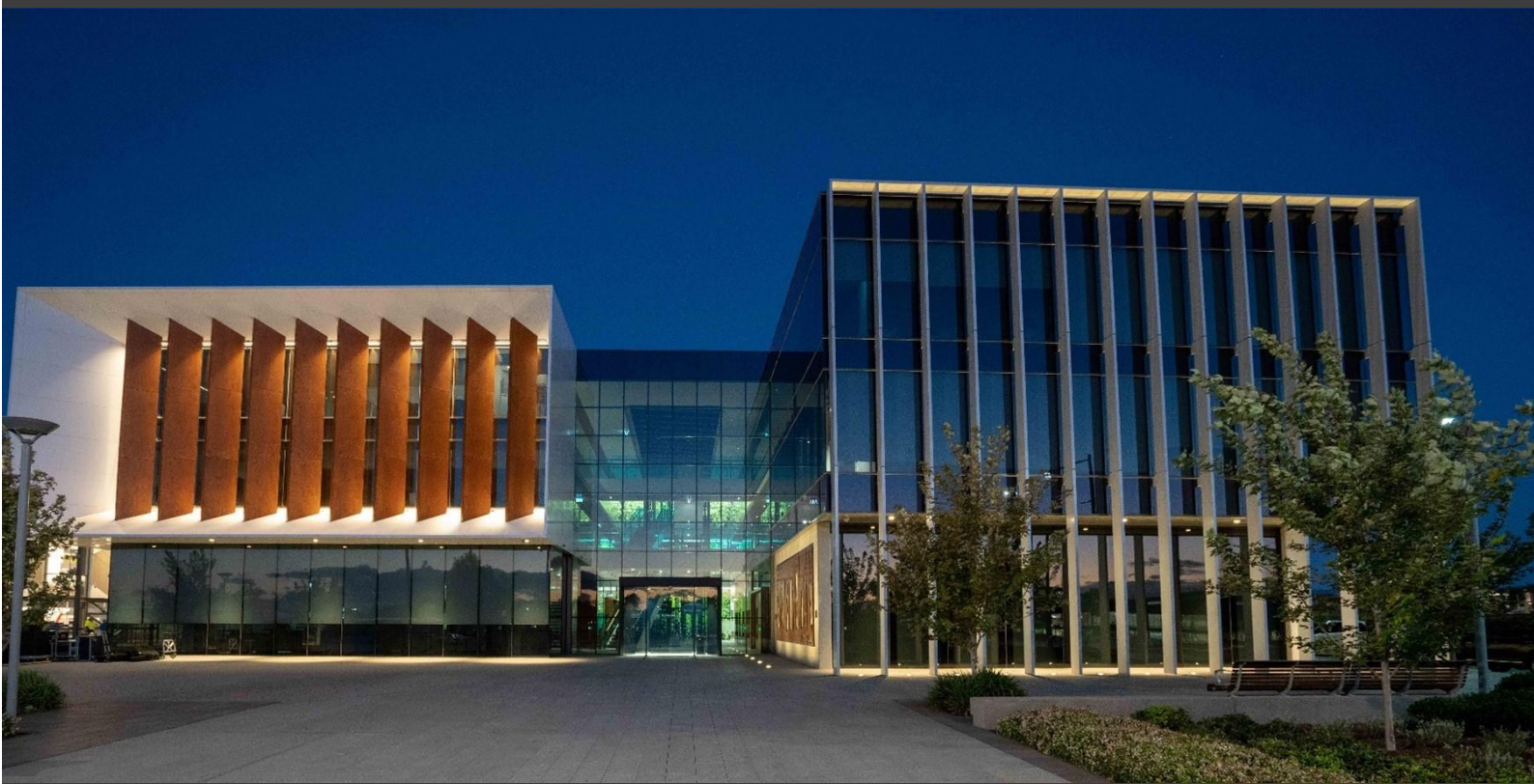


Business Paper

Camden Local Planning Panel

Electronic Determination
23 May 2022



camden
council

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CLPP01

SUBJECT: DA/2022/179/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE AND ASSOCIATED SITE WORKS - 37 GLEESON RISE, ORAN PARK

EDMS #: 22/160535

DA Number:	2022/179/1
Development:	Construction of a single storey dwelling house and associated site works
Estimated Cost of Development:	\$479,645
Site Address(es):	37 Gleeson Rise, Oran Park
Applicant:	Fowler Homes Pty Ltd
Owner(s):	Mrs Rhiannon Russell Mr Blake Russell
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 – Height of Buildings
Classification:	Nominated Integrated development
Recommendation:	Approve with conditions
Panel Referral Criteria:	Departure from a development standard 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 the construction of a single storey dwelling house at 37 Gleeson Rise, Oran Park (Lot 6041 DP 1235007).

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 proposed development seeks to depart from the clause 4.3 height of buildings principal development standard prescribed in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* by greater than 10%.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/179/1 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 with associated site works at 37 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 General Terms of Approval (GTA) to be applied to the consent, for issue of an approval under section 60 of the *Heritage Act 1977*, prior to commencement of works.

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

The dwelling will have a maximum building height of 6.172m to its roof ridge. This exceeds the maximum 5m building height which applies under clause 4.3 Appendix 5 and the Height of Buildings Map (HoB_004) of State Environmental Planning Policy (Precincts - Western Parklands City) 2021.

The 5m height 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 37 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 on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022).

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

The proposed development with a 6.172m 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	6.172m to roof ridge	1.172m 23.4%

AERIAL PHOTO



Figure 1 – Aerial photo of subject site

THE SITE

The site is legally described as Lot 6041 DP1235007, 37 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 717.5m² with street frontage of 20.5m and depth of 35m, with approx. 0.8m change in level across the site from the southwest to lower northeast corner. There is a 1.5m wide drainage easement along the rear of the lot with a drainage pit located in the northeast corner and a 0.5m restriction related to the maintenance of a retaining wall along the rear boundary.

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

ZONING PLAN



Figure 2 – Subject site – R2 Low Density Residential zoning

BUILDING HEIGHT PLAN



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

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HERITAGE LISTING



Figure 4 - Subject site in relation to heritage listing

AREA MASTER PLAN

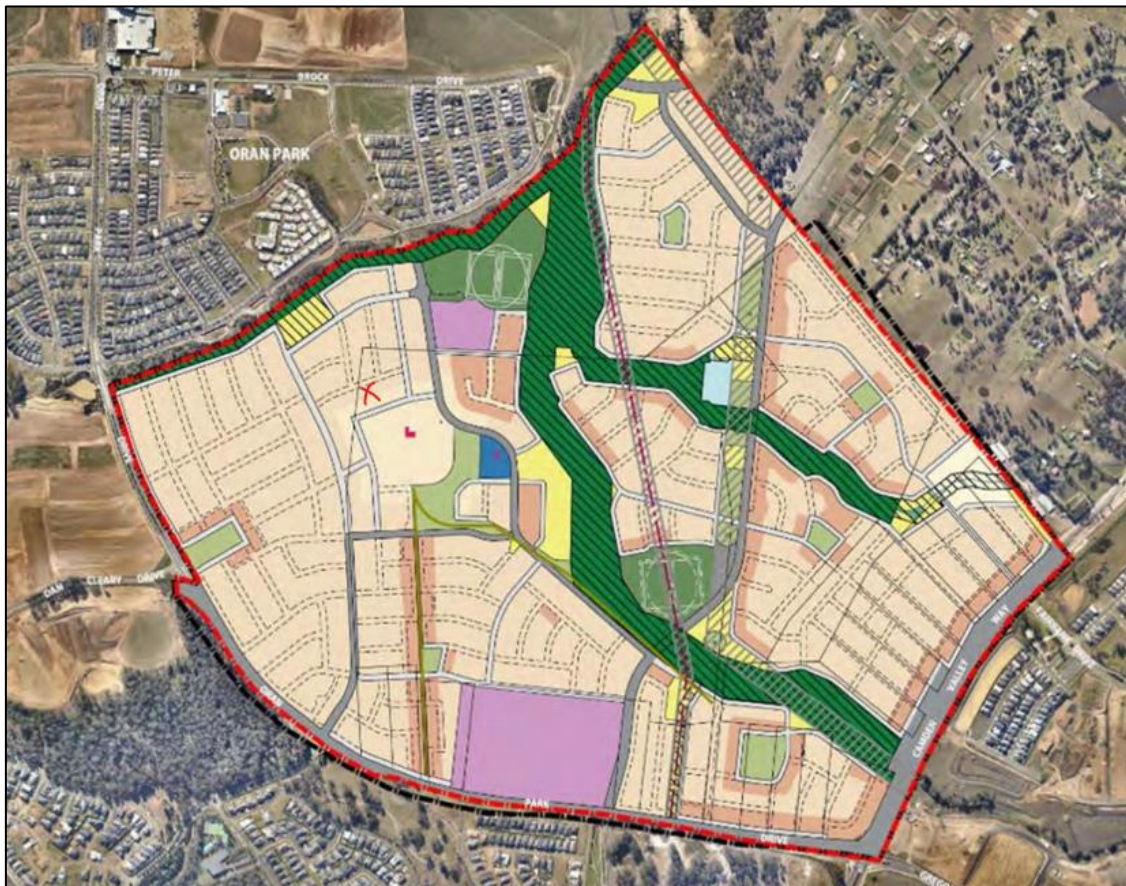


Figure 5 - Red 'X' denoting approx. location of subject site in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.

HISTORY

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

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

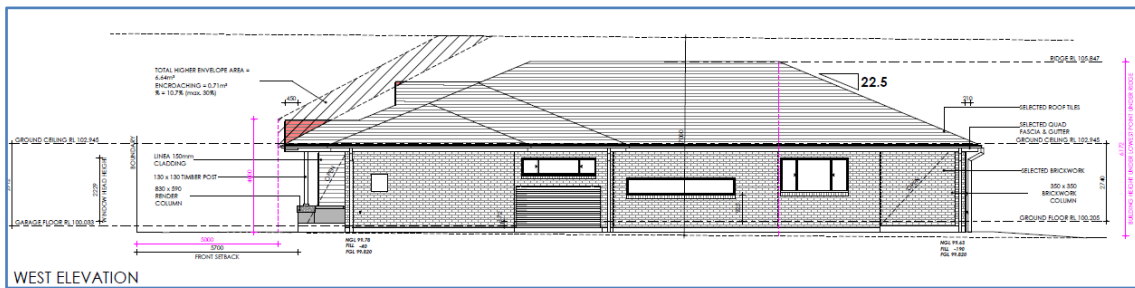
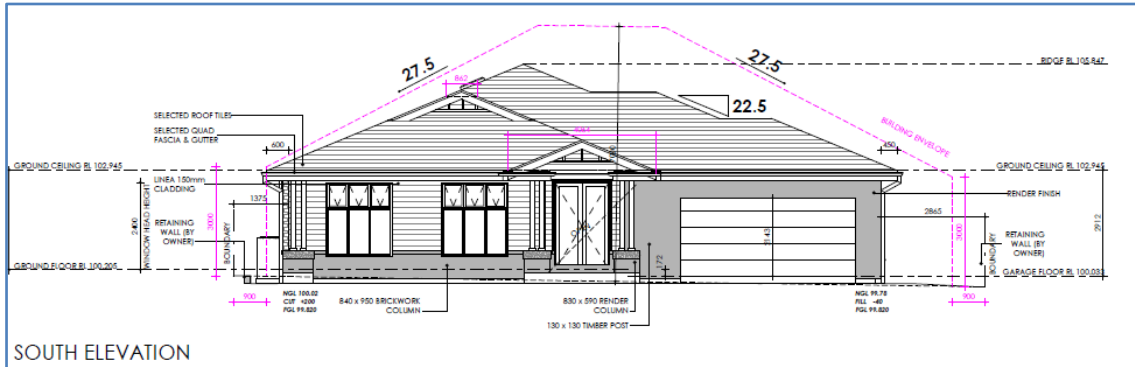
CLPP01

THE PROPOSAL

DA/2022/179/1 seeks approval for the construction of a single storey dwelling house with associated site works.

The proposed dwelling house consists of five bedrooms, home office, living / family / dining areas, kitchen, laundry, bathroom and a double garage.

The estimated cost of the development is \$479,645.



BACKGROUND

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

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

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

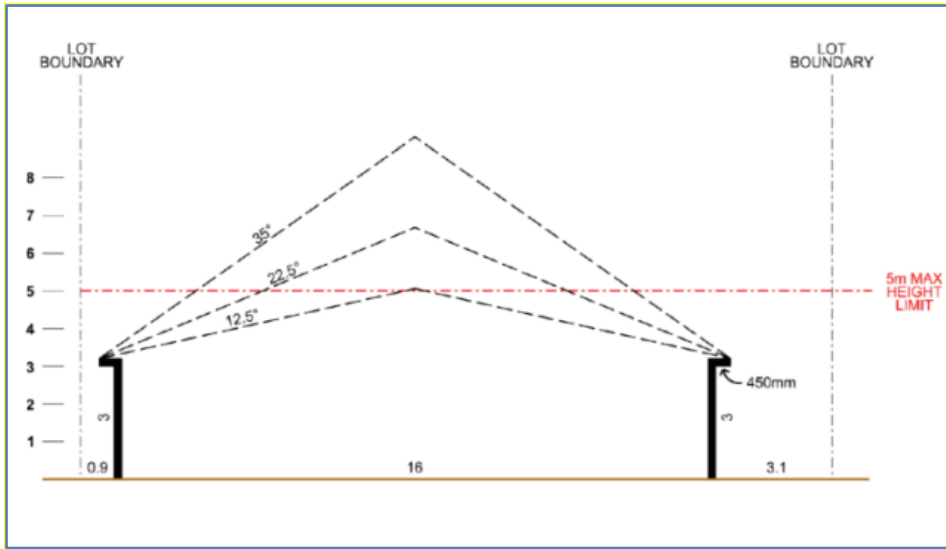


Figure 6 – Five metre maximum building height limit compared to roof pitches



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

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

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling 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 37 Gleeson Rise complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the DPE, and the public exhibition period has closed (exhibited from Wednesday 9 February until Wednesday 9 March 2022).

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 6.172m in height, breaching the development standard by 1.172m and 23.4%.

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 (Figure 2-1) for this part of the Catherine Fields (Part) Precinct DCP is for low density residential development. The proposal is for a single storey dwelling, consistent with this outcome.
2. Clause 4.3 'Height of Buildings' – Objectives.
Alignment with the objectives of clause 4.3 are maintained. The development contravention will not result in development greater than single storey and it will be consistent with objectives to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.
3. R2 Low Density Residential Zone Objectives.
The development contravention will not depart from the objectives of the R2 Zone and not be inconsistent with intended outcomes for the zone, as it will:
 - provide for the housing needs of the community within a low-density residential environment; and
 - provide a diverse range of housing types to meet community housing needs within a low-density residential environment.

4. Site-specific objectives and controls.
Strict compliance with the 5-metre building height standard does not provide flexibility in achieving site-specific controls and providing for a dwelling design outcome, including roof form and pitch, that appropriately responds to the unique characteristics of the precinct, and the historically significant Oran Park House.
5. Alignment with DCP controls.
The building height standard contravention does not result in additional non-compliances with any development controls in the Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct. The single storey development is considered to fulfill the relevant controls and their objectives.

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

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

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 14 March to 11 April 2022 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 28/04/2022

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

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

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

RECOMMENDED

That the Panel:

- i. **support the applicant’s written request lodged pursuant to Clause 4.6(3) of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021; and**
- ii. **approve DA/2022/179/1 for the construction of a single storey dwelling house at 37 Gleeson Rise, Oran Park, subject to the conditions attached to this report.**

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021 in relation to the maximum height of buildings standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances, and that despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument being Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

3. The development is consistent with the objectives of Camden Growth Centre Precincts DCP.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the reasons, the development is a suitable and planned use of the site, and its approval is in the public interest.

ATTACHMENTS

1. Recommended Conditions
2. Growth 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/ Drawing No.	Name of Plan	Prepared by	Date
Sheet No: 005	Site Plan	Fowler Homes	07/04/2022 B-8
Sheet No: 06	Driveway Gradient		
Sheet No: 07	Concept Stormwater Plan		
Sheet No: 09	Floor Plan		
Sheet No: 010	South & West Elevations		
Sheet No: 011	North & East Elevations		
Sheet No: 012	Section A-A		
L-01	Landscape Plan	Ecodesign	7/04/2022 Rev G

Document Title	Prepared by	Date
BASIX Certificate No: 1227310S_02	Frys Energywise	28/01/2022
Waste Management Plan	Fowler Homes	submitted with the DA
External Colour Plan	Brickworks Building products	01/02/2022

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

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

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

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

This requirement does not apply:

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

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

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

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

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

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

The general terms of approval/requirements are:

Heritage Council of NSW – General Terms of Approval – Letter dated 28/04/2022, Ref HMS Application ID: 907.

1. APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a) Architectural drawings, prepared by Fowler (dated 7/4/2022, Rev B-8) as listed in the above-described letter.
 - b) Landscape drawing prepared by EcoDesign (dated 7/4/2022, Rev G) as listed in the above-described letter.
 - c) Heritage Assessment, New Single Storey Residential Dwelling (37 Gleeson Rise, Oran Park) prepared by Urbanco, dated 25 February 2022.
 - d) External Colour Plan, prepared by Brickworks Building Products, undated.

EXCEPT AS AMENDED by the following general terms of approval.

2. 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.

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

ADVICE: 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*.

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 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)

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.

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Attachment 1

DA/2022/179/1 – 37 Gleeson Rise ORAN PARK
State Environmental Planning Policy (Precincts – Western Parkland City) 2021
Assessment Table

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Attachment 2

Clause.	Assessment.	Compliance.
<p>Appendix 5, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. • To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. • To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a <i>'dwelling house'</i> 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"> • The proposal will provide for the housing needs of the community within the low-density residential environment. • The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it. • The proposal will be an addition to the existing housing type typical to the immediate surrounds. 	Yes
<p>Appendix 5, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>Maximum height of buildings = 5.0m.</p>	<p>The proposed development has a maximum building height of 6.172m, 23.4% variation.</p>	No (Clause 4.6 written request submitted).
<p>Appendix 5, 4.4 Floor Space Ratio Max FSR 0:45:1.</p>	<p>277.21sqm and site area of 717.5sqm = approx.0.38:1</p>	Yes
<p>Appendix 5, 4.6 Exceptions to development standards</p>	<p>The applicant has submitted a written request under Clause 4.6 of the Growth SEPP justifying the contravention to the</p>	Yes

DA/2022/179/1 – 37 Gleeson Rise ORAN PARK
State Environmental Planning Policy (Precincts – Western Parkland City) 2021
Assessment Table

<p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>This clause prohibits the approval of certain development standard contraventions.</p>	<p>maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered that the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p>	
<p>Appendix 5, 5.10 Heritage Conservation Development consent is required to erect a building in land on which a heritage item is located. Before granting consent, the consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.</p>	<p>The subject site is located within the curtilage of a State Heritage Item, namely Oran Park House.</p> <p>A heritage impact assessment has been submitted with the application. The application has been assessed by Council's Heritage adviser. It is determined that there will be no significant impacts on the heritage significance of</p>	<p style="text-align: center;">Yes</p>

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Attachment 2

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	<p>Oran Park House, and the surrounding curtilage.</p> <p>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). This had regard to no significant impacts from single storey dwellings on the heritage significance of the area.</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, and general terms of approval have been provided. A copy of the GTAs issued by Heritage NSW is attached to this report.</p>	
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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance?
<p>4.1.1 Site Analysis</p> <p>Site analysis plan is to be provided.</p>	<p>Appropriate site analysis plan provided.</p>	Yes.
<p>4.1.2 Cut and Fill</p> <p>DAs are to illustrate where it is necessary to cut and/or fill land and provide justification for the proposed changes to the land levels.</p> <p>The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m.</p> <p>Fill within 2.0m of a property boundary shall be fully contained by the use of deepened (drop) edge beam construction with no fill permitted outside of this building footprint.</p> <p>The use of a deepened edge beam shall not exceed 1m above natural ground level.</p> <p>Where excavation or filling is required alongside a driveway, it shall be retained by a retaining wall.</p>	<p>The extent of cut and fill has been indicated on site plan.</p> <p>Cut and fill <1.0m, with cut up to 200mm and fill to 200mm</p> <p>Edge beam indicated on section plan, 160mm approx.</p> <p>NA.</p>	Yes.
<p>4.1.3 Sustainable Building Design.</p> <p>The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.</p> <p>The provisions of BASIX will apply with regards to water requirements and usage.</p> <p>The design of dwellings is to maximise cross flow ventilation.</p> <p>The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and to minimise the need for mechanical heating and cooling.</p> <p>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 consistent with 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 to provided appropriately, as shown on landscape plan.</p> <p>Roof to adopt lighter colour. This will assist in reducing contributions to the urban heat island effect.</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?
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>4.1.4 Salinity, Sodicity and Aggressivity.</p> <p>All development must comply with the Salinity Management Plan developed at the subdivision phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p> <p>Salinity shall be considered during the siting, design and construction of dwellings including: drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process.</p>	<p>The development will comply with the requirements of the salinity management plan as adopted under parent subdivision DA.</p> <p>Salinity will be dealt with and construction the proposed dwelling via a condition of consent.</p>	Yes.
<p>4.2.2 Streetscape and Architectural Design.</p> <p>The primary street facade of a dwelling should address the street and must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> • entry feature or porch; • awnings or other features over windows; • balcony treatment to any first floor element; • recessing or projecting architectural elements; • open verandah; • bay windows or similar features; or • verandahs, pergolas or similar features above garage doors. • Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback. <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.</p>	<p>Primary street façade includes;</p> <ul style="list-style-type: none"> • Entry feature/porch. • Projecting architectural elements with feature stone brick pier. • Suitable window treatment. <p>Suitable eaves provided.</p> <p>Hipped and gable roof pitch of 22.5 degrees proposed.</p>	Yes.

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

Control	Assessment	Compliance?
<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 bedroom and home office 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>4.2.3 Front Setbacks.</p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p>	Yes.
<p>4.2.4 Side and Rear Setbacks.</p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) 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>4.2.5 Dwelling Height, Massing and Siting.</p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>FFL = 0.385m above finished natural ground level, and up to 0.605m above existing.</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>4.2.6 Landscaped Area.</p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p> <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the location of any trees to be retained or planted.</p> <p>Surface water drainage shall be provided as necessary to prevent the accumulation of water.</p> <p>Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including native salt tolerant trees.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) 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>4.2.7 Private Open Space.</p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p> <p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>PPOS located appropriately to rear of the dwelling with northern orientation.</p> <p>PPOS conveniently accessible from family room and alfresco. PPOS at grade <1:10.</p>	Yes.
<p>4.2.8 Garages, Storage, Site Access and Parking.</p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p>	<p>Double garage – at least 2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line in proposed 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 = 4.81m.</p> <p>Double garage internal dimensions = 6.95m x 5.54m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p>	
<p>4.2.9 Visual and Acoustic Privacy.</p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm and noise is not to exceed background levels during the hours 10.00pm to 7.00am.</p> <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible comply with the criteria in Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden 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</p>	<p>Proposed development is single storey only. Proposed dwelling has an FFL <1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted.</p> <p>Dwelling not impacted by these road types.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces/bedrooms.</p>	Yes.

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Attachment 3

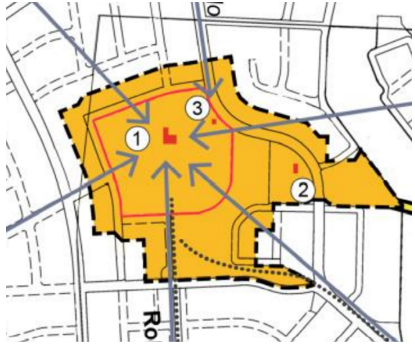

Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Attachment 3

Control	Assessment	Compliance?
<p>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>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development does not require architectural treatments regarding acoustic impacts.</p>	
<p>4.2.10 Fencing.</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>No front fencing proposed.</p> <p>Side boundary return fences indicated at least 1m behind front elevation but >2.0m behind the minimum required primary 5.0m building line.</p>	Yes.
<p>Table 4-5 – Site coverage. Maximum 50% at ground floor.</p>	42.92%	Yes.
<p>Table 4-5 – Soft landscaped area. Minimum 30% of the allotment area.</p>	32%	Yes.
<p>Table 4-5 – Principal Private Open Space (PPOS). Minimum 24sqm with minimum dimensions of 4m.</p>	>24sqm provided at dimensions >4.0m	Yes.
<p>Table 4-5 – Solar Access. 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.</p>	<p>Rear PPOS northern orientation and achieves solar access.</p> <p>Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.</p>	Yes.
<p>Table 4-5 – Garages and carparking. Maximum double car garage door width 6m. 3 bedrooms or more to provide at least 2 car spaces.</p>	<p>Double garage door width = 4.81m.</p> <p>2 spaces provided.</p>	Yes.
Control	Assessment	Compliance?
<p>4.1 Development Surrounding Oran Park House.</p>		Yes.

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

Control	Assessment	Compliance?
<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>The site is located inside the area identified in figure 4-1. Development is for a single storey dwelling and will not result in significant view lines illustrated in figure 4-1 being compromised. The proposed dwelling house is sympathetically designed and complements the setting of Oran Park House</p>	
<p>4.1.2 Oran Park House and Outer Heritage Curtilage Principals.</p> <p>Controls 1. All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2.</p>  <p>Figure 4-2 – Oran Park House Outer Heritage Curtilage Principles</p> <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p>	<p>The subject lot is located within area mapped as being 'very low density residential' and has been assessed in relation to the relevant controls.</p>	<p>Yes.</p>
<p>4.1.3</p>		<p>Yes.</p>


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Attachment 3

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

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Attachment 3

Control	Assessment	Compliance?
<p>Landscape Elements – Views and Vistas.</p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p>  <p><small>Figure 4-3 – Significant Vistas within the Oran Park House curtilage to be preserved</small></p>	<p>The development will not impact significant vistas shown in figure 4-3.</p>	
<p>4.1.11 Residential Built Form.</p> <p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package. The block design must be submitted and approved with the first development application for the construction of a dwelling within the street block.</p>	<p>This DA does not provide for simultaneous design and delivery of development for this street elevation/street block. However, Heritage NSW have issued GTAs for the development.</p>	<p>N/A.</p>
<p>4.1.12 Street Facades and Visible Elevations.</p> <p>Residential developments are to have contemporary designs (i.e. architecture being produced now) and respect the heritage significance of Oran Park House but must not replicate historic styles.</p> <p>All dwellings in the heritage curtilage area are to have architectural merit (i.e. architecture that is enduring and respects the heritage significance of Oran Park House).</p> <p>Building facades are to be visually interesting and articulated suitably to break up the building mass. At least three of the following design features are to be incorporated into the front facade:</p> <ul style="list-style-type: none"> • front doors with side lights; • contemporary window treatments including aluminium or timber frames in neutral colours; • bay Windows (rectangular only); • entry portico; and • recessed garage doors setback behind the primary facade. 	<p>The dwelling has been designed to include suitable features and materials and will have architectural merit.</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>Yes.</p>

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

Control	Assessment	Compliance?												
<p>Colonial style window treatments are not appropriate where visible from the public domain.</p> <p>Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion.</p> <p>Picture windows or fully glazed walls are permitted to the street facade.</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>Suitable window treatment is proposed.</p> <p>All windows to the front facade feature a dominant vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street facade.</p> <p>Suitable entry porch is proposed</p> <p>Noted / complies</p> <p>Front elevation will be articulated to the street</p>													
<p>4.1.14 Setbacks for Very Low Density Area Surrounding Oran Park House.</p> <p>Residential development must comply with the controls in Figure 4-8.</p> <table border="1"> <thead> <tr> <th></th> <th>Minimum</th> </tr> </thead> <tbody> <tr> <td>Front Dwelling Setback</td> <td>5m</td> </tr> <tr> <td>Front Garage Setback</td> <td>6m</td> </tr> <tr> <td>Rear Boundary Setback</td> <td>5m</td> </tr> <tr> <td>Side Boundary Setback</td> <td>0.9m (average 2m)</td> </tr> <tr> <td>Corner Lot Side Boundary Setback</td> <td>3m</td> </tr> </tbody> </table> <p><small>Note: In addition to the minimum side boundary setback of 0.9m, the siting of dwellings is required to achieve an average 4m side separation between dwellings along an entire street block. Pursuant to Section 4.1.11 of this Section, the simultaneous delivery of dwellings within the heritage curtilage by one builder will ensure the average 4m separation is achieved.</small></p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	0.9m (average 2m)	Corner Lot Side Boundary Setback	3m	<p>Front setback = min 5.7m to front porch entry and 6.29 to front wall</p> <p>Front garage setback = 7.37m</p> <p>Rear setback = 5.68m</p> <p>Side boundary setback (east) = 2.705m</p> <p>Side boundary setback (west) = 1.375m</p> <p>Combined setback = 4.08m</p>	Yes.
	Minimum													
Front Dwelling Setback	5m													
Front Garage Setback	6m													
Rear Boundary Setback	5m													
Side Boundary Setback	0.9m (average 2m)													
Corner Lot Side Boundary Setback	3m													
<p>4.1.15 Building Height.</p> <p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>	<p>The height will exceed the 5m control and is subject to a Clause 4.6 written request.</p>	Yes, subject to clause 4.6 request.												
<p>4.1.16 Roofs.</p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p> <p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p>	<p>Proposed roof pitch is 22.5 degrees</p> <p>Roof adopts hipped and gable form.</p> <p>450mm provided</p>	Yes.												

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

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Attachment 3

Control	Assessment	Compliance?
Roofs must use neutral colour tones such as greys, greens or browns.	Roof colour lighter grey	
<p>4.1.17 Lofts, Attics and Dormer Windows.</p> <p>Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and where there will be no impact on the views 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>4.1.18 Garages.</p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p>	<p>Garage setback 7.37m from front boundary line.</p> <p>Garage width <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>4.1.19 Building Materials.</p> <p>Building materials and finishes are to be non-reflective.</p> <p>Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p> <p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p>	<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 combination of face brickwork, rendered walls and cladding</p>	Yes.

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

Control	Assessment	Compliance?
<ul style="list-style-type: none"> Face brickwork with struck or tooled joints; Light coloured mortar joints; and Any rendered surfaces painted in neutral colours. 		
<p>4.1.20 Landscaping.</p> <p>All parts of the residential allotment in front of the building and facing the street that are not built on or paved are to be landscaped, with materials such as turf, groundcover, garden beds, shrubs and trees.</p> <p>Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>	<p>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>4.1.21 Driveways.</p> <p>Driveways are to:</p> <ul style="list-style-type: none"> Have a maximum width of 6m. Be designed with high quality stone pavers, large tiles, selected permeable paving or exposed aggregate. The colour and finish of stone pavers and tiles is to be subdued with a natural unpolished finish. 	<p>The driveway has a maximum width of 6m.</p> <p>The driveway is proposed to have coloured concrete lighter grey driveway which while not stone, tile or aggregate, has been reviewed by Council's Heritage Adviser is considered to provide appropriate driveway colour.</p>	Yes.
<p>4.1.21 Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</p> <p>Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.</p>	<p>None of these are proposed or shown on the DA plans</p>	Yes.
<p>4.1.25. Letterboxes</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 will not be 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



CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	37 Gleeson Rise Oran Park	
Lot:	6041	DP1235007
Date:	25 February 2022	

urbanco
Suite 3.03 55 Miller Street PYRMONT NSW 2009
PO Box 546 PYRMONT NSW 2009
02 9051 9333 | urbanco.com.au

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Attachment 4



Appendices

Appendix 1 – View Analysis

Figures

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

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

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:	37 Gleeson Rise Oran Park	
Lot:	6041	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:	6.172m [Ref: Elevations Sheet 010 Rev B-6 dated 8 Feb 2022]
Extent of Proposed Variation*:	23.4 %

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

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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 500m² and 700m² were imposed and specific development controls were included in the Camden Growth Centre Precincts DCP to ensure this development outcome was realised. The heritage object was to ensure the housing surrounding Catherine Park House was subservient to the heritage item and have roof forms that are not detrimental to the heritage significance and character of the House.



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

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

4.1.16 Roofs

Controls

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

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

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

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

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

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

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

4.5 Building Height

Controls

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

And:

4.6 Roofs

Controls

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

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

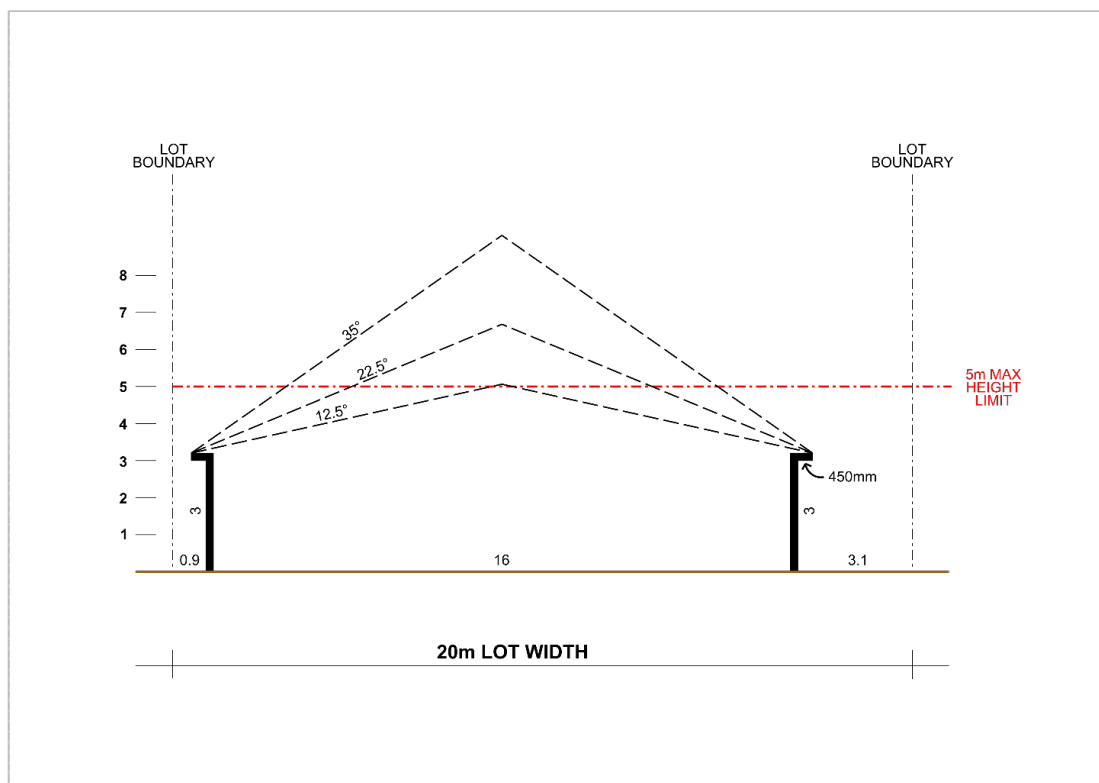


Figure 4 – Building Height & Roof Pitch

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.

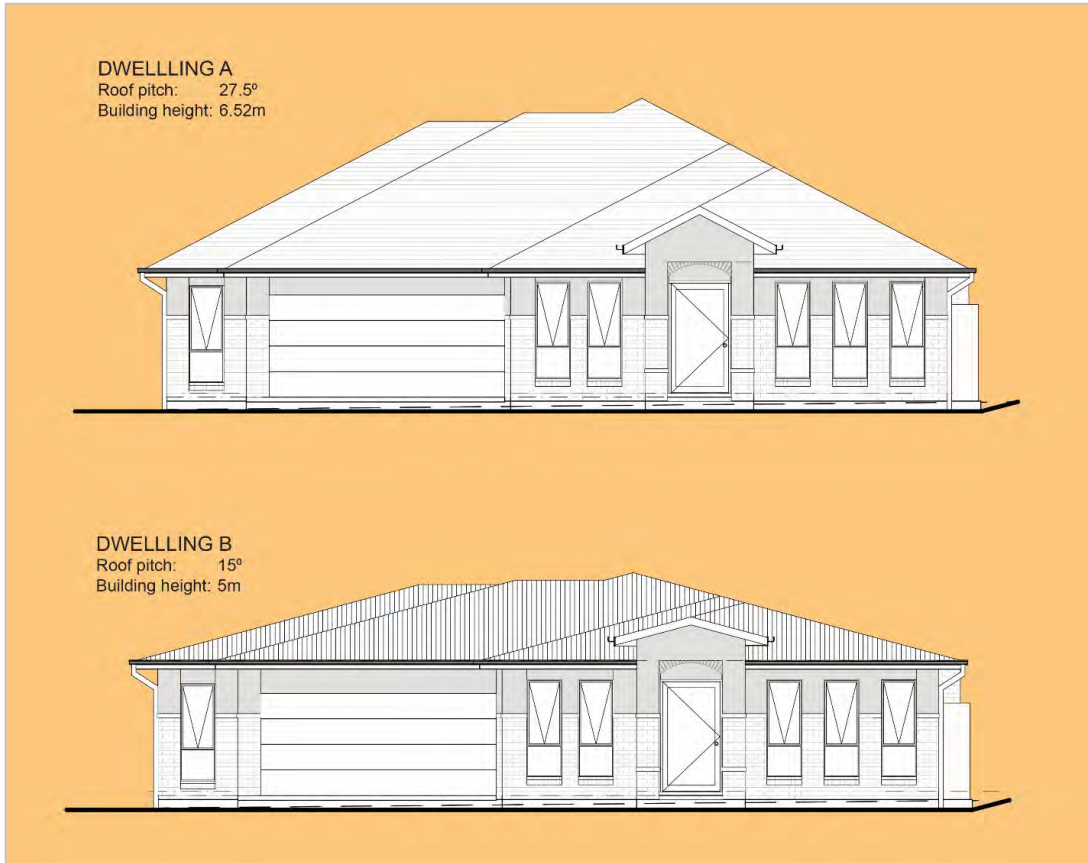


Figure 5 – Dwelling Roof Forms

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.

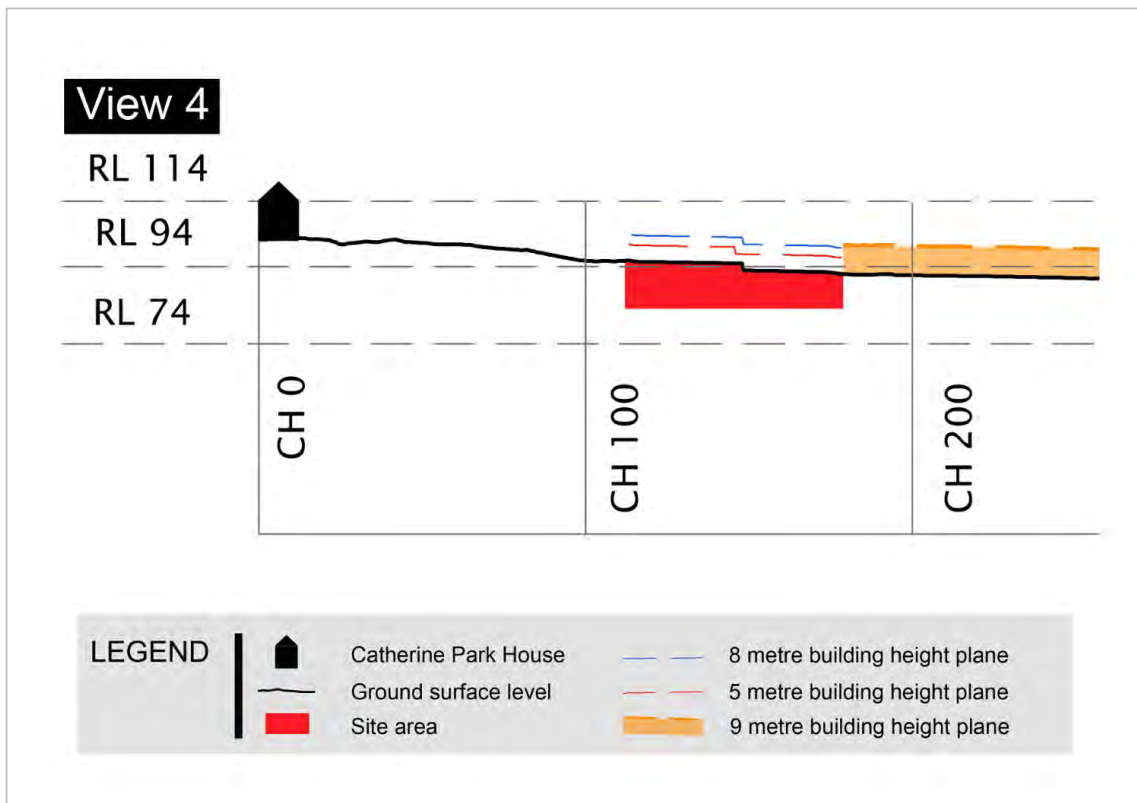


Figure 6 – Extract from View 4 in Views Analysis

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

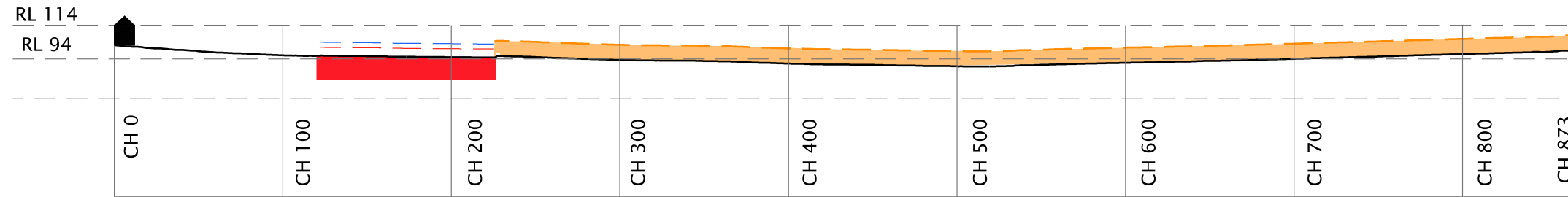
Attachment 4

CLAUSE 4.6 VARIATION REQUEST

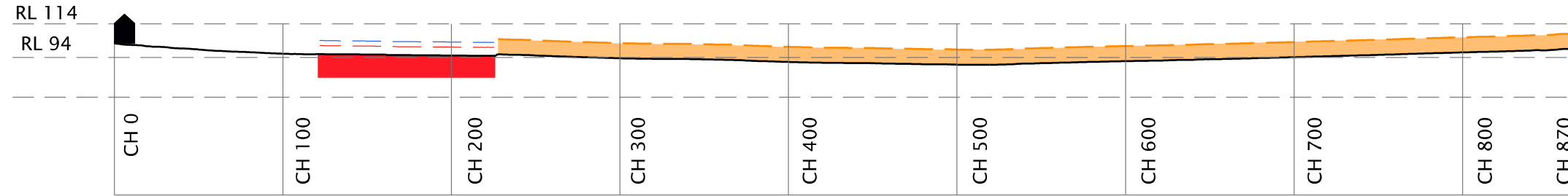
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

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

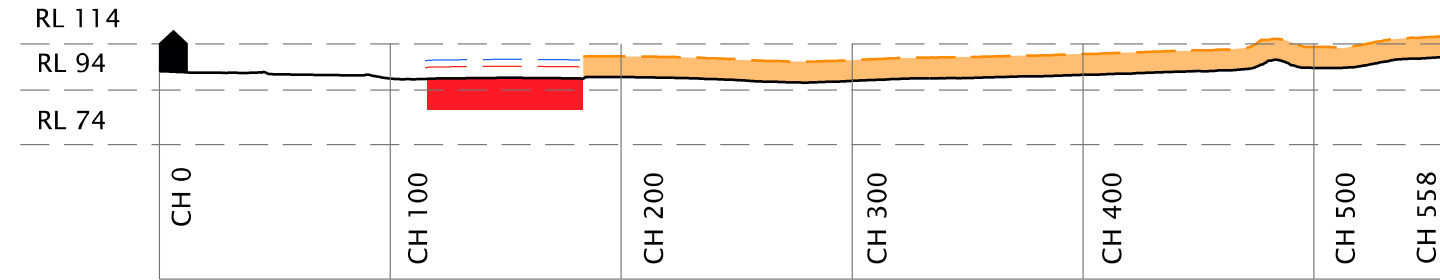
View 1



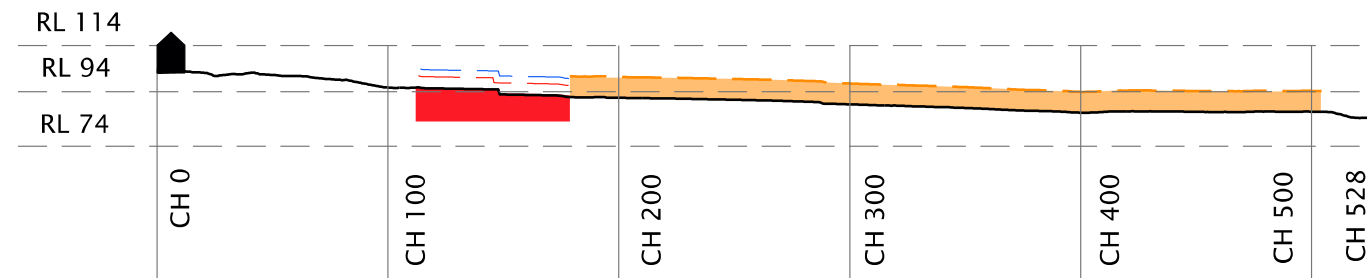
View 2






View 3

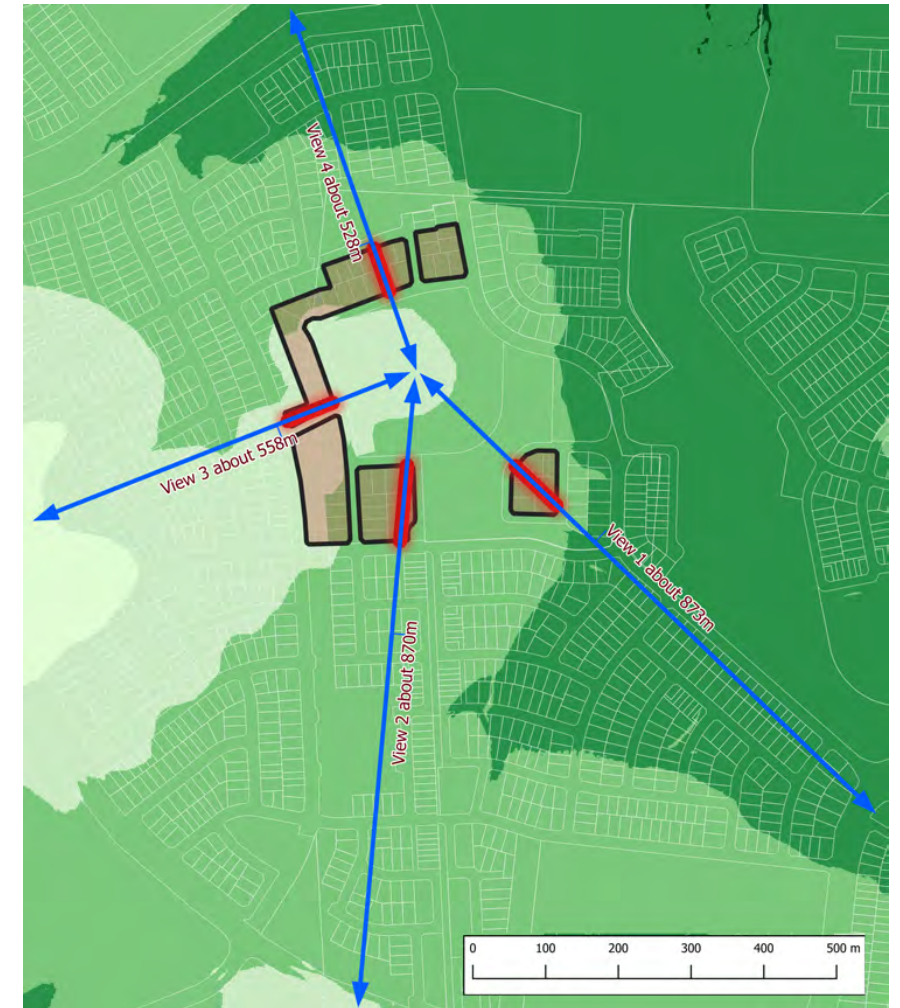


View 4



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

HMS Application ID: 907
Your ref: CNR-36370 - DA/2022/179/1

Ray Lawlor
Executive Planner
Camden Council
PO BOX 183
CAMDEN NSW 2570

By email: ray.lawlor@camden.nsw.gov.au

Dear Mr Lawlor

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

Address: 37 Gleeson Rise, ORAN PARK NSW 2570
SHR item: 112-130 Oran Park Drive, Oran Park, SHR no. 01695
Proposal: Construction of a single storey dwelling
IDA application no: HMS ID 907, received 10 March 2022

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

APPROVED DEVELOPMENT

1. Development must be in accordance with:

a) Architectural drawings, prepared by Fowler as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: New Single Storey Dwelling			
001	Cover Sheet	7/4/22	B-8
002	Notes	7/4/22	B-8
003	BASIX	7/4/22	B-8
004	NATHERS	7/4/22	B-8
005	Site Plan	7/4/22	B-8
006	Driveway Gradient	7/4/22	B-8
007	Concept Stormwater Plan	7/4/22	B-8
008	Site Management Plan	7/4/22	B-8
009	Floor Plan	7/4/22	B-8
010	Elevations	7/4/22	B-8
011	Elevations	7/4/22	B-8
012	Section	7/4/22	B-8

Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

CLPP01

Attachment 5

013	Windows & Doors Schedules	7/4/22	B-8
014	Notification Plan	7/4/22	B-8

- b) Landscape drawing, prepared by EcoDesign as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: 37 Gleeson Rise, Oran Park			
L-01	Landscape Plan	7/4/22	G

- c) *Heritage Assessment, New Single Storey Residential Dwelling (37 Gleeson Rise, Oran Park)*, prepared by Urbanco, dated 25 February 2022.
- d) *External Colour Plan*, prepared by Brickworks Building Products, undated.

EXCEPT AS AMENDED by the following general terms of approval:

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

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

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.

ADVICE

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.

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

Right of Appeal

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

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

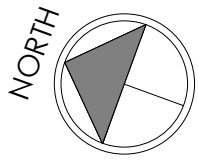
Yours sincerely

Shikha Jhaldiyal

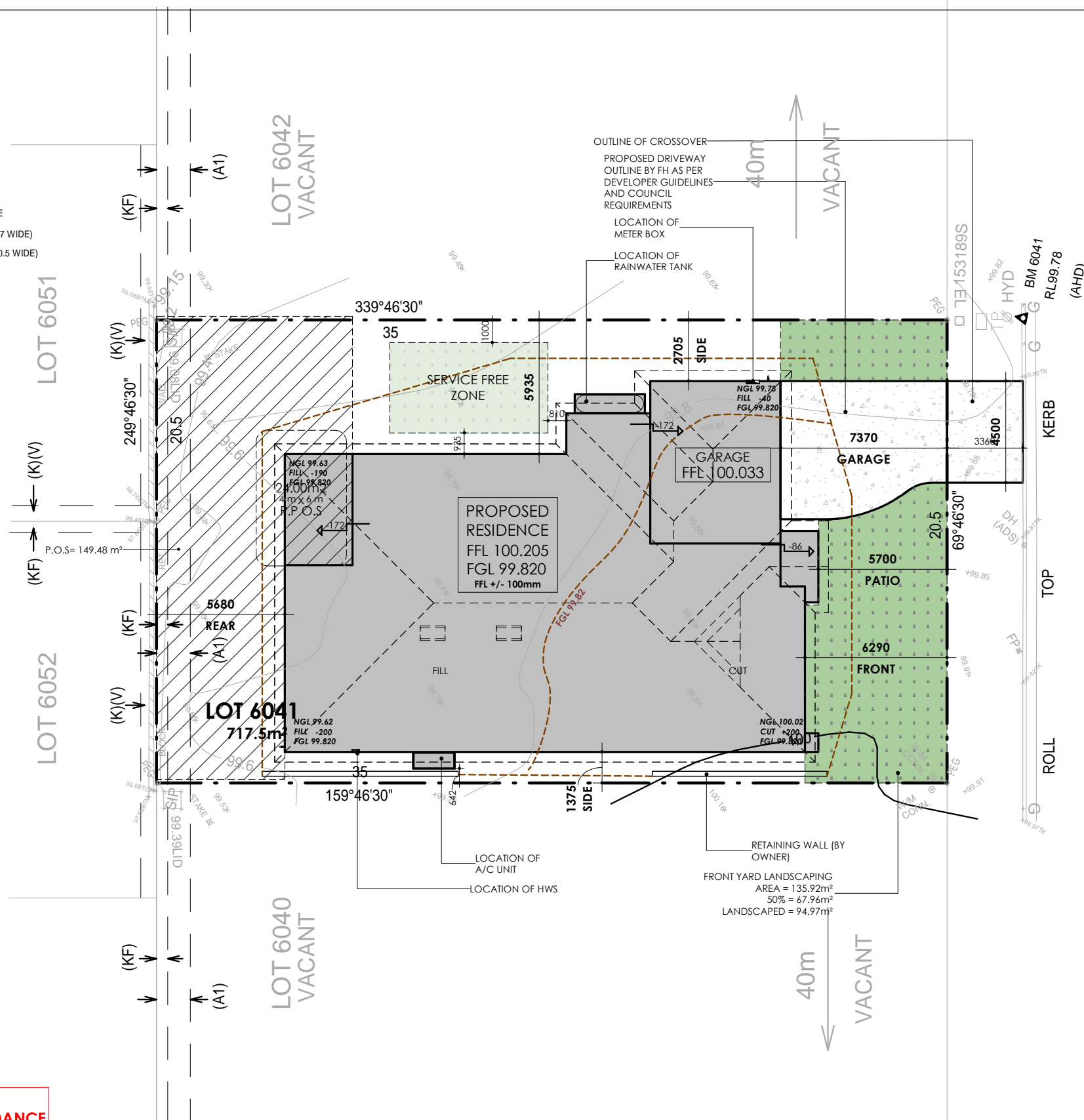
Shikha Jhaldiyal
Manager Heritage Assessments
Heritage NSW
Department of Planning & Environment
As Delegate of the Heritage Council of NSW
28/04/2022

CLPP01

Attachment 5



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



GLEESON RISE

COUNCIL:
ORAN PARK

DEVELOPER:
CATHERINE PARK ESTATE

GROWTH CENTRE:
-

DA COUNCIL APPROVAL

COUNCIL APPROVAL REFER TO COUNCIL REGULATIONS FOR FURTHER DETAILS.

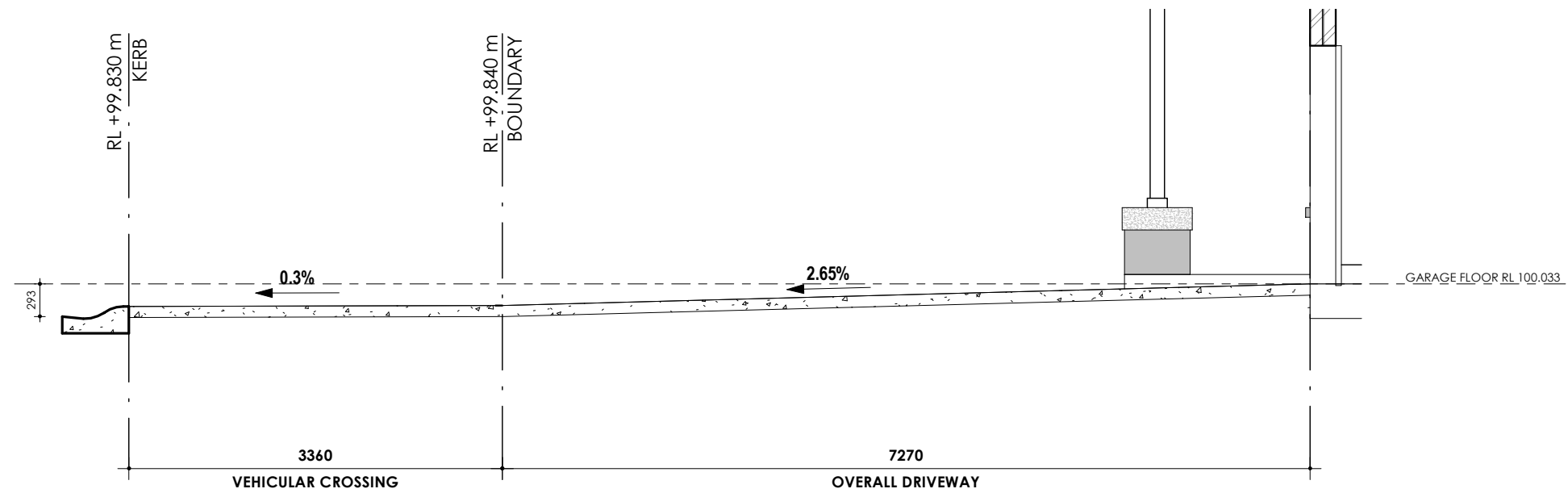
SITE AREA:	717.50 m ²
FLOOR AREAS:	TOTAL: 328.71 m ²
GROUND FLOOR:	266.52 m ²
GARAGE:	41.49 m ²
PATIO:	5.94 m ²
OUTDOOR RETREAT:	14.76 m ²
SITE COVERAGE:	TOTAL GF: 42.93%
EXCLUDES FIRST FLOOR, PATIO, OUTDOOR RETREAT, BALCONY	
SITE AREA:	717.50 m ²
GROUND FLOOR AREA:	266.52 m ²
GARAGE AREA:	41.49 m ²
MAX. SITE COVERAGE:	50%
	0%
LANDSCAPE AREA:	47.90%
SITE AREA:	717.50 m ²
TOTAL HARDSTAND AREA:	328.71 m ²
APPROX DRIVEWAY AREA:	45.07 m ²
LESS THAN 1m:	0.00 m ²
EXISTING STRUCTURE:	0.00 m ²
LANDSCAPED AREA:	343.72 m ²
MINIMUM LANDSCAPE:	30%
PRIVATE OPEN SPACE	
PRINCIPAL PRIVATE OPEN SPACE:	24.00 m ²
PRIVATE OPEN SPACE:	149.48 m ²

LEGEND

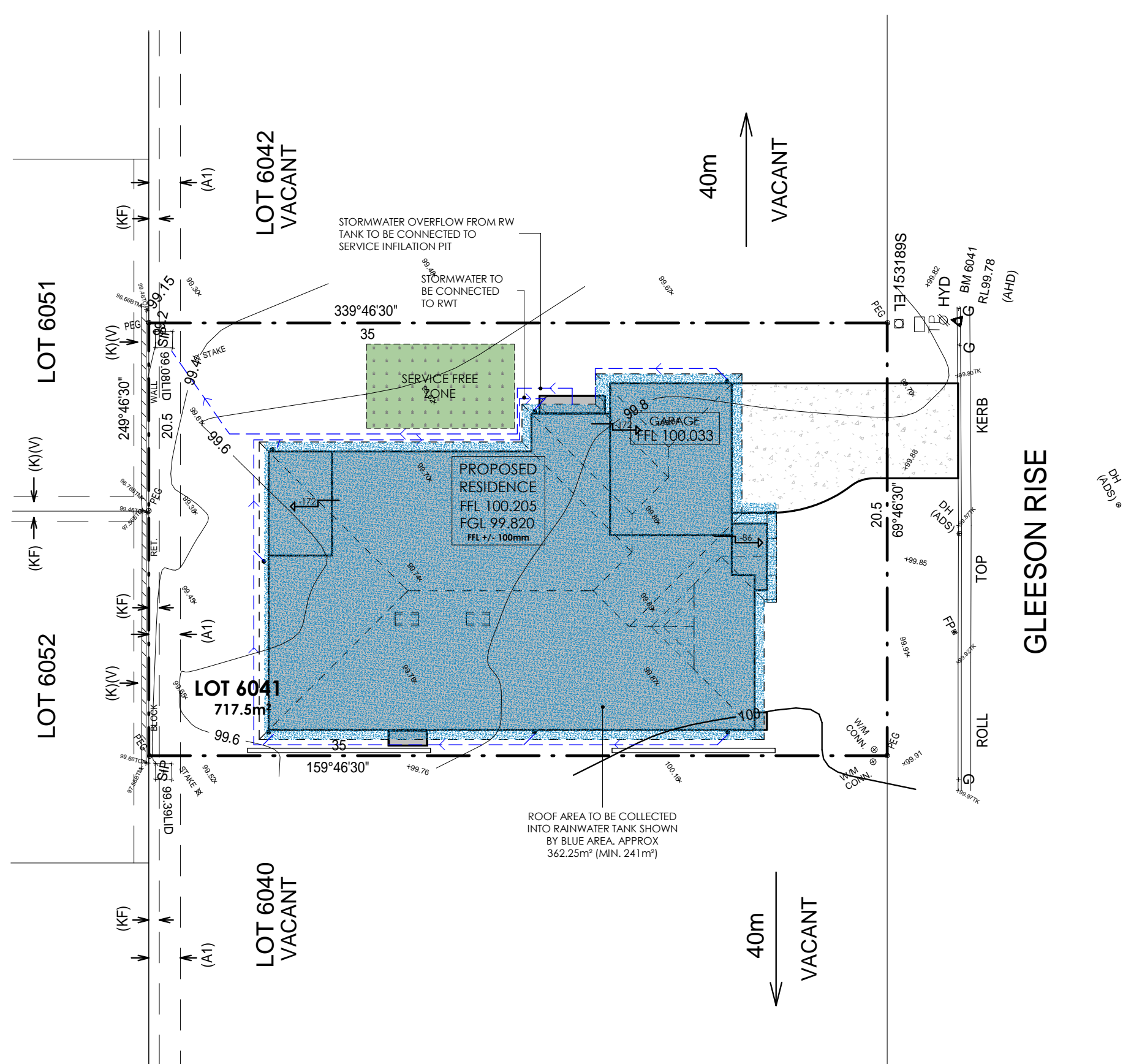
CUT/FILL	---
DROP EDGE BEAM	---
NATURAL GROUND LEVEL	NGL
FINISH GROUND LEVEL	FGL
FINISH FLOOR LEVEL	FFL
PRIVATE OPEN SPACE	///

NOTES:
• THE HOME MUST BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY NBN

SHEET NAME: SITE PLAN		JOB NO: 21-1212		 FOWLER YOUR HOME. OUR PASSION.	CLIENTS NAME: MR BLAKE JAMES RUSSELL MRS RHIANNON JANE RUSSELL		SITE ADDRESS: LOT: 6041 DP: 1235007 (No. 37) GLEESON RISE, ORAN PARK, NSW, 2570	
DESIGN NAME: TOORAK 34		REV: B-8	DATE: 07.04.22		SIGNATURE: I ACCEPT AND APPROVE CURRENT PLANS AND ALL DOCUMENTATION PROVIDED TO ME BY FOWLER HOMES.	DATE:		
FACADE NAME: HAMPTONS	PACKAGE: ELEGANCE	SCALE @ A3: 1 : 200	SHEET NO: 005					



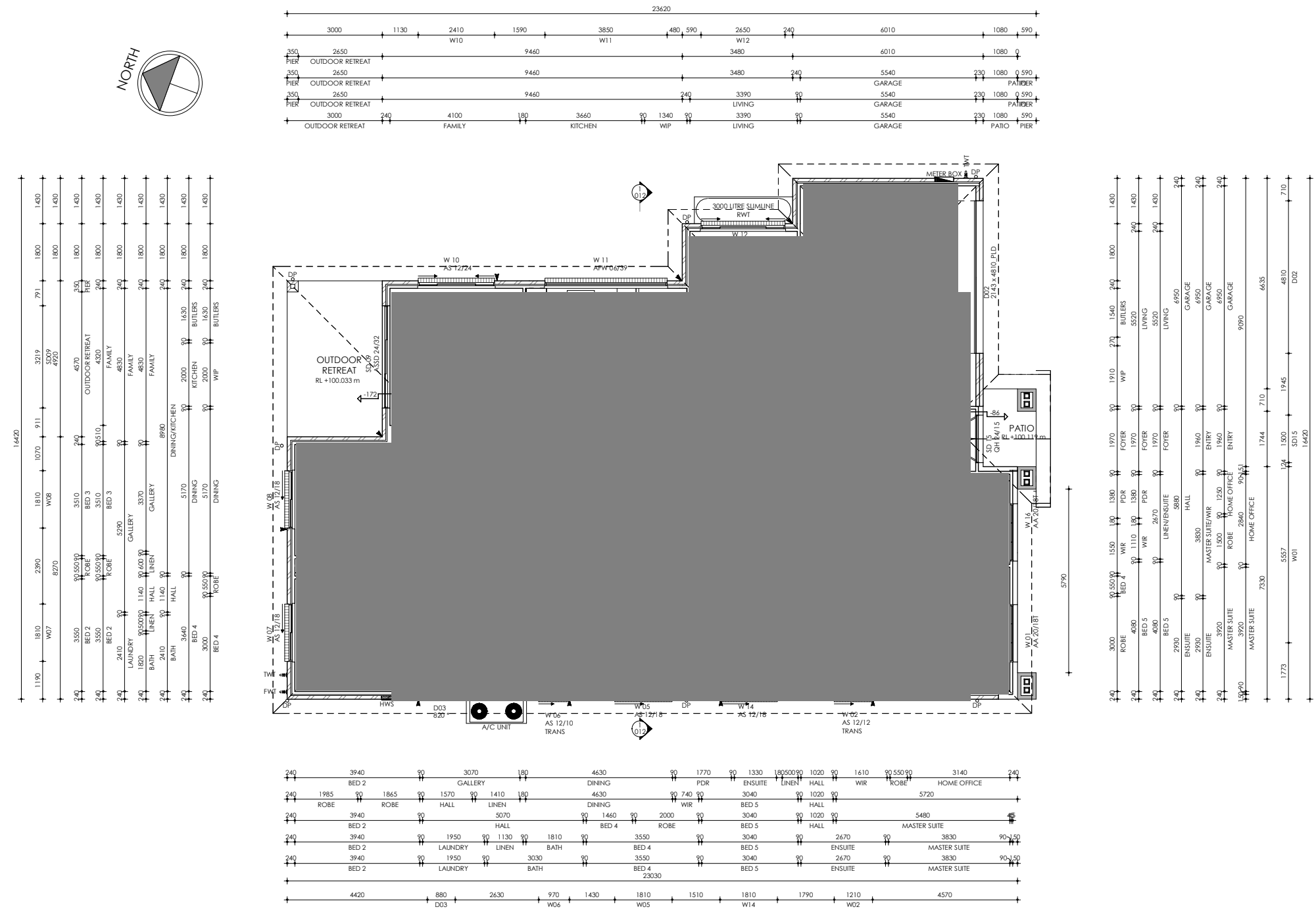
SHEET NAME: DRIVEWAY GRADIENT		JOB NO: 21-1212		 FOWLER YOUR HOME. OUR PASSION.	CLIENTS NAME: MR BLAKE JAMES RUSSELL MRS RHIANNON JANE RUSSELL	SITE ADDRESS: LOT: 6041 DP: 1235007 (No. 37) GLEESON RISE, ORAN PARK, NSW, 2570
NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34		REV: B-8	DATE: 07.04.22		SIGNATURE: _____ DATE: _____	
FACADE NAME: HAMPTONS	PACKAGE: ELEGANCE	SCALE @ A3: 1 : 50	SHEET NO: 006		I ACCEPT AND APPROVE CURRENT PLANS AND ALL DOCUMENTATION PROVIDED TO ME BY FOWLER HOMES.	



DOWNSPIPE COUNT	
AREA	NO. OF DOWNSPIPES
397.88 m ²	13

SHEET NAME: CONCEPT STORMWATER PLAN		JOB NO: 21-1212		 <p>FOWLER YOUR HOME. OUR PASSION.</p>	CLIENTS NAME: MR BLAKE JAMES RUSSELL MRS RHIANNON JANE RUSSELL	SITE ADDRESS: LOT: 6041 DP: 1235007 (No. 37) GLEESON RISE, ORAN PARK, NSW, 2570
DESIGN NAME: TOORAK 34		REV: B-8	DATE: 07.04.22		SIGNATURE: _____ DATE: _____	I ACCEPT AND APPROVE CURRENT PLANS AND ALL DOCUMENTATION PROVIDED TO ME BY FOWLER HOMES.
FACADE NAME: HAMPTONS	PACKAGE: ELEGANCE	SCALE @ A3: 1 : 200	SHEET NO: 007			

- NOTES:**
- ALL SQUARE SET OPENINGS TO BE 2400mm HIGH TO GROUND FLOOR.
 - ALL SQUARE SET OPENINGS TO BE 2100mm HIGH TO FIRST FLOOR.
 - ALL GROUND FLOOR ENTRY, EXTERNAL, INTERNAL AND LAUNDRY DOORS TO BE 2340mm HIGH.
 - WINDOWS TO HAVE PROTECTION OF OPENABLE WINDOWS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA VOLUME 2 2013, IN RELATION TO THE BEDROOM WINDOWS.



LEGEND

MW	MICROWAVE
DW	DISHWASHER
WM	WASHING MACHINE SPACE
FS	FRIDGE SPACE
*	2340 HIGH DOORS
SA	SMOKE ALARM
⊗	EXHAUST FAN
→	FLOOR JOIST DIRECTION
TWT	TANK WATER TAP
FWT	FRESH WATER TAP
DP	DOWN PIPE LOCATION
FW	FLOOR WASTE
WS	WASTE STACK
EJ	EXPANSION JOINTS
⊠	ROOF ACCESS
SB	STRUCTURAL BEAMS TO ENGINEER'S SPECIFICATIONS

FLOOR AREAS

GROUND FLOOR	266.52 m ²
GARAGE	41.49 m ²
PATIO	5.01 m ²
OUTDOOR RETREAT	14.76 m ²
TOTAL	327.78 m ²
SQUARES	35.28

• THE HOME MUST BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY NBN

Attachments for the Camden Local Planning Panel – Electronic Determination - 23 May 2022 - Page 74

SHEET NAME: FLOOR PLAN		JOB NO: 21-1212	
NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34		REV: B-8	DATE: 07.04.22
FACADE NAME: HAMPTONS	PACKAGE: ELEGANCE	SCALE @ A2: 1 : 100	SHEET NO: 009

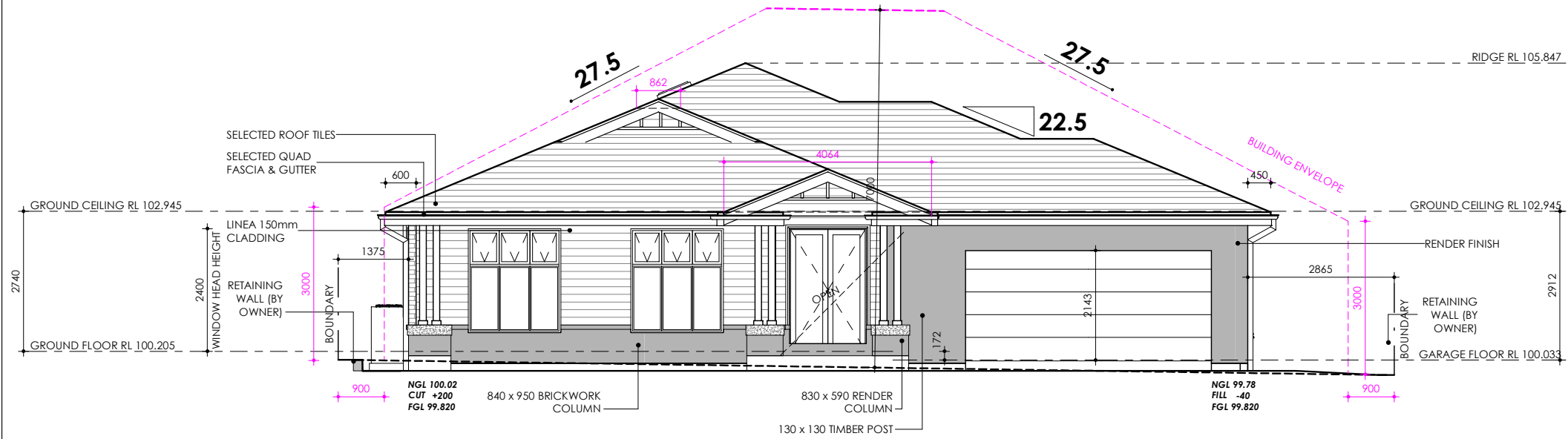


CLIENTS NAME:
**MR BLAKE JAMES RUSSELL
MRS RHIANNON JANE RUSSELL**

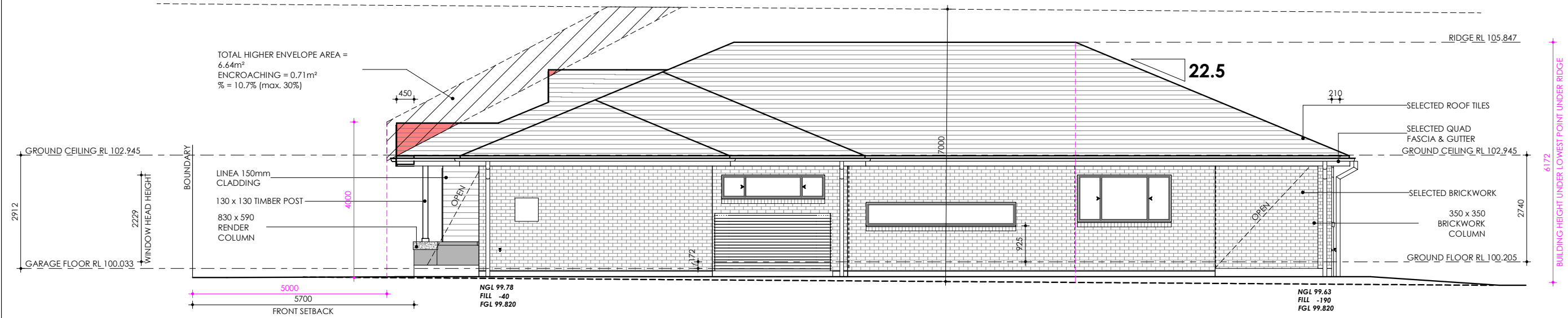
SIGNATURE: _____ DATE: _____
I ACCEPT AND APPROVE CURRENT PLANS AND ALL DOCUMENTATION PROVIDED TO ME BY FOWLER HOMES.

SITE ADDRESS:
**LOT: 6041 DP: 1235007
(No. 37) GLEESON RISE,
ORAN PARK, NSW, 2570**

NOTES:
 • THE HOME MUST BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY NBN



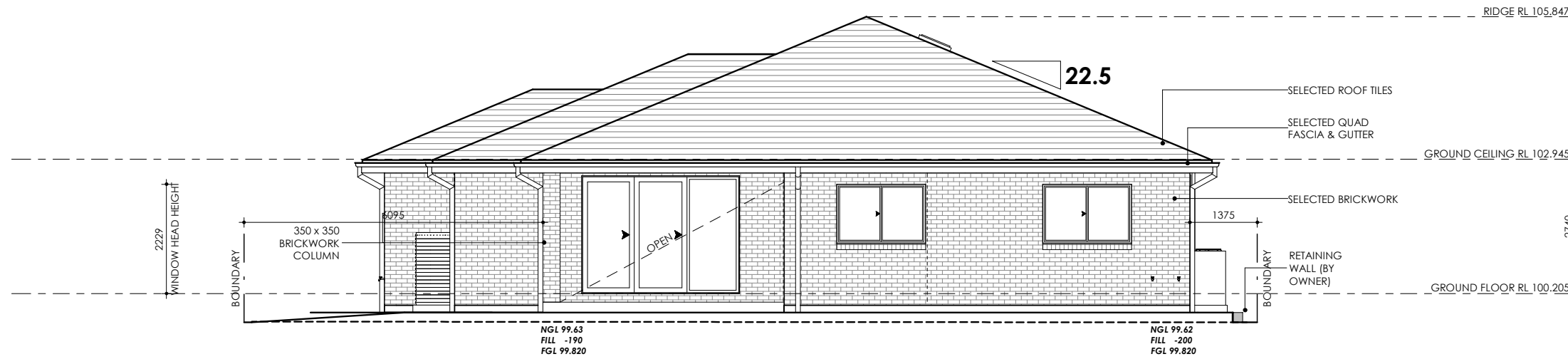
SOUTH ELEVATION
 1 : 100



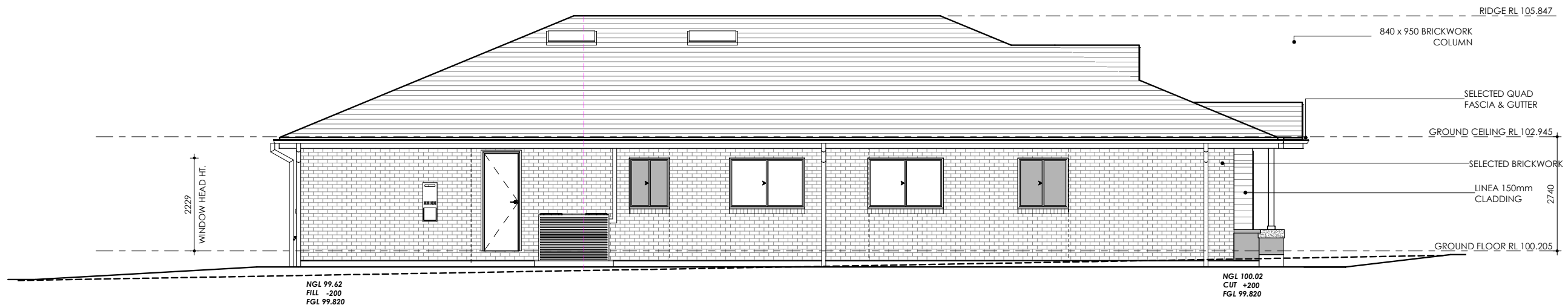
WEST ELEVATION
 1 : 100

SHEET NAME: ELEVATIONS		JOB NO: 21-1212		 <p>FOWLER YOUR HOME. OUR PASSION.</p>	CLIENTS NAME: MR BLAKE JAMES RUSSELL MRS RHIANNON JANE RUSSELL	SITE ADDRESS: LOT: 6041 DP: 1235007 (No. 37) GLEESON RISE, ORAN PARK, NSW, 2570
NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34		REV: B-8	DATE: 07.04.22		SIGNATURE: I ACCEPT AND APPROVE CURRENT PLANS AND ALL DOCUMENTATION PROVIDED TO ME BY FOWLER HOMES.	DATE:
FACADE NAME: HAMPTONS	PACKAGE: ELEGANCE	SCALE @ A3: 1 : 100	SHEET NO: 010			

NOTES:
 • THE HOME MUST BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY NBN

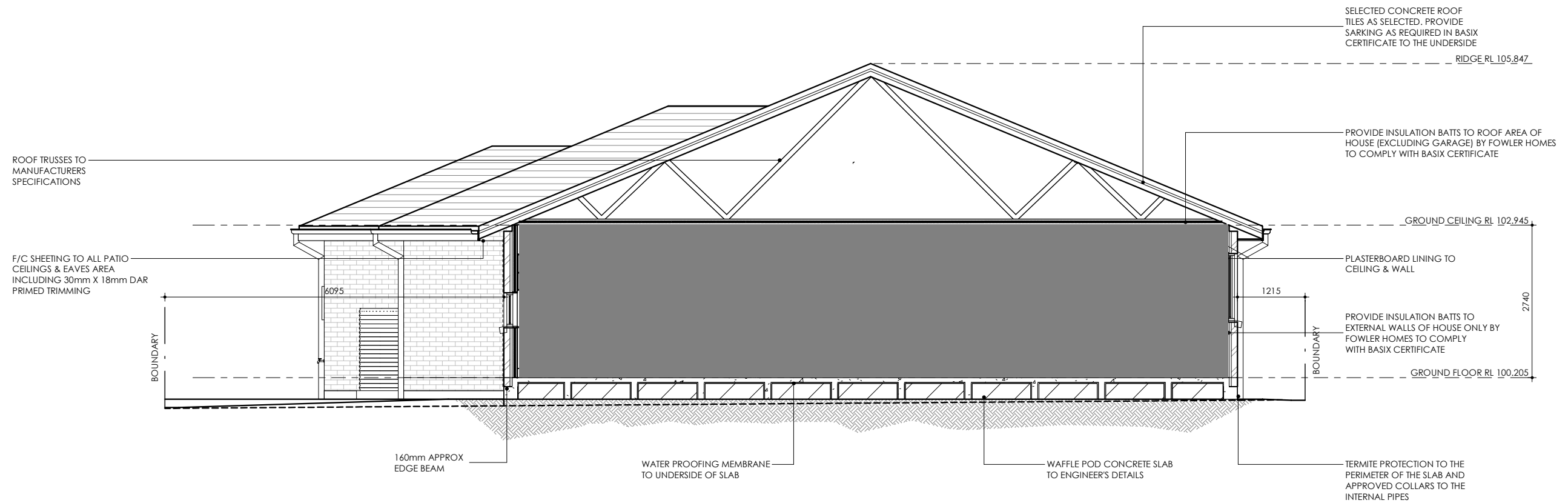


NORTH ELEVATION
 1 : 100



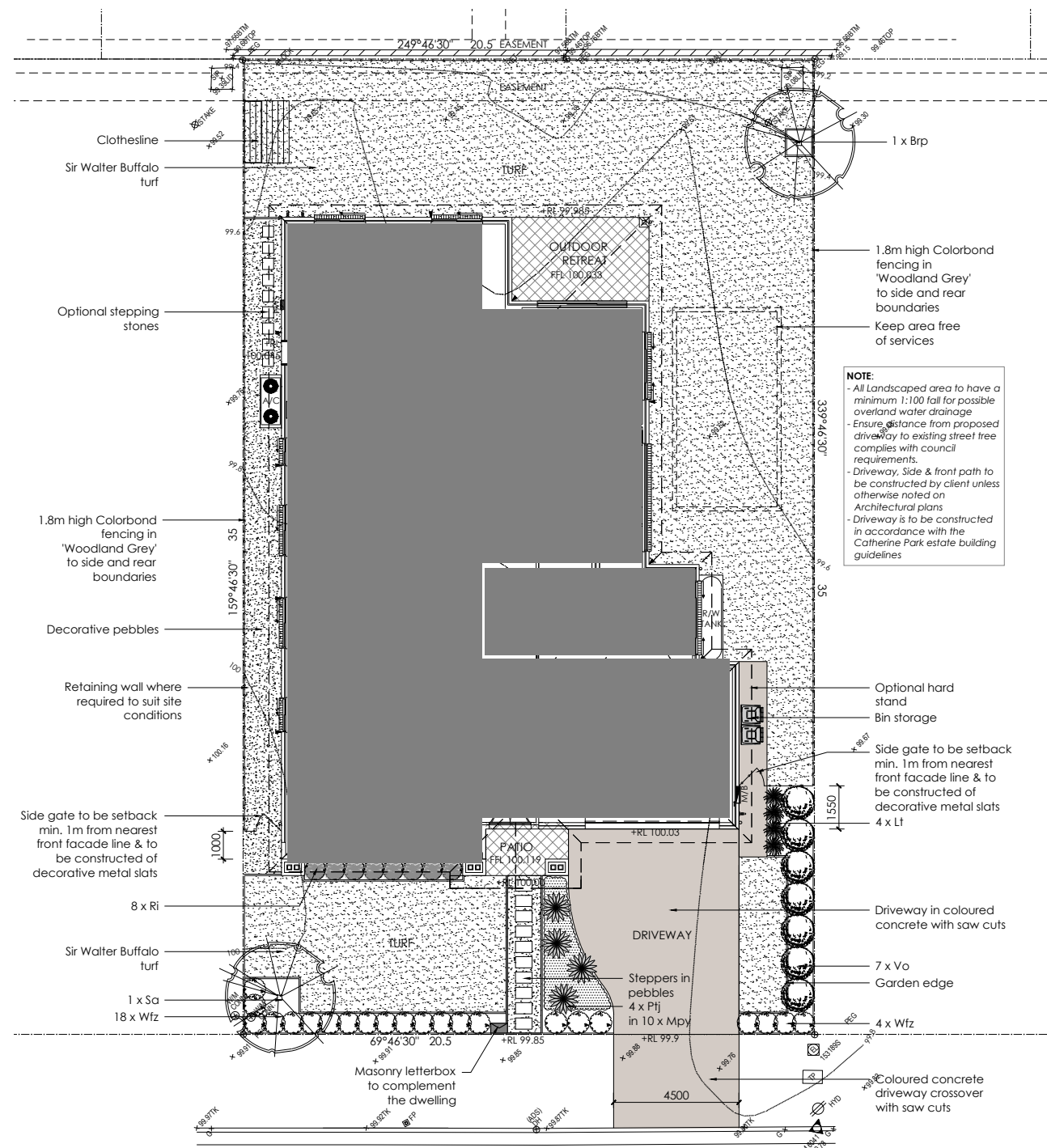
EAST ELEVATION
 1 : 100

SHEET NAME: ELEVATIONS		JOB NO: 21-1212		 <p>FOWLER YOUR HOME. OUR PASSION.</p>	CLIENTS NAME: MR BLAKE JAMES RUSSELL MRS RHIANNON JANE RUSSELL	SITE ADDRESS: LOT: 6041 DP: 1235007 (No. 37) GLEESON RISE, ORAN PARK, NSW, 2570
NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34		REV: B-8	DATE: 07.04.22		SIGNATURE: I ACCEPT AND APPROVE CURRENT PLANS AND ALL DOCUMENTATION PROVIDED TO ME BY FOWLER HOMES.	DATE:
FACADE NAME: HAMPTONS	PACKAGE: ELEGANCE	SCALE @ A3: 1 : 100	SHEET NO: 011			

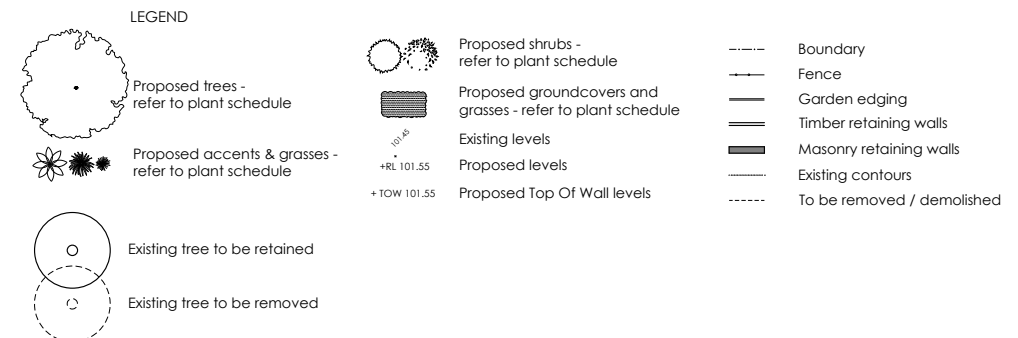


SECTION A-A
1 : 75

SHEET NAME: SECTION		JOB NO: 21-1212		 FOWLER YOUR HOME. OUR PASSION.	CLIENTS NAME: MR BLAKE JAMES RUSSELL MRS RHIANNON JANE RUSSELL	SITE ADDRESS: LOT: 6041 DP: 1235007 (No. 37) GLEESON RISE, ORAN PARK, NSW, 2570
NEW SINGLE STOREY DWELLING DESIGN NAME: TOORAK 34		REV: B-8	DATE: 07.04.22		SIGNATURE: _____ DATE: _____	
FACADE NAME: HAMPTONS	PACKAGE: ELEGANCE	SCALE @ A3: 1 : 75	SHEET NO: 012		I ACCEPT AND APPROVE CURRENT PLANS AND ALL DOCUMENTATION PROVIDED TO ME BY FOWLER HOMES.	



NOTE:
 - All Landscaped area to have a minimum 1:100 fall for possible overland water drainage
 - Ensure distance from proposed driveway to existing street tree complies with council requirements.
 - Driveway, side & front path to be constructed by client unless otherwise noted on Architectural plans
 - Driveway is to be constructed in accordance with the Catherine Park estate building guidelines



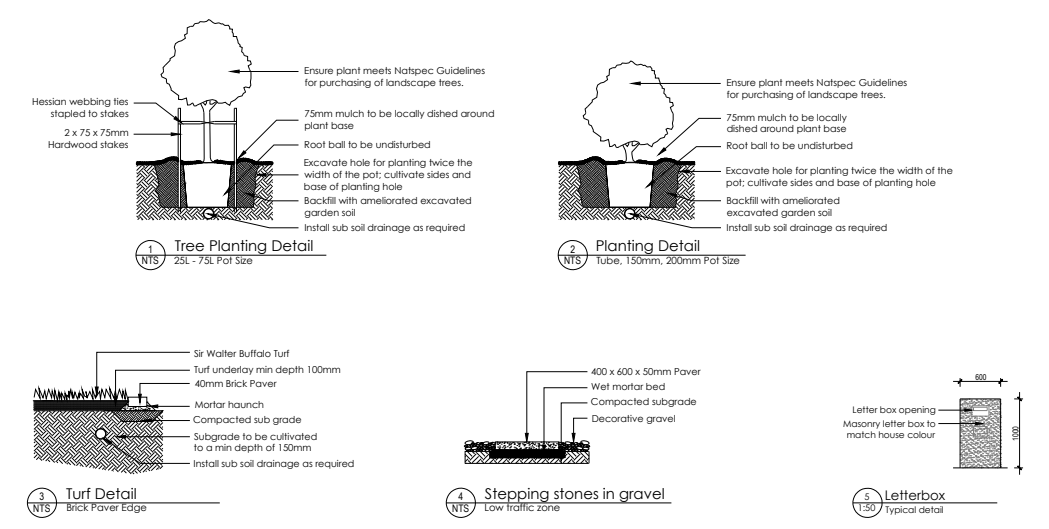
AREA CALCULATIONS

SITE AREA	- 717.50 m ²
LANDSCAPE AREA MINIMUM REQUIRED	- 30% (215.25 m ²)
PROPOSED	- 45.85% (329 m ²)

PLANT SCHEDULE Prepared by ecodesign Pty Ltd

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	POT SIZE	MATURE SIZE
Brp	Brachychiton populneum*	Kurajong	1	45L	9m
Lt	Lomandra Tanika*	Fine-leaved Mat Rush	4	150mm	0.5m
Mpy	Myoporum parvifolium *Yareena*	Creeping Boobialla	10	150mm	0.1m
Pj	Phormium tenax 'Variegatum'	New Zealand Flax	4	200mm	1m
Ri	Rosa 'Iceberg'	Iceberg Rose	8	200mm	1.5m
Sa	Schinus areira	Peppercorn Tree	1	45L	10m
Vo	Viburnum odoratissimum*	Sweet Viburnum	7	200mm	2.5m
Wfz	Westringia fruticosa 'Zena'	Dwarf Native Rosemary	22	200mm	0.9m

*Australian Native Species



GLEESON RISE

<p>REVISION</p> <table border="1"> <tr><th>NO.</th><th>DESCRIPTION</th><th>DATE</th></tr> <tr><td>A</td><td>SUBMITTED TO CLIENT FOR COMMENT</td><td>12-08-21</td></tr> <tr><td>B</td><td>SUBMITTED TO CLIENT FOR COMMENT</td><td>13-08-21</td></tr> <tr><td>C</td><td>SUBMITTED TO COUNCIL'S COMMENTS</td><td>02-09-21</td></tr> <tr><td>D</td><td>AMEND TO LATEST ARCHITECTURALS</td><td>08-10-21</td></tr> <tr><td>E</td><td>AMEND TO LATEST ARCHITECTURALS</td><td>14-10-21</td></tr> <tr><td>F</td><td>ISSUE FOR CC</td><td>07-04-22</td></tr> <tr><td>F</td><td>ISSUE FOR CC</td><td>12-04-22</td></tr> </table>	NO.	DESCRIPTION	DATE	A	SUBMITTED TO CLIENT FOR COMMENT	12-08-21	B	SUBMITTED TO CLIENT FOR COMMENT	13-08-21	C	SUBMITTED TO COUNCIL'S COMMENTS	02-09-21	D	AMEND TO LATEST ARCHITECTURALS	08-10-21	E	AMEND TO LATEST ARCHITECTURALS	14-10-21	F	ISSUE FOR CC	07-04-22	F	ISSUE FOR CC	12-04-22	<p>ecodesign outdoor living environments Unit 41, 5-9 Gladstone road, castle hill NSW 2154 02 9852 7712 www.ecodesign.com.au</p>	<p>37 GLEESON RISE, ORAN PARK</p> <p>MR & MRS RUSSELL</p>	<p>NEW RESIDENCE</p> <p>LANDSCAPE PLAN</p> <p>1:100 @ A1 CC L-01</p> <p>JD AS 07-04-22 G</p>
NO.	DESCRIPTION	DATE																									
A	SUBMITTED TO CLIENT FOR COMMENT	12-08-21																									
B	SUBMITTED TO CLIENT FOR COMMENT	13-08-21																									
C	SUBMITTED TO COUNCIL'S COMMENTS	02-09-21																									
D	AMEND TO LATEST ARCHITECTURALS	08-10-21																									
E	AMEND TO LATEST ARCHITECTURALS	14-10-21																									
F	ISSUE FOR CC	07-04-22																									
F	ISSUE FOR CC	12-04-22																									

CLPP02

CLPP02

SUBJECT: DA/2022/26/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE WITH AN IN-GROUND SWIMMING POOL - 17 MARY FAIRFAX DRIVE, ORAN PARK

EDMS #: 22/178120

DA Number:	2022/26/1
Development:	Construction of a single storey dwelling house with an in-ground swimming pool and associated site works
Estimated Cost of Development:	\$850,000
Site Address(es):	17 Mary Fairfax Drive, Oran Park
Applicant:	Mr Lenard Anderson
Owner(s):	Mr Bobby Engel and Mrs Melissa Engel
Number of Submissions:	One written submission opposing the development
Development Standard Contravention(s):	Clause 4.3 – Height of Buildings
Classification:	Local Development.
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Departure from Development Standards greater than 10%
Report Prepared By:	Laura Morabito – Senior 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 the construction of single storey dwelling house with an in-ground swimming pool and associated site works at 17 Mary Fairfax Drive, Oran Park.

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

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/26/1 for the construction of single storey dwelling house with an inground swimming pool and 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 the construction of single storey dwelling house with an in-ground swimming pool and associated site works at 17 Mary Fairfax Drive, Oran Park (refer to **Figure 1** below).

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 in accordance with Camden Community Participation Plan 2021. The exhibition period was from 21 January 2022 to 10 February 2022 and one written submission was received, opposing the development. The submission raised concern that the proposed attic level bedrooms would potentially overlook the private open space of the adjoining residential allotments. The submission is considered in the main body of this report.

The dwelling will have a maximum building height of 6.936m to its highest roof ridge. This exceeds the maximum 5m building height which applies under clause 4.3 Appendix 5 and the Height of Buildings Map (HoB_004) of State Environmental Planning Policy (Precincts - Western Parklands City) 2021.

The 5m height 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 proposed dwelling, with a 27.5 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 17 Mary Fairfax Drive, Oran Park largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and has been on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022).

A variation is sought to the eave overhang required under the Camden Growth Centres DCP. This variation is not supported and a condition is recommended that requires the inclusion of a 450mm eave overhang. This additional eave overhang will not result in any unreasonable amenity impacts for residents of adjoining dwelling houses.

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
Section 4.3 <i>Height of Buildings</i> of the Growth Centres SEPP – 5m	6.936m	1.936m or 38.72%.

AERIAL PHOTO



Figure 1 – The site (outlined in red) and surrounding allotments.

THE SITE

The site is legally described as Lot 6070 in DP 1235007 and commonly referred to as 17 Mary Fairfax Drive, Oran Park. The site is a recently constructed lot in a ‘greenfields’ subdivision, having been registered in May 2021. It has an area of 786.2m² with street frontage of 26.6m and minimum depth of 30m. The site has a gentle slope from the north eastern to the south western end of the site and is zoned R2 Low Density Residential (refer to **Figure 2** below).

A retaining wall approximately 1.5m high is located along the rear boundary line, which was constructed as part of the parent subdivision works. Consequently, the lot contains an easement and positive covenant, which is referred as ‘KF’ on the deposited plan.

Whilst the subject site does not have any heritage significance, allotments to the rear form part of the heritage curtilage of Oran Park House (also known as Catherine Park House) (refer to **Figure 4** below). Oran Park House is a two storey Georgian Revival style homestead that was later modified to include a Victorian Villa with rear access, basement level and a two storey rear wing in the 1940s. The site also contains various ancillary structures including the Silo and Coach House which sits in between the house and the western boundary of the subject site (refer to **Figure 5** below). The State Heritage Inventory also identifies views to and from Oran Park House and South Creek as significant in that it reflects the historic rural character of the Camden Local Government Area (LGA).

ZONING PLAN



Figure 2 – The site (outlined in red) and surrounding allotments.

BUILDING HEIGHT MAP



Figure 3 – The site (outlined in red) and surrounding allotments. Lots coloured in blue are subject to a maximum building height of 5m. Lots coloured in dark green are subject to a maximum building height of 9m.

HERITAGE MAP

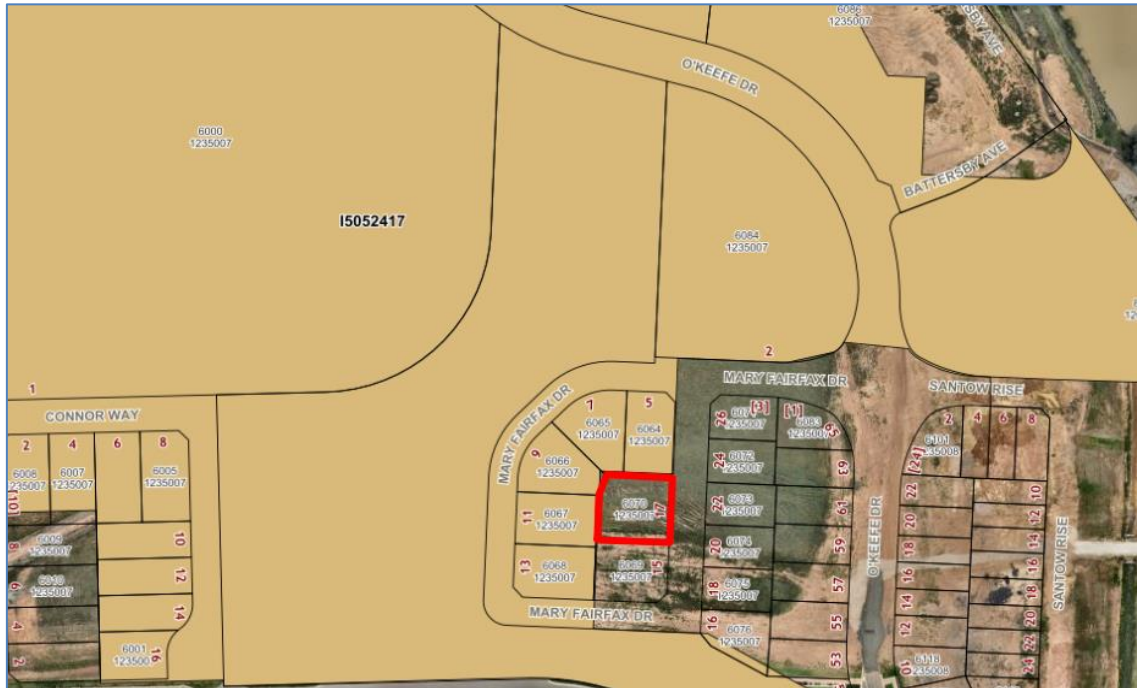


Figure 4 – The site (outlined in red) and surrounding allotments. The Heritage curtilage for Catherine Park House is coloured in brown.



Figure 5: Location of significant built forms within the Catherine Park House heritage curtilage. The subject site is marked 'X.'

AREA MASTER PLAN

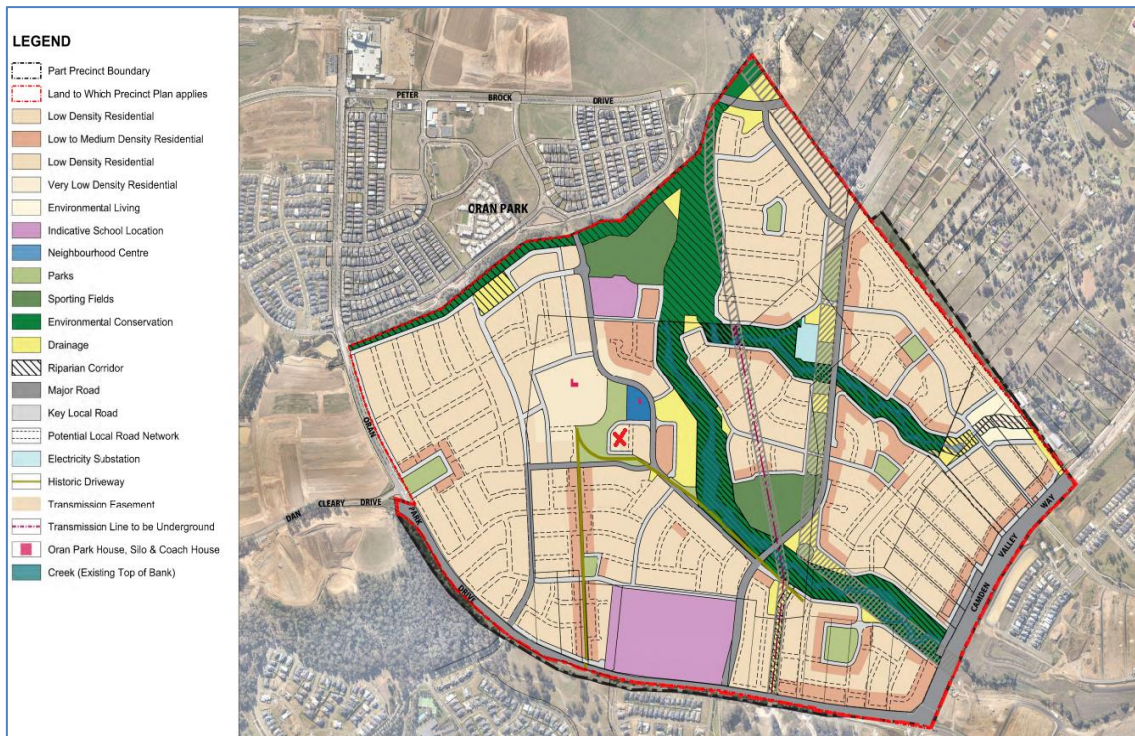


Figure 6 – Catherine Park Indicative Layout Plan. The subject site is located in the parent allotment marked 'X.'

HISTORY

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

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

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

THE PROPOSAL

DA/2022/26/1 seeks approval for the construction of single storey dwelling house with an in-ground swimming pool and associated site works at 17 Mary Fairfax Drive, Oran Park.

The proposed dwelling house consists of five bedrooms, theatre, billiards room, living / dining areas, kitchen, laundry, bathroom and a three car garage.

A site plan and front elevation of the proposed development is shown in Figures 7 and 8 below.

The estimated cost of the development is \$850,000.

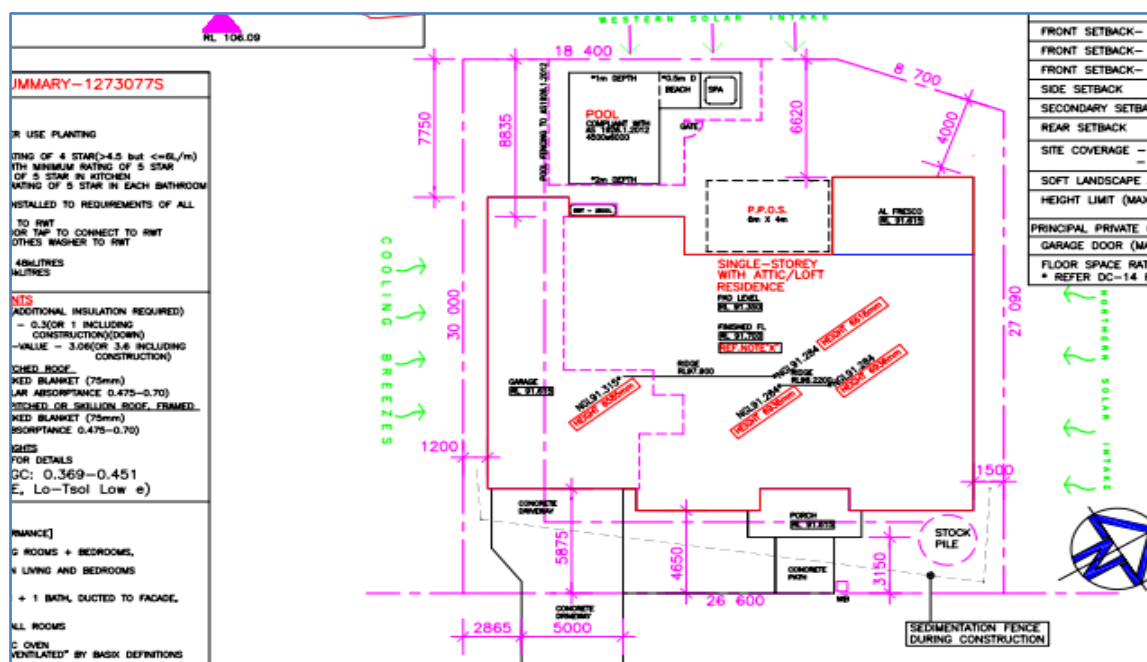


Figure 7 – Site plan of the subject proposal.

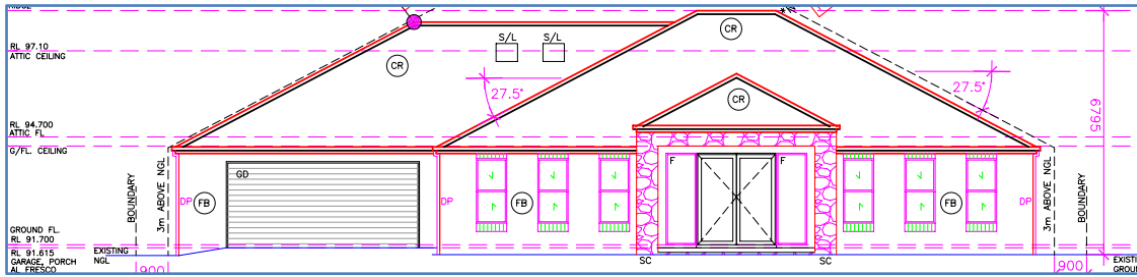


Figure 8 – Front elevation of the proposed dwelling house.

BACKGROUND

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

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

Dwelling houses with hipped and gabled roof forms (with a roof pitch greater than 12.5 degrees) will inherently exceed the 5m building height development standard given the relative size and width of the properties, coupled with the larger building footprint required for single storey dwellings. This is illustrated in the following Figures 9 and 10 below. Council’s development controls for dwelling houses in this area require a minimum roof pitch of 22.5 degrees.

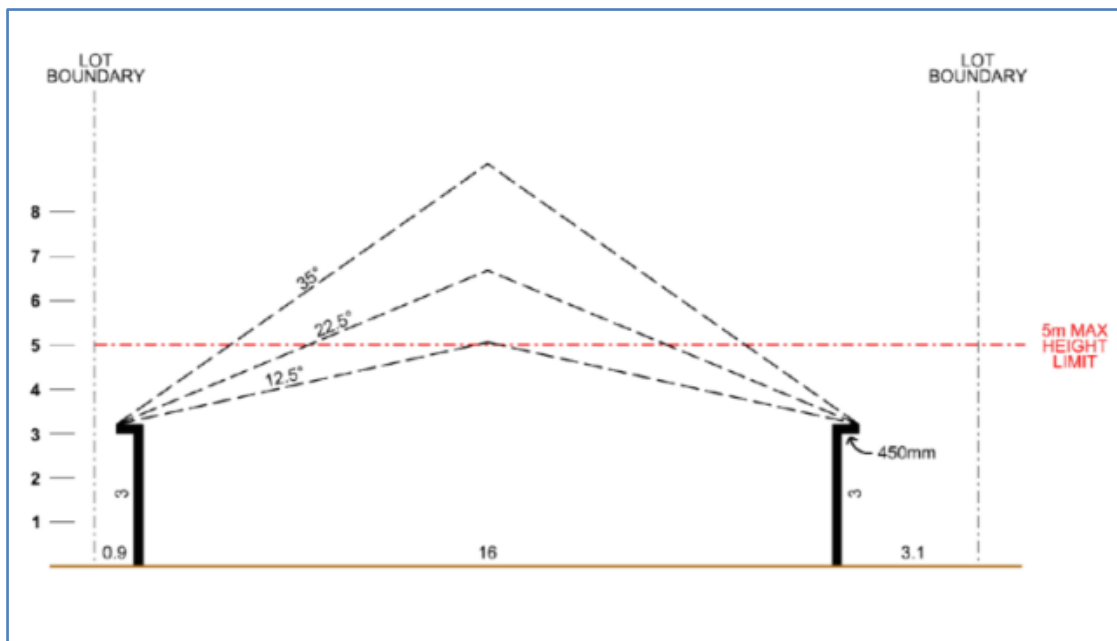


Figure 9 – A building envelope plan of single storey dwellings and their expected building height based on the proposed roof pitch.



Figure 10 – Front elevation of a dwelling house with a minimum roof pitch of 15 degrees compared to a dwelling house with a minimum roof pitch of 27.5 degrees.

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer which seeks to amend 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 17 Mary Fairfax Drive, Oran Park largely complies with the building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the DPE and the public exhibition period has recently closed (exhibited from Wednesday 9 February until Wednesday 9 March 2022).

It should also be noted that dwellings on lots outside the heritage curtilage can be approved under the relevant complying development / housing code provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. In particular, Complying Development Certificates have been issued for the erection of single storey dwellings at 77, 67, 63, 61, 57 Banfield Drive and 4 Tribe Avenue. While still being legally classified as a single storey, these dwellings had building heights greater than 5m.

ASSESSMENT

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

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

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

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004;
- State Environmental Planning Policy (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

The site is zoned R2 Low Density Residential pursuant to Appendix 9, Clause 2.2 of the Growth Centres SEPP.

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 planning controls is provided as an **attachment** to this report.

Clause 4.6 – Exceptions to Development Standards

The proposed development will contravene the height of building standard which applies under Section 4.3 of Appendix 9 of the Growth Centres SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 6.936m in height, breaching the development standard by 1.936m or 38.72%.

Pursuant to Section 4.6(3), Appendix 5 of the 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 restrict the dwelling to a flat roof form as opposed to pitched/skillion roof form. Consequently, this would add bulk to the built form which is likely to compromise significant views to and from Catherine Park House and South Creek;
- The subject site is not located within any significant viewsapes associated with Oran Park House and South Creek (refer to **Figure 11** below). The development contravention is unlikely to have any significant impacts on views and vistas to and 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; 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 as:

- The objectives of the R2 Low Density Residential zone and height of buildings control are achieved notwithstanding the non-compliance. This is because the development proposes a single storey detached dwelling house that meets the relevant design requirements specifically relating to setbacks, floor space ratio and roof design imposed in the Camden Growth Centres DCP. Consequently, the objectives and intent of built form surrounding Oran Park House will be preserved;
- If the development were to comply with the development standard, the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as specified in the Camden Growth Centres DCP. Consequently, the development is likely to have adverse amenity impacts to the overall significance of Oran Park House; and
- Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and its surrounds. The dwelling is consistent with the intended outcome for allotments surrounding Oran Park House by proposing simple hipped and/or gabled roof form of at least 22.5 degrees.

A copy of the applicant’s Clause 4.6 written request is provided in the **attached** documents.

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).

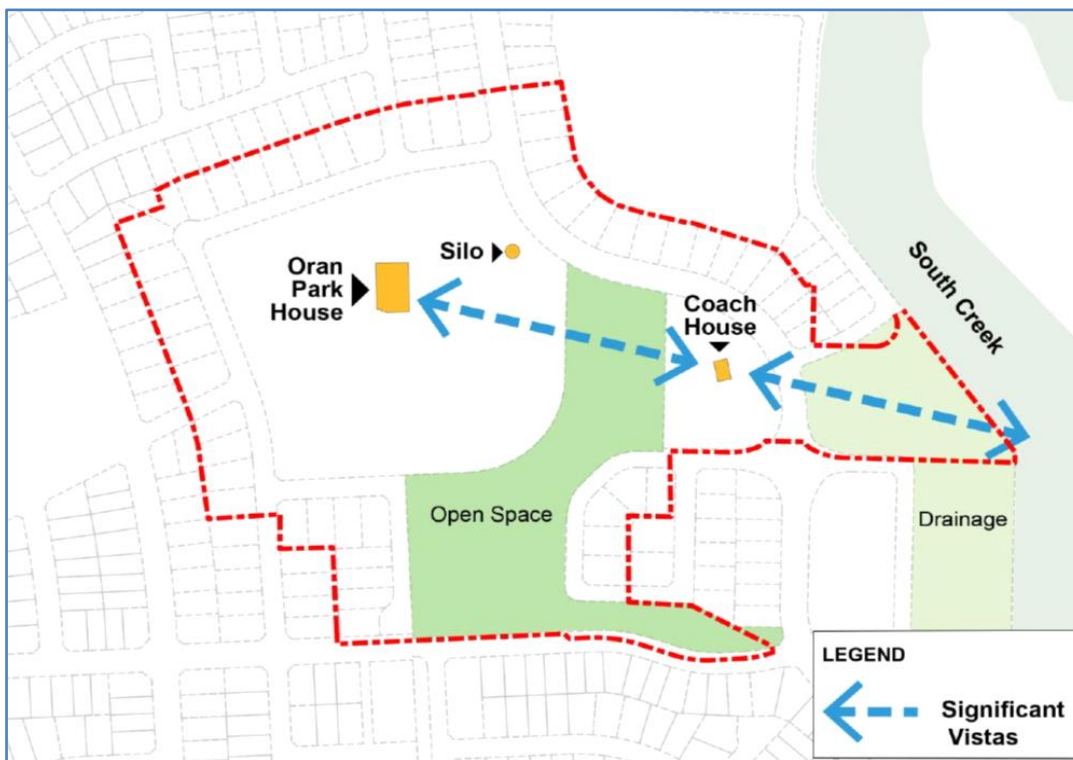


Figure 11 – Significant views to and from Catherine Park House and South Creek.

Pursuant to Appendix 5, Section 4.6(4) of the Growth Centres SEPP, Council staff are satisfied that:

- the applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3) of the Growth Centres SEPP; and
- the development will be in the public interest as it 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.

In accordance with Clause 4.6(3), the applicant requests that the maximum building height control be varied in this instance. The applicant's written request (which is **attached** to this report) submits that compliance with the development standard is unreasonable and unnecessary as the proposed development is consistent with and does not erode the underlying intent of the R2 Low Density Residential zone and the maximum height of buildings objectives.

It is assessed that the development sustains a dwelling design that will not have any significant amenity impacts to the heritage item. As the development will accommodate a compliant building design that is sympathetic to the heritage character of Oran Park House, it is considered that compliance with this development standard has no identifiable public benefit.

The applicant's written request has adequately addressed the matters required to be demonstrated by clause 4.6(3), Appendix 5 of the Precincts SEPP and the development will be within the public interest as it is consistent with the objectives relating to the height of building control and the R2 Low Density Residential zone, as outlined below.

Section 4.3 Height of Building

The objectives of this section are as follows—

- a) *to establish the maximum height of buildings,*

Comment: Whilst the development does not comply with the 5m height standard, the proposal has been designed in a manner that is sympathetic with the heritage character of Oran Park House. It is therefore considered that the proposal is not inconsistent with Objective (a).

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

Comment: The subject site has a minimum lot size of 786.2m² with street frontage of 26.6m and minimum depth of 30m. The proposed development has demonstrated compliance with all other relevant controls that apply to the subject site including setbacks, landscaped area and site coverage. Further, the DA was accompanied by shadow diagrams that demonstrates that all habitable rooms and areas of private open space on adjoining allotments will receive a minimum three hours of solar access at the winter solstice. The proposed development will also not result in any unreasonable privacy or visual bulk impacts. Accordingly, the development is consistent with Objective (b).

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

Comment: The site and surrounding allotments are zoned R2 Low Density Residential and therefore this subsection does not apply.

R2 Low Density Residential Objectives

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

Comment: The proposed development relates to a single dwelling house that is generally compliant with relevant controls contained in the Camden Growth Centres DCP. It is therefore considered that the subject proposal will provide for the housing needs of the community.

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

Comment: The proposed contravention will have no impacts to existing and projected land uses immediately surrounding the subject site. Consequently, it is considered that the development will meet the day to day needs of future residents on site and on the adjoining allotments.

- c) *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.*

Comment: The development has achieved all relevant dwelling controls contained in the Camden Growth Centres DCP which will allow residents to carry out a range of activities from their homes, without having any adverse impacts to surrounding residents.

- d) *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.*

Comment: The site is not projected for any other land uses and therefore the proposal will not be inconsistent with the intent of this objective.

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

Comment: The site and surrounding allotments are projected for low density land uses. As the proposal seeks development consent for a dwelling house with ancillary structures, the development will not be inconsistent with the intent of this objective.

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

Overall, the contravention to the maximum height of buildings development standard is supported given:

- The development satisfies the objectives of the zone and standard;

- The development is single storey; less than 7 metres in height; and generally complies with the requirements of the draft planning proposal;
- The subject lot sits lower than the adjoining lots to the north / west (which are located within the heritage curtilage of Oran Park House) with a retaining wall 1.5m-1.6m in height located along the rear boundary. Accordingly, the development will not impact on any views to / from Oran Park House;
- The subject lot is located outside the heritage curtilage of Oran Park House and the lots on the opposite side of Mary Fairfax Drive are subject to a maximum building height development standard of 9m, upon which two storey dwelling houses can be erected. The proposed dwelling house provides a suitable transition from the lots located within the heritage curtilage (i.e. 7, 9 and 11 Mary Fairfax Drive) that sit higher than the subject lot (approximately 1.5m) and the two storey development allowed on the opposite side of Mary Fairfax Drive.
- The proposed roof pitch is in line with the roof pitches encouraged for developments around Oran Park House (the DCP stipulates that “roof pitches are to be between 22.5 degrees and up to 35 degrees”);
- The proposal has been reviewed by Council’s Heritage Advisor who is supportive of the development (subject to the eaves being increased to 450mm); and
- The development will not result in any unreasonable amenity impacts for residents of adjoining properties.

The assumed concurrence of the Secretary has been issued for variations of this nature under Planning Circular PS 20-002 issued 5 May 2020.

For the above reasons, it is recommended that the Panel support this proposed contravention to the maximum building height prescribed under the Growth Centres SEPP.

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

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

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

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

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

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

Camden Growth Centre Precincts Development Control Plan (Growth DCP)

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

The assessment has determined that the proposal is generally consistent with the relevant controls, with the exception of a variation to the required eave overhang. The applicant proposes a no / minimal eave overhang, which results in dwelling of more bulky appearance that is incongruous with the dwelling houses approved in the surrounding area. Accordingly, a condition is recommended that requires the inclusion of a 450mm eave overhang. This additional eave overhang will not result in any unreasonable amenity impacts for residents of adjoining dwelling houses.

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

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

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

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

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

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

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited in accordance with Camden Community Participation Plan 2021. The exhibition period was from 21 January 2022 to 10 February 2022 and one submission was received raising the following concern:

1. *The proposed height of windows outside the attic that is to contain bedrooms and a bathroom will directly overlook the private open space areas adjoining property.*

Officer comment: The applicant submitted amended plans in which the windows were reconfigured / redesigned to have a minimum sill height of 1550mm (from the finished floor level) and / or a privacy screen (with a minimum block out density of 75%) will be installed on any section of window with a lower sill height. The subject windows serve bedrooms and bathrooms which are considered low activity rooms where users seek their own privacy. As such, the proposed development (as amended) is not considered to result in unreasonable overlooking.

(e) the public interest

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

EXTERNAL REFERRALS

No external referrals were required for this DA.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

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

RECOMMENDED

That the Panel:

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

- ii. **approve DA/2022/179/1 for the construction of a single storey dwelling house with an in-ground swimming pool and associated site works at 17 Mary Fairfax Drive, Oran Park, subject to the conditions attached to this report.**

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021 in relation to the maximum height of buildings standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances, and that despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument being Appendix 5, State Environmental Planning Policy (Precincts – Western Parkland City) 2021.
3. The development is consistent with the objectives of Camden Growth Centre Precincts 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. Growth SEPP Assessment Table
3. Growth DCP Assessment Table
4. Clause 4.6 Written Request
5. Architectural Plans

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Drawing No. DC-01, Issue F	Site Plan + Information	Black Cow Studio	June 2021
Drawing No. DC-02, Issue F	Ground Floor Plan	Black Cow Studio	June 2021
Drawing No. DC-03, Issue F	Attic Level	Black Cow Studio	June 2021
Drawing No. DC-04, Issue F	Roof Plan	Black Cow Studio	June 2021
Drawing No. DC-06, Issue F	Elevations	Black Cow Studio	June 2021
Drawing No. DC-07, Issue F	Sections	Black Cow Studio	June 2021
Drawing No. DC-08, Issue F	Windows	Black Cow Studio	June 2021
Drawing No. DC-09, Issue F	Drainage Concept	Black Cow Studio	July 2021
Drawing No. DC-08, Issue F	Landscape Concept Plan	Black Cow Studio	June 2021
Drawing No. DC-013, Issue F	Finishes Schedule	Black Cow Studio	July 2021

Document Title	Prepared by	Date
Waste Management Plan	Lenard Anderson – Black Cow Studio	10 January 2022

- (2) **Modified Documents and Plans** - The development shall be modified to provide a 450mm eave overhang on all elevations.

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

- (3) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this development consent applies.
- (4) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made. Compliance with the BCA cannot result in changes to the internal layout or external appearance of the approved dwelling house. Any such

changes must be approved by Council by way of a Section 4.55 Modification Application.

- (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) **Swimming Pools and Spas** - The swimming pool/spa shall comply with:
- a) the *Swimming Pools Act 1992*;
 - b) the Swimming Pools Regulation 2008;
 - c) AS 1926.1-2012 'Swimming Pool Safety' Part 1: Safety barriers for swimming pools;
 - d) AS 3500.2-2003 'Plumbing and drainage – Sanitary plumbing and drainage';
 - e) AS1926.3 'Water recirculation systems'; and
 - f) the BCA.
- (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 pram ramps, footpath, light poles, kerb inlet pits, service provider pits, street trees or other infrastructure in the street footpath area for the proposed development shall be borne by the applicant, and not Council.

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

2.0 - Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.
- (2) **Surface Water Collection from Swimming Pools and Spas** - Swimming pool surrounds and/or paving shall be constructed so as to ensure water from the pool overflow or surge does not discharge onto neighbouring properties. Details demonstrating compliance shall be provided to the accredited certifier.
- (3) **Driveway Gradients and Design** – The design of all driveways shall comply with AS 2890.1-2004 'Off street car parking' and:
 - a) the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>;
 - b) the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - c) the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - d) a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

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

- (4) **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.
- (5) **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*.
- (6) **Salinity (Dwellings and Outbuildings)** – The approved development shall comply with the requirements of the salinity management plan titled '*Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park,*' prepared by Douglas Partners, Project No. 76559.00, dated November 2015.

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

- (7) **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.
- (8) **Detailed Landscape Plan** - A detailed landscape plan must be prepared in accordance with Appendix B of Camden Development Control Plan 2019. Details demonstrating compliance must be provided to the certifier. The detailed landscape plan must demonstrate that the subject site will achieve a minimum of 30% of deep soil landscaping.

3.0 - Prior to Commencement of Works

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

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

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

c) the name, address and telephone number of the principal certifier for the work.

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

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

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

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

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

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

4.0 - During Works

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

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

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

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

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

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

- (3) **Swimming Pool Fence Design** - The swimming pool or spa must be fenced so that the pool is effectively isolated from the dwelling and adjoining lands. The swimming pool fence must comply with the following requirements:

- a) The swimming pool safety fencing must strictly adhere to the design and location approved with the development consent, and any conditions of the development consent;
- b) Fences and gates must strictly comply with AS1926-2012 – Swimming pool safety – Part 1: Safety barriers for swimming pools;
- c) Fencing shall have a minimum effective height of 1.2m;
- d) All swimming pool gates shall be self-closing and self-latching. All gates must open outwards from the swimming pool enclosure;
- e) The filtration equipment including any cover, housing or pipe work, must not be located within a distance of 900mm from the outside face of the swimming pool safety fencing enclosure, nor within 300mm from the inside of the swimming pool safety fencing enclosure (where footholds are possible); and
- f) Boundary fencing forming part of the swimming pool safety fencing shall maintain a minimum effective height of 1.8m and a 0.9m non climbable zone (measured from the top of the inside of the barrier).

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

- (4) **Wastewater From Swimming Pools and Spas** - All swimming pool wastewater shall be disposed of as follows:

Sand Filters

- a) Where a Sydney Water sewer is available – wastewater shall be drained or pumped to the sewer; or

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

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

Cartridge Filters

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

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

- (6) **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*.
- (7) **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.
- (8) **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.
- (9) **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.
- (10) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (11) **Swimming Pool Construction Sign** – A sign must be erected and maintained that:
- bears a notice containing the words ‘This swimming pool is not to be occupied or used’,
 - is located in a prominent position in the immediate vicinity of the swimming pool, and
 - continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for the swimming pool.
- (12) **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.
- (13) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)

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

- (14) **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.
- (15) **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.
- (16) **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.
- (17) **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.

- (18) **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.
- (19) **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) **Filter & Recirculation Systems** - Prior to issue of an Occupation Certificate, a certificate of compliance, or other documentary evidence confirming that the proposed recirculation system and filtration system complies with AS1926.3, must be provided to the principal certifier.
- (3) **Driveway Crossing Construction** – A footpath crossing (where required) and a driveway crossing shall be constructed in accordance with this development consent and the driveway crossing approval prior to use or occupation of the development.
- (4) **Swimming Pool Register** - In accordance with Part 3A of the *Swimming Pools Act 1992* all swimming pools (including spas) are required to be registered on the NSW Swimming Pools Register. You can register your Swimming Pool online at www.swimmingpoolregister.nsw.gov.au

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

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

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

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

- (6) **Swimming Pool Landscaping** - Landscaping of the swimming pool enclosure and surrounds including the provision of outdoor furniture, construction of barbecues and pergolas must not reduce the effectiveness of the swimming pool safety fencing. All landscaping, furniture, and other similar structures shall be located at least 900mm from the outside of the pool safety fencing.
- (7) **Swimming Pool Barrier Certification** – Certification from the supplier of the swimming pool barrier is to be submitted to the principal certifier. The certification must state that the swimming pool barrier materials comply with the applicable Australian Standards.
- (8) **Reinstate Verge** - The applicant shall construct and/or reconstruct the unpaved verge area with grass, species and installations approved by Council.
- (9) **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.

6.0 - Ongoing Use

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

- (1) **Prohibitions Within Swimming Pool Enclosure** - The area contained within the swimming pool safety fencing enclosure must not be used for other non related activities or equipment, such as the installation of children's play equipment or clothes drying lines.
- (2) **Private Swimming Pool Water Quality** – Swimming pool water shall be maintained in a clean and healthy condition at all times so as to protect user health and safety and to prevent conditions that support the activity of water borne organisms (including bacteria, viruses and algae), insects and aquatic pests.

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Assessment Table

Clause	Assessment	Compliance
<p>Appendix 5, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. • To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. • To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The proposed development relates to a single dwelling house that is generally compliant with relevant controls contained in the Camden Growth Centres DCP. Consequently, the proposed dwelling house will contribute to the housing needs of the low density environment and meet the day to day needs of future residents. The proposed development has been designed where it is unlikely there will be any adverse impacts to surrounding land uses and should not impact residents undertaking a range of activities from their home, therefore contributing to their wellbeing.</p> <p>Overall, the development is considered to be generally consistent with the objectives for the R2 Low Density Residential zone, pursuant to this policy.</p>	<p align="center">Yes</p>
<p>Appendix 5, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p>	<p>As noted in the main assessment report, the development seeks a maximum building height of 6.936m, exceeding the development standard by 1.936m (or 38.72%). A detailed assessment against the relevant matters contained in clause 4.6 of the SEPP is provided below and in the main body of the report.</p>	<p>No (Clause 4.6 written request submitted).</p>
<p>Appendix 5, 4.4 Floor Space Ratio</p> <p>The floor space ratio for a building on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map.</p> <ul style="list-style-type: none"> • The site is subject to a floor space ratio control of 0.45:1. 	<p>The development site has a total area of 786.2m². The development proposes a maximum floor area of 352.18m², therefore resulting in a floor space ratio control of 0.44:1.</p>	<p align="center">Yes</p>

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Attachment 2

<p>Appendix 5, 4.6 Exceptions to development standards</p> <p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>This clause prohibits the approval of certain development standard contraventions.</p>	<p>The applicant has submitted a written request under Clause 4.6 of the Growth SEPP justifying the contravention to the maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered that the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p>	<p align="center">Yes</p>
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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance
<p>4.1.1 Site Analysis Site analysis plan is to be provided.</p>	Appropriate site analysis plan provided.	Yes
<p>4.1.2 Cut and Fill 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>Where excavation or filling is required alongside a driveway, it shall be retained by a retaining wall.</p>	<p>The extend of cut and fill works is shown on the relevant architectural plans and is considered to be relatively minor. As such, adverse impacts to the site and surrounding allotments are expected to be minimal.</p> <p>Cut and fill works will not exceed 100mm.</p> <p>No excavation works are sought alongside the proposed vehicular driveway.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.1.3 Sustainable Building Design 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.</p> <p>Roof and paving materials and colours are to minimise the retention of heat from the sun.</p>	<p>A standard condition is included in the consent, requiring a detailed landscape plan to be prepared in accordance with Appendix B of the Camden DCP, prior to the issue of a construction certificate.</p> <p>The application was accompanied by a BASIX certificate, which indicates that the subject dwelling house will comply with the relevant targets under BASIX.</p> <p>The design of the dwelling incorporates large open space areas, which encourage cross flow ventilation.</p> <p>The orientation of the dwelling and positioning of windows and doors will maximise access to natural lighting.</p> <p>As noted above, a detailed landscape plan must be prepared prior to the issue of a construction certificate, which is also to indicate the location of the outdoor clothes line. This will be assured via a condition of consent.</p>	<p>Yes – Subject to a condition of consent.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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

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<p>The design of dwellings that are required to attenuate noise shall use, where possible, alternatives to air-conditioning, such as acoustic wall ventilators, ceiling fans, or bulkhead-mounted ducted fans to achieve appropriate ventilation.</p>	<p>Proposed roof colours are considered appropriate for the subject site to assist in minimising the retention of heat from the sun.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private spaces.</p>	<p>Yes</p> <p>Yes</p>
<p>4.1.4 Salinity, Sodicty and Aggressivity</p> <p>All development must comply with the Salinity Management Plan developed at the subdivision phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p> <p>Salinity shall be considered during the siting, design and construction of dwellings including drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process.</p>	<p>A standard condition is included in the consent, requiring the subject proposal to be carried out in accordance with the recommendations in the approved Salinity Management Plan for the parent subdivision DA.</p> <p>Compliance with this matter will be assured by way of a recommended condition of consent.</p>	<p>Yes</p> <p>Yes</p>
<p>4.2.2 Streetscape and Architectural Design</p> <p>The primary street facade of a dwelling should address the street and must incorporate at least two of design features noted in the DCP.</p> <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>The front façade of the dwelling includes an entry feature/porch and projecting architectural elements comprising of stone brick pier.</p> <p>No eaves are provided on the dwelling house. A conditions is recommended requiring 450mm eaves that will contribute sun shading; protect windows and doors; and provide aesthetic interest.</p> <p>The roof has a 27.5^o pitch.</p> <p>The front elevation of the dwelling will contain two bedrooms, with a minimum of six windows. This will permit for direct overlooking onto the public street.</p> <p>The garage will consist of face brick which is generally consistent with the wider façade of the dwelling house.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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

<p>4.2.3 Front Setbacks</p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p> <ul style="list-style-type: none"> • 4.5m to building façade line. • 3m to articulation zone. • 5.5m to garage line and 1m behind the front building line. 	<p>The site has a front boundary length of 26.6m. The development proposes:</p> <ul style="list-style-type: none"> • 4.65m to building façade line. • 3.15m to articulation zone. • 5.875m to garage line and 1.225m behind the front building line. 	<p>Yes</p>
<p>4.2.4 Side and Rear Setbacks</p> <ul style="list-style-type: none"> - Ground (Side A) – 900mm - Ground (Side B) – 900mm - First (Side A) – 1.5m - Ground (Side B) – 900mm - Rear – 4m (Ground) and 6m (upper). <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 development proposes the following side setbacks:</p> <ul style="list-style-type: none"> - Ground (Side A) – 1.5m - Ground (Side B) – 1.2m - Attic (Side A) – 1.5m - Attic (Side B) – 1.2m <p>The dwelling house is situated a minimum of 7.75m from the rear boundary line. The alfresco is situated within the rear setback, a minimum of 4m from the rear boundary line.</p> <p>The development proposes a swimming pool within the rear setback of the site, a minimum of 1m from the boundary line.</p> <p>The dwelling provides a minimum setback of 1.2m from the side boundary.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.2.5 Dwelling Height, Massing and Siting.</p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development but excluding unenclosed balconies, verandahs, porches, alfresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>	<p>As noted in the main body of this report, a maximum building height of 6.936m is proposed, contravening the development standard by 1.936m. The application was accompanied by a Clause 4.6 written request to vary the development standard. A detailed assessment is provided in the base of this report.</p> <p>The site has a total floor area of 786.2m². The dwelling proposes an internal floor area of 355.95m². Consequently, the development will cover approximately 45.27%, complying with the minimum 50% standard.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

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

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	Minimum 100mm is proposed above the finished ground level.	
4.2.6 Landscaped Area.		
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.	The development site proposes a minimum 276.23m ² of soft landscaping. This equates to a minimum of 35.13% of the total site area.	Yes
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.	As noted, a site plan has been provided with the DA, clearly denoting the areas to contain soft landscaping, however this was not prepared in accordance with Appendix B of the Camden Development Control Plan 2019 (Camden DCP). As such, the preparation of a Landscape Plan in accordance with the Camden DCP, prior to the issue of a construction certificate.	Yes
Surface water drainage shall be provided as necessary to prevent the accumulation of water.	The site has been designed where surface water will drain to the drainage easement located on the northern end of the subject site. This was demonstrated on a drainage plan submitted with the subject DA.	Yes
Use of low flow watering devices is encouraged to avoid over watering.	No concerns presented regarding the accumulation of surface water, which will drain to the drainage easement located on the northern end of the subject site. This is shown on the drainage plan submitted with the subject DA.	Yes
4.2.7 Private Open Space.		
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.	A minimum of 24m ² of PPOS is located within the rear setback, with a minimum dimension of 4m.	Yes
The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.	The proposed location of PPOS within the rear setback is considered to be most appropriate for the subject site having regard to the dwelling design and orientation of the subject lot.	Yes
The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room.	PPOS is directly accessible via the living room and alfresco area. This is considered most appropriate for the subject site.	Yes
4.2.8 Garages, Storage, Site Access and Parking.		
Three bedroom or more dwellings will provide at least two car spaces.	The dwelling contains five bedrooms and a double space garage to accommodate at least two car parking spaces.	Yes

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

<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.</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>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>The double garage is situated behind the front building line and is assessable via the street.</p> <p>The proposed driveway configuration is simple and considered to be most appropriate for the subject site.</p> <p>The proposed location of the driveway is unlikely to have any adverse impacts to surrounding structures and/or easements.</p> <p>The garage door has a maximum width of 5.4m.</p> <p>The garage has a minimum internal width of 7.2m and length of 6.4m.</p> <p>The garage door will consist of a different finish when compared to the wider built form. As such, the garage door will be visually recessive via the front setback.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4.2.9 Visual and Acoustic Privacy.</p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimise 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>The internal layout of residential buildings, window openings, the location of outdoor</p>	<p>As noted in the main assessment report, windows provided for rooms in the attic will have a minimum sill height of 1500mm and / or be fitted with privacy screens to prevent opportunities for direct overlooking. The ground floor will consist of 1.8m high boundary fencing that will also prevent opportunities for direct overlooking. As such, visual and acoustic privacy will be maintained.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private spaces.</p> <p>A standard condition is recommended in the consent to ensure ongoing compliance.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

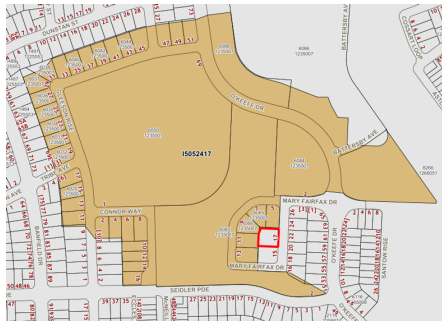
CLPP02

Attachment 3

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

<p>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>The dwelling will attenuate noise where possible through separating communal areas from private living spaces/bedrooms.</p> <p>Noise walls are not proposed.</p>	<p>Yes</p> <p>Yes</p>
<p>4.2.10 Fencing</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>A front fence is not proposed. Any boundary fencing must be constructed in accordance with Subdivision 17 of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p> <p>Side boundary fencing is not proposed. Any boundary fencing must be constructed in accordance with Subdivision 17 of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>.</p>	<p>Yes</p> <p>Yes</p>
<p>Table 4-5 – Site coverage.</p> <p>Maximum 50% at ground floor.</p>	<p>The site has a total floor area of 786.2m². The dwelling proposes an internal floor area of 355.95m². Consequently, the development will cover approximately 45.27%, complying with the minimum 50% standard.</p>	<p>Yes</p>
<p>Table 4-5 – Soft landscaped area.</p> <p>Minimum 30% of the allotment area.</p>	<p>The development site proposes a minimum 276.23m² of soft landscaping. This equates to a minimum of 35.13% of the total site area.</p>	<p>Yes</p>
<p>Table 4-5 – Principal Private Open Space (PPOS)</p> <p>Minimum 24sqm with minimum dimensions of 4m.</p>	<p>A minimum of 24m² of PPOS is located within the rear setback, with a minimum dimension of 4m.</p>	<p>Yes</p>

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

<p>Table 4-5 – Solar Access 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.</p>	<p>The shadow diagrams indicate that the subject site and adjoining allotments will achieve a minimum of three hours of solar access at the winter solstice.</p>	<p>Yes</p>
<p>Table 4-5 – Garages and carparking Maximum double car garage door width 6m. Three bedrooms or more to provide at least two car spaces.</p>	<p>As noted, the development contains a double garage, which is able to accommodate a minimum of two car parking spaces. Further, the garage door has a maximum width of 5.4m.</p>	<p>Yes</p>
<p>Control</p>	<p>Assessment</p>	<p>Compliance?</p>
<p>4.1 Development Surrounding Oran Park House.</p> <p>Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.</p> 	<p>The subject lot is located outside of the heritage curtilage. Development on the subject lot does not trigger nominated integrated development.</p> <p>While located outside the identified area, the proposed development was referred to Council's Heritage Advisor who raised no objection to the proposal (subject to 450mm eaves being provided).</p>	<p>Yes.</p>

CLPP02

Attachment 3



CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	17 Mary Fairfax Drive ORAN PARK
Lot:	6070 DP1235007
Date:	10 January 2022

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Appendix 1 – View Analysis

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Figure 1	Maximum Building Height Map
Figure 2	Lots in DP1235007 Subject to Clause 4.6 Variation
Figure 3	Catherine Park House (aka Oran Park House)
Figure 4	Building Height & Roof Pitch
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Table 1	Lots in DP1235007 Subject to Clause 4.6 Variation
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Table 3	Extent of Variation to Development Standard

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Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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.

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

CLPP02

Attachment 4

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.

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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.

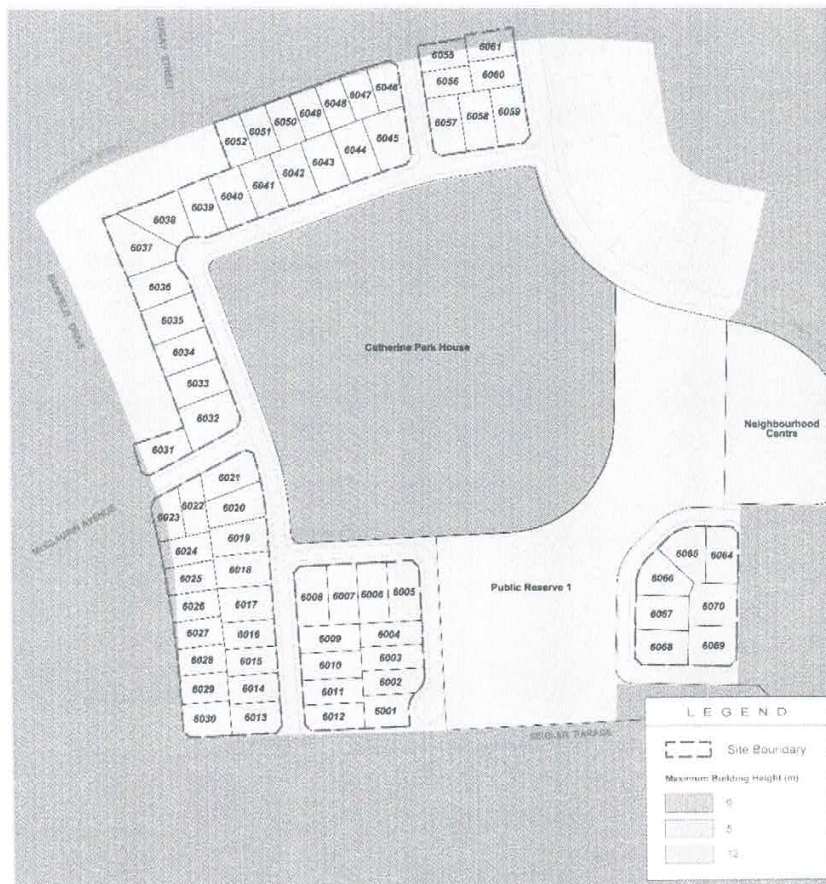


Figure 1 – Maximum Building Height Map (Source: NSW Planning Portal)

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

Table 1: Lots in DP1235007 Subject to Clause 4.6 Variation

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

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

Table 2: Land Details Subject to Clause 4.6 Variation Request

Address:	17 Mary Fairfax Drive ORAN PARK	
Lot:	6070	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:	6.936m
Extent of Proposed Variation*:	38.72 %

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

Clause 4.6 Variation to Building Height
 Stage 6 | Catherine Park

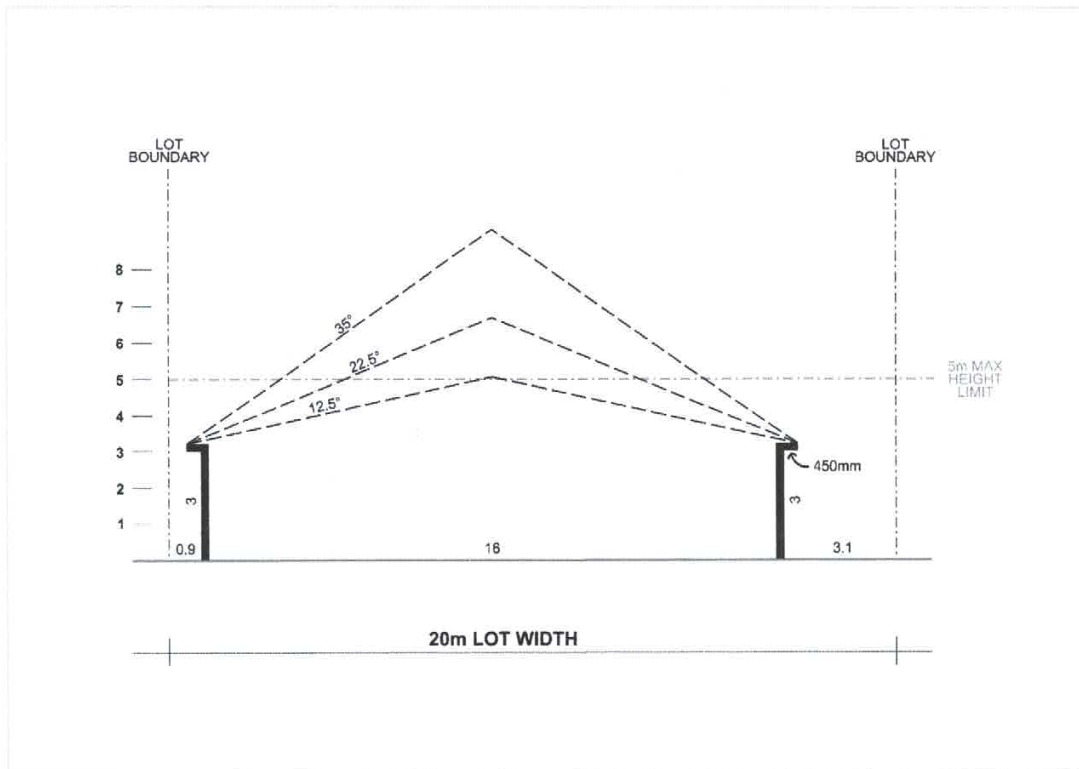


Figure 4 – Building Height & Roof Pitch

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

CLPP02

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

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

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

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

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

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

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

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

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

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

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

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

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 500m² and 700m² were imposed and specific development controls were included in the Camden Growth Centre Precincts DCP to ensure this development outcome was realised. The heritage object was to ensure the housing surrounding Catherine Park House was subservient to the heritage item and have roof forms that are not detrimental to the heritage significance and character of the House.



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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

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.

Clause 4.6 Variation to Building Height
 Stage 6 | Catherine Park

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.

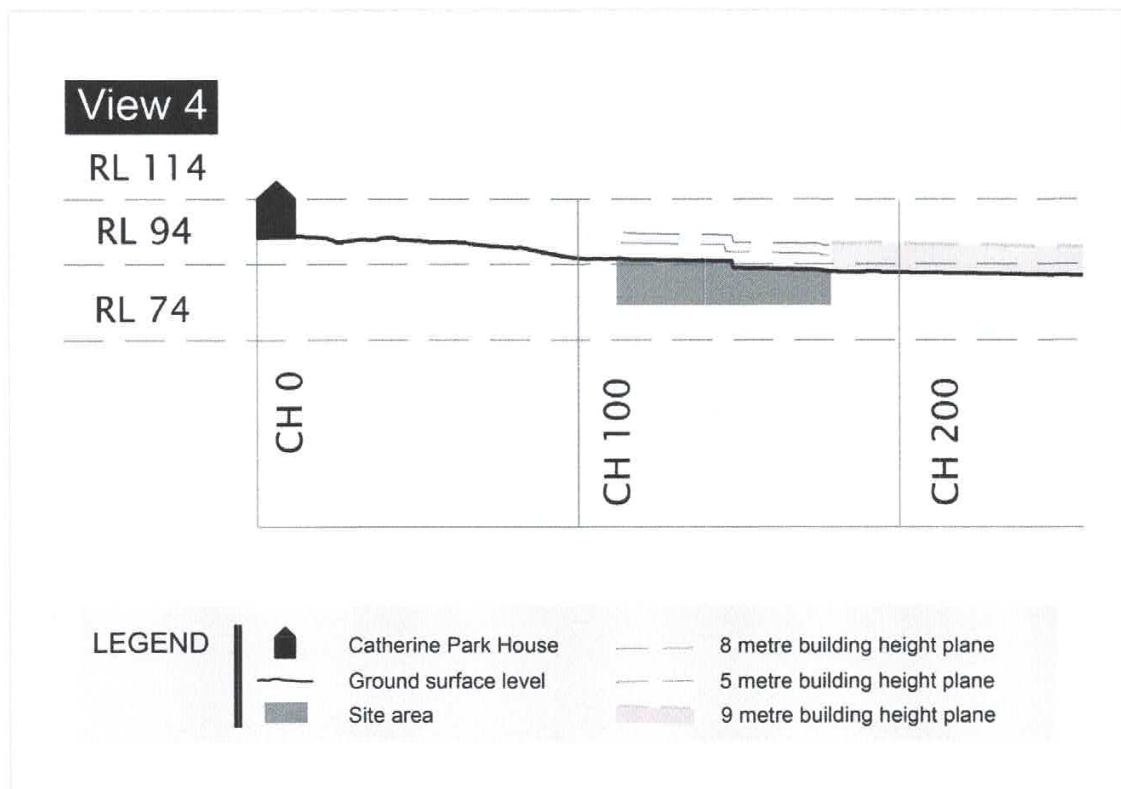


Figure 6 – Extract from View 4 in Views Analysis

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.

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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 be 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**

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

CLPP02

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.

Attachment 4

CLFRUZ

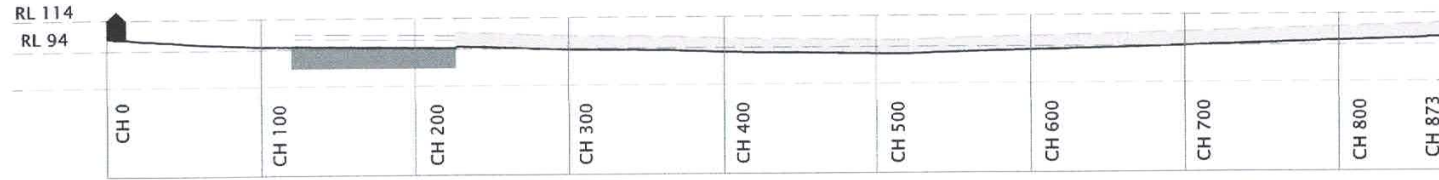
APPENDIX 1
Views Analysis

Attachment 4

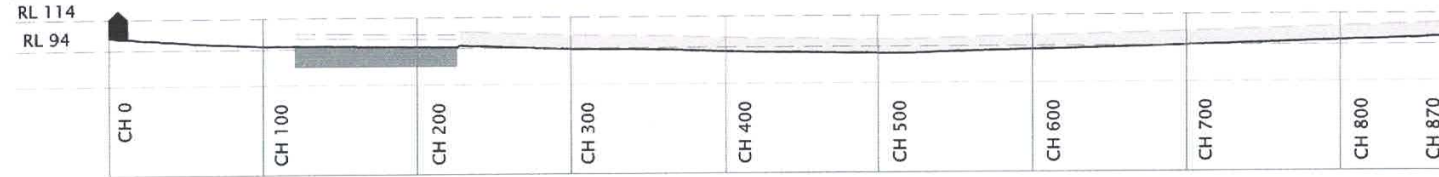
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

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

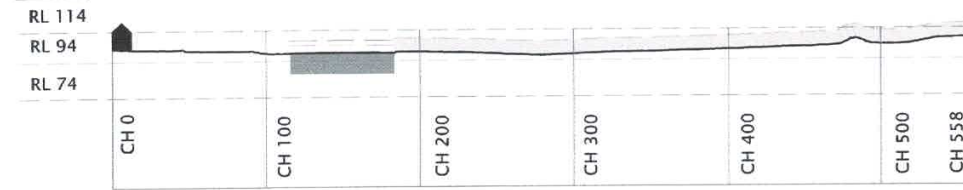
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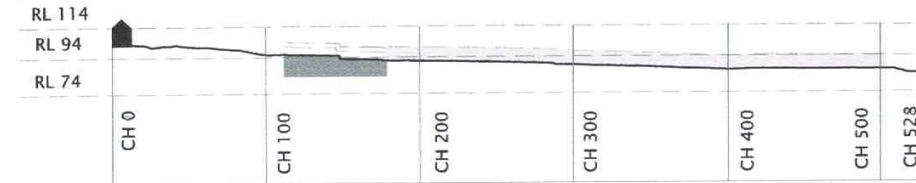
View 2









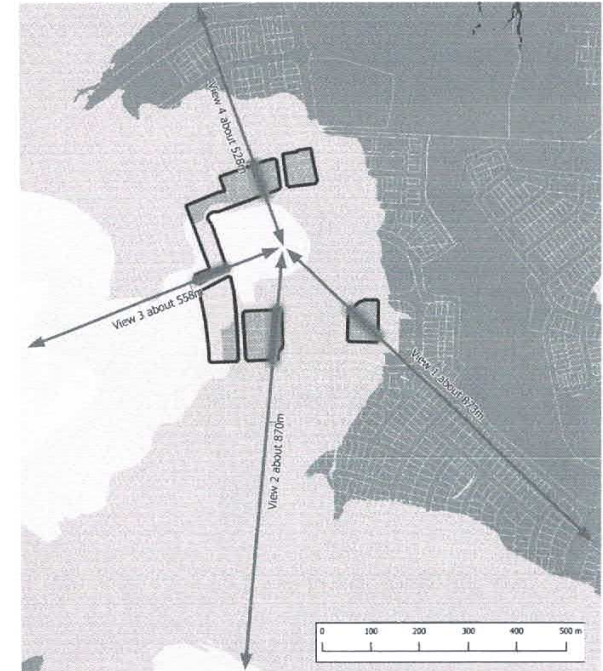
View 3

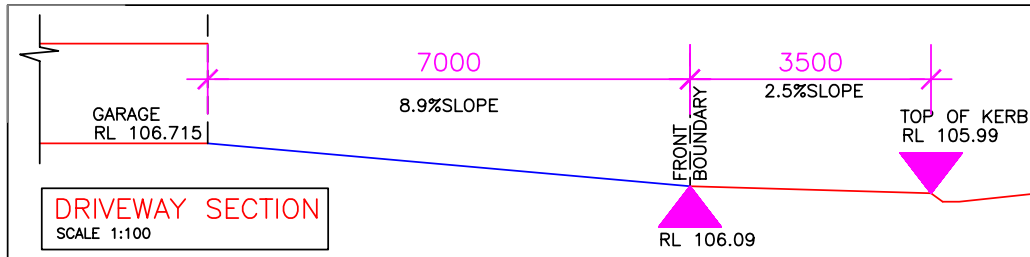


View 4



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





NBN NOTATION
HOME MUST BE SMART WIRED IN ACCORDANCE WITH STANDARDS OUTLINED BY THE NATIONAL BROADBAND NETWORK

DEVELOPMENT CONTROL PLAN COMPLIANCE CHECKLIST
CAMDEN GROWTH CENTRES PRECINCTS
DEVELOPMENT CONTROL PLAN 2017 PART 4 TABLE 4-5 [Pg82]

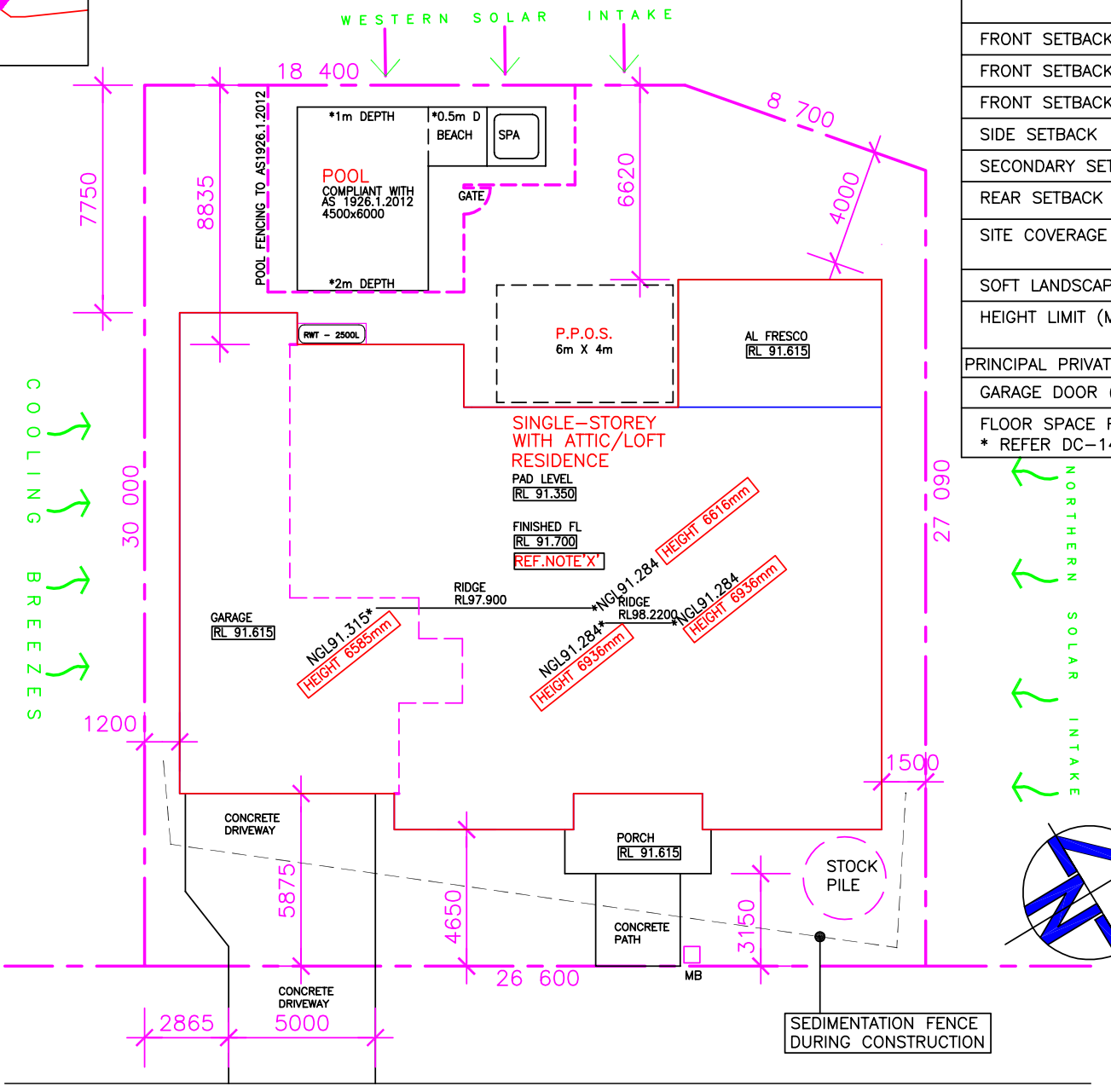
DESIGN ELEMENT	LOT SIZE 786.2m ²	
	MINIMUM	PROPOSED
FRONT SETBACK- MAIN WALL	4.5	4.65
FRONT SETBACK- GARAGE	5.5	5.875
FRONT SETBACK- PORCH	3.0	3.150
SIDE SETBACK	0.9	1.5/1.2
SECONDARY SETBACK	2.0	N/A
REAR SETBACK	4.0/6.0	4.31/13.02
SITE COVERAGE - GROUND	50%- 393.1m ²	392.8m ² (49.96%)
- FIRST FLR	30%- 235.9m ²	75.2m ² (9.6%)
SOFT LANDSCAPE AREA	30%-235.86m ²	290.9m ² (37.0%)
HEIGHT LIMIT (MAX)	REFER SECTION 4.6	COMPLIES
PRINCIPAL PRIVATE OPEN SPACE	24m ²	COMPLIES
GARAGE DOOR (MAX)	6.0m	6.0m
FLOOR SPACE RATIO	0.4:1[314.48m ²]	0.4:1[314.48m ²]
* REFER DC-14 FOR CALC'S		

BASIX REQUIREMENT SUMMARY-1273077S

WATER COMMITMENTS
LANDSCAPING
60m² OF INDIGENOUS OR LOW WATER USE PLANTING
FIXTURES
ALL SHOWERHEADS TO HAVE MIN. RATING OF 4 STAR(>4.5 but <=6L/m)
ALL WC'S HAVE FLUSHING SYSTEM WITH MINIMUM RATING OF 5 STAR
ALL TAPS TO HAVE MINIMUM RATING OF 5 STAR IN KITCHEN
ALL BASIN TAPS TO HAVE MINIMUM RATING OF 5 STAR IN EACH BATHROOM
ALTERNATIVE WATER
RAINWATER TANK OF 2500L TO BE INSTALLED TO REQUIREMENTS OF ALL REGULATORY AUTHORITIES
400m² OF ROOF AREA TO CONNECT TO RWT
ALL WC'S AND AT LEAST ONE OUTDOOR TAP TO CONNECT TO RWT
COLD WATER TAP THAT SUPPLIES CLOTHES WASHER TO RWT
SWIMMING POOL AND SPA
VOLUME OF POOL NOT TO EXCEED 48KLITRES
VOLUME OF SPA NOT TO EXCEED 4KLITRES
BOTH TO BE FITTED WITH COVER

THERMAL COMFORT COMMITMENTS
FLOOR, WALLS AND CEILING/ROOF (ADDITIONAL INSULATION REQUIRED)
FLOOR- ABOVE GARAGE - R-VALUE - 0.3(OR 1 INCLUDING CONSTRUCTION)(DOWN)
EXTERNAL WALL-BRICK VENEER - R-VALUE - 3.06(OR 3.6 INCLUDING CONSTRUCTION)
CEILING AND ROOF-FLAT CEILING/PITCHED ROOF
CEILING: 3.45 (UP), ROOF: FOIL BACKED BLANKET (75mm) UNVENTILATED; MEDIUM (SOLAR ABSORPTANCE 0.475-0.70)
CEILING AND ROOF-RAKED CEILING/PITCHED OR SKILLION ROOF, FRAMED
CEILING: 3.74 (UP), ROOF: FOIL BACKED BLANKET (75mm) FRAMED; MEDIUM (SOLAR ABSORPTANCE 0.475-0.70)
WINDOWS, GLAZED DOORS AND SKYLIGHTS
REFER WINDOW SCHEDULE DC-08 FOR DETAILS
U-VALUE: 5.6, SHGC: 0.369-0.451 (ALUMINIUM, SINGLE, Lo-Tsol Low e)

ENERGY COMMITMENTS
HOT WATER
GAS INSTANTANEOUS [5 STAR PERFORMANCE]
HEATING AND COOLING SYSTEM
1-PHASE AIR CONDITIONING TO LIVING ROOMS + BEDROOMS, ENERGY RATING: EER>4.0
PROVIDE DAY/NIGHT ZONING BETWEEN LIVING AND BEDROOMS
VENTILATION
PROVIDE INDIVIDUAL FAN TO KITCHEN + 1 BATH, DUCTED TO FACADE, MANUAL SWITCHING
ARTIFICIAL LIGHTING
FLOURESCENT OR LED LIGHTING TO ALL ROOMS
MISCELLANEOUS
PROVIDE GAS COOKTOP AND ELECTRIC OVEN
REFRIGERATOR SPACE TO BE "WELL VENTILATED" BY BASIX DEFINITIONS
SWIMMING POOL
ANY HEATING SYSTEM MUST BE SOLAR POWERED ONLY
TIMER MUST BE INSTALLED
OUTDOOR SPA
ANY HEATING SYSTEM MUST BE SOLAR POWERED ONLY
TIMER MUST BE INSTALLED
ALTERNATIVE ENERGY
PHOTOVOLTAIC SYSTEM WITH A CAPACITY TO GENERATE AT LEAST 2 PEAK KILOWATTS OF ELECTRICITY MUST BE INSTALLED. CONNECT THIS SYSTEM TO THE DEVELOPEMENTS ELECTRICAL SYSTEM.



MARY FAIRFAX DRIVE
SITE PLAN
SITE ANALYSIS PLAN
SITE CONTROL PLAN[CONSTRUCTION]
SCALE 1:200

NOTE 'X'
FFL 91.700 BASED ON 'M' CLASS SOIL CLASSIFICATION, ALLOWING 350mm FROM EXCAVATED PAD LEVEL[RL91.350] TO FFL. (SUBJECT TO GEOTECH REPORT AND ENGINEERING DETAILS)

CONSTRUCTION NOTES
*BASIX COMMITMENT SUMMARY }DC-01
*NATIONAL CONSTRUCTION CODE }DC-10

LEGEND

BAL BALUSTRADE TO AUST. STANDARD 1170.1	FB SELECTED FACE BRICK BORAL 'BLACKHEATH'
CFG 'COLORBOND' FASCIA + GUTTER	GD SELECTED GARAGE DOOR
CR 'COLORBOND' ROOFING IRONSTONE	LW LIGHTWEIGHT CLADDING
DP DOWN PIPE	⊕ HARD WIRED SMOKE ALARM TO AS 3786
	S/A SANDSTONE CLADDING

PROPERTY DESCRIPTION	PROPOSED DEVELOPMENT AT
LOT 6070	17 MARY FAIRFAX DR
DP 1235007	ORAN PARK 2570
786.2m ²	FOR
	BOBBY + MELISSA ENGEL

DRAWING TITLE			
SITE PLAN + INFORMATION			
SCALE	DATE	DRAWN	CHECKED
1:200	06-21	LA	
JOB No.	DWG. No.	ISSUE	
21-76	DC-01	F	

26.04.22	F	ALFRESCO REDUCED, 0.45:1 AREA CLARIFIED
30.03.22	E	ADDITIONAL NOTATION., ALFRESCO REDUCED
01.03.22	D	AREA REDUCED, ADDITIONAL NOTATION, ADDITIONAL NOTATION
17.01.22	C	ISSUED FOR DA APPROVAL
10.11.21	B	POOL + PPOS RELOCATED
25.10.21	A	ISSUED FOR DA APPROVAL
DATE	ISSUE	AMENDMENT
		PROJECT

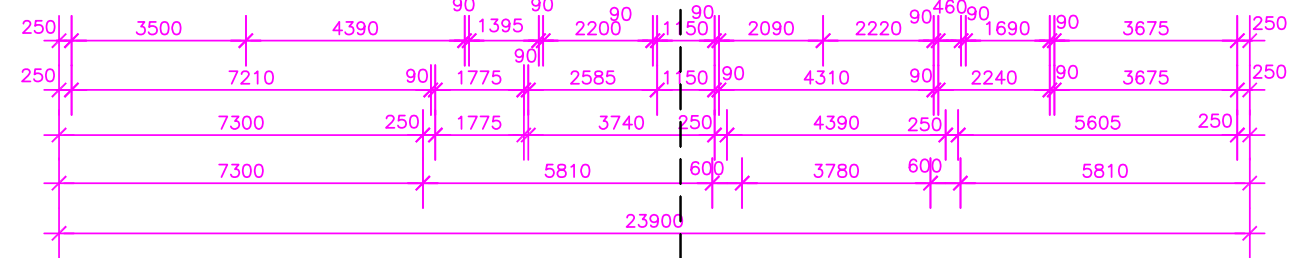
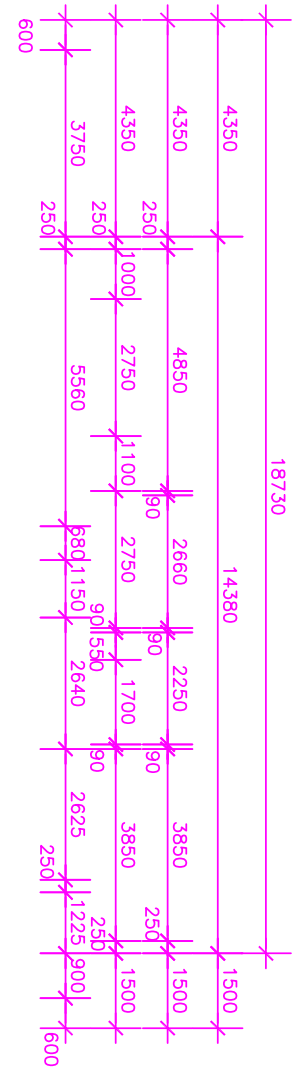
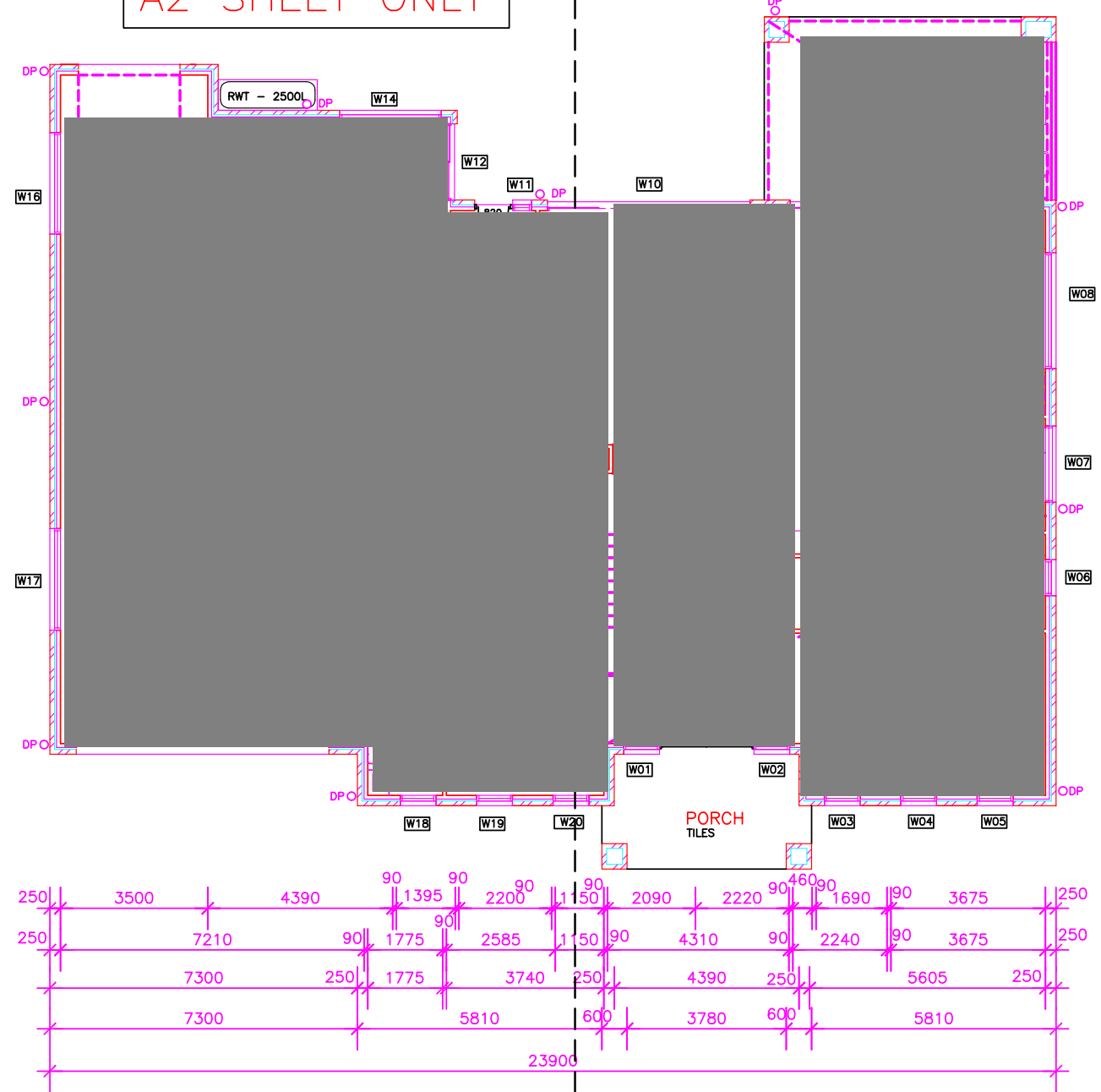
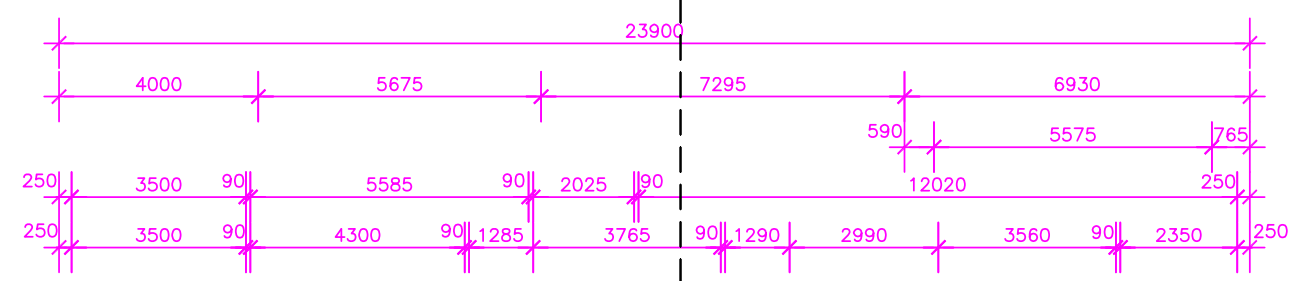
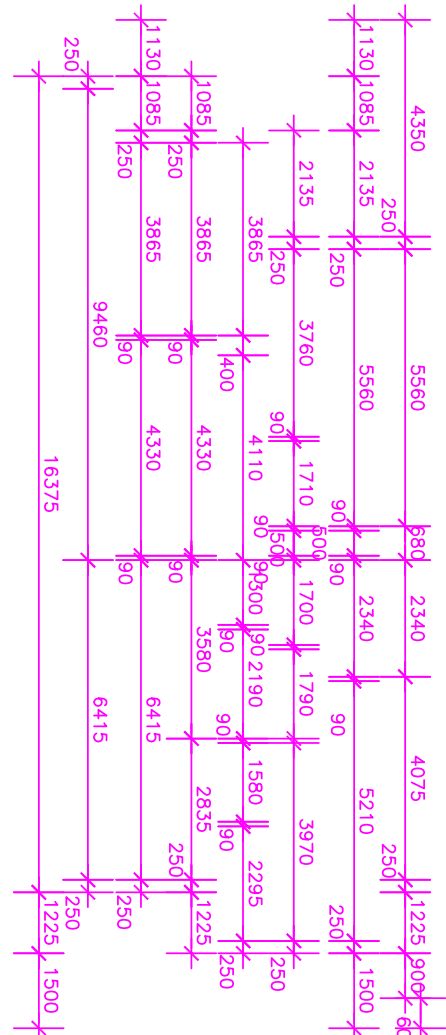
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167 Cobbitty Road
COBBITTY 2570
04321 797 51
blackcowstudio@bigpond.com

NOTE
 DC-02 [PART A]
 1:100 SCALE @
 A3 SHEET-LHS
 - READ IN
 CONJUNCTION
 WITH RHS SIDE

NOTE
 DC-02 [PART B]
 1:100 SCALE @
 A3 SHEET-RHS
 - READ IN
 CONJUNCTION
 WITH LHS SIDE

NOTE
 1:100 SCALE @
 A2 SHEET ONLY



NOTE
 1:100 SCALE @
 A2 SHEET ONLY

CONSTRUCTION NOTES
 *BASIX COMMITMENT SUMMARY } DC-01
 *NATIONAL CONSTRUCTION CODE } DC-10

LEGEND

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CFG	'COLORBOND' FASCIA + GUTTER	GD	SELECTED GARAGE DOOR
CR	'COLORBOND' ROOFING IRONSTONE	LW	LIGHTWEIGHT CLADDING
DP	DOWN PIPE	⊕	HARD WIRED SMOKE ALARM TO AS 3786
		SC	SANDSTONE CLADDING

NOTE
 ALL INTERNAL DOORS TO BE 2400 HIGH

NBN NOTATION
 HOME MUST BE SMART WIRED IN ACCORDANCE WITH STANDARDS OUTLINED BY THE NATIONAL BROADBAND NETWORK

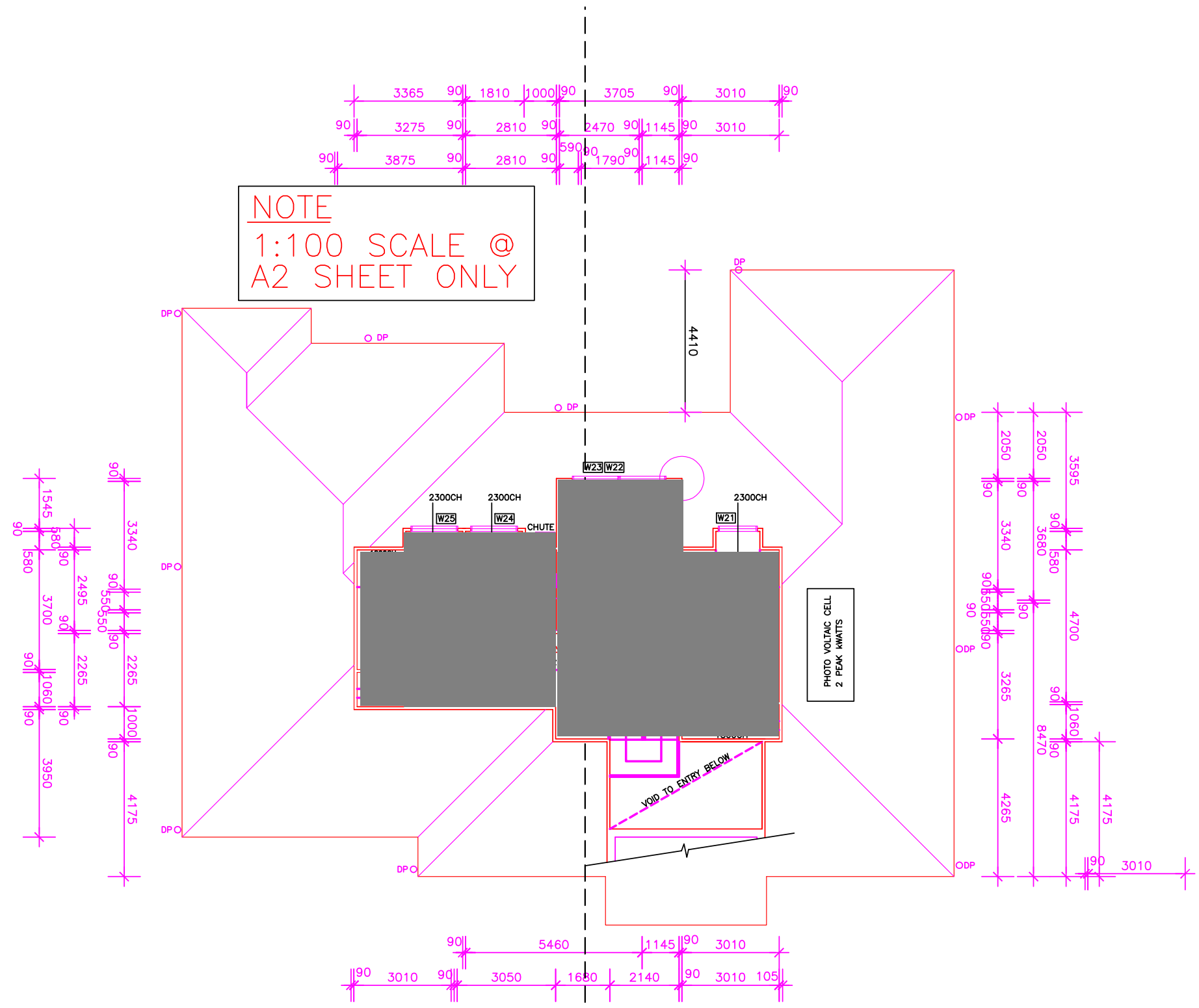
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DP 1235007	ORAN PARK 2570	SCALE	DATE	DRAWN	CHECKED	01.03.22	D	AREA REDUCED, ADDITIONAL NOTATION, POOL + PPOS RELOCATED
786.2m2	FOR	1:100	06-21	LA		17.01.22	A	ISSUED FOR DA APPROVAL
	BOBBY + MELISSA ENGEL	JOB No.	DWG. No.	ISSUE	PROJECT			
		21-76	DC-02	F	Copyright of design shown here is retained and authority is required for any reproduction. Future written dimensions only. Do not scale off. Do not keep superseded drawings on site.			

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 blackcowstudio@bigpond.com

NOTE
 DC-03[PART A]
 1:100 SCALE @
 A3 SHEET-LHS
 - READ IN
 CONJUNCTION
 WITH RHS SIDE

NOTE
 DC-03[PART B]
 1:100 SCALE @
 A3 SHEET-RHS
 - READ IN
 CONJUNCTION
 WITH LHS SIDE

NOTE
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 A2 SHEET ONLY



NOTE
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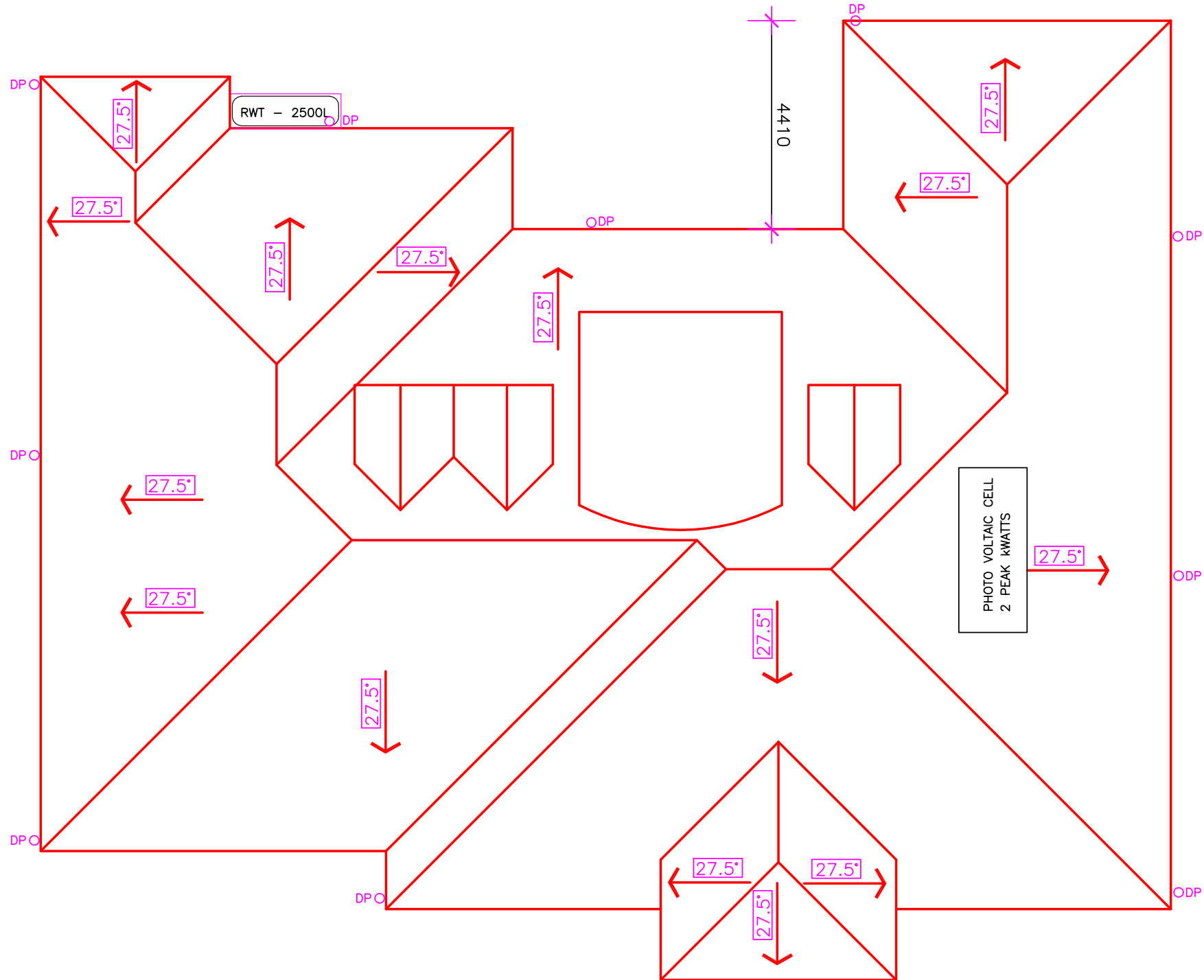
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CFG	'COLORBOND' FASCIA + GUTTER	GD	SELECTED GARAGE DOOR
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DP	DOWN PIPE	S/A	HARD WIRED SMOKE ALARM TO AS 3786
		SC	SANDSTONE CLADDING

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 BE 2400 HIGH

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 BY THE NATIONAL BROADBAND NETWORK

PROPERTY DESCRIPTION		PROPOSED DEVELOPMENT AT		DRAWING TITLE		<small>08.04.22 F AL FRESKO REDUCED, 0.48:1 AREA CLARIFIED</small> <small>05.03.22 E ADDITIONAL NOTATION, AL FRESKO REDUCED</small> <small>01.03.22 D AREA REDUCED, ADDITIONAL NOTATION, POOL + PPOS RELOCATED</small> <small>17.01.22 A ISSUED FOR DA APPROVAL</small> <small>DATE ISSUE AMENDMENT</small> <small>PROJECT</small> <small>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.</small>	
LOT 6070 DP 1235007 786.2m ²		17 MARY FAIRFAX DR ORAN PARK 2570 FOR BOBBY + MELISSA ENGEL		Attic Level		BLACK COW STUDIO LENARD ANDERSON "THE CREAMERY" 167 Cobbitty Road COBBITTY 2570 04321 797 51 blackcowstudio@bigpond.com	
SCALE	DATE	DRAWN	CHECKED	JOB No.	DWG. No.	ISSUE	
1:100	06-21	LA		21-76	DC-03	F	



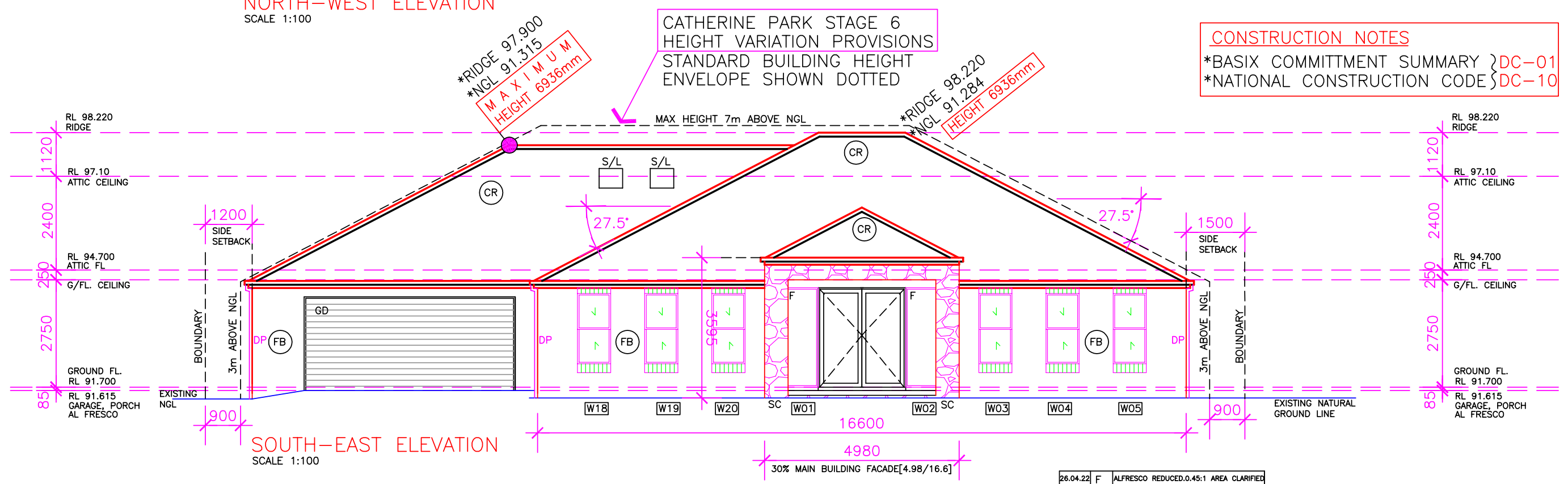
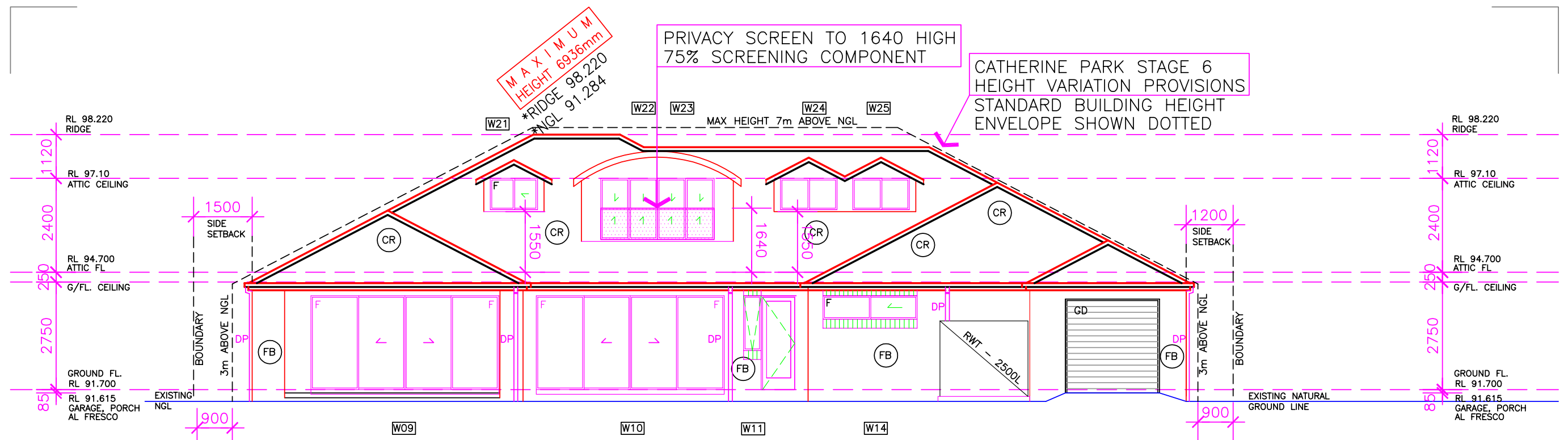
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CFG	'COLORBOND' FASCIA + GUTTER	GD	SELECTED GARAGE DOOR
CR	'COLORBOND' ROOFING IRONSTONE	LW	LIGHTWEIGHT CLADDING
DP	DOWN PIPE	⊕ S/A	HARD WIRED SMOKE ALARM TO AS 3786
		SC	SANDSTONE CLADDING

PROPERTY DESCRIPTION	PROPOSED DEVELOPMENT AT
LOT 6070	17 MARY FAIRFAX DR
DP 1235007	ORAN PARK 2570
786.2m2	FOR
	BOBBY + MELISSA
	ENGEL

DRAWING TITLE			
ROOF PLAN			
SCALE	DATE	DRAWN	CHECKED
1:100	06-21	LA	
JOB No.	DWG. No.	ISSUE	
21-76	DC-04	D	

01.03.22	D	AREA REDUCED, ADDITIONAL NOTATION.
17.01.22	C	ISSUED FOR DA APPROVAL
10.11.21	B	POOL + PPOS RELOCATED
25.10.21	A	ISSUED FOR DA APPROVAL
DATE	ISSUE	AMENDMENT
PROJECT		
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 "THE CREAMERY"
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 COBBITTY 2570
 04321 797 51
 blackcowstudio@bigpond.com



CONSTRUCTION NOTES

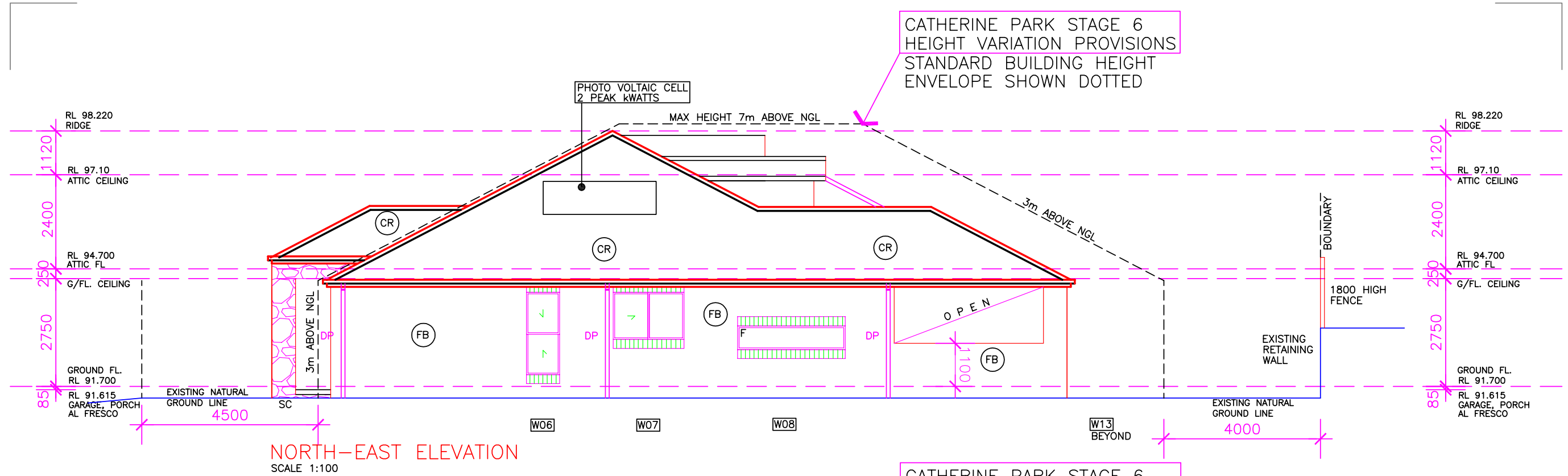
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*NATIONAL CONSTRUCTION CODE } DC-10

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CR	'COLORBOND' ROOFING IRONSTONE	LW LIGHTWEIGHT CLADDING
DP	DOWN PIPE	S/A HARD WIRED SMOKE ALARM TO AS 3786
		SC SANDSTONE CLADDING

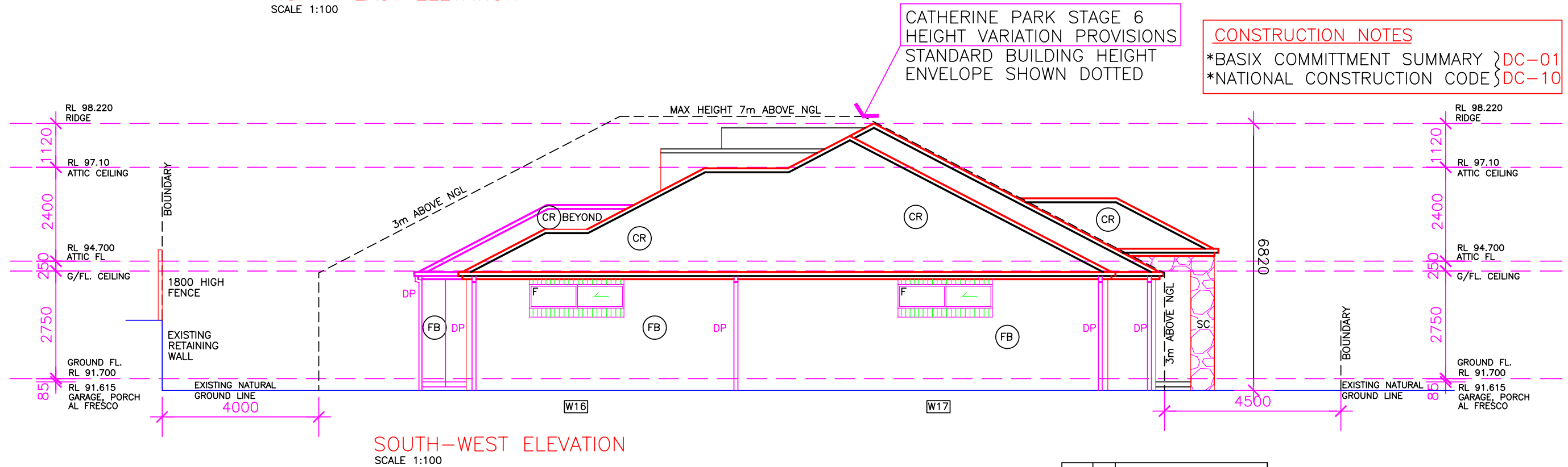
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DP 1235007	ORAN PARK 2570	SCALE 1:100
786.2m ²	FOR	DATE 06-21
	BOBBY + MELISSA	DRAWN LA
	ENGEL	CHECKED
		JOB No. 21-76
		DWG. No. DC-05
		ISSUE F

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30.03.22	E	ADDITIONAL NOTATION., ALFRESCO REDUCED
01.03.22	D	AREA REDUCED, ADDITIONAL NOTATION, ADDITIONAL NOTATION
17.01.22	C	ISSUED FOR DA APPROVAL
10.11.21	B	POOL + PPOS RELOCATED
25.10.21	A	ISSUED FOR DA APPROVAL
DATE	ISSUE	AMENDMENT
PROJECT		
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NORTH-EAST ELEVATION
SCALE 1:100



SOUTH-WEST ELEVATION
SCALE 1:100

CONSTRUCTION NOTES
 *BASIX COMMITMENT SUMMARY } DC-01
 *NATIONAL CONSTRUCTION CODE } DC-10

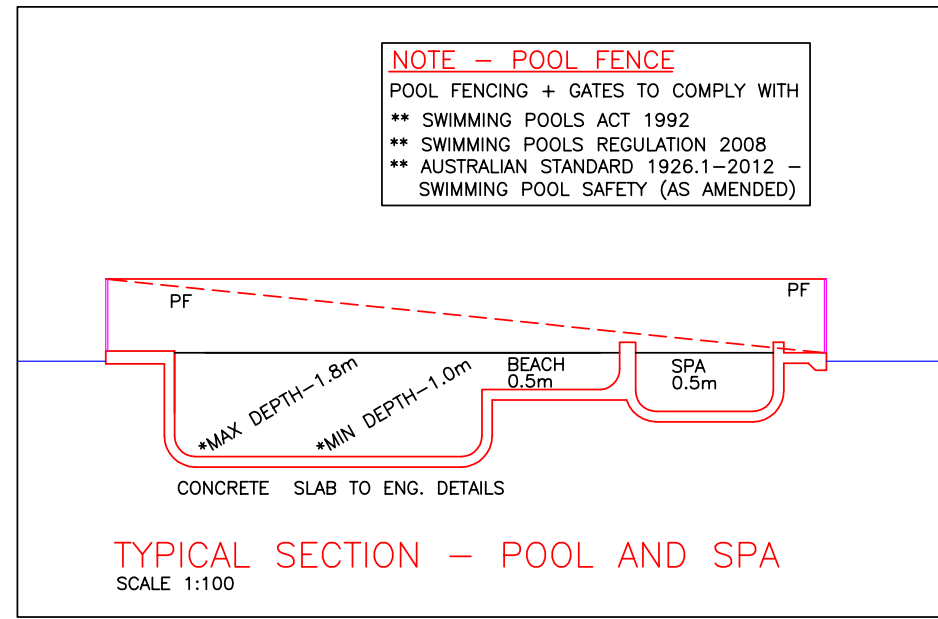
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CFG 'COLORBOND' FASCIA + GUTTER	GD SELECTED GARAGE DOOR
CR 'COLORBOND' ROOFING IRONSTONE	LW LIGHTWEIGHT CLADDING
DP DOWN PIPE	⊕ HARD WIRED SMOKE ALARM TO AS 3786
	S/A SANDSTONE CLADDING

PROPERTY DESCRIPTION	PROPOSED DEVELOPMENT AT
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DP 1235007	ORAN PARK 2570
786.2m ²	FOR
	BOBBY + MELISSA ENGEL

DRAWING TITLE			
ELEVATIONS			
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JOB No.	DWG. No.	ISSUE	
21-76	DC-06	F	

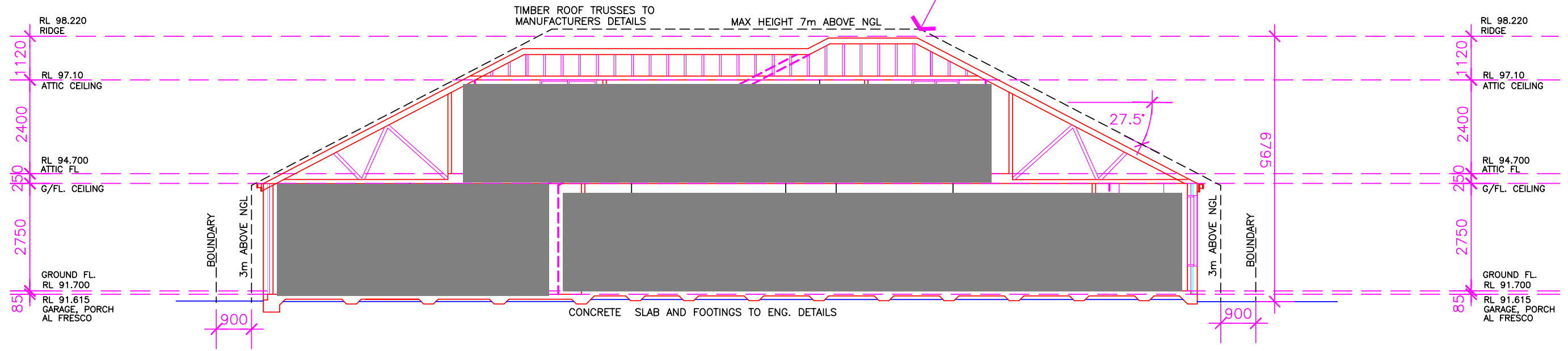
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17.01.22	C	ISSUED FOR DA APPROVAL
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		PROJECT
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CATHERINE PARK STAGE 6
 HEIGHT VARIATION PROVISIONS
 STANDARD BUILDING HEIGHT
 ENVELOPE SHOWN DOTTED



LEGEND

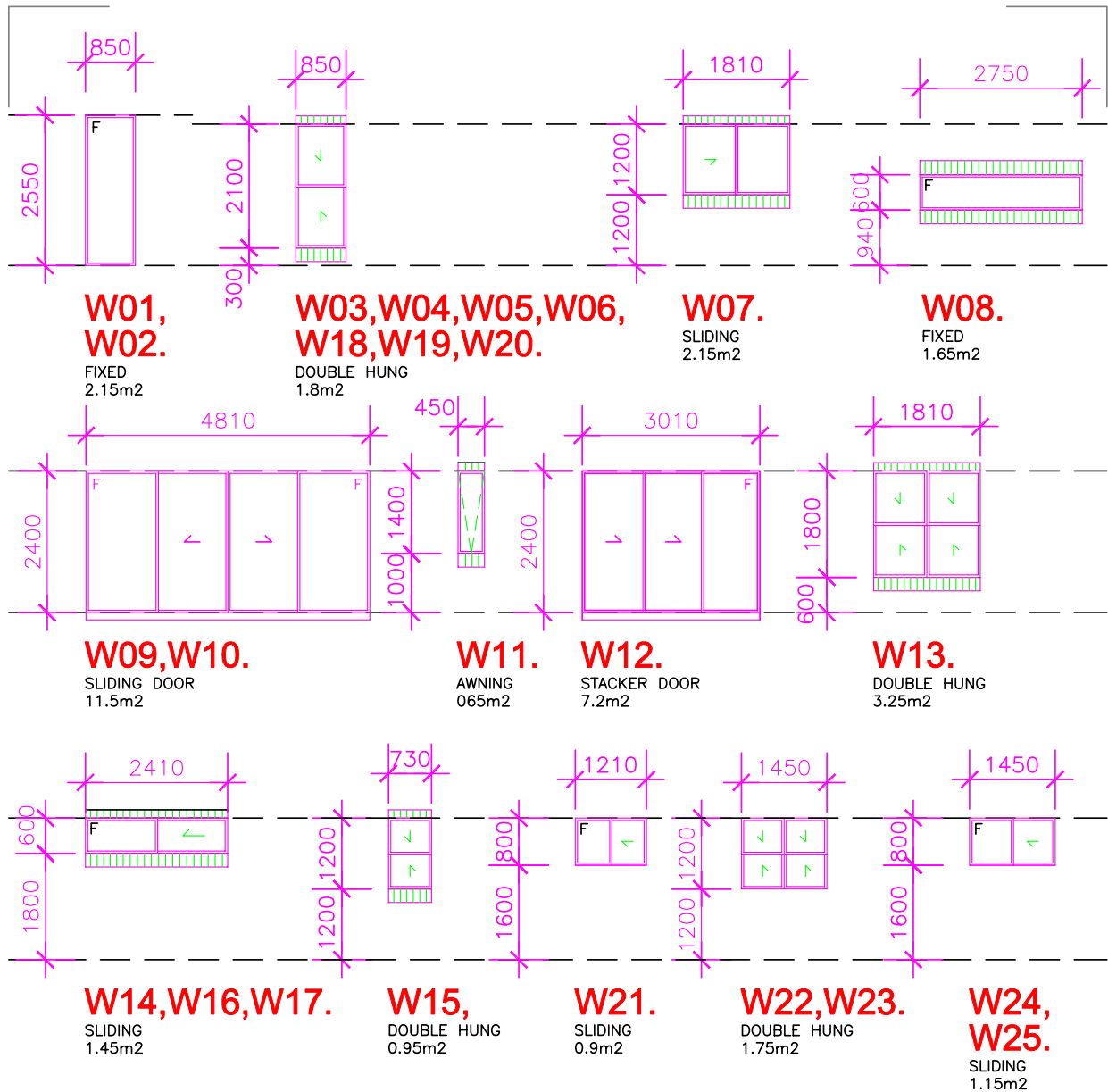
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CR	'COLORBOND' ROOFING IRONSTONE	LW	LIGHTWEIGHT CLADDING
DP	DOWN PIPE	⊕	HARD WIRED SMOKE ALARM TO AS 3786
		S/A	
		SC	SANDSTONE CLADDING

PROPERTY DESCRIPTION	PROPOSED DEVELOPMENT AT
LOT 6070	17 MARY FAIRFAX DR
DP 1235007	ORAN PARK 2570
786.2m ²	FOR
	BOBBY + MELISSA ENGEL

DRAWING TITLE			
SECTIONS			
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JOB No.	DWG. No.	ISSUE	
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10.11.21	B	POOL + PPOS RELOCATED
25.10.21	A	ISSUED FOR DA APPROVAL
DATE	ISSUE	AMENDMENT
PROJECT		
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CLPP02

Attachment 5

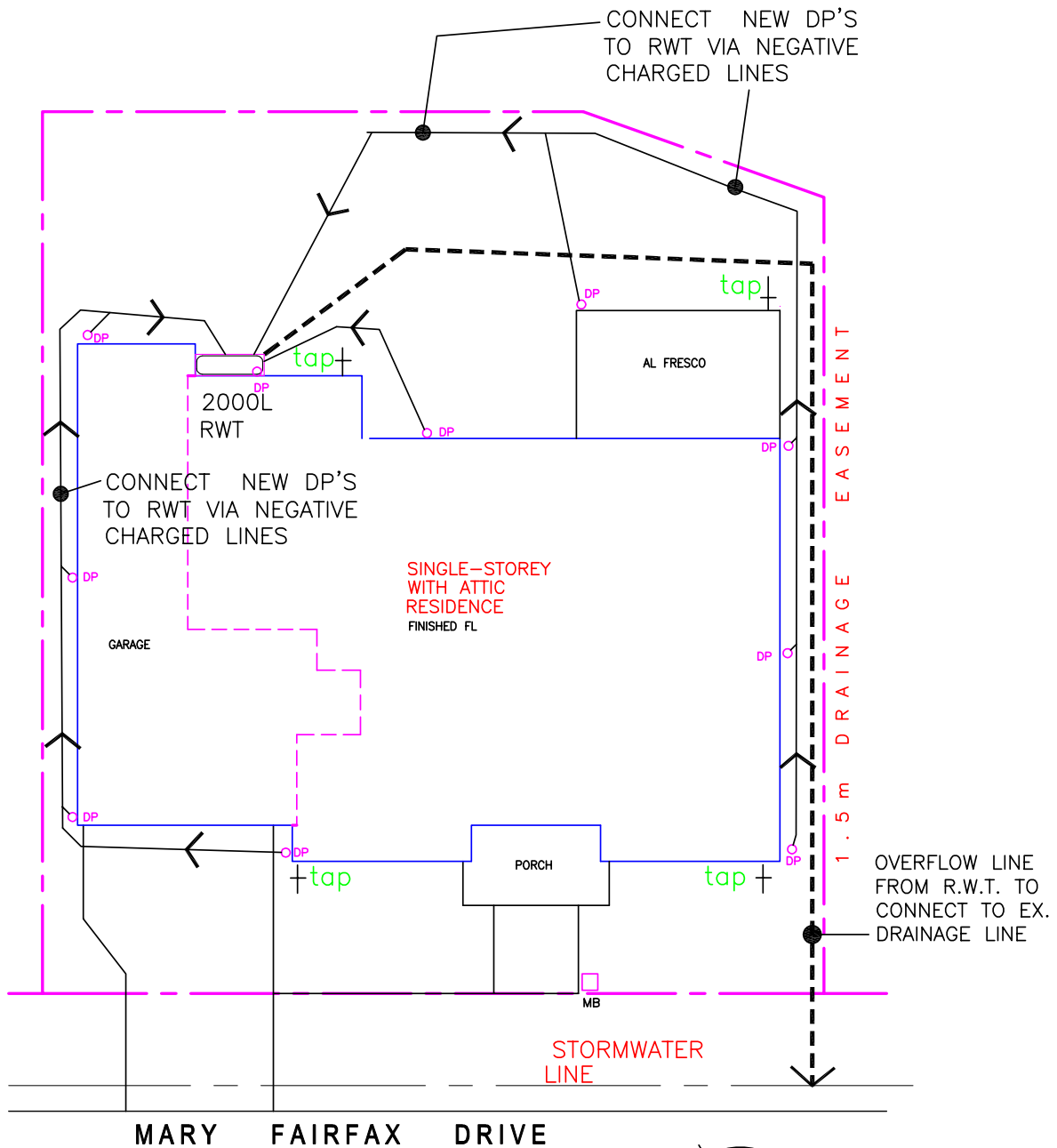
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CONSTRUCTION NOTES
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 *NATIONAL CONSTRUCTION CODE } DC-10

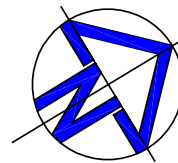
PROPOSED DEVELOPMENT AT 17 MARY FAIRFAX DR ORAN PARK 2570 FOR B + M ENGEL	DRAWING TITLE			28.04.22 F AL FR REDUCED, 0.451 AREA CLARIFIED 30.03.22 E AL PRESSO REDUCED, ADDITIONAL NOTES 31.03.22 B AREA REDUCED, ADDITIONAL NOTES POOL + PPOS RELOCATED			BLACK COW STUDIO LENARD ANDERSON "THE CREAMERY" 167 Cobbitty Road COBBITTY 2570 04321 797 51 blackcowstudio@bigpond.com	
	DRAWING TITLE WINDOWS			SCALE	DATE	DRAWN		CHECKED
	SCALE 1:100			DATE 07-21	DRAWN LA	CHECKED LA		PROJECT ISSUED FOR DA APPROVAL
	JOB No. 21-76			DWG. No. DC-08	ISSUE F	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 reproduced drawings on site.		

CLPP02

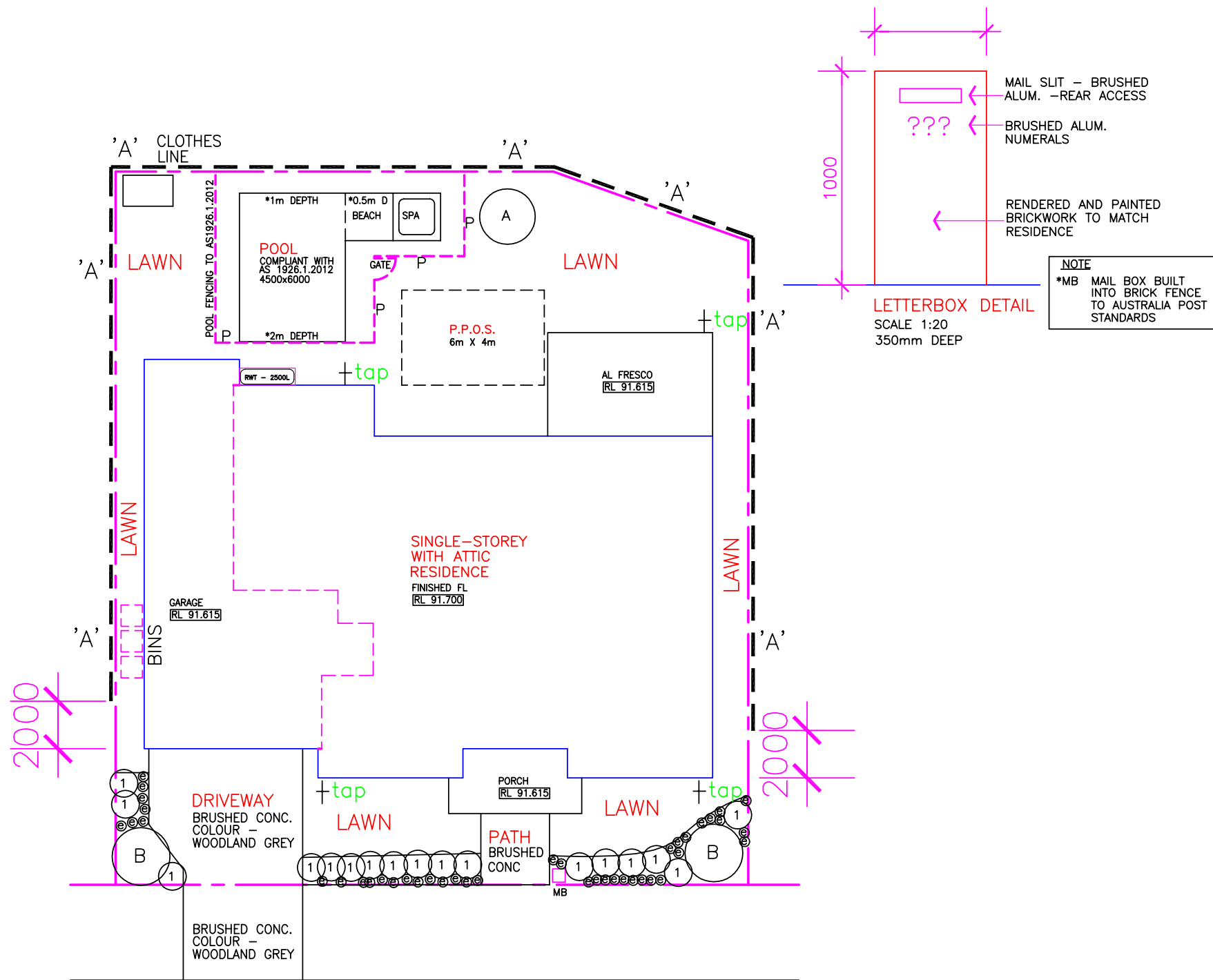
Attachment 5



CONCEPT DRAINAGE PLAN
SCALE 1:200



PROPOSED DEVELOPMENT AT 17 MARY FAIRFAX DR ORAN PARK 2570 FOR B + M ENGEL	DRAWING TITLE			26.04.22	F	AL FR. REDUCED, 0.45:1 AREA CLARIFIED	BLACK COW STUDIO LENARD ANDERSON "THE CREAMERY" 167 Cobbitty Road COBBITTY 2570 04321 797 51 blackcowstudio@bigpond.com	
	DRAINAGE CONCEPT			30.03.22	E	AL FRESCO REDUCED, ADDITIONAL NOTES		
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	1:200	07-21	LA		25.10.21	A		ISSUED FOR DA APPROVAL
JOB No.	DWG. No.	ISSUE	PROJECT				DATE	ISSUE AMENDMENT
21-76	DC-09	F	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.					



LANDSCAPE LEGEND					
SYMBOL	SPECIES - BOTANIC	SPECIES - COMMON	HEIGHT/DIAM.	NO.	POT SIZE
A	JACARANDA MIMOSIFOLIA	JACARANDA	6/3	1	45L
B	ULMUS PARVIFOLIA	CHINESE ELM	8/4	2	100L
1	GREVILLEA JUNIPERINA	PRICKLY SPIDER FLOWER	1.5/1.5	17	140mm
⊙	HIBBERTIA PEDANCLATA	GUINEA FLOWER	.2/.6	42	140mm

NOTES

- - - - GLASS POOL FENCING AND ACCESS GATES TO AS1926.1-2012
- - - - COLORBOND FENCING 1800mm HIGH TO UNVISIBLE BOUNDARIES ONLY
- 'A' COLORBOND FENCING TO BE WOODLAND GREY IN FINISH
- SIDE GATES TO BE DECORATIVE STEEL - COLOUR TO MATCH RP1 (FACADE - REFER DC-05)
- MIN 2M SETBACK FROM FRONT BUILDING FACADE
- ALL FENCES TO COMPLY WITH CATHERINE PARK HOMESTEAD BUILDING + SITING GUIDELINES
- DRIVEWAY AND PATHS**
- DRIVEWAY AND PATH TO BE BRUSHED FINISHED CONCRETE COLOUR TO MATCH WOODLAND GREY

MARY FAIRFAX DRIVE
CONCEPT LANDSCAPE PLAN
 SCALE 1:200

DRIVEWAY DETAIL
 REFER DWG DC-01
 DRIVEWAY SECTION

CONSTRUCTION NOTES
 *BASIX COMMITMENT SUMMARY } DC-01
 *NATIONAL CONSTRUCTION CODE } DC-10

LEGEND		
BAL	BALUSTRADE TO AUST. STANDARD 1170.1	FB SELECTED FACE BRICK BORAL 'BLACKHEATH'
CFG	'COLORBOND' FASCIA + GUTTER	GD SELECTED GARAGE DOOR
CR	'COLORBOND' ROOFING IRONSTONE	LW LIGHTWEIGHT CLADDING
DP	DOWN PIPE	⊕ HARD WIRED SMOKE ALARM TO AS 3786
		S/A SANDSTONE CLADDING

PROPERTY DESCRIPTION	PROPOSED DEVELOPMENT AT
LOT 6070	17 MARY FAIRFAX DR
DP 1235007	ORAN PARK 2570
786.2m ²	FOR BOBBY + MELISSA ENGEL

DRAWING TITLE			
LANDSCAPE CONCEPT PLAN			
SCALE	DATE	DRAWN	CHECKED
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JOB No.	DWG. No.	ISSUE	
21-76	DC-11	F	

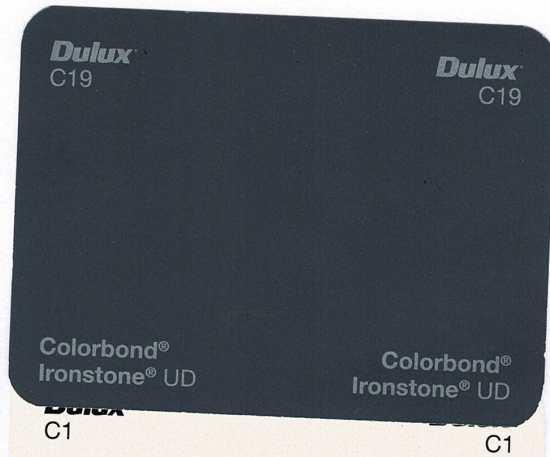
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		PROJECT

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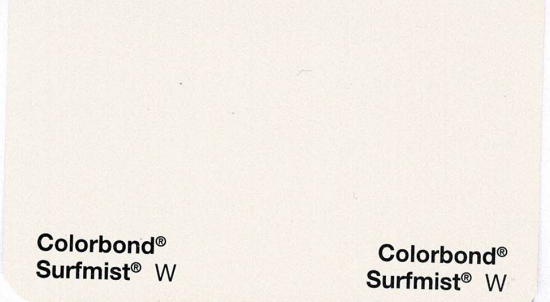
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 04321 797 51
 blackcowstudio@bigpond.com

ULFRUZ

Attachment 5



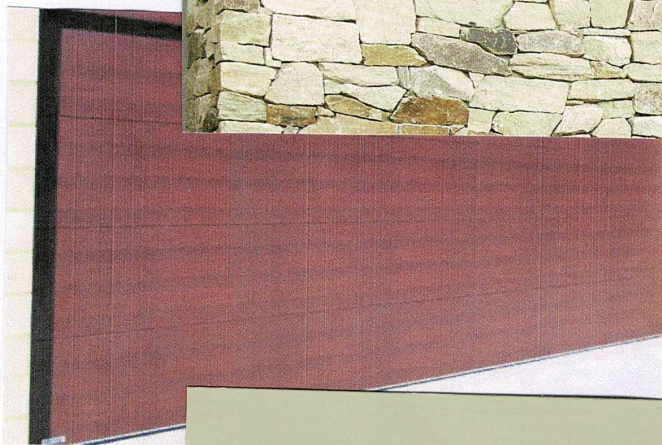
GUTTER + DP's
COLORBOND ROOF
'IRONSTONE'



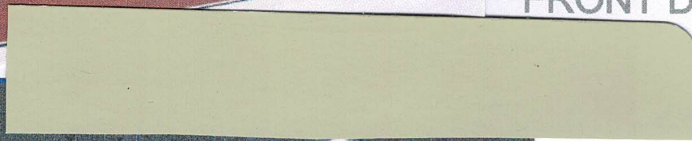
FASCIA, WINDOWS
'SURFMIST'



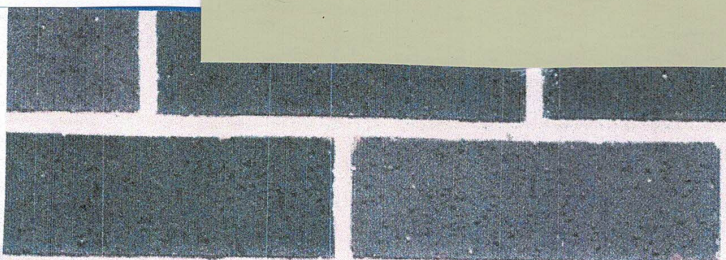
FRONT PORTICO
RANDOM BUSHROCK



GARAGE DOOR
CAOBA



FRONT DOORS



SELECTED FACEBRICK
'THUNDER'

PROPOSED DEVELOPMENT AT 17 MARY FAIRFAX DR ORAN PARK 2570 FOR B + M ENGEL		DRAWING TITLE FINISHES SCHEDULE				BLACK COW STUDIO LENARD ANDERSON "THE CREAMERY" 167 Cobbitty Road COBBITTY 2570 04321 797 51 blackcowstudio@bigpond.com	
SCALE	DATE	DRAWN	CHECKED	25.10.21	A	ISSUED FOR DA APPROVAL	
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JOB No.	DWG. No.	ISSUE	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.				
21-76	DC-13	A					

CLPP03

SUBJECT: DA/2022/127/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE AND ASSOCIATED SITE WORKS - 2 GLEESON RISE, ORAN PARK
EDMS #: 22/178265

DA Number:	2022/127/1
Development:	Construction of a single storey dwelling house and associated site works
Estimated Cost of Development:	\$387,005
Site Address(es):	2 Gleeson Rise, Oran Park
Applicant:	Mojo Homes
Owner(s):	Mr Daniel Grudgings Miss Charlotte Watt
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 – Height of Buildings
Classification:	Local
Recommendation:	Approve with conditions
Panel Referral Criteria:	Departure from Development Standards greater than 10%
Report Prepared By:	Lachlan Hutton (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 a single storey dwelling house with associated site works at 2 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/2022/127/1 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 2 Gleeson Rise, Oran Park.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 24 February to 10 March 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 6.018m 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 the SEPP to address the anomalies associated with the 5m height standard. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision 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 2 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.

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

CLPP03

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m	6.018m	1.018m / 20.3%

AERIAL PHOTO



Figure 1. Aerial Photo of subject Lot 6012.

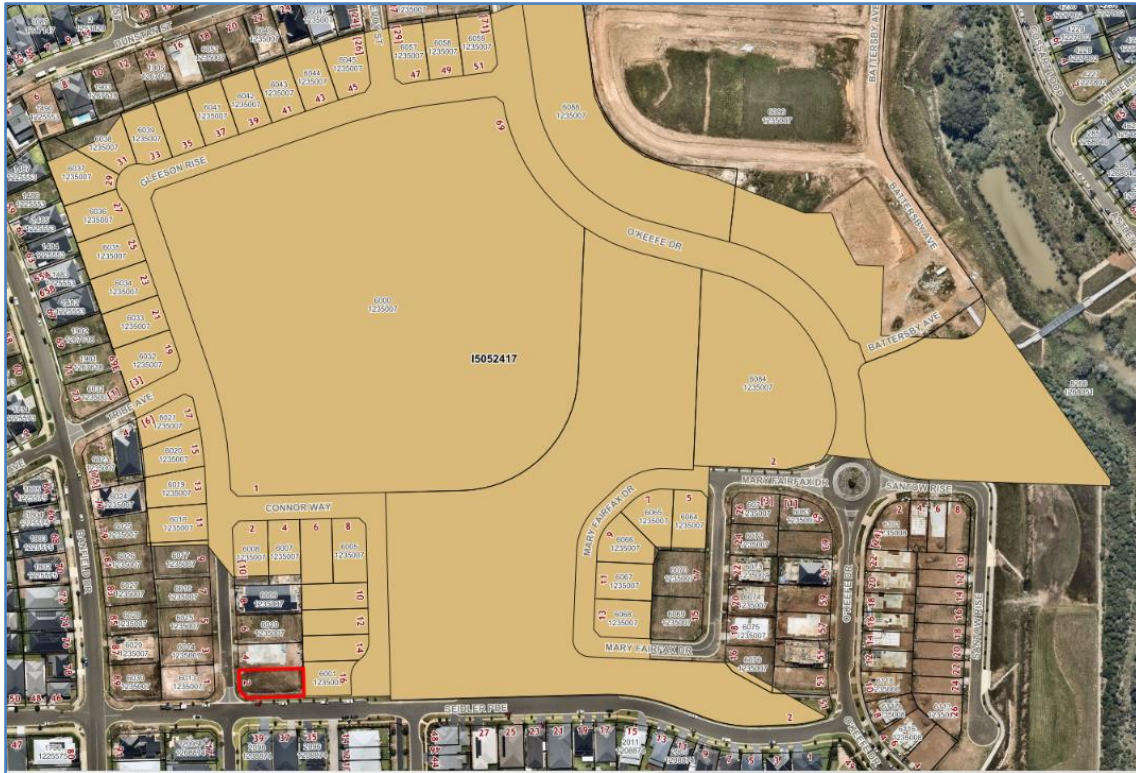


Figure 2. Aerial photo of subject lot in relation to State Heritage Item Oran Park House.

THE SITE

The site is legally described as Lot 6012 in DP1235007 and commonly referred to as 2 Gleeson Rise, Oran Park.

The site has an area of 596.5m² and is generally level with a small decline of approximately 500mm from the street frontage to eastern rear boundary. There are retaining walls up to approximately 0.5 - 1.0m on the southern (secondary) and eastern (rear) 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

Planning, Industry & Environment

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

South West Growth Centre
Land Zoning Map - Sheet LZN_004

Zone

- B1 Neighbourhood Centre
- B2 Local Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B7 Business Park
- E2 Environmental Conservation
- E3 Environmental Management
- E4 Environmental Living
- I1 General Industrial
- I2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- TS Transition
- SP2 Infrastructure
- MIC 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

Cadastral

- Cadastral 20/01/2021 © Spatial Services

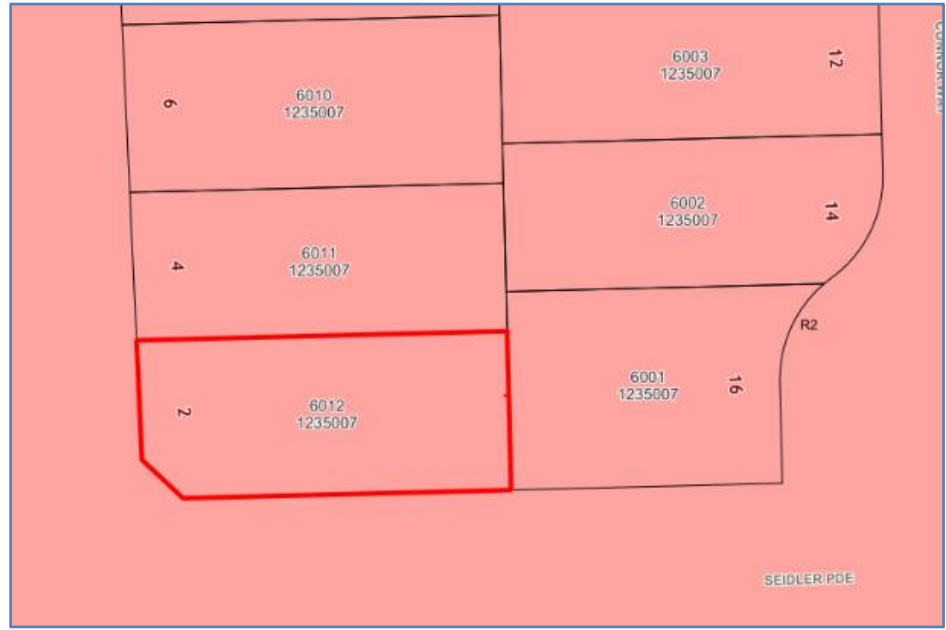


Figure 3. Subject Lot 6012 R2 Zoning.

AREA MASTER PLAN

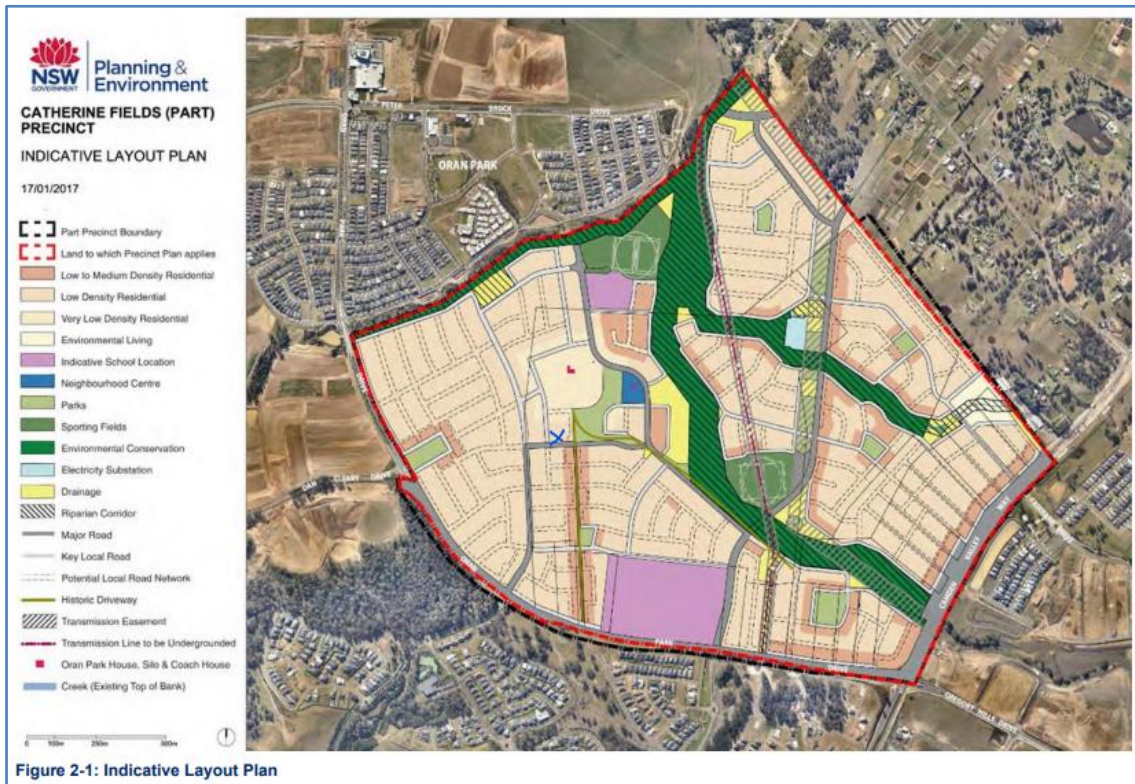


Figure 4. Blue 'X' denoting location of Lot 6012 (the lot) in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.

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

THE PROPOSAL

DA/2022/127/1 seeks approval for a single storey dwelling house with associated site works.

The proposed dwelling house consists of four bedrooms, home theatre, combined family/dining area, kitchen, laundry, bathroom, outdoor living area and a double garage.

The estimated cost of the development is \$387,005.

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.

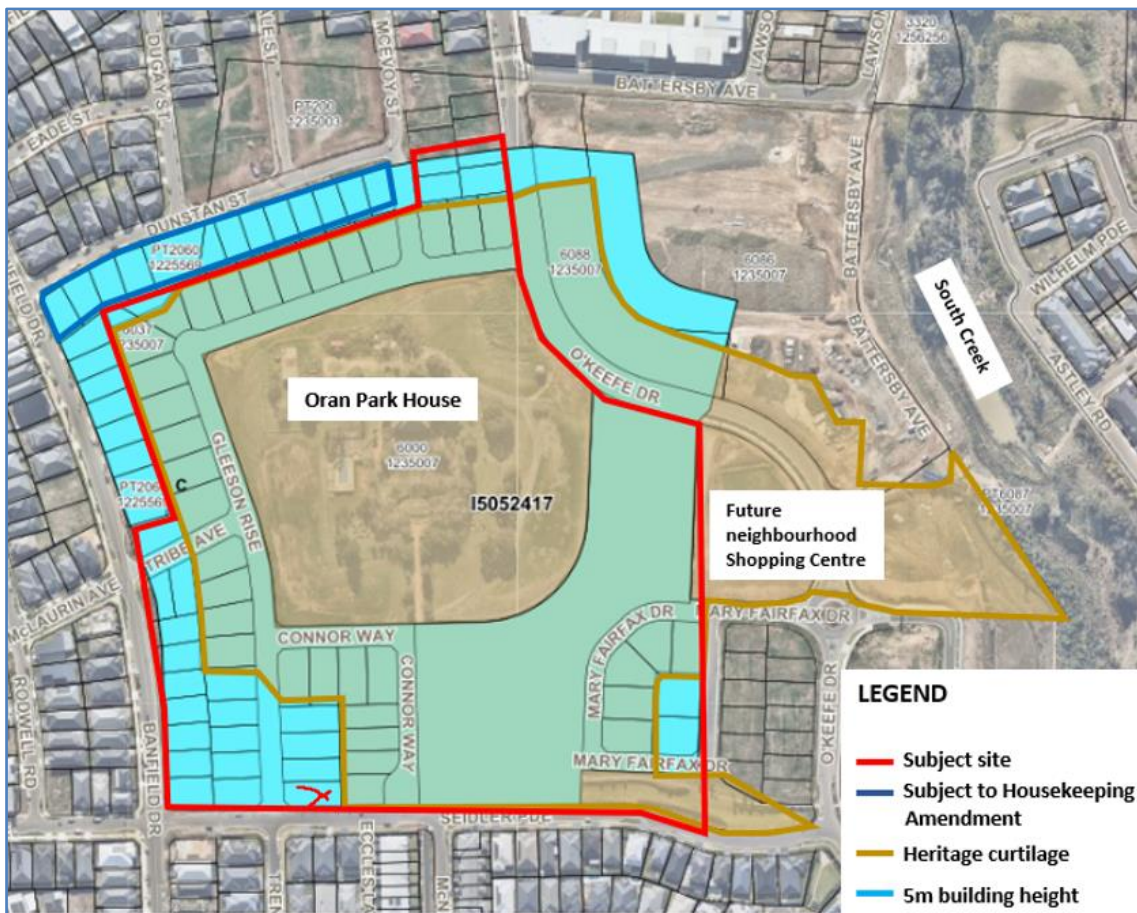


Figure 5. Extract from PP/2021/1/1 indicating the subject site, the heritage curtilage and the 5m building height development standard – subject lot marked as a red x.

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 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. 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.

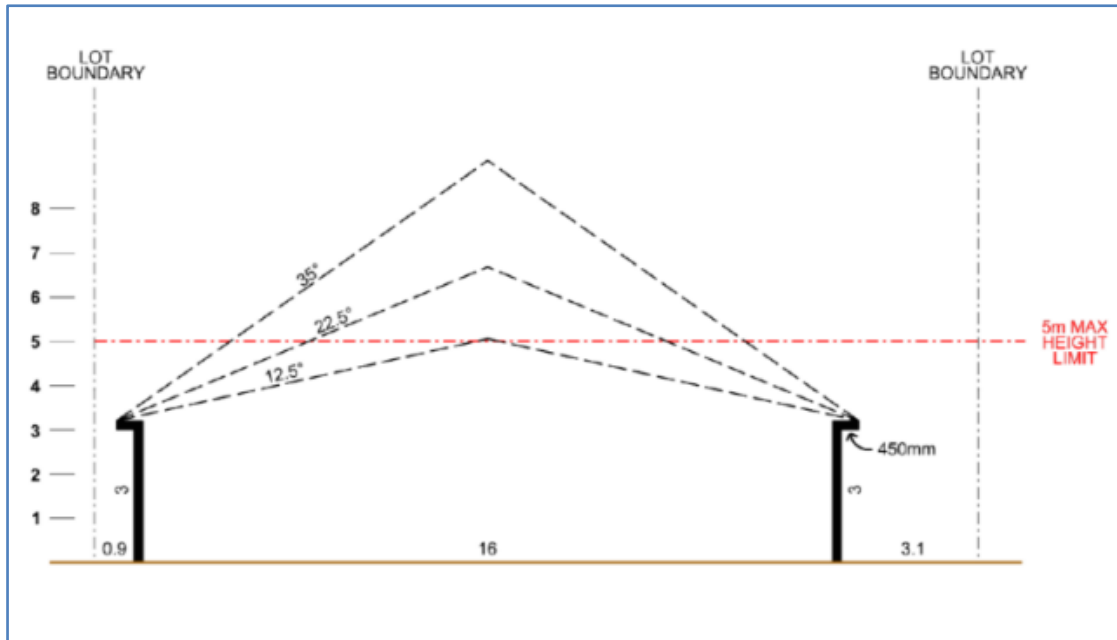


Figure 6. Indicating roof pitch, lot width and building height.



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

It is further noted that dwellings on lots outside the heritage curtilage can be approved under the relevant complying development / housing code provisions of SEPP (Exempt and Complying Development) 2008. Complying Development Certificates have been issued for the erection of single storey dwellings at 77, 67, 63, 61, 57 Banfield Drive and 4 Tribe Avenue. While single storey, these dwellings had building heights greater than 5m.

ASSESSMENT

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

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

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

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004;
- State Environmental Planning Policy (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 clause 2.6 and the land use table in Appendix 5 of the SEPP.

Planning Controls

An assessment table in which the development is considered against the Growth 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 6.018m, thereby contravening the standard by 1.018m or 20.3%.

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°.

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

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

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

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

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

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

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 24 February to 10 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.

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/2022/127/1 for a single storey dwelling house and associated site works at 2 Gleeson Rise, Oran Park subject to the conditions attached to this report.**

REASONS FOR DETERMINATION

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

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

ATTACHMENTS

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

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
851870, Sheet 3, Revision 12.	Site Plan.	Mojo Homes.	05/05/2022.
851870, Sheet 4, Revision 12.	Water Management Plan.	Mojo Homes.	05/05/2022.
851870, Sheet 5, Revision 12.	Ground Floor Plan.	Mojo Homes.	05/05/2022.
851870, Sheet 7, Revision 12.	Elevations/Section.	Mojo Homes.	05/05/2022.
851870, Sheet 8, Revision 12.	Elevations.	Mojo Homes.	05/05/2022.
Drawing No. LP-21057, Rev E, Page 1.	DA Landscape Plan.	Myard Landscape Design.	05/05/2022.
Drawing No. LP-21057, Rev E, Page 2.	DA Landscape Plan.	Myard Landscape Design.	05/05/2022.
-	External Colour Plan.	Brickworks Building Products.	-

Document Title	Prepared by	Date
BASIX Certificate No. 1278209S.	EcoResults.	07/02/2022.
Waste Management and Minimisation Plan.	Applicant.	12/08/2021.

- (2) **BASIX Certificate** - The applicant shall undertake the development strictly in accordance with the commitments listed in the approved BASIX certificate(s) for the development to which this consent applies.
- (3) **National Construction Code – Building Code of Australia (BCA)** - All building work shall be carried out in accordance with the BCA. In this condition, a reference to the BCA is a reference to that Code as in force on the date the application for the relevant Construction Certificate is made.

- (4) **Home Building Act** - Pursuant to Section 4.17(11) of the *EP&A Act 1979*, residential building work within the meaning of the *Home Building Act 1989* shall not be carried out unless the principal certifier for the development to which the work relates:
- a) in the case of work for which a principal contractor has been appointed:
 - i) has been informed in writing of the name and licence number of the principal contractor; and
 - ii) where required has provided an insurance certificate with the name of the insurer by which the work is insured under Part 6 of that Act.
 - b) in the case of work to be carried out by an owner-builder;
 - i) has been informed in writing of the name of the owner-builder; and
 - ii) if the owner-builder is required to hold an owner-builder permit under that Act; has provided a copy of the owner builder permit.

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

This clause does not apply:

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

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

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

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

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

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

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

2.0 - Prior to Issue of a Construction Certificate

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

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

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

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

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

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

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with 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/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 (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the principal certifier.

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

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

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

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

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

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

4.0 - During Works

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

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

unless approved in writing by Council.

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

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

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

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

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

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

CLPP03

Attachment 2

Clause.	Assessment.	Compliance.
<p>Appendix 5, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. • To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. • To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a <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"> • The proposal will provide for the housing needs of the community within the low-density residential environment. • The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it. • The proposal will be an addition to the existing housing type typical to the immediate surrounds. 	<p align="center">Yes</p>
<p>Appendix 5, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p>	<p>The proposed development has a maximum building height of 6.018m.</p>	<p>No (Clause 4.6 written request submitted).</p>

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

 <p>Maximum height of buildings = 5.0m 'C'.</p>		
<p>Appendix 5, 4.6 Exceptions to development standards</p> <p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The 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"> (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. <p>Development consent must not be granted unless:</p> <ul style="list-style-type: none"> (a) the consent authority is satisfied that: <ul style="list-style-type: none"> (i) the applicant's written request has adequately addressed the matters required to be demonstrated, 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 	<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>Yes</p>

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

CLPP03

<p>which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p> <p>This clause prohibits the approval of certain development standard contraventions.</p>		
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Attachment 2

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

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

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

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

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

Control	Assessment	Compliance?
<ul style="list-style-type: none"> Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback. <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>The pitch of hipped and gable roof forms on the main dwelling house should be between 22.5 degrees and 35 degrees.</p> <p>Front facades are to feature at least one habitable room with a window onto the street.</p> <p>Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.</p>	<p>Eaves vary between 0.450m and 0.6m in overhang. All eaves are ≥ 0.450m in overhang.</p> <p>Hipped roof pitch of 22.5 degrees proposed.</p> <p>Front façade to feature bed 1 with windows facing the street.</p> <p>Proposed garage to be constructed in conjunction with the dwelling – proposed garage to complement colour and finish of main dwelling.</p>	
<p>4.2.3 Front Setbacks.</p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p>	<p>Yes.</p>

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

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Attachment 3

Control	Assessment	Compliance?
<p>4.2.4 Side and Rear Setbacks.</p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</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>4.2.5 Dwelling Height, Massing and Siting.</p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>Site coverage measured accordingly against tables 4-5 (lots >15m in width).</p> <p>FFL = 20.215 – lowest associated point of NGL = 19.635 = 0.58m</p>	Yes.
<p>4.2.6 Landscaped Area.</p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p> <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>Noted / complied.</p>	Yes.

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

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

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

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Control	Assessment	Compliance?
<p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.8m.</p> <p>Double garage internal dimensions = 5.60 x 5.8m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and, respective to the proposed main dwelling.</p>	
<p>4.2.9 <i>Visual and Acoustic Privacy.</i></p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm and noise is not to exceed background levels during the hours 10.00pm to 7.00am.</p> <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible comply with the criteria in Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden</p>	<p>Proposed development is single storey only. Proposed dwelling has an FFL <1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted.</p> <p>Dwelling not impacted by road types.</p>	Yes.

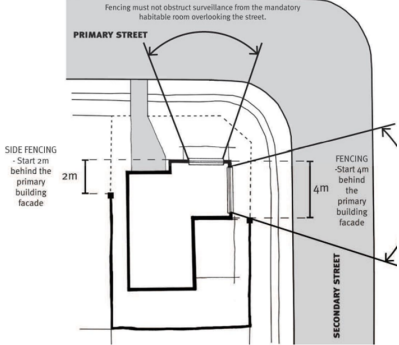
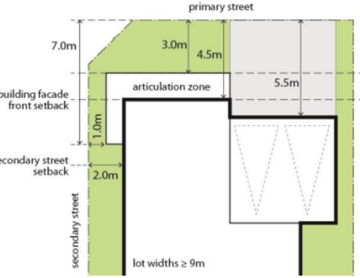
Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance?
<p>Growth Centre Precincts Development Control Plan</p> <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council’s Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p>	<p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development does not require architectural treatments regarding acoustic impacts.</p>	
<p>4.2.10 Fencing.</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p> <p>On corner lots or lots that have a side boundary that adjoins open space or drainage, the front fencing style and height is to be continued along the secondary street or open space/drainage land frontage to at least 4m behind the building line of the dwelling. Principles for corner lots are illustrated at Figure 4-12.</p>	<p>No front fencing proposed.</p> <p>Side boundary return fences indicated at 2.0m behind the building line.</p> <p>As depicted by figure 4-12, secondary street fencing will commence at a height of 1.8m with render concrete pillars, infilled with aluminium slat infill panels.</p> <p>Fencing commences 6.8m behind the primary building line.</p>	Yes.

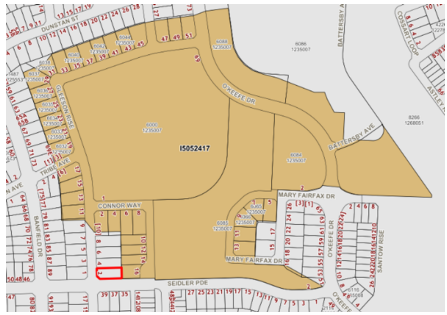
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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance?
		
<p>Table 4-5 – Front setback. 4.5m to building façade.</p>	<p>Primary western boundary setback = 6.026m. Secondary southern boundary setback = 2.0m from façade.</p>	<p>Yes.</p>
<p>Table 4-5 – Articulation zone. 3.0m if not fronting open space and/or 1.0m if articulation to secondary street frontage.</p> 	<p>Porch (articulation feature) setback 4.976m from primary western boundary line.</p> <p>Pillar with hipped roof over setback 1.5m from secondary southern street boundary.</p> <p>Proposed secondary street articulation complies with figure 4 (as extracted) allowing the articulation zone to encroach 1.0m from the secondary street.</p>	<p>Yes.</p>
<p>Table 4-5 – Garage setback. 5.5m to garage line and 1m behind the building line.</p>	<p>Garage setback 7.050m from primary western boundary line. Garage setback 1.024m from primary building line.</p>	<p>Yes.</p>
<p>Table 4-5 – Side setbacks. Ground floor (Side A) = 0.9m Ground floor (Side B) = 0.9m.</p> <p>Upper floor (Side A) = 1.5m. Upper floor (Side B) = 0.9m.</p>	<p>Northern side boundary setback: Side (A) ground = 0.920m. Side (B) no side B (corner lot).</p> <p>The proposed development is single storey only</p>	<p>Yes.</p>

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

Control	Assessment	Compliance?
Table 4-5 – Rear setback. Ground = 4.0. Upper floor = 6.0m.	Rear western boundary setback at ground = 9.536m. NA – single storey only.	Yes.
Table 4-5 – Site coverage. Maximum 50% at ground floor. Maximum 30% at upper floor.	Site coverage = $240.615/596.5*100 = 40.33\%$.	Yes.
Table 4-5 – Soft landscaped area. Minimum 30% of the allotment area.	$254.314/596.5*100 = 42.63\%$.	Yes.
Table 4-5 – Principal Private Open Space (PPOS). Minimum 24sqm with minimum dimensions of 4m.	PPOS = 154.591sqm at dimensions >4.0m.	Yes.
Table 4-5 – Solar Access. 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.	No overshadowing of PPOS. Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.	Yes.
Table 4-5 – Garages and carparking. Maximum double car garage door width 6m. 3 bedrooms or more to provide at least 2 car spaces.	Double garage proposed. Width = 4.8m. 2 spaces provided.	Yes.
Control	Assessment	Compliance?
4.1 Development Surrounding Oran Park House. Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.	Subject lot is located outside of the heritage curtilage. Development on the subject lot does not trigger nominated integrated development. While located outside the identified area, the proposed development was referred to Council's Heritage Advisor who raised no objection to the proposed development.	Yes.
		

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

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Attachment 4

CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address: 2 Gleeson Rise ORAN PARK

Lot: 6012 **DP1235007**

Date: 15 February 2022

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Suite 3.03 55 Miller Street PYRMONT NSW 2009
PO Box 546 PYRMONT NSW 2009
02 9051 9333 | urbanco.com.au

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Appendices

Appendix 1 – View Analysis

Figures

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

Tables

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

1 INTRODUCTION

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

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

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

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

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

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

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

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

2 STATUTORY PLANNING FRAMEWORK

2.1 Clause 4.6 - Exceptions to development standards

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

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

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

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

This document forms the written request required under Clause 4.6.

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

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

2.2 Development Standards

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

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

3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

3.1 Development Standard Subject to Variation

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

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

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

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

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

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



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

3.2 Subject Site

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



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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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:	2 Gleeson Rise ORAN PARK	
Lot:	6012	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:	6.018m [Ref: MOJO Homes Elevations / Section Sheet 7/16 dated 6 Dec 2021]
Extent of Proposed Variation*:	20.3 %

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

CLPP03

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

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

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

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

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

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

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

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

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

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

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

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

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

Test 1(a): the objectives of the zone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

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

The proposed variation does not rely on this test.

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

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

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



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

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

4.1.16 Roofs

Controls

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

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

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

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

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

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

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

4.5 Building Height

Controls

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

And:

4.6 Roofs

Controls

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

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

Figure 4 shows the relationship of the existing maximum 5 metre height limit and achieving the roof pitch controls for a single 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

CLPP03

Attachment 4

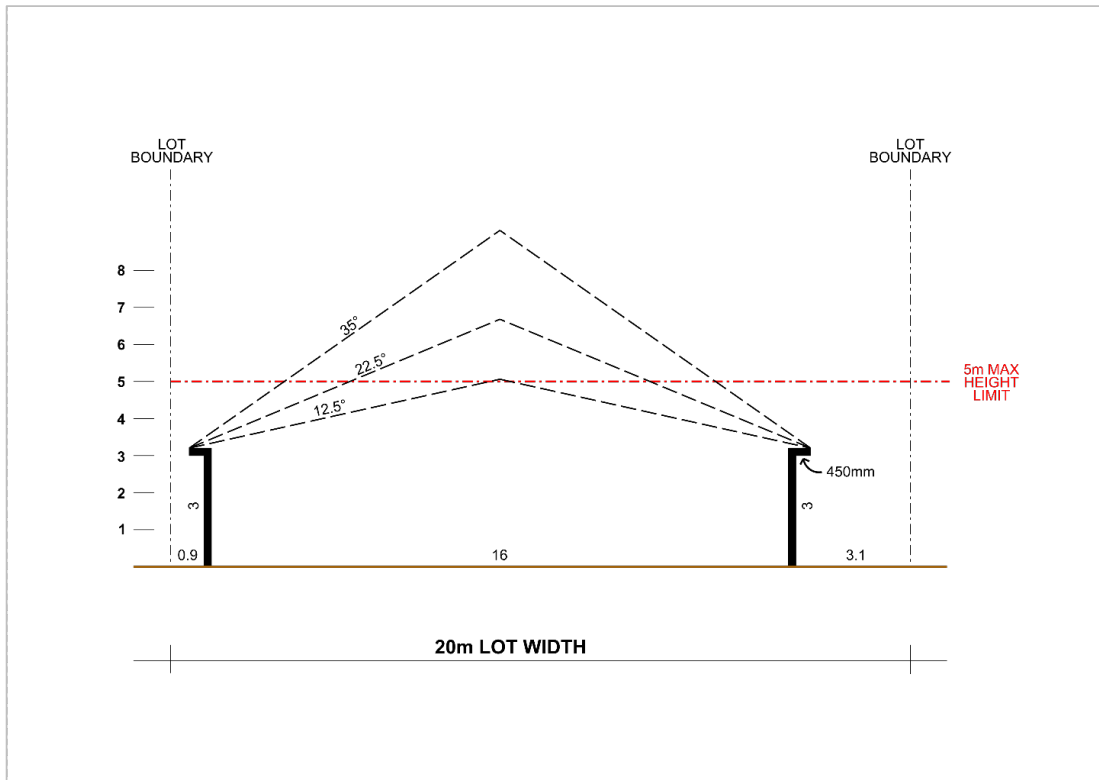


Figure 4 – Building Height & Roof Pitch

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.

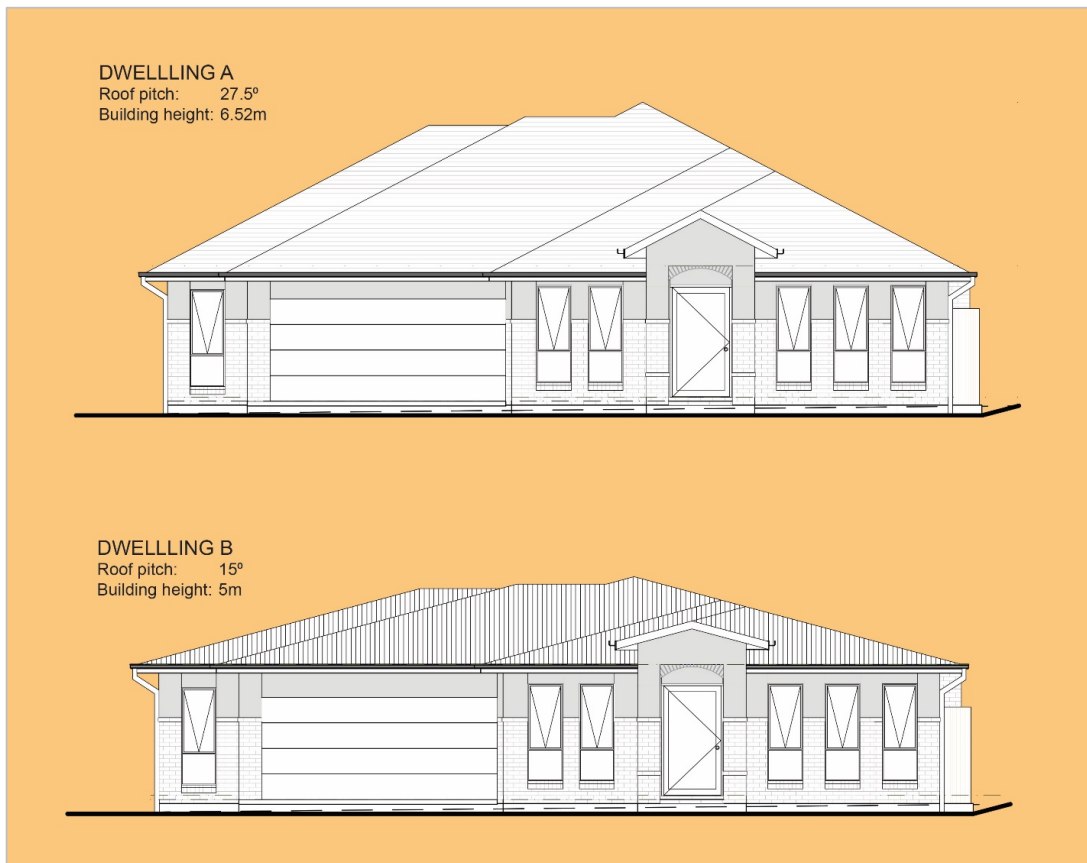


Figure 5 – Dwelling Roof Forms

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.

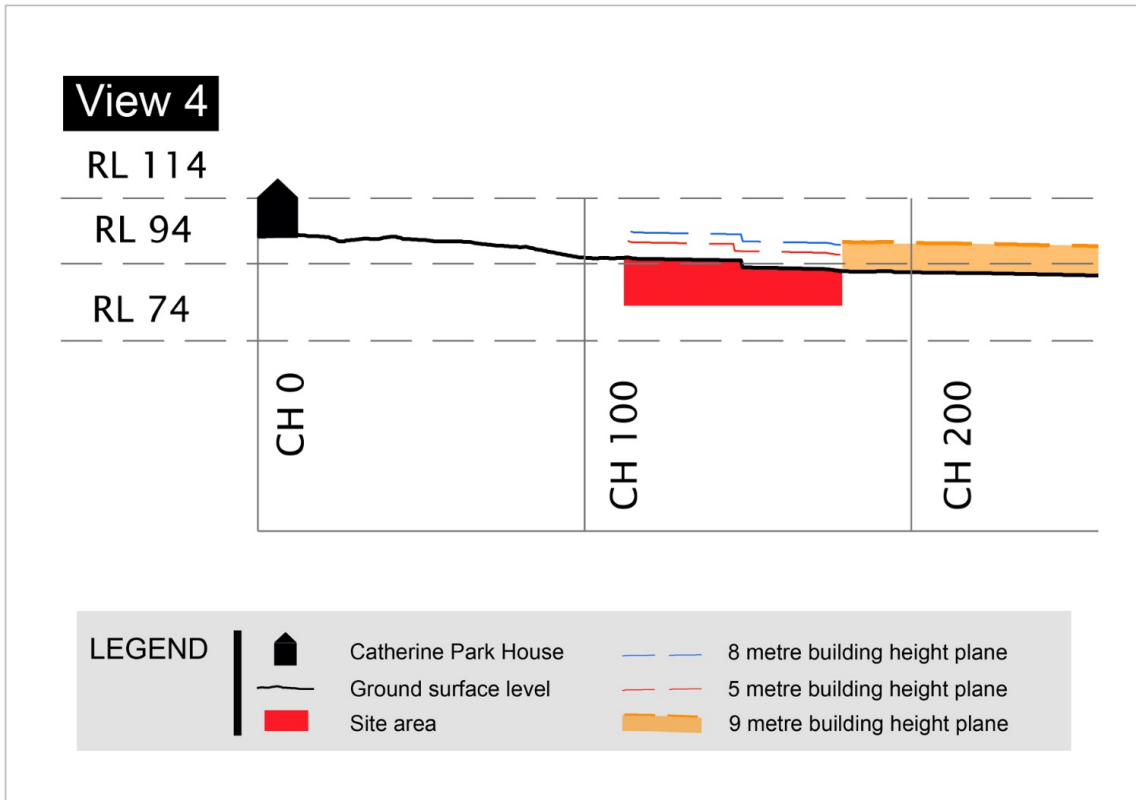


Figure 6 – Extract from View 4 in Views Analysis

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.

CLPP03

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.

CLPP03

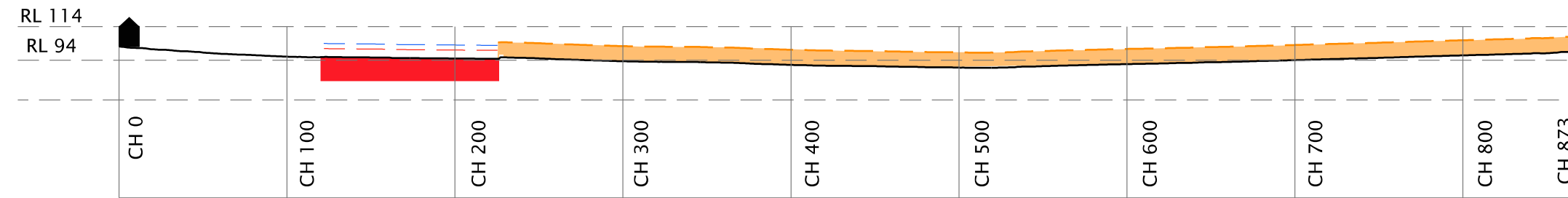
Attachment 4

APPENDIX 1
Views Analysis

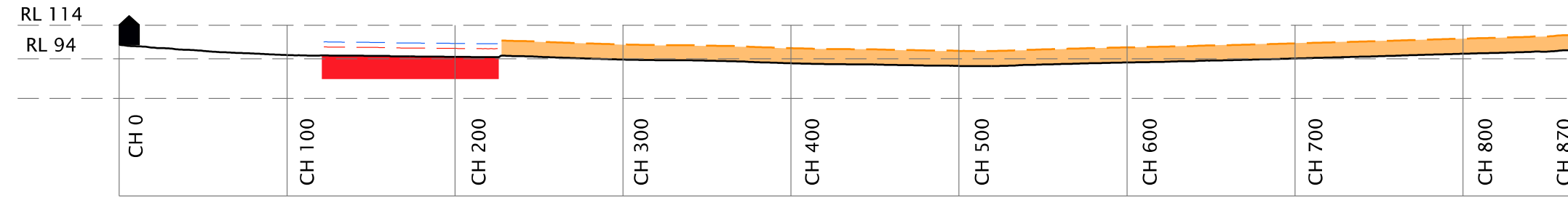
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

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

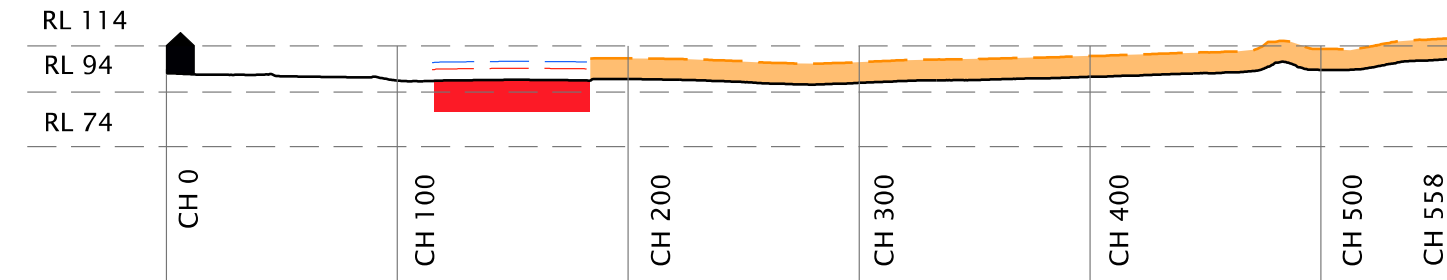
View 1



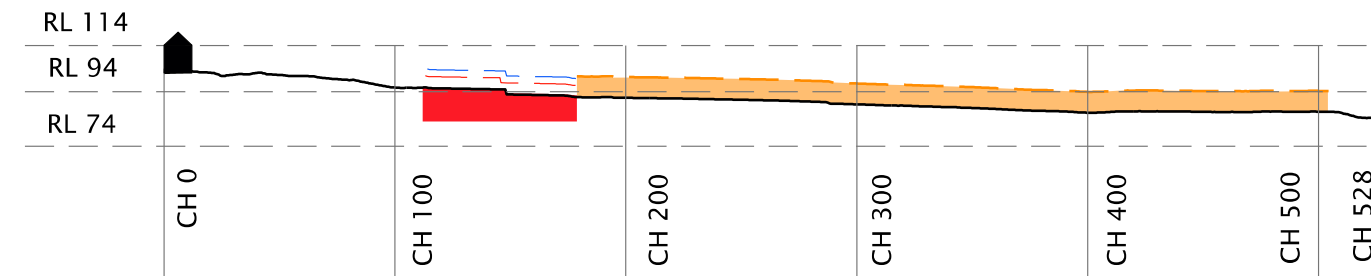
View 2



View 3

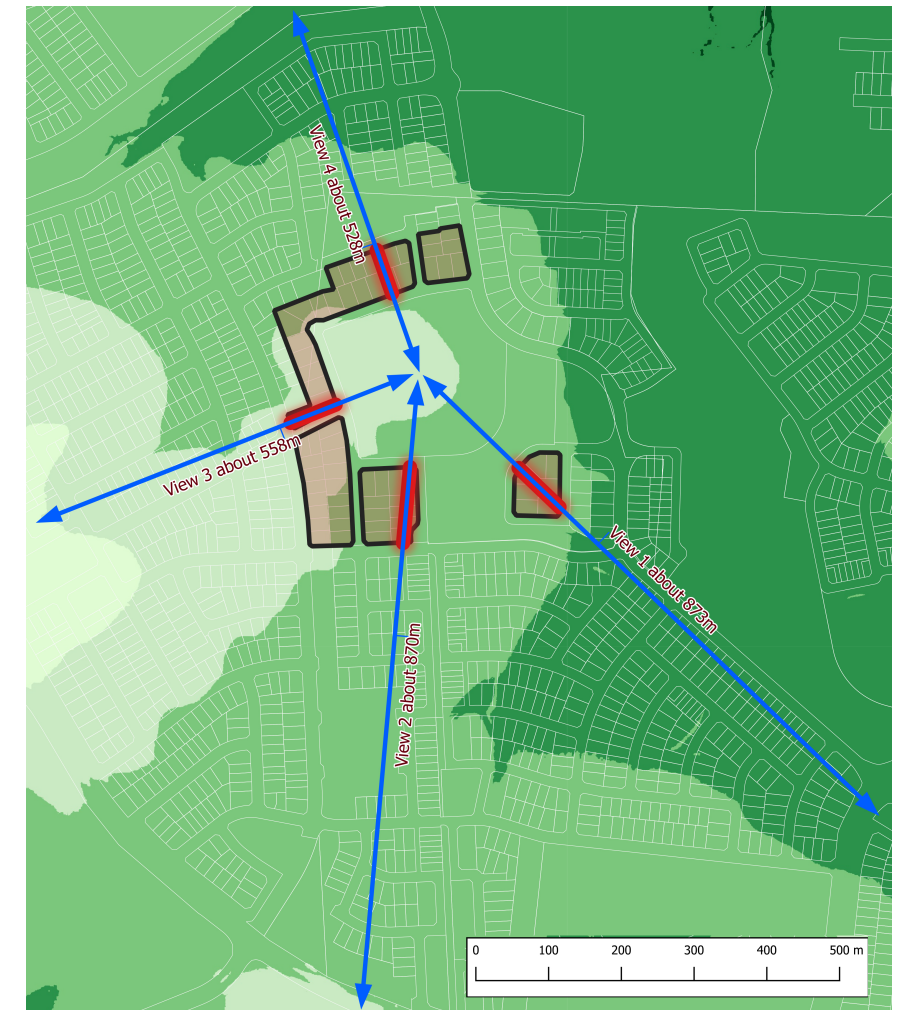


View 4



LEGEND

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



REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:

- SUSTAINABILITY REQUIREMENTS
- SITE CLASSIFICATION
- GENERAL BUILDING INFORMATION

STORMWATER LAYOUT IS DIAGRAMMATIC ONLY AND NO REPRESENTATION IS MADE AS TO THE AS-BUILT LOCATION OF STORMWATER ASSETS (INCLUDING SURFACE INLET PITS) OR THE TYPE OF SYSTEM USED (CHARGED OR GRAVITY FED). ALL STORMWATER DESIGN IS SUBJECT TO CONTRACTORS RECOMMENDATIONS AND/OR ANY CONSTRUCTION CONSTRAINTS OR CHANGES AT THE DISCRETION OF THE BUILDER. THE STORMWATER SYSTEM IS NOT SUITABLE FOR ANY OTHER USE. ALL SURFACE WATER DRAINAGE MUST BE MANAGED BY OWNER INCLUDING INSTALLATION OF ADDITIONAL DISCHARGE LINES AND INLETS AS REQUIRED. THE BUILDER PROVIDES CAPACITY FOR DISPOSAL OF ROOF COLLECTED STORMWATER ONLY AND TAKES NO RESPONSIBILITY FOR OVERFLOW OR DAMAGE TO PROPERTY IF OWNER ADDS ADDITIONAL DISCHARGE LOADS TO EXISTING STANDARD PROVISIONS.

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

PROPOSED TREES BY OWNER AFTER HANDOVER UNLESS NOTED OTHERWISE IN THE TENDER DOCUMENTATION.

WIND CLASSIFICATION	N2
WITHIN 1 KM. OF BREAKING SALT WATER	NO
WITHIN 100 M. OF SALT WATER	NO
MINIMUM AHD FLOOR LEVEL APPLICABLE	NO
SURVEY AREA	NEW
LATITUDE	34° 00' 44" S
LONGITUDE	150° 44' 51" E

APPROX. IMPORT/EXPORT FILL

CUT VOLUME	14.75m³
FILL VOLUME	8.35m³
DIFFERENCE	6.40m³

TONNAGE: 6.40m³ x 2.25 = 14.40t
14 TONNES OF EXPORT FILL

DA - CAMDEN COUNCIL GROWTH CENTRE PRECINCT

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

LAND IS SUBJECT TO:

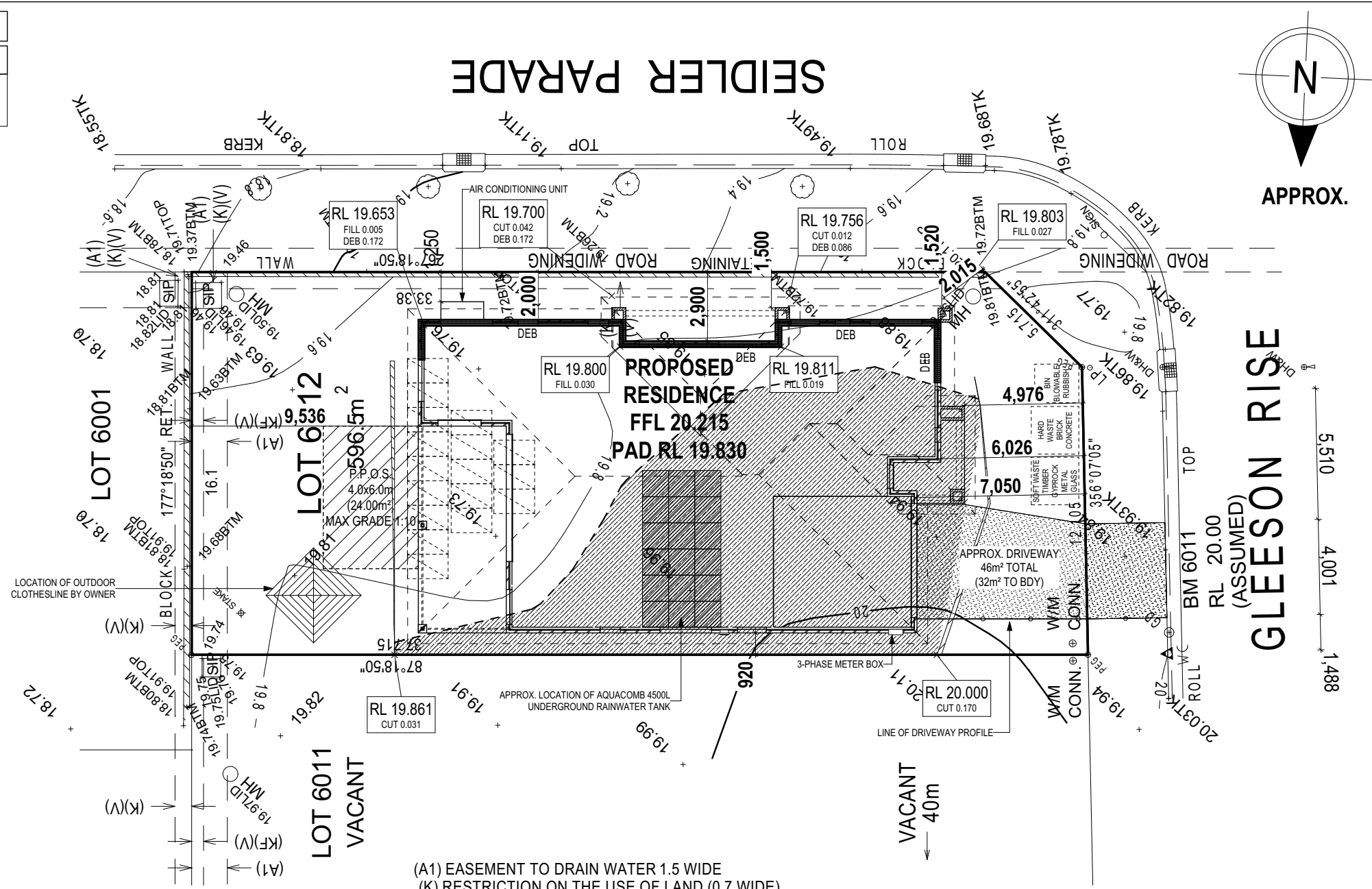
- ZONING: R2
- WIND CLASSIFICATION: N2
- < 1km TO BREAKING SALT: NO
- < 100m TO SALT WATER: NO
- BUSHFIRE: NO
- MINE SUBSIDENCE: NO
- ACID SULPHATE SOILS: NO
- FLOOD: NO
- BUILDING ENVELOPE: NO
- SLAB CLASSIFICATION: H1
- HERITAGE: NO
- DEVELOPER GUIDELINES: CATHERINE PARK ESTATE
- APPLICABLE 88B CLAUSES: 7, 8, 9, 14, 15, 16, 17, 18, 19
- ANY ADDITIONAL RESTRICTIONS:

BUILDING RESTRICTIONS:

- FRONT SETBACK (MIN): 4.5m
- SECONDARY SETBACK (MIN): 2.0m
- SIDE SETBACK (MIN): 0.9m
- REAR SETBACK (MIN): 4.0m
- GFA (MAX): NOT SPECIFIED
- SITE COVERAGE (MAX): 298.25m² (50%)
- BUILDING HEIGHT (MAX): 2 STOREYS
- WALL BREAKS (MAX): NOT SPECIFIED
- LANDSCAPED AREA (MIN): 178.95m² (30%)
- CUT (MAX): 1.0m
- FILL (MAX): 1.0m

COMPLIANCE AREAS

GROSS FLOOR AREA	212.43
LANDSCAPED AREA	239.36
SITE COVERAGE AREA	243.49

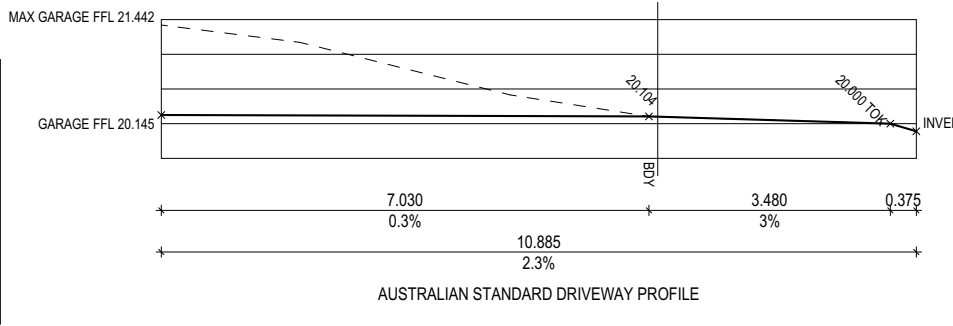
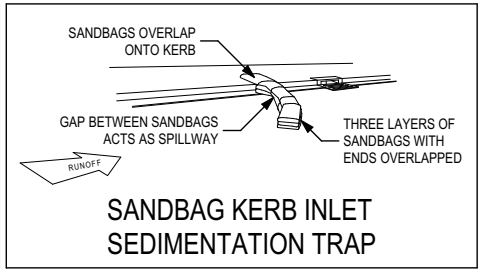
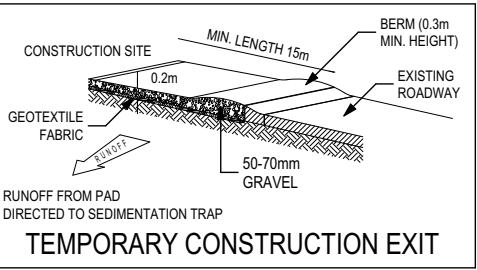
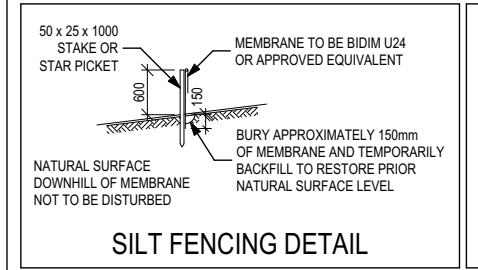


(A1) EASEMENT TO DRAIN WATER 1.5 WIDE
(K) RESTRICTION ON THE USE OF LAND (0.7 WIDE)
(KF) RESTRICTION ON THE USE OF LAND (0.5 WIDE)
(V) POSITIVE COVENANT (No.8)

DROPPED EDGE BEAM AREA

AREA (m²)
4.59

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



THIS PLAN ACCEPTED BY:

PLEASE NOTE: NO VARIATIONS WILL BE ACCEPTED ON THIS PLAN AFTER SIGNING

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DATE: _____

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			9 BEDROOM WINDOWS AMENDED TO CLEAR	LFL 2022.03.10	ADDRESS:	2 GLEESON RISE, ORAN PARK NSW 2570	BELLE		FAÇADE CODE:	F-NMOATRBELEFA
			10 AMENDED AS PER PCV014	LCS 2022.03.26	LOT / SECTION / DP:	6012 / - / 1235007			SHEET TITLE:	SITE PLAN
			11 SOLAR PANEL RELOCATION	LCS 2022.04.06	COUNCIL:	CAMDEN COUNCIL			SHEET No.:	3 / 16
		12 PCV16	KDE 2022.05.05				SCALES:	1:200		
								651870		

REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:
 - SUSTAINABILITY REQUIREMENTS
 - SITE CLASSIFICATION
 - GENERAL BUILDING INFORMATION

CDP CHARGED DOWNPIPE DIRECTED TO TANK
 SDP STANDARD DOWNPIPE DIRECTED TO STORMWATER DISCHARGE

STORMWATER LAYOUT IS DIAGRAMMATIC ONLY AND NO REPRESENTATION IS MADE AS TO THE AS-BUILT LOCATION OF STORMWATER ASSETS (INCLUDING SURFACE INLET PITS) OR THE TYPE OF SYSTEM USED (CHARGED OR GRAVITY FED). ALL STORMWATER DESIGN IS SUBJECT TO CONTRACTORS RECOMMENDATIONS AND/OR ANY CONSTRUCTION CONSTRAINTS OR CHANGES AT THE DISCRETION OF THE BUILDER. THE STORMWATER SYSTEM IS NOT SUITABLE FOR ANY OTHER USE. ALL SURFACE WATER DRAINAGE MUST BE MANAGED BY OWNER INCLUDING INSTALLATION OF ADDITIONAL DISCHARGE LINES AND INLETS AS REQUIRED. THE BUILDER PROVIDES CAPACITY FOR DISPOSAL OF ROOF COLLECTED STORMWATER ONLY AND TAKES NO RESPONSIBILITY FOR OVERFLOW OR DAMAGE TO PROPERTY IF OWNER ADDS ADDITIONAL DISCHARGE LOADS TO EXISTING STANDARD PROVISIONS.

NOTE TO PLUMBER: ROOF WATER FROM COLLECTION AREAS
 TO BE DIVERTED TO WATER TANK. BALANCE TO REAR INTER-ALLOTMENT DRAINAGE.
 COLLECTION AREA = 180.32m²

ALL STORMWATER OVERFLOW OTHER THAN THAT BEING DIRECTED TO WATER TANK(S) TO BE DIRECTED TO REAR INTER-ALLOTMENT DRAINAGE.

PLUMBING LEGEND

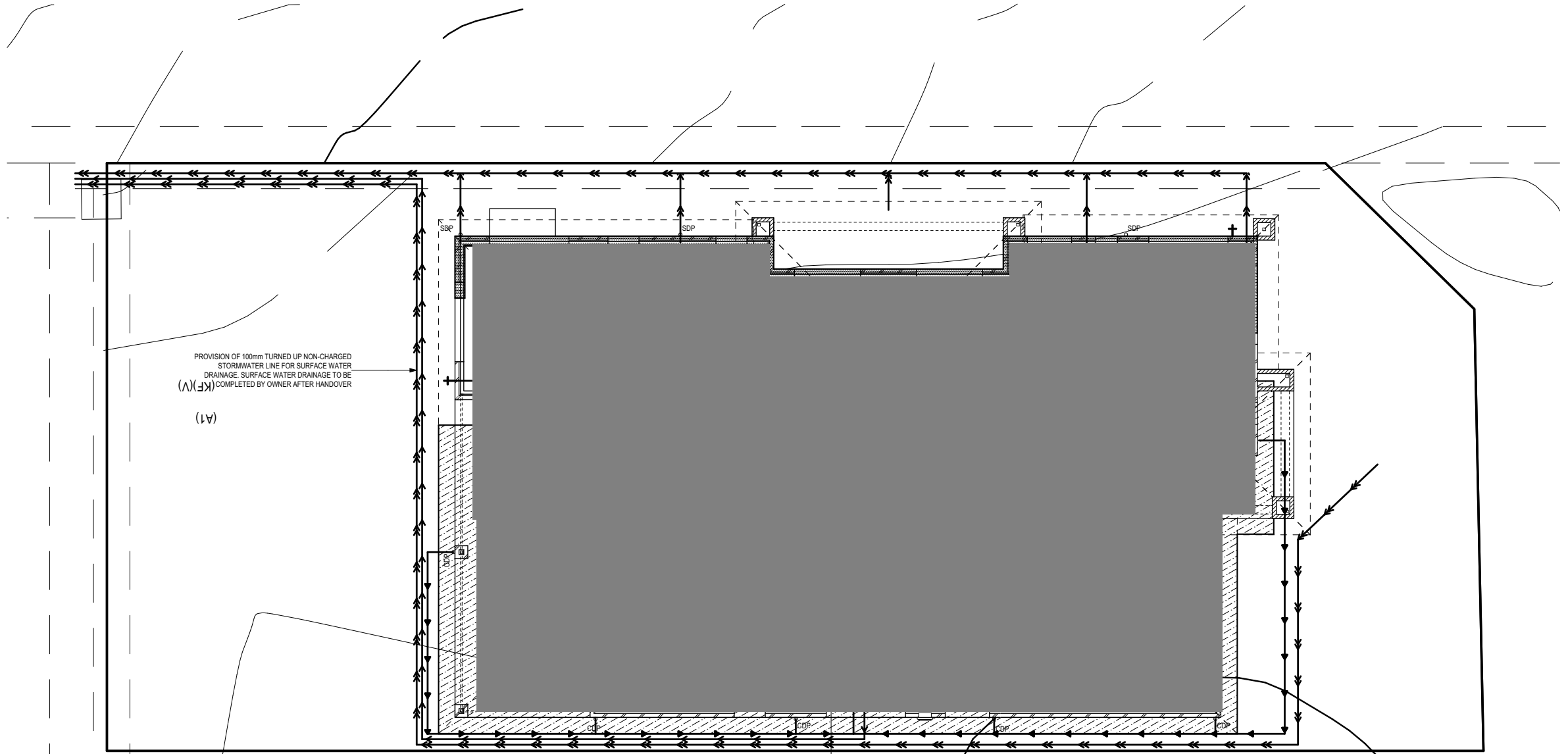
WATER PUMP IN ACC. WITH LOCAL WATER AUTHORITY REQUIREMENTS

TANK CAPACITY TO BE MAINTAINED AT MINIMUM 10% CAPACITY

ALL RECY. WATER TO BE IN APPROVED COLOUR CODED PIPEWORK (PURPLE)

ALL DRAINAGE LINES ARE FOR ROOF WATER/WATER TANK DRAINAGE ONLY

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



WATER MANAGEMENT
 SCALE: 1:125

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

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DATE:

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			9 BEDROOM WINDOWS AMENDED TO CLEAR	LFL 2022.03.10	ADDRESS:	FACADE DESIGN:	FACADE CODE:		
			10 AMENDED AS PER PCV014	LCS 2022.03.28	2 GLEESON RISE, ORAN PARK NSW 2570	BELLE	F-NMOATRBELEFA		
			11 SOLAR PANEL RELOCATION	LCS 2022.04.06	LOT / SECTION / DP:	SHEET TITLE:	SHEET No.:		
		12 PCV16	KDE 2022.05.05	6012 / - / 1235007	COUNCIL:	WATER MANAGEMENT PLAN	4 / 16	SCALES:	1:125

REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:
 - SUSTAINABILITY REQUIREMENTS
 - SITE CLASSIFICATION
 - GENERAL BUILDING INFORMATION

CDP CHARGED DOWNPIPE DIRECTED TO TANK
 SDP STANDARD DOWNPIPE DIRECTED TO STORMWATER DISCHARGE

ALL MECHANICAL VENTILATION TO BE DISCHARGED TO OUTDOOR AIR AS PER NCC REQUIREMENTS

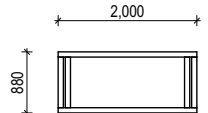
ALL EXTERIOR STEPS AND LANDINGS BY BUILDER UNLESS NOTED OTHERWISE

ALL GROUND FLOOR BULKHEAD AND SQUARE SET OPENING FRAMES TO BE 2460 ABOVE FFL UNLESS NOTED OTHERWISE

ALL GROUND FLOOR INTERNAL DOORS TO BE 2340 HIGH UNLESS NOTED OTHERWISE

REFER TO WINDOW & DOOR SCHEDULES FOR FULL DETAILS OF ALL WINDOWS AND DOORS

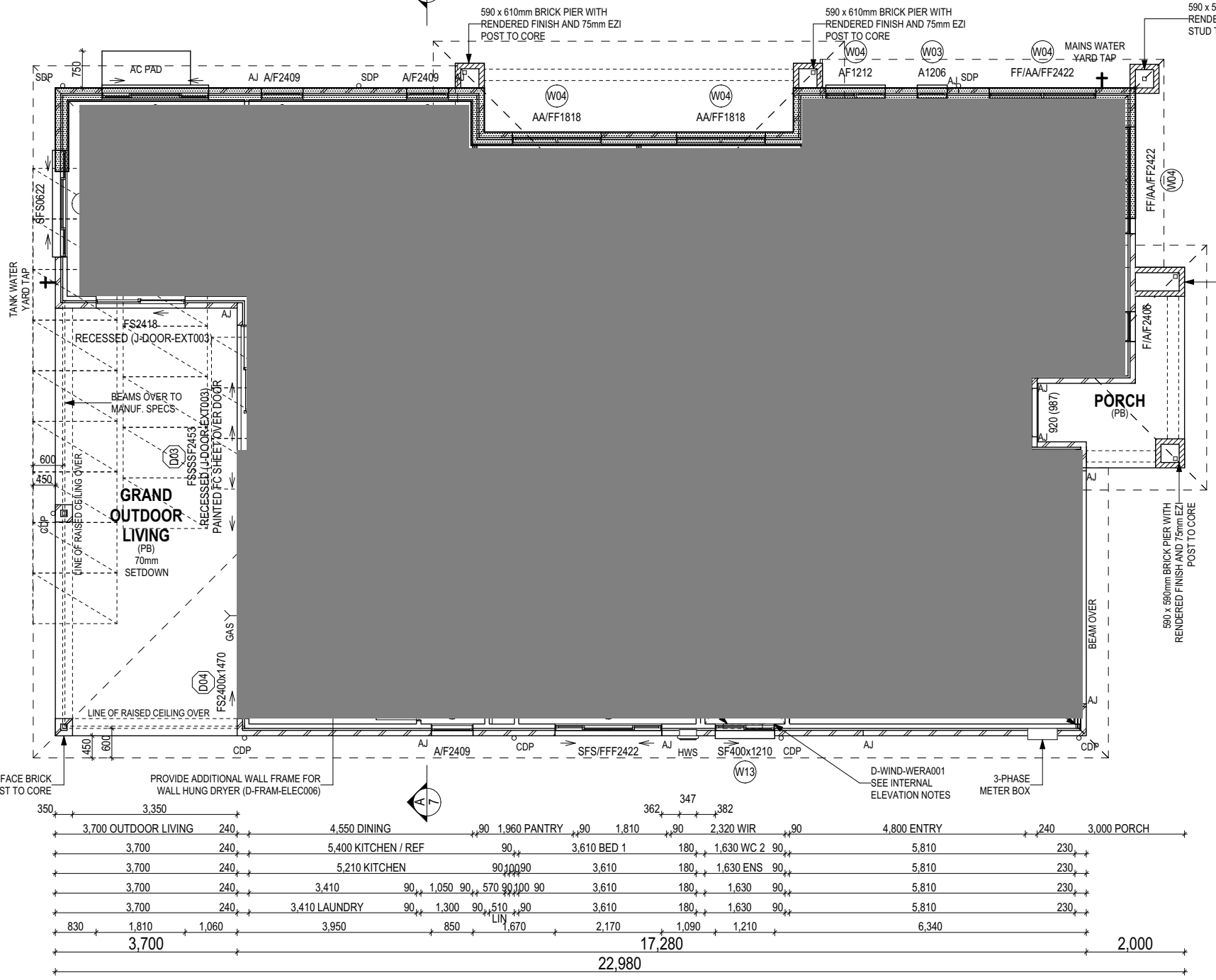
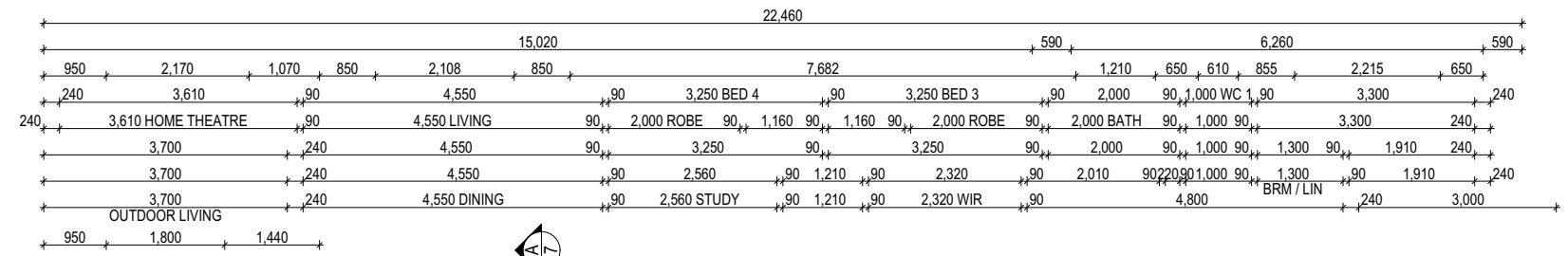
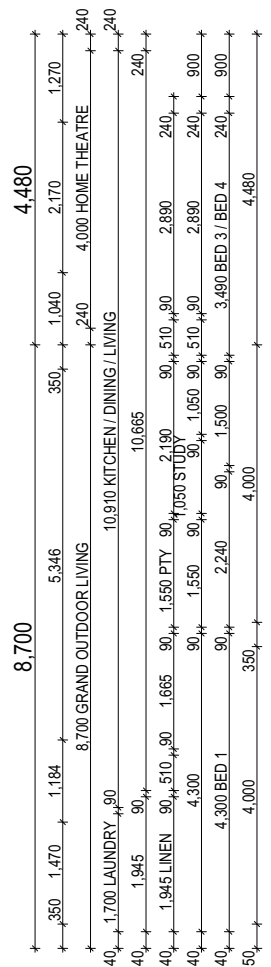
FINAL WINDOW AND EXTERIOR DOOR LOCATIONS TO BE ADVISED ON SITE TO SUIT LOCAL CONDITIONS AS FOLLOWS:



BATH HOB DETAIL
 1675 CAROMA VIVAS ISLAND FRAME 530 HIGH
 BATH TO BE INSTALLED MAX. 95mm FROM WALL FRAME AT LOCATION OF SPOUT

FLOOR PLAN LEGEND

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

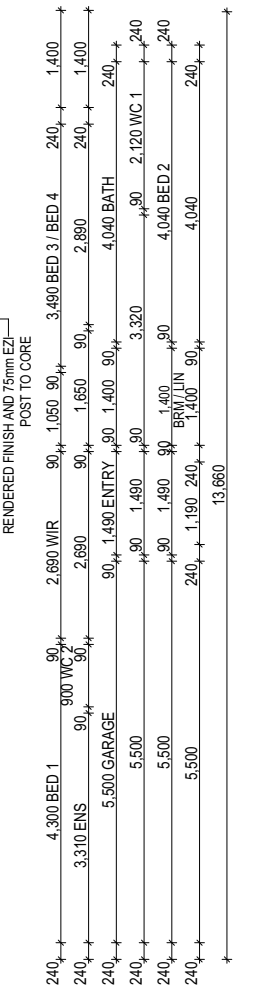


PROVIDE AND INSTALL 3 PHASE REVERSE CYCLE AIR CONDITIONING SYSTEM. NUMBER AND POSITIONING OF OUTLETS AND THE FINAL LOCATION OF THE RETURN AIR GRILLE WILL BE DETERMINED ON SITE BY THE AIR CONDITIONING CONTRACTOR AND IS SUBJECT TO TRUSS LAYOUT AND ANY OTHER CONSTRUCTION CONSTRAINTS.

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

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

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



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ALL DIMENSIONS ARE FRAME DIMENSIONS

THIS PLAN ACCEPTED BY:

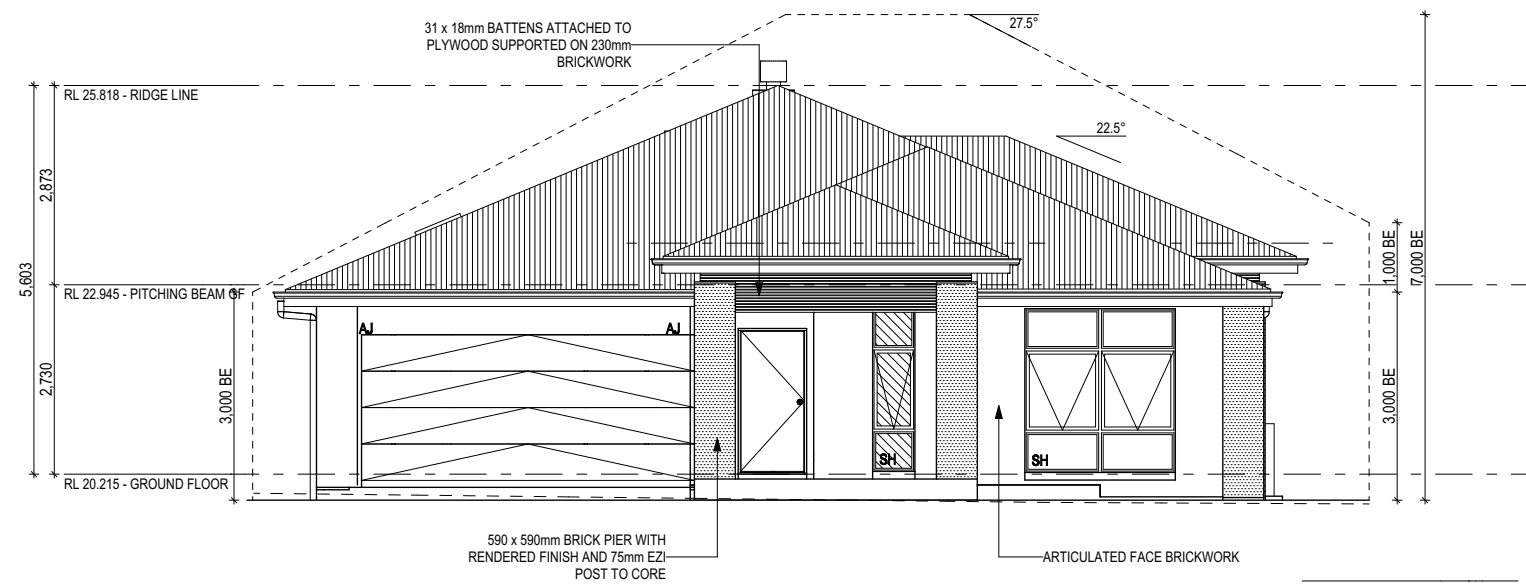
 PLEASE NOTE: NO VARIATIONS WILL BE ACCEPTED ON THIS PLAN AFTER SIGNING
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 DATE:

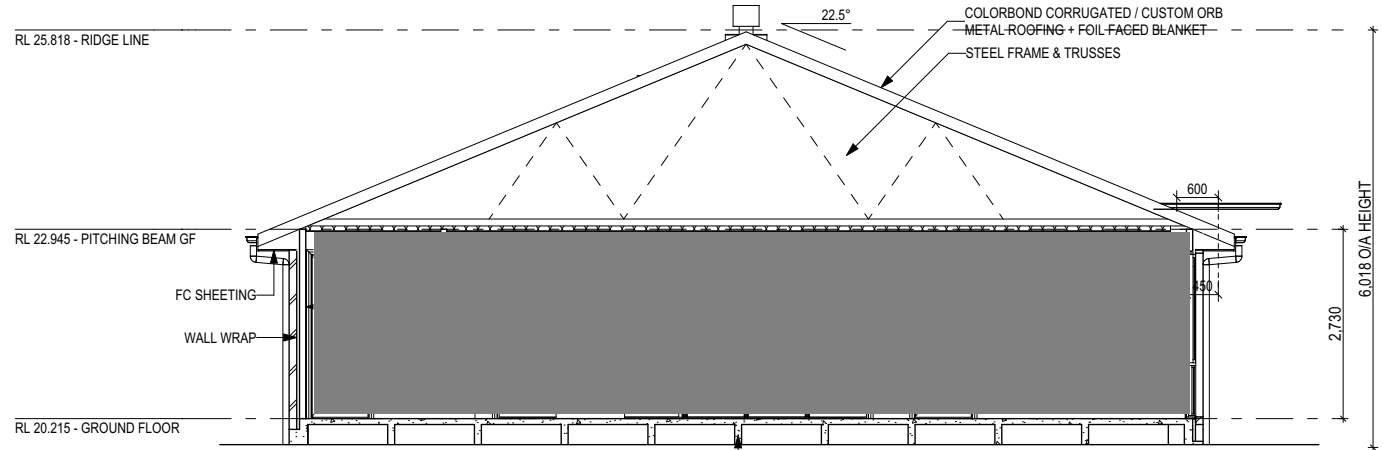
	SPECIFICATION:	MOJO MORE	REVISION:	8	PCV09 - DEVELOPER DEFERRAL	DRAWN:	KDE	2021.12.06	CLIENT:	MR. DANIEL JAMES GRUDGINGS & MISS. CHARLOTTE ROSE WATT	HOUSE DESIGN:	ATRIUM 28	HOUSE CODE:	H-NMOATR16410A	DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. CHECK AND VERIFY DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL DISCREPANCIES TO BE REPORTED TO THE DRAFTING OFFICE.		
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				10	AMENDED AS PER PCV014		LCS	2022.03.28	LOT / SECTION / DP:	6012 / - / 1235007	COUNCIL:	CAMDEN COUNCIL	SHEET TITLE:	GROUND FLOOR PLAN		SHEET No.:	5 / 16
				11	SOLAR PANEL RELOCATION		LCS	2022.04.06					SCALES:	1:100			
			12	PCV16		KDE	2022.05.05							651870			

REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:
 - SUSTAINABILITY REQUIREMENTS
 - SITE CLASSIFICATION
 - GENERAL BUILDING INFORMATION
 SH = SNAP HEADER SILL

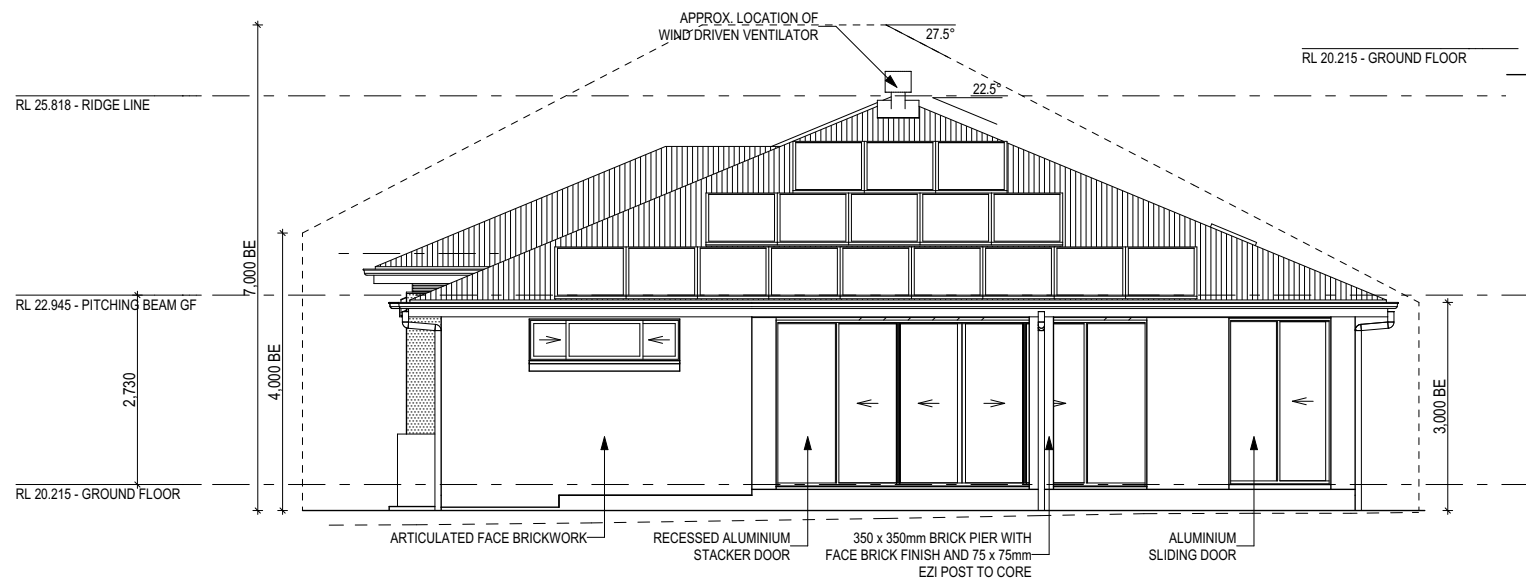
INSULATION TO BE INSTALLED IN ACCORDANCE WITH NCC AND RELEVANT AUSTRALIAN STANDARDS:
 - R2.5 BATTS TO EXTERNAL WALLS (EXCLUDING GARAGE WALLS)
 - R2.5 BATTS TO INTERNAL GARAGE WALLS
 - R4.1 CEILING BATTS (EXCLUDING OUTDOOR LIVING, PORCH)
 - FOIL FACED BLANKET UNDER ROOFING
 - WALL WRAP TO ENTIRE HOUSE



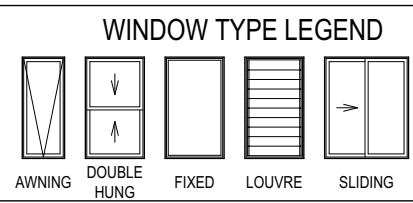
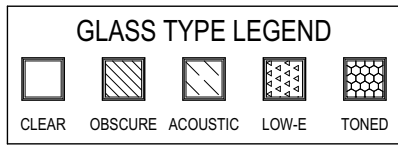
FRONT ELEVATION
SCALE: 1:100



SECTION A-A
SCALE: 1:100



REAR ELEVATION
SCALE: 1:100



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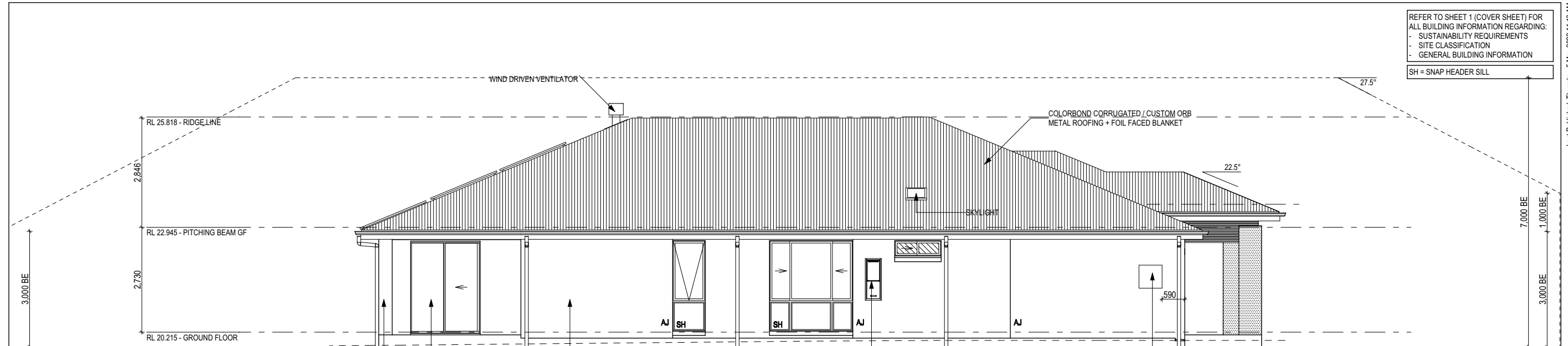
 PLEASE NOTE: NO VARIATIONS WILL BE ACCEPTED ON THIS PLAN AFTER SIGNING
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 DATE:

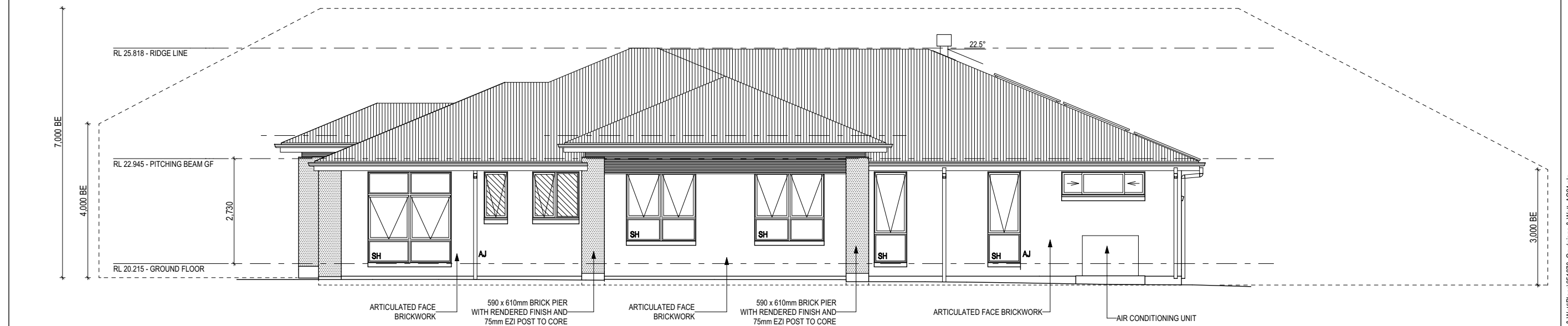
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			9	BEDROOM WINDOWS AMENDED TO CLEAR	LFL 2022.03.10	ADDRESS:	2 GLEESON RISE, ORAN PARK NSW 2570		FACADE DESIGN:	BELLE	FACADE CODE:	F-NMOATRBELEFA
			10	AMENDED AS PER PCV014	LCS 2022.03.28	LOT / SECTION / DP:	6012 / - / 1235007		SHEET TITLE:	ELEVATIONS / SECTION	SHEET No.:	7 / 16
			11	SOLAR PANEL RELOCATION	LCS 2022.04.06	COUNCIL:	CAMDEN COUNCIL		SCALES:	1:100		
			12	PCV16	KDE 2022.05.05							

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 SH = SNAP HEADER SILL



LEFT ELEVATION
SCALE: 1:100

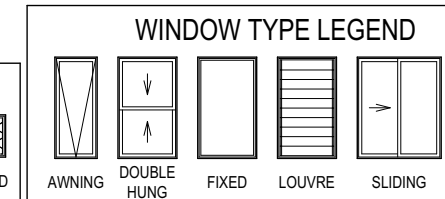
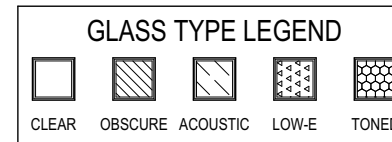


RIGHT ELEVATION
SCALE: 1:100

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		9 BEDROOM WINDOWS AMENDED TO CLEAR	LFL 2022.03.10	LOT / SECTION / DP: 6012 / - / 1235007	COUNCIL: CAMDEN COUNCIL	SHEET TITLE: ELEVATIONS		SHEET No.: 8 / 16
		10 AMENDED AS PER PCV014	LCS 2022.03.26					SCALES: 1:100
		11 SOLAR PANEL RELOCATION	LCS 2022.04.06					
	12 PCV16	KDE 2022.05.05						

LEGEND:

- SELECTED FRONT SEMI ADVANCED TREE
- SELECTED REAR SEMI ADVANCED TREE
- GATE REFER TO NOTE 1
- LETTERBOX REFER TO NOTE 3
- BIN STORE
- BRICK EDGING
- SIDE RETURN FENCING REFER TO PAGE 2
- 1.8m COLORBOND FENCING IN WOODLAND GREY TO SIDE, REAR BOUNDARIES AND BLOCK-OFF
- 1.8m HIGH 'WOODLAND GREY' MODULAR PANEL AND POST FENCE WITH 'DUNE' ALUMINIUM HORIZONTAL SLAT INFILL PANELS
- SELECTED AUSTRALIAN NATIVE, DROUGHT TOLERANT PLANTS
- TURF (SIR WALTER BUFFALO)
- PERMEABLE PEBBLE
- MULCH



CORNER FENCE EXAMPLE

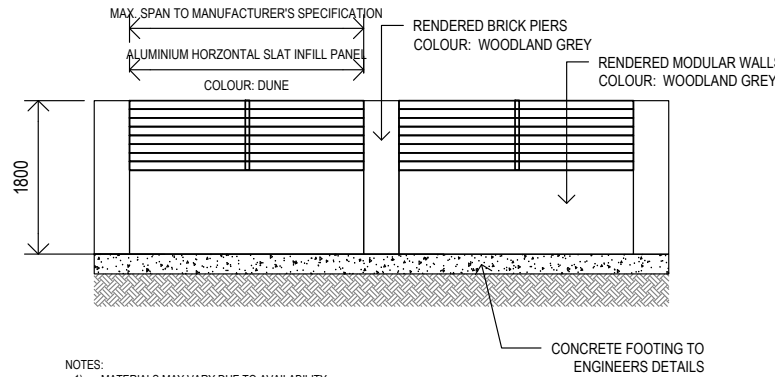
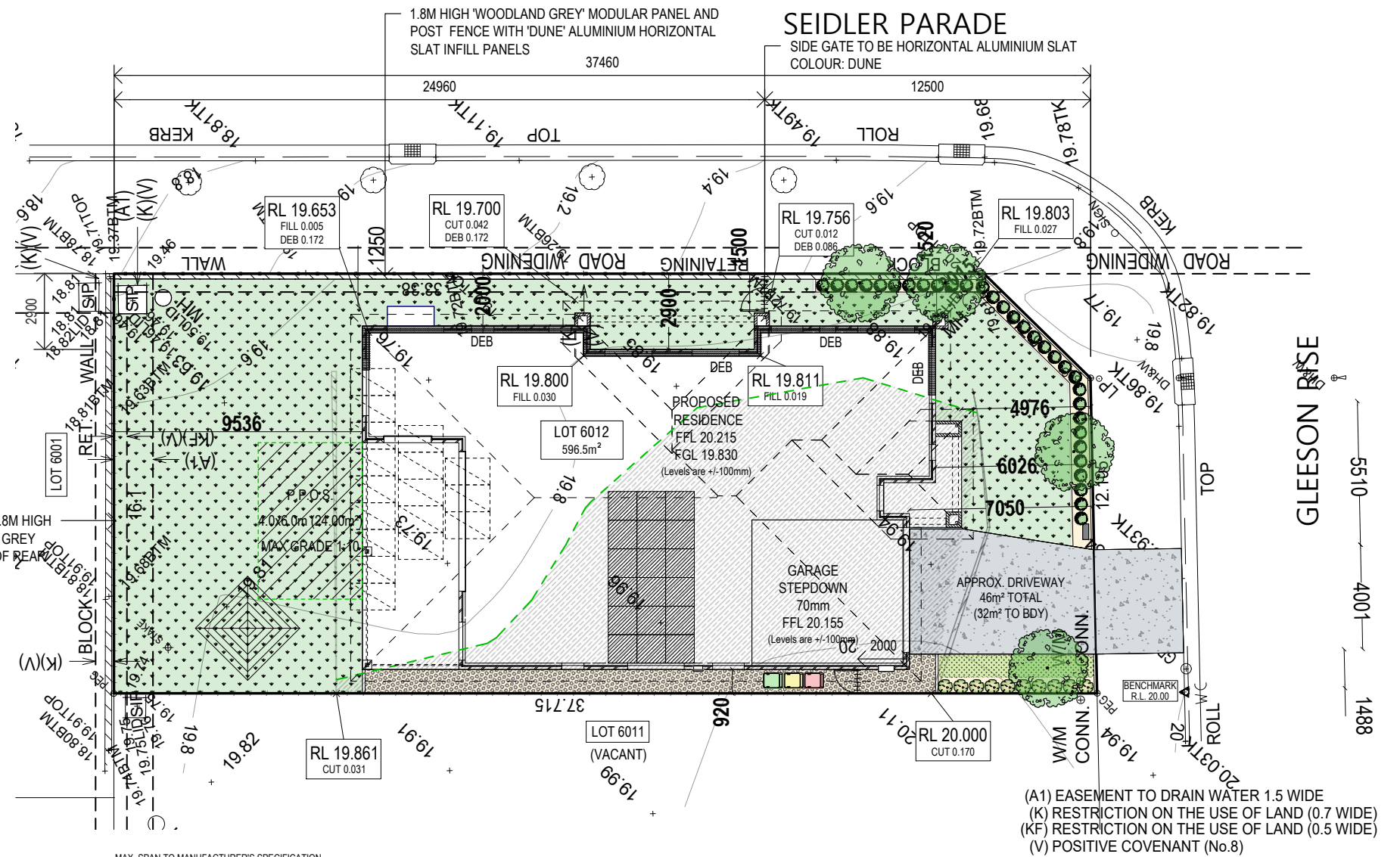


EXAMPLE LETTERBOX IMAGE



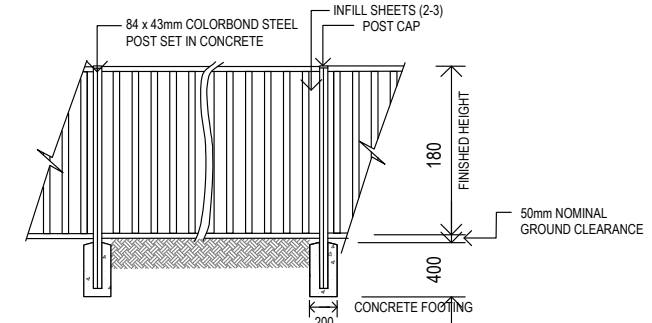
DRIVEWAY - HUDSON

REAR BOUNDARY FENCING TO BE 1.8M HIGH COLORBOND FENCE IN WOODLAND GREY AND IS TO RUN THE FULL LENGTH OF REAR BOUNDARY



- NOTES:
- 1) MATERIALS MAY VARY DUE TO AVAILABILITY
 - 2) FENCING THAT IS POSITIONED ALONG THE LOT BOUNDARY THAT ADJOINS A ROAD RESERVE IS PERMITTED UP TO 1.8M IN HEIGHT FOR NO MORE THAN 2/3 OF THE LENGTH OF THE HOMESITE ALONG THE ROAD FRONTAGE
 - 3) BUILDER TO REFER TO MANUFACTURER'S SPECIFICATIONS PRIOR TO CONSTRUCTION.

1.8M CORNER HOMESITE FENCING DETAIL
SCALE: N.T.S.



- NOTES:
- 1) COLORBOND STEEL FENCING. COLOR TO BE CB WOODLAND GREY (TO MATCH NEIGHBORS)
 - 2) ALL FIXINGS TO BE GALVANISED
 - 3) ALL GATES TO HAVE GALVANISED TRIP LATCHES FITTED

1.8M BOUNDARY FENCE DETAIL (COLORBOND)
SCALE: N.T.S.

REV	ISSUE / DESCRIPTION	DATE	CHECKED
A	Initial design for DA	30.08.21	KR
B	Revision	15.12.21	KR
C	Updated fencing & plant schedule	21.12.21	KR
D	Driveway Selection	06.04.22	KR
E	Re-design	05.05.22	KR



MYARD PTY LTD

ABN 83 602 735 777
info@myard.com.au
myard.com.au
P 02 8801 1825
Suite A9, 24-32 Lexington Drive
Bella Vista NSW 2153

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GENERAL NOTES:

Prior to being used for construction, the Principal Contractor must ensure that they are in possession of a Construction Certificate and all other required Council approvals. All works are to comply with B.C.A. Statutory Authorities and relevant Australian Standards. Contractors must verify all dimensions on site before commencing fabrication or preparation of workshop drawings, and verify all errors and omissions with the Architect. Use figured dimensions only. Do not scale from drawings. Position of all services on site to be confirmed prior to commencement of construction.

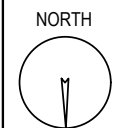
PLAN DRAWINGS PREPARED FOR DEVELOPMENT APPLICATION ONLY. PLAN IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

SCALE: 1:200@A3
DRAWING NO. LP-21057

CLIENT NO: 651870
COUNCIL: CAMDEN

DRAWN: AVS
PAGE NO: 2/2

REVISION
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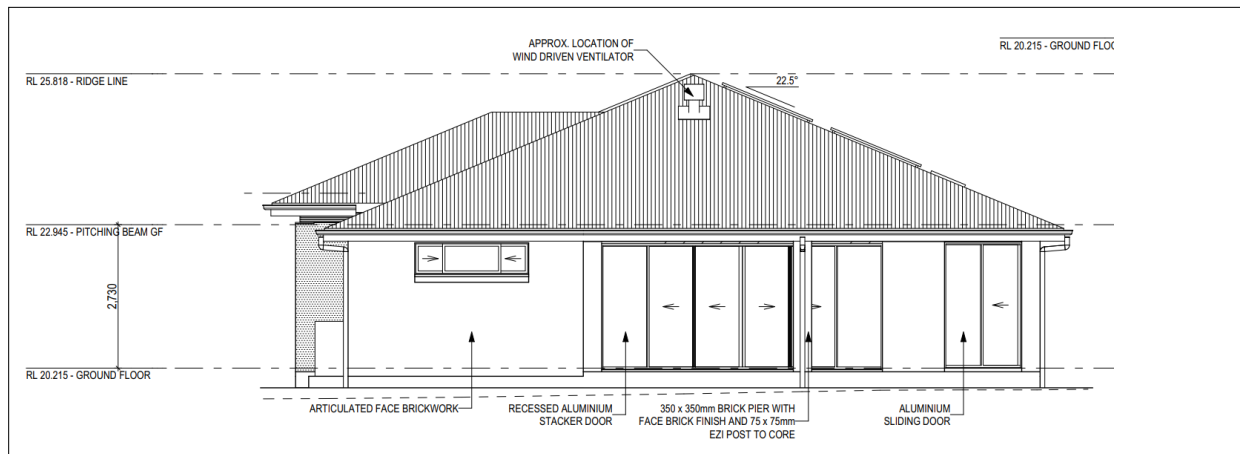
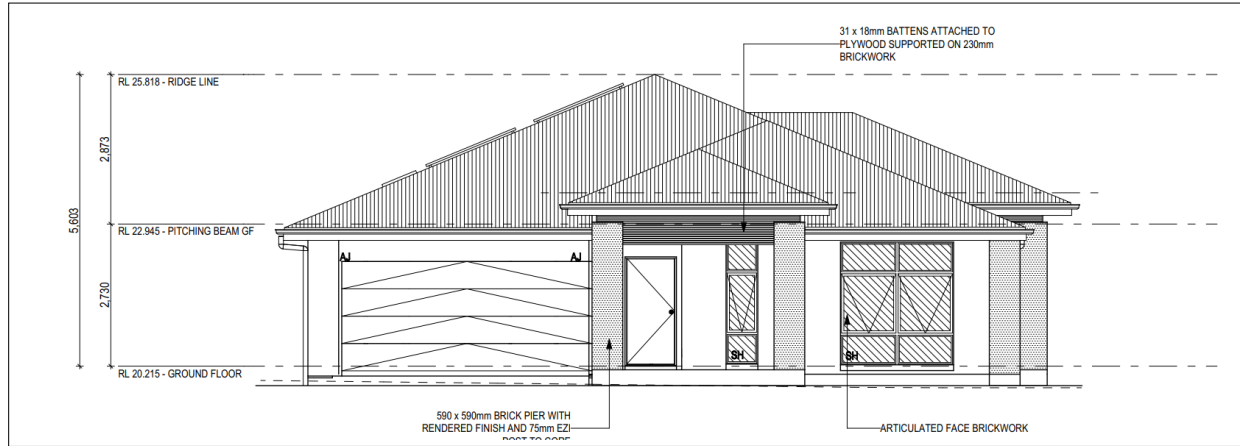


DRAWING TITLE:
DA LANDSCAPE PLAN

CLIENT:
MOJO HOMES

ADDRESS:
LOT 6012, DP 1235007, 2 GLEESON RISE,
ORAN PARK, NSW 2570

EXTERNAL COLOUR PLAN



	PROFESSIONAL INFORMATION MOJO MORE 20/2021	REVISIONS 1. PRELIMINARY ELEVATIONS 2. ALL REVISIONS	DATE 18/01/2021 18/01/2021	BY MR. DANIEL JAMES GRIDDINGS & MISS CHARLOTTE ROSE WATT GLEESON ROSE, ORAN PARK NSW 2570 1/12/2020 CAMDEN COUNCIL	PROJECT NAME ATPLUM 28 BRWA ELEVATIONS	SCALE 1:100	PROJECT No. 651870
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AUSTRAL BRICKS
Sculptured Sands Natural, Dolomite
Off White Mortar, Raked Joint



METAL ROOFING
Custom Orb, Colorbond Windspray



WINDOWS
Bradnams, Monument Matt



COLORBOND, WINDSPRAY
Gutter, Fascia & Whirly Bird



TAUBMANS, DUNE
Render to Engaged Pier & Porch Pier,



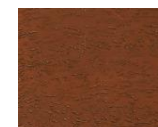
GARAGE DOOR
Flatline, Classic Cedar



TAUBMANS, MONUMENT
Render to Column and Piers & Downpipes



TAUBMANS CLASSIC CEDAR (TIMBER LOOK PAINT)
Posts



JOHNSTONES STAIN, CLASSIC CEDAR
Hinged Front Door & Jamb

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