



Camden Local Planning Panel

Electronic Determination
December 2021





CAMDEN LOCAL PLANNING PANEL

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CAMDEN LOCAL PLANNING PANEL

CLPP01

SUBJECT: DA/2021/1366/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE WITH ASSOCIATED LANDSCAPING AND SITE WORKS - 11 MARY FAIRFAX DRIVE, ORAN PARK

TRIM #: 21/417259

DA Number:	2021/1366/1
Development:	Construction of a single storey dwelling house with associated landscaping and site works
Estimated Cost of Development:	\$651,268.18
Site Address(es):	11 Mary Fairfax Drive, Oran Park Lot 6067 DP 1235007
Applicant:	Paul Marano – Definitive Drafting
Owner(s):	L.B. & A. M. Slatyer
Number of Submissions:	No submissions
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 dwelling house at 11 Mary Fairfax Drive, Oran Park (Lot 6067 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 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/2021/1366/1 for a dwelling house with associated landscaping and 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 a single storey dwelling house with associated landscaping and site works at 11 Mary Fairfax Drive, Oran Park.

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

The DA was publicly exhibited for a period of 28 days in accordance with Schedule 1 'Community Participation Requirements' of *Environmental Planning & Assessment Act 1979* and Camden Community Participation Plan 2021. The exhibition period was from 26 August 2021 to 22 September 2021 and no submissions were received.

The proposed dwelling house will have a maximum building height of 6.59m to the ridge of its 25° pitched roof. This exceeds the maximum 5m building height which applies under clause 4.3 Appendix 9 and the Height of Buildings Map (HoB_004) of *State Environmental planning Policy (Sydney Region Growth Centres) 2006*.

The 5m height development control has been imposed as the lot is within the curtilage of a state heritage listed Oran Park House (also known as Catherine Park House) and this control is related to requirements for single storey development.

The 5m building height standard does not however provide flexibility to enable the design of residential dwellings as intended in this heritage setting and comply with site specific controls within the DCP, including a minimum roof pitch of 22.5°. A building height variation arises due to the 25° pitched roof ridge breaching the 5m maximum height.

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

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

The 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 is in the process of being forwarded to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination.

General terms of approval for the subject DA have been issued by Heritage NSW (on 3 December 2021). The GTAs have been issued on the basis that the proposed dwelling house fits within the standard building height envelope as formulated by Heritage NSW.



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
Clause 4.3 - Height of Building Camden Growth Centre Precinct Plan SEPP (Sydney Region Growth Centres) 2006 – 5m	6.59m	1.59m or 31.8%

AERIAL PHOTO



THE SITE

The site is legally described as Lot 6067 DP 1235007, and commonly known as 11 Mary Fairfax Drive, Oran Park.

The site is a cleared and recently constructed lot in a ‘Greenfields’ subdivision, having been registered in May 2021. It is located on the eastern side of Mary Fairfax Drive

opposite a public reserve which backs onto Oran Park House. The site has an area of 712m² with a frontage of 21.5m and depth of 33.125m. There is very little change in level across the lot, with a drop of approx. 400mm from the south western to the northern east corner. There is a low retaining wall on the boundary with the lower rear lot. There is a 0.5m wide restriction and positive covenant related to the maintenance of the retaining wall. The proposed dwelling house will not conflict with these.

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). Oran Park House sits on a prominent knoll within a 4.5ha lot which also includes surrounding gardens. A former associated silo and coach house are located to the east of the house. The house its setting and associated buildings retain heritage significance as one of a number of early pastoral properties and their homesteads in the Camden LGA, arising from colonial land grants.



Figure 1: View of the site from Mary Fairfax Drive.



Figure 2: View across the site from rear boundary, with trees surrounding Oran Park house in the distance.



ZONING PLAN



BUILDING HEIGHT PLAN



- C (5 m)
- J1 (9m)

HERITAGE LISTING



AREA MASTER PLAN





DEVELOPMENT HISTORY

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

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

THE PROPOSAL

DA/2021/1366/1 seeks approval for construction of a single storey dwelling house, with associated landscaping and site works.

The proposed dwelling house consists of four bedrooms, combined meals/living area, kitchen, lounge, laundry, bathroom and a double garage.

The estimated cost of the development is \$651,268.18.



Figure 3: Proposed front elevation (red shaded gable areas relates to Heritage NSW building envelope).

BACKGROUND

The 5m height of buildings development standard was imposed on this lot as it is within the curtilage of a state heritage listed Oran Park House, where this control is related to restricting development to single storey.

This building height standard however does not allow for flexibility in achieving compliance with existing site-specific controls in Camden Growth Centre Precincts DCP and Schedule 4 Catherine Field (Part) Precinct. The 5m building height standard does not enable the proper design of residential dwellings as intended in the heritage setting, in compliance with site specific controls within the DCP for a minimum roof pitch of 22.5 degrees.

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 (500-700m²) and width of the properties, coupled with the larger building footprint required single storey dwellings. This is illustrated in figures 4 and 5 below.

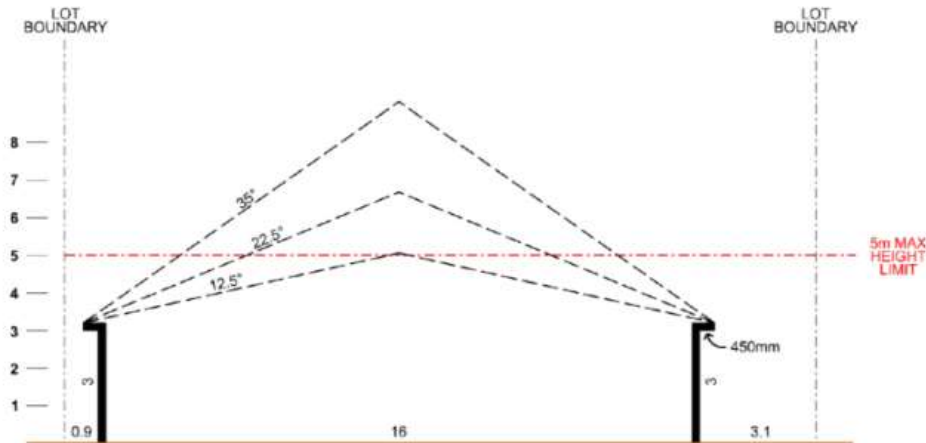


Figure 4: Five (5) metre maximum building height limit compared to roof pitches.

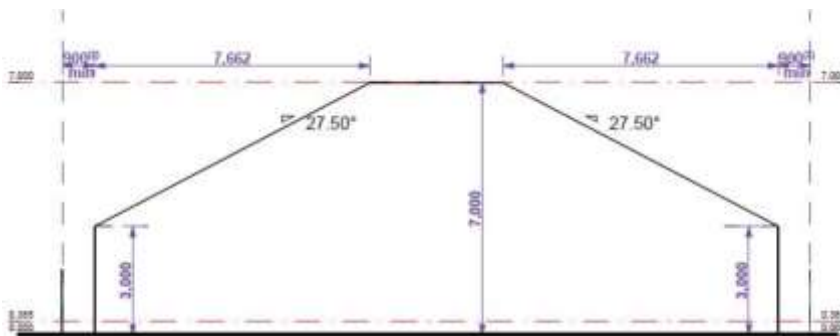


Figure 5: Dwelling roof forms, 15° and 27.5° degree roof pitches.

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

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

The Standard Building Height Envelope, as recommended by Heritage NSW, is reproduced below:



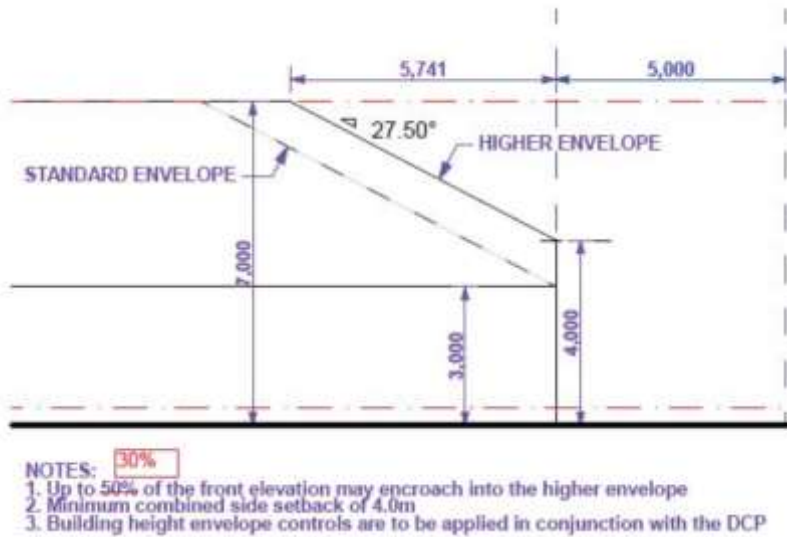


Figure 6: Heritage NSW Building Envelope control.

Heritage NSW has pursued this building envelope control in relation to individual DAs for dwellings on the lots within the heritage curtilage. This DA has been assessed in relation to this building envelope and the dwelling design has been refined and amended to ensure that it fits within the envelope, as a basis for the issue of GTAs by Heritage NSW (as demonstrated in Figure 7 below).



Figure 7: Relationship of the proposed building to Heritage NSW building envelope.

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 is in the process of being forwarded to the DPIE for Gateway Determination.

ASSESSMENT

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

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

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

The environmental planning instruments that apply to the development are:



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

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

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

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

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

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

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

SREP 20 seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context.

The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

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

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

Site Zoning and Permissibility.

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

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

Planning Controls

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

Clause 4.6 – Exceptions to Development Standards

The proposed development will contravene the height of buildings development standard which applies under clause 4.3 of Appendix 9 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 6.59m in height, breaching the development standard by 1.59m or 31.8%.

Pursuant to clause 4.6(3) of Appendix 9 – 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 to/from Oran Park House.
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not impact the intended type, or character of the desired development rather, aligns with the intended development of single storey dwellings.
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP.
- The request also demonstrates that relevant tests established in the Land and Environment Court (as set out in the Department's 2011 guideline for varying development standards) can be met:
 - The objectives of the standard and the R2 Low Density Residential zone are achieved notwithstanding non-compliance with the standard. A single storey detached dwelling which meets combined design requirements of setbacks, floor space ratio, and hipped roof forms ensures there are no significant adverse impacts. The objectives and intent of built form surrounding Oran Park House will be preserved.
 - If compliance was required the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as intended in the heritage curtilage, consistent with the DCP controls and heritage guidelines.
 - Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and surrounds. The dwelling is consistent with the intended outcome for residential land surrounding Oran Park House with simple hipped and/or gabled roof forms of at least 22.5°.

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



The clause 4.6 request establishes 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 6.59m building height to its 25^o 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 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.
 - 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 9 of the Growth Centres SEPP.



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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

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

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

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

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

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

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

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

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

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

As demonstrated by the above 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 Schedule 1 'Community Participation Requirements' of *Environmental Planning & Assessment Act 1979* and Camden Community Participation Plan 2021. The exhibition period was from 26 August 2021 to 22 September 2021. No submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

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

External Referral	Response
Heritage NSW Integrated Development Section 58 approval, <i>Heritage Act, 1977</i>	General Terms of Approval (GTAs) were issued by the delegate of the Heritage Council of NSW on 3 December 2021, refer to the attached documents.

Conditions that require compliance with the GTAs 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 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Camden Growth Centres Precinct Plan, to the contravention of the maximum height of building development standard in Clause 4.3 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and
- ii. approve DA/2021/1366/1 for the construction of a single storey dwelling house at 11 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 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the maximum height of buildings development standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances and that, despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the particular circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument, being Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

ATTACHMENTS

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

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 they are amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
DD-1092-3	Site Plan	Definitive Drafting	2/12/2021 Rev 7
DD-1092-4	Concrete Plan		
DD-1092-5	Ground Floor		
DD-1092-6	Elevations		
DD-1092-7	Elevations		
DD-1092-8	Section 1		
DD-1092-10	Stormwater Plan		
DD-1092-11	Landscape Plan		
DD-1092-13	Public Domain/Street Perspective		

Document Title	Prepared by	Date
BASIX Certificate No: 1208916S_02	Definitive Drafting	10/08/2021
Waste Management Plan		July 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.

- (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:

- 1. Heritage Council of NSW – General Terms of Approval – HMS ID 387, dated 3 December 2021.

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
- a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;

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

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

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

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

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

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

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

4.0 - During Works

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

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

unless approved in writing by Council.

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

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

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

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

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

- (3) **Stormwater – Collection and Discharge Requirements** - The roof of the subject building(s) shall be provided with guttering and down pipes and all drainage lines, including stormwater drainage lines from other areas and overflows from rainwater tanks, conveyed to the 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. Note: Refer to External Colour Selections as indicated on approved plan – DD-1092-6.

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.

Assessment Tables – DA/2021/1366/1 – 11 Mary Fairfax Drive ORAN PARK

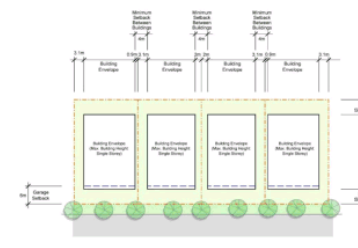
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - All Buildings			
Clause	Standard	Assessment	Compliance?
Appendix 9, 4.3 Height of Buildings	5m	6.59m This is subject to a request under clause 4.6 to contravene this development standard.	No
4.4 FSR	Max 0.45:1	712.12sqm site area 274.8sqm GFA 0.38:1	Yes
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Dwelling Houses			
Clause	Standard	Assessment	Compliance?
Appendix 9, 4.1AB Minimum Lot Size for Residential Development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential	For land zoned R2 Low Density Residential or R3 Medium Density Residential, ≥300m ² lot size if the dwelling density for the site is 15, 20 or 25dw/ha	712.2sqm	Yes
Camden Growth Centre Precincts Development Control Plan – Residential Development on All Lots			
Section	Control	Assessment	Compliance?
4.1.1 Site Analysis	A site analysis plan must be provided	A satisfactory site analysis plan has been provided	Yes
4.1.2 Cut and Fill	≤1m cut and fill	<1m 185mm cut and 75mm fill	Yes
4.1.3 Sustainable Building Design	Compliance with BASIX requirements	A compliant BASIX certificate has been submitted with the DA and the DA plans are consistent with relevant commitments, with full compliance for the construction certificate stage of the development	Yes
4.1.4 Salinity, Sodicity and Aggressivity	Development must comply with the salinity management plan developed at the subdivision phase or at Appendix B of the Growth DCP	Salinity management will be dealt with in terms of requirements of relevant management plan for the construction certificate stage subject to recommended conditions of consent.	Yes
	Salinity must be considered during the siting, design and construction of dwellings	There are no expected impediments for the siting of the dwelling	Yes
4.2.2 Streetscape and Architectural Design	Primary street facade must incorporate ≥2 design features	Primary street façade incorporates porch entry area, architectural elements and mix of materials.	Yes
	≥450mm eaves overhang measured from the fascia board (except for walls built to the boundary)	450mm eaves are proposed.	Yes
	Pitch of hipped and gable roof forms on main dwelling between 22.5° and 30°	25° roof pitch is provided.	Yes
	Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling	The double garage is incorporated in the design of the dwelling.	Yes
	Front facade to feature ≥1 habitable room with a window facing the street	Lounge room windows face the street.	Yes

4.2.4 Side and Rear Setbacks Refer to Schedule 4 4.1.14 Setbacks for the very low density area surrounding Oran Park House	Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback	No such structures proposed	N/A
	For dwellings with a 0.9m setback, projections into the side and rear setback areas include 450mm eaves, fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units	Complies Setbacks >900mm minimum 1m	Yes
4.2.5 Dwelling Height, Massing and Siting	Generally ≤2 storeys high. A third storey may be permitted where located on a prominent street corner, adjacent to certain commercial sites or open space, on sites with a slope ≥15% or if within the roof line of the building (i.e. an attic)	N/A – Single storey control applies under Schedule 4 of the DCP – refer below.	N/A
	Ground floor level ≤1m above finished ground level	<1m	Yes
4.2.6 Landscaped Area	Surface water drainage provided as necessary to prevent the accumulation of water	Suitable surface drainage can be provided.	Yes
	Low water demand drought resistant vegetation used for the majority of landscaping, including native salt tolerant trees	The proposed use of exotic species is considered to be not inconsistent with the heritage setting.	Yes
4.2.7 Private Open Space	Principal private open space (PPOS) to be determined having regard to dwelling design, topography, allotment orientation, adjoining dwellings, landscape features and topography	PPOS located to rear of the dwelling with suitable orientation and accessible from alfresco and living areas.	Yes
	PPOS conveniently accessible from a main living area of a dwelling or alfresco room		Yes
	≤1:10 PPOS gradient	level gradient can be provided	Yes
4.2.8 Garages, Site Access and Parking	≥1 car parking space must be behind the building line where the space is accessed from the street on the front property boundary	2 parking spaces provided within the garage.	Yes
	≥1m driveway clearance from infrastructure	Clearance provided to hydrant	Yes
	Driveways are to have soft landscaped areas on either side, suitable for water infiltration	Provided	Yes
	Garage design and materials are to be consistent with the dwelling design	Garage design consistent the dwelling	Yes
	≤6m double garage door width	<6m	Yes
	≥5.6m x 5.5m double garage internal dimensions	6m x 6m	Yes
	Garage doors are to be visually recessive through the use of materials, colours and overhangs such as second storey balconies	Garage door suitable recessive.	Yes
4.2.9 Visual and Acoustic Privacy	Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping	Single storey dwelling is proposed and therefore no expected overlooking or privacy impacts	Yes
	Living area windows with a direct sightline within 9m to the PPOS of an existing adjacent dwelling are to: <ul style="list-style-type: none"> be obscured by fencing, screens or appropriate landscaping, be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window, 		Yes

	<ul style="list-style-type: none"> have a sill height of 1.7m above floor level, or have fixed obscure glazing in any part of the window below 1.7m above floor level 		
	The design of dwellings must minimise the opportunity for sound transmission through the building structure, with particular attention given to protecting bedroom and living areas	The standard proposed masonry construction would mitigate any impacts for the dwelling	Yes
	No electrical, mechanical or hydraulic equipment or plant shall generate a noise level >5dBA above background noise level measured at the property boundary during the hours of 7am-10pm and noise is not to exceed background levels during the hours of 10pm-7am	This can be dealt with via consent conditions, in particular in relation air conditioning which will be located to the rear of the dwelling away from side boundaries with neighbours.	Yes
	The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies) and building plant must be designed to minimise noise impact and transmission	The single storey scale and design of the dwelling would mitigate any such impacts.	Yes
	Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction and the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors	The standard masonry construction will be satisfactory, as the dwelling is not located on a busy road and no specific road traffic noise requirements or report apply.	Yes
4.2.10 Fencing	Front fencing ≤1m high, contemporary and visually open in nature (≤50% solid)*	No front fencing is proposed, low hedging to the frontage as part of the landscaping scheme.	N/A
	Front fences and walls are not to impede safe sight lines for traffic		N/A
	Side and rear fencing ≤1.8m high commencing 2m behind the building line (refer to Figure 4-2)	1.8m colorbond fencing is proposed.	Yes
	Side fences not on a street frontage ≤1.2m high to a point 2m behind the primary building line	None proposed in front of the building line.	N/A
Camden Growth Centre Precincts Development Control Plan - Lots with >15m Frontage Width for Front Accessed Dwellings			
Some table controls are superseded by Development Near Oran Park House specific controls denoted by asterisks*			
Table	Control	Assessment	Compliance?
Table 4-5 Site Coverage	≤50% site coverage for single storey dwellings	45.5%	Yes
Table 4-5 Soft Landscaped Area	≥30% soft landscaped area	35%	Yes
Table 4-5 Principal Private Open Space (PPOS)	≥24m ² PPOS with ≥4m dimension	>24m ² Approx. 130sqm in rear setback	Yes
Table 4-5 Solar Access	Sunlight must reach ≥50% of the PPOS of the subject dwelling and adjoining properties for ≥3 hours between 9am and 3pm on 21 June	The solar access requirements can be achieved for the PPOS at the rear of the dwelling.	Yes
Table 4-5 Garages and Car Parking	Front or rear loaded double and tandem garages are permitted	Front loaded double garage is proposed	Yes
	≤6m double garage carport and garage door width	5.1m	Yes
	≥2 car parking spaces for 3+ bedroom dwellings	>2 spaces provided for 4 bedroom dwelling	Yes

Camden Growth Centre Precincts Development Control Plan – Schedule 4			
4 - Site Specific Controls			
4.1 - Development surrounding Oran Park House			
Table	Control	Assessment	Compliance?
4.1.1 General controls	<p>1. 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>2. 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>3. Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p>  <p>4. 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 application is being dealt with as integrated development with no exemption from approval under the Heritage Act.</p> <p>The application will not meet the guidelines for exemptions in that the design of dwellings for the street block/elevation are not being delivered simultaneously with the DA.</p> <p>The development is not expected to impact significant view lines.</p> <p>The design of the single storey dwelling with pitched roof and articulated facades will be complementary the topography and setting of Oran Park House.</p>	Yes
4.1.2 Oran Park House outer heritage curtilage principles	<p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p> 	<p>The development of the land for a single dwelling house is consistent with the identified very low density residential use.</p>	Yes
4.1.3 Landscape elements - views and vistas	<p>1. Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained</p> <p>2. New plantings must be planted with consideration to the vistas identified in Figure 4-3 and must not obscure the cultural, historical or aesthetic significance of the place in any physical or visual way.</p>	<p>The proposed development will not affect these significant views.</p>	N/A

	<p>Figure 4-3 – Significant Vistas within the Oran Park House curtilage to be preserved</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. Note: A street block is defined as an area of land containing a single or multiple lots bound by streets/public places on all sides.</p>	<p>This DA does not strictly provide for simultaneous design and delivery of development for this street elevation/street block. However, the dwelling is assessed as being suitable to the site and Heritage NSW have issued GTAs based upon a compliance with a building envelope control for these lots to provide for a measure of consistency in dwelling height and design.</p>	<p>N/A</p>
<p>4.1.12 Street facades and visible elevations</p>	<ol style="list-style-type: none"> 1. 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. 2. 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). 3. 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: <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. 4. Colonial style window treatments are not appropriate where visible from the public domain. 5. Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion. 6. Picture windows or fully glazed walls are permitted to the street façade. 7. 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. 8. Shadow lines are an appropriate element to complement the overall facade appearance. 9. The design of dwellings shall include an articulated front elevation in the direction of the Primary Street. Notes: Shadow lines are a design feature that enhance the elevation of wall treatments, such as corbels or recessions 	<p>The dwelling has been designed to include contemporary features and materials and will have architectural merit.</p> <p>The facades will have suitable visual interest with contemporary windows treatments; entry porch/portico and recessed garage doors.</p> <p>Windows to front will have dominant vertical elements.</p> <p>The articulated front elevation incorporates entry porch/portico.</p>	<p>Yes</p>
<p>4.1.14 Setbacks for the very low density</p>	<p>Residential development must comply with the controls in Figure 4-8.</p>	<p>The setbacks will comply with these requirements</p>	<p>Yes</p>

<p>area surrounding Oran Park House</p>	 <p>Figure 4-8 – Indicative Subdivision layout in the very low density area surrounding Oran Park House</p> <p>Dwellings must comply with the following minimum setback provisions</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>0.5m (average 20%)</td> </tr> <tr> <td>Corner Lot Side Boundary Setback</td> <td>3m</td> </tr> </tbody> </table> <p>Note: In addition to the minimum side boundary setback of 0.5m, the siting of dwellings is required to also average 4m side separation between dwellings along an entire street block. Pursuant to Section 4.1.1.1 of the SEPP, the simultaneous delivery of dwellings within the heritage curtilage by one builder will ensure the average is achieved.</p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	0.5m (average 20%)	Corner Lot Side Boundary Setback	3m	<p>Front = minimum 5m Garage = 7.1m Rear = minimum 5m to rear alfresco. Northern side setback = min 2.6m up 4.2m Southern side setback = min 1.4m out 4.6m The side setbacks meet the requirements of Figure 4-8.</p>	
	Minimum														
Front Dwelling Setback	5m														
Front Garage Setback	6m														
Rear Boundary Setback	5m														
Side Boundary Setback	0.5m (average 20%)														
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 request to contravene the standard under clause 4.6, Appendix 9 of the SEPP.</p>	<p>No</p>												
<p>4.1.16 Roofs</p>	<ol style="list-style-type: none"> Roof pitches are to be between 22.5 degrees and up to 35 degrees. 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. The minimum eave overhang is 450mm. Roofs must use neutral colour tones such as greys, greens or browns. 	<p>Roof pitch = 25° The design and form is satisfactory and will have 450mm eaves, and grey colour/tones.</p>	<p>Yes</p>												
<p>4.1.17 Lofts, attics and dormer windows</p>	<ol style="list-style-type: none"> 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. Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development. 	<p>Not a corner lot and no attic rooms are proposed.</p>	<p>N/A</p>												
<p>4.1.18 Garages</p>	<ol style="list-style-type: none"> Garages are required to be setback a minimum of 6m from the front boundary. The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling. Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch. 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. Garages must be constructed using the same materials as the dwelling. 	<p>The garage is setback 6m, with width <50% and integrated in the building design able to accommodate 2 car spaces and constructed of same materials as the remainder of the dwelling.</p>	<p>Yes</p>												
<p>4.1.19 Building Materials</p>	<ol style="list-style-type: none"> Building materials and finishes are to be non-reflective. 	<p>Suitable materials and colours are specified.</p>	<p>Yes</p>												

	<p>2. Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>3. 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>4. Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted. Schedule 4 - Catherine Field (Part) Precinct NSW Department of Planning, Industry and Environment CM9 Record Number 42</p> <p>5. Front walls may be rendered and have contrasting features to the House.</p> <p>6. The following wall materials are appropriate:</p> <ul style="list-style-type: none"> • Face brickwork with struck or tooled joints; • Light coloured mortar joints; and • Any rendered surfaces painted in neutral colours. 		
4.1.20 Landscaping	<p>1. 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>2. Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>	Suitable landscaping treatment is proposed, which will comply with these requirements.	Yes
4.1.21 Driveways	<p>1. 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>2. When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.</p>	An exposed aggregate concrete driveway is proposed. The internal driveway width is 6m.	Yes
4.1.24 Rooftop fixtures, air conditioners, TV antennas and satellite dishes	Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.	Skylights are located in the south elevation roof, minimizing visual impact from the front elevation, and plans have been amended to reduce their number and size.	Yes
4.1.25 Letterboxes	<p>1. Letterboxes must not be a visually prominent element on the streetscape.</p> <p>2. Letterboxes must be designed as an integrated feature of the fence</p>	Letterbox is proposed at front, as part of the landscaped treatment.	Yes

Table of Contents	
Sheet Number	Sheet Name

DD-1092-1	Notes
DD-1092-2	BASIX Commitments
DD-1092-3	Site Plan
DD-1092-4	Concrete Plan
DD-1092-5	Ground Floor
DD-1092-6	Elevations
DD-1092-7	Elevations
DD-1092-8	Section & Schedules
DD-1092-9	Wet Area Details
DD-1092-10	Stormwater Plan
DD-1092-11	Landscape Plan
DD-1092-12	Electrical Plan
DD-1092-13	Public Domain/Street Perspectives

Development Application
Proposed Single Storey Residential Dwelling

General Notes

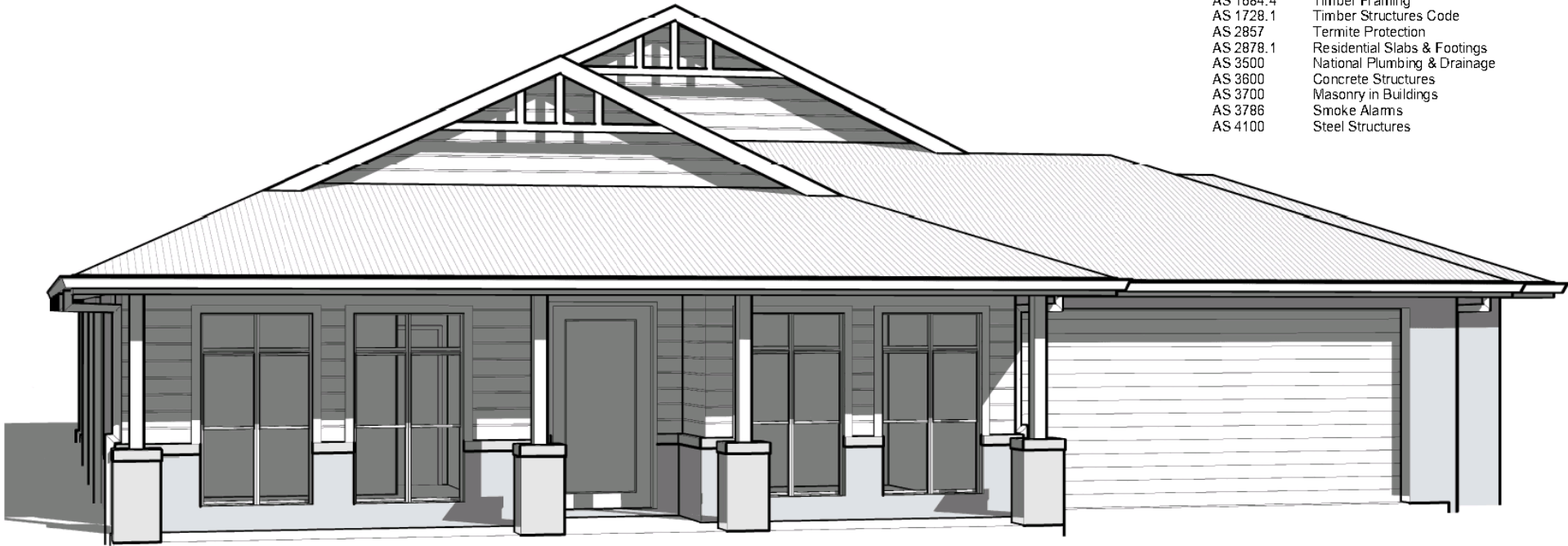
- > Stormwater drainage as per stormwater plan & the BASIX certificate
- > Sewer drainage & waste water to Sydney Water sewer main
- > Sediment control barrier to Council specification during construction
- > An all weather access crossing of recycled concrete will be provided during construction
- > Survey levels & contours to Australian Height Datum (AHD) or as indicated on survey plan +/-100mm
- > Termite control chemical or physical barrier to be installed in accordance with AS3660
- > Verify all dimensions, levels & existing conditions on site prior to commencement of work
- > All work & materials to comply with the Building Code of Australia (BCA) & relevant Standards Australia Codes
- > Figured dimensions take preference to scale - do not scale, ASK
- > All dimensions in millimetres (mm) unless noted otherwise
- > Driveway gradient to comply with Council regulations
- > Drop edge beams to be constructed to engineers details if required
- > All structural beam sizes, connections & details to engineers specification & details
- > Any retaining wall required will be constructed from treated pine sleepers, masonry or stone not exceeding 600mm high unless noted otherwise
- > Permanent driveway will be reinforced concrete or similarly approved hardstand surface
- > Any concrete paths to be reinforced concrete
- > Surface drains will be included in the landscaping to remove surface water from grassed & hardstand areas
- > Agricultural drains will be installed behind all retaining walls & connected into the stormwater drainage system
- > Survey drawing & information obtained from Sydney Registered Surveyors - plan reference 6327

Typical Construction Notes

- > Smoke alarms to be installed in accordance with Clause 3.7.2.3 of the BCA and AS 3786-2014
- > Floor wastes to be provided with drainage flanges in accordance with AS 3740-2010 to all wet areas (bathroom and laundries)
- > Bathroom doors which are within 1.2m of the closet plan to be provided with lift-off hinges
- > Exhaust fans to wet area rooms without natural ventilation must meet the flow rates detailed in Clause 3.8.7 of the BCA
- > All stairs and stair finishes are to comply with Clause 3.9.1 of the BCA
- > Balustrades to be a minimum 1m high from associated floor level in accordance with Clause 3.9.2 of the BCA
- > Child proof screens must be fitted to first floor bedroom windows where the sill is less than 1.7m above floor level, or window openings to be restricted to 125mm, in accordance with clause 3.9.2.6 of the NCC Volume 2

AUSTRALIAN STANDARD CODES

- AS 1288 Glazing
- AS 1684.4 Timber Framing
- AS 1728.1 Timber Structures Code
- AS 2857 Termite Protection
- AS 2878.1 Residential Slabs & Footings
- AS 3500 National Plumbing & Drainage
- AS 3600 Concrete Structures
- AS 3700 Masonry in Buildings
- AS 3786 Smoke Alarms
- AS 4100 Steel Structures



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Revision Schedule		
No.	Description	Date
7	Revised colours for heritage approval	02/12/21
6	Revised roof line for heritage building envelope compliance	29/10/21
5	Revised front setback, skylights & landscaping for DA	30/09/21
4	Removed raked ceiling and windows, revised BASIX	10/08/21

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Allison & Lachlan Slatyer		Notes
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570		
Project number	DD-1092	DD-1092-1
Date	17/02/21	Scale

Single Dwelling

Certificate number: 1208916S_02


Schedule of BASIX commitments

The commitments set out below regulate how the proposed development is to be carried out. It is a condition of any development consent granted, or complying development certificate issued, for the proposed development, that BASIX commitments be complied with.

Water Commitments	Show on DA plans	Show on CC/DDC plans & specs	Certifier check
Fixtures			
The applicant must install showerheads with a minimum rating of 3 star (> 4.5 but <= 6 Litres) in all showers in the development.		✓	✓
The applicant must install a toilet flushing system with a minimum rating of 3 star in each toilet in the development.		✓	✓
The applicant must install taps with a minimum rating of 4 star in the kitchen in the development.		✓	✓
The applicant must install basin taps with a minimum rating of 4 star in each bathroom in the development.		✓	✓
Alternative water			
Rainwater tank			
The applicant must install a rainwater tank of at least 3000 litres on the site. This rainwater tank must meet, and be installed in accordance with, the requirements of all applicable regulatory authorities.	✓	✓	✓
The applicant must configure the rainwater tank to collect rain runoff from at least 25% of the roof area of the development (excluding the area of the roof which drains to any stormwater tank or private drain).	✓	✓	✓
The applicant must connect the rainwater tank to: <ul style="list-style-type: none"> - all toilets in the development; - at least one outdoor tap in the development. (Note: NSW Health does not recommend that rainwater be used for human consumption in areas with potable water supply.) 	✓	✓	✓
Thermal Comfort Commitments	Show on DA plans	Show on CC/DDC plans & specs	Certifier check
General features			
The dwelling must not have more than 2 storeys.	✓	✓	✓
The conditioned floor area of the dwelling must not exceed 300 square metres.	✓	✓	✓
The dwelling must not contain open mezzanine area exceeding 25 square metres.	✓	✓	✓
The dwelling must not contain three level habitable attic rooms.	✓	✓	✓
Floor, walls and ceiling/roof			
The applicant must construct the floor(s), walls, and ceiling/roof of the dwelling in accordance with the specifications listed in the table below.	✓	✓	✓
Construction	Additional insulation required (R-Value)	Other specifications	
floor - concrete slab on ground	nil		
external wall - AAC veneer (AAC 70 mm)	1.79 (or 2.60 including construction)		
external wall - framed (concrete/brick, fibre cement, metal clasp)	2.20 (or 2.60 including construction)		
internal wall - plasterboard	nil		
ceiling and roof - flat ceiling (plastered roof)	ceiling: 3.90 (up), roof: foil backed blanket (55 mm)	unventilated, dark (solar absorptance > 0.70)	
ceiling and roof - raked ceiling (plastered or shingle roof, framed)	ceiling: 3.24 (up), roof: foil backed blanket (55 mm)	framed; dark (solar absorptance > 0.70)	
Notes:			
- Insulation specified in this Certificate must be installed in accordance with Part 3.12.1.1 of the Building Code of Australia.			
- In some climate zones, insulation should be installed with due consideration of contamination and associated interaction with adjoining building materials.			

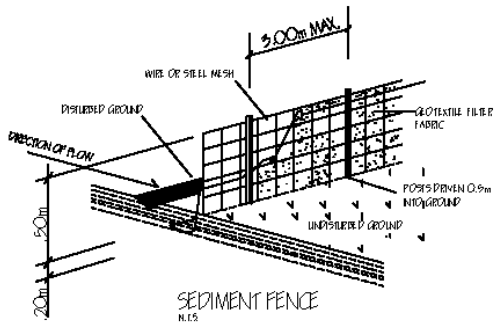
Thermal Comfort Commitments				Show on DA plans	Show on CC/DDC plans & specs	Certifier check
Windows, glazed doors and skylights						
The applicant must install the windows, glazed doors and shading devices described in the table below, in accordance with the specifications listed in the table. Relevant overshadowing specifications must be satisfied for each window and glazed door.						
The dwelling may have 1 skylight (<0.7 square metres) which is not listed in the table.						
The following requirements must also be satisfied in relation to each window and glazed door:						
- For the following glass and frame types, the certifier check can be performed by visual inspection.						
- Aluminium single clear						
- Aluminium double (air) clear						
- Timber/PVC/Alu/Inglow single clear						
- Timber/PVC/Alu/Inglow double (air) clear						
The applicant must install the skylights described in the table below, in accordance with the specifications listed in the table. Total skylight area must not exceed 3 square metres (the 3 square metre limit does not include the optional additional skylight of less than 0.7 square metres that does not have to be listed in the table).						
Skylight no.	Maximum area (square metres)	Type	Shading device			
S01	0.70	aluminium, moulded plastic, single clear	no shading			
S02	2.30	aluminium, moulded plastic, single clear	no shading			
Window/glazed door no.	Maximum height (mm)	Maximum width (mm)	Type	Shading Device (Dimension within 10%)	Overshadowing	
North facing						
W6	800	1210	aluminium, single, clear	eave 1800 mm, 200 mm above head of window or glazed door	not overshadowed	
W7	800	1210	aluminium, single, clear	eave 1800 mm, 200 mm above head of window or glazed door	not overshadowed	
W8	1800	2050	aluminium, single, clear	eave 600 mm, 200 mm above head of window or glazed door	not overshadowed	
W9	1800	2050	aluminium, single, clear	eave 600 mm, 200 mm above head of window or glazed door	not overshadowed	
W5	1800	850	aluminium, single, clear	eave 600 mm, 200 mm above head of window or glazed door	not overshadowed	
East facing						
D1	2400	4300	aluminium, single, clear	eave 4800 mm, 1100 mm above head of window or glazed door	not overshadowed	
W10	1030	1810	aluminium, single, clear	eave 600 mm, 200 mm above head of window or glazed door	not overshadowed	
W11	1030	1810	aluminium, single, clear	eave 600 mm, 200 mm above head of window or glazed door	not overshadowed	
South facing						
W13	1030	1810	aluminium, single, clear	eave 600 mm, 200 mm above head of window or glazed door	not overshadowed	
W12	1030	1810	aluminium, single, clear	eave 600 mm, 200 mm above head of window or glazed door	not overshadowed	
West facing						
W3	2080	1210	aluminium, single, clear	eave 1950 mm, 500 mm above head of window or glazed door	not overshadowed	
W2	2080	1210	aluminium, single, clear	eave 610 mm, 1850 mm above head of window or glazed door	not overshadowed	
W4	2080	1210	aluminium, single, clear	eave 2110 mm, 200 mm above head of window or glazed door	not overshadowed	
W1	2080	1210	aluminium, single, clear	eave 510 mm, 900 mm above head of window or glazed door	not overshadowed	

Energy Commitments	Show on DA plans	Show on CC/DDC plans & specs	Certifier check
Hot water			
The applicant must install the following hot water system in the development, or a system with a higher energy rating: gas instantaneous with a performance of 8 stars.	✓	✓	✓
Cooling system			
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 living area: ceiling fans + 3-phase air conditioning; Energy rating: EER 3.0 - 3.5	✓	✓	✓
The applicant must install the following cooling system, or a system with a higher energy rating, in at least 1 bedroom: ceiling fans + 3-phase air conditioning; Energy rating: EER 3.0 - 3.5	✓	✓	✓
The cooling system must provide for daylight zoning between living areas and bedrooms.	✓	✓	✓
Heating system			
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 living area: 3-phase air conditioning; Energy rating: EER 3.0 - 3.5	✓	✓	✓
The applicant must install the following heating system, or a system with a higher energy rating, in at least 1 bedroom: 3-phase air conditioning; Energy rating: EER 3.0 - 3.5	✓	✓	✓
The heating system must provide for daylight zoning between living areas and bedrooms.	✓	✓	✓
Ventilation			
The applicant must install the following exhaust systems in the development:			
- At least 1 Bathroom: individual fan, ducted to façade or roof. Operation control: manual switch on/off	✓	✓	✓
Kitchen: individual fan, ducted to façade or roof. Operation control: manual switch on/off	✓	✓	✓
Laundry: natural ventilation only, or no laundry. Operation control: n/a	✓	✓	✓
Artificial lighting			
The applicant must ensure that the "primary type of artificial lighting" is fluorescent or light emitting diode (LED) lighting in each of the following rooms, and where the word "dedicated" appears, the fittings for those lights must only be capable of accepting fluorescent or LED lamps: <ul style="list-style-type: none"> - at least 5 of the bedrooms / study, dedicated - at least 4 of the living / dining rooms, dedicated - the kitchen, dedicated - all bathrooms/baths, dedicated - the laundry, dedicated - all hallways, dedicated 	✓	✓	✓
Natural lighting			
The applicant must install a window and/or skylight in the kitchen of the dwelling for natural lighting.	✓	✓	✓
The applicant must install a window and/or skylight in 2 bathroom(s/baths) in the development for natural lighting.	✓	✓	✓
Other			
The applicant must install a gas cooktop & electric oven in the kitchen of the dwelling.	✓	✓	✓
The applicant must construct each refrigerator space in the development so that it is "well ventilated", as defined in the BASIX definitions.	✓	✓	✓
The applicant must install a fixed outdoor clothes drying line as part of the development.	✓	✓	✓
The applicant must install a fixed indoor or sheltered clothes drying line as part of the development.	✓	✓	✓

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<p style="text-align: center;">Allison & Lachlan Slatyer BASIX Commitments</p> <p style="text-align: center;">Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570</p>		<p>Project number DD-1092 DD-1092-2</p>													

SEDIMENT CONTROL NOTES:

1. ALL EROSION & SEDIMENT CONTROL MEASURES, INCLUDING REVEGETATION & STORAGE OF SOIL & TOPSOIL, SHALL BE IMPLEMENTED TO THE STANDARDS OF THE SOIL CONSERVATION OF NSW.
2. ALL DRAINAGE WORKS SHALL BE CONSTRUCTED & STABILIZED AS EARLY AS POSSIBLE DURING DEVELOPMENT.
3. SEDIMENT TRAPS SHALL BE CONSTRUCTED AROUND ALL INLET PITS, CONSISTING OF 300mm WIDE x 300mm DEEP TRENCH.
4. ALL SEDIMENT BASINS & TRAPS SHALL BE CLEANED WHEN THE STRUCTURES ARE A MAXIMUM OF 80% FULL OF SOIL MATERIALS, INCLUDING THE MAINTENANCE PERIOD.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED AS SOON AS THE RELEVANT WORKS ARE COMPLETED.
6. SOIL & TOPSOIL STOCKPILES SHALL BE LOCATED AWAY FROM DRAINAGE LINES & AREA WHERE WATER MAY CONCENTRATE.
7. FILTER SHALL BE CONSTRUCTED BY STRETCHING A FILTER FABRIC (PROPEX OR APPROVED EQUIVALENT) BETWEEN POSTS AT 2.0M CENTRES. FABRIC SHALL BE BURIED 150mm ALONG ITS LOWER EDGE.
8. REFER TO PROPOSED SEDIMENT FENCE DETAIL.



CATHERINE PARK BUILDING CONTROLS COMPLIANCE TABLE THE HOMESTEAD RELEASE

CRITERIA	ALLOWABLE	ACHIEVED
PRIMARY SETBACK	5.0m MINIMUM	5.0m
GARAGE SETBACK	6.0m MINIMUM	7.1m
REAR SETBACK	5.0m MINIMUM	5.005m
SIDE SETBACK	0.9m MINIMUM	1.4m
SIDE SETBACKS COMBINED	4.0m MINIMUM	4.0m
BUILDING HEIGHT	5.0m MAXIMUM (SEPP)	6.590m - VARIATION
ROOF PITCH	BETWEEN 25° - 35°	25°
EAVES	450mm MINIMUM	450mm
GARAGE WIDTH	50% DWELLING MAXIMUM	41.66%
GARAGE DOOR WIDTH	BETWEEN 4.8m - 6.0m	5.1m
DRIVEWAY WIDTH	6.0m MAXIMUM	6.0m

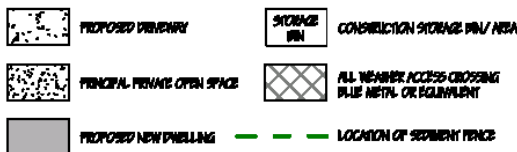
Area Schedule		
Number	Name	Area

1	Garage	45.32 m ²
2	Ground Floor	270.27 m ²
3	Porch	13.13 m ²
4	Alfresco	24.66 m ²

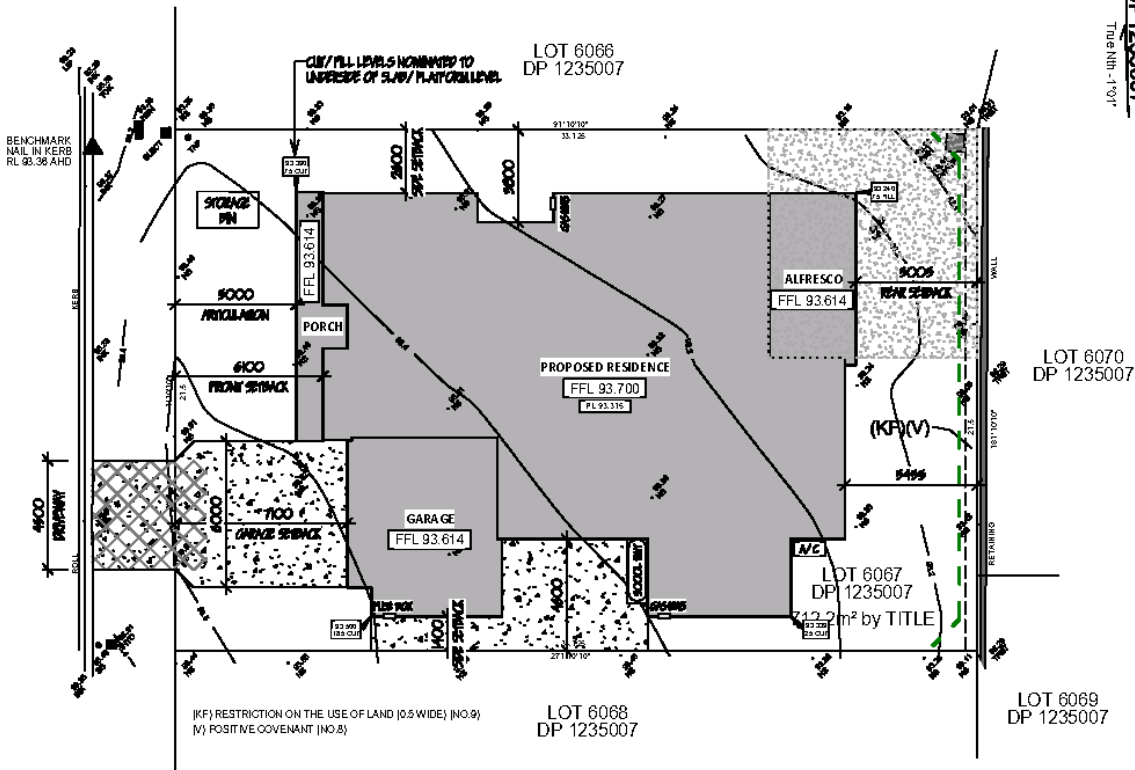
Total Floor Area 353.38 m²

SITE AREA CALCULATION

SITE AREA	712.2m ²
SITE COVERAGE	315.59m ² (44.31%)
ROOF AREA	442.32m ²



MARY FAIRFAX DRIVE



M.G.A



DP1235007
Title Nth - 1:01"

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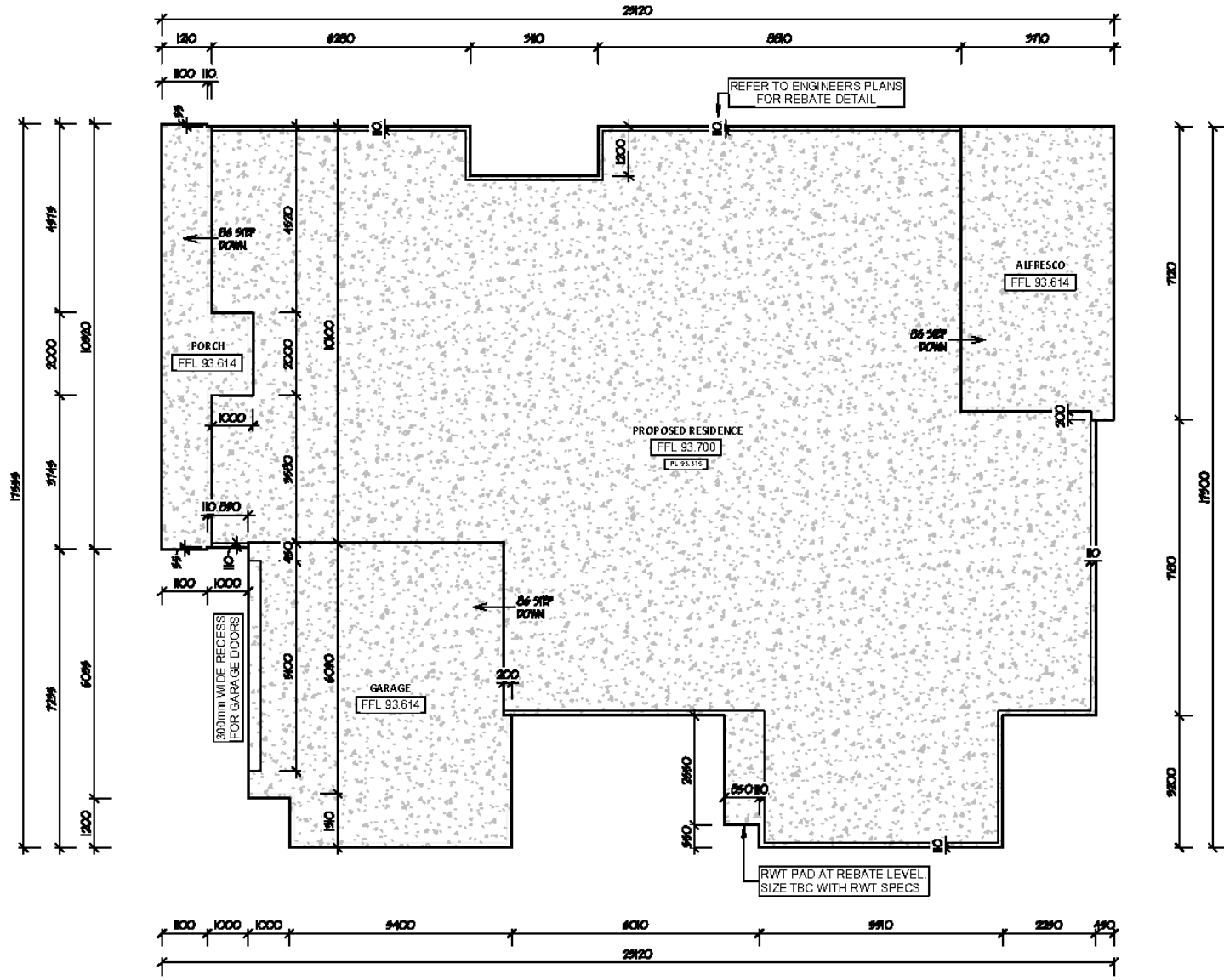
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Allison & Lachlan Slatyer		Site Plan
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570		
Project number	DD-1092	DD-1092-3
Date	17/02/21	Scale 1 : 200



This is the report submitted to the Camden Local Planning Panel – Electronic Determination - Page 41

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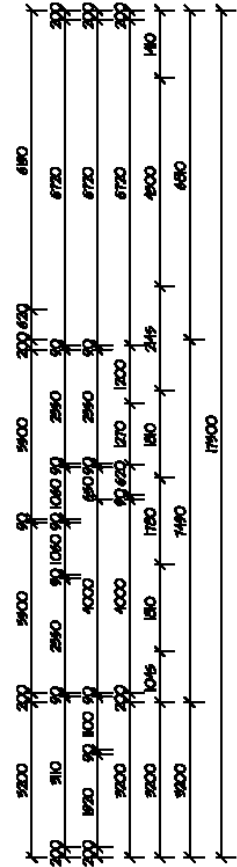
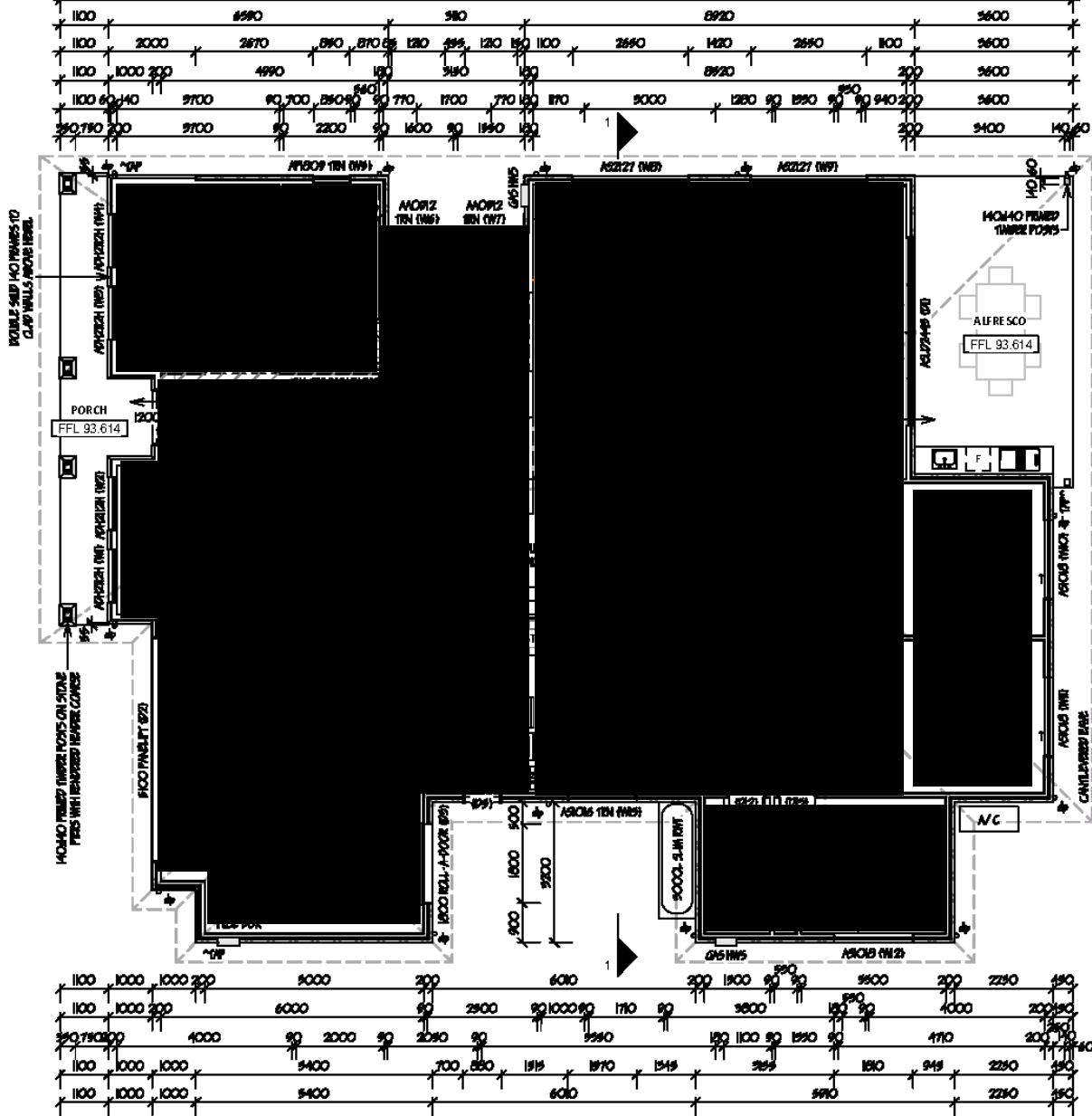
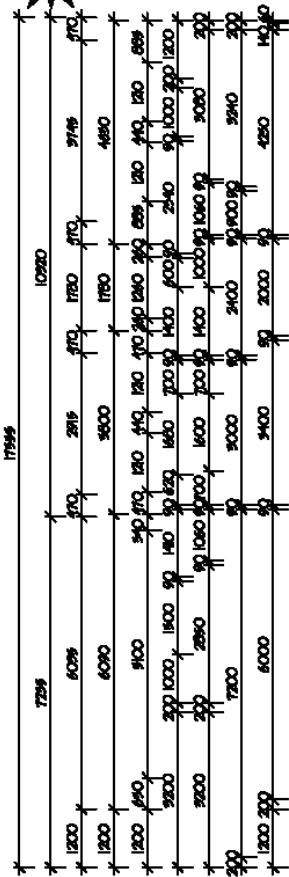
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Allison & Lachlan Slatyer		Concrete Plan
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570		
Project number	DD-1092	DD-1092.4

MV MECHANICAL VENTILATION

10' OUTSIDE OF PORCH SLAB
99mm PART DRAINING SLAB



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6	Revised roof line for heritage building envelope compliance	29/10/21
5	Revised front setback, skylights & landscaping for DA	30/09/21
4	Removed raked ceiling and windows, revised BASIX	10/08/21
No.	Description	Date

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Allison & Lachlan Slatyer		Ground Floor	
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570			
Project number	DD-1092	DD-1092-5	
Date	17/02/21	Scale	1 : 100

Materials Legend

Note: All materials on plan are to be confirmed with the associated building tender/selections document. Where a discrepancy occurs, the building tender/selections document takes precedence.

Walls

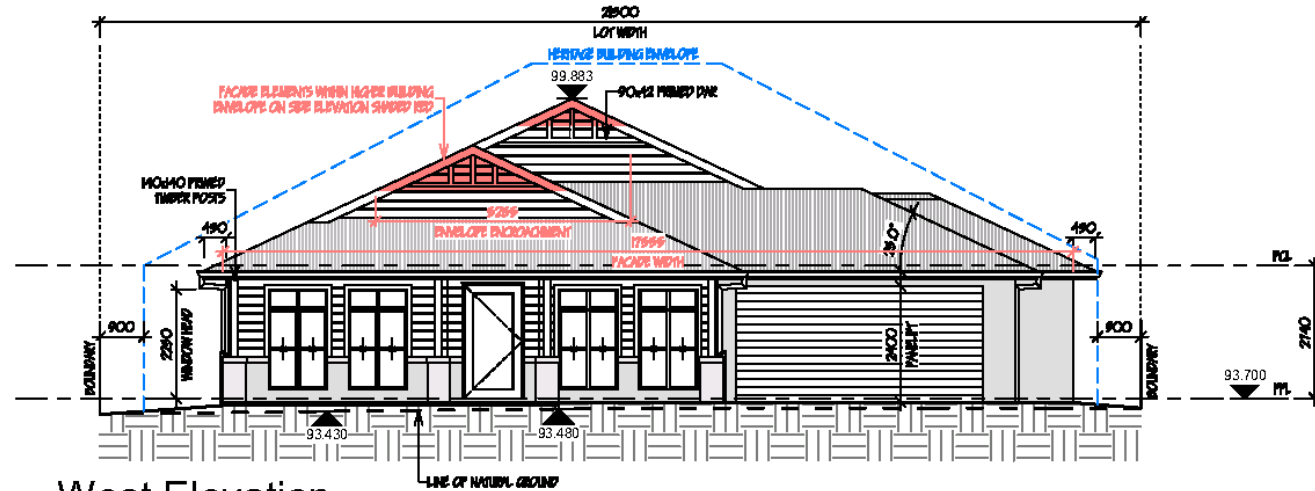
- Face brick
- Face brick
- Render/texture coat & painted finish
- Render/texture coat & painted finish
- Stacked stone or cultured stone
- Fibre cement clad to AS 2908.2
- Fibre cement clad to AS 2908.2
- Fibre cement clad to AS 2908.2
- Fibre cement clad to AS 2908.2

Roofing

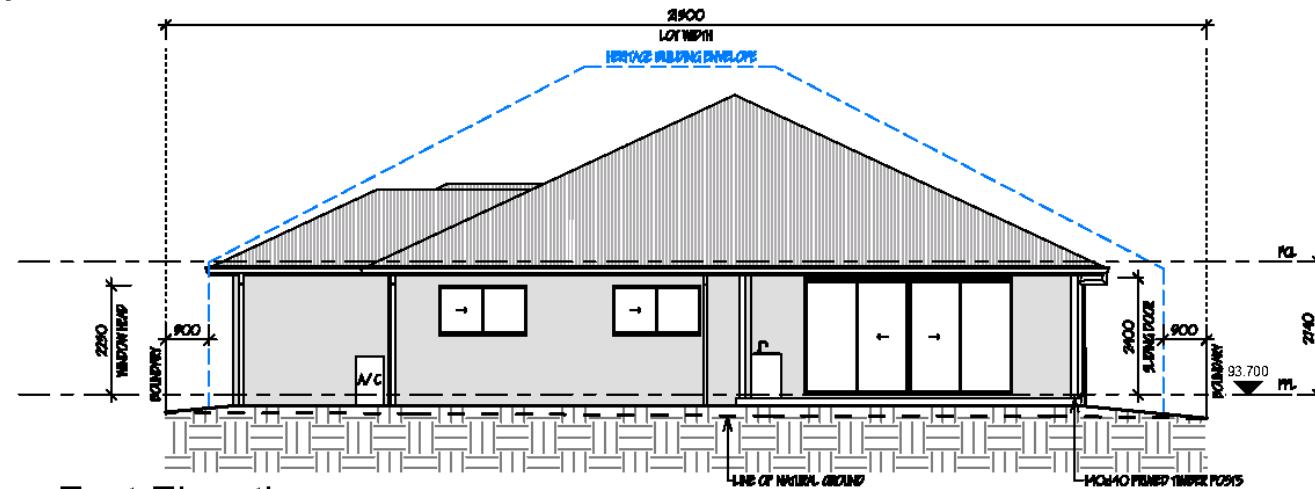
- Concrete roof tiles
- Colorboard
- Klip-lok

Other

- Aluminium windows
- Aluminium sliding/stacked/b-fold doors
- Colorboard fascia & gutter



1 West Elevation
1 : 100



2 East Elevation
1 : 100

EXTERNAL COLOUR SELECTIONS

Driveway – Exposed Aggregate (Light Grey) | Roof – Windspray | Gutter – Windspray | Fascia – Surfist | Rendered Walls – Tranquil Retreat | Rendered Bands – Vivid White | Cladding – Surfist | Window Frames – Pearl White | Window Architraves – Vivid White | Timber Posts – Vivid White | Timber Fretwork (Gables) – Surfist | Front Entry Door – Vivid White | Garage Door – Surfist | Letterbox – Tranquil Retreat | Side Gates – Woodland Grey

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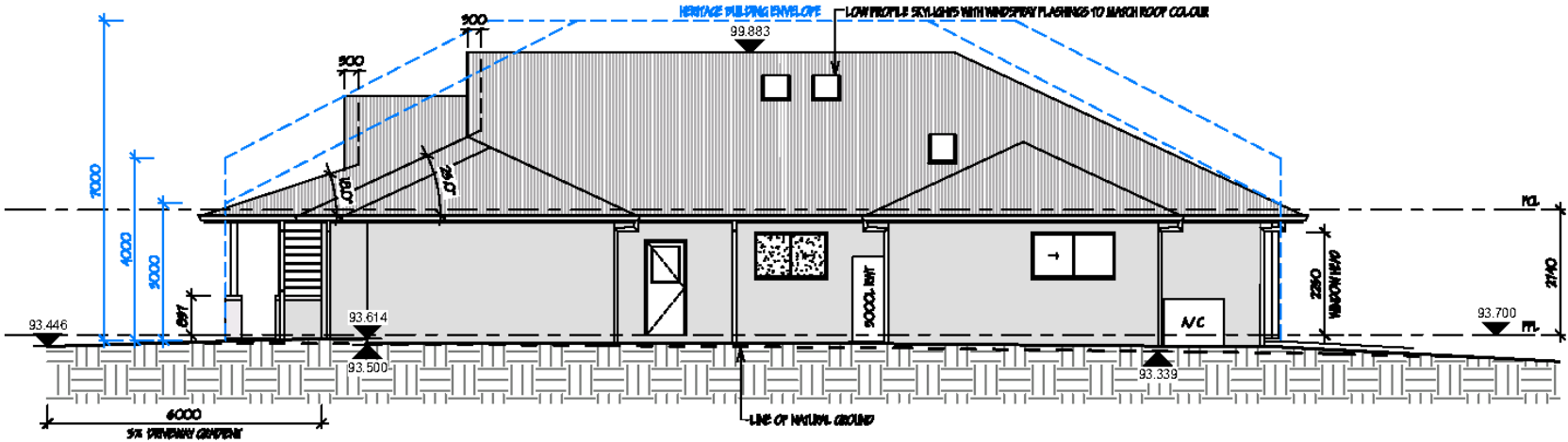
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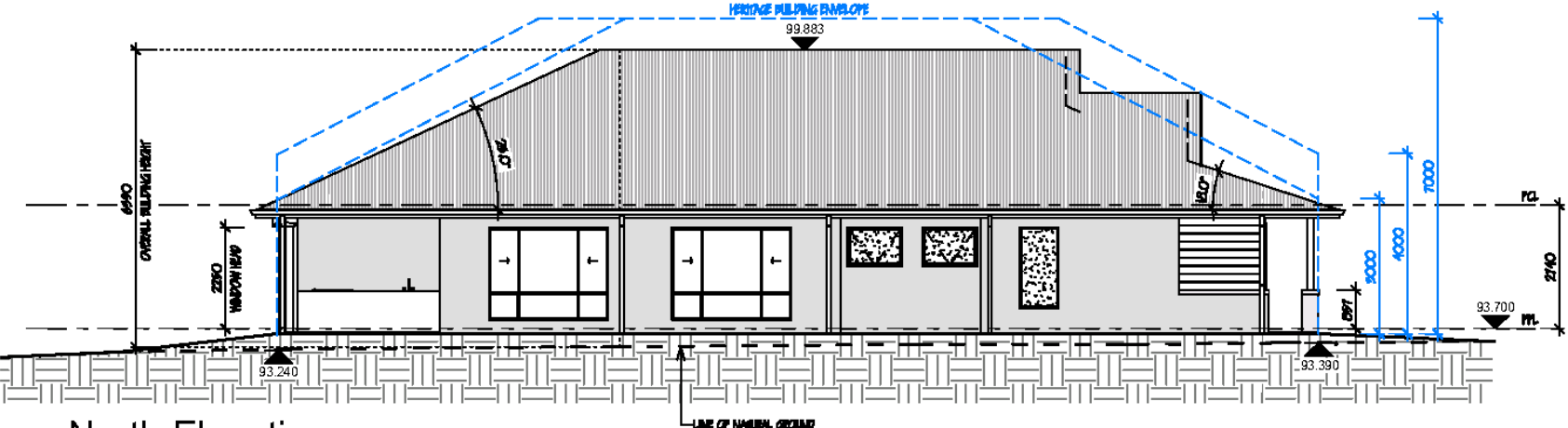
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Allison & Lachlan Slatyer		Elevations
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570		
Project number	DD-1092	DD-1092-6



3 South Elevation
1 : 100



4 North Elevation
1 : 100

Materials Legend

Note: All materials on plan are to be confirmed with the associated building tender/selections document. Where a discrepancy occurs, the building tender/selections document takes precedence.

Walls	Face brick	Render/texture coat & painted finish	Stacked stone or cultured stone	Fibre cement clad to AS 2908.2	Roofing	Concrete roof tiles	Other	Aluminium windows
	Face brick	Render/texture coat & painted finish	Fibre cement clad to AS 2908.2	Fibre cement clad to AS 2908.2	Colorbond	Klip-lok	Aluminium sliding/slacker/bi-fold doors	Colorbond fascia & gutter

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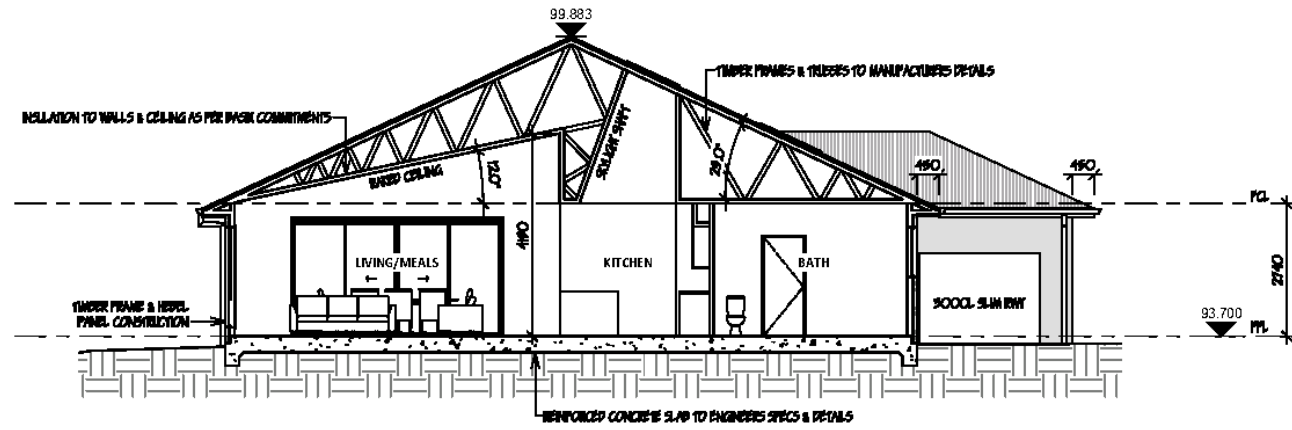
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Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570			
Project number	DD-1092	DD-1092-7	
Date	17/02/21	Scale	1 : 100

Window Schedule						
Mark	Material	Style	Height	Width	Glazing	Glass Area
S1	Aluminium	Fixed Skylight	1180	550	Clear	0.65 m ²
S2	Aluminium	Fixed Skylight	1180	550	Clear	0.65 m ²
S3	Aluminium	Manual Skylight	1400	550	Clear	0.77 m ²
W1	Aluminium	Double Hung	2060	1210	Clear	2.49 m ²
W2	Aluminium	Double Hung	2060	1210	Clear	2.49 m ²
W3	Aluminium	Double Hung	2060	1210	Clear	2.49 m ²
W4	Aluminium	Double Hung	2060	1210	Clear	2.49 m ²
W5	Aluminium	Fixed	1800	850	Translucent	1.53 m ²
W6	Aluminium	Awning	860	1210	Translucent	1.04 m ²
W7	Aluminium	Awning	860	1210	Translucent	1.04 m ²
W8	Aluminium	Sliding	2060	2650	Clear	5.46 m ²
W9	Aluminium	Sliding	2060	2650	Clear	5.46 m ²
W10	Aluminium	Sliding	1030	1810	Clear	1.86 m ²
W11	Aluminium	Sliding	1030	1810	Clear	1.86 m ²
W12	Aluminium	Sliding	1030	1810	Clear	1.86 m ²
W13	Aluminium	Sliding	1030	1570	Translucent	1.62 m ²

Door Schedule				
Mark	Material	Type	Height	Width
D1	Aluminium	External Sliding	2400	4300
D2	Colorbond	Panelift	2415	5160
D3	Colorbond	Roll-a-door	2115	1960
D4	Solid	Entry	2340	1200
D5	Semi-solid / Glass	External Laundry	2040	820
D6	Hollow Core	Internal Double	2040	1720
D7	Hollow Core	Internal	2040	820
D8	Hollow Core	Internal	2040	820
D9	Hollow Core	Internal CSD	2040	820
D10	Hollow Core	Internal	2040	820
D11	Hollow Core	Internal	2040	820
D12	Hollow Core	Internal	2040	820
D13	Hollow Core	Internal	2040	820
D14	Hollow Core	Internal	2040	820
D15	Hollow Core	Internal	2040	820
D16	Hollow Core	Internal	2040	720
D17	Aluminium	Sliding Robe	2040	1740
D18	Aluminium	Sliding Robe	2040	2170
D19	Aluminium	Sliding Robe	2040	2170



1 Section 1
1 : 100

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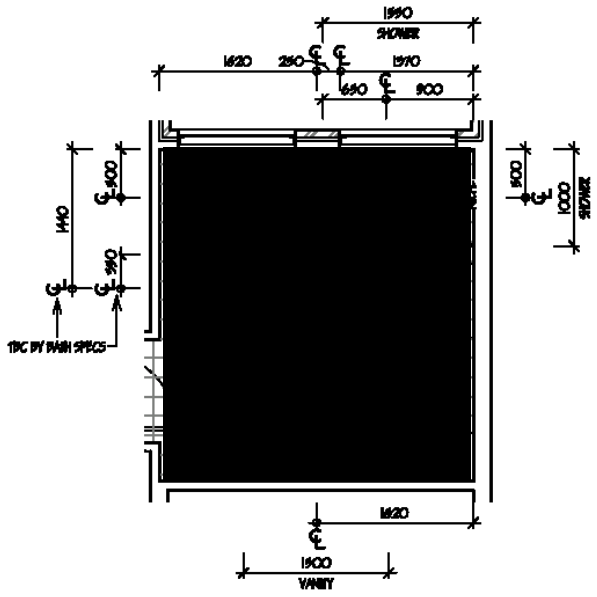
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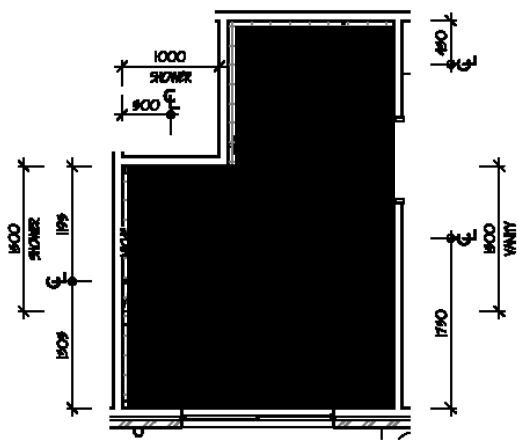
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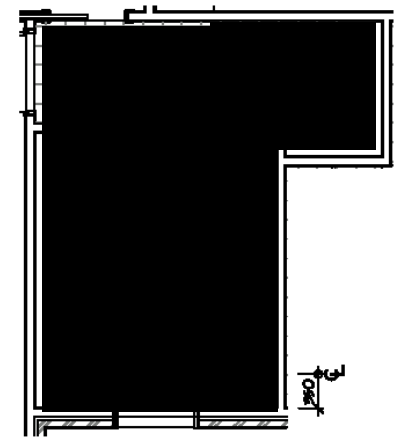
Allison & Lachlan Slatyer		Section & Schedules
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570		
Project number	DD-1092	DD-1092-8



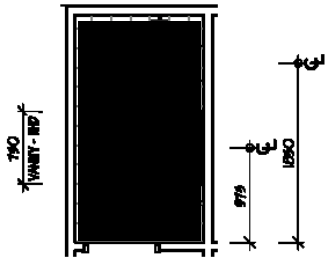
1 Ensuite Detail
1 : 50



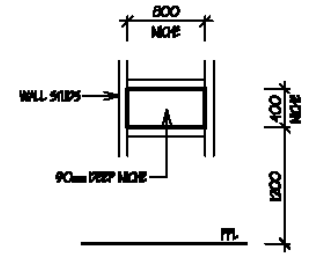
2 Bath Detail
1 : 50



3 Laundry Detail
1 : 50



4 PDR Detail
1 : 50



5 Shower Niche Detail
1 : 50

STANDARD BATHROOM PC ITEMS FIXING HEIGHTS
 Note: Guide only, to be confirmed by selections and/or supervisor on site

TOWEL RAIL:	1100 ABOVE FFL or 1700 IF OVER BATH
TOWEL RING:	1100 ABOVE FFL or 1400 IF OVER VANITY DRAWERS
TOILET ROLL HOLDER:	600 ABOVE FFL
SHOWER HEAD:	1900 ABOVE FFL
SHOWER MIXER:	1050 ABOVE FFL
BATH SPOUT:	700 ABOVE FFL
BATH MIXER:	700 ABOVE FFL
WALL HUNG VANITY:	900 TO TOP OF VANITY/BOWL or ALIGN WITH OTHER FLOOR STANDING UNITS or ALIGN WITH NEAREST TILE LINE

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Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570			
Project number	DD-1092	DD-1092-9	
Date	17/02/21	Scale	1 : 50

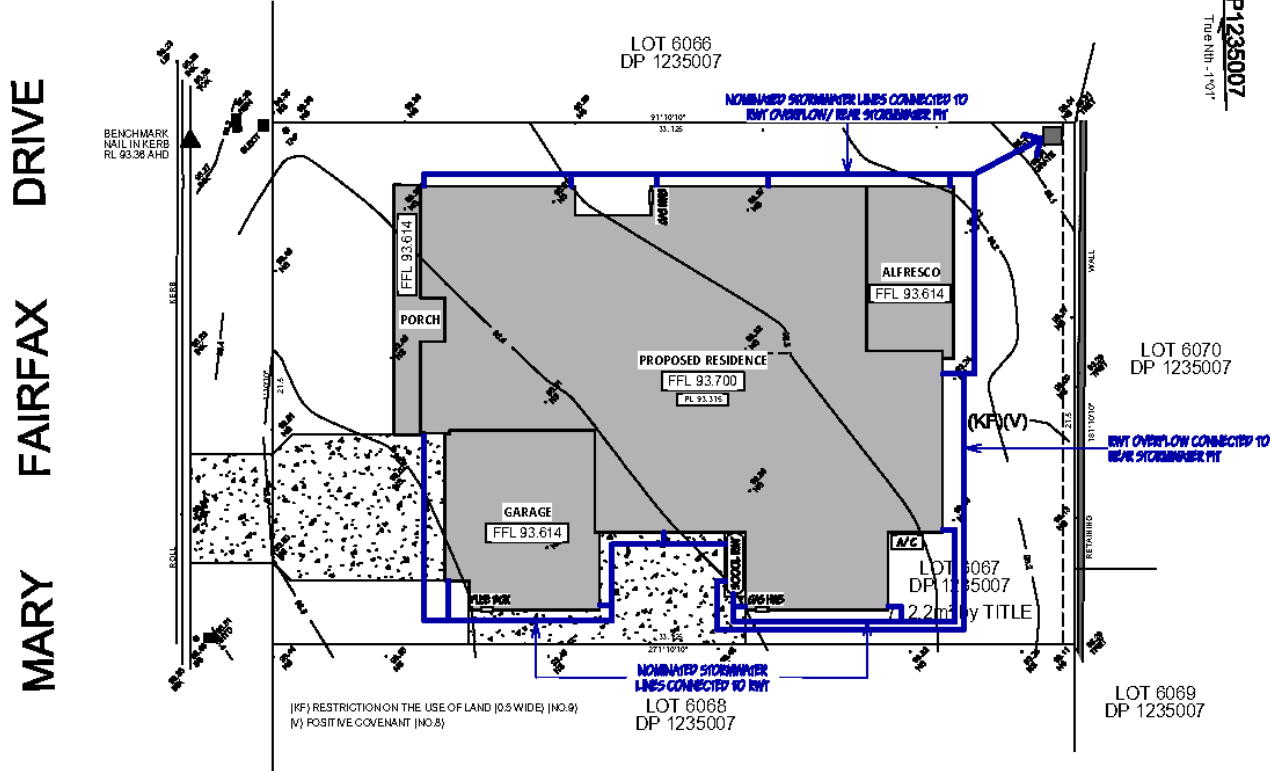
ROOF AREA = 442.32m²

TOTAL NUMBER OF DOWNPIPES = 13
(34.02m² roof area per downpipe)

NUMBER OF DOWNPIPES CONNECTED TO RWT = 7

ROOF AREA CONNECTED TO RWT
7 downpipes x 34.02m² = 238.14m²

M.G.A



This is the report submitted to the Camden Local Planning Panel – Electronic Determination- Page 47

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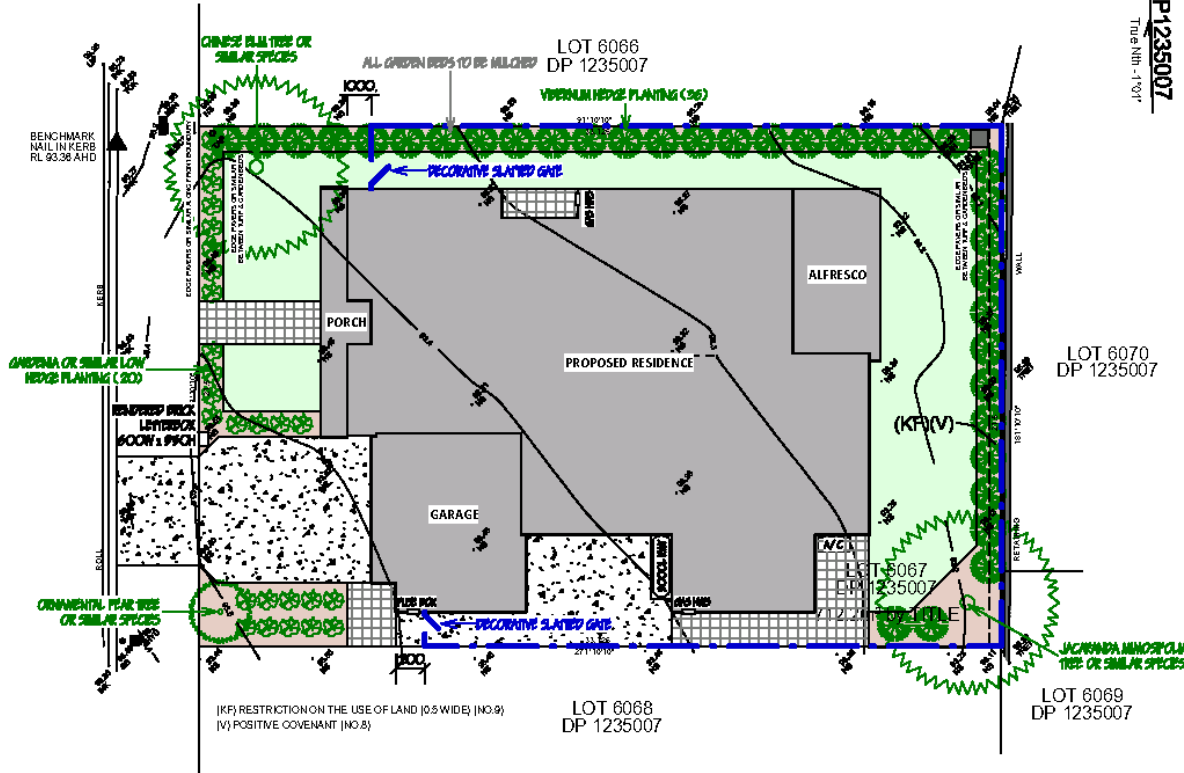
Allison & Lachlan Slatyer		Stormwater Plan
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570		
Project number	DD-1092	DD-1092-10






M.G.A



DP1235007
The Nth -1'0"

MARY FAIRFAX DRIVE



-  LANDSCAPE AREA (246m²)
-  PROPOSED NEW DWELLING
-  PROPOSED DRIVEWAY - EXPOSED AGGREGATE
CONCRETE PATHS - GREY BRICK FINISH
-  PROPOSED HARD LANDSCAPING
-  1800 HIGH COLORBOND FENCE
WOODLAND GREY

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No.	Description	Date



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Allison & Lachlan Slatyer		Landscape Plan	
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570			
Project number	DD-1092	DD-1092-11	
Date	17/02/21	Scale	1 : 200

ELECTRICAL LEGEND			
▲	SINGLE POWER POINT	○	OYSTER LIGHT
▲▲	DOUBLE POWER POINT	⊙	DOWN LIGHT
△	W/ PROOF POWER POINT	◐	WALL MOUNTED LIGHT
Ⓣ	TELEPHONE POINT	⋈	DOUBLE SPOT LIGHT
Ⓜ	TELEVISION POINT	▭	FLUORESCENT LIGHT
Ⓢ	SMOKE ALARM	■	HEAT LAMP/ EXHAUST FAN (2 IN 1)
ⓧ	CEILING FAN	■	HEAT LAMP/ EXHAUST FAN (4 IN 1)
Ⓢ	EXHAUST FAN	■	SPA PUMP POSITION

MV EXHAUST FANS TO MEET THE MECHANICAL VENTILATION RATES SPECIFIED IN BCA 2019 VOLUME 2 PART 3.8.7.3



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Allison & Lachlan Slatyer		Electrical Plan
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570		
Project number	DD-1092	DD-1092-12



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Allison & Lachlan Slatyer Public Domain/Street Perspectives		
Lot 6067 DP1235007, 11 Mary Fairfax Dr Oran Park 2570		
Project number	DD-1092	DD-1092-13
Date	17/02/21	Scale



CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	11 Mary Fairfax Drive, Oran Park 2570	
Lot:	6067	DP1235007
Date:	8/05/2021	

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

Prepared for:

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 2.2 Development Standards..... 2

3 Proposed Variation to Development Standard..... 4

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Appendices

Appendix 1 – View Analysis

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Figure 6	Extract from View 4 in Views Analysis

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

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

3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

3.1 Development Standard Subject to Variation

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

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

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

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

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

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



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

3.2 Subject Site

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



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

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:	11 Mary Fairfax Drive, Oran Park 2570	
Lot:	6067	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:	6.590m	
Extent of Proposed Variation*:	31.8	%

* Note: Extent of Proposed Variation = $\left(\frac{BH}{5}\right) \times 100 - 100$

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Test 1(a): the objectives of the zone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

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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.

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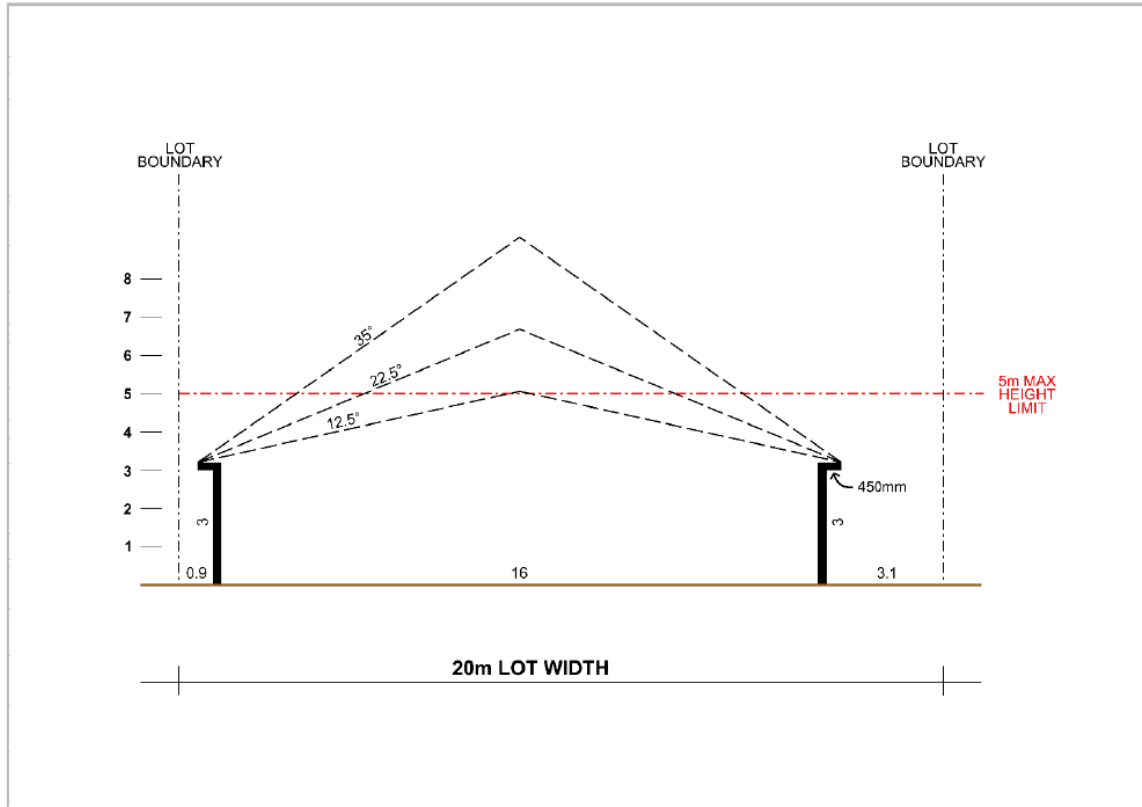


Figure 4 – Building Height & Roof Pitch

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

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

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

Conclusion

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

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

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

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.

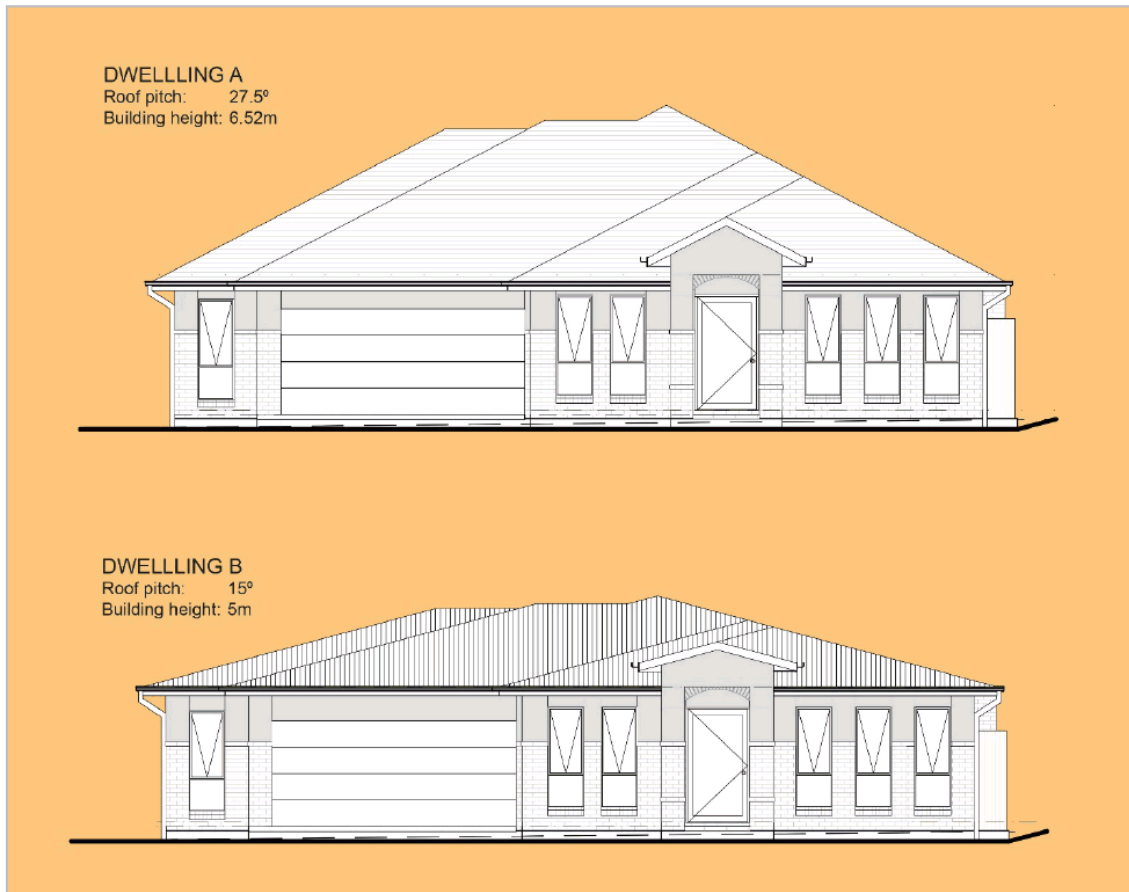


Figure 5 – Dwelling Roof Forms

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.

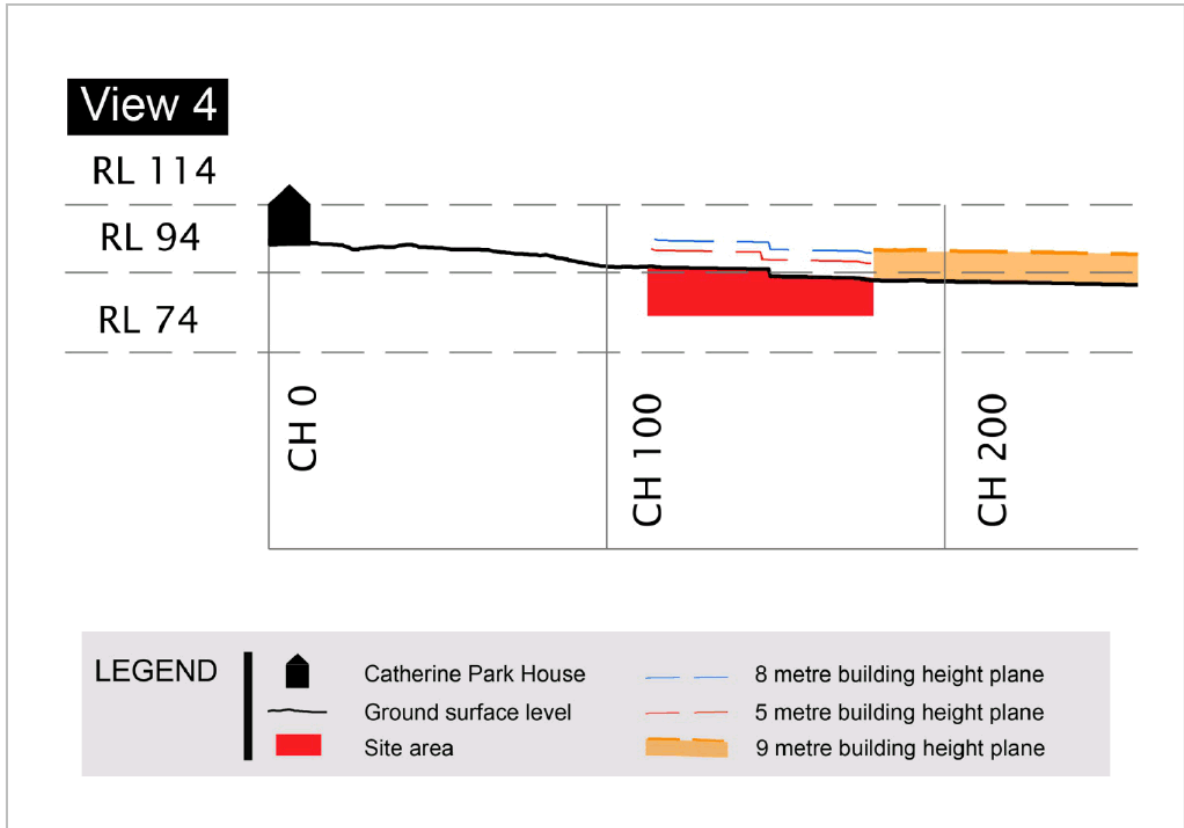


Figure 6 – Extract from View 4 in Views Analysis

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

5 CONCLUSION

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

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

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

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

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

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

CLPP01

Attachment 4

APPENDIX 1
Views Analysis



Heritage NSW

HMS Application ID: 387
Your ref: CNR-27031

Ray Lawlor
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: 11 Mary Fairfax Drive, ORAN PARK NSW 2570
SHR item: 112-130 Oran Park Drive, Oran Park, SHR no. 01695
Proposal: Single storey dwelling house with associated landscaping and site works
IDA application no: HMS ID 387, received 23/8/2021

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 Definitive Drafting as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Proposed Single Storey Residential Dwelling			
1	Notes	2/12/21	7
2	BASIX Commitments	2/12/21	7
3	Site Plan	2/12/21	7
4	Concrete Plan	2/12/21	7
5	Ground Floor	2/12/21	7
6	Elevations	2/12/21	7
7	Elevations	2/12/21	7
8	Section & Schedules	2/12/21	7
9	Wet Area Details	2/12/21	7
10	Stormwater Plan	2/12/21	7

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

11	Landscape Plan	2/12/21	7
12	Electrical Plan	2/12/21	7
13	Public Domain / Street Perspectives	2/12/21	7

- b) *Statement of Environmental Effects, Single-storey Residential Dwelling, Lot 6067*, prepared by Urbanco, dated 12 August 2021

EXCEPT AS AMENDED by the following general terms of approval:

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

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

ABORIGINAL OBJECTS

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

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

COMPLIANCE

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

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

SECTION 60 APPLICATION

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

Reason: To meet legislative requirements.

Advice

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

Right of Appeal

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

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

Yours sincerely


Rajeev Maini
Senior Team Leader, Regional Heritage Assessments South
Heritage NSW
Department of Premier & Cabinet
As Delegate of the Heritage Council of NSW
3 December 2021



CAMDEN LOCAL PLANNING PANEL

CLPP02

SUBJECT: DA/2021/1438/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE WITH ASSOCIATED SITE WORKS - 21 GLEESON DRIVE, ORAN PARK

TRIM #: 21/593981

DA Number:	2021/1438/1
Development:	Construction of a single storey dwelling house with associated site works, and inground swimming pool
Estimated Cost of Development:	\$450,000
Site Address(es):	21 Gleeson Rise, Oran Park Lot 6033 DP 1235007
Applicant:	Mr Byron Clima
Owner(s):	Mr W & Mrs B Cole
Number of Submissions:	No submissions
Development Standard Contravention(s):	Clause 4.3 – Height of Buildings
Classification:	Nominated Integrated Development
Recommendation:	Approve with conditions
Panel Referral Criteria:	Departure from Development Standards greater than 10%
Report Prepared By:	Ray Lawlor (Executive Planner)

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for construction of a single storey dwelling house at 21 Gleeson Rise, Oran Park (Lot 6033 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 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/2021/1366/1 for construction of a single storey dwelling house with associated site works and inground swimming pool pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions **attached** to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a single storey dwelling house with associated site works and inground swimming pool at 21 Gleeson Rise, Oran Park.

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

The DA was publicly exhibited for a period of 28 days in accordance with Schedule 1 'Community Participation Requirements' of *Environmental Planning & Assessment Act 1979* and Camden Community Participation Plan 2021. The exhibition period was from 21 September 2021 to 18 October 2021. No submissions were received.

The dwelling will have a maximum building height of 6.124m to its roof ridge. This exceeds the maximum 5m building height which applies under clause 4.3 Appendix 9 and the Height of Buildings Map (HoB_004) of *State Environmental planning Policy (Sydney Region Growth Centres) 2006*.

The 5m height development control has been imposed as the lot is within the curtilage of a state heritage listed Oran Park House (also known as Catherine Park House) and this control is related to requirements for single storey development.

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°. A building height variation arises due to the roof ridge of the dwelling with a 22.5° 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 Appendix 9 of the Growth SEPP to address the anomalies associated with the 5m height standard. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 9 of the Growth SEPP that will enable a merit-based assessment to be undertaken to allow building heights above 5m providing:

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

The 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 is in the process of being forwarded to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination.

General terms of approval for the subject DA have been issued by Heritage NSW (on 25 November 2021). The GTAs have been issued on the basis that the proposed dwelling house fits within the standard building height envelope as formulated by Heritage NSW.



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
Clause 4.3 – Height of Building Camden Growth Centre Precinct Plan SEPP(Sydney Region Growth Centres) 2006 – 5m	6.124m	1.124m or 22.48%

AERIAL PHOTO



THE SITE

The site is legally described as Lot 6033 DP1235007, and commonly known as 21 Gleeson Drive, Oran Park.

The site is a cleared and recently constructed lot in a 'Greenfields' subdivision, having been registered in May 2021. It has an area of 745.3m² and dimensions of 21.3m x

34.9m, with very little change in level across the lot. There is a low brick retaining wall up to approximately 0.5m to 0.8m on the boundary with the lower rear lot.

There is a 1.5m wide drainage easement and a 0.5m restriction related to the maintenance of the retaining wall. The proposed dwelling will not conflict with these easements and restrictions. A proposed pool at the rear of the site and any associated coping will need to be clear of the drainage easement and this can be dealt with by condition.

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). Oran Park House sits on a prominent knoll within a 4.5ha lot which also includes surrounding gardens. A former associated silo and coach house are located to the east of the house. The house its setting and associated buildings retain heritage significance as one of a number of early pastoral properties and their homesteads in the Camden LGA, arising from colonial land grants.



Figure 1: View of the land looking west from street frontage.



ZONING PLAN



BUILDING HEIGHT PLAN



■ C (5 m) ■ J1 (9m)

HERITAGE LISTING



AREA MASTER PLAN





DEVELOPMENT HISTORY

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

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

THE PROPOSAL

DA/2021/1438/1 seeks approval for the construction of a single storey dwelling house with associated site works and inground swimming pool.

The proposed dwelling house consists of four bedrooms, meals area, kitchen, home theatre, kids retreat, laundry, bathroom and a double garage.

The estimated cost of the development is \$450,000.



Figure 2: Front elevation to Gleeson Rise, showing the 5m building height line.

BACKGROUND

The 5m height of buildings development standard was imposed on this lot as it is within the curtilage of a state heritage listed Oran Park House, where this control is related to restricting development to single storey.

This building height standard however does not allow for flexibility in achieving compliance with existing site-specific controls in Camden Growth Centre Precincts DCP and Schedule 4 Catherine Field (Part) Precinct. The 5m building height standard does not enable the proper design of residential dwellings as intended in the heritage setting, in compliance with site specific controls within the DCP for a minimum roof pitch of 22.5 degrees.

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 (500-700m²) and width of the properties, coupled with the larger building footprint required single storey dwellings. This is illustrated in figures 3 and 4 below.

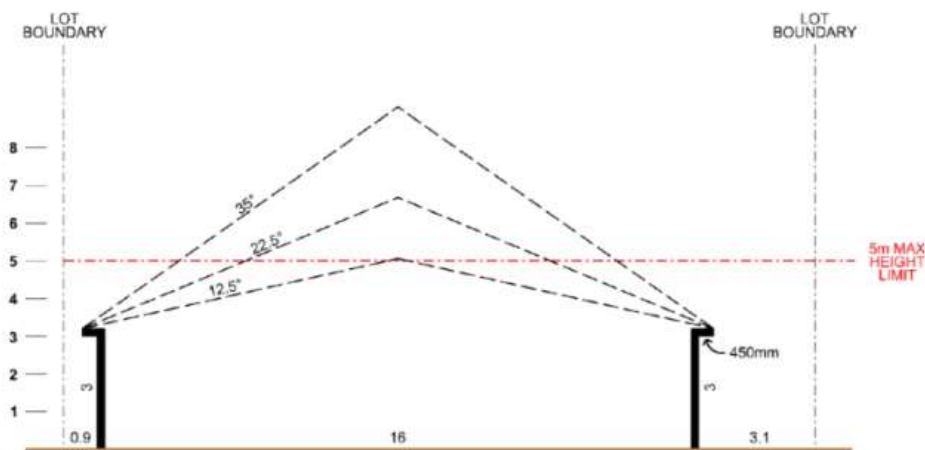


Figure 3: Five (5) metre maximum building height limit compared to roof pitches.

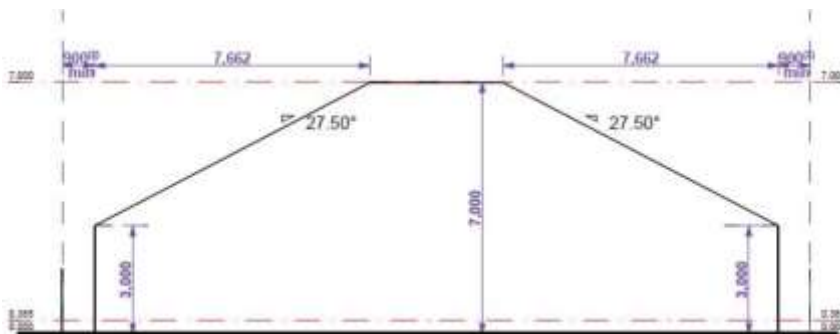


Figure 4: Dwelling roof forms, 15° and 27.5° degree roof pitches.

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

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

The Standard Building Height Envelope, as recommended by Heritage NSW, is reproduced below:



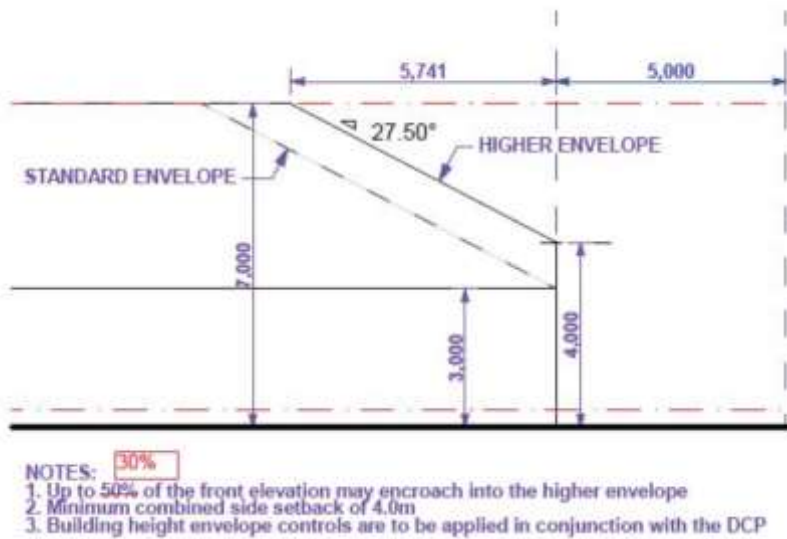


Figure 5: Heritage NSW Building Envelope control.

Heritage NSW has pursued this building envelope control in relation to individual DAs for dwellings on the lots within the heritage curtilage. This DA has been assessed in relation to this building envelope and the dwelling design has been refined and amended to ensure that it fits within the envelope, as a basis for the issue of GTAs by Heritage NSW (as demonstrated in Figure 6 below).

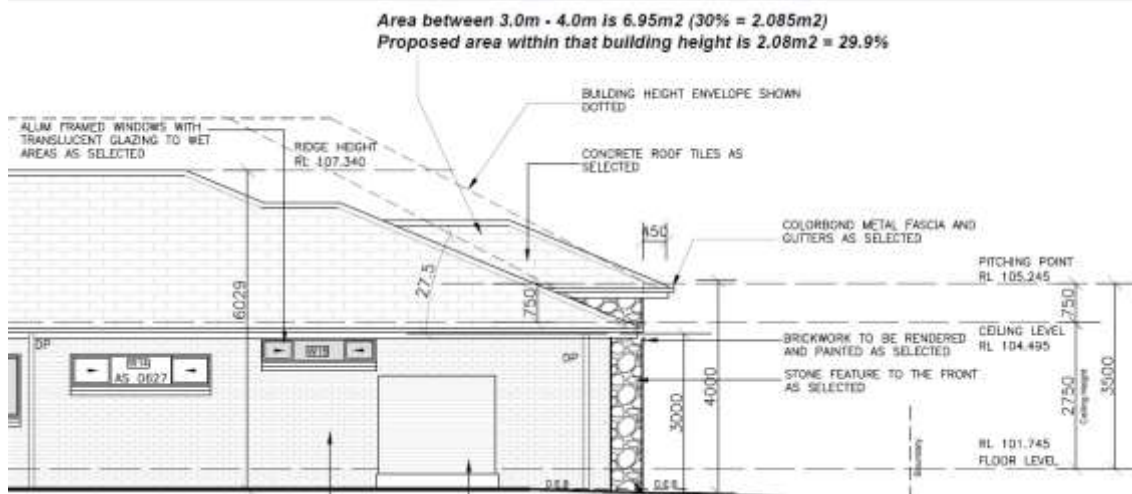


Figure 6: Relationship of the proposed building to Heritage NSW building envelope.

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 is in the process of being forwarded to the DPIE for Gateway Determination.

ASSESSMENT

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

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



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

The environmental planning instruments that apply to the development are:

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

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

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

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

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

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

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

SREP 20 seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context.

The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

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

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

Site Zoning and Permissibility.

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

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

Planning Controls

An assessment table in which the development is considered against the Growth Centre SEPP's 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 clause 4.3 of Appendix 9 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 6.124m in height, breaching the development standard by 1.124m or 22.48%.

Pursuant to clause 4.6(3) of Appendix 9 – 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 to/from Oran Park House.
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not impact the intended type, or character of the desired development rather, aligns with the intended development of single storey dwellings.
- The development contravention facilitates orderly and proper delivery of development as intended by the DCP.
- The request also demonstrates that relevant tests established in the Land and Environment Court (as set out in the Department's 2011 guideline for varying development standards) can be met:
 - The objectives of the standard and the R2 Low Density Residential zone are achieved notwithstanding non-compliance with the standard. A single storey detached dwelling which meets combined design requirements of setbacks, floor space ratio, and hipped roof forms ensures there are no significant adverse impacts. The objectives and intent of built form surrounding Oran Park House will be preserved.
 - If compliance was required the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as intended in the heritage curtilage, consistent with the DCP controls and heritage guidelines.
 - Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and surrounds. The dwelling is consistent with the intended outcome for residential land surrounding Oran Park House with simple hipped and/or gabled roof forms of at least 22.5°.



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

The clause 4.6 request establishes 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 6.124m building height to its 22.5⁰ 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 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.
 - 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 9 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 because 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.

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

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

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

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

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

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

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

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

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



(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 28 days in accordance with Schedule 1 'Community Participation Requirements' of *Environmental Planning & Assessment Act 1979* and Camden Community Participation Plan 2021. The exhibition period was from 21 September 2021 to 18 October 2021. No submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

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 were issued by the delegate of the Heritage Council of NSW on 25 November 2021, refer to attached documents.

Conditions that require compliance with the GTAs 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 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Camden Growth Centres Precinct Plan, to the contravention of the maximum height of building development standard in Clause 4.3 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and**
- ii. **approve DA/2021/1438/1 for construction of a single storey dwelling house with associated site works and inground swimming pool at 21 Gleeson Rise, Oran Park, subject to the conditions of consent attached to this report.**

REASONS FOR DETERMINATION

1. The Panel has considered the written request to contravene Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the maximum height of buildings development standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances and that, despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the particular circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument, being Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

ATTACHMENTS

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

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 they are amended by the conditions of this development consent:

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Sheet 3	Site Plan	Sydney Drafting Concepts and Design	23/11/2021 Rev 12
Sheet 4	Ground Floor Plan		
Sheet 5	Roof Plan		
Sheet 6	Southern & Eastern Elevations		
Sheet 7	Northern & Western Elevations		
Sheet 8	Pool Plan Sections A-A and B-B		
Sheet 13	Stormwater Management Plan		
Sheet 14	Cut & Fill		
Sheet 15	Landscape Plan		

Document Title	Prepared by	Date
BASIX Certificate No: 1222856S 02	Sydney Drafting Concepts & Design	6/12/2021
Waste Management Plan		submitted with the DA
Colour Schedule		

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

- a) The proposed pool and any associated coping and paved areas shall be located clear of and outside the drainage easement (A), with no change of levels to occur within the easement area.
- b) The internal driveway width shall be reduced to a maximum of 6m to comply with Part 4.1.21 of Schedule 4, Camden Growth Centre Precincts DCP.
- c) Side boundary fencing must have a maximum height of 1.8m commencing 2m behind the front building line of the dwelling house to comply with Part 4.2.10 of Camden Growth Centre Precincts DCP.

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

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

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

- (8) **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.

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

The general terms of approval/requirements are:

1. Heritage Council of NSW – General Terms of Approval – HMS Application ID:422 – CNR-28330, dated 25/11/2021.

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 *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 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.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:

- a) a description of the work to be carried out;
- b) the address of the land on which the work is to be carried out;
- c) the registered number and date of issue of the relevant development consent;
- d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
- e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and

a telephone number on which the principal certifier may be contacted for business purposes.

- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:

- a) the name and address of the person by whom the notice is being given;
- b) a description of the work to be carried out;
- c) the address of the land on which the work is to be carried out;
- d) the registered number and date of issue of the relevant development consent and construction certificate;
- e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
- f) the date on which the work is intended to commence.

- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:

- a) a Construction Certificate has been issued by a certifier;
- b) a principal certifier has been appointed by the person having benefit of the development consent;
- c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
- d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
- e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the principal certifier.

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

- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin 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) **Swimming Pool Fence Design** - The swimming pool 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) **Waste Water From Swimming Pools and Spas** - All swimming pool waste water shall be disposed of as follows:

Sand Filters

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

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

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

Cartridge Filters

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

- (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:
- a) bears a notice containing the words "This swimming pool is not to be occupied or used";
 - b) is located in a prominent position in the immediate vicinity of the swimming pool; and
 - c) 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.

- (20) **Materials, colours and finishes** – The dwelling is to be constructed using the approved materials, colours and finishes.

5.0 - Prior to Issue of an Occupation Certificate

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

- (1) **Survey Certificate** - A registered surveyor shall prepare a Survey Certificate to certify that the location of the building in relation to the allotment boundaries complies with the approved plans or as specified by this consent. The Survey Certificate shall be provided to the satisfaction of the principal certifier.
- (2) **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.
- (10) **Completion of Landscape Works** – All landscape works are to be undertaken on accordance with the approved landscape plan.

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.

Assessment Tables – DA/2021/1438/1 – 21 Gleeson Rise, Oran Park


State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - All Buildings			
Clause	Standard	Assessment	Compliance?
Appendix 9, 4.3 Height of Buildings	5m	5.98m This is subject to a request under clause 4.6 to contravene this development standard.	No
4.4 FSR	Max 0.45:1	745.3sqm site area 244.95sqm GFA 0.328:1	Yes
State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Dwelling Houses			
Clause	Standard	Assessment	Compliance?
Appendix 9, 4.1AB Minimum Lot Size for Residential Development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential	For land zoned R2 Low Density Residential or R3 Medium Density Residential, ≥300m ² lot size if the dwelling density for the site is 15, 20 or 25dw/ha	745.3sqm	Yes
Camden Growth Centre Precincts Development Control Plan – Residential Development on All Lots			
Section	Control	Assessment	Compliance?
4.1.1 Site Analysis	A site analysis plan must be provided	Satisfactory site analysis details have been provided	Yes
4.1.2 Cut and Fill	≤1m cut and fill	<1m	Yes
	Fill within 2m of a boundary contained by a drop edge beam (DEB)	DEB will be provided as indicated on plan, <1m.	Yes
	Drop edge beam ≤1m above existing ground level	No excavation or backfill proposed alongside the driveway	Yes
	Excavation or filling alongside driveways retained by a retaining wall		N/A
	Retaining walls ≥300mm from property boundaries	No retaining walls are proposed, there are existing retaining walls on the rear boundary.	N/A
	Height of voids ≤3m (refer to Figure 4-1)	No sub floor void areas are proposed.	N/A
4.1.3 Sustainable Building Design	Majority of plant species selected from Appendix C with indigenous species preferred	Species proposed are generally exotic rather than indigenous but this is not inconsistent with the heritage context of the site, close to Oran Park House.	N/A
	Compliance with BASIX requirements	A compliant BASIX certificate has been submitted with the DA and the DA plans are consistent with relevant commitments, with full compliance for the construction certificate stage of the development	Yes
4.1.4	Development must comply with the salinity management plan developed at the subdivision phase or at Appendix B of the Growth DCP	Salinity management will be dealt with in terms of requirements of relevant management plan for the	Yes

Salinity, Sodicty and Aggressivity	Salinity must be considered during the siting, design and construction of dwellings	construction certificate stage subject to recommended conditions of consent. There are no expected impediments for the siting of the dwelling	Yes
4.2.2 Streetscape and Architectural Design	Primary street facade must incorporate ≥ 2 design features	Primary street façade incorporates porch entry area, architectural elements and mix of materials.	Yes
	≥ 450 mm eaves overhang measured from the fascia board (except for walls built to the boundary)	450mm eaves are proposed.	Yes
	Pitch of hipped and gable roof forms on main dwelling between 22.5° and 30°	22.5° roof pitch is provided.	Yes
	Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling	The garages are incorporated in the design of the dwelling.	Yes
	Front facade to feature ≥ 1 habitable room with a window facing the street	A bedroom window face the street.	Yes
4.2.4 Side and Rear Setbacks Refer to Schedule 4	Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback	A swimming pool is located in the rear setback.	Yes
4.1.14 Setbacks for the very low density area surrounding Oran Park House	For dwellings with a 0.9m setback, projections into the side and rear setback areas include 450mm eaves, fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units	Complies minimum 1m setback to southern elevation, contains HWU, A/C and rainwater tank, with 450mm eaves	Yes
4.2.5 Dwelling Height, Massing and Siting	Generally ≤ 2 storeys high. A third storey may be permitted where located on a prominent street corner, adjacent to certain commercial sites or open space, on sites with a slope $\geq 15\%$ or if within the roof line of the building (i.e. an attic)	N/A – Single storey control applies under Schedule 4 of the DCP – refer below.	N/A
	Ground floor level ≤ 1 m above finished ground level	< 1 m	Yes
4.2.6 Landscaped Area	Surface water drainage provided as necessary to prevent the accumulation of water	Suitable surface drainage can be provided.	Yes
	Low water demand drought resistant vegetation used for the majority of landscaping, including native salt tolerant trees	Species proposed are generally exotic rather than indigenous but this is not inconsistent with the heritage context of the site, close to Oran Park House.	N/A
4.2.7 Private Open Space	Principal private open space (PPOS) to be determined having regard to dwelling design, topography, allotment orientation, adjoining dwellings, landscape features and topography	PPOS located to rear of the dwelling with suitable orientation and accessible from alfresco and living areas.	Yes
	PPOS conveniently accessible from a main living area of a dwelling or alfresco room		Yes
	$\leq 1:10$ PPOS gradient	level gradient can be provided	Yes
4.2.8 Garages, Site Access and Parking	≥ 1 car parking space must be behind the building line where the space is accessed from the street on the front property boundary	3 parking spaces provided within the garages.	Yes
	≥ 1 m driveway clearance from infrastructure	Clearance provided	Yes
	Driveways are to have soft landscaped areas on either side, suitable for water infiltration	landscaped area provided either side of driveway	Yes
	Garage design and materials are to be consistent with the dwelling design	Garage design consistent the dwelling	Yes
	≤ 6 m double garage door width	Double garage door with 5.17m door width	Yes
	≥ 5.6 m x 5.5m double garage internal dimensions	Double garage – 5.7 x 6.12 with additional storage area	Yes

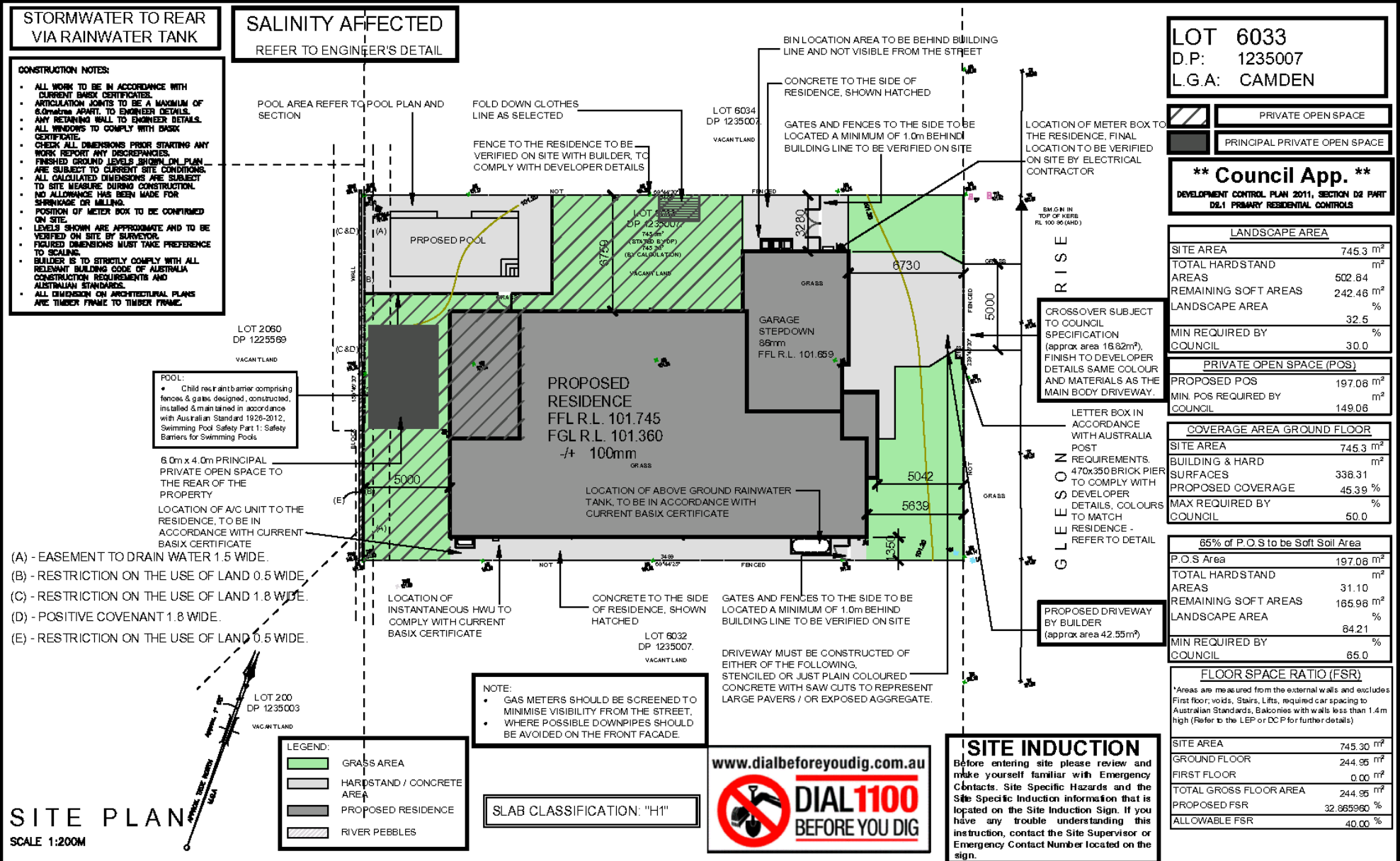
	Garage doors are to be visually recessive through the use of materials, colours and overhangs such as second storey balconies	garage door suitably recessive.	Yes
4.2.9 Visual and Acoustic Privacy	Direct overlooking of main habitable areas and private open spaces of adjacent dwellings should be minimised through building layout, window and balcony location and design, and the use of screening devices, including landscaping	Single storey dwelling is proposed and therefore no expected overlooking or privacy impacts	Yes
	Living area windows with a direct sightline within 9m to the PPOS of an existing adjacent dwelling are to: <ul style="list-style-type: none"> be obscured by fencing, screens or appropriate landscaping, be offset from the edge of one window to the edge of the other by a distance sufficient to limit views into the adjacent window, have a sill height of 1.7m above floor level, or have fixed obscure glazing in any part of the window below 1.7m above floor level 	Yes	
	The design of dwellings must minimise the opportunity for sound transmission through the building structure, with particular attention given to protecting bedroom and living areas	The standard proposed masonry construction would mitigate any impacts for the dwelling	Yes
	No electrical, mechanical or hydraulic equipment or plant shall generate a noise level >5dBA above background noise level measured at the property boundary during the hours of 7am-10pm and noise is not to exceed background levels during the hours of 10pm-7am	No impacts expected from standard/domestic equipment.	Yes
	The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies) and building plant must be designed to minimise noise impact and transmission	The single storey scale and design of the dwelling would mitigate any such impacts.	Yes
	Noise walls are not permitted	None proposed	N/A
	Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction and the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors	The standard masonry construction will be satisfactory, as the dwelling is not located on a busy road and no specific road traffic noise requirements or report apply.	Yes
4.2.10 Fencing	Front fencing ≤1m high, contemporary and visually open in nature (≤50% solid)*	No front fencing is proposed, low hedging and 3 trees are proposed to the frontage as part of the landscaping scheme.	N/A
	Front fences and walls are not to impede safe sight lines for traffic		N/A
	Side and rear fencing ≤1.8m high commencing 2m behind the building line (refer to Figure 4-2)	Suitable fencing can be provided.	Yes
	Side fences not on a street frontage ≤1.2m high to a point 2m behind the primary building line	None proposed in front of the building line.	N/A
Camden Growth Centre Precincts Development Control Plan - Lots with >15m Frontage Width for Front Accessed Dwellings			
Some table controls are superseded by Development Near Oran Park House specific controls denoted by asterisks*			
Table	Control	Assessment	Compliance?
Table 4-5 Site Coverage	≤50% site coverage for single storey dwellings	40.25%	Yes
Table 4-5 Soft Landscaped Area	≥30% soft landscaped area	31.5%	Yes
Table 4-5 Principal Private Open Space (PPOS)	≥24m ² PPOS with ≥4m dimension	>24m ² Approx. 155sqm to the rear and side of dwelling comprising soft landscaped area	Yes

Table 4-5 Solar Access	Sunlight must reach $\geq 50\%$ of the PPOS of the subject dwelling and adjoining properties for ≥ 3 hours between 9am and 3pm on 21 June	The solar access requirements can be achieved for north facing PPOS at the side and rear of the dwelling. No adjoining dwelling adversely impacted	Yes
Table 4-5 Garages and Car Parking	Front or rear loaded double and tandem garages are permitted	Front loaded double garage is proposed	Yes
	≤ 6 m double garage carport and garage door width	5.17m	Yes
	≥ 2 car parking spaces for 3+ bedroom dwellings	> 2 spaces provided for 4 bedroom dwelling	Yes
Camden Growth Centre Precincts Development Control Plan – Schedule 4 4 - Site Specific Controls 4.1 - Development surrounding Oran Park House			
Table	Control	Assessment	Compliance?
4.1.1 General controls	<p>1. 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>2. 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>3. Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p>  <p>4. 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 application is being dealt with integrated development with no exemption from approval under the Heritage Act.</p> <p>The application will not meet the guidelines for exemptions in that the design of dwellings for the street block/elevation are not being delivered simultaneously with the DA.</p> <p>The development is not expected to impact significant view lines.</p> <p>The design of the single storey dwelling with pitched roof and articulated facades is expected to be complementary the topography and setting of Oran Park House.</p>	Yes
4.1.2 Oran Park House outer heritage curtilage principles	All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2	The development of the land for a single dwelling house is consistent with the identified very low density residential use.	Yes

	<p>Figure 4-2 – Oran Park House Outer Heritage Curtilage Principles</p>		
<p>4.1.3 Landscape elements - views and vistas</p>	<p>1. Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained</p> <p>2. New plantings must be planted with consideration to the vistas identified in Figure 4-3 and must not obscure the cultural, historical or aesthetic significance of the place in any physical or visual way.</p> <p>Figure 4-3 – Significant Vistas within the Oran Park House curtilage to be preserved</p>	<p>The proposed development will not affect these significant views.</p>	<p>N/A</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. Note: A street block is defined as an area of land containing a single or multiple lots bound by streets/public places on all sides.</p>	<p>This DA does not strictly provide for simultaneous design and delivery of development for this street elevation/street block. However, the dwelling is assessed as being suitable to the site and Heritage NSW have issued GTA based upon a compliance with a building envelope control for these lots to provide for a measure of consistency in dwelling height and design.</p>	<p>N/A</p>
<p>4.1.12 Street facades and visible elevations</p>	<p>1. 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>2. 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>3. 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: • 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>	<p>The dwelling has been designed to include contemporary features and materials and will have architectural merit.</p> <p>The facades will have suitable visual interest with contemporary windows treatments; entry porch/portico and recessed garage doors.</p> <p>Windows to front will have dominant vertical elements.</p> <p>The articulated front elevation incorporates entry porch/portico.</p>	<p>Yes</p>

	<p>4. Colonial style window treatments are not appropriate where visible from the public domain.</p> <p>5. Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion.</p> <p>6. Picture windows or fully glazed walls are permitted to the street façade.</p> <p>7. 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>8. Shadow lines are an appropriate element to complement the overall facade appearance.</p> <p>9. The design of dwellings shall include an articulated front elevation in the direction of the Primary Street. Notes: Shadow lines are a design feature that enhance the elevation of wall treatments, such as corbels or recessions</p>														
<p>4.1.14 Setbacks for the very low density area surrounding Oran Park House</p>	<p>Residential development must comply with the controls in Figure 4-8.</p>  <p>Figure 4-8 – Indicative Subdivision layout in the very low density area surrounding Oran Park House (Catherine Park House)</p> <p>Dwellings must comply with the following minimum setback provisions</p> <table border="1" data-bbox="454 1019 694 1176"> <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>0.5m (average 2m²)</td> </tr> <tr> <td>Corner Lot Side Boundary Setback</td> <td>3m</td> </tr> </tbody> </table> <p>Note: In addition to the minimum side boundary setback of 0.5m, 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.</p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	0.5m (average 2m ²)	Corner Lot Side Boundary Setback	3m	<p>The setbacks will comply with these requirements.</p> <p>Front = 5.042m Garage = 6.73m Rear = 5.0m Northern side setback = min 3.28m up to 6.75m Southern side setback = 1.35m The side setback meet the requirements of Figure 4-8.</p>	<p>Yes</p>
	Minimum														
Front Dwelling Setback	5m														
Front Garage Setback	6m														
Rear Boundary Setback	5m														
Side Boundary Setback	0.5m (average 2m ²)														
Corner Lot Side Boundary Setback	3m														
<p>4.1.15 Building Height</p>	<p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>	<p>The height will exceed the 5m control and is subject to a request to contravene the standard under clause 4.6, Appendix 9 of the SEPP</p>	<p>No</p>												
<p>4.1.16 Roofs</p>	<p>1. Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p> <p>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.</p> <p>3. The minimum eave overhang is 450mm.</p> <p>4. Roofs must use neutral colour tones such as greys, greens or browns.</p>	<p>Roof pitch = 22.5° The design and form is satisfactory and will have 450mm eaves. Roof colour: Lighter grey</p>	<p>Yes</p>												
<p>4.1.17 Lofts, attics and dormer windows</p>	<p>1. 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>2. Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development.</p>	<p>Not a corner lot and no attic rooms are proposed.</p>	<p>N/A</p>												
<p>4.1.18 Garages</p>	<p>1. Garages are required to be setback a minimum of 6m from the front boundary.</p>	<p>The garage is setback 6.49m, with width <50% overall front facade 16.67m garage door 5.17m/31%</p>	<p>Yes</p>												

	<p>2. 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>3. Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>4. 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>5. Garages must be constructed using the same materials as the dwelling.</p>	<p>garage 6.59m/39.5%</p> <p>It is integrated in the building design able to accommodate more than 2 car spaces and constructed of same materials as the remainder of the dwelling.</p>	
4.1.19 Building Materials	<p>1. Building materials and finishes are to be non-reflective.</p> <p>2. Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>3. 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>4. Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted. Schedule 4 - Catherine Field (Part) Precinct NSW Department of Planning, Industry and Environment CM9 Record Number 42</p> <p>5. Front walls may be rendered and have contrasting features to the House.</p> <p>6. The following wall materials are appropriate:</p> <ul style="list-style-type: none"> • Face brickwork with struck or tooled joints; • Light coloured mortar joints; and • Any rendered surfaces painted in neutral colours. 	<p>A satisfactory colour schedule has been provided and has been approved with the Heritage GTA.</p>	Yes
4.1.20 Landscaping	<p>1. 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>2. Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>	<p>Suitable landscaping treatment is proposed, which will comply with these requirements.</p>	Yes
4.1.21 Driveways	<p>1. 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>2. When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.</p>	<p>An exposed aggregate driveway. The internal driveway is approx. 6.7m.</p>	No, driveway to be reduced to 6m by condition
4.1.24 Rooftop fixtures, air conditioners, TV antennas and satellite dishes	<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 proposed</p>	N/A
4.1.25 Letterboxes	<p>1. Letterboxes must not be a visually prominent element on the streetscape.</p> <p>2. Letterboxes must be designed as an integrated feature of the fence</p>	<p>Letterbox is proposed at front, as part of the landscaped treatment.</p>	Yes



LOT 6033
D.P: 1235007
L.G.A: CAMDEN

PRIVATE OPEN SPACE
PRINCIPAL PRIVATE OPEN SPACE

**** Council App. ****
DEVELOPMENT CONTROL PLAN 2011, SECTION D2 PART D2.1 PRIMARY RESIDENTIAL CONTROLS

LANDSCAPE AREA

SITE AREA	745.3 m ²
TOTAL HARDSTAND AREAS	502.84 m ²
REMAINING SOFT AREAS	242.46 m ²
LANDSCAPE AREA	%
MIN REQUIRED BY COUNCIL	32.5 %

PRIVATE OPEN SPACE (POS)

PROPOSED POS	197.08 m ²
MIN. POS REQUIRED BY COUNCIL	149.06 m ²

COVERAGE AREA GROUND FLOOR

SITE AREA	745.3 m ²
BUILDING & HARD SURFACES	338.31 m ²
PROPOSED COVERAGE	45.39 %
MAX REQUIRED BY COUNCIL	50.0 %

85% of P.O.S to be Soft Soil Area

P.O.S Area	197.08 m ²
TOTAL HARDSTAND AREAS	31.10 m ²
REMAINING SOFT AREAS	165.98 m ²
LANDSCAPE AREA	%
MIN REQUIRED BY COUNCIL	64.21 %
65.0 %	

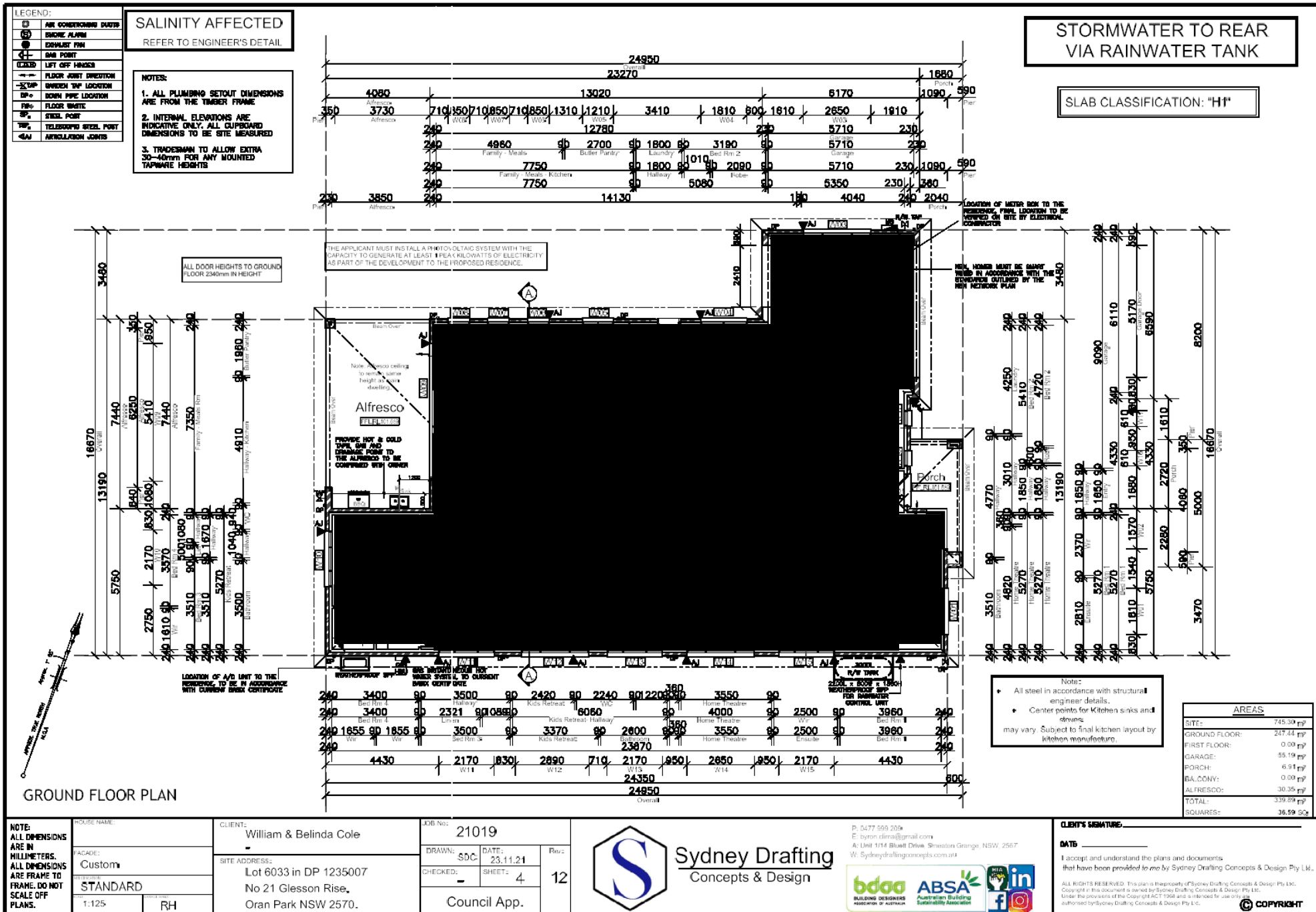
FLOOR SPACE RATIO (FSR)

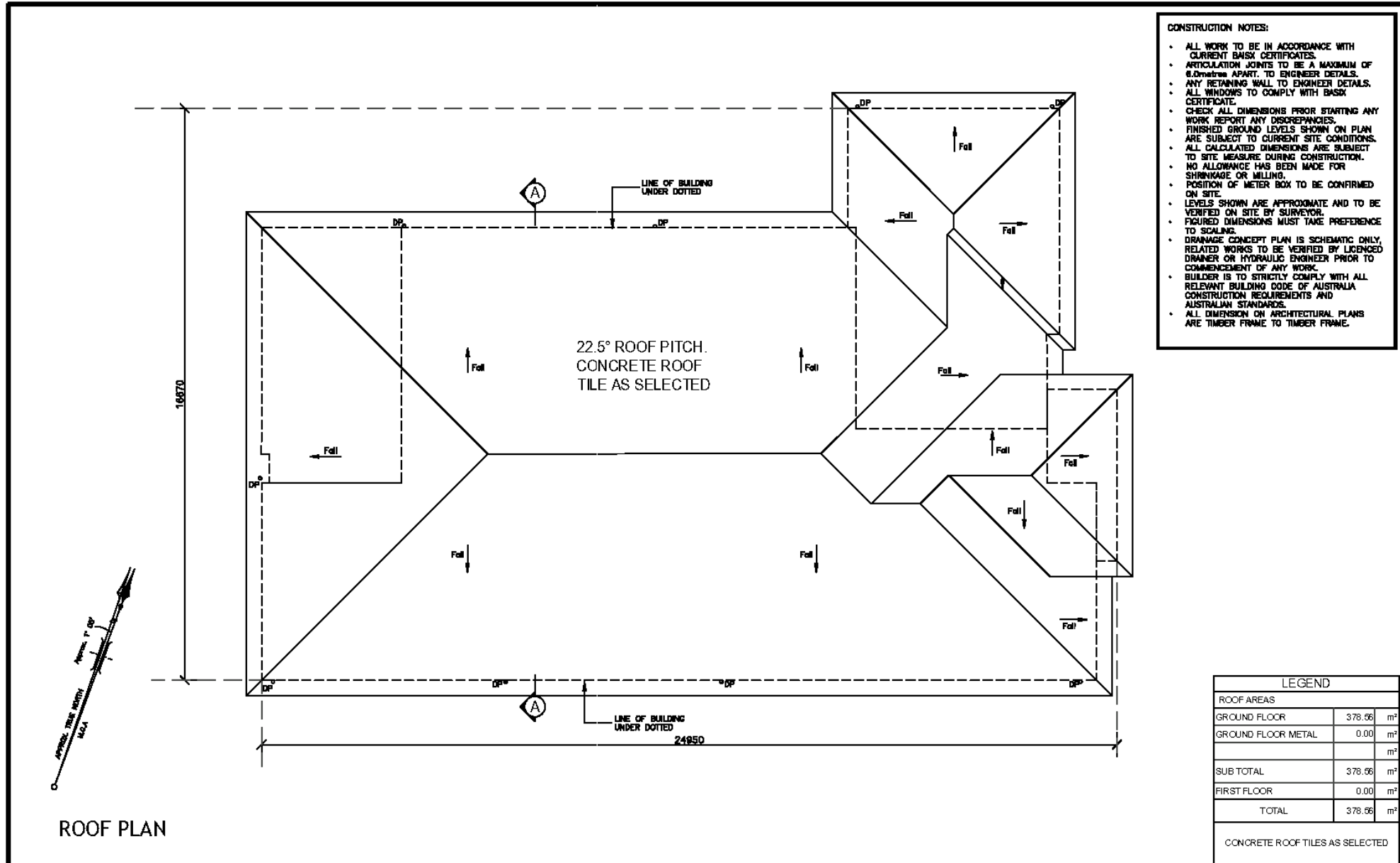
*Areas are measured from the external walls and excludes First floor; voids, Stairs, Lifts, required car spacing to Australian Standards; Balconies with walls less than 1.4m high (Refer to the LEP or DCP for further details)

SITE AREA	745.30 m ²
GROUND FLOOR	244.95 m ²
FIRST FLOOR	0.00 m ²
TOTAL GROSS FLOOR AREA	244.95 m ²
PROPOSED FSR	32.865360 %
ALLOWABLE FSR	40.00 %

SITE PLAN
SCALE 1:200M

<p>NOTE: ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS ARE FRAME TO FRAME. DO NOT SCALE OFF PLANS.</p>	<p>HOUSE NAME:</p>	<p>CLIENT:</p> <p>William & Belinda Cole</p>	<p>JOB NO:</p> <p>21019</p>	<p>DATE: 23.11.21</p> <p>SHEET: 3</p> <p>Rev: 12</p>	<p>SYDNEY DRAFTING CONCEPTS & DESIGN</p>	<p>E: 0477 999 209 E: byron.dim@gmail.com A: Unit 1/14 Bust Drive, Smeaton Grange, NSW, 2507 W: Sydneydraftingconcepts.com.au</p>	<p>CLIENT'S SIGNATURE:</p>
	<p>FRAMING: Custom</p> <p>CONSTRUCTION: STANDARD</p> <p>SCALE: 1:200</p> <p>DATE: RH</p>	<p>SITE ADDRESS:</p> <p>Lot 6033 in DP 1235007 No 21 Glesson Rise, Oran Park NSW 2570.</p>	<p>DRAWN: SDC</p> <p>CHECKED: --</p> <p>Council App.</p>				





- CONSTRUCTION NOTES:**
- ALL WORK TO BE IN ACCORDANCE WITH CURRENT BASIX CERTIFICATES.
 - ARTICULATION JOINTS TO BE A MAXIMUM OF 6.0metres APART, TO ENGINEER DETAILS.
 - ANY RETAINING WALL TO ENGINEER DETAILS.
 - ALL WINDOWS TO COMPLY WITH BASIX CERTIFICATE.
 - CHECK ALL DIMENSIONS PRIOR STARTING ANY WORK REPORT ANY DISCREPANCIES.
 - FINISHED GROUND LEVELS SHOWN ON PLAN ARE SUBJECT TO CURRENT SITE CONDITIONS.
 - ALL CALCULATED DIMENSIONS ARE SUBJECT TO SITE MEASURE DURING CONSTRUCTION.
 - NO ALLOWANCE HAS BEEN MADE FOR SHRINKAGE OR MILLING.
 - POSITION OF METER BOX TO BE CONFIRMED ON SITE.
 - LEVELS SHOWN ARE APPROXIMATE AND TO BE VERIFIED ON SITE BY SURVEYOR.
 - FIGURED DIMENSIONS MUST TAKE PREFERENCE TO SCALING.
 - DRAINAGE CONCEPT PLAN IS SCHEMATIC ONLY, RELATED WORKS TO BE VERIFIED BY LICENCED DRAINER OR HYDRAULIC ENGINEER PRIOR TO COMMENCEMENT OF ANY WORK.
 - BUILDER IS TO STRICTLY COMPLY WITH ALL CONSTRUCTION REQUIREMENTS AND AUSTRALIAN STANDARDS.
 - ALL DIMENSION ON ARCHITECTURAL PLANS ARE TIMBER FRAME TO TIMBER FRAME.

LEGEND		
ROOF AREAS		
GROUND FLOOR	378.66	m ²
GROUND FLOOR METAL	0.00	m ²
		m ²
SUB TOTAL	378.66	m ²
FIRST FLOOR	0.00	m ²
TOTAL	378.66	m ²
CONCRETE ROOF TILES AS SELECTED		

NOTE
ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS ARE FRAME TO FRAME. DO NOT SCALE OFF PLANS.

HOUSE NAME:
FACADE: Custom
STANDARD
1:100 RH

CLIENT: William & Belinda Cole
SITE ADDRESS: Lot 6033 in DP 1235007
No 21 Glesson Rise,
Oran Park NSW 2570.

JOB No: 21019
DRAWN: SDC DATE: 23.11.21 Rev: 12
CHECKED: SHEET: 5
Council App.

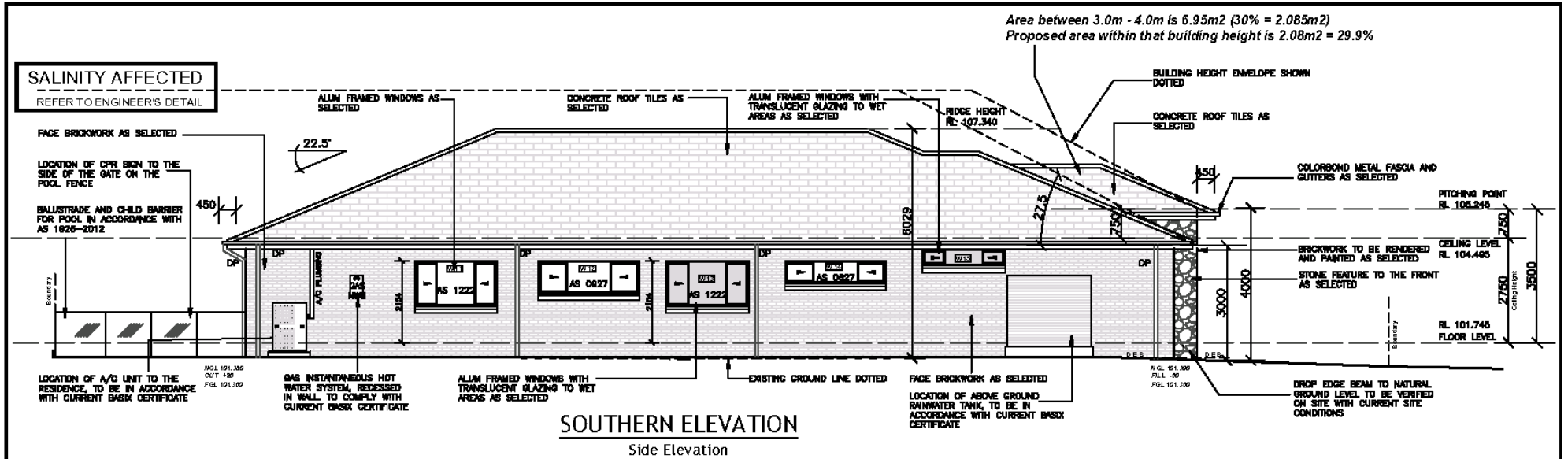


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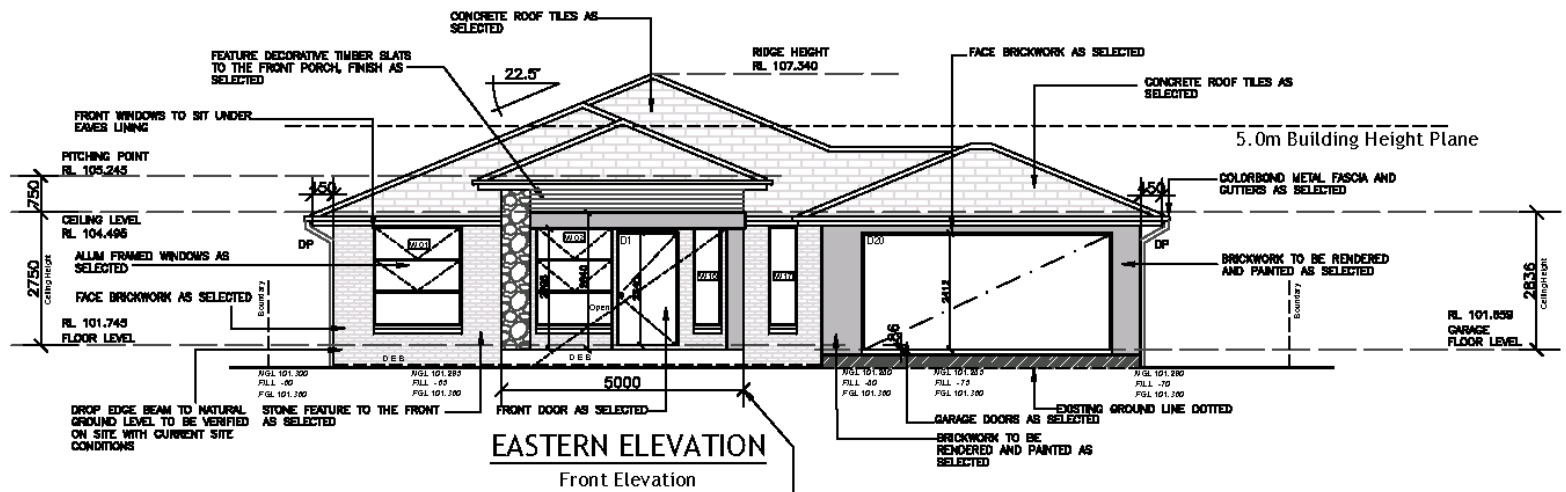
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SOUTHERN ELEVATION
Side Elevation

POOL:

- Child restraint barrier comprising fences & gates designed, constructed, installed & maintained in accordance with Australian Standard 1926-2012, Swimming Pool Safety Part 1: Safety Barriers for Swimming Pools



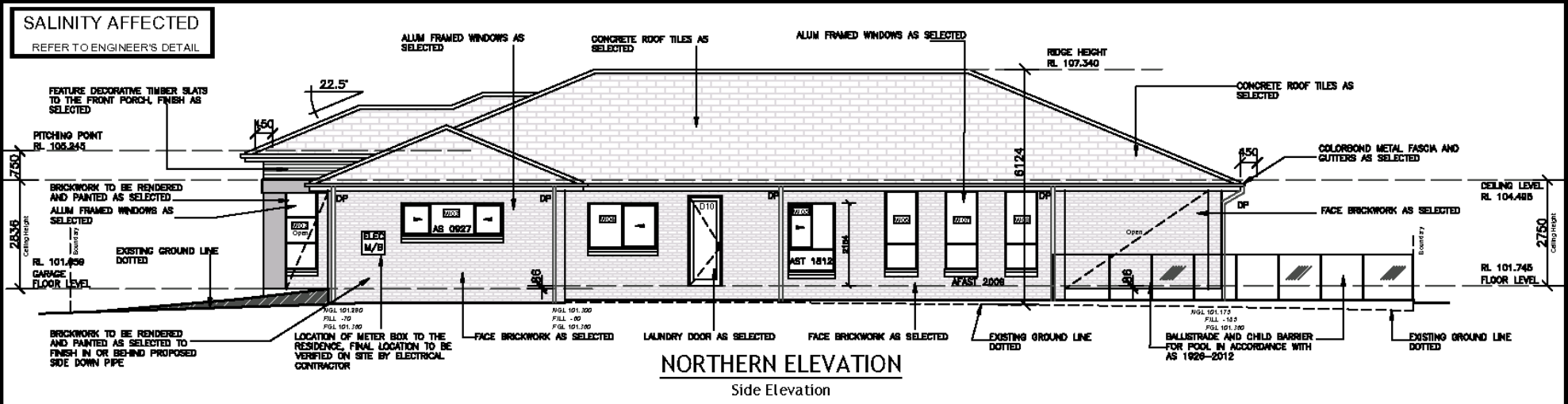
EASTERN ELEVATION
Front Elevation

CONSTRUCTION NOTES:

- ALL WORK TO BE IN ACCORDANCE WITH CURRENT BASIX CERTIFICATE.
- ARTICULATION POINTS TO BE A MINIMUM OF 50mm OFFSET TO ENGINEER DETAILS.
- ANY REINFORCING WALL TO ENGINEER DETAILS.
- ALL WINDOWS TO COMPLY WITH BASIX CERTIFICATE.
- CHECK ALL DIMENSIONS PRIOR STARTING ANY WORK REPORT ANY DISCREPANCIES.
- FINISHED GROUND LEVELS SHOWN ON PLAN ARE SUBJECT TO CURRENT SITE CONDITIONS.
- ALL CALCULATED DIMENSIONS ARE SUBJECT TO SITE MEASURE DURING CONSTRUCTION.
- NO ALLOWANCE HAS BEEN MADE FOR SWELLING OR SETTLING.
- POSITION OF METER BOX TO BE CONFIRMED ON SITE.
- LEVELS SHOWN ARE APPROXIMATE AND TO BE VERIFIED ON SITE BY SURVEYOR.
- ROUNDED DIMENSIONS MUST TAKE PREFERENCE TO SQUARE.
- BUILDER IS TO STRICTLY COMPLY WITH ALL RELEVANT BUILDING CODE OF AUSTRALIA CONSTRUCTION REQUIREMENTS AND AUSTRALIAN STANDARDS.
- ALL DIMENSION ON ARCHITECTURAL PLANS ARE TIMBER FRAME TO TIMBER FRAME.

STORMWATER TO REAR VIA RAINWATER TANK

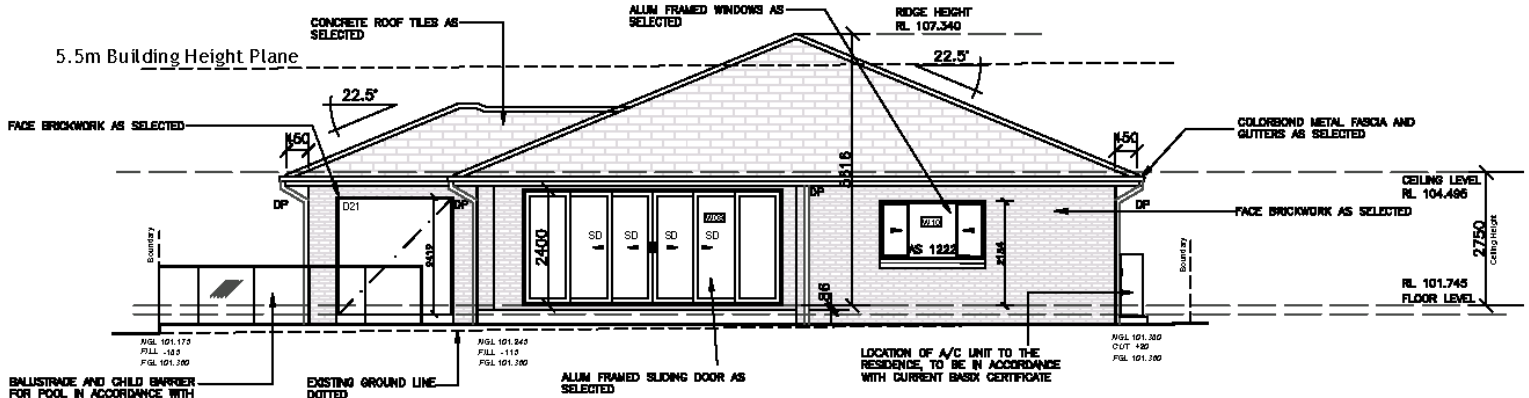
<p>NOTE: ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS ARE FRAME TO FRAME. DO NOT SCALE OFF PLANS.</p>	<p>HOUSE NAME: -</p>	<p>CLIENT: William & Belinda Cole</p>	<p>JOB No: 21019</p>	<p>P: 0477 899 209 E: byron.dlima@gmail.com A: Unit 1/14 Bust Drive, Smeaton Grange, NSW, 2567 W: Sydneydraftingconcepts.com.au</p>	<p>CLIENT'S SIGNATURE: _____ DATE: _____ I accept and understand the plans and documents that have been provided to me by Sydney Drafting Concepts & Design Pty Ltd.</p>	
	<p>FRACADE: Custom</p>	<p>SITE ADDRESS: Lot 6033 in DP 1235007 No 21 Glesson Rise, Oran Park NSW 2570.</p>	<p>DRAWN: SOC DATE: 23.11.21</p>			<p>Rev: 12</p>
	<p>STANDARD</p>	<p>CHECKED: - SHEET: 6</p>	<p>Council App.</p>			<p>Logos: bdaa, ABSA, in, f, ig</p>
	<p>SCALE: 1:100</p>	<p>DATE PLOTTED: RH</p>	<p>Copyright in this document is owned by Sydney Drafting Concepts & Design Pty Ltd. Under the provisions of the Copyright ACT 1968 and is intended for use only as authorised by Sydney Drafting Concepts & Design Pty Ltd.</p>			



NORTHERN ELEVATION
Side Elevation

POOL:

- Child restraint barrier comprising fences & gates designed, constructed, installed & maintained in accordance with Australian Standard 1926-2012, Swimming Pool Safety Part 1: Safety Barriers for Swimming Pools



WESTERN ELEVATION
Rear Elevation

CONSTRUCTION NOTES:

- ALL WORK TO BE IN ACCORDANCE WITH CURRENT BASIX CERTIFICATE.
- ARTICULATION JOINTS TO BE A MAXIMUM OF 50mm APART, TO ENGINEER DETAILS.
- ANY RETAINING WALL TO ENGINEER DETAILS.
- ALL WINDOWS TO COMPLY WITH BASIX CERTIFICATE.
- CHECK ALL DIMENSIONS PRIOR STARTING ANY WORK REPORT ANY DISCREPANCIES.
- FINISHED GROUND LEVELS SHOWN ON PLAN ARE SUBJECT TO CURRENT SITE CONDITIONS. ALL CALCULATED DIMENSIONS ARE SUBJECT TO SITE MEASUREMENT DURING CONSTRUCTION. NO ALLOWANCE HAS BEEN MADE FOR SURVEYING OR MILLING.
- POSITION OF METER BOX TO BE CONFIRMED ON SITE.
- LEVELS SHOWN ARE APPROXIMATE AND TO BE VERIFIED ON SITE BY SURVEYOR.
- FINISHED DIMENSIONS MUST TAKE PRECEDENCE TO DECLINE.
- BUILDER IS TO STRICTLY COMPLY WITH ALL RELEVANT BUILDING CODE OF AUSTRALIA CONSTRUCTION REQUIREMENTS AND AUSTRALIAN STANDARDS.
- ALL DIMENSION ON ARCHITECTURAL PLANS ARE TAKEN FROM TO THICKER FRAME.

STORMWATER TO REAR VIA RAINWATER TANK

NOTE ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS ARE FRAME TO FRAME. DO NOT SCALE OFF PLANS.	HOUSE NAME:	
	FACADE:	Custom
	STANDARD:	STANDARD
	SCALE:	1:100

CLIENT:	William & Belinda Cole
SITE ADDRESS:	Lot 6033 in DP 1235007 No 21 Glesson Rise, Oran Park NSW 2570.

JOB NO:	21019
DRAWN:	SDC
DATE:	23.11.21
CHECKED:	7
SHEET:	7
Rev:	12
Council App.	



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POOL:

- Child restraint barrier comprising fences & gates designed, constructed, installed & maintained in accordance with Australian Standard 1926-2012, Swimming Pool Safety Part 1: Safety Barriers for Swimming Pools

POOL VOLUME CALCULATOR

Fill in the deep and shallow end depths:

Deep End: metres

Shallow End: metres

Calculate Pool Volume: 42750 litres

Select the pool shape and fill in the appropriate fields:

Rectangular

Length (A): metres

Width (B): metres

Oblong

Large Diameter (A): metres

Small Diameter (B): metres

Length (C): metres

SECTION B-B

3.28 Development standards for swimming pools

- A swimming pool must be for private use and associated with a dwelling house.
- Water from a swimming pool must be discharged in accordance with an approval under the *Local Government Act 1995* if the lot is not connected to a sewer main.
- The pump must be housed in an enclosure that is soundproofed.
- Height of coping and decking Coping around a swimming pool must not be more than—
 - 1.4m above ground level (existing), and
 - 300mm wide if the coping is more than 600mm above ground level (existing).
- Decking around a swimming pool must not be more than 600mm above ground level (existing).
- A swimming pool must be located behind the building line of the dwelling house.
- The swimming pool water line must have a setback of at least 1m from a side or rear boundary.
- Heritage conservation areas Despite subclauses (6) and (7), if the swimming pool is being constructed in a heritage conservation area or a draft heritage conservation area the swimming pool must be located—
 - behind the building line of the dwelling house that is adjacent to the rear boundary of the lot, and
 - no closer to each side boundary than the dwelling house.

NOTE
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HOUSE NAME: _____

CLIENT: William & Belinda Cole

FAÇADE: Custom

STANDARD

1:125 RH

CLIENT'S SIGNATURE: _____

DATE: _____

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JOB No: 21019

DRAWN: SDC DATE: 23.11.21 Rev: 12

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bdoo ABSA Australian Building Sustainability Association



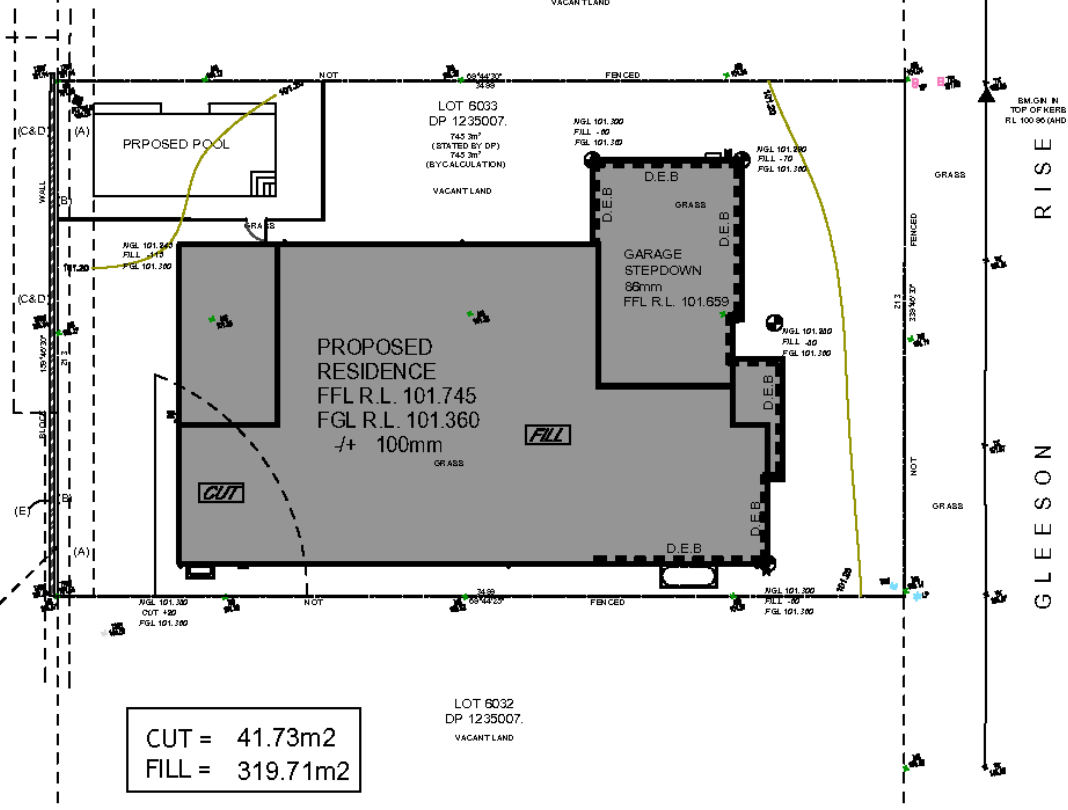
SILT FENCE DETAIL (TO BE WITHIN THE PROPERTY BOUNDARY - DURING CONSTRUCTION ONLY) NOT TO SCALE

DROP EDGE BEAM
 DROP EDGE BEAM TO NATURAL GROUND
 NO EXPOSED FILL PERMITTED OUTSIDE BUILDING PERIMETER

SLAB CLASSIFICATION: "H1"

LOT 6033
 D.P.: 1235007
 L.G.A.: CAMDEN

SALINITY AFFECTED
 REFER TO ENGINEER'S DETAIL



CUT = 41.73m²
FILL = 319.71m²

- (A) - EASEMENT TO DRAIN WATER 1.5 WIDE.
- (B) - RESTRICTION ON THE USE OF LAND 0.5 WIDE.
- (C) - RESTRICTION ON THE USE OF LAND 1.8 WIDE.
- (D) - POSITIVE COVENANT 1.8 WIDE.
- (E) - RESTRICTION ON THE USE OF LAND 0.5 WIDE.

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Before entering site please review and make yourself familiar with Emergency Contacts. Site Specific Hazards and the Site Specific Induction information that is located on the Site Induction Sign. If you have any trouble understanding this instruction, contact the Site Supervisor or Emergency Contact Number located on the sign.

This is the report submitted to the Camden Local Planning Panel – Electronic Determination- Page 116

Architectural Plans

NOTE: ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS ARE FRAME TO FRAME. DO NOT SCALE DFF PLANS.	HOUSE NAME:	CLIENT:
	FACADE:	SITE ADDRESS:
	STANDARD	Lot 6033 in DP 1235007
	1:200	No 21 Gleeson Rise, Oran Park NSW 2570.

JOB NO:	21019
DRAWN:	SDC
DATE:	23.11.21
CHECKED:	...
SHEET:	14
Rev:	12
Council App.	

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Letter Box Detail
Scale 1:10

Side Gate Detail
Scale 1:20

PROPOSED RESIDENCE
FFL R.L. 101.745
FGL R.L. 101.360
± 100mm

PROPOSED POOL
745 3m² (STATED BY DP)
745 3m² (BY CALCULATION)

PROPOSED DRIVEWAY
BY BUILDER (approx area 42.55m²)

CROSSOVER SUBJECT TO COUNCIL SPECIFICATION
(approx area 16.82m²). FINISH TO DEVELOPER DETAILS SAME COLOUR AND MATERIALS AS THE MAIN BODY DRIVEWAY.

TREE PROTECTION DETAIL (NTS)

25 - 75Lr TYPICAL PLANTING (NTS)

BRICK / PAVER EDGING DETAIL (NTS)

PLANT SCHEDULE

BOTANIC NAME	KEY	QTY	POT SIZE (M)	HT (M)	WTH (M)
MAGNOLIA GRANDIFLORA 'LITTLE GEM'		4	225mm	2.0m	2.0m
JUGOS KICOPHYLLA VAR JAPONICA		25	200mm	3.0m	1.0m
JUNCUSNA KUNZII		1	450mm	2.0m	7.0m

LEGEND:

- GRASS AREA
- HARDSTAND / CONCRETE AREA
- PROPOSED RESIDENCE
- RIVER PEBBLES

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NOTE ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS ARE FRAME TO FRAME. DO NOT SCALE OFF PLANS.	HOUSE NAME:	CLIENT:	JOB NO:	DRAWN:	DATE:	REV:
	FACADE:	William & Belinda Cole	21019	SDC	23.11.21	
	STANDARD	Lot 6033 in DP 1235007		CHECKED:	SHEET: 15	12
	1:200	No 21 Glesson Rise, Oran Park NSW 2570.		Council App.		

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Colour schedule

Property: No 21 Glesson Rise, Catherine Park NSW 2557.

<p>Main Colour: Face Brick Work PGH Colour: Truffle</p>	<p>Roof Type / Style: Tiles Monier Roof Colour: Atura Babylon</p>
<p>Fascia: Shale Grey</p>	<p>Window Frame: Surfmist</p>
<p>Gutters: Wallaby</p>	<p>Render to Front Facade: (Dulux) Surfmist</p>
<p>Downpipes: Colorbond Night Sky</p>	<p>Garage Door: Shale grey</p>
<p>Stack Feature Stone: Cultured Stone "Black Rundle" Country Ledge Stone</p>	<p>Front Door & Timer Over Porch: Stained</p>
<p>Driveway: Geo stone - Hayman exposed aggregate</p>	

Attachment 3



CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address: 21 Gleeson Rise, Oran Park 2570

Lot: 6033 **DP1235007**

Date: 20 November 2021 [Version 2]

urbanco

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PO Box 546 PYRMONT NSW 2009
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1 INTRODUCTION

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

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

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

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

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

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

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

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

2 STATUTORY PLANNING FRAMEWORK

2.1 Clause 4.6 - Exceptions to development standards

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

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

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

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

This document forms the written request required under Clause 4.6.

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

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

2.2 Development Standards

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

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

3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

3.1 Development Standard Subject to Variation

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

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

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

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

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

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



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

3.2 Subject Site

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



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

Table 1: Lots in DP1235007 Subject to Clause 4.6 Variation

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

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

Table 2: Land Details Subject to Clause 4.6 Variation Request

Address:	21 Gleeson Rise, Oran Park 2570	
Lot:	6033	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:	6.124 metres
Extent of Proposed Variation*:	22.48 %

* 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.

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

Test 1(a): the objectives of the zone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

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

The proposed variation does not rely on this test.

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

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

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



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

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

4.1.16 Roofs

Controls

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

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

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

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

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

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

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

4.5 Building Height

Controls

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

And:

4.6 Roofs

Controls

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

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

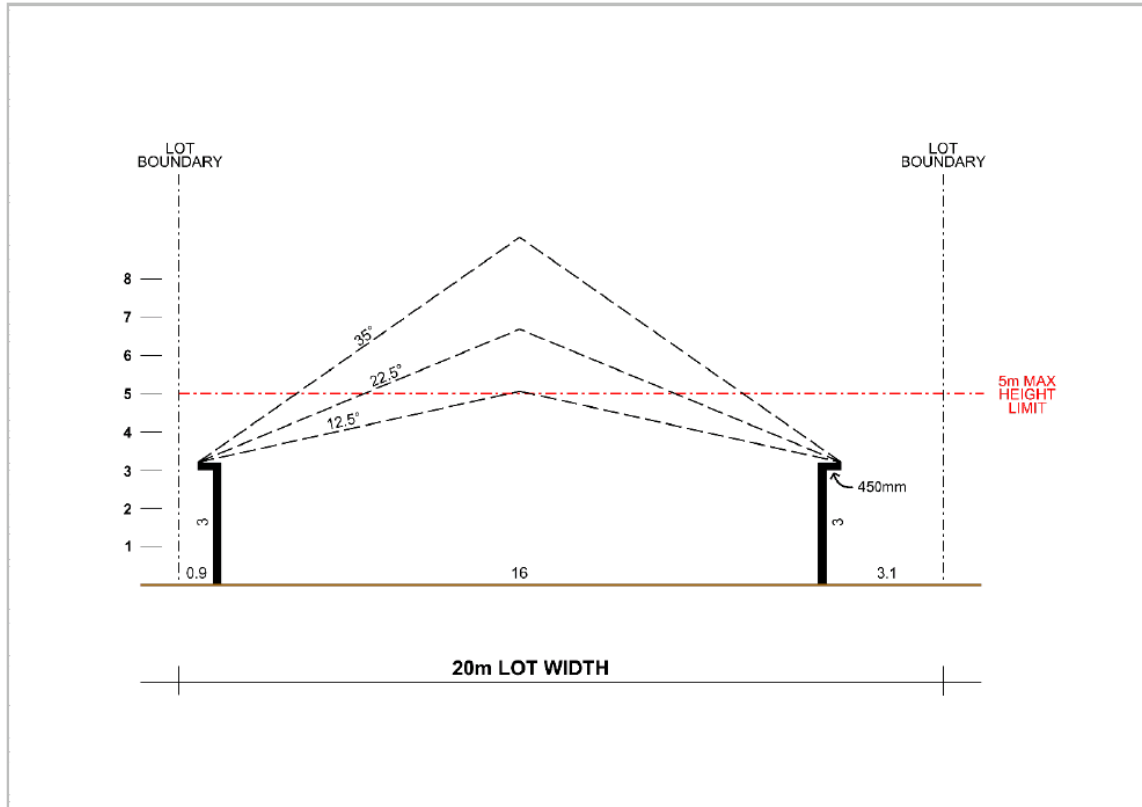


Figure 4 – Building Height & Roof Pitch

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 development is considered unreasonable. In addition, the widespread erection of dwellings with potentially compromised roof forms will be detrimental to the current environmental character of the site and surrounds with respect to the heritage values of Catherine Park House. This would also be contrary to the intended outcomes for residential development around the heritage item potentially resulting in a diminished streetscape character and appearance.

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

Conclusion

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

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

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

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.

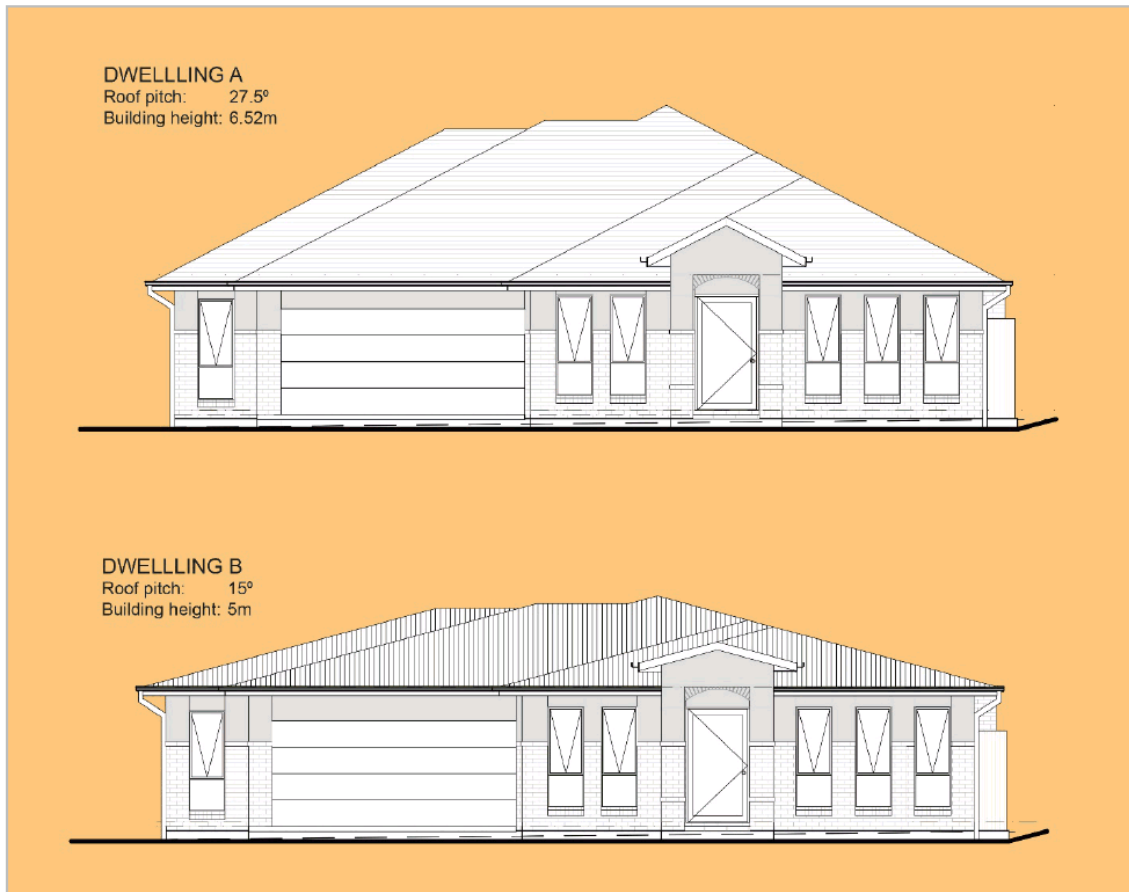


Figure 5 – Dwelling Roof Forms

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.

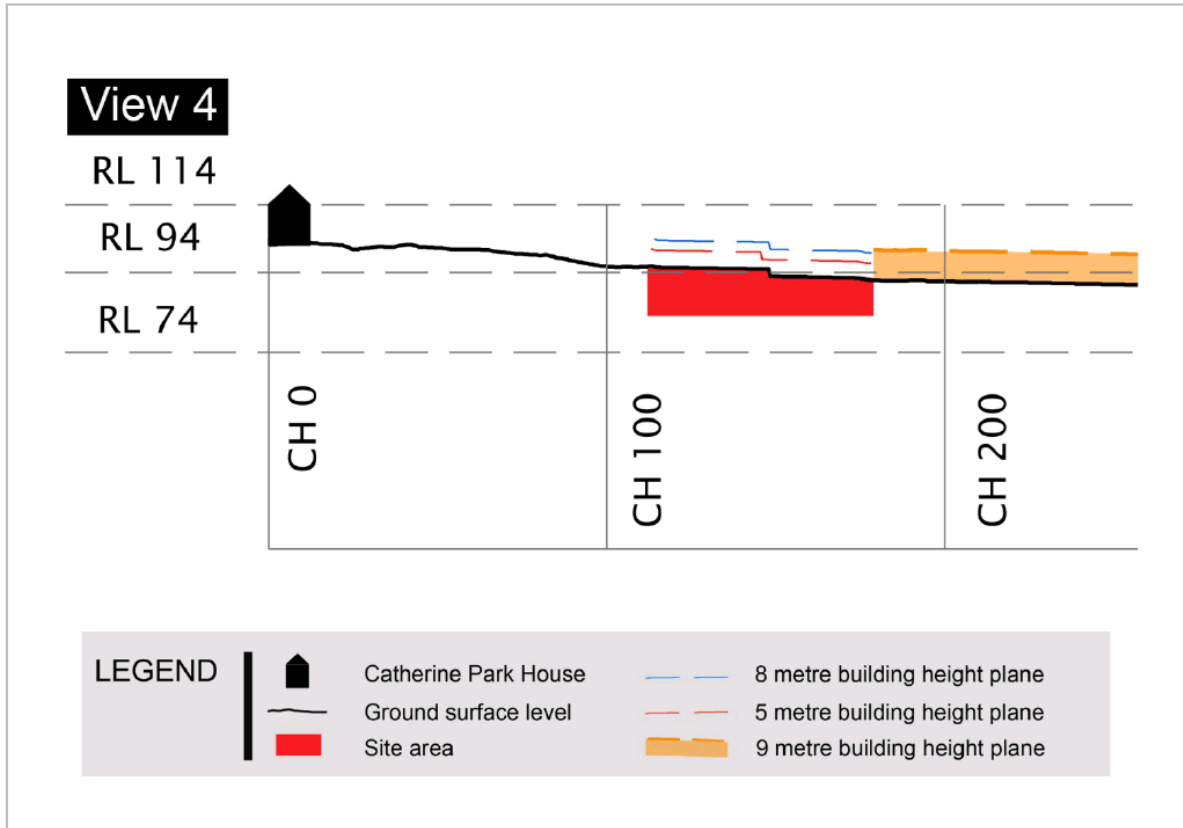


Figure 6 – Extract from View 4 in Views Analysis

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.

5 CONCLUSION

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

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

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

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

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

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

CLPP02

Attachment 4

APPENDIX 1
Views Analysis



Heritage NSW

HMS Application ID: 422
Your ref: CNR-28330

Ray Lawlor
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: 21 Gleeson Rise, Oran Park NSW 2570
SHR item: Oran Park, SHR no. 01695
Proposal: Proposed Single Storey Dwelling and Inground Pool with Associated Retaining Walls where Needed

IDA application no: HMS ID 422, received 17/9/2021

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 Sydney Drafting Concepts & Design as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: Proposed single storey residence with in-ground pool			
1	Cover Sheet	23/11/21	12
2	Basix Certificate	23/11/21	12
3	Site Plan	23/11/21	12
4	Ground Floor Plan	23/11/21	12
5	Roof Plan	23/11/21	12
6	Elevations	23/11/21	12
7	Elevations	23/11/21	12
8	Section A-A – Pool – Driveway Details	23/11/21	12
9	Window & Door Schedule	23/11/21	12
10	Slab Plan	23/11/21	12

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

CLPP02

Attachment 5

11	Site Analysis Plan	23/11/21	12
12	Sedimentation & Waste Plan	23/11/21	12
13	Stormwater Plan	23/11/21	12
14	Cut & Fill Plan	23/11/21	12
15	Landscape Plan	23/11/21	12

- b) *Colour Schedule*, prepared by Sydney Drafting Concepts & Design, submitted to Planning Portal on 3/11/2021.
- c) *Statement of Environmental Effects, Single-storey Residential Dwelling, Lot 6033*, prepared by Urbanco, dated 23 August 2021.

EXCEPT AS AMENDED by the following general terms of approval:

DRIVEWAY MATERIAL

2. The driveway material is required to be in line with the submitted colour schedule: 'Geo stone – Hayman exposed aggregate'.

Reason: The submitted landscape plan is inconsistent with the colour schedule and proposes a black aggregate. The black aggregate is not approved as this would result in visual heritage impact.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

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

ABORIGINAL OBJECTS

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

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

COMPLIANCE

5. 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

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

Reason: To meet legislative requirements.

Advice

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

Right of Appeal

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

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

Yours sincerely


Rajeev Maini
Senior Team Leader, Regional Heritage Assessments South
Heritage NSW
Department of Premier & Cabinet
As Delegate of the Heritage Council of NSW
25 November 2021



CAMDEN LOCAL PLANNING PANEL

CLPP03

SUBJECT: DA/2021/1484/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE WITH ASSOCIATED SITE WORKS - 5 GLEESON RISE, ORAN PARK

TRIM #: 21/622464

DA Number:	2021/1484/1
Development:	Construction of a single storey dwelling house with associated site works
Estimated Cost of Development:	\$430,000
Site Address(es):	5 Gleeson Rise, Oran Park
Applicant:	Mr Lenard Anderson
Owner(s):	Mr. Chetan Anil Yadurkar
Number of Submissions:	One (in support of proposal)
Development Standard Contravention(s):	Clause 4.3 – Height of buildings
Classification:	Local.
Recommendation:	Approve with conditions
Panel Referral Criteria:	Departure from a Development Standard greater than 10%
Report Prepared By:	Lachlan Hutton, Development Assessment Officer, Gateway Team

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for a single storey dwelling house and associated site works at 5 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/2021/1484/1 for a single storey dwelling house 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 a single storey dwelling house with associated site works at 5 Gleeson Rise, Oran Park.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 28 September to the 11 October 2021 and no submissions objecting to the proposal were received.

The proposed dwelling house has a maximum building height of 6.115m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP).

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

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

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

The proposed dwelling house at 5 Gleeson Rise largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021), and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal is in the process of being forwarded to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination.

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

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Sydney Region Growth Centres) 2006 – Clause 4.3 – Building Height – 5m	6.115m	1.115m / 22.3%

AERIAL PHOTO



Figure 1. Aerial Photo of subject lot 6015.



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 6015 DP1235007 and commonly referred to as 5 Gleeson Rise, Oran Park. The site has an area of 536.8m² and is generally level with a small rise of approximately 500mm from the street frontage to rear south eastern corner. There are retaining walls up to approximately 2.53m on the rear western boundary. The lot is burdened by various easements and restrictions, the proposed development does not conflict with these easements and restrictions.

The site is located within the vicinity of an item of state heritage significance, SHR:1695 Oran Park House (also known as Catherine Park House) being approximately 38.8m from the boundary of the item and its curtilage (refer to Figure 2 above).



Image 1. Photo looking to subject lot 6015.

ZONING PLAN

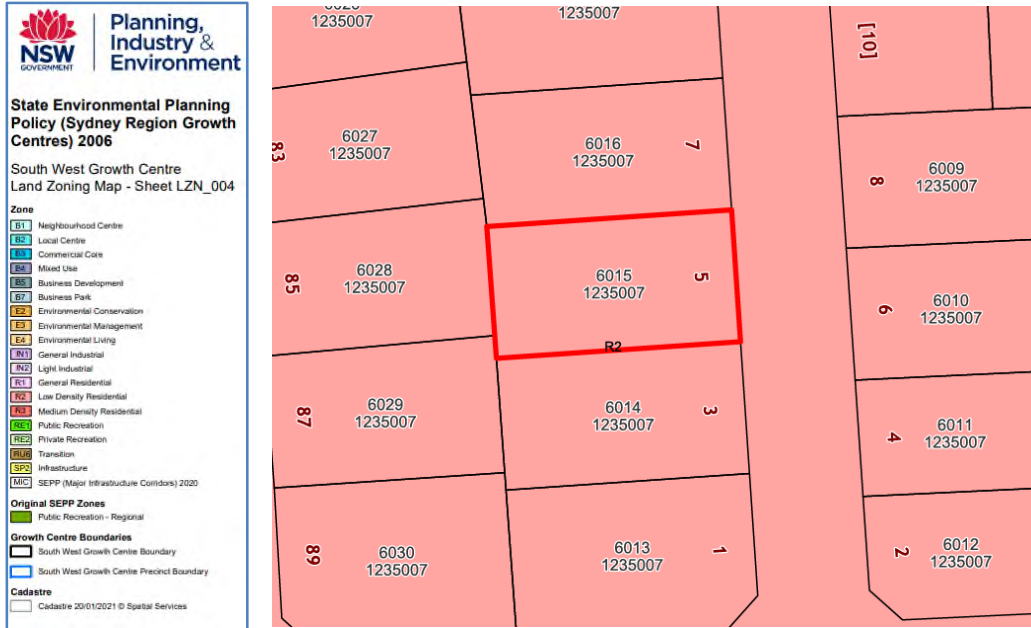


Figure 3. Subject lot 6015 R2 Zoning.

AREA MASTER PLAN

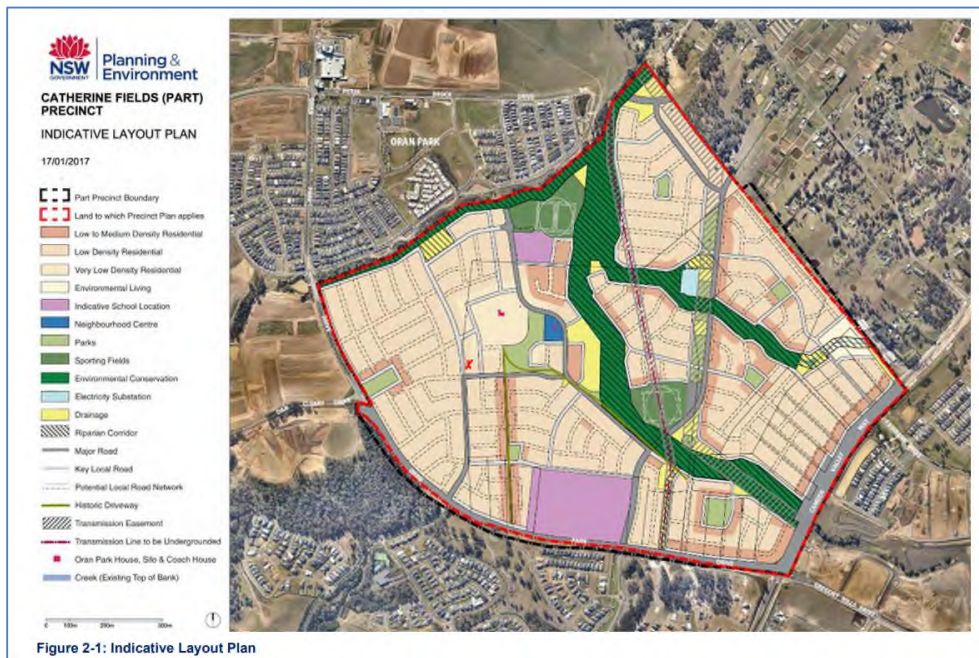


Figure 4. Red 'X' denoting location of lot 6015 (the lot) in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.

HISTORY

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

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

THE PROPOSAL

DA/2021/1484/1 seeks approval to construct a single storey dwelling house with associated site works.

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

The estimated cost of the development is \$430,000.

BACKGROUND

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



Figure 5. Extract from PP/2021/1/1 indicating the subject site, the heritage curtilage and the 5.0m building height development standard – subject lot marked as a red x.

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

Dwelling houses with hipped and gabled roof forms (with a roof pitch greater than 12.5 degrees) will inherently exceed the 5m building height development standard given the relative size (500-700m²) and width of the properties, coupled with the larger building footprint required single storey dwellings. This is illustrated in Figures 6 and 7 below. Council's development controls for dwelling houses in this area require a minimum roof pitch of 22.5 degrees.

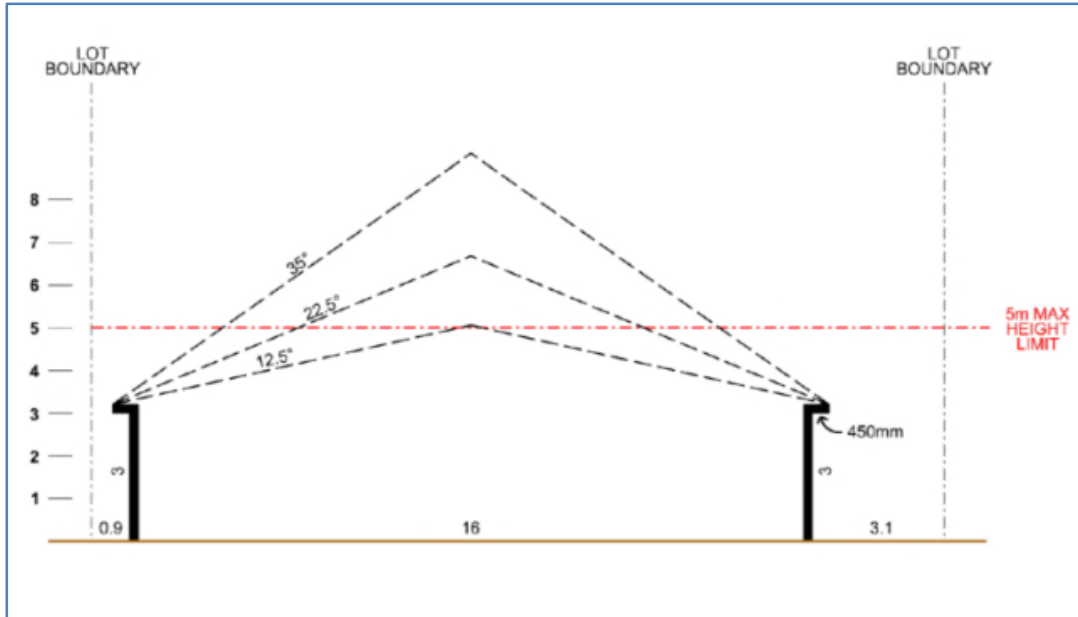


Figure 6. Indicating roof pitch, lot width and building height.



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

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

- the dwelling is single storey;
- the dwelling is a detached dwelling;
- the dwelling is contained within a Standard Building Height Envelope (as recommended by Heritage NSW);



- the dwelling does not exceed 7m; and
- no more than 30% of the front building line is above 4m.

The proposed dwelling house at 5 Gleeson Rise largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal is in the process of being forwarded to the DPIE for Gateway Determination.

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

ASSESSMENT

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

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

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

The environmental planning instruments that apply to the development are:

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

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

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

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

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

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

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

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

SREP 20 seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context.

The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

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

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

Site Zoning and Permissibility

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

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

Planning Controls

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

Clause 4.6 – Exceptions to Development Standards

The application seeks to contravene the height of buildings development standard applying to the site. This development standard prescribes a maximum building height of 5m from existing natural ground level. The proposed development has a maximum height of 6.115m, thereby contravening the standard by 1.115m or 22.3%.

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

- Compliance with the 5m height of buildings standard would detract from the design of the single storey dwelling and the overall streetscape;
- The height contravention will not impact on views and vistas to/from Oran Park House;
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch;
- The development contravention does not impact the intended type, or character of the desired development rather, aligns with the intended development of a single storey dwelling with appropriately pitched roof. The objectives and intent of built form surrounding Oran Park House will therefore be preserved;



- The development contravention facilitates orderly and proper delivery of development as intended by the DCP. The contravention will have no significant environmental impact; and
- The request also demonstrates that relevant tests established in the Land and Environment Court are met.

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

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

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

1. Indicative Layout Plan.

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

2. Clause 4.3 'Height of Buildings' – Objectives.

Alignment with the objectives of Clause 4.3 are maintained. The development contravention will not result in development greater than single storey and it will be consistent with objectives to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.

3. R2 Low Density Residential Zone Objectives.

The development contravention will not depart from the objectives of the R2 Low Density Residential zone and not be inconsistent with intended outcomes for the zone, as it will:

- provide for the housing needs of the community within a low-density residential environment; and
- provide a diverse range of housing types to meet community housing needs within a low-density residential environment.

4. Site-specific objectives and controls.

Strict compliance with the 5m building height standard does not result in a dwelling design outcome, including roof form and pitch, that appropriately responds to the unique characteristics of the precinct, and the historically significant Oran Park House.

5. Alignment with DCP controls.

The building height standard contravention does not result in additional non-compliances with any development controls in the Camden Growth Centres Precinct DCP and Schedule 4 Catherine Fields (Part) Precinct. The single storey development is considered to fulfill the relevant controls and their objectives.

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

Consequently, it is recommended that the Panel support this proposed contravention to Clause 4.3 – Height of Building of Appendix 9 of the Growth SEPP.

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

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

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

The development controls plans that apply to the development are:

- Camden Growth Centre Precincts Development Control Plan (Camden Growth Centres DCP).
- Catherine Fields (Part) Precinct Development Control Plan.

An assessment table in which the development is considered against the Camden Growth DCP and the Catherine Fields (Part) Precinct Development Control Plan) 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 2000* prescribes several matters that are addressed in the conditions **attached** to this report.

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

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



(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 29 September to 12 October 2021. No submissions objecting to the proposal were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

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

RECOMMENDED

That the Panel:

- i. **support the applicant's written request lodged pursuant to Clause 4.6(3) of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Camden Growth Centres Precinct Plan, to the contravention of the maximum height of building development standard in Clause 4.3 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and**
- ii. **approve DA/2021/1484/1 for the construction of a single storey dwelling house at 5 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 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the maximum height of buildings development standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances and that, despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the particular circumstances of the case.

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2. The development is consistent with the objectives of the applicable environmental planning instrument, being Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
 3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan.
 4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
 5. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

ATTACHMENTS

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

RECOMMENDED CONDITIONS**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
DWG. No DC-01, Issue E.	Site Plan.	Black Cow Studio.	24/10/2021.
DWG. No DC-02, Issue E.	Floor Plan.	Black Cow Studio.	24/10/2021.
DWG. No DC-03, Issue E.	Elevations.	Black Cow Studio.	24/10/2021.
DWG. No DC-04, Issue E.	Elevation, Section.	Black Cow Studio.	24/10/2021.
DWG. No DC-06 and DC-09, Issue E.	Window Schedule/Concept Drainage Plan.	Black Cow Studio.	24/10/2021.
DWG. No DC-08, Issue E.	Landscape Plan.	Black Cow Studio.	24/10/2021.
DWG. No DC-10, Issue E.	Cut and Fill Diagram.	Black Cow Studio.	24/10/2021.
DWG. No DC-05, Issue E.	Colour Schedule.	Black Cow Studio.	24/10/2021.

Document Title	Prepared by	Date
BASIX Certificate, No. 1239784S.	Outsource Ideas.	16/09/2021.
Waste Management Plan.	Lenard Anderson.	10/08/2021.

- (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

a telephone number on which the principal certifier may be contacted for business purposes.

- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the principal certifier.
- The sign shall be maintained while the work is being carried out and removed upon the completion of works.
- (6) **Site is to be Secured** - The site shall be secured and fenced.

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

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

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

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

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

4.0 - During Works

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

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

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

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

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

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

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

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

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

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

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

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

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For Virgin Excavated Natural Material (VENM):

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

For Excavated Natural Material (ENM):

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

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

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

5.0 - Prior to Issue of an Occupation Certificate


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

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

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

Clause.	Assessment.	Compliance.
<p>Appendix 9, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. • To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. • To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone of Appendix 9 – SEPP (Sydney Region Growth Centres) 2006.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> • 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>

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

<p>Appendix 9, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p>  <p>Maximum height of buildings = 5.0m 'C'.</p>	<p>The proposed development has a maximum building height of 6.115m.</p>	<p>No (Clause 4.6 written request submitted).</p>
<p>Appendix 9, 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>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>

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

<p>Development consent musty not granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p style="padding-left: 40px;">(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p style="padding-left: 40px;">(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>		
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CLPP03

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>There is no fill within 2.0m of a boundary.</p> <p>NA – no fill within 2.0m of a boundary.</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.

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

CLPP03

Attachment 3

Control	Assessment	Compliance?
<p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>Design and construction of dwellings is to make use of locally sourced materials where possible.</p> <p>Residential building design is to use, where possible, recycled and renewable materials.</p> <p>Roof and paving materials and colours are to minimise the retention of heat from the sun.</p> <p>The design of dwellings that are required to attenuate noise shall use, where possible, alternatives to airconditioning, such as acoustic wall ventilators, ceiling fans, or bulkhead-mounted ducted fans to achieve appropriate ventilation.</p>	<p>Outdoor clothes line indicated on architectural plans located appropriately with regards to solar access.</p> <p>Noted.</p> <p>Noted.</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; 	<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. 	Yes.

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

Control	Assessment	Compliance?
<ul style="list-style-type: none"> • 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>Front facades are to feature at least one habitable room with a window onto the street.</p> <p>Carports and garages are to be constructed of materials that complement the colour and finishes of the main dwelling.</p>	<p>All eaves 0.450m as identified on sectional drawings.</p> <p>Hipped roof pitch of 22.5 degrees proposed.</p> <p>Front façade to feature bed 1 with windows facing the street.</p> <p>Proposed garage to be constructed in conjunction with the dwelling – proposed garage to complement colour and finish of main dwelling.</p>	
<p>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>

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

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 = 99.7 – lowest associated point of NGL = 99.2 = 0.5m</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.</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 street – lot has natural fall to street.</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 carparking spaces provided.</p> <p>2 carparking spaces provided behind the building line via double car garage.</p> <p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p>	Yes.

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

Control	Assessment	Compliance?
<p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.8m.</p> <p>Double garage internal dimensions = 5.640 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 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</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.


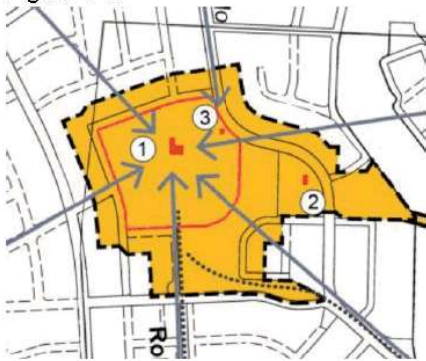
Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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>No front fencing proposed.</p> <p>Side boundary return fences indicated at 2.0m behind the building line.</p>	Yes.
<p>Table 4-5 – Front setback. 4.5m to building façade.</p>	Primary eastern boundary setback = 4.5m.	Yes.
<p>Table 4-5 – Articulation zone. 3.0m if not fronting open space.</p>	Porch (articulation feature) setback 3.2m from primary eastern boundary line.	Yes.
<p>Table 4-5 – Garage setback. 5.5m to garage line and 1m behind the building line.</p>	Garage setback 5.5m from primary eastern boundary line.	Yes.

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

Control	Assessment	Compliance?
Table 4-5 – Side setbacks. Ground floor (Side A) = 0.9m Ground floor (Side B) = 0.9m. Upper floor (Side A) = 1.5m. Upper floor (Side B) = 0.9m.	Northern side boundary setback: Side (A) ground = 1.550m. Southern side boundary setback: Side (B) ground = 1.3m. The proposed development is single storey only	Yes.
Table 4-5 – Rear setback. Ground = 4.0. Upper floor = 6.0m.	Rear western boundary setback at ground = 4.0m. NA – single storey only.	Yes.
Table 4-5 – Site coverage. Maximum 50% at ground floor. Maximum 30% at upper floor.	Site coverage = $265.347/536.8 = 49.44\%$.	Yes.
Table 4-5 – Soft landscaped area. Minimum 30% of the allotment area.	$188.5/536.8 = 35.11\%$.	Yes.
Table 4-5 – Principal Private Open Space (PPOS). Minimum 24sqm with minimum dimensions of 4m.	PPOS = 144.866sqm 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.	Yes.



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

Control	Assessment	Compliance?
 <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>Approval under NSW Heritage Act 1977 is not required as lot is not mapped within the gazette heritage curtilage.</p> <p>Development is located outside of area identified in figure 4-1. Development is for a single storey dwelling and will not result in significant view lines illustrated in figure 4-1 being compromised.</p> <p>While located outside the identified area, the proposed development was referred to Council's Heritage Advisor who raised no objection to the proposed development.</p>	
		Yes.

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

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Attachment 3

Control	Assessment	Compliance?
<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>Proposed development is not located within the Oran Park heritage curtilage.</p>	
<p>4.1.3 Landscape Elements – Views and Vistas.</p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p> <p>New plantings must be planted with consideration to the vistas identified in Figure 4-3 and must not obscure the cultural, historical or aesthetic significance of the place in any physical or visual way.</p>  <p>Figure 4.3 - Significant Vistas within the Oran Park House curtilage to be preserved</p>	<p>Development is located outside of significant vista line as identified within figure 4.3.</p> <p>As above.</p>	<p>Yes.</p>

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

Control	Assessment	Compliance?
<p>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>NA – development located outside of area identified under heritage.</p>	Yes.
<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>Colonial style window treatments are not appropriate where visible from the public domain.</p> <p>Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion.</p> <p>Picture windows or fully glazed walls are permitted to the street façade.</p>	<p>The proposed development was referred to Council's Heritage Advisor who raised no objection to the proposed development. The proposed development has a contemporary design that respects Oran Park House.</p> <p>Proposed development is located outside of the curtilage area.</p> <p>The proposal will adopt the following design features:</p> <ul style="list-style-type: none"> • Entry porch. • Recessed garage doors setback behind the primary façade. • Rectangular windows. <p>Noted – no colonial style window treatments proposed.</p> <p>All windows to the front façade feature a dominate vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street façade.</p>	Yes.

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

Control	Assessment	Compliance?
<p>An entry portico is to be of contemporary design and appearance. Access to the entry portico may be from either the driveway or a separate path.</p> <p>Shadow lines are an appropriate element to complement the overall facade appearance.</p> <p>The design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p>	<p>Noted.</p> <p>Noted.</p> <p>Front elevation articulated in the form of a stepped building line adopting articulation feature in the form of a porch.</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>	<p>The subject lot is not identified as being within the area identified as being intended for 'very low density area'.</p> <p>The setback controls as per section 4.1.14 and figure 4.8 do not apply.</p>	Yes.
<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 development is not within the heritage curtilage.</p>	Yes.
<p>4.1.16 Roofs.</p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p> <p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p> <p>Roofs must use neutral colour tones such as greys, greens or browns.</p>	<p>Proposed roof pitch is a maximum of 22.5 degrees.</p> <p>Roof adopts hipped formation.</p> <p>Eaves 0.450m in overhang as identified on plans.</p> <p>Colour schedule provided indicates 'woodland grey' colour to be used.</p>	Yes.
<p>4.1.17 Lofts, Attics and Dormer Windows.</p> <p>Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and</p>	<p>Lot is not a corner lot.</p>	Yes.

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

Control	Assessment	Compliance?
<p>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>	Proposed development does not adopt loft, attic or dormer window.	
<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>The objectives of section 4.1.18 discuss protection of amenity and the creation of attractive streetscapes within the Oran Park Heritage Curtilage.</p> <p>The width of the garage being 4.8/14.15 = 33.92%.</p> <p>The garage has been considered within the overall building design and is considered as being consistent with regards to the main dwellings materials, colours and proposed roof pitch.</p> <p>Garage proposed being a double car garage can accommodate two cars with the ability for an additional two cars to be parked on the residential lot in front of the garage.</p>	Yes.
<p>4.1.19 Building Materials.</p> <p>Building materials and finishes are to be non-reflective.</p> <p>Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p>	<p>Colour and material schedule provided. Colours and materials provided are considered non-reflective.</p> <p>Colours and materials considered to align with recommended palette.</p> <p>Corrugated roofing material proposed.</p> <p>Noted.</p>	Yes.

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

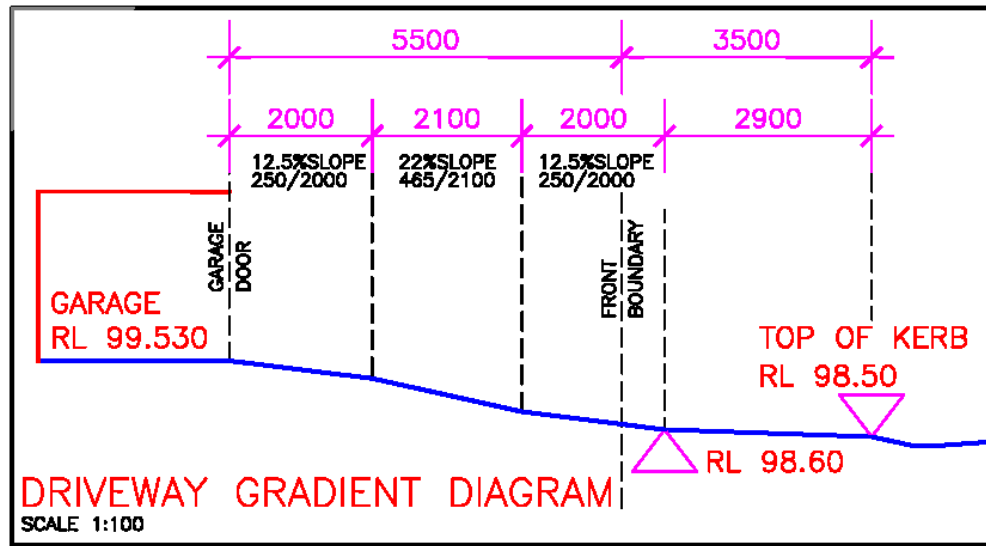
Control	Assessment	Compliance?
<p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p> <ul style="list-style-type: none"> • Face brickwork with struck or tooled joints; • Light coloured mortar joints; and • Any rendered surfaces painted in neutral colours. 	<p>Noted, front façade will adopt variation between rendering and exposed brick.</p>	
<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 various landscaping features such as turf, groundcover, trees and plantings.</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>When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.</p>	<p>The driveway will;</p> <ul style="list-style-type: none"> • The driveway has a maximum width of 5m. • Driveway to adopt clay pavers that will match the roof. <p>Noted – No concrete driveway proposed.</p>	Yes.
<p>4.1.21 Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</p> <p>Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.</p>	<p>None of the said structures are located from view of the public.</p>	Yes.

CLPP03

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

Control	Assessment	Compliance?
<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 located so as to be a visually prominent element from view of the streetscape.</p> <p>There is no front fence proposed or required</p>	Yes.

Attachment 3



BASIX REQUIREMENT SUMMARY

WATER COMMITMENTS
LANDSCAPING
70m² 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 4 STAR
ALL TAPS TO HAVE MINIMUM RATING OF 4 STAR IN KITCHEN
ALL BASIN TAPS TO HAVE MINIMUM RATING OF 4 STAR IN EACH BATHROOM
ALTERNATIVE WATER
RAINWATER TANK OF 2000L TO BE INSTALLED TO REQUIREMENTS OF ALL REGULATORY AUTHORITIES
70m² 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

THERMAL COMFORT COMMITMENTS

INSULATION REQUIREMENTS
CONCRETE SLAB ON GROUND - NIL REQUIREMENTS
EXTERNAL WALL : BRICK VENEER - 3.06 (OR 3.60 INCLUDING CONSTRUCTION)
FLAT CEILING, PITCHED ROOF
CEILING - 3.95(UP)
ROOF - FOIL BACKED BLANKET (55MM)
- MEDIUM(SOLAR ABSORP. 0.475-0.70)
NOTE : INSULATION TO BE INSTALLED IN ACCORDANCE WITH PART 3.12.1.1 OF THE BCA
WINDOWS, GLAZED DOORS + SKYLIGHTS
REFER DRAWING DC-05

ENERGY COMMITMENTS
HOT WATER
GAS INSTANTANEOUS [6 STAR PERFORMANCE]
HEATING AND COOLING SYSTEM
1-PHASE AIR CONDITIONING TO LIVING RMS + BEDRMS,
ENERGY RATING: EER>3.5-4.0
PROVIDE DAY/NIGHT ZONING BETWEEN LIVING + BEDRMS
VENTILATION
PROVIDE INDIVIDUAL FAN TO KITCHEN,
1 BATH + LAUNDRY DUCTED TO FACADE. MANUAL SWITCHING
ARTIFICIAL LIGHTING
FLUORESCENT OR LED LIGHTING TO ALL ROOMS
MISCELLANEOUS
PROVIDE GAS COOKTOP AND ELECTRIC OVEN
REFRIGERATOR SPACE TO BE "WELL VENTILATED"
BY BASIX DEFINITIONS

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

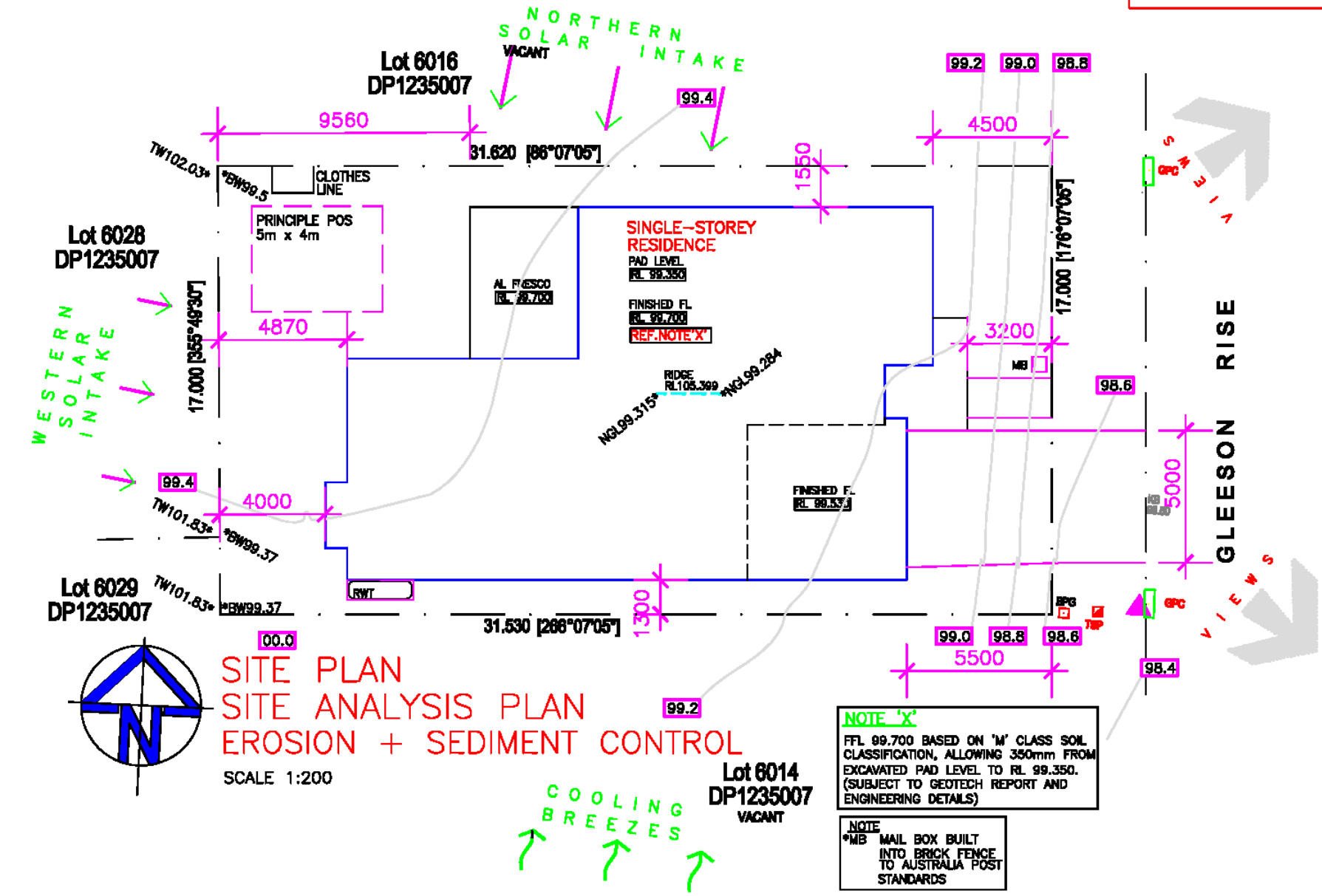
DEVELOPMENT CONTROL PLAN COMPLIANCE CHECKLIST
CAMDEN GROWTH CENTRES PRECINCTS
DEVELOPMENT CONTROL PLAN 2017 PART 4 TABLE 4-5 [Pg96]
SCHEDULE 4
CATHERINE FIELDS [PART] PRECINCT

DESIGN ELEMENT	LOT SIZE 538.8m ²	
	MINIMUM	PROPOSED
FRONT SETBACK- MAIN WALL	4.5	4.5
FRONT SETBACK- GARAGE	5.5	5.5
FRONT SETBACK- PORCH	3.0	3.0
SIDE SETBACK	0.9	1.0/1.3
SECONDARY SETBACK	2.0	N/A
REAR SETBACK	4.0	3.580-BAY WINDOW 4.860-MAIN
GROSS FLOOR AREA (MAX)	290.0m ² max	223.2m ²
LANDSCAPE AREA	30%	217m ² (40%)
HEIGHT LIMIT (MAX)	5m	6.115m- REFER S4.6 Variation
PRINCIPAL PRIVATE OPEN SPACE	24m ²	128m ²
GARAGE DOOR (MAX)	6.0m	4.8m

AREAS FOR COMPLIANCE
TOTAL FLOOR GFA = 223.2m²
(Excludes 16.5m² Garage allowance)
TOTAL ALLOWABLE = 290.0m²

CONSTRUCTION AREAS
RESIDENCE + GARAGE = 258.70m²
AL FRESCO = 20.85m²
PORCH = 9.86m²
TOTAL AREA = 289.41m²
IMPERIAL SQUARES = 31.15 SQUARES

CONSTRUCTION NOTES
*BASIX COMMITMENT SUMMARY } DC-01
*NATIONAL CONSTRUCTION CODE } DC-07



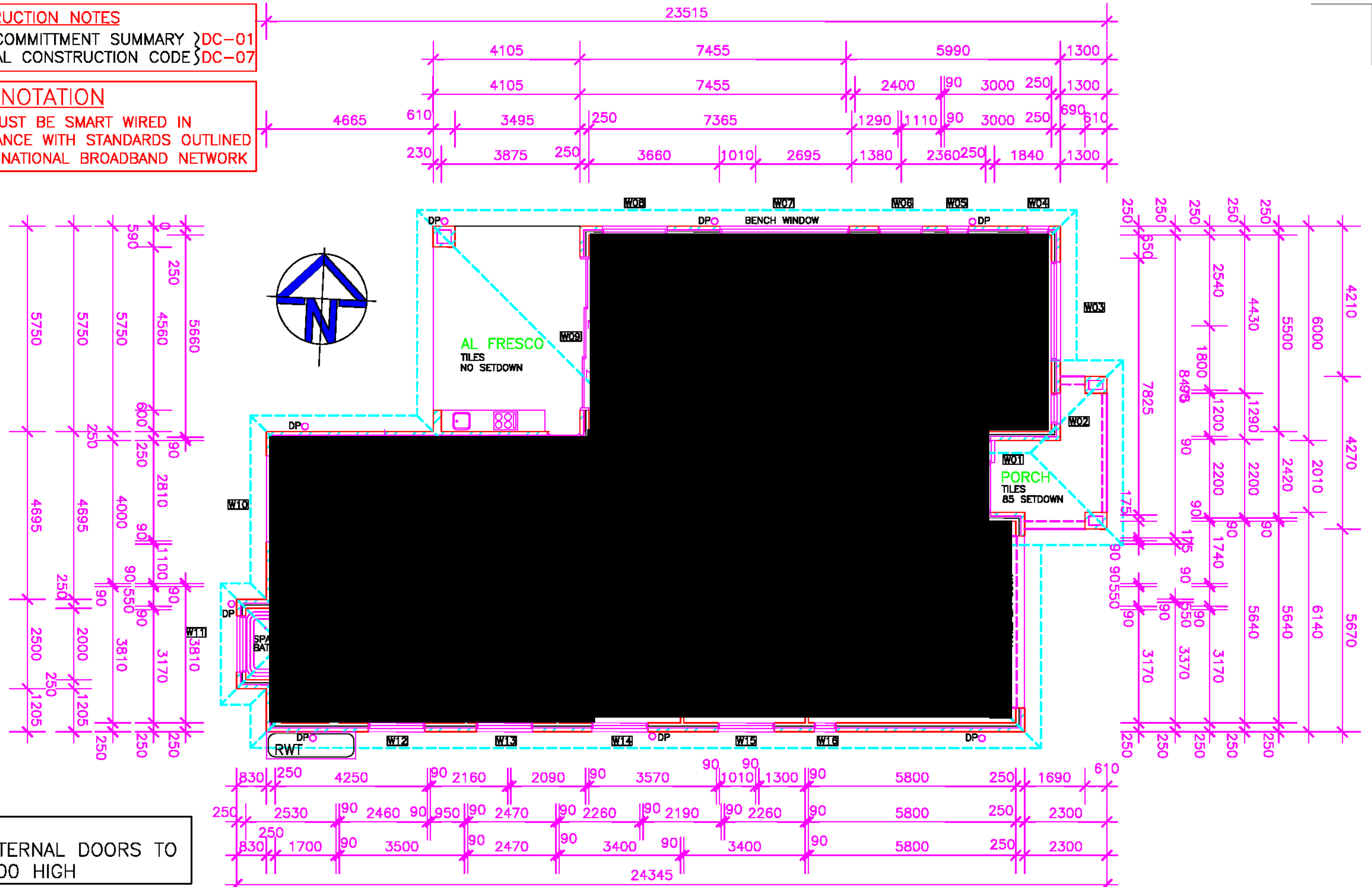
NOTE 'X'
FFL 99.700 BASED ON 'M' CLASS SOIL CLASSIFICATION, ALLOWING 350mm FROM EXCAVATED PAD LEVEL TO RL 99.350. (SUBJECT TO GEOTECH REPORT AND ENGINEERING DETAILS)

NOTE
*MB MAIL BOX BUILT INTO BRICK FENCE TO AUSTRALIA POST STANDARDS

<p>LEGEND</p> <p>CGF COLORBOND GUTTER/FASCIA</p> <p>DP DOWN PIPE</p> <p>FBW SELECTED FACE BRICKWORK</p> <p>GD SELECTED GARAGE DOOR</p> <p>RP1 RENDER + PAINT-1</p> <p>RP2 RENDER + PAINT-2</p> <p>⊕ SA SMOKE ALARM TO AS 3786</p> <p>⊕ TAP @ 200HIGH</p> <p>TF TIMBER FEATURE</p> <p>TR TILED ROOF(SELECTED) OR EQUAL</p>	<p>PROPERTY DESCRIPTION</p> <p>LOT LOT 6015</p> <p>DP 1235007</p> <p>AREA 536.8m²</p>	<p>PROPOSED DEVELOPMENT AT</p> <p>5 GLEESON RISE</p> <p>ORAN PARK 2570 FOR</p> <p>CHETAN YADURKAR</p> <p>+ AASAWARI GADE</p>	<p>DRAWING TITLE</p> <p>SITE PLAN</p>			<p>24.10.21 E ADDITIONAL INFORMATION AS REQUESTED</p> <p>01.08.21 DP ISSUED FOR DA APPROVAL</p> <p>08.08.21 C ISSUED FOR HARRINGTON APPROVAL</p> <p>18.07.21 B ISSUED FOR CDC AND OTHER APPROVALS</p> <p>DATE ISSUE AMENDMENT</p>	<p>BLACK COW STUDIO</p> <p>LENARD ANDERSON</p> <p>"THE CREAMERY"</p> <p>167 Cobbitty Road</p> <p>COBBITTY 2570</p> <p>04321 797 51</p> <p>blackcowstudio@bigpond.com</p>
			<p>SCALE 1:100</p> <p>DATE 01-21</p> <p>DRAWN LA</p> <p>CHECKED</p>	<p>JOB No. 21-07</p> <p>DWG. No. DC-01</p> <p>ISSUE E</p>	<p>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 file.</p>		

CONSTRUCTION NOTES
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 *NATIONAL CONSTRUCTION CODE } DC-07

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



NOTE
 ALL INTERNAL DOORS TO BE 2400 HIGH

LEGEND

CGF COLORBOND GUTTER/FASCIA	RP1 RENDER + PAINT-1
DP DOWN PIPE	RP2 RENDER + PAINT-2
FBW SELECTED FACE BRICKWORK	SA SMOKE ALARM TO AS 3786
GD SELECTED GARAGE DOOR	TAP 200HIGH
	TF TIMBER FEATURE
	TR TILED ROOF(SELECTED) OR EQUAL

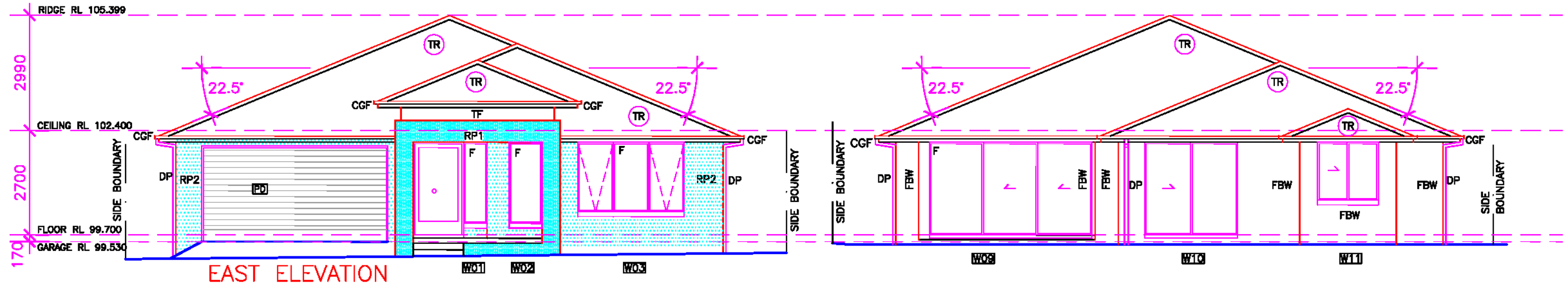
PROPERTY DESCRIPTION
LOT LOT 6015
DP DP 1235007
AREA 536.8m2

PROPOSED DEVELOPMENT AT
5 GLEESON RISE
ORAN PARK 2570 FOR
CHETAN YADURKAR
+ AASAWARI GADE

DRAWING TITLE			
FLOOR PLAN			
SCALE	DATE	DRAWN	CHECKED
1:100	01-21	LA	
JOB No.	DWG. No.	ISSUE	
21-07	DC-02	E	

24.10.21	E	ADDITIONAL INFORMATION AS REQUESTED
01.09.21	D*	ISSUED FOR DA APPROVAL
04.08.21	C	ISSUED FOR HARBINGTON APPROVAL
19.07.21	B	ISSUED FOR CDC AND OTHER APPROVALS
DATE	ISSUE	AMENDMENT
PROJECT		
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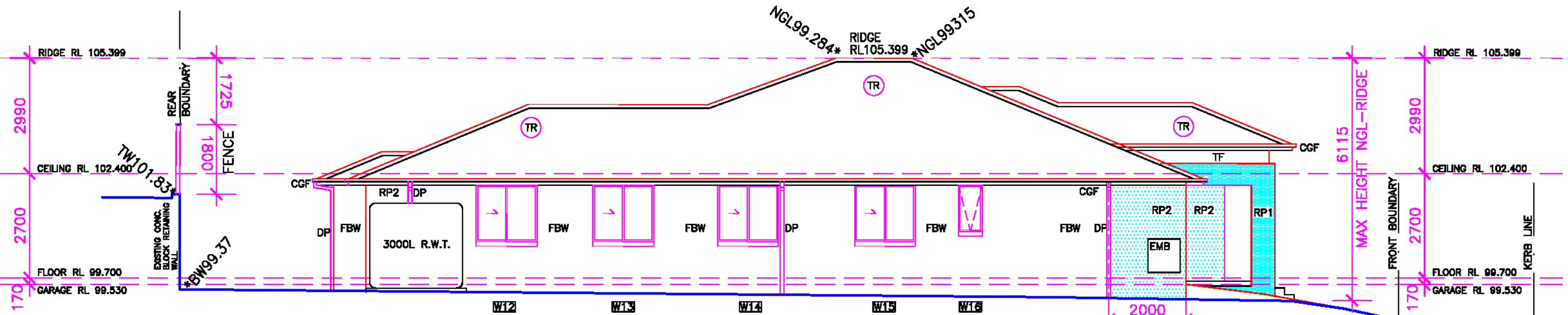


EAST ELEVATION

WEST ELEVATION

SCALE 1:100

NOTE
 W01- SIDELIGHT TO FRONT DOOR
 (REFER DC-06-WINDOWS)
 WINDOW TREATMENT - ALUMINIUM
 FRAME IN NEUTRAL COLOUR -
 (MONIER BABYLON EQUAL)
 REFER DC-05-FINISHES



SOUTH ELEVATION

SCALE 1:100

NOTE
 ALL INTERNAL DOORS TO
 BE 2400 HIGH

LEGEND	
CGF COLORBOND GUTTER/FASCIA	RP1 RENDER + PAINT-1
DP DOWN PIPE	RP2 RENDER + PAINT-2
FBW SELECTED FACE BRICKWORK	SA SMOKE ALARM TO AS 3786
GD SELECTED GARAGE DOOR	TAP 200HIGH
	TF TIMBER FEATURE
	TR TILED ROOF (SELECTED) OR EQUAL

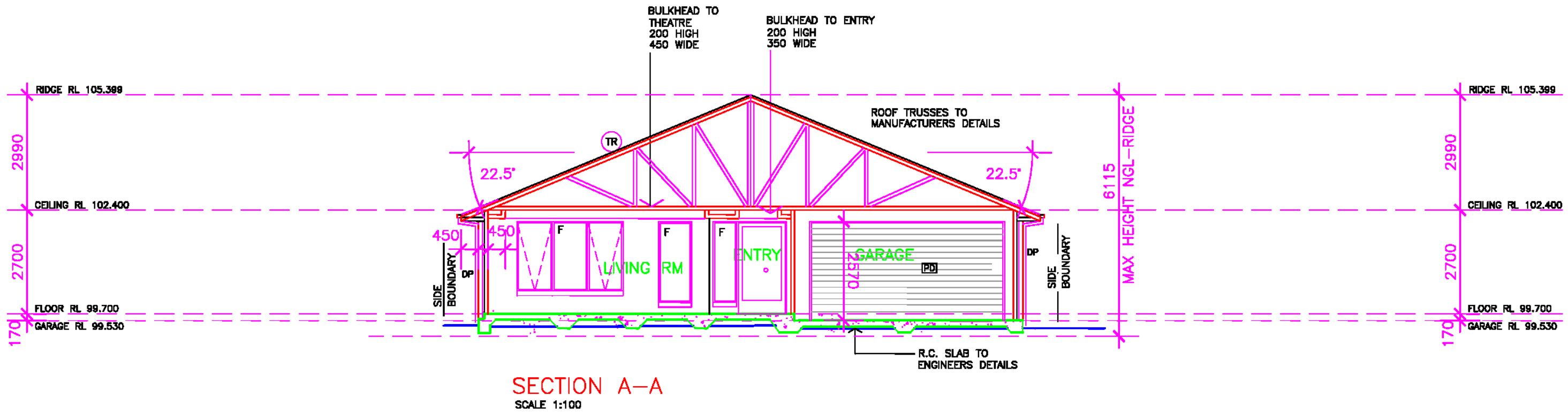
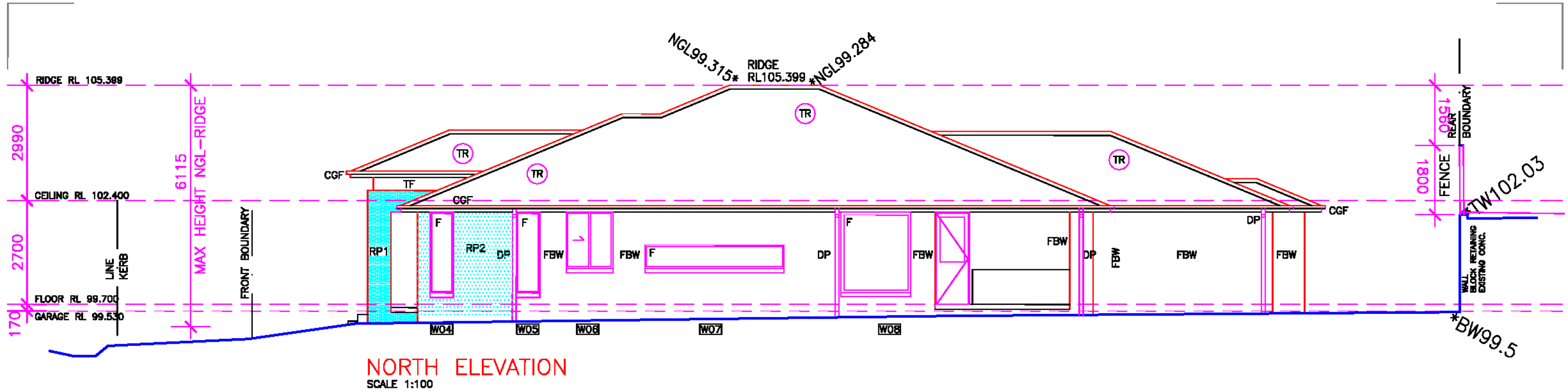
PROPERTY DESCRIPTION	
LOT	LOT 6015
DP	DP 1235007
AREA	536.8m ²

PROPOSED DEVELOPMENT AT
5 GLEESON RISE
ORAN PARK 2570 FOR
CHETAN YADURKAR
+ AASAWARI GADE

DRAWING TITLE			
ELEVATIONS			
SCALE	DATE	DRAWN	CHECKED
1:100	01-21	LA	
JOB No.	DWG. No.	ISSUE	
21-07	DC-03	E	

PROJECT	
24.10.21	E ADDITIONAL INFORMATION AS REQUESTED
01.09.21	DP ISSUED FOR DA APPROVAL
05.08.21	C ISSUED FOR HARRINGTON APPROVAL
19.07.21	B ISSUED FOR CDC AND OTHER APPROVALS
DATE	ISSUE AMENDMENT

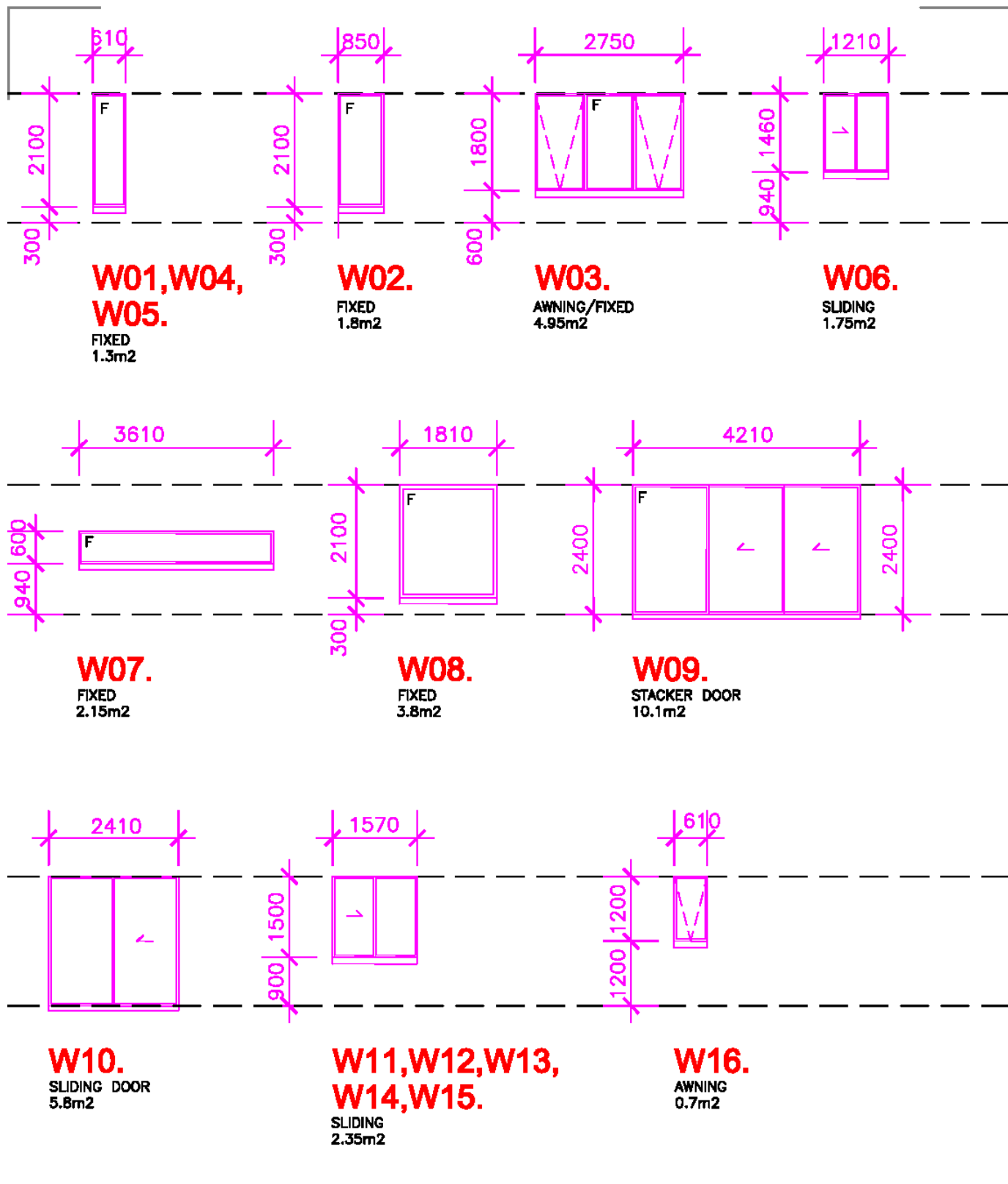
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 "THE CREAMERY"
 167 Cobbitty Road
 COBBITTY 2570
 04321 797 51
 blackcowstudio@bigpond.com



NOTE
ALL INTERNAL + EXTERNAL DOORS TO BE 2400 HIGH

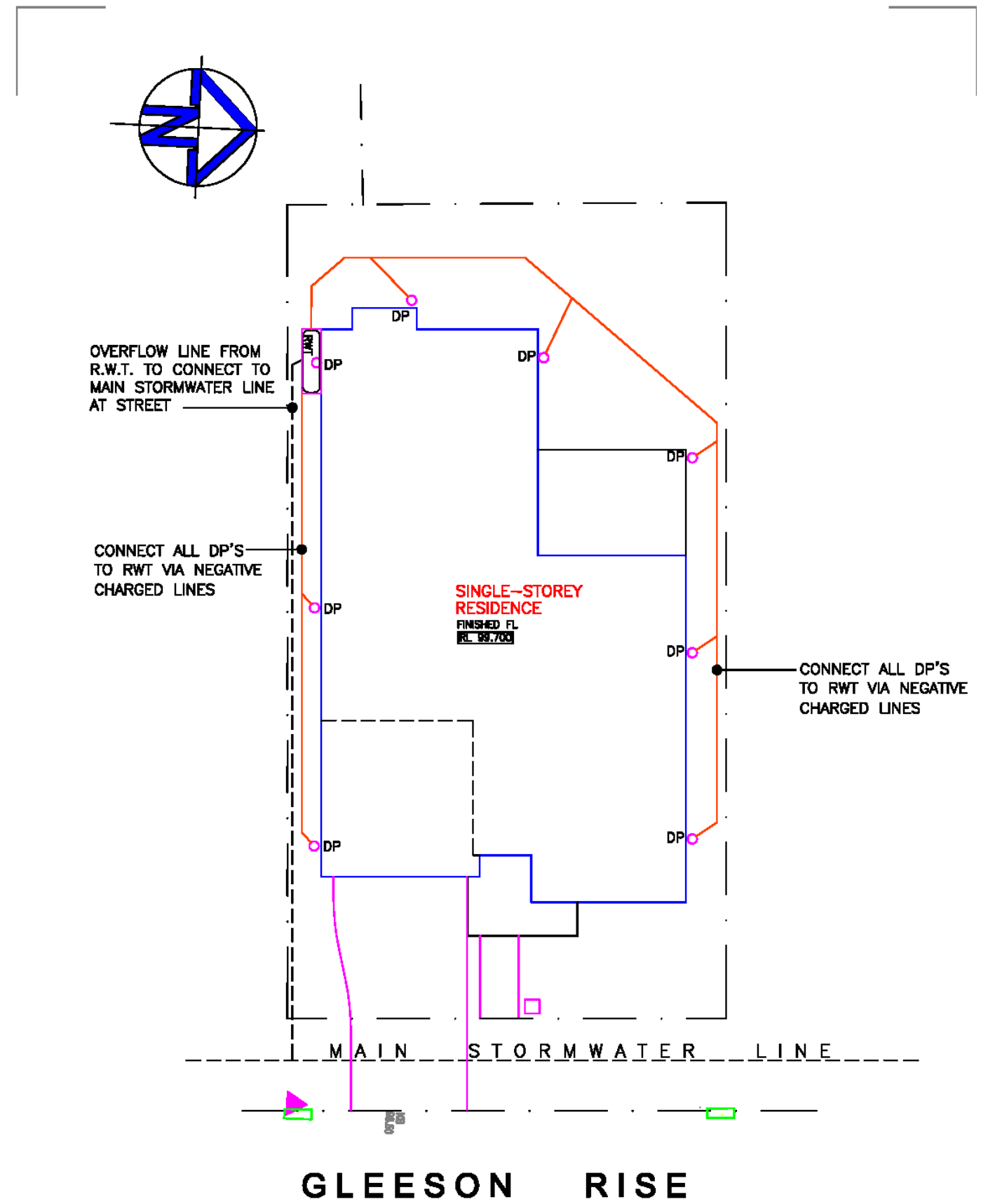
CONSTRUCTION NOTES
*BASIX COMMITMENT SUMMARY } DC-01
*NATIONAL CONSTRUCTION CODE } DC-07

<p>LEGEND</p> <p>CGF COLORBOND GUTTER/FASCIA</p> <p>DP DOWN PIPE</p> <p>FBW SELECTED FACE BRICKWORK</p> <p>GD SELECTED GARAGE DOOR</p> <p>RP1 RENDER + PAINT-1</p> <p>RP2 RENDER + PAINT-2</p> <p>⊕ SA SMOKE ALARM TO AS 3786</p> <p>⊕ TAP @ 200HIGH</p> <p>TF TIMBER FEATURE</p> <p>TR TILED ROOF(SELECTED) OR EQUAL</p>	<p>PROPERTY DESCRIPTION</p> <p>LOT LOT 6015</p> <p>DP 1235007</p> <p>AREA 536.8m2</p>	<p>PROPOSED DEVELOPMENT AT</p> <p>5 GLEESON RISE</p> <p>ORAN PARK 2570 FOR</p> <p>CHETAN YADURKAR</p> <p>+ AASAWARI GADE</p>	<p>DRAWING TITLE</p> <p>ELEVATION, SECTION</p>				<p>26.10.21 E ADDITIONAL INFORMATION AS REQUESTED</p> <p>01.09.21 D* ISSUED FOR DA APPROVAL</p> <p>08.08.21 C ISSUED FOR HARRINGTON APPROVAL</p> <p>19.07.21 B ISSUED FOR CGC AND OTHER APPROVALS</p> <p>DATE ISSUE AMENDMENT</p>		<p>BLACK COW STUDIO</p> <p>LENARD ANDERSON</p> <p>"THE CREAMERY"</p> <p>167 Cobbitty Road</p> <p>COBBITTY 2570</p> <p>04321 797 51</p> <p>blackcowstudio@bigpond.com</p>
			<p>SCALE 1:100</p> <p>DATE 01-21</p> <p>DRAWN LA</p> <p>CHECKED</p>	<p>JOB No. 21-07</p> <p>DWG. No. DC-04</p> <p>ISSUE E</p>	<p>PROJECT</p> <p>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 file.</p>				



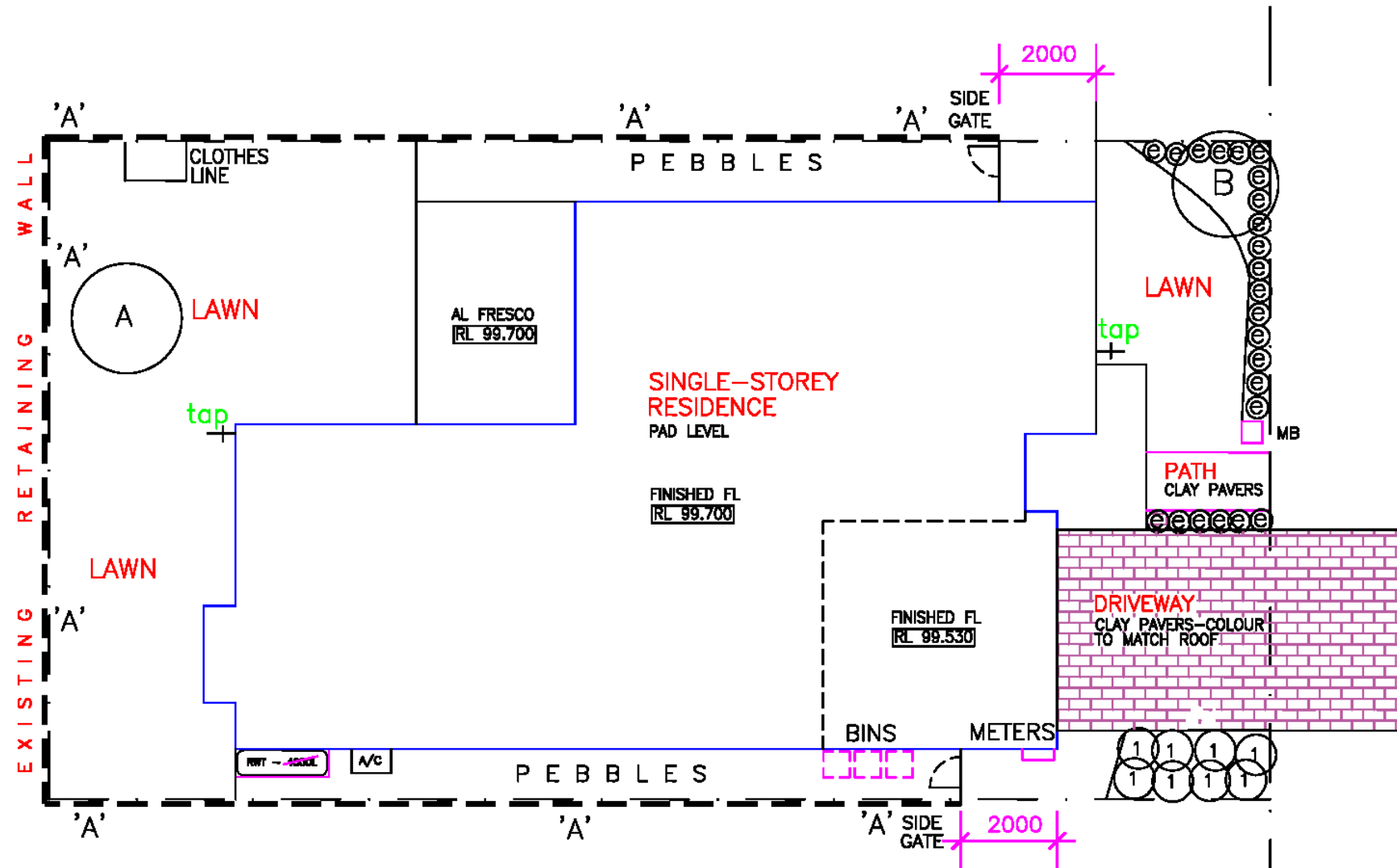
NOTES
 *ALL WINDOWS TO BE ALUMINIUM FRAME, SINGLE CLEAR GLAZING
 *WINDOWS VIEWED EXTERNALLY

PROPOSED DEVELOPMENT AT 5 GLEESON RISE ORAN PARK 2570 FOR CHETAN YADURKAR + AASAWARI GADE		DRAWING TITLE WINDOW SCHEDULE		SCALE 1:100		DATE 03-21		DRAWN LA		CHECKED LA		JOB No. 21-07		DWG. No. DC-06		ISSUE E		PROJECT Copyright of design shown herein is retained and authority is required for any reproduction without consent. All rights reserved. Do not make copies or keep unapproved drawings on file.		BLACK COW STUDIO LENARD ANDERSON "THE CREAMERY" 187 Cobbitty Road COBBITTY 2570 04321 797 51 blackcowstudio@bigpond.com	
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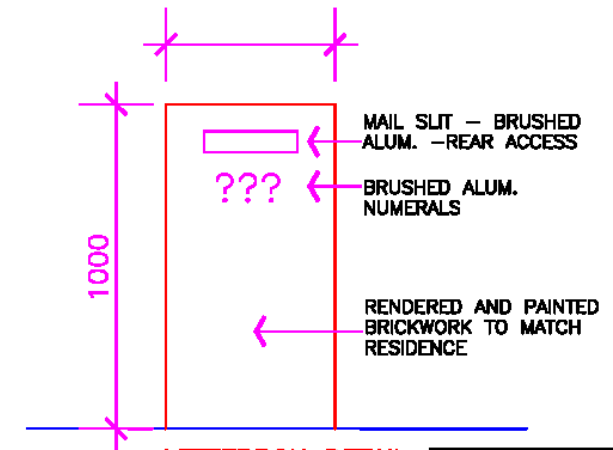
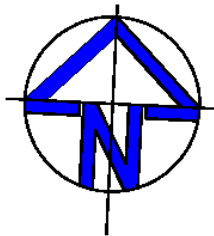


GLEESON RISE

PROPOSED DEVELOPMENT AT 5 GLEESON RISE ORAN PARK 2570 FOR CHETAN YADURKAR + AASAWARI GADE		DRAWING TITLE CONCEPT DRAINAGE PLAN		SCALE 1:200		DATE 03-21		DRAWN LA		CHECKED LA		JOB No. 21-07		DWG. No. DC-09		ISSUE E		PROJECT Copyright of design shown herein is retained and authority is required for any reproduction without consent. All rights reserved. Do not make copies or keep unapproved drawings on file.		BLACK COW STUDIO LENARD ANDERSON "THE CREAMERY" 187 Cobbitty Road COBBITTY 2570 04321 797 51 blackcowstudio@bigpond.com	
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LANDSCAPE CONCEPT PLAN
SCALE 1:200



LETTERBOX DETAIL
SCALE 1:20
350mm DEEP

NOTE
*MB MAIL BOX BUILT INTO BRICK FENCE TO AUSTRALIA POST STANDARDS

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	1	100L
1	GREVILLEA JUNIPERINA	PRICKLY SPIDER FLOWER	1.5/1.5	8	140mm
⊙	HIBBERTIA PEDANCOLATA	GUINEA FLOWER	.2/.6	17	140mm

NOTES

- 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 1M 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

DRIVEWAY DETAIL
REFER DWG DC-01
DRIVEWAY SECTION

LEGEND	
CGF COLORBOND GUTTER/FASCIA	RP1 RENDER + PAINT-1
DP DOWN PIPE	RP2 RENDER + PAINT-2
FBW SELECTED FACE BRICKWORK	⊕SA SMOKE ALARM TO AS 3786
GD SELECTED GARAGE DOOR	⊕TAP ⊙ 200HIGH
	TF TIMBER FEATURE
	TR TILED ROOF(SELECTED) OR EQUAL

PROPERTY DESCRIPTION	PROPOSED DEVELOPMENT AT
LOT 6015 DP 1235007 AREA 536.8m2	5 GLEESON RISE ORAN PARK 2570 FOR CHETAN YADURKAR + AASAWARI GADE

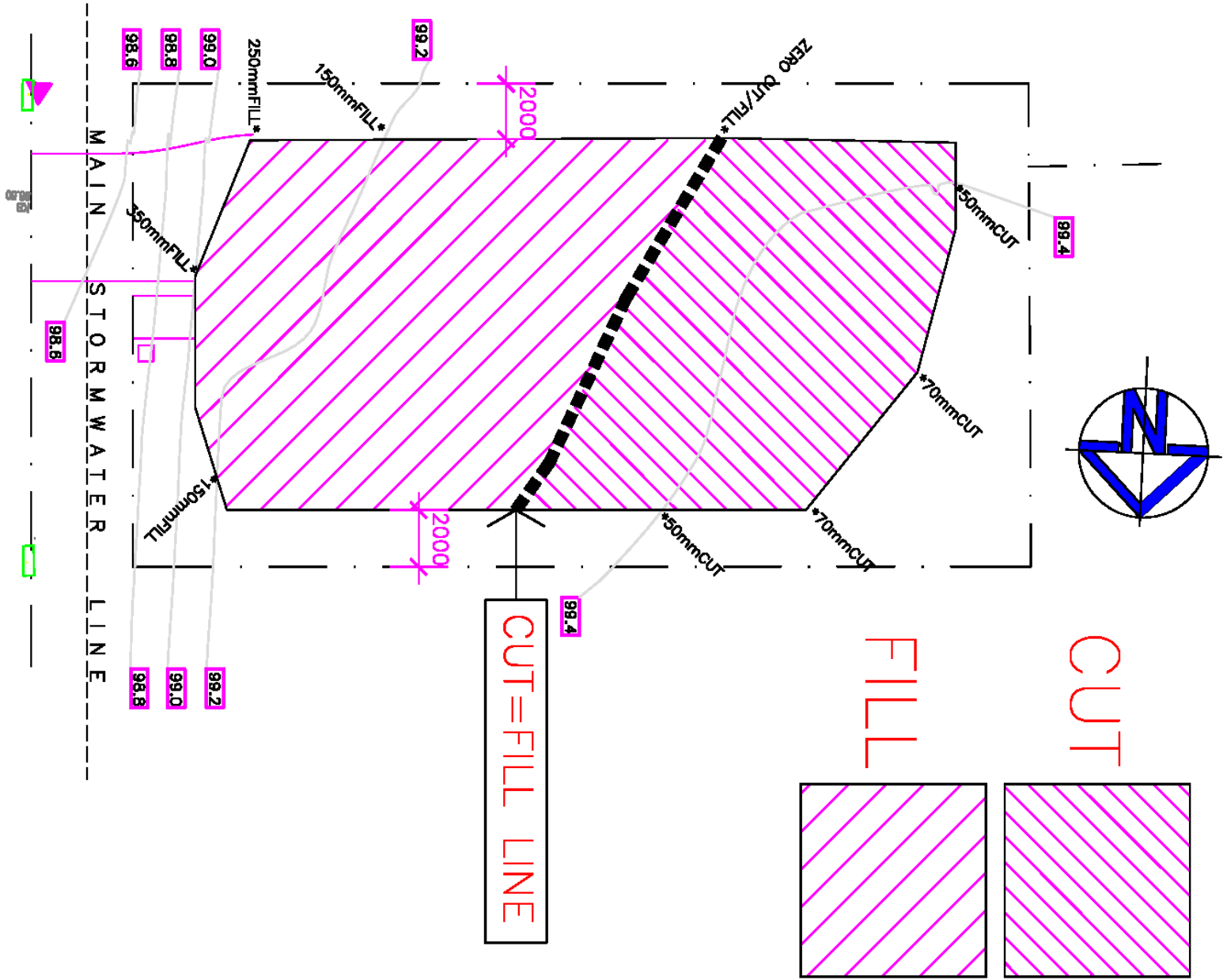
DRAWING TITLE			
LANDSCAPE PLAN			
SCALE AS SHOWN	DATE 01-21	DRAWN LA	CHECKED
JOB No. 21-07	DWG. No. DC-08	ISSUE E	

DATE	ISSUE	AMENDMENT	PROJECT
24.10.21	E		ADDITIONAL INFORMATION AS REQUESTED
01.09.21	D*		ISSUED FOR DA APPROVAL
08.08.21	C		ISSUED FOR HARRINGTON APPROVAL
19.07.21	B		ISSUED FOR CDC AND OTHER APPROVALS
			AMENDMENT

CONSTRUCTION NOTES
*BASIX COMMITMENT SUMMARY } DC-01
*NATIONAL CONSTRUCTION CODE } DC-07

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04321 797 51
blackcowstudio@bigpond.com





GLEESON RISE

NOTE 'X'
 FFL 99.700 BASED ON 'M' CLASS SOIL CLASSIFICATION, ALLOWING 350mm FROM EXCAVATED PAD LEVEL TO **RL 99.350** (SUBJECT TO GEOTECH REPORT AND ENGINEERING DETAILS)

PROPOSED DEVELOPMENT AT: 5 GLEESON RISE ORAN PARK 2570 CHELTAN YADURKAR + AASAWARI GADE		DRAWING TITLE: CUT AND FILL DIAGRAM	
FOR: LA	SCALE: 1:200	DATE: 03-21	DRAWN: LA
JOB No. 21-07	DWG. No. DC-10	CHECKED: E	ISSUE:

ACTIVITY E PREPARED: [REDACTED]	CHECKED: [REDACTED]
DRAWN: [REDACTED]	DATE: [REDACTED]
PROJECT: [REDACTED]	SHEET: A

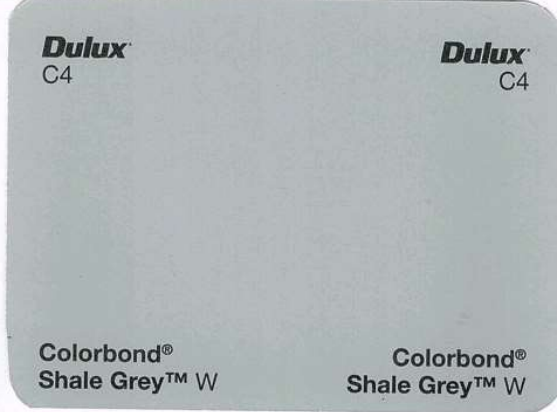
BLACK COW STUDIO THE CREAMERY 187 Cobbley Road OSBERTY 04321 797 51 blackcowstudio@bigpond.com	
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CLPP03

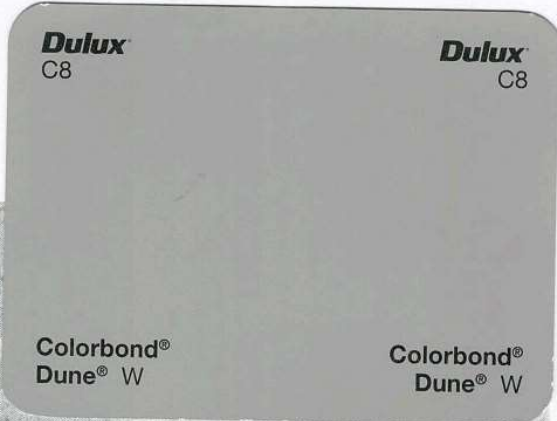
Attachment 4



TILED ROOF
MONIER HORIZON
'WILD RICE'



SECONDARY BODY
DULUX 'SHALE GREY'
GUTTER + FASCIA
WINDOW FRAMES
RP1



MAIN BODY
DULUX
'WHITE-ON-WHITE'
RP2

GARAGE DOOR
FRONT DOOR

FACEBRICK
PGH 'LIGHTNING'

PROPOSED DEVELOPMENT AT 5 GLEESON RISE ORAN PARK 2570 FOR CHETAN YADURKAR + AASAWARI GADE		DRAWING TITLE COLOUR SCHEDULE				24.10.21 E ADDITIONAL INFORMATION AS REQUESTED C, D NOT USED		BLACK COW STUDIO LENARD ANDERSON "THE CREAMERY" 167 Cobbitty Road COBBITTY 2570 04321 797 51 blackcowstudio@bigpond.com
SCALE 1:100	DATE 03-21	DRAWN LA	CHECKED	18.07.21 B ISSUED FOR CDC AND OTHER APPROVALS	22.03.21 A ISSUED FOR APPROVALS			
JOB No. 21-07	DWG. No. DC-05	ISSUE E	DATE ISSUE AMENDMENT		PROJECT			
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CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	5 Gleeson Rise, Oran Park 2570	
Lot:	6015	DP1235007
Date:	9 September 2021	

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

Prepared for:

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2 Statutory Planning Framework..... 2

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 2.2 Development Standards..... 2

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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

CLPP03

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:	5 Gleeson Rise, Oran Park 2570	
Lot:	6017	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:	6.115m	
Extent of Proposed Variation*:	22.3	%

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

Attachment 5

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Test 1(a): the objectives of the zone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

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

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

The proposed variation does not rely on this test.

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

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

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



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

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

4.1.16 Roofs

Controls

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

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

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

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

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

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

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

4.5 Building Height

Controls

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

And:

4.6 Roofs

Controls

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

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

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

Clause 4.6 Variation to Building Height
Stage 6 | Catherine Park

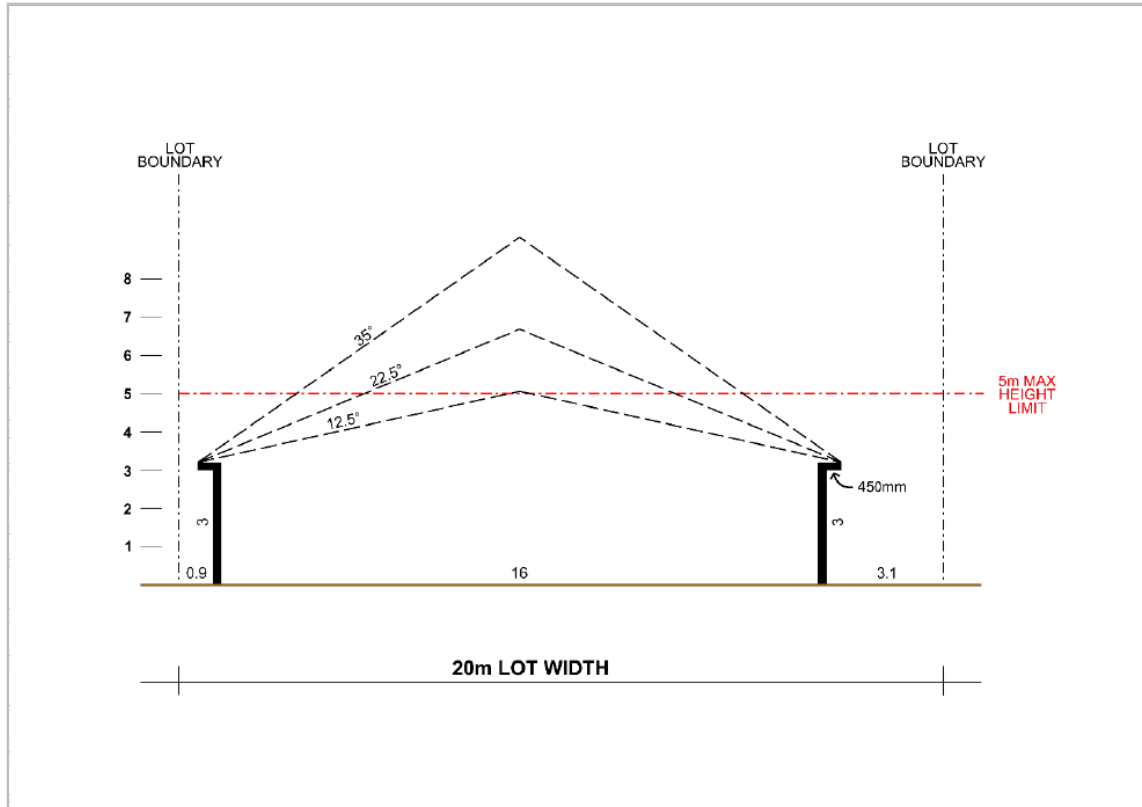


Figure 4 – Building Height & Roof Pitch

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 development is considered unreasonable. In addition, the widespread erection of dwellings with potentially compromised roof forms will be detrimental to the current environmental character of the site and surrounds with respect to the heritage values of Catherine Park House. This would also be contrary to the intended outcomes for residential development around the heritage item potentially resulting in a diminished streetscape character and appearance.

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

Conclusion

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

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

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

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.

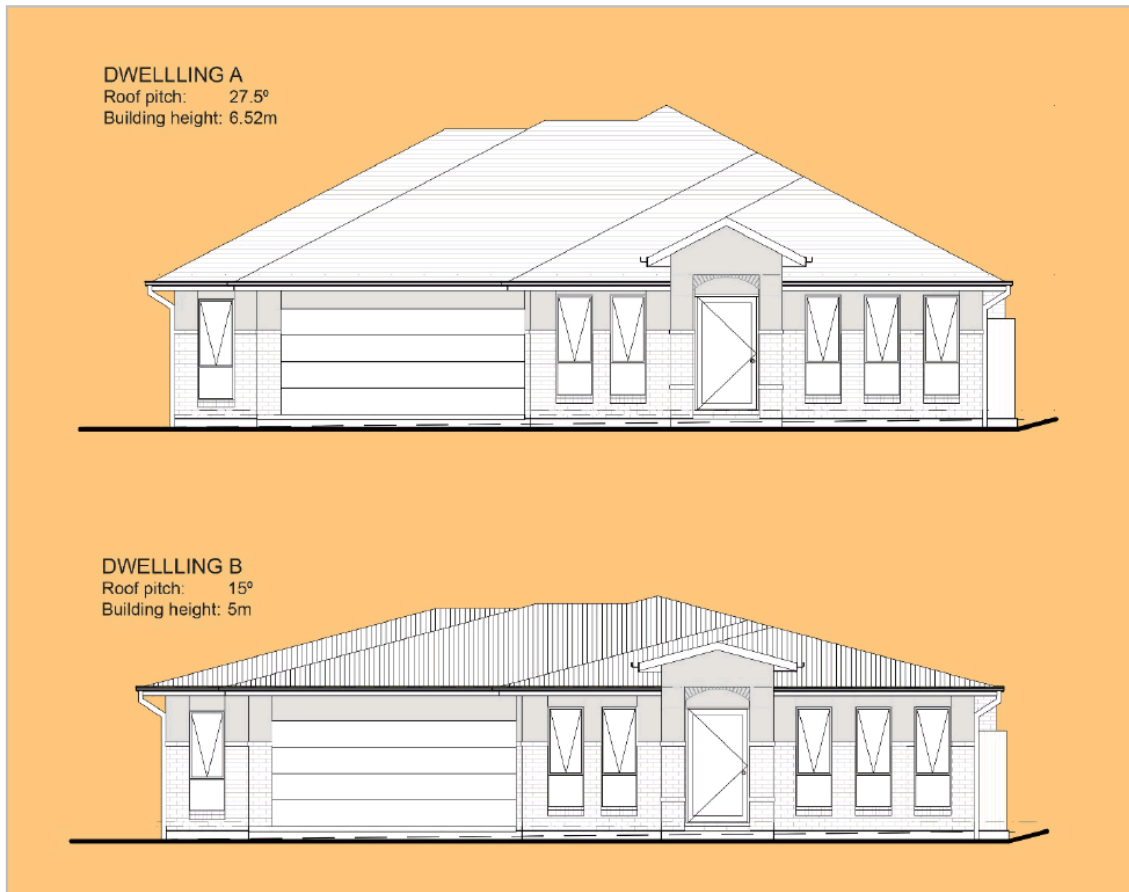


Figure 5 – Dwelling Roof Forms

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.

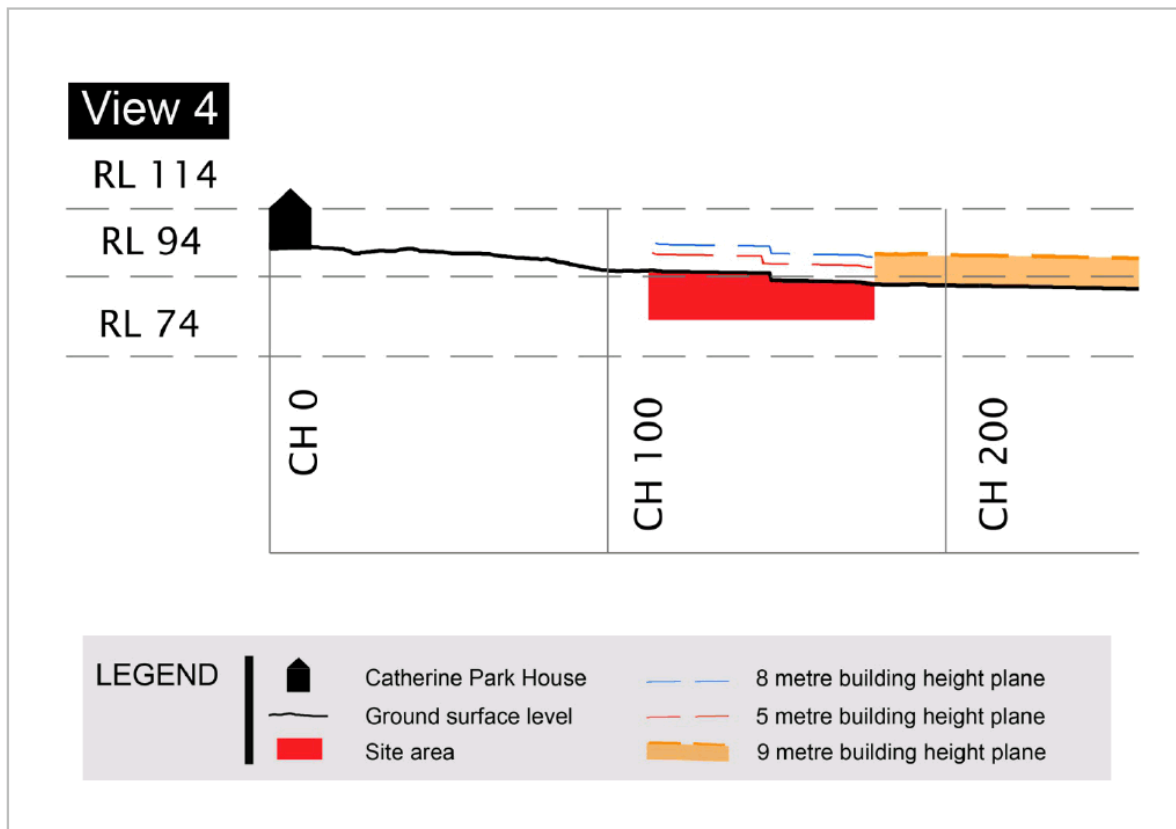


Figure 6 – Extract from View 4 in Views Analysis

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.

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 5

APPENDIX 1
Views Analysis



CAMDEN LOCAL PLANNING PANEL

CLPP04

SUBJECT: DA/2021/1632/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE WITH ANCILLARY SWIMMING POOL AND ASSOCIATED SITE WORKS - 15 MARY FAIRFAX DRIVE, ORAN PARK

TRIM #: 21/625402

DA Number:	2021/1632/1
Development:	Construction of a single storey dwelling house with ancillary swimming pool and associated site works
Estimated Cost of Development:	\$655,297
Site Address(es):	15 Mary Fairfax Drive, Oran Park
Applicant:	Mr Steven Kojic
Owner(s):	Mr Hugo Ortega and Mrs Rashelle Ortega
Number of Submissions:	No submissions
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, Development Assessment Officer, Gateway Team

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for a single storey dwelling house with an ancillary swimming pool and associated site works at 15 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/2021/1632/1 for a single storey dwelling house 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 a single storey dwelling house with an ancillary swimming pool and associated site works at 15 Mary Fairfax Drive, Oran Park.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 26 October to the 8 October 2021 and no submissions were received.

The proposed dwelling house has a maximum building height of 5.962m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 9 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP).

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

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

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

The proposed dwelling house at 15 Mary Fairfax Drive largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021), and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal is in the process of being forwarded to the Department of Planning, Industry and Environment (DPIE) for Gateway Determination.

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

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Sydney Region Growth Centres) 2006 – Clause 4.3 – Building Height – 5m	5.962m	1.962m / 19.24%

AERIAL PHOTO



Figure 1. Aerial Photo of subject lot 6069.



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 6069 in DP1235007 and commonly referred to as 15 Mary Fairfax Drive, Oran Park.

The site has an area of 744.8m² and is generally level with a small rise of approximately 500mm from the street frontage to western boundary. There are retaining walls up to approximately 1.62m on the western boundary. The lot is burdened by various easements and restrictions, the proposed development does not conflict with these easements and restrictions.

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



Image 1. Photo looking to primary southern boundary of lot 6069.



Image 2. Photo looking to secondary eastern boundary of lot 6069.



ZONING PLAN

NSW GOVERNMENT | Planning, Industry & Environment

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

South West Growth Centre
Land Zoning Map - Sheet LZN_004

Zones

- NC1 Neighbourhood Centre
- LC1 Local Centre
- CC1 Commercial Core
- ML1 Mixed Use
- BD1 Business Development
- BP1 Business Park
- EC1 Environmental Conservation
- EM1 Environmental Management
- EL1 Environmental Living
- GI1 General Industrial
- LI1 Light Industrial
- GR1 General Residential
- LR1 Low Density Residential
- MR1 Medium Density Residential
- PR1 Public Recreation
- FR1 Private Recreation
- TR1 Transition
- INF1 Infrastructure
- SEPP (Major Infrastructure Centres) 2009

Original SEPP Zones

- PR1 Private Recreation - Regional

Growth Centre Boundaries

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

Cadastral

- Cadastral 2011/2011 © Spatial Services



Figure 3. Subject lot 6069 R2 Zoning.

AREA MASTER PLAN



Figure 4. Red 'X' denoting location of lot 6069 (the lot) in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.

HISTORY

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



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

THE PROPOSAL

DA/2021/1632/1 seeks approval to construct a single storey dwelling house an ancillary swimming pool with associated site works.

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

The estimated cost of the development is \$655,297.



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.

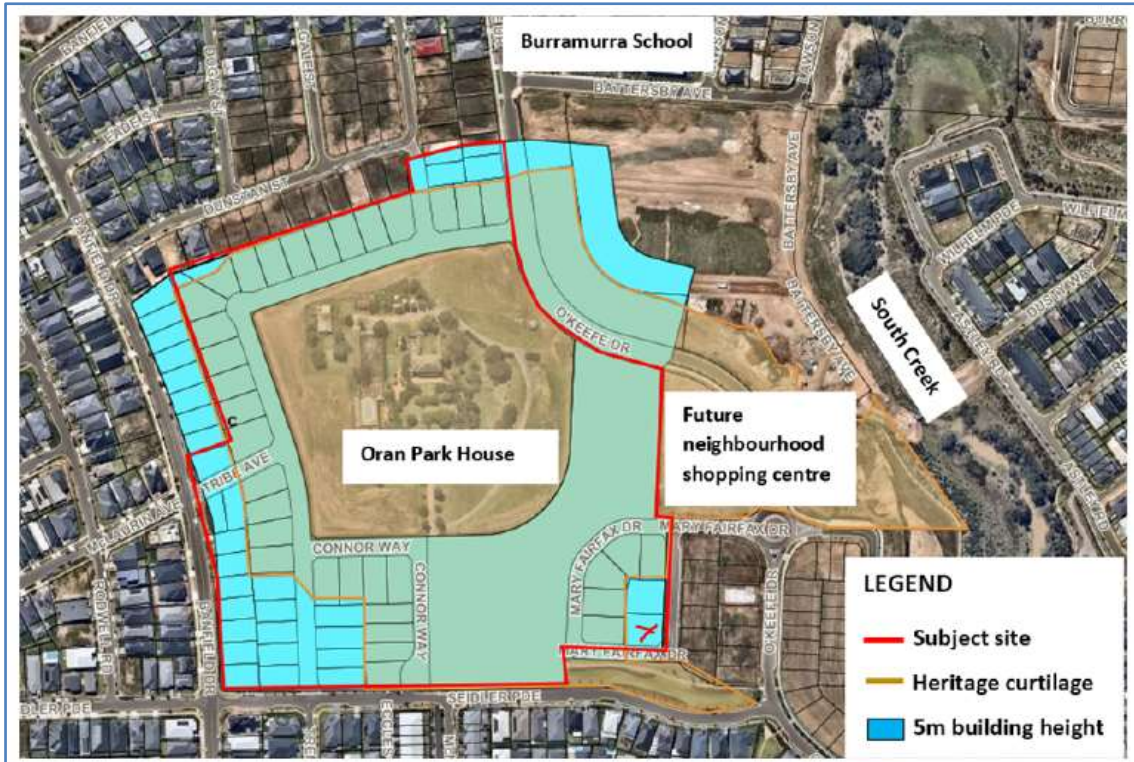


Figure 5. Extract from PP/2021/1/1 indicating the subject site, the heritage curtilage and the 5.0m building height development standard – subject lot marked as a red x.

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

Dwelling houses with hipped and gabled roof forms (with a roof pitch greater than 12.5 degrees) will inherently exceed the 5m building height development standard given the relative size (500-700m²) and width of the properties, coupled with the larger building footprint required single storey dwellings. This is illustrated in Figures 6 and 7 below. Council's development controls for dwelling houses in this area require a minimum roof pitch of 22.5 degrees.

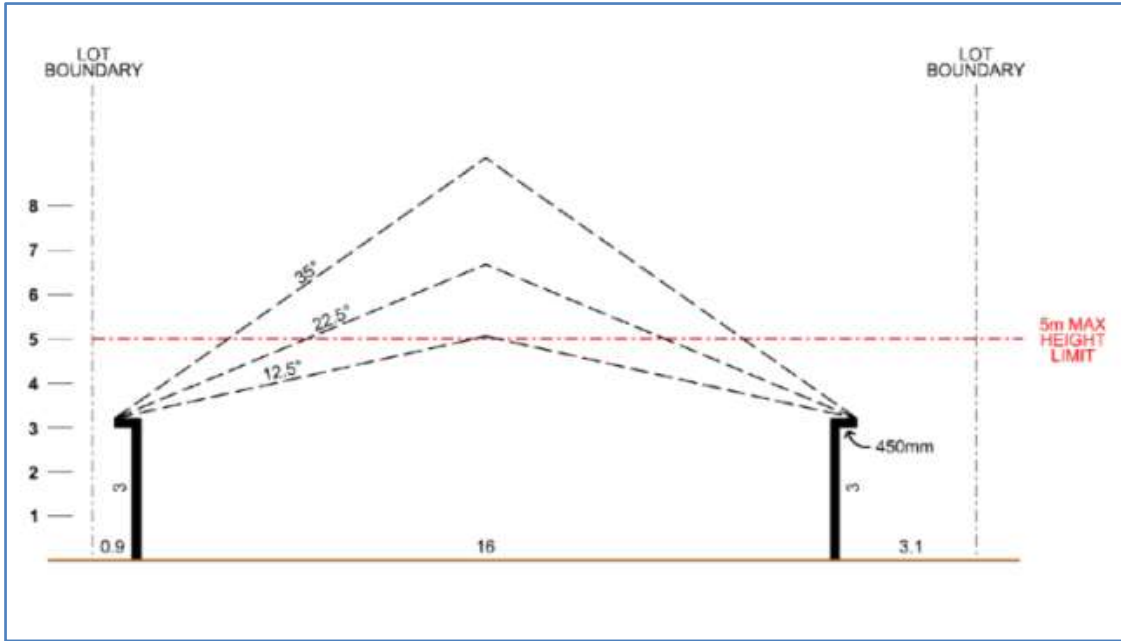


Figure 6. Indicating roof pitch, lot width and building height.



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



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

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

The proposed dwelling house at 15 Mary Fairfax Drive largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal is in the process of being forwarded to the DPIE for Gateway Determination.

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

ASSESSMENT

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

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

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

The environmental planning instruments that apply to the development are:

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

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

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



State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

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

Clause 7 of SEPP 55 requires the consent authority to consider if the site is contaminated. If the site is contaminated, the consent authority must be satisfied that it is suitable in its contaminated state for the development. If the site requires remediation, the consent authority must be satisfied that it will be remediated before the land is used for the development.

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

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

SREP 20 seeks to ensure protection is maintained for the environment of the Hawkesbury-Nepean river system and that impacts of future land uses are considered in a regional context.

The proposed development will not result in detrimental impacts upon the Hawkesbury-Nepean River system. The proposed development will further adopt appropriate sediment and erosion control measures and water pollution control devices that will avoid impacts being caused to watercourses and in turn, the Hawkesbury-Nepean River system.

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

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

Site Zoning and Permissibility

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

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

Planning Controls

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

Clause 4.6 – Exceptions to Development Standards

The application seeks to contravene the height of buildings development standard applying to the site. This development standard prescribes a maximum building height of 5m from existing natural ground level. The proposed development has a maximum height of 6.115m, thereby contravening the standard by 0.962m or 19.24%.



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

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

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

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

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

1. Indicative Layout Plan.

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

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

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

Consequently, it is recommended that the Panel support this proposed contravention to Clause 4.3 – Height of Building of Appendix 9 of the Growth SEPP.

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

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



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

The development controls plans that apply to the development are:

- Camden Growth Centre Precincts Development Control Plan (Camden Growth Centres DCP).
- Catherine Fields (Part) Precinct Development Control Plan.

An assessment table in which the development is considered against the Camden Growth DCP and the Catherine Fields (Part) Precinct Development Control Plan) is provided as an **attachment** to this report.

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

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

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

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

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

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

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 26 October to the 8 October 2021. No submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.



FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

CONCLUSION

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

RECOMMENDED

That the Panel:

- i. **support the applicant's written request lodged pursuant to Clause 4.6(3) of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Camden Growth Centres Precinct Plan, to the contravention of the maximum height of building development standard in Clause 4.3 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and**
- ii. **approve DA/2021/1632/1 for the construction of a single storey dwelling house at 15 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 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to the maximum height of buildings development standard. The Panel considers that compliance with the standard is unreasonable and unnecessary in the circumstances and that, despite the contravention of the development standard, the development satisfies the objectives of the zone and standard, will be in the public interest and is acceptable in the particular circumstances of the case.
2. The development is consistent with the objectives of the applicable environmental planning instrument, being Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
3. The development is consistent with the objectives of Camden Growth Centre Precincts Development Control Plan.
4. The development is unlikely to have any unreasonable adverse impacts on the natural or built environment.
5. In consideration of the aforementioned reasons, the development is a suitable and planned use of the site and its approval is in the public interest.

ATTACHMENTS

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

RECOMMENDED CONDITIONS**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 Number: SS21.010.8, Page 3, Issue H.	Site Plan.	Straightline Studio Co.	23/11/2021.
Drawing Number: SS21.010.8, Page 3, Issue H.	Cut and Fill Plan.	Straightline Studio Co.	23/11/2021.
Drawing Number: SS21.010.8, Page 4, Issue H.	Concept Drainage Plan.	Straightline Studio Co.	23/11/2021.
Drawing Number: LMP-01, Issue 2.	Landscape Plan.	Straightline Studio Co.	28/11/2021.
Drawing Number: SS21.010.8, Page 6, Issue H.	Ground Floor Plan.	Straightline Studio Co.	23/11/2021.
Drawing Number: SS21.010.8, Page 7, Issue H.	Elevations.	Straightline Studio Co.	23/11/2021.
Drawing Number: SS21.010.8, Page 8, Issue H.	Elevations.	Straightline Studio Co.	23/11/2021.
Drawing Number: SS21.010.8, Page 9, Issue H.	Section A-A + External Colour.	Straightline Studio Co.	23/11/2021.
Drawing Number: SS21.010.8, Page 10, Issue H.	Door and Window Schedule.	Straightline Studio Co.	23/11/2021.
Drawing Number: SS21.010.8, Page 13, Issue H.	Pool Plan + BSIX Commitments.	Straightline Studio Co.	23/11/2021.
Page 6.	Fencing Colour.	TP Interiors.	August 2021.

Document Title	Prepared by	Date
BASIX Certificate, No. 1200945S_02.	Straightline Studio Co.	25/11/2021.
Waste Management Plan, Demolition and Construction.	Applicant.	11/08/2021.

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

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

2.0 - Prior to Issue of a Construction Certificate

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

- (1) **Structural Engineer's Details** - The piers/slabs/footings/structural elements shall be designed and certified by a suitably qualified structural engineer and shall take into consideration the recommendations of any geotechnical report applicable to the site. A statement to that effect shall be provided to the accredited certifier.
- (2) **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 "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.

- (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.

3.0 - Prior to Commencement of Works

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

- (1) **Public Liability Insurance** - The owner or contractor shall take out a Public Liability Insurance Policy with a minimum cover of \$20 million in relation to the occupation of, and works within, public property (i.e. kerbs, gutters, footpaths, walkways, reserves, etc) for the full duration of the proposed works. Evidence of this Policy shall be provided to Council and the certifier.
- (2) **Notice of Principal Certifier** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 103 of the EP&A Regulation 2000. The notice shall include:
- a) a description of the work to be carried out;
 - b) the address of the land on which the work is to be carried out;
 - c) the registered number and date of issue of the relevant development consent;
 - d) the name and address of the principal certifier, and of the person by whom the principal certifier was appointed;
 - e) the certifier's registration number, and a statement signed by the certifier consenting to being appointed as principal certifier; and
- a telephone number on which the principal certifier may be contacted for business purposes.
- (3) **Notice of Commencement of Work** - Notice shall be given to Council at least two (2) days prior to subdivision and/or building works commencing in accordance with Clause 104 of the EP&A Regulation 2000. The notice shall include:
- a) the name and address of the person by whom the notice is being given;
 - b) a description of the work to be carried out;
 - c) the address of the land on which the work is to be carried out;
 - d) the registered number and date of issue of the relevant development consent and construction certificate;
 - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and
 - f) the date on which the work is intended to commence.

- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
 - b) a principal certifier has been appointed by the person having benefit of the development consent;
 - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
 - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
 - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited;
 - b) the name of the principal contractor (or person in charge of the site) and a telephone number on which that person can be contacted at any time for business purposes and outside working hours; and
 - c) the name, address and telephone number of the principal certifier.
- The sign shall be maintained while the work is being carried out and removed upon the completion of works.
- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to www.sydneywater.com/tapin 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) **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) **Waste Water From Swimming Pools and Spas** - All swimming pool waste water shall be disposed of as follows:

Sand Filters

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

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

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

Cartridge Filters

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

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

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

All roofwater shall be connected to the approved roofwater disposal system immediately after the roofing material has been fixed to the framing members. The 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:
- g) bears a notice containing the words “This swimming pool is not to be occupied or used”;
 - h) is located in a prominent position in the immediate vicinity of the swimming pool; and
 - i) 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

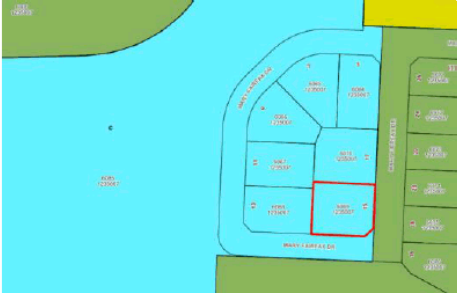
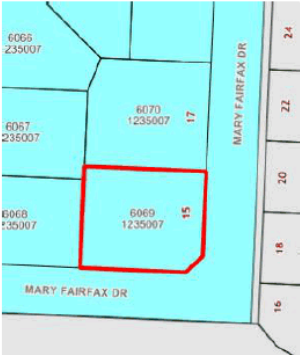
The following conditions of consent are operational conditions applying to the development.

- (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.

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

Clause.	Assessment.	Compliance.
<p>Appendix 9, 2.3 Zone objectives and land use table</p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> • To provide for the housing needs of the community within a low density residential environment. • To enable other land uses that provide facilities or services to meet the day to day needs of residents. • To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours. • To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment. • To provide a diverse range of housing types to meet community housing needs within a low density residential environment. 	<p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone of Appendix 9 – SEPP (Sydney Region Growth Centres) 2006.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> • 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>

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

<p>Appendix 9, 4.3 Height of buildings</p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p>  <p>Maximum height of buildings = 5.0m 'C'.</p>	<p>The proposed development has a maximum building height of 5.962m.</p>	<p>No (Clause 4.6 written request submitted).</p>
<p>Appendix 9, 4.4 Floor Space Ratio</p> <p>The objective of this clause is to control the bulk and scale of buildings by setting maximum floor space ratios for development.</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>  <p>FSR = 0.45:1.</p>	<p>FSR = 326.978/744.8 = 0.43</p>	

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

<p>Appendix 9, 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 musty not 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</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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CLPP04

Attachment 2

CLPP04

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

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

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

Control	Assessment	Compliance?
<p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>Design and construction of dwellings is to make use of locally sourced materials where possible.</p> <p>Residential building design is to use, where possible, recycled and renewable materials.</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>Noted.</p> <p>Noted.</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.

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

Control	Assessment	Compliance?
<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>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>Primary southern elevation to adopt the following design features;</p> <ul style="list-style-type: none"> • Awning over window. • Recessing and projecting building line. • Gable roof form that addresses the primary frontage. <p>Secondary eastern elevation to adopt the following design features:</p> <ul style="list-style-type: none"> • Projecting and recessing architectural elements in the form of supporting posts. • Entry feature/porch. • Awning over windows. <p>All eaves 0.450m as identified on sectional drawings.</p> <p>Various hipped and gable formations with varying pitch of 22.5 - 30 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>Yes.</p>

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

Control	Assessment	Compliance?
<p>4.2.3 Front Setbacks.</p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p>	Yes.
<p>4.2.4 Side and Rear Setbacks.</p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width).</p> <p>No encroachment of said structures into the rear setback 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 = 99.7 – lowest associated point of NGL = 99.2 = 0.5m</p>	Yes.

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

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).</p> <p>Noted.</p> <p>Stormwater to be conveyed to street – lot has natural fall to street.</p> <p>No concerns presented regarding the accumulation of surface water.</p>	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).</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.

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

Control	Assessment	Compliance?
<p>4.2.8 Garages, Storage, Site Access and Parking.</p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p> <p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.</p> <p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>2 carparking spaces provided.</p> <p>2 carparking spaces provided behind the building line via double car garage.</p> <p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p> <p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.8m.</p> <p>Double garage internal dimensions = 5.6 x 5.8m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and, respective to the proposed main dwelling.</p>	Yes.
<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</p>	<p>FFL = 92.025 – lowest associated point of NGL = 91.4 = 0.625m.</p> <p>Proposed development is single storey only.</p> <p>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>	Yes.

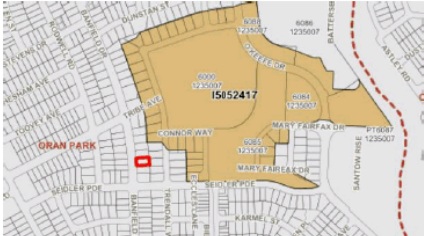
Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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

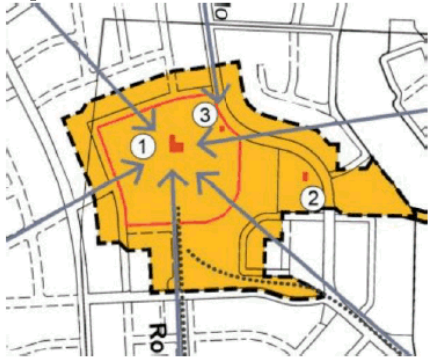
Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

Control	Assessment	Compliance?
<p>4.2.10 Fencing.</p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>Eastern boundary (primary) fence to be 1.1m in height adopting open style steel palings with 3m separated pillars.</p> <p>Southern boundary to include continued 1.2m high fencing before increasing to a height of 1.5m at 12m from the splay of the corner.</p> <p>Side boundary return fences indicated at 2.0m behind the building line.</p>	Yes.
<p>Table 4-5 – Front setback. 4.5m to building façade.</p>	<p>Primary southern boundary setback = 4.5m.</p> <p>The southern boundary is taken to be the primary setback as this forms the entrance to the dwelling. The proposal incorporates a entry feature (porch/veranda) that wraps around to secondary frontage.</p> <p>The orientation of the dwelling is further considered to provide articulation and variation to the future streetscape.</p>	Yes.
<p>Table 4-5 – Articulation zone. 3.0m if not fronting open space.</p>	<p>No articulation zone proposed.</p>	Yes.
<p>Table 4-5 – Garage setback. 5.5m to garage line and 1m behind the building line.</p>	<p>Garage setback 6.0m from secondary eastern boundary line.</p>	Yes.
<p>Table 4-5 – Side setbacks. Ground floor (Side A) = 0.9m Ground floor (Side B) = 0.9m.</p> <p>Upper floor (Side A) = 1.5m. Upper floor (Side B) = 0.9m.</p>	<p>Western side boundary setback at: Side (A) ground = 1.355m.</p> <p>The proposed development is single storey only and has one side boundary as it is a corner lot.</p>	Yes.
<p>Table 4-5 – Rear setback. Ground = 4.0.</p> <p>Upper floor = 6.0m.</p>	<p>Rear western boundary setback at ground = 5.5m.</p> <p>NA – single storey only.</p>	Yes.
<p>Table 4-5 – Site coverage. Maximum 50% at ground floor. Maximum 30% at upper floor.</p>	<p>Site coverage = $301.653/744.8 = 40.5\%$.</p>	Yes.

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

Control	Assessment	Compliance?
Table 4-5 – Soft landscaped area. Minimum 30% of the allotment area.	247.225/744.8*100 = 33.19%. Note – this calculation is excluding all areas that are not turfed (paving, pebbled e.c.t).	Yes.
Table 4-5 – Principal Private Open Space (PPOS). Minimum 24sqm with minimum dimensions of 4m.	PPOS = 161sqm taken to be the outdoor areas to the northern portion of lot.	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 = 4.9m. 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.  Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.	Subject lot is located outside of the heritage curtilage. Development on the subject lot does not trigger nominated integrated development. Approval under NSW Heritage Act 1977 is not required as lot is not mapped within the gazette heritage curtilage.	Yes.



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

Control	Assessment	Compliance?
<p>Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p>  <p>Development in these areas must be sympathetically designed to complement the topography of the site, the setting of Oran Park House and associated outbuildings and the historical rural character without replicating architectural details.</p>	<p>Development is located outside of 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.</p> <p>While located outside the identified area, the proposed development was referred to Council's Heritage Advisor who raised no objection to the proposed development.</p>	
<p>4.1.2 Oran Park House and Outer Heritage Curtilage Principals.</p>	<p>Proposed development is not located within the Oran Park heritage curtilage.</p>	<p>Yes.</p>

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

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Attachment 3

Control	Assessment	Compliance?
<p>Controls</p> <p>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>4.1.3 Landscape Elements – Views and Vistas.</p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p> <p>New plantings must be planted with consideration to the vistas identified in Figure 4-3 and must not obscure the cultural, historical or aesthetic significance of the place in any physical or visual way.</p>  <p>Figure 4-3 – Significant Vistas within the Oran Park House curtilage to be preserved</p> <p>Development is located outside of significant vista line as identified within figure 4.3.</p> <p>As above.</p>		Yes.
<p>4.1.11 Residential Built Form.</p>		Yes.

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

Control	Assessment	Compliance?
<p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package. The block design must be submitted and approved with the first development application for the construction of a dwelling within the street block.</p>	<p>NA – development located outside of area identified under heritage.</p>	
<p>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>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>The proposed development was referred to Council's Heritage Advisor who raised no objection to the proposed development. The proposed development has a contemporary design that respects Oran Park House.</p> <p>Proposed development is located outside of the curtilage area.</p> <p>The proposal will adopt the following design features:</p> <ul style="list-style-type: none"> • Awning over window. • Recessing and projecting building line. • Gable roof form that addresses the primary frontage. <p>Noted – no colonial style window treatments proposed.</p> <p>All windows to the front façade feature a dominate vertical proportion.</p>	<p>Yes.</p>

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

Control	Assessment	Compliance?
<p>Picture windows or fully glazed walls are permitted to the street façade.</p> <p>An entry portico is to be of contemporary design and appearance. Access to the entry portico may be from either the driveway or a separate path.</p> <p>Shadow lines are an appropriate element to complement the overall facade appearance.</p> <p>The design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p>	<p>No picture windows or fully glazed walls are proposed to the street façade.</p> <p>Noted.</p> <p>Noted.</p> <p>Front elevation articulated in the form of a stepped building line adopting articulation feature in the form of a porch.</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>	<p>The subject lot is not identified as being within the area identified as being intended for 'very low density area'.</p> <p>The setback controls as per section 4.1.14 and figure 4.8 do not apply.</p>	Yes.
<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 development is not within the heritage curtilage.</p>	Yes.
<p>4.1.16 Roofs.</p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p> <p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p> <p>Roofs must use neutral colour tones such as greys, greens or browns.</p>	<p>Hipped and gable roof forms adopting varying degrees of pitch from 22.5 degrees to a maximum of 30 degrees.</p> <p>Roof adopts hipped formation.</p> <p>Eaves 0.450m in overhang as identified on plans.</p> <p>Colour schedule provided indicates 'windspray' colour to be used.</p>	Yes.
<p>4.1.17 Lofts, Attics and Dormer Windows.</p>		Yes.

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

Control	Assessment	Compliance?
<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 a corner lot accompanied with a clause 4.6 variation to the height of buildings development standard.</p> <p>Proposed development does not adopt loft, attic or dormer window.</p>	
<p>4.1.18 Garages.</p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p>	<p>The objectives of section 4.1.18 discuss protection of amenity and the creation of attractive streetscapes within the Oran Park Heritage Curtilage.</p> <p>The width of the garage being $4.9/15.1 = 32.45\%$.</p> <p>The garage has been considered within the overall building design and is considered as being consistent with regards to the main dwellings materials, colours and proposed roof pitch.</p> <p>Garage proposed being a double car garage can accommodate two cars with the ability for an additional two cars to be parked on the residential lot in front of the garage.</p>	Yes.
<p>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>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>	Yes.

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

Control	Assessment	Compliance?
<p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p> <p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p> <ul style="list-style-type: none"> • Face brickwork with struck or tooled joints; • Light coloured mortar joints; and • Any rendered surfaces painted in neutral colours. 	<p>Corrugated roofing material proposed.</p> <p>Noted.</p> <p>Noted, front façade will adopt variation between rendering and exposed brick.</p> <p>Noted.</p>	
<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 various landscaping features such as turf, groundcover, trees and plantings.</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>When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.</p>	<p>The driveway will;</p> <ul style="list-style-type: none"> • The driveway has a maximum width of 5m. • Driveway to adopt clay pavers that will match the roof. <p>Noted – No concrete driveway proposed.</p>	Yes.
4.1.21		Yes.

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

Control	Assessment	Compliance?
<p>Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</p> <p>Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.</p>	None of the said structures are located from view of the public.	
<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 located so as to be a visually prominent element from view of the streetscape.</p> <p>There is no front fence proposed or required</p>	Yes.

Swimming Pools			
	Control	Proposed	Compliance
Front Setback	Located behind building line	Behind building line.	N/A
Side and Rear Setback	1 metre (recommended)	>1.0m on two of the four elevations.	Yes
Cut & fill (B1.2)	Max 1 metre	NA.	N/A
	No fill within 2m of boundary (unless drop edge beam)	NA.	
Privacy (D2.1.4)	Does not create adverse impact on privacy	No privacy impacts.	No
	Located away from bedroom areas of adjoining dwellings.	Noted.	
Landscape	Minimum 30% Site	>30%.	Yes
Private open space	≥ 20% Site Area	>20%.	Yes
	Min PPOS of 24m ²	>20sqm.	Yes
Trees & Vegetation	Retain existing vegetation onsite	Noted.	N/A
Site Constraints	Not impact on existing onsite sewerage management system and associated effluent disposal areas	NA – site connected to sewer.	No
	Existing infrastructure remains unaffected.	Noted.	
Fencing	Internal Fencing 1.2 metres with NCZ	Condition of consent.	Yes

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

(AS1926-2012)	Boundary fencing 1.8 metres and 0.9 metre NCZ	Condition of consent.	
	Pool Gate Swing	Outward	
	Windows Restricted	Noted.	
	Doors not located within Pool Enclosure	No doors.	

CLPP04

Attachment 3



Integrated urban design
and planning

CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address:	15 Mary Fairfax Drive, Oran Park 2570	
Lot:	6069	DP1235007
Date:	27 December 2021	

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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:	15 Mary Fairfax Drive, Oran Park 2570	
Lot:	6069	DP1235007

3.3 Proposal

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

3.4 Planning Context

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

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

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

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

3.5 Extent of Variation to Development Standard

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

Table 3: Extent of Variation to Development Standard

Proposed Building Height:	5.962 metres
Extent of Proposed Variation*:	19.24 %

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

Test 1(a): the objectives of the zone

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

Clause 4.6 Variation to Building Height
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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.

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4.1.16 Roofs

Controls

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

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

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

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

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

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

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

4.5 Building Height

Controls

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

And:

4.6 Roofs

Controls

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

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

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

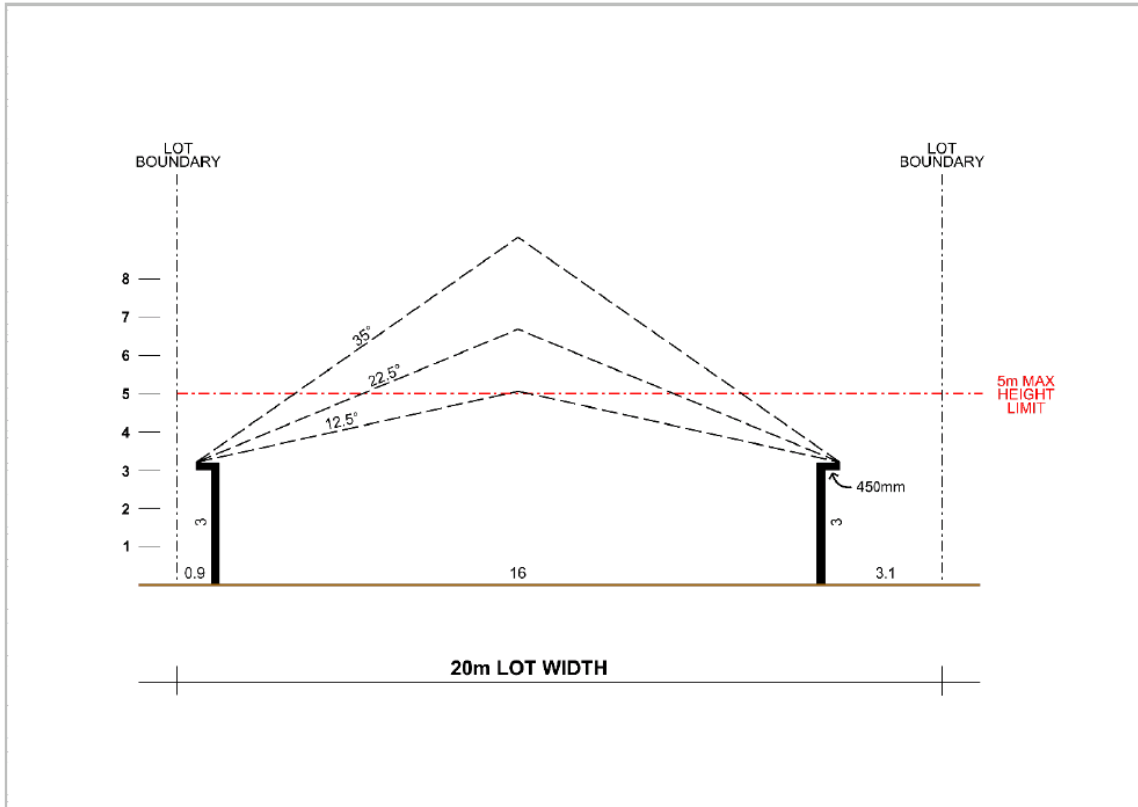


Figure 4 – Building Height & Roof Pitch

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

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

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

Conclusion

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

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

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

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height development standard.

Better designed single storey dwellings & streetscapes

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

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



Figure 5 – Dwelling Roof Forms

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

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

No impact on views and vistas from Catherine Park House

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

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

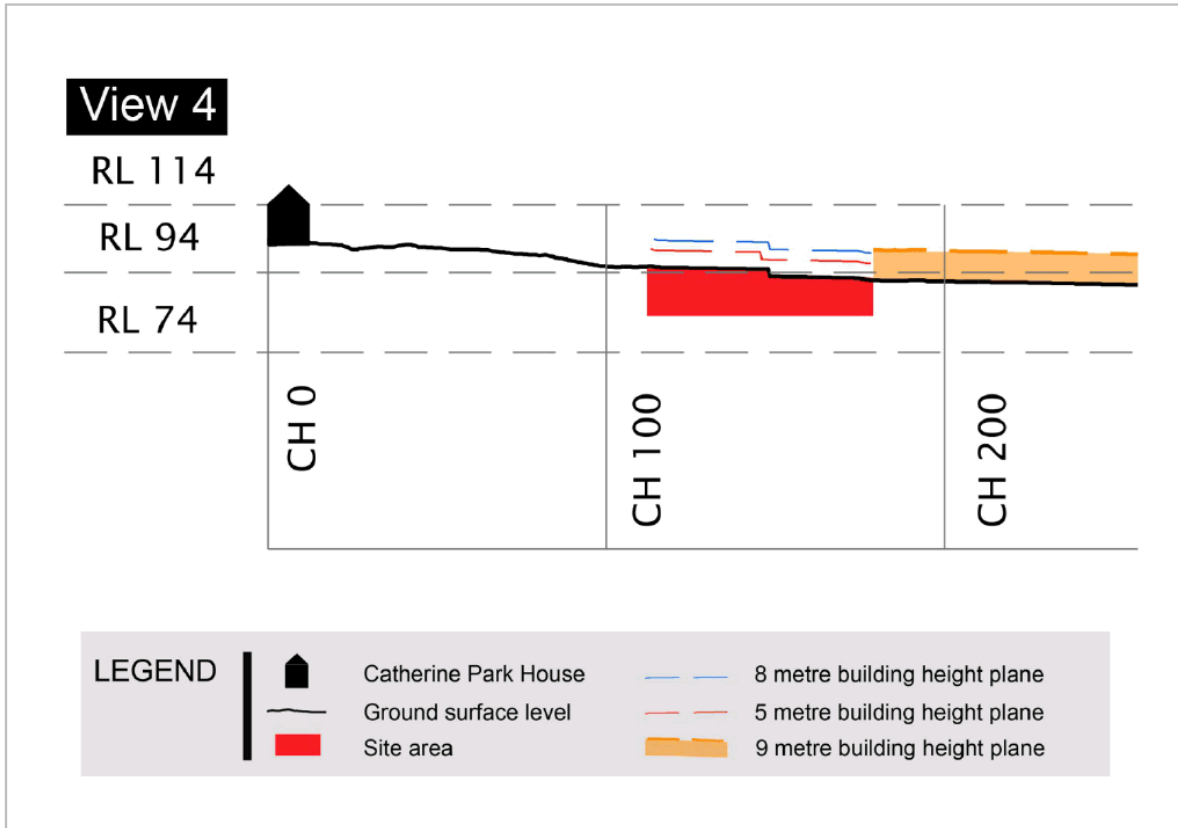


Figure 6 – Extract from View 4 in Views Analysis

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

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

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

Objectives and intent of built form surrounding Catherine Park House preserved

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

No significant environmental impact

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

Conclusion

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

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

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

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

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

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

4.4 Considerations for the Planning Secretary

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

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

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

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

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.

CLPP04

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

- ⊕ - SEWER INSPECTION POINT
- ⊙ - SEWER MAINTENANCE SHAFT
- ☒ - ELEC. BOX
- - WATER
- TW - DENOTES LEVEL AT TOP OF WALL
- LIP - DENOTES LEVEL AT LIP OF KERB
- BK - DENOTES LEVEL AT BACK OF KERB
- LIN - DENOTES LEVEL AT TOP OF LINTEL

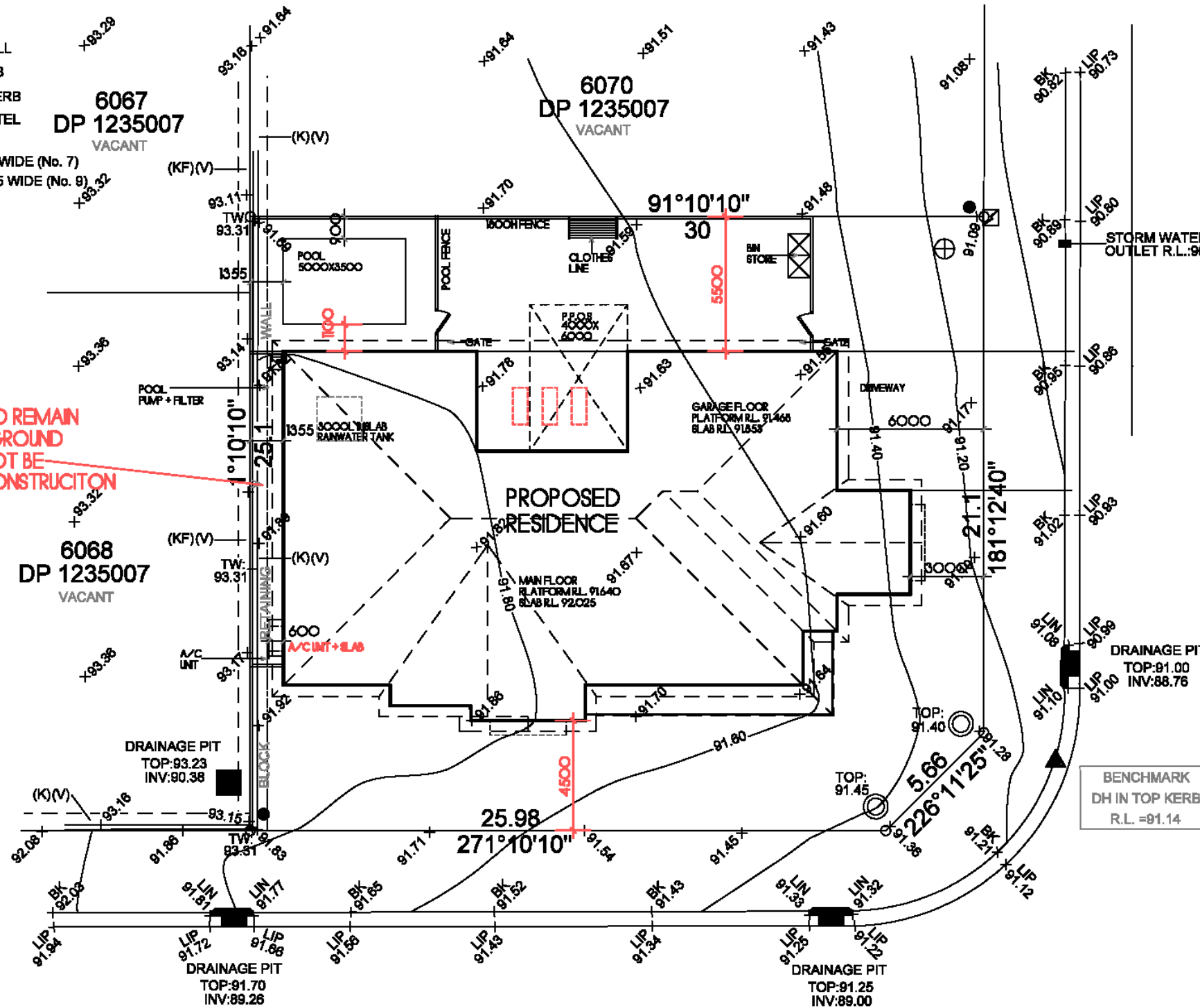
(K) - RESTRICTION ON THE USE OF LANE 0.7 WIDE (No. 7)
 (KF) - RESTRICTION ON THE USE OF LAND 0.5 WIDE (No. 9)
 (V) - POSITIVE COVENANT (No. 8)

SITE INFORMATION	
LOT 6069 DP 1235007	
TOTAL FLOOR AREA	342.88sqm
SITE AREA	744.8sqm
DRIVEWAY + PATHS	3.4sqm
PERVIOUS AREA	376.86sqm
IMPERVIOUS AREA	367.92sqm
PRIVATE OPEN SPACE	17.0sqm
FLOOR SPACE RATIO	0.351
SITE COVERAGE 'CDC'	40%

- NOTES**
- SITE CLASSIFICATION - 1st CLASS SLAB
 - LANDSCAPING INCLUDING LETTERBOX, TURF TO FRONT + NATURE STRIP + GARDEN BED WITH PLANTS TO COUNCIL/CDC SPECIFICATION
 - DO NOT SCALE OFF DRAWINGS. USE WRITTEN DIMENSIONS
 - ALL DOWNPIPES TO MEET BARK REQUIREMENTS WITH OVERFLOW TO BE CONNECTED TO COUNCIL STORMWATER SYSTEM AT STREET

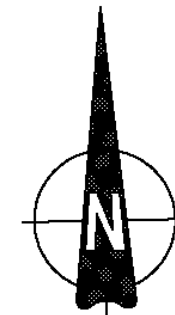
THE HOME WILL BE SMART WIRED IN ACCORDANCE WITH THE STANDARDS OUTLINED BY THE NBN

EASEMENT (K) IS TO REMAIN AT THE EXISTING GROUND LEVEL + SHALL NOT BE MODIFIED WITH CONSTRUCTION



MARY FAIRFAX DRIVE

MARY FAIRFAX DRIVE



LOT 6069
DP 1235007
AREA 744.8SQM

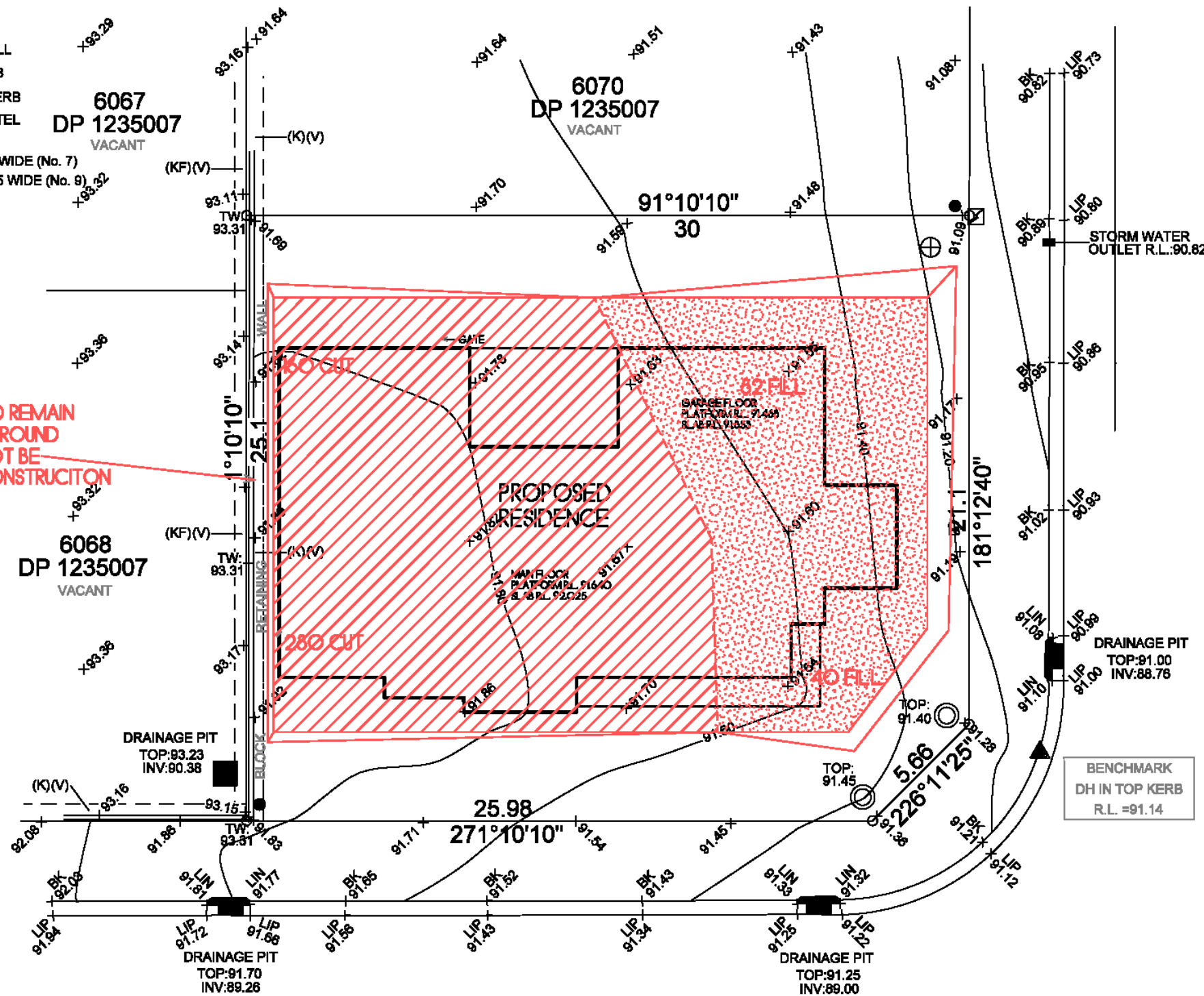
⊕ SITE PLAN
SCALE 1:200

<p>NOTES:</p> <ol style="list-style-type: none"> Levels shown are approx only + should be verified on site Figured dimensions are to be taken in preference to scaling All measurements are in mm unless otherwise stated Window sizes are nominal only. Final window sizes by builder Dimensions are to be verified on site by builder before commencement of work <p>© COPYRIGHT STRAIGHTLINE STUDIO CO. 2021</p>	<p>BUILDER: Prestige Living Homes Pty Ltd BUILDERS LICENCE: 35240IC</p>	<p>PROJECT: Proposed Residence DRAWING: Site Plan SCALE: 1:200@A3 DRAWING NUMBER: SS21.010.8 DATE: 23.11.2021 PAGE: 3/13</p>	<p>CLIENT: Mr + Mrs Ortega ADDRESS: Lot 6069 Mary Fairfax Drive, Catherine Park CUSTOM DESIGN</p>
	<p>STRAIGHTLINE STUDIO CO</p> <p>WWW.STRAIGHTLINESTUDIOCO.COM.AU DESIGN@STRAIGHTLINESTUDIOCO.COM.AU PH 0413097563 ABN 30570976609</p>		

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- (KF) - RESTRICTION ON THE USE OF LAND 0.5 WIDE (No. 8)
- (V) - POSITIVE COVENANT (No. 8)

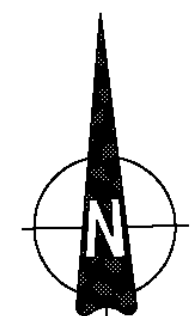
EASEMENT (K) IS TO REMAIN AT THE EXISTING GROUND LEVEL + SHALL NOT BE MODIFIED WITH CONSTRUCTION



MARY FAIRFAX DRIVE

MARY FAIRFAX DRIVE

CUT + FILL PLAN
SCALE 1:200



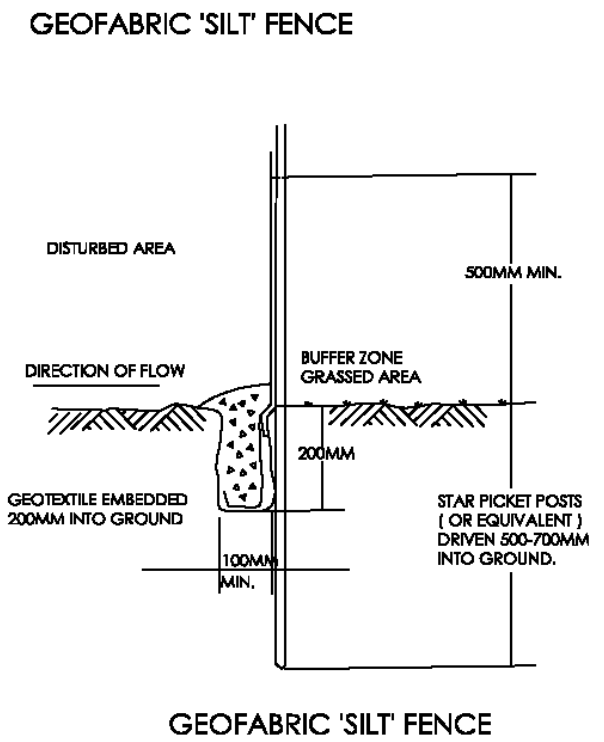
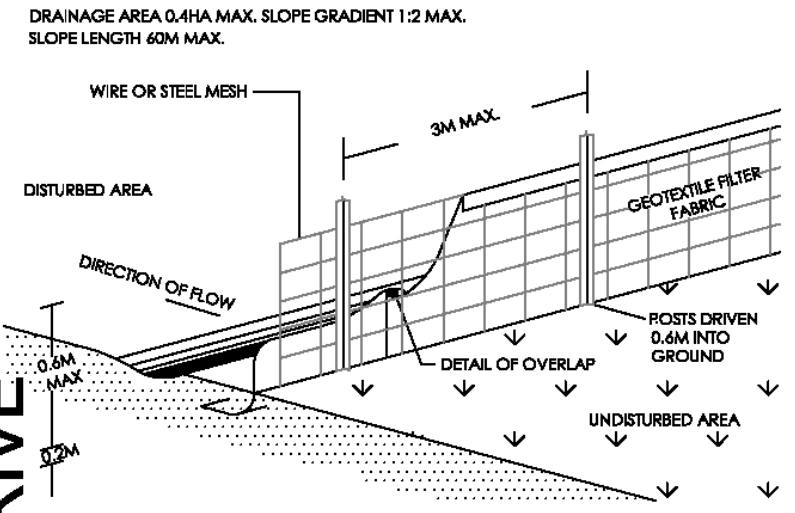
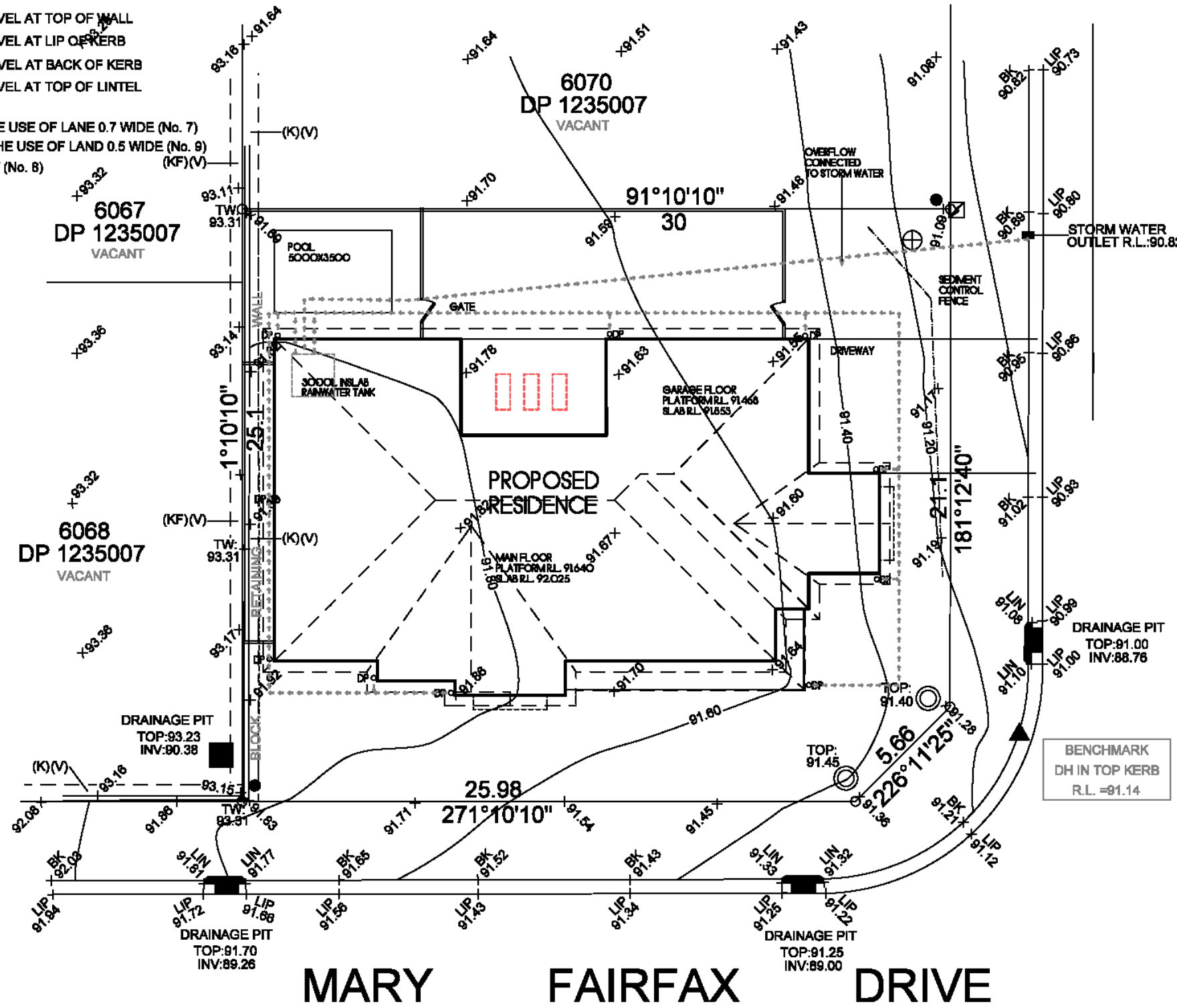
LOT 6069
DP 1235007
AREA 744.8SQM

NOTES: 1. Levels shown are approx only + should be verified on site 2. Figured dimensions are to be taken in preference to scaling 3. All measurements are in mm unless otherwise stated 4. Window sizes are nominal only. Final window sizes by builder 5. Dimensions are to be verified on site by builder before commencement of work © COPYRIGHT STRAIGHTLINE STUDIO CO. 2021	BUILDER: Prestige Living Homes Pty Ltd BUILDERS LICENCE: 352401C	PROJECT: Proposed Residence DRAWING: Cut + Fill Plan SCALE: 1:200@A3 DRAWING NUMBER: SS21.010.8 DATE: 23.11.2021 PAGE: 3/13	CLIENT: Mr + Mrs Ortega ADDRESS: Lot 6069 Mary Fairfax Drive, Catherine Park CUSTOM DESIGN

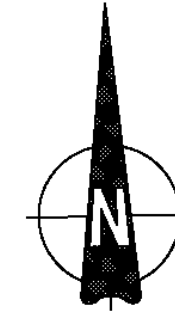
ISSUE: H | WWW.STRAIGHTLINESTUDIOCO.COM.AU | DESIGN@STRAIGHTLINESTUDIOCO.COM.AU | PH 0418097583 | ABN 30570976809

- ⊕ - SEWER INSPECTION POINT
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MARY FAIRFAX DRIVE



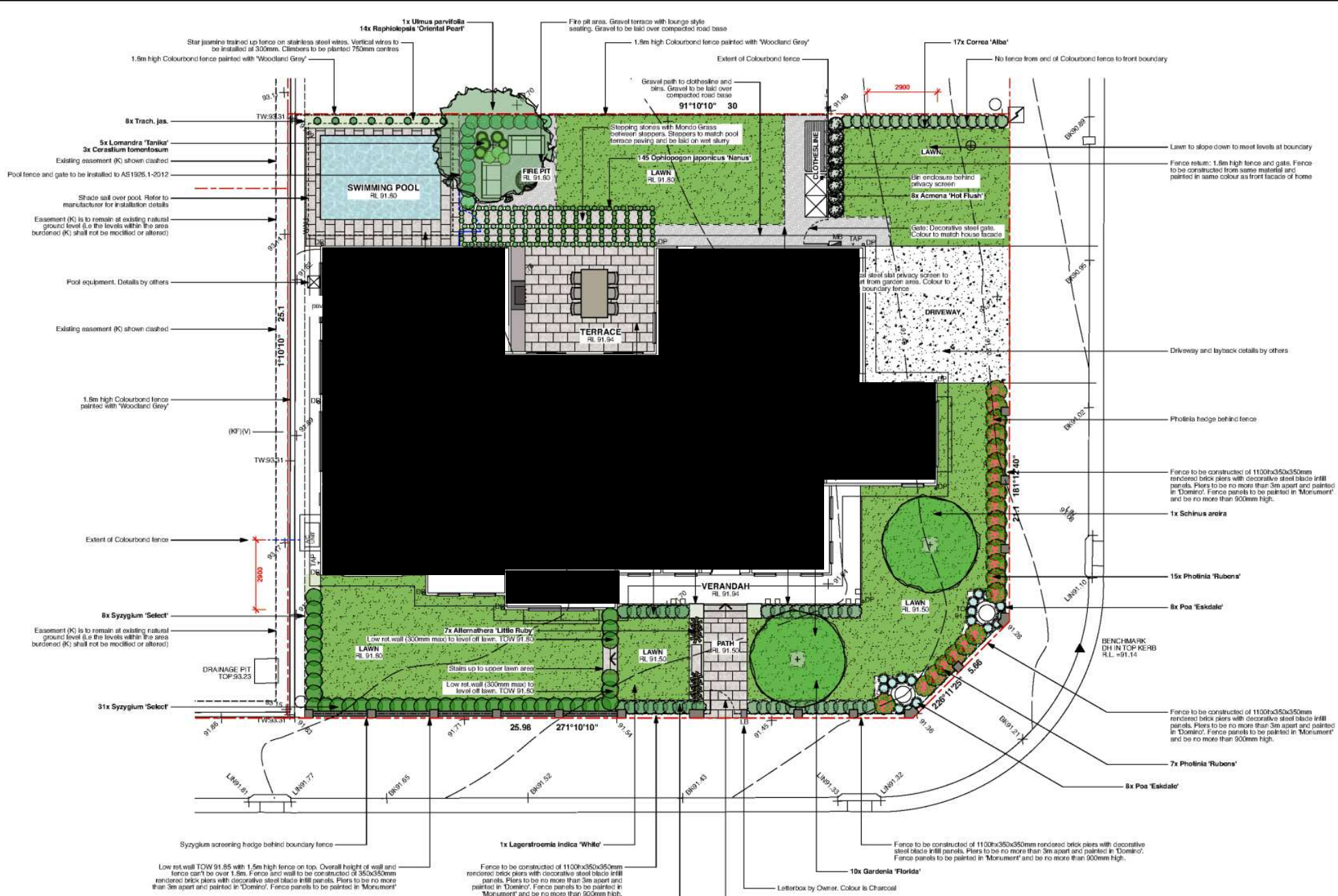
LOT 6069
DP 1235007
AREA 744.8SQM

CONCEPT DRAINAGE PLAN

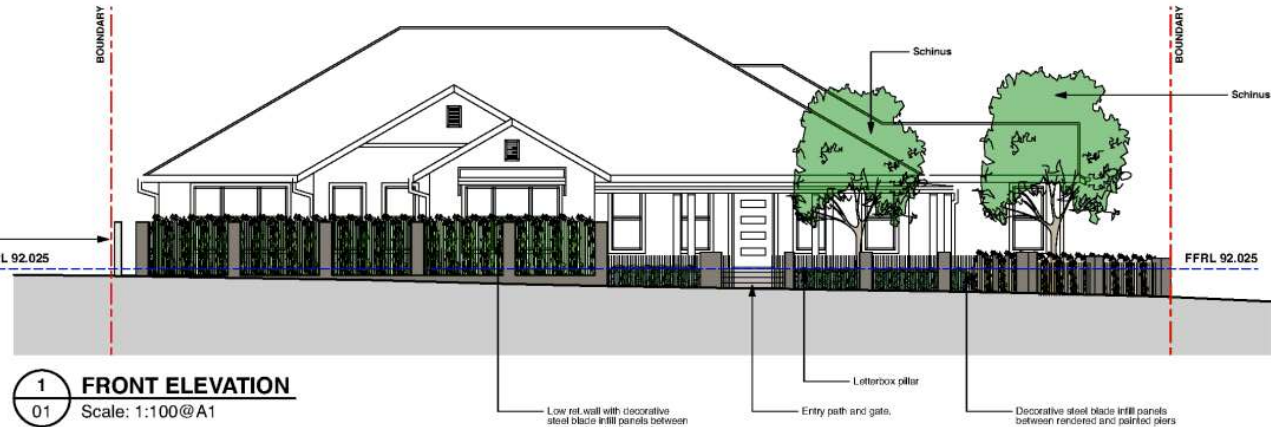
SCALE 1:200

NOTES 1. Levels shown are approx only + should be verified on site 2. Figured dimensions are to be taken in preference to scaling 3. All measurements are in mm unless otherwise stated 4. Window sizes are nominal only. Final window sizes by builder 5. Dimensions are to be verified on site by builder before commencement of work	BUILDER: Prestige Living Homes Pty Ltd BUILDERS LICENCE: 35240IC	PROJECT: Proposed Residence DRAWING: Concept Drainage Plan SCALE: 1:200@A3 DRAWING NUMBER: SS21.010.8 DATE: 23.11.2021 PAGE: 4/13	CLIENT: Mr + Mrs Ortega ADDRESS: Lot 6069 Mary Fairfax Drive, Catherine Park CUSTOM DESIGN

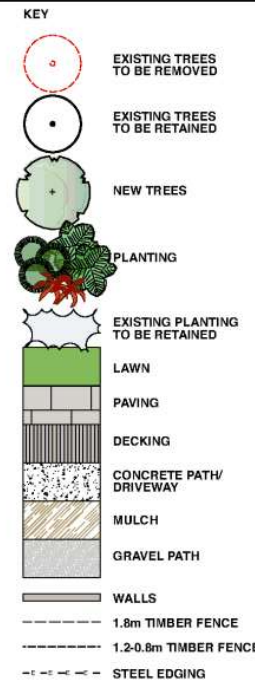
This is the report submitted to the Camden Local Planning Panel – Electronic Determination



LANDSCAPE PLAN
Scale: 1:100@A1



FRONT ELEVATION
Scale: 1:100@A1



PLANT SCHEDULE

ID	Qty	Botanical Name	Common Name	Scheduled Size	Mature Spread	Mature Height
Trees	2	<i>Schinus arora</i>	Propple Tree	4.6m	8m	3.5-4.0m
Upl	1	<i>Ulmus parvifolia</i>	Chinese Elm	4.6m	10-15m	10-15m
Bamboo, Palms, Cycads, Bromeliads and Ferns						
Shrubs	6	<i>Acmena 'Hot Flush'</i>	Lilly Pilly	300mm	1.0-1.5m	2-3m
Ca	17	<i>Correa alba</i>	White Correa	200mm	1m	1m
Ca	30	<i>Gardenia 'Florida'</i>	White Gardenia	200mm	1m	1m
Ph	22	<i>Phorinia 'Rubens'</i>	Phorinia	300mm	1.0-1.2m	1.5-2.0m
Rsp	14	<i>Raphiokarpis 'Oriental Pearl'</i>	Indian Hawthorn	200mm	0.6-0.8m	0.6-0.75m
Spr	40	<i>Syzygium australe 'Select'</i>	Bush Cherry	200mm	3.5-6m	3-6m
Grasses						
Lil	5	<i>Lomandra longiloba 'Tanika'</i>	Spiky-headed reed rush	200mm	0.6-0.8m	0.45-0.6m
Grp	17	<i>Poa laevis 'Eskdale'</i>	Tussock Grass	140mm	0.5-0.75m	0.75-1m
Groundcovers						
Ci	3	<i>Ceratium tomentosum</i>	Snow-in-Summer	200mm	0.5m	0.5m
Gr	145	<i>Ophiopogon japonicus</i>	Morizo Grass	100mm	0.3m	0.3m
Perennials						
Act R	7	<i>Alternanthera dentata 'Little Ruby'</i>	Ruby leaf Alternanthera	140mm	0.75m	0.3m
Climbers	1	<i>Trachospermum jasminoides</i>	Chinese Star Jasmine	300mm	3m	1.5-3m

NOTES

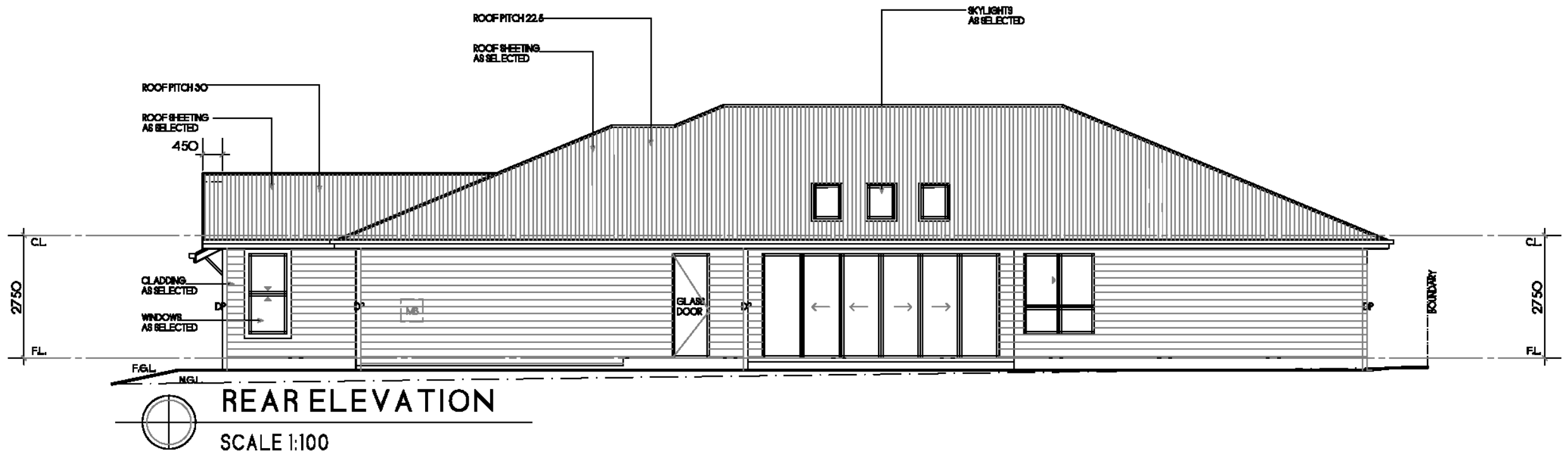
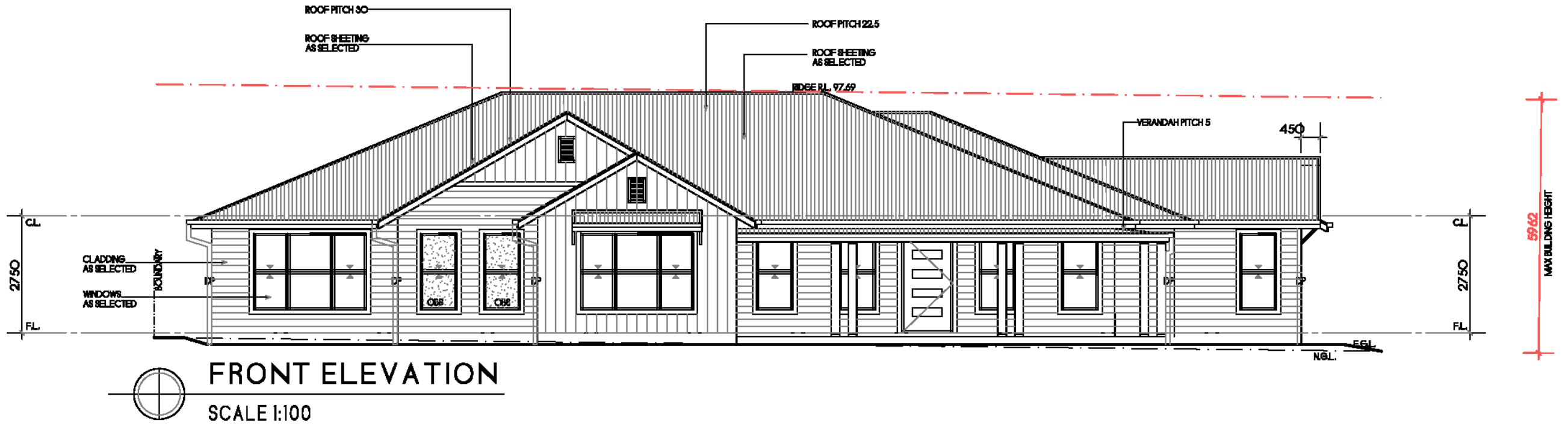
- DO NOT SCALE OFF DRAWINGS. USE WRITTEN DIMENSIONS
- DOOR FRAME OPENINGS TO BE 90mm CLEAR OF WALLS TO ALLOW FOR LABEL ARCHITRAVE
- 90mm X 35mm TIMBER STUD FRAMING
- ALL STRUCTURAL BEAMS + SUPPORTS TO BE REFERRED TO ENGINEER'S DETAIL S
- WINDOW FRAMES, GLAZING + ASSOCIATED MATERIALS SHOULD BE TO MANUFACTURER'S SPECIFICATIONS. MANUFACTURER TO CERTIFY DESIGN COMPLIANCE WITH BCA CLAUSE 3.9.2.5 + APPLICABLE AUSTRALIAN STANDARDS
- ALL INTERNAL DIMENSIONS EXCLUDE THICKNESS OF PLASTERBOARD + ARE NOMINAL

LEGEND

AL	ALFRESCO	AL	ALUMINIUM WINDOW
AN	ANNEX	AN	ANNEX
AP	APARTMENT	AP	APARTMENT
AR	ARCHITRAVE	AR	ARCHITRAVE
AS	ASBESTOS	AS	ASBESTOS
AT	ATTACHED	AT	ATTACHED
AW	AWNING	AW	AWNING
AX	AXIS	AX	AXIS
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NOTES

- DO NOT SCALE OFF DRAWINGS. USE WRITTEN DIMENSIONS
- ALL FRAMES + TRUSSES WILL BE SUPPLIED AS PREFABRICATED + CONSTRUCTED IN ACCORDANCE WITH THE MANUFACTURERS ENGINEERING CALCS.
- ALL STRUCTURAL BEAMS + SUPPORTS TO BE REFERRED TO ENGINEERS DETAILS
- REINFORCED CONCRETE SLAB TO ENGINEERS DETAILS



NOTES

1. Levels shown are approx only + should be verified on site
2. Figured dimensions are to be taken in preference to scaling
3. All measurements are in mm unless otherwise stated
4. Window sizes are nominal only. Final window sizes by builder
5. Dimensions are to be verified on site by builder before commencement of work

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BUILDER:
Prestige Living
Homes Pty Ltd
BUILDERS LICENCE:
35240K

PROJECT: Proposed Residence
DRAWING: Elevations
SCALE: 1:100@A3
DRAWING NUMBER: SS21010.8
DATE: 23.11.2021
PAGE: 7/13

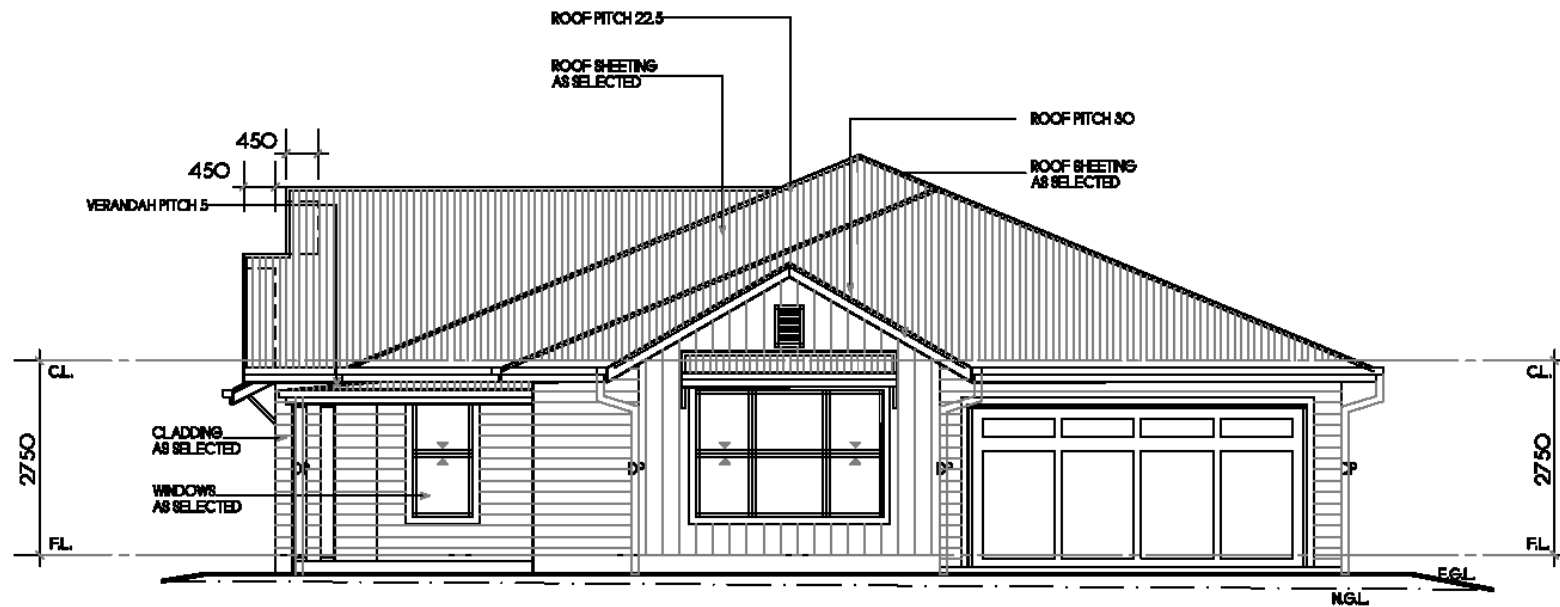
CLIENT: Mr + Mrs Ortega **ADDRESS:** Lot 6069 Mary Fairfax Drive, Catherine Park **CUSTOM DESIGN**



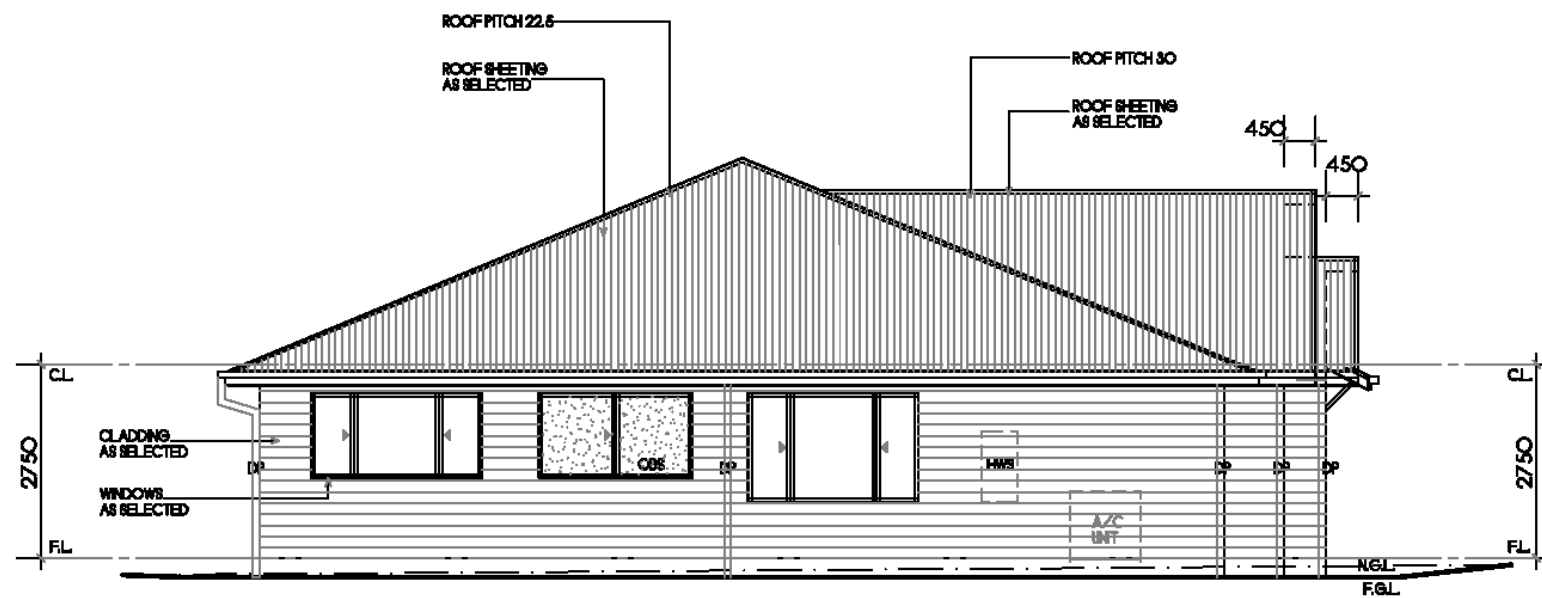
WWW.STRAIGHTLINESTUDIOCO.COM.AU | DESIGN@STRAIGHTLINESTUDIOCO.COM.AU | PH 0413097563 | ABN 30570978809

ISSUE: H

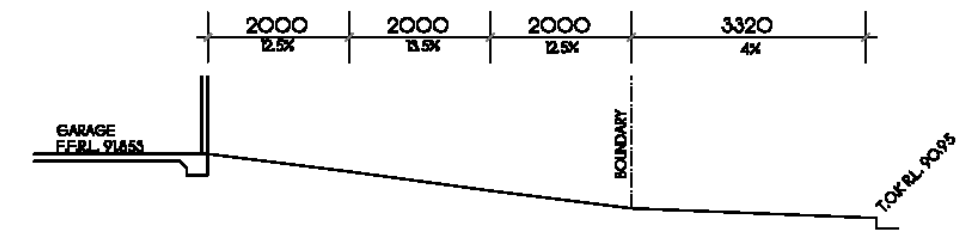
- NOTES**
- DO NOT SCALE OFF DRAWINGS, USE WRITTEN DIMENSIONS
 - ALL FRAMES + TRUSSES WILL BE SUPPLIED AS PREFABRICATED + CONSTRUCTED IN ACCORDANCE WITH THE MANUFACTURER ENGINEERING CALC'S
 - ALL STRUCTURAL BEAMS + SUPPORTS TO BE REFERRED TO ENGINEER'S DETAILS
 - REINFORCED CONCRETE SLAB TO ENGINEER'S DETAILS



SIDE ELEVATION
SCALE 1:100



SIDE ELEVATION
SCALE 1:100

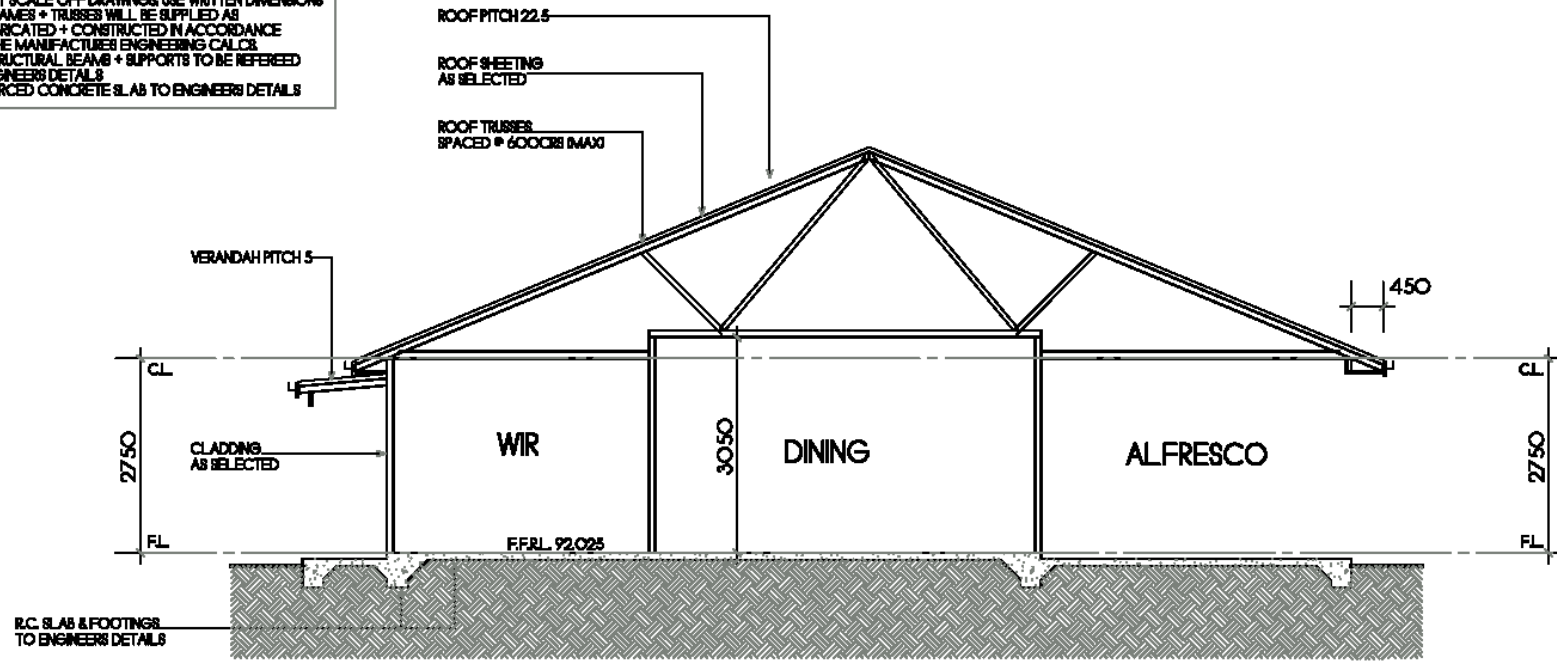


DRIVEWAY GRADIENT
SCALE 1:100

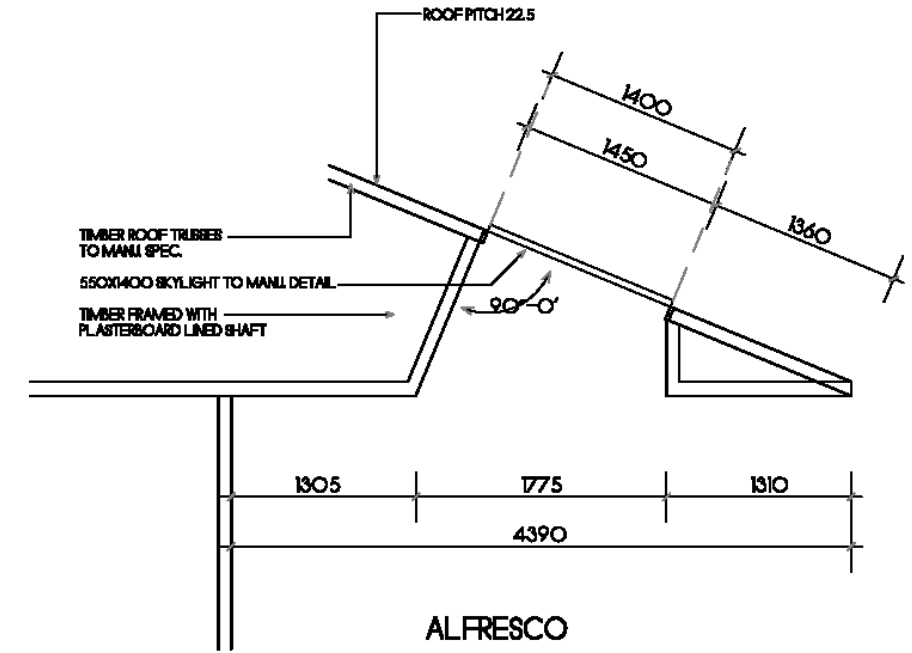
<p>NOTES:</p> <ol style="list-style-type: none"> Levels shown are approx only + should be verified on site Figured dimensions are to be taken in preference to scaling All measurements are in mm unless otherwise stated Window sizes are nominal only. Final window sizes by builder Dimensions are to be verified on site by builder before commencement of work <p>© COPYRIGHT STRAIGHTLINE STUDIO CO. 2021</p>	<p>BUILDER: Prestige Living Homes Pty Ltd BUILDERS LICENCE: 352401C</p>	<p>PROJECT: Proposed Residence DRAWING: Elevations SCALE: 1:100 @ A3 DRAWING NUMBER: SS21.010.8 DATE: 23.11.2021 PAGE: 8/13</p>	<p>CLIENT: Mr + Mrs Ortega ADDRESS: Lot 6069 Mary Fairfax Drive, Catherine Park CUSTOM DESIGN</p>
	<p>STRAIGHTLINE STUDIO CO</p>		

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

NOTES
 - DO NOT SCALE OFF DRAWINGS USE WRITTEN DIMENSIONS
 - ALL FRAMES + TRUSSES WILL BE SUPPLIED AS PREFABRICATED + CONSTRUCTED IN ACCORDANCE WITH THE MANUFACTURER ENGINEERING CALC'S.
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 - REINFORCED CONCRETE SLABS TO ENGINEER'S DETAILS



SECTION A-A
 SCALE 1:100



SKYLIGHT DETAIL
 SCALE 1:50

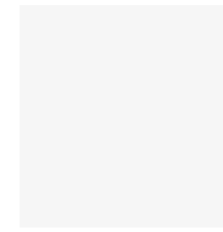
VERTICAL CLADDING
 Dulux - White on white Vertical cladding profile



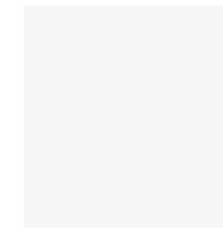
HORIZONTAL CLADDING
 Dulux - Beige Calm Horizontal cladding profile



WINDOW TRIM + POSTS
 Dulux - Vivid White



FRONT DOOR
 Dulux - Vivid White



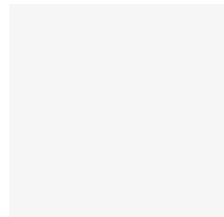
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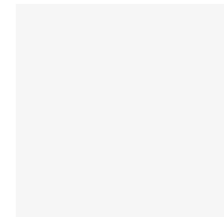
FACIA + GUTTER
 Windspray



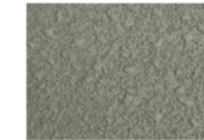
GARAGE DOOR
 Vivid White



WINDOWS
 White



DRIVEWAY
 White with Bluegum band



BLUEGUM



WHITE

EXTERNAL COLOUR SELECTIONS
 SCALE 1:100

NOTES:
 1. Levels shown are approx only + should be verified on site
 2. Figured dimensions are to be taken in preference to scaling
 3. All measurements are in mm unless otherwise stated
 4. Window sizes are nominal only. Final window sizes by builder
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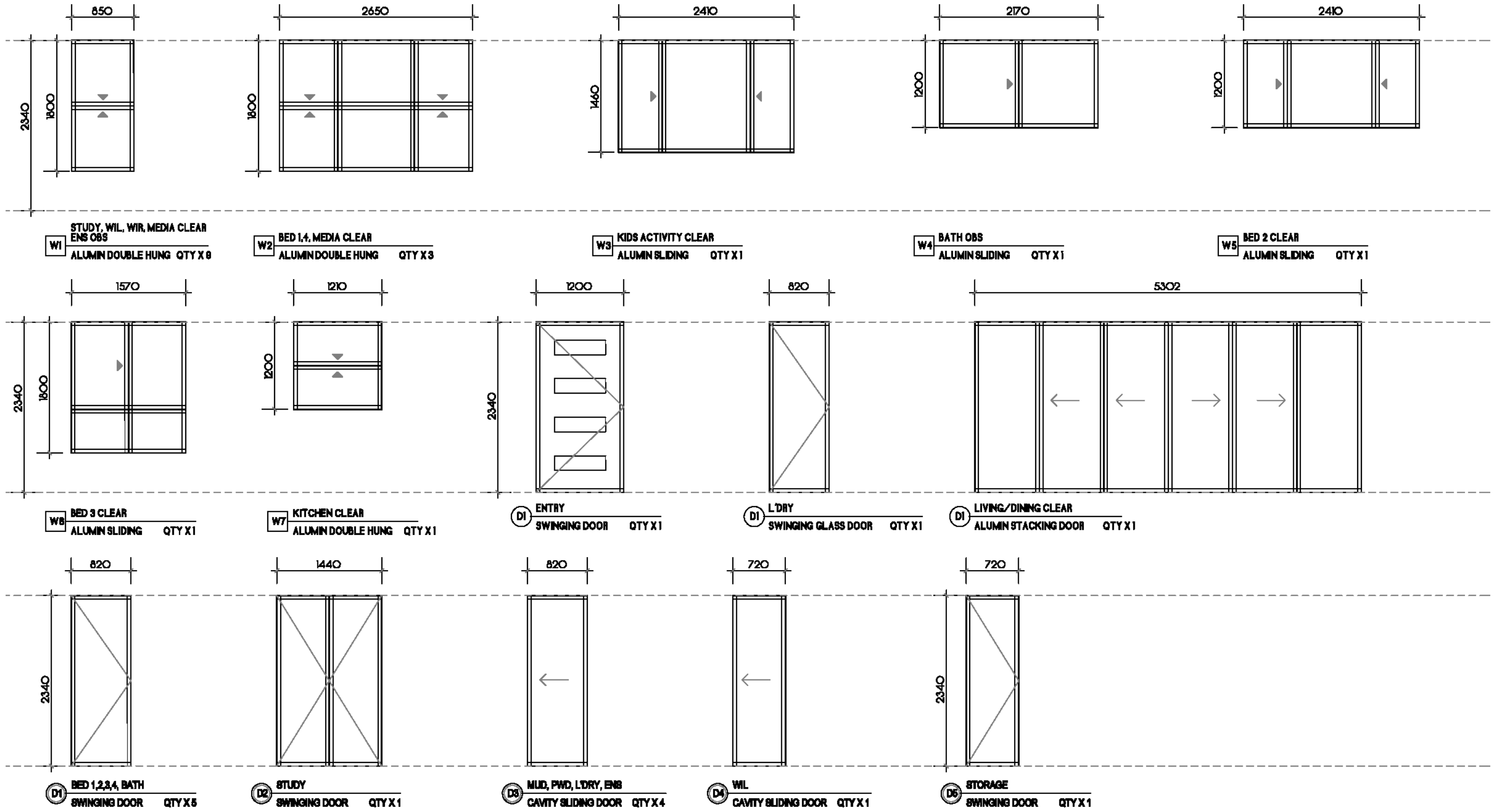
BUILDER:
 Prestige Living
 Homes Pty Ltd
BUILDERS LICENCE:
 35240IC

PROJECT: Proposed Residence
DRAWING: Section A-A + External Colour Selections
SCALE: 1:100 @ A3
DRAWING NUMBER: SS21.010.8
DATE: 23.11.2021
PAGE: 9/13

CLIENT: Mr + Mrs Ortega **ADDRESS:** Lot 6069 Mary Fairfax Drive, Catherine Park **CUSTOM DESIGN**

STRAIGHTLINE STUDIO CO

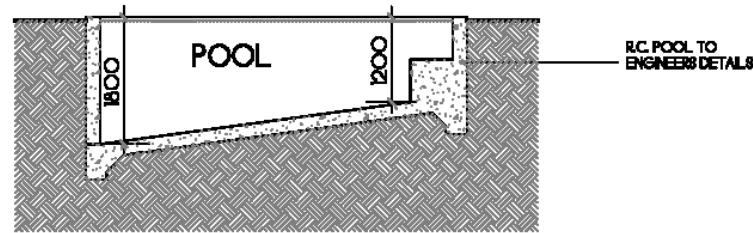
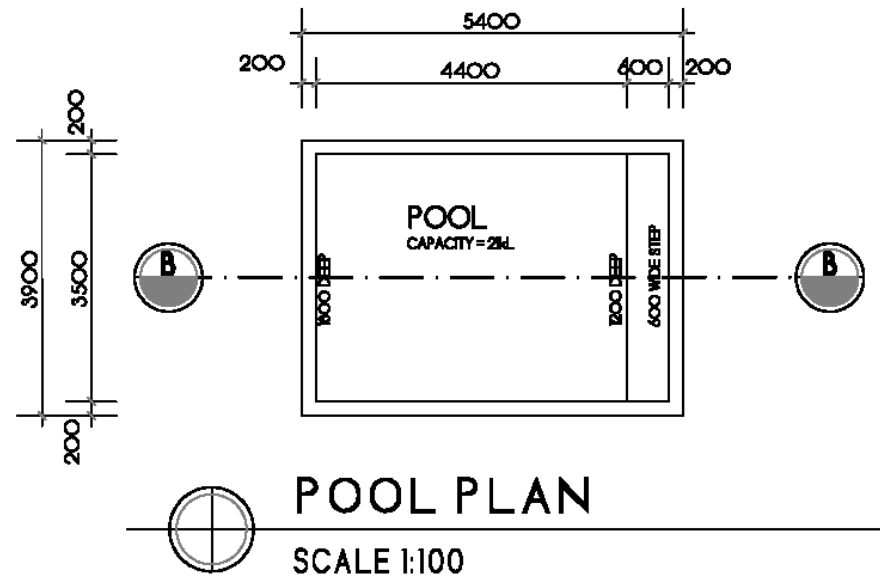
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DOOR + WINDOW SCHEDULE
SCALE 1:50

WIDELINE WINDOWS

<p>NOTES: 1. Levels shown are approx only + should be verified on site 2. Figured dimensions are to be taken in preference to scaling 3. All measurements are in mm unless otherwise stated 4. Window sizes are nominal only. Final window sizes by builder 5. Dimensions are to be verified on site by builder before commencement of work</p>	<p>BUILDER: Prestige Living Homes Pty Ltd BUILDERS LICENCE: 35240IC</p>	<p>PROJECT: Proposed Residence DRAWING: Door & Window Schedule SCALE: 1:50@A3 DRAWING NUMBER: SS21010.8 DATE: 23.11.2021 PAGE: 10/13</p>	<p>CLIENT: Mr + Mrs Ortega ADDRESS: Lot 6069 Mary Fairfax Drive, Catherine Park CUSTOM DESIGN</p> <p>STRAIGHTLINE STUDIO CO</p> <p>WWW.STRAIGHTLINESTUDIOCO.COM.AU DESIGN@STRAIGHTLINESTUDIOCO.COM.AU PH 0413097563 ABN 30570978809</p>
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BASIX COMMITMENTS
BASIX CERTIFICATE NO. 1200945S_02

LANDSCAPE

WATER TANK/RECYCLED WATER

- 3000L IN SLAB RAINWATER WATER TANK
- WATER TANK TO SUPPLY ALL TOILETS AND SELECTED GARDEN TAP
- WATER TANK TO COLLECT 180SQM OF ROOF AREA RUNOFF

WATER

- 4 STAR RATED WATER EFFICIENT SHOWER HEADS (MIN)
- 3 STAR RATED KITCHEN SINK TAPS (MIN)
- 3 STAR RATED VANITY TAPS (MIN)
- 3 STAR RATED DUAL FLUSH TOILETS (MIN)

ENERGY

- AIR CONDITIONING**
- AIR CONDITIONING TO BE DAY/NIGHT ZONED BETWEEN BEDROOMS + LIVING AREAS
 - COOLING - DUCTED AIR CONDITIONING EER 3.5 - 4.0 + CEILING FANS
 - HEATING - GAS FIXED FLUED HEATER 5 STAR

HOT WATER SYSTEM

- SOLAR (GAS BOOSTED) HOT WATER SYSTEM 45 STCa

COOKING

- SELECTED GAS COOK TOP
- SELECTED ELECTRIC OVEN

DESIGN ENHANCEMENTS

- SELECTED EXTERNAL CLOTHES LINE
- KITCHEN RANGEHOOD DUCTED TO ROOF OR FACADE, MANUAL ON/OFF SWITCH
- HEATER/FAN/LIGHT COMBO TO BE INSTALLED IN BATHROOM + ENSUITE, MANUAL ON/OFF SWITCH

THERMAL PERFORMANCE

GENERAL

- ALL WEATHER STRIP TO FRONT ENTRY DOOR
- R4.0 INSULATION BATTS TO CEILING, EXCLUDING GARAGE
- R2.2 INSULATION BATTS TO EXTERNAL WALLS, EXCLUDING GARAGE
- ROOF SARKING TO UNDERSIDE OF ROOF TILES OR SHEETING, INCLUDING GARAGE (ANTI-PONDING BOARD TO NO EAVE AREAS)

GLAZING

- ALUMINUM FRAME WITH 3mm SINGLE CLEAR GLAZING

EXTERNAL COLOUR SELECTION

- EXTERNAL ROOF COLOUR TO BE DARK
- EXTERNAL WALL COLOUR TO BE MEDIUM

<p>NOTES:</p> <ol style="list-style-type: none"> 1. Levels shown are approx only + should be verified on site 2. Figured dimensions are to be taken in preference to scaling 3. All measurements are in mm unless otherwise stated 4. Window sizes are nominal only. Final window sizes by builder 5. Dimensions are to be verified on site by builder before commencement of work <p>© COPYRIGHT STRAIGHTLINE STUDIO CO. 2021</p>	<p>BUILDER: Prestige Living Homes Pty Ltd BUILDERS LICENCE: 35240IC</p>	<p>PROJECT: Proposed Residence DRAWING: Pool Plan + BASIX Commitments SCALE: 1:100@A3 DRAWING NUMBER: SS21.010.8 DATE: 23.11.2021 PAGE: 13/13</p>	<p>CLIENT: Mr + Mrs Ortega ADDRESS: Lot 6069 Mary Fairfax Drive, Catherine Park CUSTOM DESIGN</p>
	<p>STRAIGHTLINE STUDIO CO</p>		

FENCING

Colour Proposal



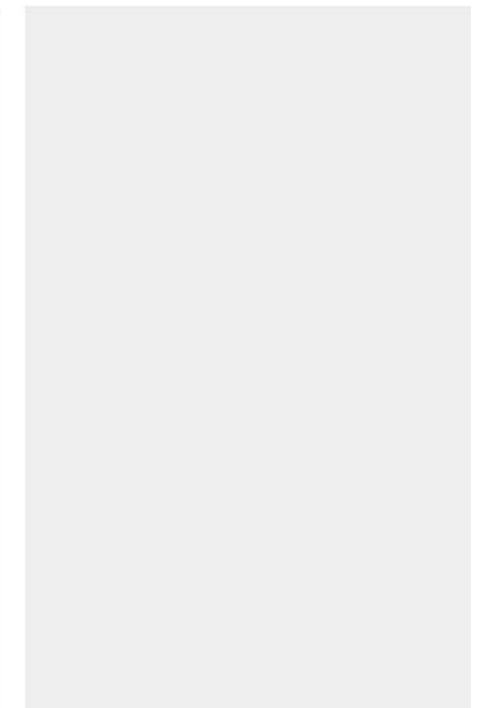
etterbox, Fencing and Rendered Low Masonry Wall Inspiration Image



Blade Fencing



FENCE COLOUR –
Colorbond Shale Grey



RENDERED WALL COLOUR –
Dulux White on White