediately in that area,
  - Heritage NSW must be advised of the discovery in writing in accordance with Section 146 of the *Heritage Act 1977*, and
  - any requirements of Heritage NSW must be implemented.
- (15) **Demolition Work** - Consent is granted for the partial demolition of the existing dwelling, as shown on the approved Demolition Plan, subject to compliance with the following conditions:
- a) The developer shall notify adjoining residents of demolition works seven (7) working days prior to demolition. Such notification is to be clearly written on A4 size paper giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side, immediately at the rear of, and directly opposite, the demolition site.
  - b) Prior to demolition, the applicant shall erect a sign at the front of the property with the demolisher's name, licence number, contact phone number and site address.
  - c) Prior to demolition, the applicant shall erect a 1.8m high temporary fence and hoarding between the work site and any public property (footpaths, roads, reserves etc). Access to the site shall be restricted to authorised persons only and the site shall be secured against unauthorised entry when work is not in progress or when the site is otherwise unoccupied.

- d) Prior to demolition, all services (such as sewer, telephone, gas, water and electricity) must be disconnected. The developer must consult with the relevant service authorities regarding their requirements for the disconnection of services.
- e) Suitable erosion and sediment control measures in accordance with an approved erosion and sediment control plan shall be installed prior to the commencement of demolition works and shall be maintained at all times.
- f) A Work Plan prepared by a suitably qualified person in accordance with AS 2601 'Demolition of Structures' shall be provided to the principal certifier for approval prior to demolition works commencing. The Work Plan shall identify hazardous materials including surfaces coated with lead paint, method of demolition, the precautions to be employed to minimise any dust nuisance and the disposal methods for hazardous materials.
- g) If the property was built prior to 1987, an asbestos survey shall be carried out by a suitably qualified person prior to demolition. If asbestos is found, a WorkCover Authority licensed contractor shall remove all asbestos in accordance with the requirements of the WorkCover Authority, including notification of adjoining neighbours of asbestos removal. All asbestos material must be disposed of at a facility licenced to accept asbestos. Tipping receipts for the disposal of the asbestos must be retained.
- h) The burning of any demolished material on site is not permitted and offenders will be prosecuted.
- i) Care shall be taken during demolition to ensure that existing services on the site (i.e. sewer, electricity, gas, phone, etc.) are not damaged. Any damage caused to existing services is to be repaired by the relevant authority at the expense of the applicant.

#### 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) **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.

## Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

| Clause   | Assessment  | Compliance? |
|--|---|-------------|
| <p><b>2.3 Zone objectives and land use table</b></p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> <li>• To provide a mixture of compatible land uses.</li> <li>• To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</li> <li>• To minimise conflict between land uses within the zone and land uses within adjoining zones.</li> <li>• To encourage development that supports or complements the primary office and retail functions of the local centre zone.</li> </ul> | <p>The subject site is zoned B4 – Mixed Use under Camden Local Environmental Plan 2010. While 'dwelling houses' are a prohibited form of development in the zone, the subject dwelling house has existing use rights. The site will retain its current use as a private residence and the proposed alterations and additions will not create any conflict with any adjoining land uses. The works will ensure that the subject heritage item is suitably adapted and maintained for continued use as a private residence.</p> <p>The proposal is consistent with the objectives of the B4 zone.</p> | Yes         |
| <p><b>2.7 Demolition requires development consent</b></p> <p>Development consent is required to demolish a building or work (unless the demolition is exempt or complying development under another environmental planning instrument).</p>  | <p>Consent is being sought for the demolition of the existing rear wall, laundry, undercroft storage and rear access stairs.</p>  | Yes         |
| <p><b>4.3 Height of buildings</b></p> <p>Maximum building heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>The maximum building height for this site is 7m.</p>  | <p>No increase is proposed to the maximum height of the existing cottage, being 7.3m.</p> <p>The proposed alterations and additions will have a maximum height of 5.1m from natural ground level.</p>   | Yes         |
| <p><b>5.10 Heritage conservation</b></p> <p>Before granting development consent in respect of a heritage items or a heritage conservation area, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p> <p>The consent authority may require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the item or heritage</p>  | <p>At the request of Council staff, the applicant has submitted a revised Heritage Impact Statement (HIS) which satisfactorily assess the significance of the site and the proposed works.</p> <p>Council's heritage staff have reviewed the revised HIS and amended plans and have recommended approval subject to conditions.</p>   | Yes         |

## Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

CLPP04

Attachment 2

| Clause   | Assessment  | Compliance? |
|--|---|-------------|
| <p>conservation area concerned. The submission of a heritage conservation management plan may also be required.</p> <p>Before granting consent to the carrying out of development on an archaeological site the consent authority must notify the Heritage Council of its intention to grant consent and take into consideration any response received within 28 days after the notice is sent.</p> <p>Development consent may be granted for any purpose of a building that is a heritage item or the land on which such a building is erected, or for any purpose on an Aboriginal Place of Significance if the consent authority is satisfied as to a number of matters listed by this clause; including if the conservation of the item or place is facilitated by the granting of consent.</p>  |   |             |
| <p><b>7.2 Airspace operations</b></p> <p>Before granting development consent to development on land that will penetrate an identified obstacle limitation surface or PANS-OPS surface, the consent authority must consult the relevant Commonwealth body about the application and give the body not less than 28 days within which to consider the application.</p> <p>The consent authority may only grant development consent for development referred to above if:</p> <p>(a) the relevant Commonwealth body is satisfied the development will not penetrate the obstacle limitation surface, or does not object to the consent authority granting development consent and any conditions provided will be imposed as far as practicable,</p> <p>(b) the relevant Commonwealth body is satisfied the development will penetrate the PANS-OPS surface and does not object to development consent being granted.</p> | <p>The proposed alterations and additions have a maximum RL of 95.045 and will not penetrate the inner horizontal surface for Camden Airport.</p>   | <p>Yes</p>  |
| <p><b>7.4 Earthworks</b></p> <p>Before granting development consent for earthworks the consent authority must consider the following matters:</p>  | <p>Minor cut is required (a maximum of approximately 500mm deep) to construct reinforced concrete footings for the dwelling extension and install new fence posts and concrete driveway wheel strips.</p> | <p>Yes</p>  |



Camden Local Environmental Plan 2010 (Camden LEP) Assessment Table

| Clause   | Assessment   | Compliance? |
|--|--|-------------|
| (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,<br>(b) the effect of the proposed development on the likely future use or redevelopment of the land,<br>(c) the quality of the fill or the soil to be excavated, or both,<br>(d) the effect of the proposed development on the existing and likely amenity of adjoining properties,<br>(e) the source of any fill material and the destination of any excavated material,<br>(f) the likelihood of disturbing relics,<br>(g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. | These works will not cause any disruption to local drainage patterns, or any adjoining properties. |             |

**CLPP04**

**Attachment 2**

## Camden Development Control Plan 2019 (Camden DCP) Assessment Table

CLPP04

Attachment 3

| Control  | Assessment  | Compliance? |
|--|---|-------------|
| <p>2.1 Earthworks</p> <p>Subdivision and building work should be designed to respond to the natural topography of the site wherever possible, minimising the extent of cut and fill (e.g. for steep land houses will need to be of a 'split level' design or an appropriate alternative and economical solution).</p>  | <p>Minor cut is required (approximately 500mm) to construct reinforced concrete footings for the dwelling extension, install new fence posts and extend concrete driveway wheel strips.</p> <p>These works will not cause any disruption to local drainage patterns or any adjoining properties.</p>  | Yes.        |
| <p>2.3 Water Management</p> <p>All development must demonstrate compliance with the relevant provisions of Council's Engineering Specifications including requirements for detention, drainage and water sensitive urban design.</p>   | <p>All stormwater will be collected via downpipes to the existing rainwater tank (which is being relocated) and a new 3,000L rainwater tank to be located in the sub-floor area beneath the rear deck. Overflow will be directed to historical absorption trenches throughout the rear yard.</p> <p>Council's Development Engineer has reviewed this proposal and recommended approval with no conditions.</p>  | Yes.        |
| <p>2.14 Waste Management</p> <p>A Waste Management Plan (WMP) must be submitted for all new development, including demolitions, construction and the ongoing (or change of) use. A WMP outlines the waste that will be generated and how the development proposes to manage the waste.</p>   | <p>A satisfactory WMP has been provided and compliance with it is a recommended condition. Additional conditions are also recommended for unexpected finds of contamination and asbestos.</p>   | Yes.        |
| <p>2.16.3 General Heritage Provisions</p> <p>New work must be easily identified as such and is required to be sympathetic to the heritage place.</p> <p>When alterations or additions are proposed, the removal of any existing unsympathetic elements is encouraged.</p> <p>New development must be designed to interpret and complement the general form, bulk, scale, height, architectural detail and other significant elements of the surrounding heritage place.</p> <p>Where an addition is not visible from a street or public place, greater flexibility in design may be considered.</p> <p>The significant internal and external fabric and building elements of the</p> | <p>The proposed alterations and additions will remain beneath the existing roofline, enabling the new work to be easily identified.</p> <p>The existing rear skillion roof and multiple cladding profiles indicate that the existing laundry and family/dining room are likely to have been later additions to the original cottage; although their exact date of construction is unknown. These areas are not entirely unsympathetic; however they do not fully comply with current building standards and their removal to accommodate modern living is supported as it will help to conserve the building's historic use as a dwelling.</p> <p>The new additions will remain subservient to the original dwelling in terms of height, bulk and scale.</p> <p>No alterations are proposed to the front of the dwelling, or any of its significant internal or external fabric.</p> <p>The additions are located to the rear and will not visually dominate the existing building.</p> | Yes.        |

## Camden Development Control Plan 2019 (Camden DCP) Assessment Table

| Control  | Assessment  | Compliance? |
|--|---|-------------|
| <p>principal building are to be retained and conserved.</p> <p>Additions to buildings in the conservation area are to be predominantly to the rear of the existing building. Additions should not visually dominate the existing building.</p> <p>The existing pattern, pitch, materials and details of original roof forms within the Heritage Conservation Area must be retained.</p> <p>Secondary roof forms should be subservient in form, scale and location to the main roof.</p> <p>Materials, finishes, and textures must be sympathetic to the historic context of the original significant buildings within the streetscape.</p> <p>Colour schemes on heritage items must be appropriate and sympathetic to the building type period and architectural style.</p> <p>New fences should be sympathetic to the original fencing in terms of design, materials, colour and height. If the original fence type is not known, it should be representative of the architectural period of the heritage building.</p> <p>Driveways should be constructed of gravel, crushed sandstone, bricks or plain concrete or be designed as separated wheel strips. Stencilled concrete is generally not appropriate.</p> <p>Where consent is issued for demolition, or part demolition, of a heritage place a comprehensive diagrammatic and photographic archival record is to be made of the structure to be demolished. This must be submitted to Council's satisfaction prior to commencement of any demolition works. A heritage consultant experienced in the preparation of an archival recording is required to undertake the recording.</p> | <p>The proposed roof includes a new skillion section (to replace the existing skillion portion) and a slightly higher hipped section over the new alfresco deck area.</p> <p>The revised HIS satisfactorily outlines how alternate roof options for the alfresco deck were considered, however a continuation of the new skillion roof would have resulted in a 2m ceiling height and reduced amenity for residents. Council's Heritage Officer supports the current roof design, which will enable an alfresco ceiling height of 2.4m to 2.6m and a potential ceiling fan.</p> <p>The proposed materials are sympathetic to the existing cottage and the surrounding streetscape.</p> <p>The existing colours of pale green roof, darker green downpipes and guttering and light coloured cladding will remain, with only minor changes to the general trim and window frames from "subtle khaki" to "antique white USA".</p> <p>The proposed new front fence type, siting and antique white colour are appropriate for the site context and surrounding streetscape.</p> <p>No changes are proposed to the existing vehicle access arrangements (with driveway leading to detached rear garage), except for the removal of an existing broken concrete slab and extension of two existing concrete wheel strips to the existing garage.</p> <p>Conditions are recommended for a detailed photographic archival recording to be provided prior to the issue of any Construction Certificate.</p> |             |

CLPP04

Attachment 3

## Camden Development Control Plan 2019 (Camden DCP) Assessment Table

CLPP04

Attachment 3

| Control   | Assessment  | Compliance? |
|---|---|-------------|
| <p>2.16.4 Camden Heritage Conservation Area</p> <p>Views associated with the St John's Church spire must not be compromised.</p> <p>Original uses of significant buildings should be encouraged and facilitated. Where this is no longer possible, appropriate adaptive re-use opportunities can be used to facilitate the conservation of these buildings.</p> <p>Existing cottage dominated streetscapes must be retained, new development such as extensions/additions should be compatible with the existing streetscape.</p> <p>A two storey height limit must prevail except for significant architectural features incorporated into the design of buildings in significant locations.</p> | <p>Views associated with the St John's Church spire will not be impacted by the proposal.</p> <p>The original residential use of the dwelling will be maintained.</p> <p>The proposal will not adversely impact on the prevailing pattern of single storey cottages along Menangle Road.</p> <p>The existing dwelling will remain as single storey.</p> | Yes.        |

| Camden Development Control Plan 2019 - Dwelling Controls |   |  |             |
|--|---|--|-------------|
| Section  | Control   | Assessment   | Compliance? |
| 4.2.1<br>Site Analysis                                   | A site analysis plan must be provided   | Provided and sufficient  | Yes         |
| 4.2.2<br>Cut and Fill                                    | ≤1m cut and fill  | Minimal cut is required for footings, fencing and driveway   | Yes         |
|  | Height of voids ≤3m (refer to Figure 4-1)   | Max void beneath the alfresco deck is 1.9m   | Yes         |
| 4.2.3<br>Streetscape and Architectural Design            | Primary street facade must incorporate ≥2 design features   | No changes are proposed to the existing front façade   | N/A         |
|  | ≥450mm eaves overhang measured from the fascia board (except for walls built to the boundary)                                     | No eaves are provided (as per existing rear extension), however sufficient shading has been provided to rear living areas by the alfresco deck and roof  | Yes         |
|  | Pitch of hipped and gable roof forms on main dwelling between 18° and 30°   | <p>New skillion roof to dwelling - 9° (N/A as skillion roofs not subject to control)</p> <p>New alfresco gable pitch - 6° (N/A as alfresco deck roofs not subject to control)</p> <p>Entire roof design has been reviewed by Heritage Officer and is supported</p> | N/A         |
| 4.2.4<br>Setbacks (Regular Lots)                         | ≥4.5m front setback   | No change to existing front setback  | N/A         |
|  | 2m secondary street setback   | There is no secondary street frontage  | N/A         |
|  | Garage and carports ≥1m behind the building line and ≥5.5m from the road boundary for both primary and secondary street frontages | No changes proposed to existing detached garage located to the rear of the site, behind the existing building line   | N/A         |

## Camden Development Control Plan 2019 (Camden DCP) Assessment Table

|  |   |  |                          |
|--|---|--|--------------------------|
|  | Design features may encroach into the primary street setback $\leq 1.5\text{m}$   | No change to existing front setback  | N/A                      |
|  | $\geq 0.9\text{m}$ side setback   | Northern side – Minimum 2.7m<br>Southern side – Existing 360mm setback will be maintained. Concession given due to heritage significance of the site   | No, variation supported. |
|  | Walls along side boundaries must be articulated   | The rear alfresco deck will increase the dwelling's articulation on the side and rear boundaries   | Yes                      |
|  | $\geq 4\text{m}$ rear setback for single storey dwellings and building elements   | 23m setback provided to rear access stairs   | Yes                      |
|  | $\geq 6\text{m}$ rear setback for two storey dwellings  | The dwelling will remain as single storey  | N/A                      |
| 4.2.5<br>Height, Site Coverage and Siting    | Compliance with the Camden LEP height of buildings development standard   | Full compliance with the LEP's development standard for height   | Yes                      |
|  | $\leq 2$ storeys where height of buildings development standard $\leq 9.5\text{m}$  | N/A as 7m building height applies. The dwelling will remain as one (1) storey, with a 1.9m undercroft beneath the alfresco deck  | Yes                      |
|  | Ground floor level $\leq 1\text{m}$ above finished ground level unless no adverse impacts   | The finished floor level of the dwelling will be 1.9m above existing ground level and the alfresco deck and stairs will be 2.3m above existing ground level<br><br>Given the 23m rear setback, no privacy impacts are expected on the dwelling to the rear. This site to the rear also only has a shed and carport adjacent to the rear boundary, no PPOS will be overlooked<br><br>1.6m high metal "lattice" privacy screens will be provided to both sides of the alfresco deck, further mitigating potential privacy impacts to either side | No, variation supported. |
|  | For lots $\geq 450\text{m}^2$ , $\leq 50\%$ site coverage for single storey development   | Total dwelling area (excluding front verandah/patio and rear alfresco deck/stairs) is $162\text{m}^2 + 53\text{m}^2$ (detached garage) + $9.3\text{m}^2$ (small shed) = $224.3\text{m}^2 / 701.9\text{m}^2 = 32\%$   | Yes                      |
|  | For lots $\geq 450\text{m}^2$ , $\leq 50\%$ ground floor and $\leq 30\%$ upper floor site coverage for two storey development                           | Single storey only   | N/A                      |
| 4.2.6<br>Landscaped Area                     | $\geq 30\%$ landscaped area (refer to Figure 4-5)   | Site area of $701.9\text{m}^2$ minus total impermeable area of $322.75\text{m}^2 = 379.15\text{m}^2$ landscaped area / $701.9\text{m}^2 = 54\%$  | Yes                      |
|  | $\geq 40\%$ of front setback must be landscaped area  | No change to existing front landscaped area  | N/A                      |
|  | A landscaping plan must be provided   | No change to existing landscaping proposed or required   | N/A                      |
| 4.2.7<br>Principal Private Open Space (PPOS) | PPOS must be located behind the building line and directly accessible from a habitable room (other than a bedroom)                                      | No change to existing PPOS location which is behind the building line and will continue to be accessed from the rear living spaces   | Yes                      |
|  | PPOS $\geq 4\text{m}$ wide, $\geq 4\text{m}$ deep and $\leq 1:10$ gradient  | $>200\text{m}^2$ of PPOS has a minimum dimension of 6m and $\leq 1:10$ gradient  | Yes                      |
|  | For lots $>10\text{m}$ wide, $\geq 24\text{m}^2$ PPOS   | $>200\text{m}^2$   | Yes                      |
| 4.2.8<br>Solar Access                        | $\geq 1$ living area must receive $\geq 3$ hours direct sunlight between 9am and 3pm on 21 June   | Family/dining and rear alfresco will receive $\geq 3$ hours direct sunlight between 9am and 3pm on 21 June   | Yes                      |
|  | Direct sunlight must reach $\geq 50\%$ of the PPOS of the subject dwelling and any adjoining dwelling for $\geq 3$ hours between 9am and 3pm on 21 June | Direct sunlight will reach $\geq 50\%$ of the PPOS of the subject dwelling and the two adjoining dwellings for $\geq 3$ hours between 9am and 3pm on 21 June   | Yes                      |

CLPP04

Attachment 3

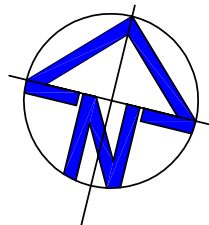
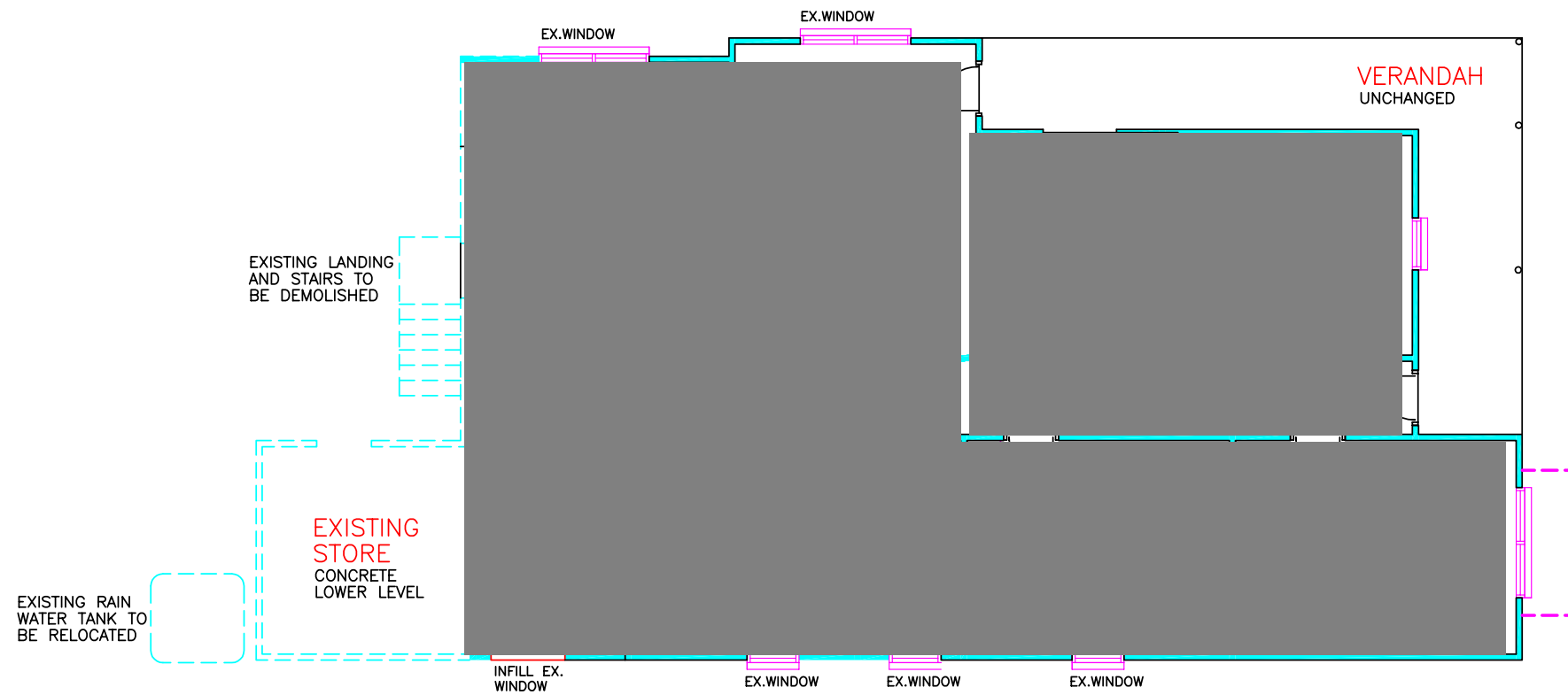
## Camden Development Control Plan 2019 (Camden DCP) Assessment Table

CLPP04

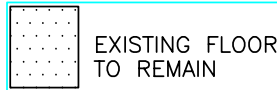
Attachment 3

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|--|---|--|-----|
|  | ≥1 window to a living area of neighbouring dwellings must receive ≥3 hours sunlight between 9am and 3pm on 21 June  | The proposed rear dwelling and alfresco deck extension (roofed) will only be 1.4m longer than the existing rear building line for the laundry being demolished. This will have a negligible impact on the solar access to living areas for the adjoining dwelling at No. 7 Menangle Road | Yes |
| 4.2.9<br>Visual and Acoustic Privacy                             | Privacy screen or fixed obscure glass provided for any part of a first floor habitable room window that is less than 1.5m above the finished floor level of that room (if the room overlooks an adjacent dwelling window or the private open space of an adjacent dwelling) | No first floor<br>Proposed privacy screens to alfresco deck sides are sufficient   | Yes |
|  | First floor balconies or decks facing side or rear boundaries only permitted where there are no adverse privacy impacts.  | The rear alfresco deck is at single storey ground level, and therefore is not subject to this control<br>No adverse privacy impacts expected   | N/A |
| 4.2.10<br>Parking, Garages and Site Access (General)             | ≥1 car parking space for 1-2 bedroom dwellings  | No increase in bedrooms proposed and existing parking available behind the front building line in the driveway and detached garage   | N/A |
|  | ≥2 car parking spaces for 3+ bedroom dwellings  | As above   | N/A |
|  | ≥1 car parking space must be behind the building line where the space is accessed from the street on the front property boundary  | As above   | N/A |
|  | For lots ≤7m wide, garages must be accessed from a rear lane  | Site is 15.22m wide  | N/A |
|  | For lots >7m and <15m wide, garage doors must be ≤60% of the dwelling's front elevation width   | Site is 15.22m wide  | N/A |
|  | For lots >15m wide, garage doors must be ≤50% of the dwelling's front elevation width   | No change proposed to existing detached garage   | N/A |
| 4.2.10<br>Parking, Garages and Site Access (Secondary Driveways) | 1 driveway is permitted per residential property. Secondary driveways will be considered on merit in accordance with the Camden DCP   | No change proposed to existing single driveway   | Yes |
| 4.2.11<br>Fencing  | Front fencing ≤1.2m above existing ground level and open style with minimum apertures of 25mm (refer to Figure 4-6)   | New timber front fencing is proposed with a maximum height of 1.2m<br>Condition recommended for minimum apertures of 25mm  | Yes |
|  | All other fencing must comply with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008  | There are no changes proposed to the existing side or rear fencing   | N/A |
| 4.2.12<br>Waste Storage Areas and Waste Collection Areas         | Waste storage and collections are to be shown on DA plans. Waste storage areas are to be provided behind the building line  | The proposed dwelling and deck extension will not preclude bins from being stored beside or behind the existing dwelling   | Yes |





**DEMOLITION PLAN**  
SCALE 1:100



**CONSTRUCTION NOTES**  
TO BE READ IN CONJUNCTION WITH NATIONAL CONSTRUCTION CODE

**LEGEND**

|     |   |
|-----|---|
| BAL | BALUSTRADE TO AS1428.4                            |
| CR  | COLORBOND ROOF -TO MATCH EXISTING (PALE EUCALYPT) |
| CGF | COLORBOND GUTTER + FASCIA TO MATCH EXISTING       |
| DP  | DOWN PIPE   |
| FB  | SELECTED FACE BRICKWORK, SUB-FLOOR ONLY           |
| TP  | SELECTED TIMBER POSTS o/o 150x150 TREATED         |
| WB  | TIMBER WEATHERBOARDS TO MATCH EXISTING            |

**PROPERTY DESCRIPTION**

|      |                     |
|------|---------------------|
| LOT  | LOT 1               |
| DP   | DP 927039           |
| AREA | 665.0m <sup>2</sup> |

PROPOSED DEVELOPMENT AT  
**5 MENANGLE ROAD  
CAMDEN 2570**  
FOR **BRIAN EDWARDS**

**DRAWING TITLE**  
**DEMOLITION PLAN**

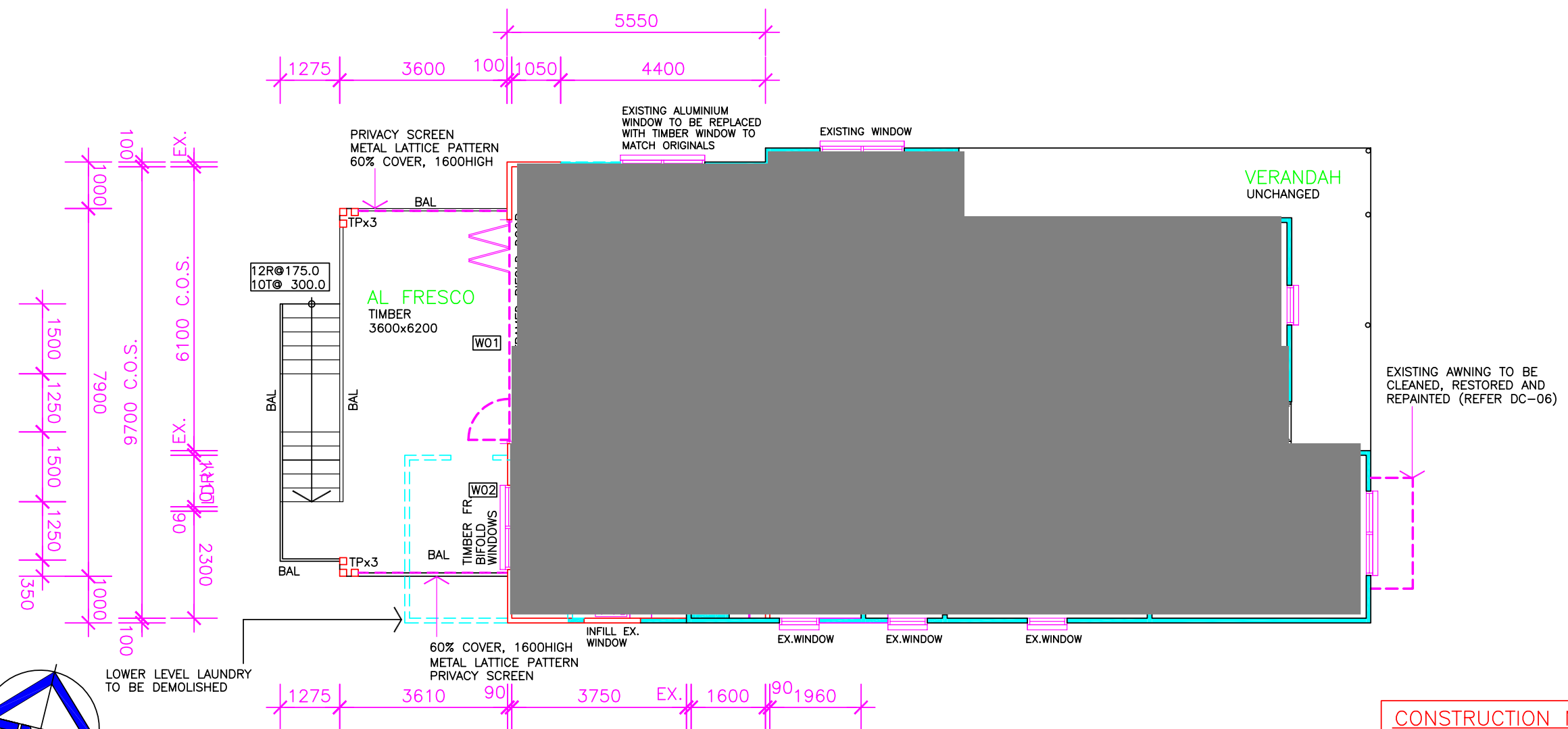
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| SCALE   | DATE     | DRAWN | CHECKED |
| 1:100   | 05.18    | LA    |         |
| JOB No. | DWG. No. | ISSUE |         |
| 18-10   | DC-00    | D     |         |

|   |       |  |
|---|-------|--|
| 28.03.22  | D     | FENCE COLOURS ADDED, AL FRESCO ROOF AMENDED, FRONT AWNING TREATMENT NOTED<br>ADDITIONAL GENERAL NOTATION |
| 22.02.22  | C     | ADDITIONAL NOTATION, DRIVEWAY STRIPS EXTENDED, AL FRESCO ROOF AMENDED<br>FRONT FENCE ADDED               |
| 24.01.22  | B     | RE-ISSUED IN RESPONSE TO RFI   |
| 01.10.21  | A     | ISSUED FOR DA APPROVAL   |
| DATE  | ISSUE | AMENDMENT  |
| PROJECT   |       |  |
| Copyright of design shown here is retained and authority is required for any reproduction. Follow written dimensions only. Do not scale off. Do not keep superseded drawings on site. |       |  |

**BLACK COW STUDIO**  
**LENARD ANDERSON**  
"THE CREAMERY"  
167 Cobbitty Road  
COBBITTY 2570  
04321 797 51  
blackcowstudio@bigpond.com



|  |  |
|--|--|
| <b>BASIX REQUIREMENT SUMMARY-A437773</b>   |  |
| <b>FIXTURES AND SYSTEMS</b>  | <b>CONSTRUCTION</b>  |
| <b>LIGHTING</b><br>40% OF NEW OR ALTERED LIGHT FIXTURES TO BE FLUORESCENT, COMPCT FLUORESCENT OF LIGHT-EMITTING-DIODE (LED) LAMPS.   | <b>INSULATION REQUIREMENTS</b><br>SUSPENDED FLOOR WITH ENCLOSED SUBFLOOR : FRAMED (R0.7)<br>R1.00(DOWN)(OR R1.70 INCLUDING CONSTRUCTION)<br>EXTERNAL WALL : FRAMED(WEATHEBOARD)<br>R1.30 (OR R1.70 INCLUDING CONSTRUCTION) |
| <b>FIXTURES</b><br>ALL NEW OR ALTERED SHOWERHEADS TO HAVE FLOW RATE OF NO GREATER THAN 9L/min OR A 3 STAR WATER RATING<br>ALL NEW OR ALTERED WC'S TO HAVE A FLOW RATE OF NO GREATER THAN 4L/AVERAGE FLUSH OR A MIN 3 STAR WATER RATING<br>ALL NEW OR ALTERED TAPS TO HAVE A FLOW RATE OF NO GREATER THAN 4L/MIN OR A MIN 3 STAR WATER RATING | RAKED CEILING, PITCHED/SKILLION ROOF : FRAMED<br>CEILING:R2.24 (UP) ROOF:FOIL BACKED BLANKET (75mm)<br>MEDIUM (SOLAR ABSORPTANCE 0.475-0.70)   |
|  | <b>GLAZING REQUIREMENTS</b><br>W01<br>IMPROVED ALUMINIUM, SINGLE CLEAR GLAZING (U-VALUE: 6.44, SHGC:0.75)<br>W02<br>IMPROVED ALUMINIUM, SINGLE CLEAR GLAZING (U-VALUE: 6.44, SHGC:0.75)                                    |



**FLOOR PLAN**  
SCALE 1:100

**CONSTRUCTION NOTES**  
TO BE READ IN CONJUNCTION WITH NATIONAL CONSTRUCTION CODE

**LEGEND**

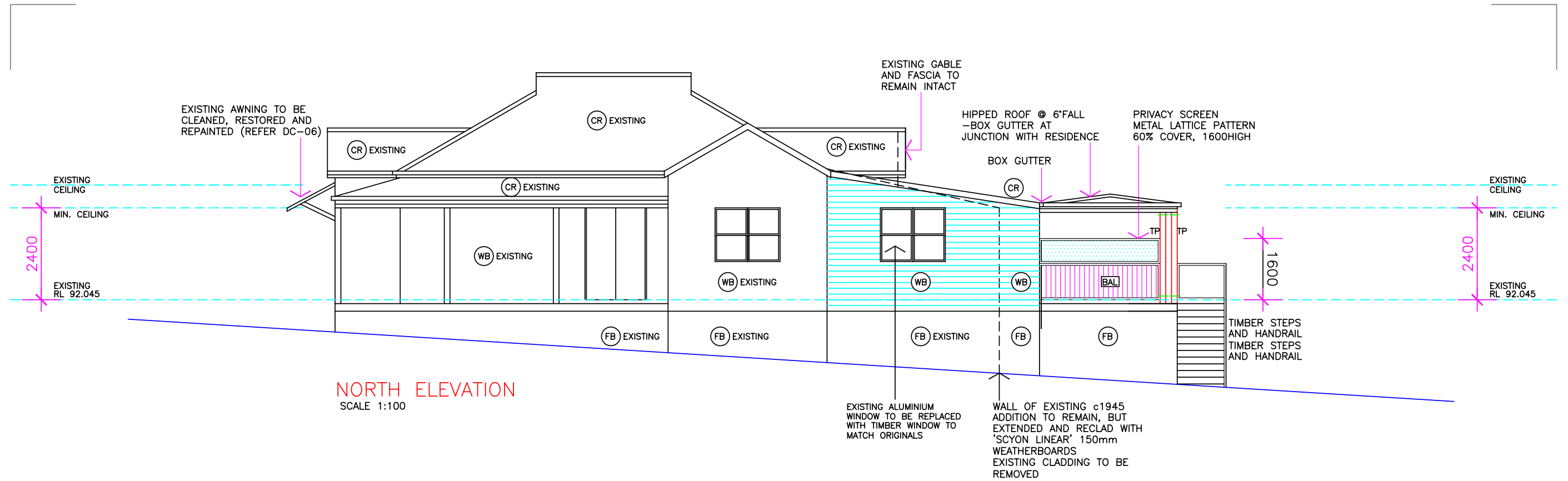
|     |   |
|-----|---|
| BAL | BALUSTRADE TO AS1428.4                            |
| CR  | COLORBOND ROOF -TO MATCH EXISTING (PALE EUCALYPT) |
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| WB  | TIMBER WEATHERBOARDS TO MATCH EXISTING            |

|                                |                          |
|--------------------------------|--------------------------|
| PROPERTY DESCRIPTION           | PROPOSED DEVELOPMENT AT  |
| LOT <b>LOT 1</b>               | <b>5 MENANGLE ROAD</b>   |
| DP <b>DP 927039</b>            | <b>CAMDEN 2570</b>       |
| AREA <b>665.0m<sup>2</sup></b> | FOR <b>BRIAN EDWARDS</b> |

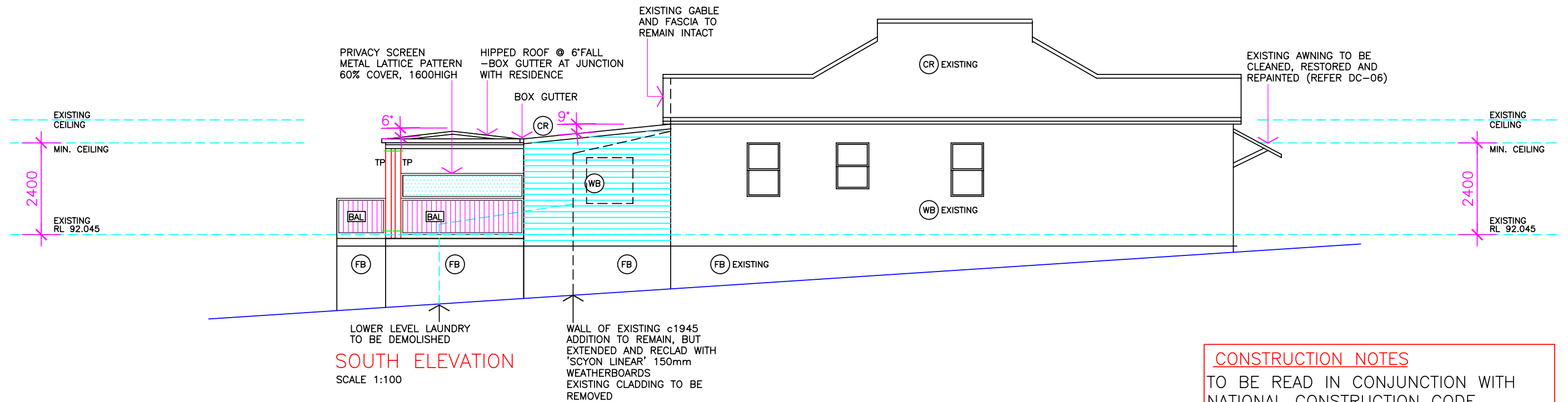
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|-------------------|----------|-------|---------|
| DRAWING TITLE     |          |       |         |
| <b>FLOOR PLAN</b> |          |       |         |
| SCALE             | DATE     | DRAWN | CHECKED |
| 1:100             | 05.18    | LA    |         |
| JOB No.           | DWG. No. | ISSUE |         |
| 18-10             | DC-02    | D     |         |

|   |       |   |
|---|-------|---|
| 28.03.22  | D     | FENCE COLOURS ADDED, AL FRESCO ROOF AMENDED, FRONT AWNING TREATMENT NOTED ADDITIONAL GENERAL NOTATION |
| 22.02.22  | C     | ADDITIONAL NOTATION, DRIVEWAY STRIPS EXTENDED, AL FRESCO ROOF AMENDED FRONT FENCE ADDED               |
| 24.01.22  | B     | RE-ISSUED IN RESPONSE TO RFI  |
| 01.10.21  | A     | ISSUED FOR DA APPROVAL  |
| DATE  | ISSUE | AMENDMENT   |
| PROJECT   |       |   |
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**BLACK COW STUDIO**  
**LENARD ANDERSON**  
 "THE CREAMERY"  
 167 Cobbitty Road  
 COBBITTY 2570  
 04321 797 51  
 blackcowstudio@bigpond.com



**NORTH ELEVATION**  
SCALE 1:100



**SOUTH ELEVATION**  
SCALE 1:100

**CONSTRUCTION NOTES**  
TO BE READ IN CONJUNCTION WITH NATIONAL CONSTRUCTION CODE

**LEGEND**

|     |   |
|-----|---|
| BAL | BALUSTRADE TO AS1428.4                            |
| CR  | COLORBOND ROOF -TO MATCH EXISTING (PALE EUCALYPT) |
| CGF | COLORBOND GUTTER + FASCIA TO MATCH EXISTING       |
| DP  | DOWN PIPE   |
| FB  | SELECTED FACE BRICKWORK, SUB-FLOOR ONLY           |
| TP  | SELECTED TIMBER POSTS o/o 150x150 TREATED         |
| WB  | TIMBER WEATHERBOARDS TO MATCH EXISTING            |

**PROPERTY DESCRIPTION**

|      |                     |
|------|---------------------|
| LOT  | LOT 1               |
| DP   | DP 927039           |
| AREA | 665.0m <sup>2</sup> |

**PROPOSED DEVELOPMENT AT**

**5 MENANGLE ROAD  
CAMDEN 2570**

**FOR BRIAN EDWARDS**

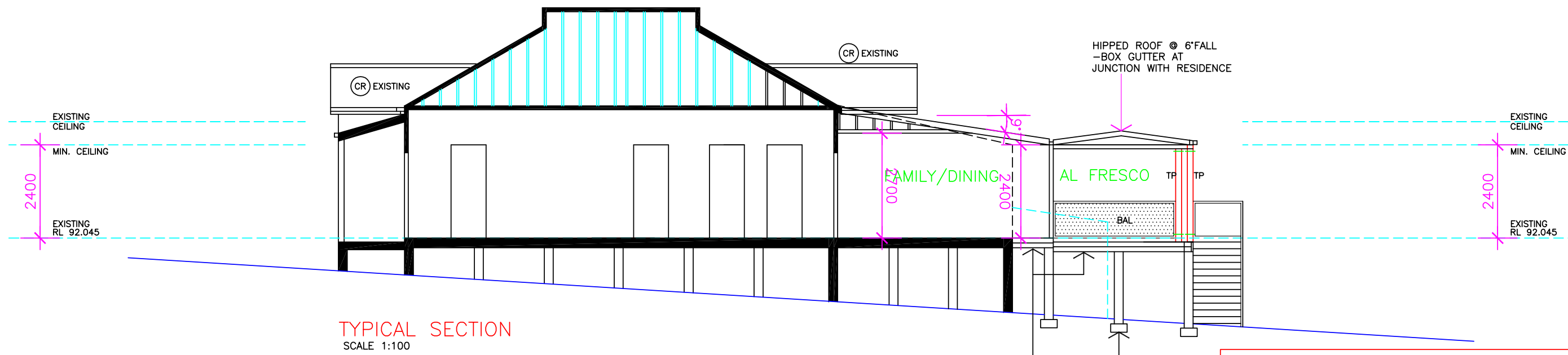
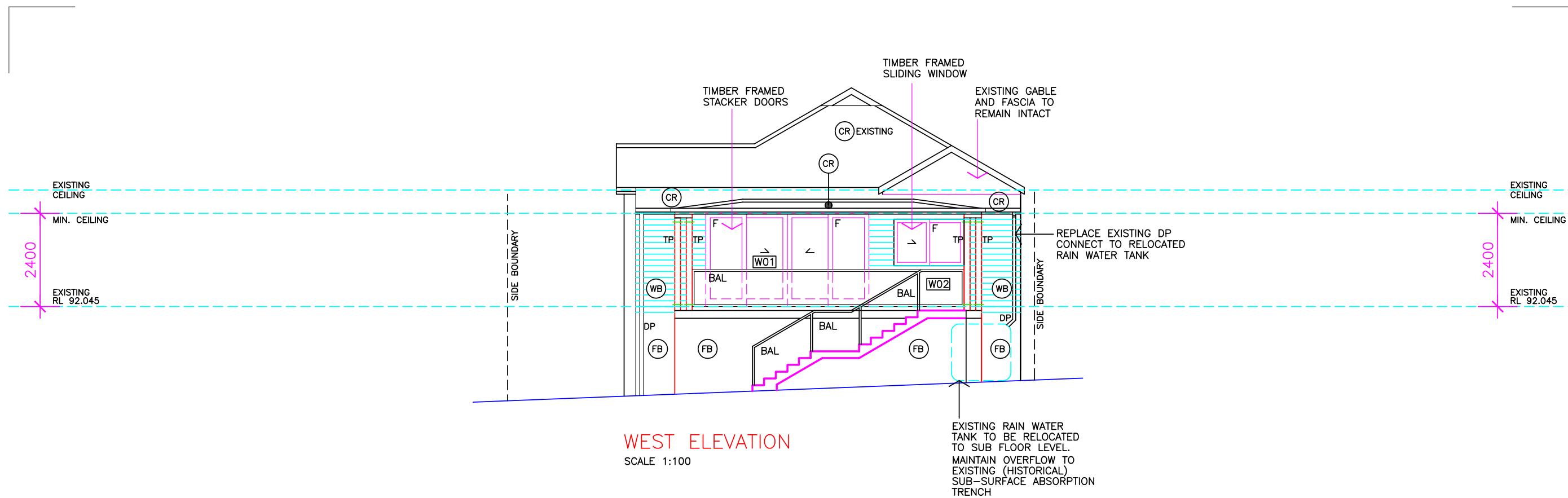
**DRAWING TITLE**

**ELEVATION, SECTION**

|         |          |       |         |
|---------|----------|-------|---------|
| SCALE   | DATE     | DRAWN | CHECKED |
| 1:100   | 05.18    | LA    |         |
| JOB No. | DWG. No. | ISSUE |         |
| 18-10   | DC-03    | D     |         |

|   |   |   |
|---|---|---|
| 28.03.22  | D | FENCE COLOURS ADDED, AL FRESCO ROOF AMENDED, FRONT AWNING TREATMENT NOTED ADDITIONAL GENERAL NOTATION |
| 22.02.22  | C | ADDITIONAL NOTATION, DRIVEWAY STRIPS EXTENDED, AL FRESCO ROOF AMENDED FRONT FENCE ADDED               |
| 24.01.22  | B | RE-ISSUED IN RESPONSE TO RFI  |
| 01.10.21  | A | ISSUED FOR DA APPROVAL  |
|   |   | DATE ISSUE AMENDMENT  |
| PROJECT   |   |   |
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**CONSTRUCTION NOTES**  
TO BE READ IN CONJUNCTION WITH NATIONAL CONSTRUCTION CODE

**LEGEND**

|     |   |
|-----|---|
| BAL | BALUSTRADE TO AS1428.4                            |
| CR  | COLORBOND ROOF -TO MATCH EXISTING (PALE EUCALYPT) |
| CGF | COLORBOND GUTTER + FASCIA TO MATCH EXISTING       |
| DP  | DOWN PIPE   |
| FB  | SELECTED FACE BRICKWORK, SUB-FLOOR ONLY           |
| TP  | SELECTED TIMBER POSTS o/o 150x150 TREATED         |
| WB  | TIMBER WEATHERBOARDS TO MATCH EXISTING            |

**PROPERTY DESCRIPTION**

|      |                     |
|------|---------------------|
| LOT  | LOT 1               |
| DP   | DP 927039           |
| AREA | 665.0m <sup>2</sup> |

**PROPOSED DEVELOPMENT AT**

5 MENANGLE ROAD  
CAMDEN 2570

**FOR BRIAN EDWARDS**

**DRAWING TITLE**

ELEVATION, SECTION

|         |          |       |         |
|---------|----------|-------|---------|
| SCALE   | DATE     | DRAWN | CHECKED |
|         | 05.18    | LA    |         |
| JOB No. | DWG. No. | ISSUE |         |
| 18-10   | DC-04    | D     |         |

|   |   |   |
|---|---|---|
| 28.03.22  | D | FENCE COLOURS ADDED, AL FRESCO ROOF AMENDED, FRONT AWNING TREATMENT NOTED |
| 22.02.22  | C | ADDITIONAL NOTATION, DRIVEWAY STRIPS EXTENDED, AL FRESCO ROOF AMENDED     |
| 24.01.22  | B | RE-ISSUED IN RESPONSE TO RFI  |
| 01.10.21  | A | ISSUED FOR DA APPROVAL  |
| PROJECT   |   |   |
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**BLACK COW STUDIO**

LENARD ANDERSON

"THE CREAMERY"

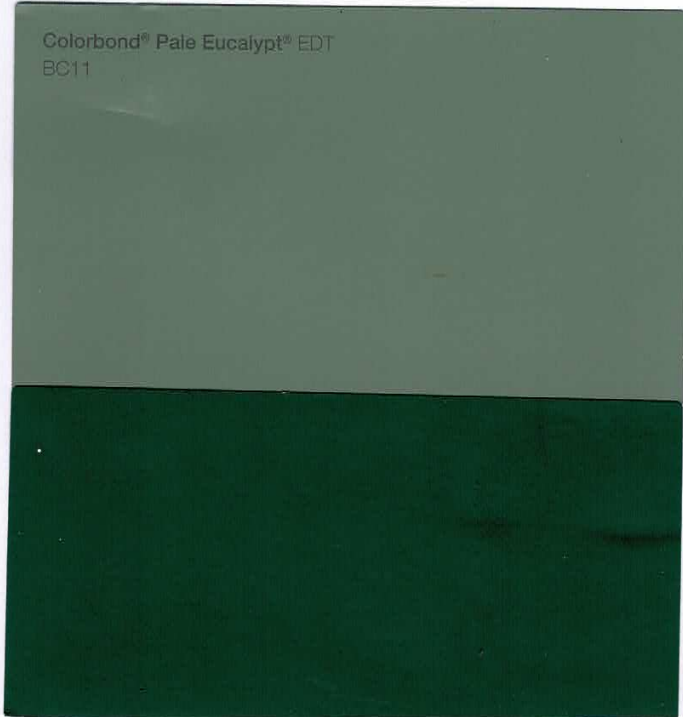
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CLFRU4

Attachment 4

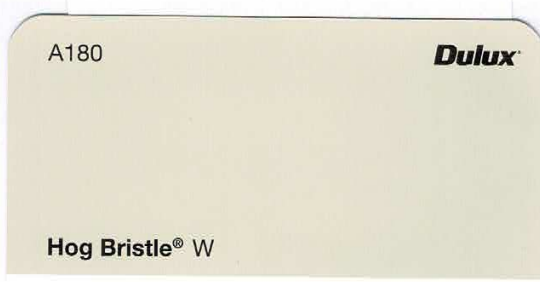
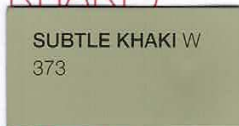


← ROOF [TO MATCH EXISTING]  
COLORBOND  
'PALE EUCALYPT'

← GUTTERS, DOWNPIPES [EXISTING]  
'BRUNSWICK GREEN'  
\*MAIN UPRIGHT POSTS TO FRONT FENCE



← \*FRONT FENCE PICKETS (ACORN)  
GENERAL TRIM  
WINDOW FRAMES  
DULUX  
'ANTIQUE WHITE USA'  
(CURRENTLY 'SUBTLE KHAKI')



← WEATHERBOARDS  
PAINTED BRICK  
EQUAL TO EXISTING  
DULUX 'HOGBRISTLE'

|   |                   |   |               |                                   |         |  |                 |                  |  |
|---|-------------------|---|---------------|-----------------------------------|---------|--|-----------------|------------------|--|
| PROPOSED DEVELOPMENT AT<br><b>5 MENANGLE ROAD<br/>CAMDEN 2570</b>   |                   | DRAWING TITLE<br><b>FINISHES SCHEDULE</b> |               |                                   |         | 28.03.22 D FENCE COLOURS ADDED                       |                 | BLACK COW STUDIO |  |
| FOR <b>BRIAN EDWARDS</b>  |                   | SCALE<br>1:100                            | DATE<br>05.18 | DRAWN<br>LA                       | CHECKED | 22.02.22 C UPDATED + RE-ISSUED                       | LENARD ANDERSON |                  |  |
| JOB No.<br>18-10  | DWG. No.<br>DC-06 | ISSUE<br>D                                |               | 01.10.21 A ISSUED FOR DA APPROVAL |         | "THE CREAMERY"<br>167 Cobbitty Road<br>COBBITTY 2570 |                 |                  |  |
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