



Camden Local Planning Panel

Electronic Determination
February 2022



CAMDEN LOCAL PLANNING PANEL

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CAMDEN LOCAL PLANNING PANEL

CLPP01

SUBJECT: DA/2021/1544/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE WITH ASSOCIATED SITE WORKS - 11 GLEESON RISE, ORAN PARK

TRIM #: 22/39919

DA Number:	2021/1544/1
Development:	Construction of a single storey dwelling house with associated site works
Estimated Cost of Development:	\$398,770
Site Address(es):	11 Gleeson Rise, Oran Park
Applicant:	McDonald Jones Homes
Owner(s):	Mr Vincent Lajcarov Mrs Anita Lajcarov
Number of Submissions:	Nil
Development Standard Contravention(s):	Clause 4.3 – Height of Buildings
Classification:	Nominated Integrated
Recommendation:	Approve with conditions.
Panel Referral Criteria:	Departure from Development Standards greater than 10%
Report Prepared By:	Lachlan Hutton, Development Assessment Officer

PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel's (the Panel's) determination of a development application (DA) for a single storey dwelling house with associated site works at 11 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/2021/1544/1 for a single storey dwelling house with associated site works, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions **attached** to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for a single storey dwelling house with associated site works at 11 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 Camden Community Participation Plan 2021. The exhibition period was from 11 October to 8 November 2021 and no submissions were received.

The proposed dwelling house has a maximum building height of 6.04m 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).

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

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

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Sydney Region Growth Centres) 2006 – Clause 4.3 – Building Height – 5m	6.04m	1.04m / 20.8%

AERIAL PHOTO



Figure 1. Aerial Photo of subject lot 6018.



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 6018 in DP1235007 and commonly referred to as 11 Gleeson Rise, Oran Park.

The site has an area of 710.3m² 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 western boundary of lot 6018.



Image 2. Photo looking to primary western boundary of lot 6018.

ZONING PLAN

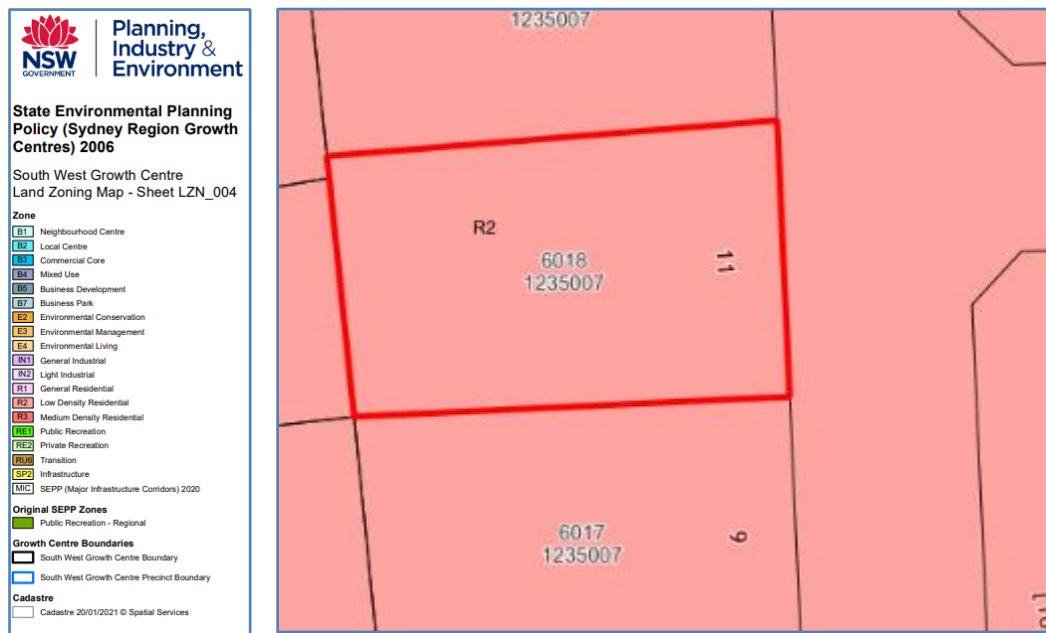


Figure 3. Subject lot 6018 R2 Zoning.

AREA MASTER PLAN

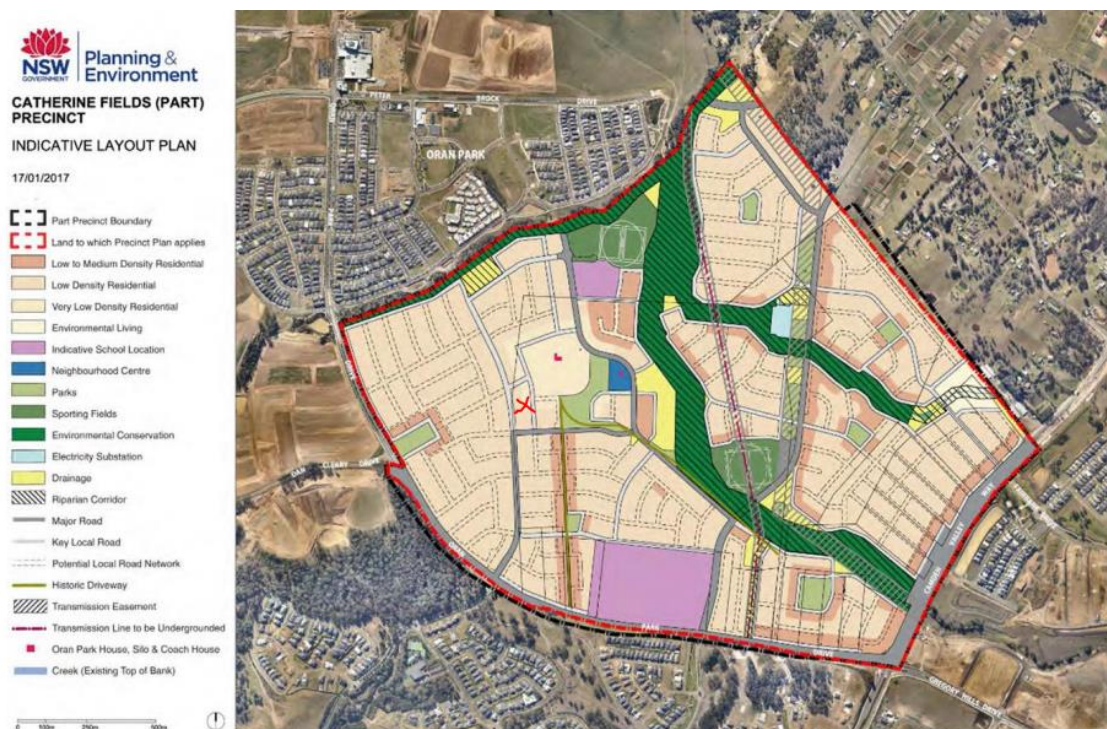


Figure 2-1: Indicative Layout Plan

Figure 4. Red 'X' denoting location of lot 6018 (the lot) in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Ref: Catherine Fields (Part) Development Control Plan, Figure 2-1, Page 4.

HISTORY

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

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

THE PROPOSAL

DA/2021/1544/1 seeks approval for a single storey dwelling house with associated site works.

The proposed dwelling house consists of three bedrooms, study, children's activity room, home theatre, combined family/dining area, kitchen, laundry, bathroom and a double garage.

The estimated cost of the development is \$398,770.

BACKGROUND

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

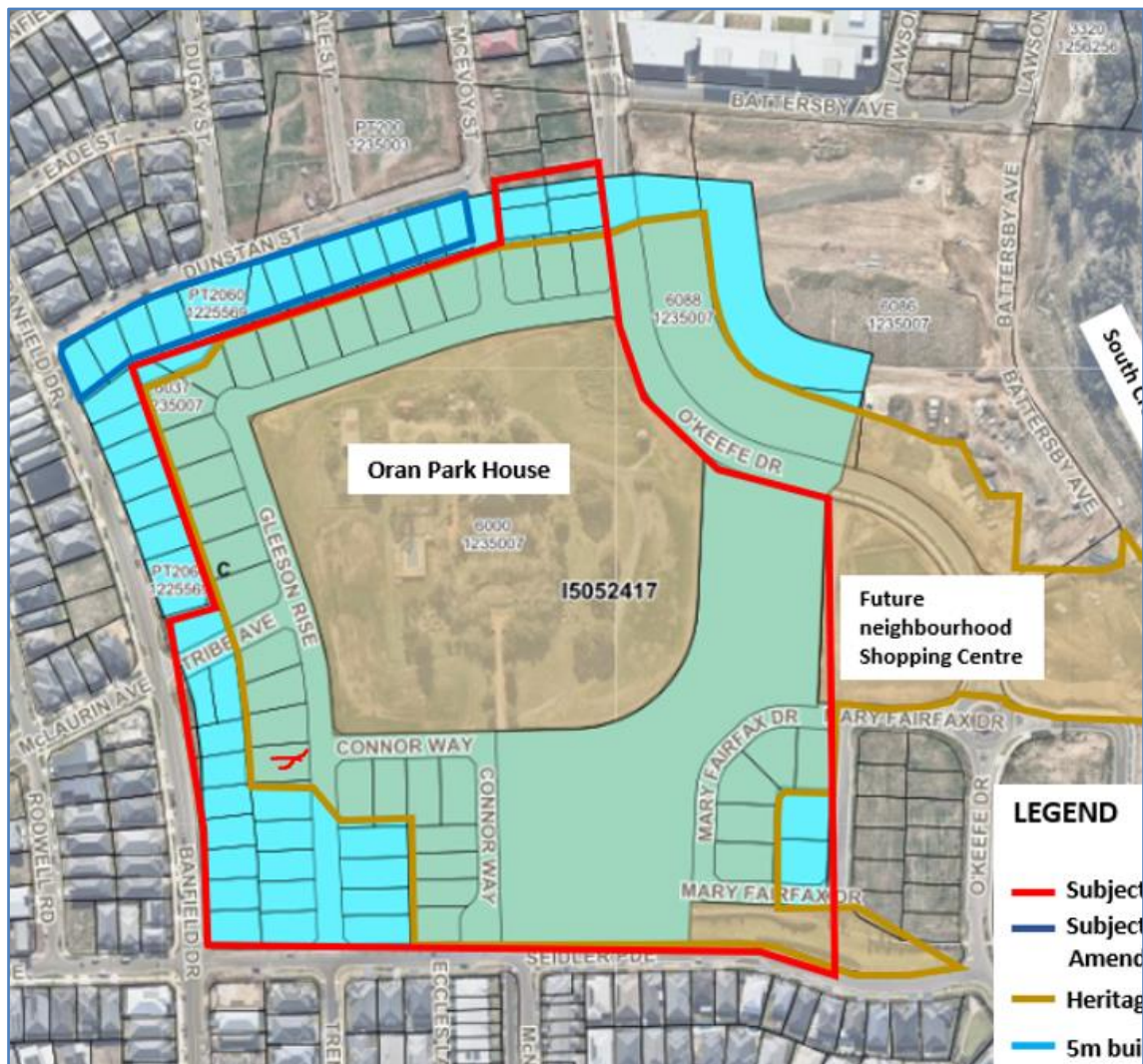


Figure 5. Extract from PP/2021/1/1 indicating the subject site, the heritage curtilage and the 5m building height development standard – subject lot marked as a red x.

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

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

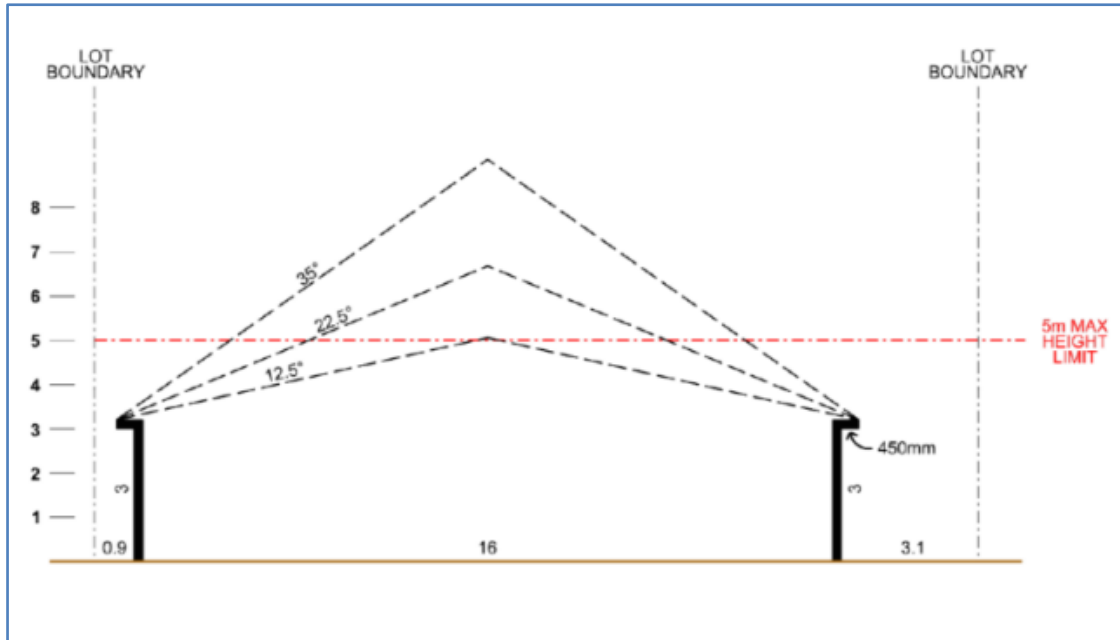


Figure 6. Indicating roof pitch, lot width and building height.



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

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer which seeks to amend 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 11 Gleeson Rise complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the DPE and is currently on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022).

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 6.04m, thereby contravening the standard by 1.04m or 20.8%.

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.

Draft Planning Proposal State Environmental Planning Policy (Growth SEPP).

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

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

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

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

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

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

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

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

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

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 11 October to 8 November 2021 and no submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 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 to the contravention of the maximum height of buildings development standard in Clause 4.3 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and**
- ii. **approve DA/2021/1544/1 for the construction of a single storey dwelling house at 11 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.
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 DCP Assessment Table
4. Clause 4.6 Written Request
5. Heritage NSW General Terms of Approval
6. Architectural Plans

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Ref: 606190, Sheet 1, Rev 14.	Cover Sheet.	McDonald Jones.	16/02/2022.
Ref: 606190, Sheet 2, Rev 14.	Site Plan.	McDonald Jones.	16/02/2022.
Ref: 606190, Sheet 3, Rev 14.	Water Management Plan.	McDonald Jones.	16/02/2022.
Ref: 606190, Sheet 4, Rev 14.	Ground Floor Plan.	McDonald Jones.	16/02/2022.
Ref: 606190, Sheet 6, Rev 14.	Elevations/Section.	McDonald Jones.	16/02/2022.
Ref: 606190, Sheet 7, Rev 14.	Elevations.	McDonald Jones.	16/02/2022.
-	External Colour Plan.	-	-
Drawing No: LP-21197, Page 1, Rev D.	DA Landscape Plan.	Myard Landscape Design.	16/12/2021.

Document Title	Prepared by	Date
BASIX Certificate, No. 1234802s.	Energy Advance.	25/08/2021.
Waste Management and Minimisation Plan.	McDonald Jones Homes.	28/09/2021.

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

- a) Approved plan titled “DA Landscape Plan”, Drawing No. LP-21197, Page 1, Rev D, dated 16/12/2021, shall be modified to reflect the dwelling sitting approved under plan titled ‘site plan’. The modification of this plan shall not result in the removal of any trees or soft landscaped area identified on this plan.

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

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

- (4) **Aboriginal Objects** - Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and Heritage NSW is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until Heritage NSW has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.
- (5) **Compliance** - If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.
- (6) **Section 60 Application** - An application under section 60 of the *Heritage Act 1977* must be submitted to, and approved by, the Heritage Council of NSW (or delegate), prior to work commencing.
- (7) **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.
- (8) **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.
- (9) **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.
- (10) **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.

- (11) **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:
- protect and support the adjoining building, structure or work from possible damage from the excavation; and
 - 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.

- (12) **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:
 - the driveway shall comply with Council's Access Driveway Specifications; <https://www.camden.nsw.gov.au/assets/pdfs/Development/Preparing-a-DA/Development-Guidelines-and-policies/Access-Driveways-Specifications-and-Drawings.pdf>
 - the driveway shall be at least 1m from any street tree, stormwater pit or service infrastructure;
 - the level for the driveway across the footpath area shall achieve a gradient of 4%; and
 - a Driveway Crossing Approval (PRA) must be obtained prior to the issue of a Construction Certificate.

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

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

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

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

3.0 - Prior to Commencement of Works

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

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

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

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

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

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

- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.

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

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

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

4.0 - During Works

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

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

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

- a) preserve and protect the building from damage;
- b) if necessary, underpin and support the building in an approved manner; and

- c) give at least seven (7) days notice to the adjoining owner before excavating, of the intention to excavate.

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

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

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

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

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

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

- iii) be a temporary chemical closet approved under the *Local Government Act 1993*.
- (5) **Works by Owner** - Where a portion of the building works do not form part of a building contract with the principal contractor (builder) and are required to be completed by the owner, such works shall be scheduled by the owner so that all works coincide with the completion of the main building being erected by the principal contractor.
- (6) **Finished Floor Level** - A survey report prepared by a registered land surveyor confirming that the finished floor level complies with the approved plans or floor levels specified by the development consent, shall be provided to principal certifier prior to the development proceeding beyond floor level stage.
- (7) **Survey Report** - The building shall be set out by a registered land surveyor. A peg out survey detailing the siting of the building in accordance with the approved plans shall be provided to the principal certifier prior to the pouring of concrete.
- (8) **Easements** - No changes to site levels, or any form of construction shall occur within any easements that may be located on the allotment.
- (9) **Vehicles Leaving the Site** - The construction supervisor must ensure that:
- all vehicles transporting material from the site cover such material so as to minimise sediment transfer;
 - the wheels of vehicles leaving the site:
 - do not track soil and other waste material onto any public road adjoining the site; and
 - fully traverse the site's stabilised access point.
- (10) **Removal of Waste Materials** - Where there is a need to remove any identified materials from the site that contain fill/rubbish/asbestos, the waste material shall be assessed and classified in accordance with the NSW EPA Waste Classification Guidelines 2014 (refer to: www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm)
- Once assessed, the materials shall be disposed of to a licensed waste facility suitable for that particular classification of waste. Copies of tipping dockets shall be retained and supplied to Council upon request.
- (11) **Soil, Erosion, Sediment and Water Management – Implementation** - All requirements of the erosion and sediment control plan and/or soil and water management plan shall be maintained at all times during the works and any measures required by the plan shall not be removed until the site has been stabilised.
- (12) **Disposal of Stormwater** - Water seeping into any site excavations is not to be pumped into the stormwater system unless it complies with relevant EPA and ANZECC standards for water quality discharge.
- (13) **Offensive Noise, Dust, Odour and Vibration** - All work shall not give rise to offensive noise, dust, odour or vibration as defined in the *Protection of the Environment Operations Act 1997* when measured at the property boundary.

- (14) **Fill Material (Dwellings)** – Prior to the importation and/or placement of any fill material on the subject site, a validation report and sampling location plan for such material must be provided to and approved by the principal certifier.

The validation report and associated sampling location plan must:

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

For Virgin Excavated Natural Material (VENM):

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

For Excavated Natural Material (ENM):

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

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

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

5.0 - Prior to Issue of an Occupation Certificate

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

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

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

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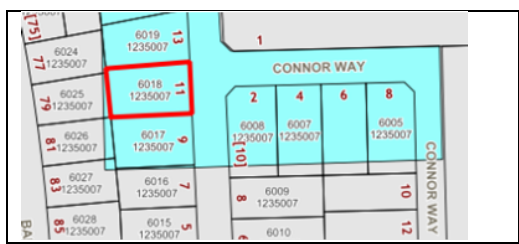
Attachment 2

Clause.	Assessment.	Compliance.
Appendix 9, 2.3 Zone objectives and land use table The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited. 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. The zone objectives for this site are: <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. 	The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a ' <i>dwelling house</i> ' which is permitted with consent in the R2 Low Density Residential zone of Appendix 9 – SEPP (Sydney Region Growth Centres) 2006. The proposal meets the objectives of the zone as: <ul style="list-style-type: none"> • The proposal will provide for the housing needs of the community within the low-density residential environment. • The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it. • The proposal will be an addition to the existing housing type typical to the immediate surrounds. 	Yes
Appendix 9, 4.3 Height of buildings Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map. Maximum height of buildings = 5.0m 'C'.	The proposed development has a maximum building height of 6.04m.	No (Clause 4.6 written request submitted).
Appendix 9, 4.4 Floor Space Ratio Max FSR 0:45:1.	$291.22/710.3 = 0.4:1$	Yes

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

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<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>Development consent must not be granted unless:</p> <ul style="list-style-type: none"> (a) the consent authority is satisfied that: <ul style="list-style-type: none"> (i) the applicant's written request has adequately addressed the matters required to be demonstrated, and (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and (b) the concurrence of the Secretary has been obtained. <p>This clause prohibits the approval of certain development standard contraventions.</p>	<p>The applicant has submitted a written request under Clause 4.6 of the Growth SEPP justifying the contravention to the maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered that the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p>	<p align="center">Yes</p>

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth SEPP)
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<p>Appendix 9, 5.10 Heritage Conservation</p>	<p>The subject site is located within the curtilage of a State Heritage Item, namely Oran Park House. At the time of the SHR listing, site-specific exemptions were put in place to exempt certain development (including single storey dwelling houses) from the requirement for approval under the Heritage Act 1977 (<i>Catherine Park Estate – Oran Park House Heritage Exemption Guidelines</i>, prepared by Design + Planning, dated October 2014).</p> <p>The proposed development generally meets those guidelines with the exception of a control in Section 4.1 'Residential Built Form' that requires that <i>"The design and building of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder."</i></p> <p>This provision cannot be complied with as the lots have been subdivided and sold to individual property owners. As the proposed development does not meet this requirement, concurrence is required from Heritage NSW.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline the assessment process) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standards GTAs issued by Heritage NSW is attached to this report.</p>	
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Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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Attachment 3

Control	Assessment	Compliance?
4.1.1 Site Analysis Site analysis plan is to be provided.	 Appropriate site analysis plan provided.	Yes.
4.1.2 Cut and Fill DAs are to illustrate where it is necessary to cut and/or fill land and provide justification for the proposed changes to the land levels. The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m. 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. The use of a deepened edge beam shall not exceed 1m above natural ground level. Where excavation or filling is required alongside a driveway, it shall be retained by a retaining wall.	 Cut and fill plan provided. Cut and fill plan indicates cut and fill <1.0m. There is no fill within 2.0m of a boundary. All fill contained by a deepened edge beam. NA.	Yes.
4.1.3 Sustainable Building Design. The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred. The provisions of BASIX will apply with regards to water requirements and usage. The design of dwellings is to maximise cross flow ventilation. 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.	 Provided. The development complies with the requirements as set out by the provided BASIX certificate. The design of the dwelling incorporates large open living spaces allowing for cross flow ventilation to occur. Location of living rooms and windows located appropriately so as to enable maximization of capturing natural light.	Yes.

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

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Control	Assessment	Compliance?
<p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>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, Sodidity 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>	<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. 	Yes.

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

Control	Assessment	Compliance?
<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>	<ul style="list-style-type: none"> Projecting architectural elements in the form of supporting posts. <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 3 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) and schedule 4 controls relating to very low density residential.</p>	Yes.

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

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Control	Assessment	Compliance?
<p>4.2.4 Side and Rear Setbacks.</p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>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) and schedule 4 controls relating to very low density residential.</p> <p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>FFL = 21.360 – 20.856 = 0.504m above finished natural ground level.</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>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p>	Yes.

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

Control	Assessment	Compliance?
<p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the location of any trees to be retained or planted.</p> <p>Surface water drainage shall be provided as necessary to prevent the accumulation of water.</p> <p>Use of low flow watering devices is encouraged to avoid over watering. Low water demand drought resistant vegetation is to be used for the majority of landscaping, including native salt tolerant trees.</p>	<p>Noted.</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 <i>Private Open Space.</i></p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p> <p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p>	<p>The proposal has been assessed against tables 4-5 (lots >15m in width) and schedule 4 controls relating to very low density residential.</p> <p>PPOS contained and achievable to 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 <i>Garages, Storage, Site Access and Parking.</i></p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p>	<p>2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line via double car garage.</p>	Yes.

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Attachment 3

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

Control	Assessment	Compliance?
<p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required parking facilities and vehicle turning movements and shall comply with AS2890.</p> <p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p> <p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.8m.</p> <p>Double garage internal dimensions = 5.5 x 5.6m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and, respective to the proposed main dwelling.</p>	
<p>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>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>	Yes.

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

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Control	Assessment	Compliance?
<p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible comply with the criteria in Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden Growth Centre Precincts Development Control Plan</p> <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council's Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p>	<p>Dwelling not impacted by road types.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development does not require architectural treatments regarding acoustic impacts.</p>	
<p>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 – Site coverage.</p> <p>Maximum 50% at ground floor.</p> <p>Maximum 30% at upper floor.</p>	<p>$291.22/710.3 \times 100 = 40.99\%$.</p>	Yes.

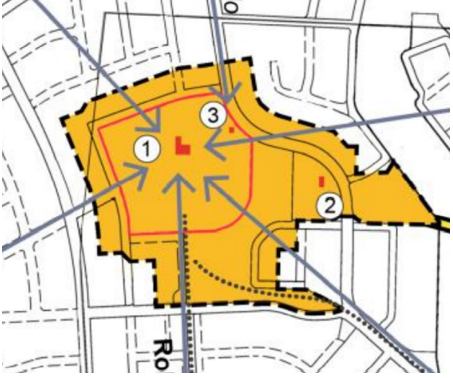

Attachment 3

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

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Control	Assessment	Compliance?
 <p>Development in these areas must be sympathetically designed to complement the topography of the site, the setting of Oran Park House and associated outbuildings and the historical rural character without replicating architectural details.</p>	<p>dwelling and will not result in significant view lines illustrated in figure 4-1 being compromised. The proposed dwelling house is sympathetically designed and complements the setting of Oran Park House</p>	
<p>4.1.2 Oran Park House and Outer Heritage Curtilage Principals.</p> <p>Controls 1. All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2.</p>  <p>Figure 4-2 – Oran Park House Outer Heritage Curtilage Principles</p> <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p>	<p>The subject lot is located within area mapped as being 'very low density residential'.</p>	Yes.
<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>The development is not located within significant vistas shown in figure 4-3.</p>	Yes.

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

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Control	Assessment	Compliance?
 <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.</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 for the site and Heritage NSW have issued standards GTAs for instances where the development fully complies with the Exemption Guidelines with the exception of the 'one builder' requirement.</p>	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 	<p>The dwelling has been designed to include contemporary features and materials and will have architectural merit.</p> <p>The dwelling has architectural merit that responds respectfully to the heritage significance of Oran Park House.</p> <p>The dwelling incorporates the following design features;</p> <ul style="list-style-type: none"> • Aluminium awning windows to primary façade, • Entry portico. • Recessed garage doors setback behind the primary façade. 	Yes.

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

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Control	Assessment	Compliance?												
<ul style="list-style-type: none">recessed garage doors setback behind the primary facade. <p>Colonial style window treatments are not appropriate where visible from the public domain.</p> <p>Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion.</p> <p>Picture windows or fully glazed walls are permitted to the street façade.</p> <p>An entry portico is to be of contemporary design and appearance. Access to the entry portico may be from either the driveway or a separate path.</p> <p>Shadow lines are an appropriate element to complement the overall facade appearance.</p> <p>The design of dwellings shall include an articulated front elevation in the direction of the Primary Street.</p>	<p>Noted – no colonial style window treatments proposed.</p> <p>All windows to the front façade feature a dominate vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street façade.</p> <p>Noted / complied.</p> <p>Noted / complied</p> <p>Front elevation articulated in the form of a stepped building line adopting articulation feature in the form of a porch.</p>													
<p>4.1.14 Setbacks for Very Low Density Area Surrounding Oran Park House.</p> <p>Residential development must comply with the controls in Figure 4-8.</p> <table><tr><th></th><th>Minimum</th></tr><tr><td>Front Dwelling Setback</td><td>5m</td></tr><tr><td>Front Garage Setback</td><td>6m</td></tr><tr><td>Rear Boundary Setback</td><td>5m</td></tr><tr><td>Side Boundary Setback</td><td>0.9m (average 2m²)</td></tr><tr><td>Corner Lot Side Boundary Setback</td><td>3m</td></tr></table> <p><small>Note: In addition to the minimum side boundary setback of 0.9m, the siting of dwellings is required to achieve an average 4m side separation between dwellings along an entire street block. Pursuant to Section 4.1.11 of this Section, the simultaneous delivery of dwellings within the heritage curtilage by one builder will ensure the average 4m separation is achieved.</small></p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	0.9m (average 2m ²)	Corner Lot Side Boundary Setback	3m	<p>Front setback (east) = 5.0m. Front garage setback (east) = 6.37m. Rear setback (west) = 5.003m. Side boundary setback (north) = 2.868m. Side boundary setback (south) = 1.4m.</p> <p>Combed setback = 4.268m.</p>	Yes.
	Minimum													
Front Dwelling Setback	5m													
Front Garage Setback	6m													
Rear Boundary Setback	5m													
Side Boundary Setback	0.9m (average 2m ²)													
Corner Lot Side Boundary Setback	3m													
<p>4.1.15 Building Height.</p> <p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>	<p>The height will exceed the 5m control and is subject to a Clause 4.6 written request.</p>	Yes.												
<p>4.1.16</p>		Yes.												

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

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Control	Assessment	Compliance?
<p>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>Noted.</p>	
<p>4.1.17 Lofts, Attics and Dormer Windows.</p> <p>Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.</p> <p>Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development.</p>	<p>Lot is not a corner lot.</p> <p>Proposed development does not adopt loft, attic or dormer window.</p>	Yes.
<p>4.1.18 Garages.</p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p>	<p>Garage setback 6.370m from primary eastern boundary line.</p> <p>Garage width = $6.050/16.605 \times 100 = 36.43\%$ of the dwelling (primary) façade.</p> <p>The garage has been considered within the overall building design and is 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.

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

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Control	Assessment	Compliance?
<p>4.1.19 Building Materials.</p> <p>Building materials and finishes are to be non-reflective.</p> <p>Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p> <p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p> <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>Colour and material schedule provided. Colours and materials provided are considered non-reflective.</p> <p>Colours and materials considered to align with recommended palette.</p> <p>Corrugated roofing material proposed.</p> <p>The proposed roofing material is custom orb, windspray</p> <p>Austral bricks (Wilderness, Silver Birch, Off White Mortar, Iron Join) proposed.</p>	Yes.
<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 turn, 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 	<p>The driveway has a maximum width of 4.8m with an appropriate finish (refer landscape plan)</p>	Yes.

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

Control	Assessment	Compliance?
stone pavers and tiles is to be subdued with a natural unpolished finish.		
4.1.21 <i>Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</i> Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.	None of the said structures are located from view of the public.	Yes.
4.1.25. <i>Letterboxes</i> Letterboxes must not be a visually prominent element on the streetscape. Letterboxes must be designed as an integrated feature of the fence	Letterbox located so as to be a visually prominent element from view of the streetscape. There is no front fence proposed or required	Yes.

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Attachment 3



CLPP01

Attachment 4

CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address: 11 Gleeson Rise ORAN PARK

Lot: 6018 **DP1235007**

Date: 13 December 2021

urbanco

Suite 3.03 55 Miller Street PYRMONT NSW 2009
PO Box 546 PYRMONT NSW 2009
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Prepared for:

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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—

- (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 Gleeson Rise ORAN PARK		
Lot:	6018	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:	6.004 metres
Extent of Proposed Variation*:	20 %

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

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Test 1(a): the objectives of the zone

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

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

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

The proposed variation does not rely on this test.

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

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

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



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

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

4.1.16 Roofs

Controls

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

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

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

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

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

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

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

4.5 Building Height

Controls

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

And:

4.6 Roofs

Controls

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

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

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

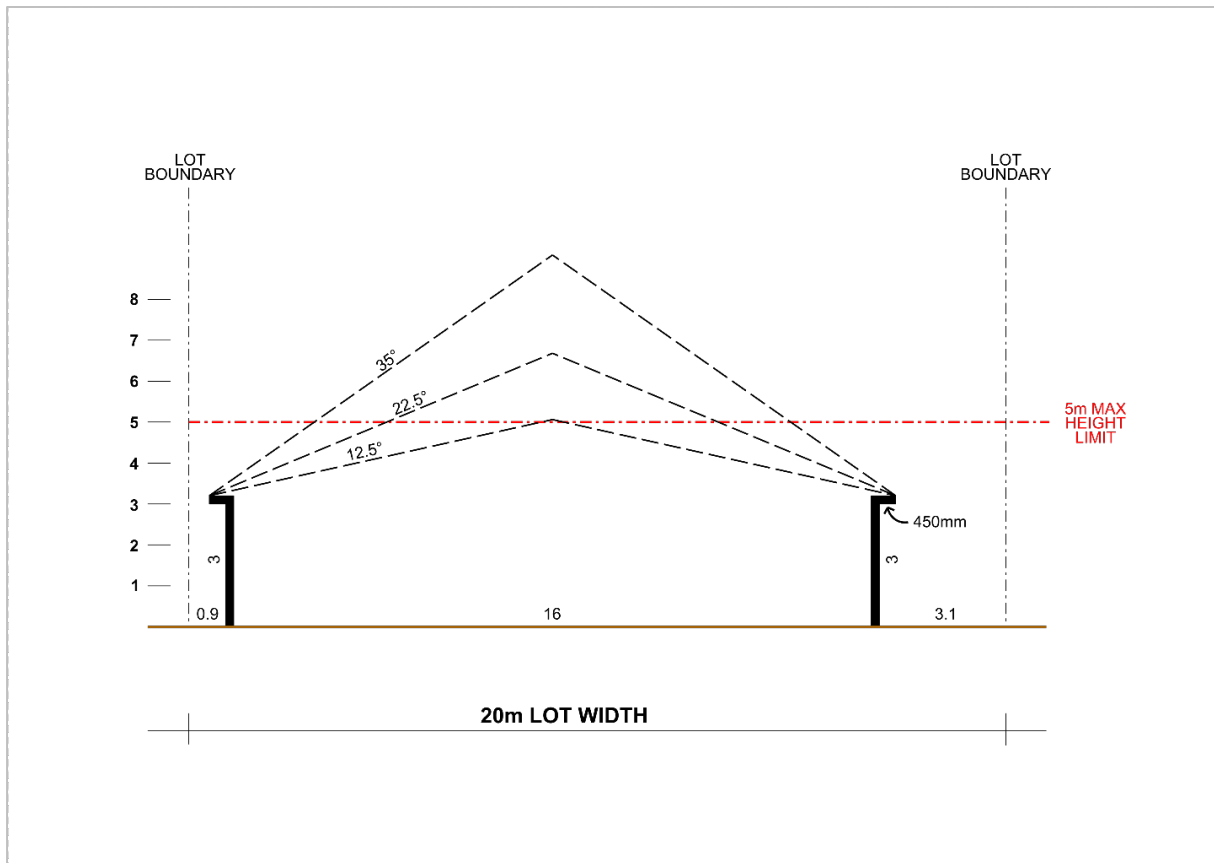


Figure 4 – Building Height & Roof Pitch

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

It is evident that the 5 metre maximum building height limit does not allow for better designs with higher roof forms for single story residential dwellings, and therefore, compliance with the 5 metre maximum building height development standard 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.

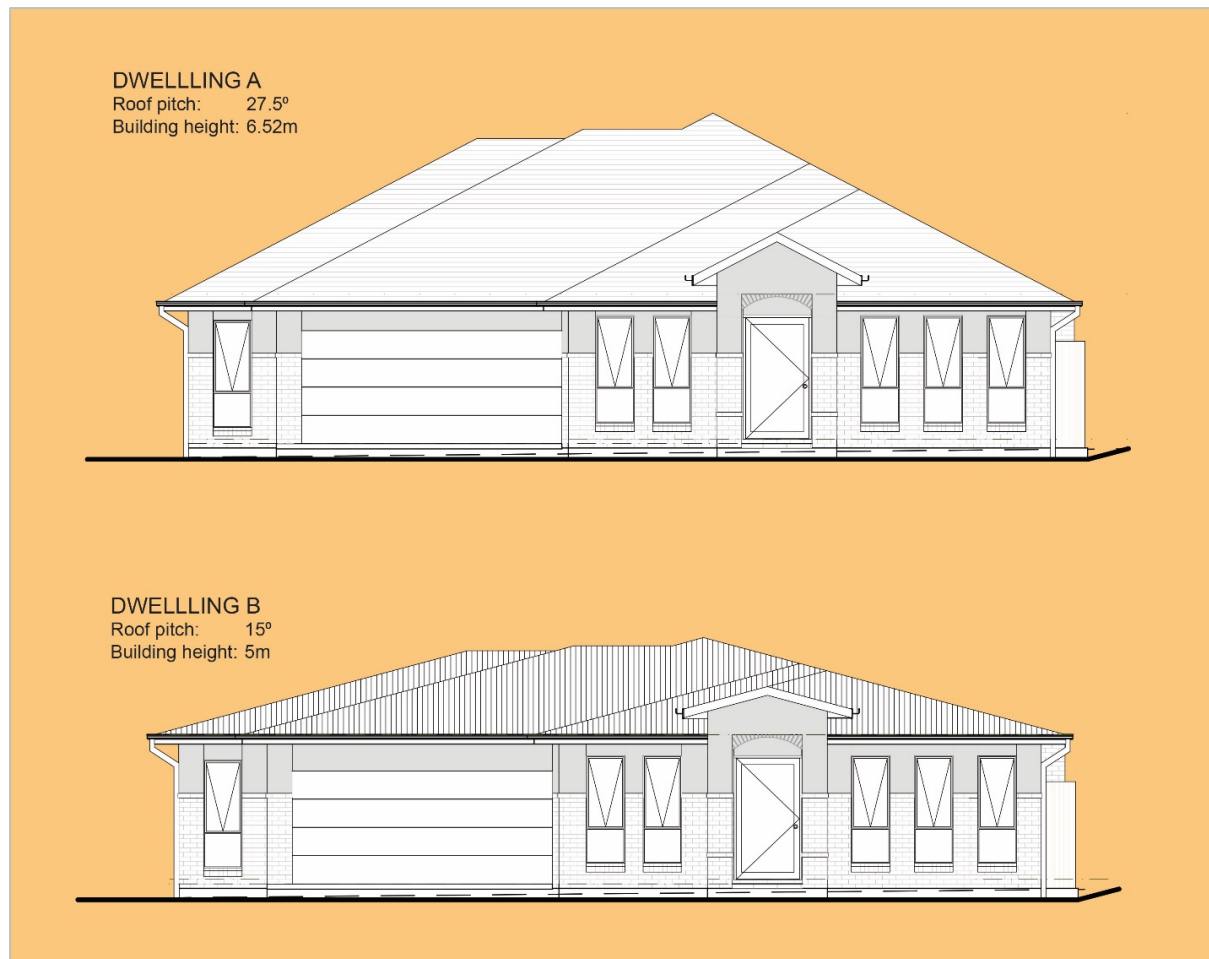


Figure 5 – Dwelling Roof Forms

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.

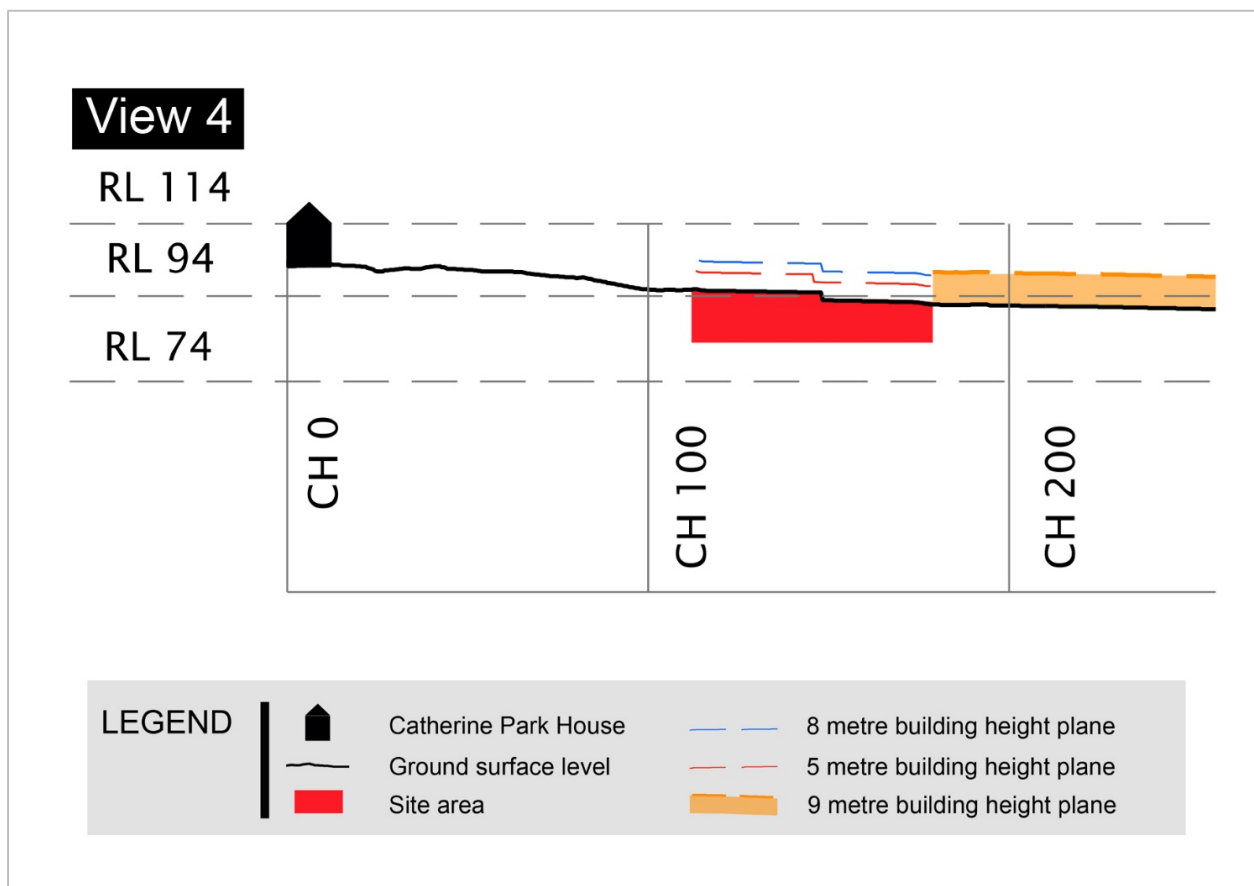


Figure 6 – Extract from View 4 in Views Analysis

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.

CLPP01**Attachment 4**

5 CONCLUSION

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

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

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

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

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

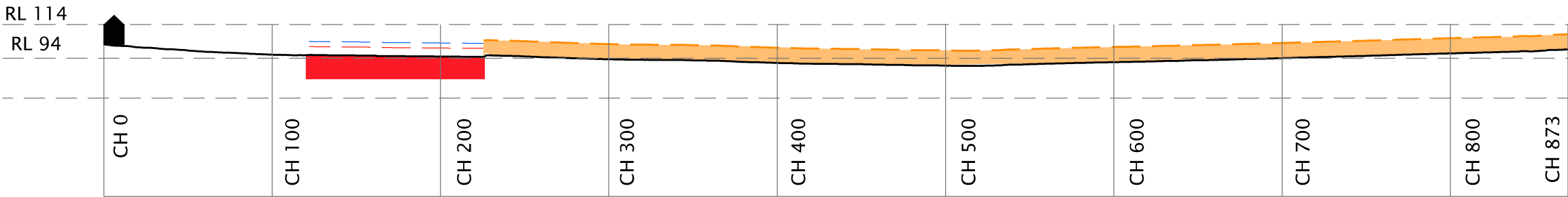
- It has been demonstrated that compliance with the development standard is unreasonable and unnecessary in the specific circumstances for three of the tests in the five part test;
- The proposal maintains consistency with the objectives of the R2 Low Density Residential zone;
- The proposal is consistent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

APPENDIX 1
Views Analysis

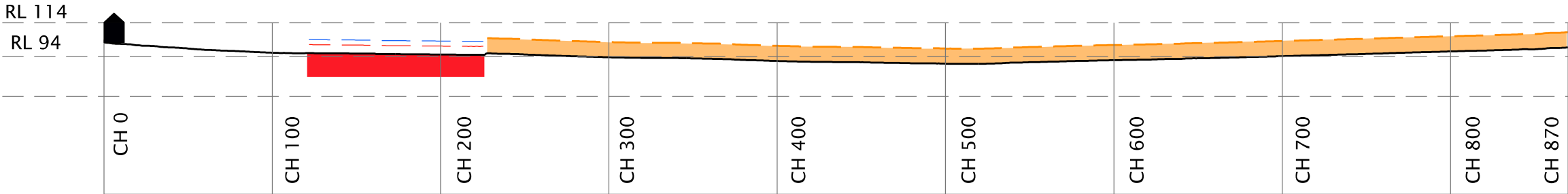
CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

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

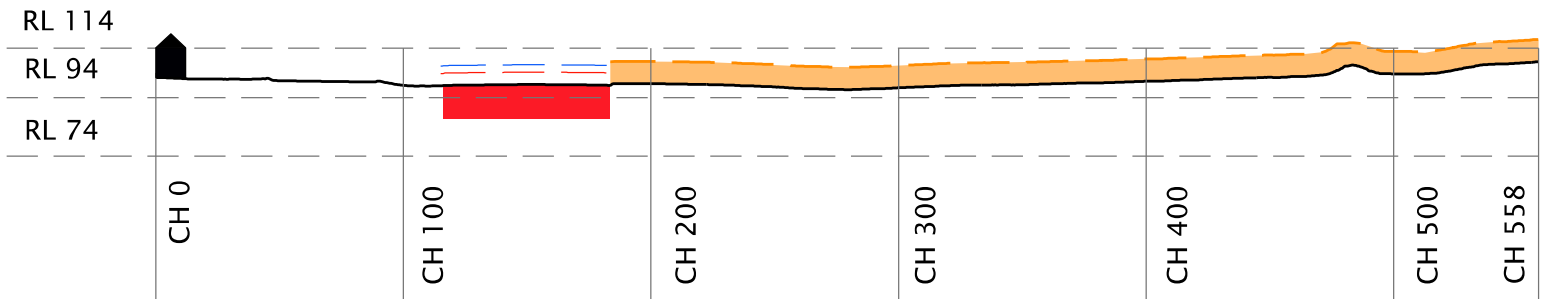
View 1



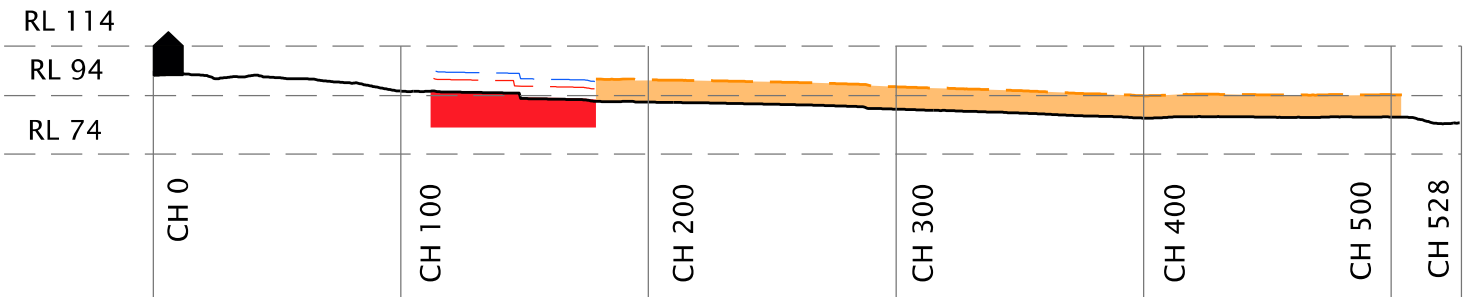
View 2



View 3

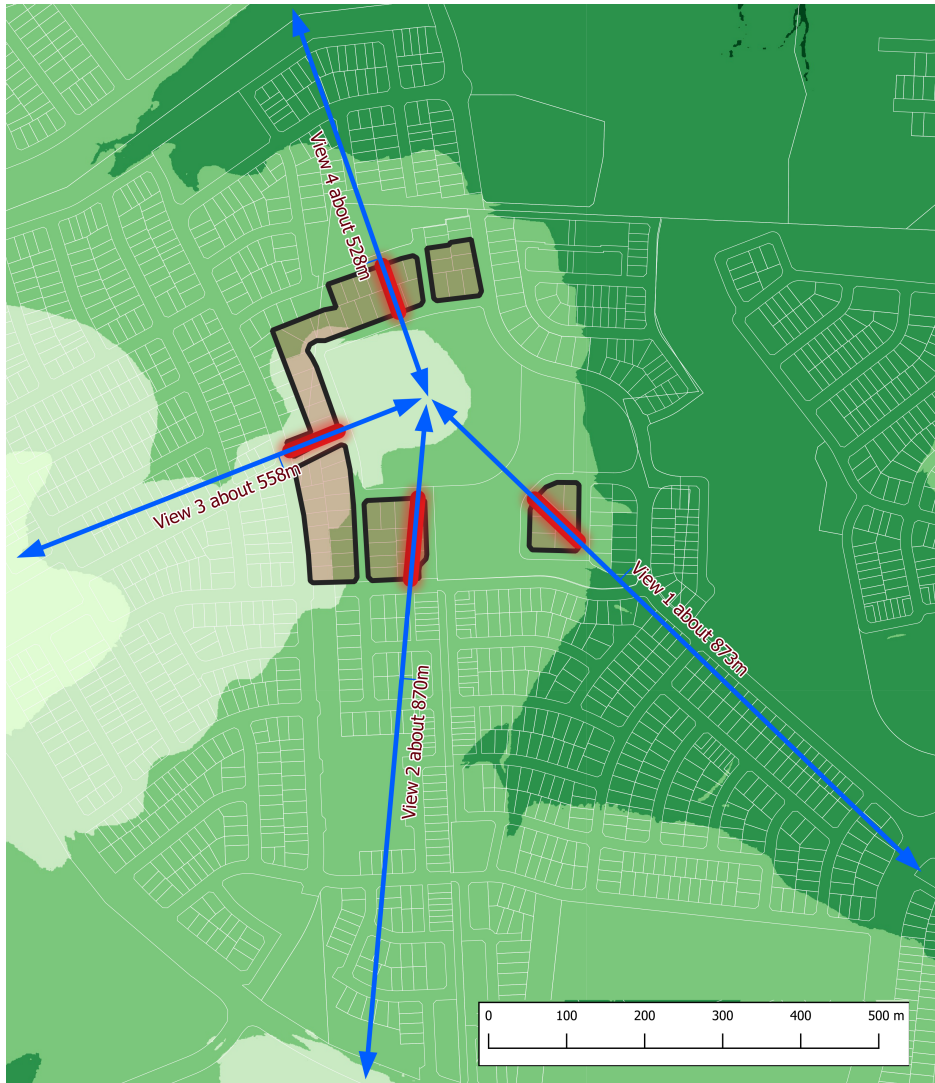


View 4



LEGEND

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





Heritage NSW

CLPP01

Our ref: DOC22/41407

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

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

Dear Ms. Fuller

ORAN PARK (SHR 01695) – REFERRALS TO HERITAGE NSW

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

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

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

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

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

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

Attachment 5

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

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

ABORIGINAL OBJECTS

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

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

COMPLIANCE

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

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

SECTION 60 APPLICATION

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

Reason: To meet legislative requirements.

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

Yours sincerely



Tim Smith OAM

Director Assessments

Heritage NSW

Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW

25 January 2022

DA
CAMDEN COUNCIL

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BASIX AREAS

CONDITIONED	213.71
UNCONDITIONED	14.97

TOTAL FLOOR AREAS

ALFRESCO GRANDE	36.72
GARAGE	34.31
LIVING	256.91
PATIO	6.73
	334.67 m²

COMPLIANCE AREAS

GROSS FLOOR AREA	253.79
LANDSCAPED AREA (FRONT)	96.60
LANDSCAPED AREA (REAR)	195.09
SITE COVERAGE AREA	291.90

SUSTAINABILITY COMMITMENTS

PRELIMINARY SUSTAINABILITY COMPLIANCE FOR YOUR HOME REQUIRES FURTHER ASSESSMENT TO DETERMINE COMPLIANCE CRITERIA. THIS ASSESSMENT WILL BE FINALISED UPON APPROVAL OF YOUR EXTERNAL COLOUR SELECTIONS TO DETERMINE IF VARIATIONS ARE REQUIRED TO THE PROPOSED DWELLING E.G. ADDITIONAL INSULATION, CHANGES IN WINDOW GLAZING / SIZE / ORIENTATION ETC. YOU WILL BE ADVISED OF ANY REQUIREMENTS OR ALTERNATIVES ONCE THE ASSESSMENT HAS BEEN COMPLETED.

WATER COMMITMENTS

- 3 STAR (> 7.5 BUT <= 9L/MIN) SHOWER HEADS
- 4 STAR TOILET SUITES
- 4 STAR KITCHEN TAPS
- 5 STAR BATHROOM TAPS

371.55 m² TOTAL ROOF AREA

5033 L WATER TANK(S) MINIMUM CAPACITY
172.08 m² MINIMUM ROOF AREA TO TANK(S)

- RAINWATER TANK(S) TO BE CONNECTED TO:
- AT LEAST ONE OUTDOOR TAP
 - ALL TOILETS
 - WASHING MACHINE

NO RETICULATED RECYCLED WATER SUPPLY

0 m² GARDEN/LAWN AREA

ENERGY COMMITMENTS

HOT WATER SYSTEM

- GAS CONTINUOUS FLOW - 6 STAR

HEATING SYSTEM

- 3-PHASE REVERSE CYCLE AIR CONDITIONING
EER 3.5 - 4.0

COOLING SYSTEM

- 3-PHASE REVERSE CYCLE AIR CONDITIONING
EER 3.0 - 3.5

VENTILATION (EXHAUST FANS)

- AT LEAST ONE BATHROOM:
DUCTED TO OUTSIDE AIR, INTERLOCKED TO LIGHT
- KITCHEN RANGEHOOD:
DUCTED TO OUTSIDE AIR, MANUAL ON/TIMER OFF
- NO MECHANICAL VENTILATION TO LAUNDRY

PRIMARY FLUORESCENT/LED LIGHTING INCLUDING COVER

- N/A

NATURAL LIGHTING TO

- KITCHEN
- 2 BATHROOM/TOILET

ALTERNATIVE ENERGY

- N/A

OTHER

- GAS COOKTOP, NO OVEN
- FIXED OUTDOOR CLOTHESLINE BY OWNER

GENERAL INFORMATION

THESE PLANS FEATURE WORKS REQUIRED BY THE OWNER THAT MAY BE EXCLUDED FROM THE SCOPE OF THE CONTRACT WITH THE BUILDER, BUT HAVE BEEN INCLUDED IN THESE DRAWINGS TO ASSIST IN THE OVERALL PLANNING AND ASSESSMENT. SOME REGULARLY EXCLUDED WORKS INCLUDE DRIVEWAYS, RETAINING WALLS AND SITE DRAINAGE. PLEASE REFER TO YOUR CONTRACT TENDER AND COLOUR SELECTIONS DOCUMENTATION FOR DETAILS.

BUILDING INFORMATION

GROUND FLOOR PITCHING HEIGHT(S): 2745mm, 2815mm
FRAMES AND TRUSSES: STEEL
ROOF PITCH (U.N.O.): 22.5°
ELECTRICITY SUPPLY: 3-PHASE
GAS SUPPLY: RETICULATED SUPPLY

ROOF MATERIAL: SHEET METAL
ROOF COLOUR: DARK
ROOF INSULATION: R4.1 BATTS
MIN. 60mm FOIL FACED BLANKET

WALL MATERIAL: BRICK VENEER
WALL COLOUR: N/A
WALL INSULATION: R2.0 BATTS

FLOOR INSULATION: N/A

SITE & ENGINEERING INFORMATION

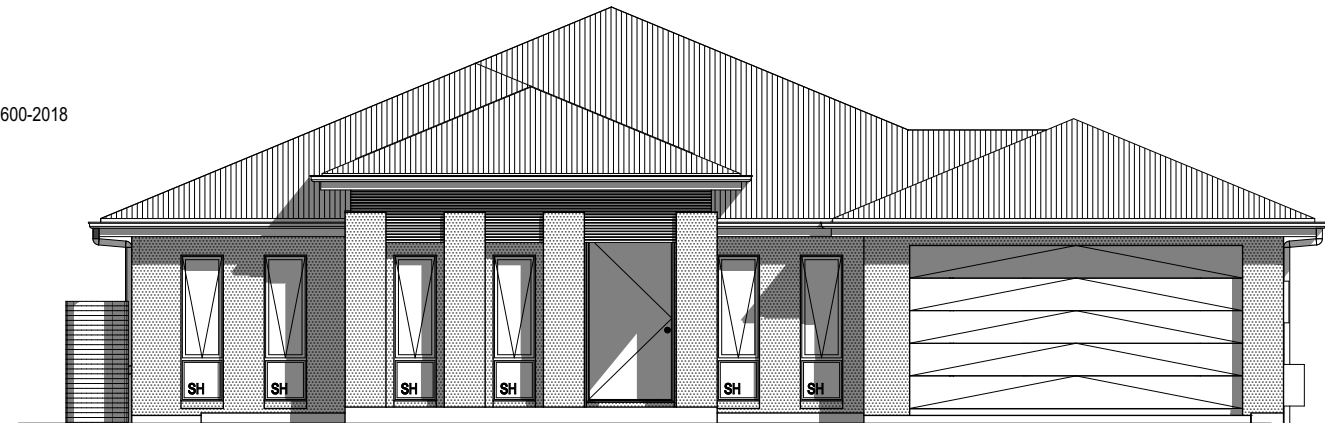
DESIGN WIND CLASSIFICATION: N2

SITE CLASSIFICATION: M
SLAB CLASSIFICATION: M

SLAB TO BE IN ACCORDANCE WITH AS 2870. REFER TO ENGINEER'S DRAWINGS FOR ALL SLAB DETAILS.

PROVIDE BRICK CONTROL JOINTS IN ACCORDANCE WITH N.C.C.

ALL STEEL FRAMING TO BE DESIGNED TO AS 4100-2020 OR AS/NZS 4600-2018



LOCATION MAP

CONSTRUCTION
DRAWING

DATE:


07/09/2021

DRAFTING OFFICE:

SYDNEY

PRELIMINARY

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mcdonald jones
YOUR HOME, YOUR DREAM

SPECIFICATION:
STUART EVERITT

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	REVISION	DRAWN
10	AMENDED AS PER PCV012	MDE 2021.09.27
11	ADDITIONAL NOTES TO ELEVATIONS	PL1 2021.10.21
12	ADDITIONAL INFORMATION FOR COUNCIL	CLG 2021.12.16
13	AMENDED AS PER PCV016	CLG 2022.01.20
14	AMENDED AS PER PCV 017	CLG 2022.02.16

CLIENT:
MR VINCENT & MRS ANITA LAJCAROV

ADDRESS:
11 GLEESON RISE, ORAN PARK NSW 2570

LOT / SECTION / DP:
6018 / - / 1235007

COUNCIL:
CAMDEN COUNCIL

HOUSE DESIGN:
MIAMI EXECUTIVE ELITE 16

FACADE DESIGN:
CONTEMPORARY PAVILLION F

SHEET TITLE:
COVER SHEET

HOUSE CODE:
H-MIACLAS14450

FACADE CODE:
F-MIACTPF01

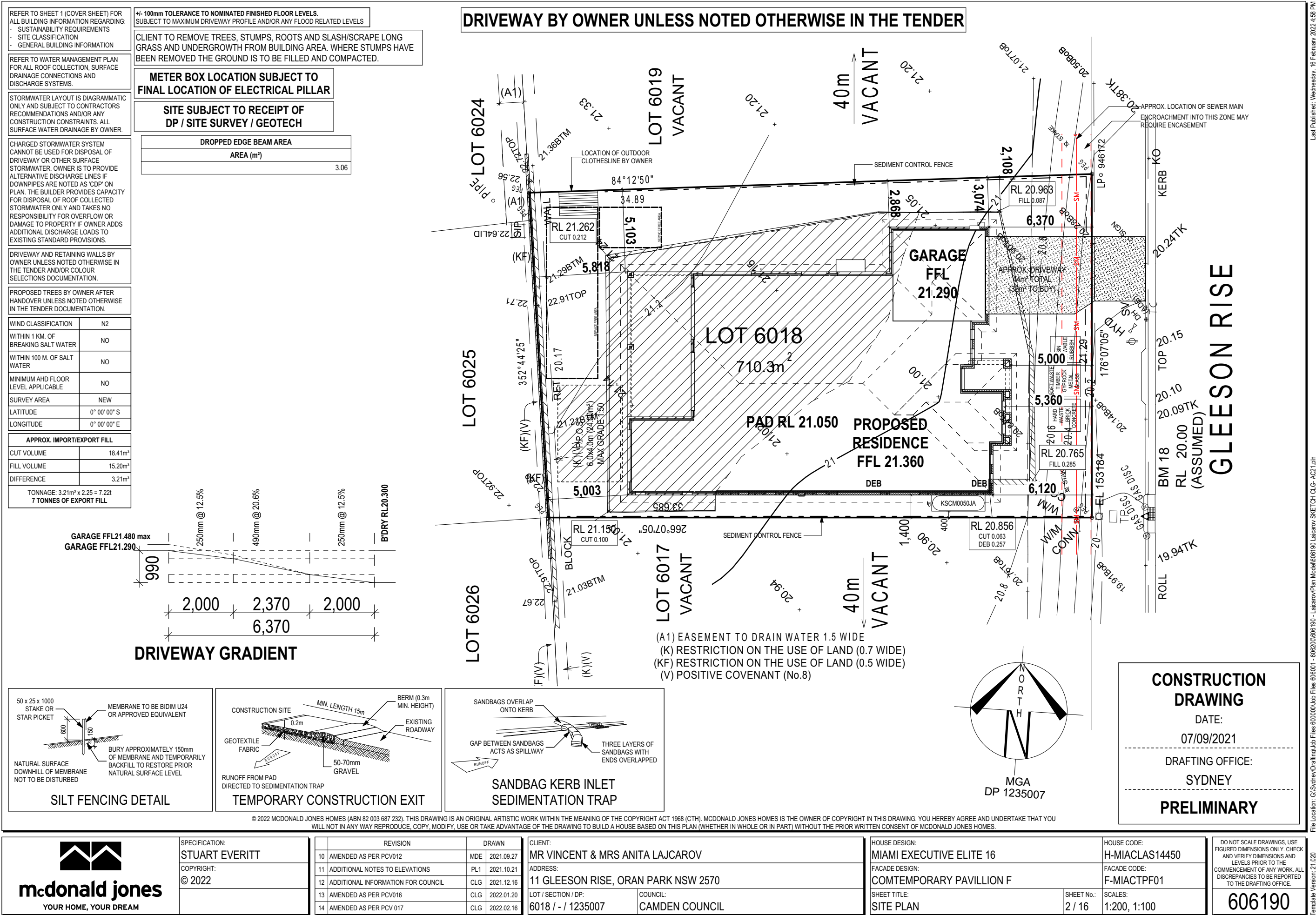
SHEET No.:
1 / 16

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Template Version: 21.020



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

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

STORMWATER LAYOUT IS DIAGRAMMATIC ONLY AND SUBJECT TO CONTRACTORS RECOMMENDATIONS AND/OR ANY CONSTRUCTION CONSTRAINTS. ALL SURFACE WATER DRAINAGE BY OWNER.

CHARGED STORMWATER SYSTEM CANNOT BE USED FOR DISPOSAL OF DRIVEWAY OR OTHER SURFACE STORMWATER. OWNER IS TO PROVIDE ALTERNATIVE DISCHARGE LINES IF DOWNPIPES ARE NOTED AS 'CDP' ON PLAN. THE BUILDER PROVIDES CAPACITY FOR DISPOSAL OF ROOF COLLECTED STORMWATER ONLY AND TAKES NO RESPONSIBILITY FOR OVERFLOW OR DAMAGE TO PROPERTY IF OWNER ADDS ADDITIONAL DISCHARGE LOADS TO EXISTING STANDARD PROVISIONS.

NOTE TO PLUMBER: ROOF WATER FROM COLLECTION AREAS
TO BE DIVERTED TO WATER TANK. BALANCE TO STREET KERB. COLLECTION AREA = 172.08m²

ALL STORMWATER OVERFLOW OTHER THAN THAT BEING DIRECTED TO WATER TANK(S) TO BE DIRECTED TO STREET KERB.

PLUMBING LEGEND

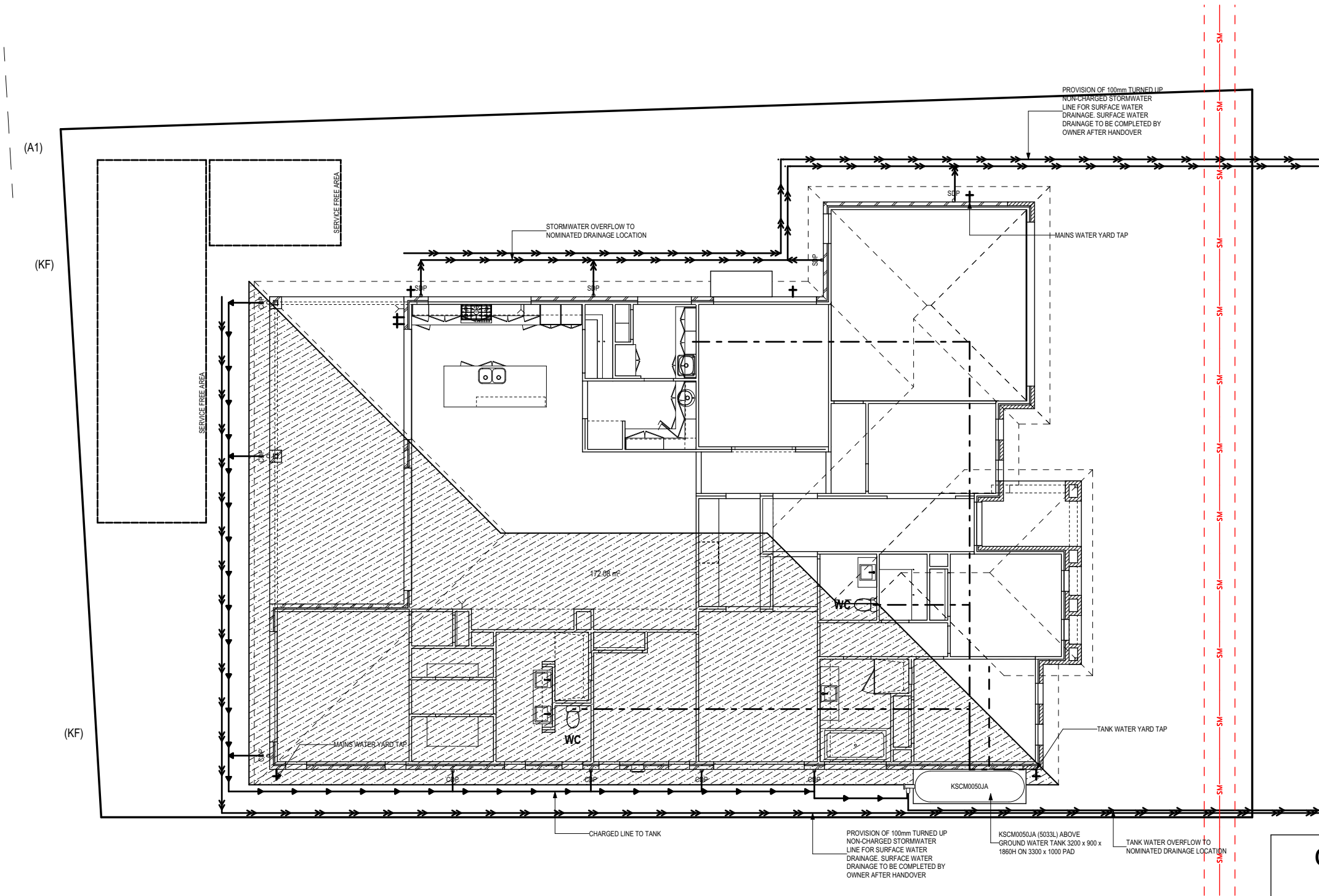
WATER PUMP IN ACC. WITH LOCAL WATER AUTHORITY REQUIREMENTS

TANK CAPACITY TO BE MAINTAINED AT MINIMUM 10% CAPACITY

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

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

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




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<div></div> <div>mcdonald jones</div> <div>YOUR HOME, YOUR DREAM</div>	SPECIFICATION: STUART EVERITT		CLIENT: MR VINCENT & MRS ANITA LAJCAROV				HOUSE DESIGN: MIAMI EXECUTIVE ELITE 16		HOUSE CODE: H-MIACLAS14450		DO NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY. CHECK AND VERIFY DIMENSIONS AND LEVELS PRIOR TO THE COMMENCEMENT OF ANY WORK. ALL DISCREPANCIES TO BE REPORTED TO THE DRAFTING OFFICE. 606190																								
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			LOT / SECTION / DP: 6018 / - / 1235007		COUNCIL: CAMDEN COUNCIL		SHEET TITLE: WATER MANAGEMENT PLAN		SHEET No.: 3 / 16																										
									SCALES: 1:125																										
				<table><tr><th colspan="2">REVISION</th><th colspan="2">DRAWN</th></tr><tr><td>10</td><td>AMENDED AS PER PCV012</td><td>MDE</td><td>2021.09.27</td></tr><tr><td>11</td><td>ADDITIONAL NOTES TO ELEVATIONS</td><td>PL1</td><td>2021.10.21</td></tr><tr><td>12</td><td>ADDITIONAL INFORMATION FOR COUNCIL</td><td>CLG</td><td>2021.12.16</td></tr><tr><td>13</td><td>AMENDED AS PER PCV016</td><td>CLG</td><td>2022.01.20</td></tr><tr><td>14</td><td>AMENDED AS PER PCV 017</td><td>CLG</td><td>2022.02.16</td></tr></table>		REVISION		DRAWN		10	AMENDED AS PER PCV012	MDE	2021.09.27	11	ADDITIONAL NOTES TO ELEVATIONS	PL1	2021.10.21	12	ADDITIONAL INFORMATION FOR COUNCIL	CLG	2021.12.16	13	AMENDED AS PER PCV016	CLG	2022.01.20	14	AMENDED AS PER PCV 017	CLG	2022.02.16					Template Version: 21.020	
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REFER TO SHEET 1 (COVER SHEET) FOR ALL BUILDING INFORMATION REGARDING:

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CDP

CHARGED DOWNPIPE DIRECTED TO TANK

SDP

STANDARD DOWNPIPE DIRECTED TO STORMWATER DISCHARGE

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

FIRE RESISTANT PLASTERBOARD TO BE INSTALLED BEHIND COOKTOP

ALL EXTERIOR STEPS AND LANDINGS BY OWNER UNLESS NOTED OTHERWISE

ALL GROUND FLOOR BULKHEAD AND SQUARE SET OPENING FRAMES TO BE 2455 ABOVE FFL UNLESS NOTED OTHERWISE

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

FINAL WINDOW AND EXTERIOR DOOR LOCATIONS MAY BE ADJUSTED ON SITE TO SUIT BRICKWORK GAUGE

UNLESS NOTED OTHERWISE ALL ROOMS ARE REFERENCED AS FOLLOWS:

A

B

C

FLOOR PLAN LEGEND

HS / WS

HOB SPOUT / WALL SPOUT

FACE BRICK / COMMON BRICK

HEBEL

SOUND INSULATION

AJ

BRICK ARTICULATION JOINT

3D

DENOTES DRAWER SIDE

EXHAUST FAN

L.B.W

LOAD BEARING WALL

THIS DOOR OPENS FIRST

SMOKE ALARM

#

LIFT OFF HINGE

+

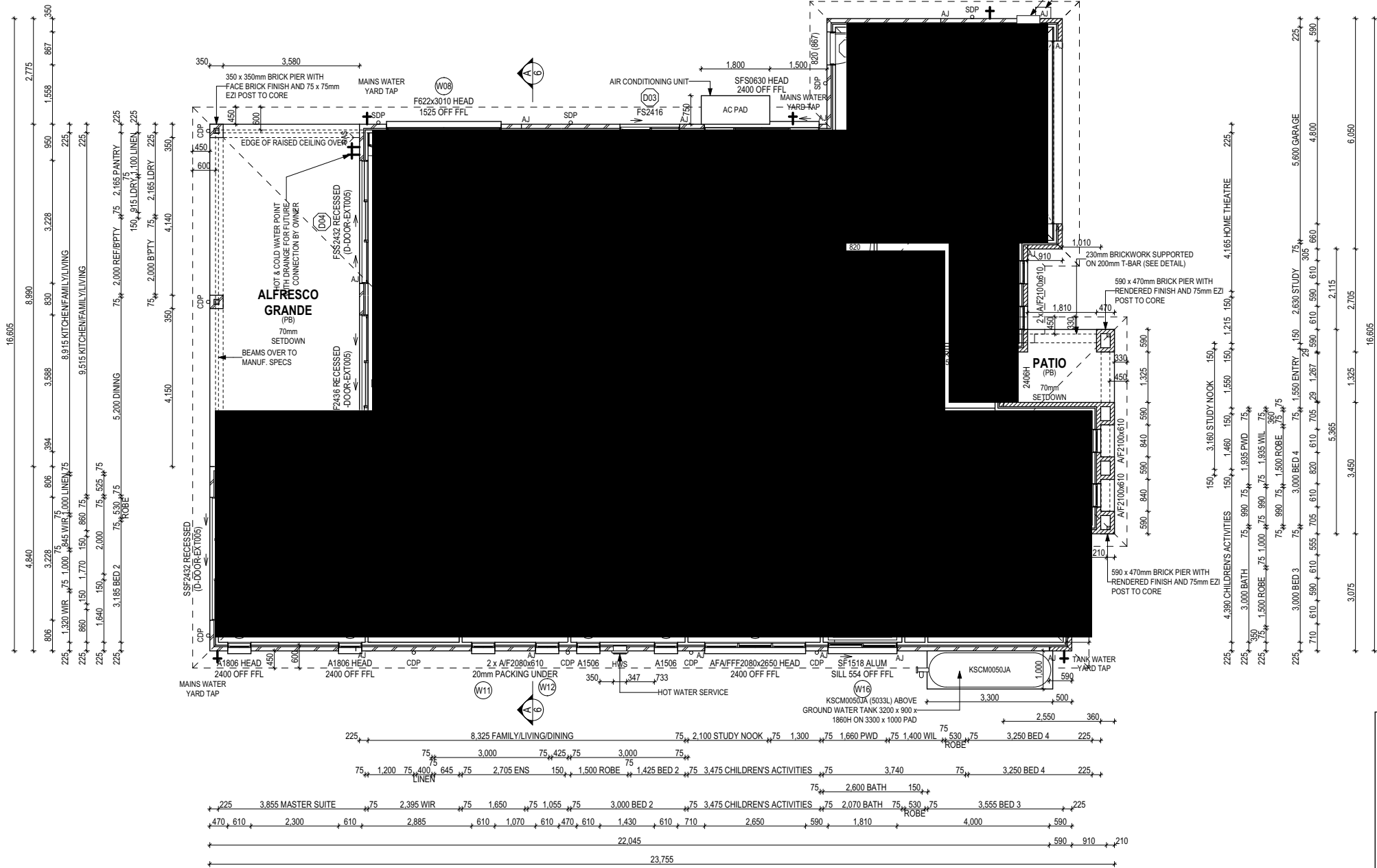
WATER POINT

WP

FRIDGE WATER POINT

GAS

GAS BAYONET



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

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

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

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

2,070

970

BATH HOB DETAIL

1800 NEWBURY ISLAND PLUS

FRAME 530 HIGH

BATH TO BE INSTALLED MAX. 95mm FROM WALL FRAME AT LOCATION OF SPOUT

CONSTRUCTION

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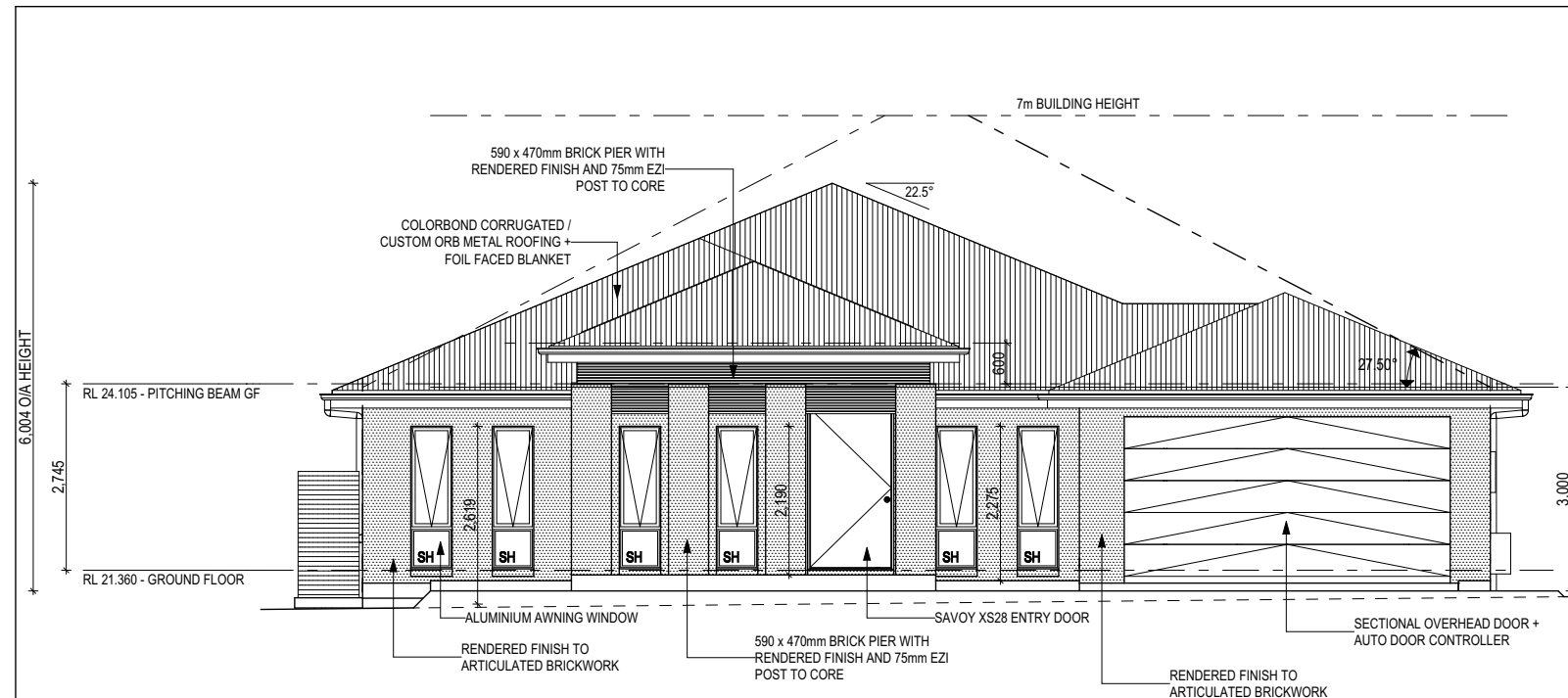
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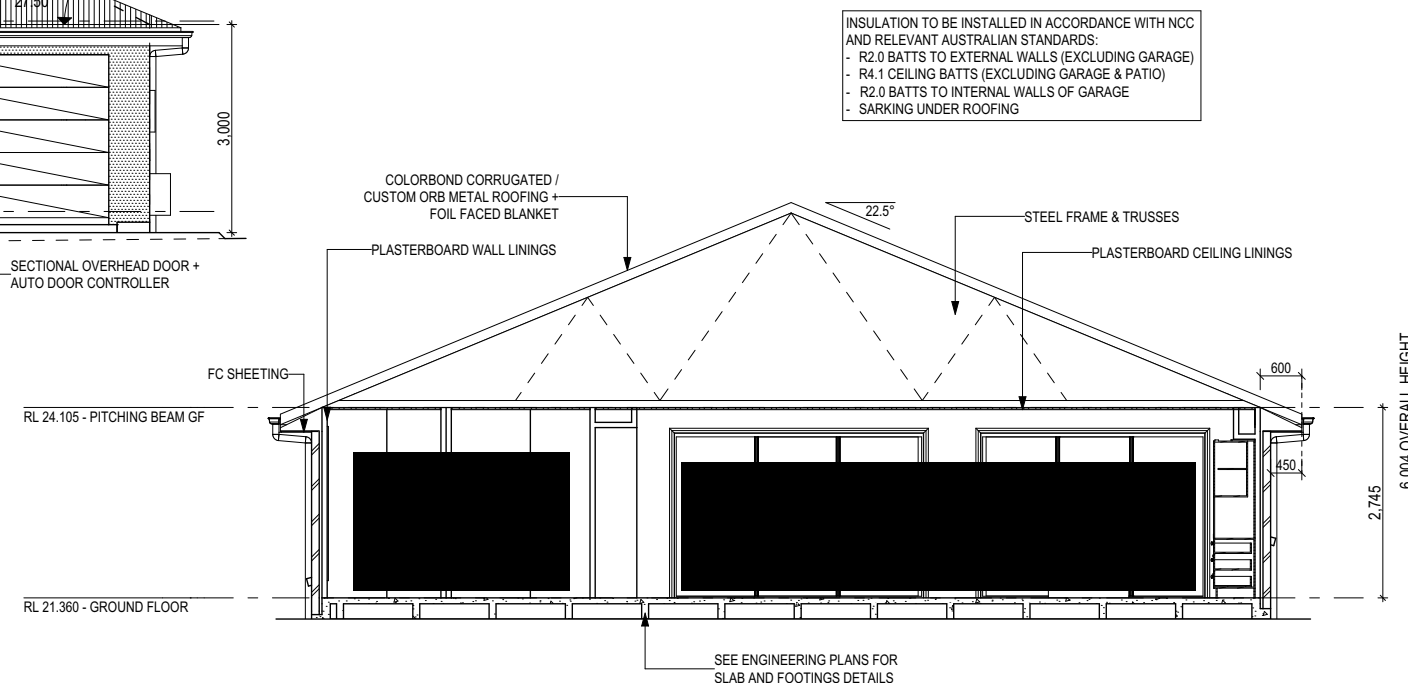
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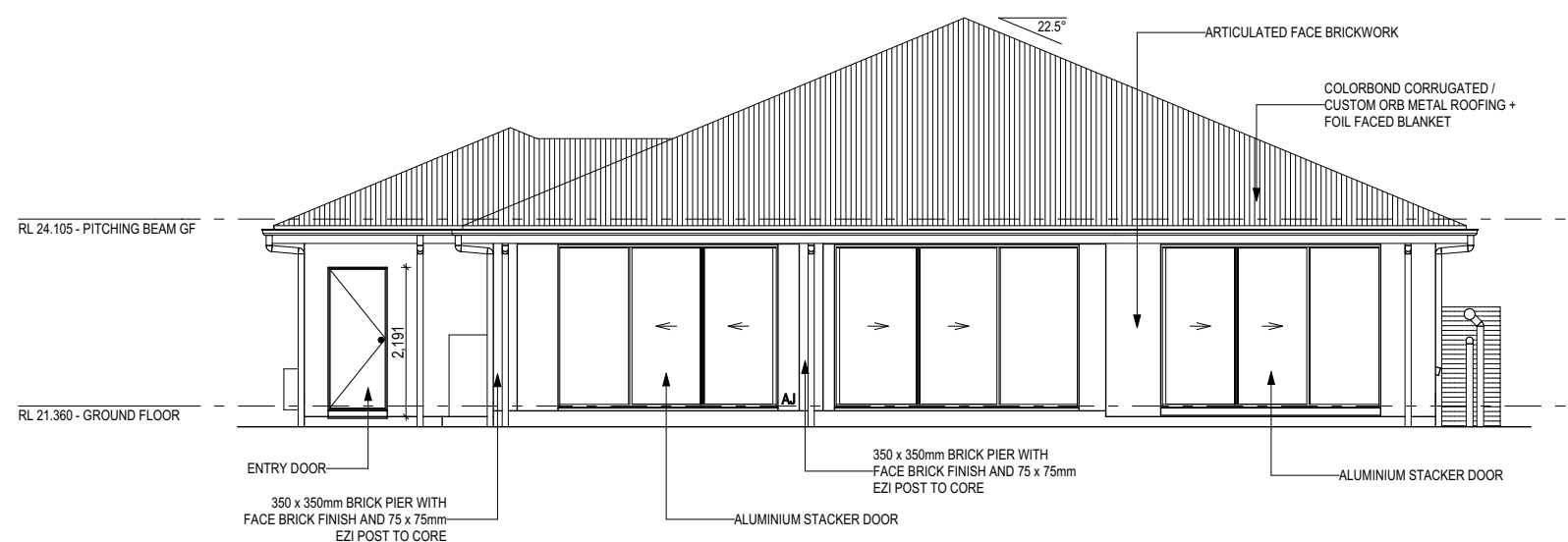
SH = SNAP HEADER SILL



FRONT -EAST ELEVATION
Scale: 1:100








SECTION A-A
Scale: 1:100








REAR-WEST ELEVATION
Scale: 1:100

GLASS TYPE LEGEND

				
CLEAR	OBSCURE	ACOUSTIC	LOW-E	TOPE

WINDOW TYPE LEGEND

				
AWNING	DOUBLE HUNG	FIXED	LOUVRE	SLIDING


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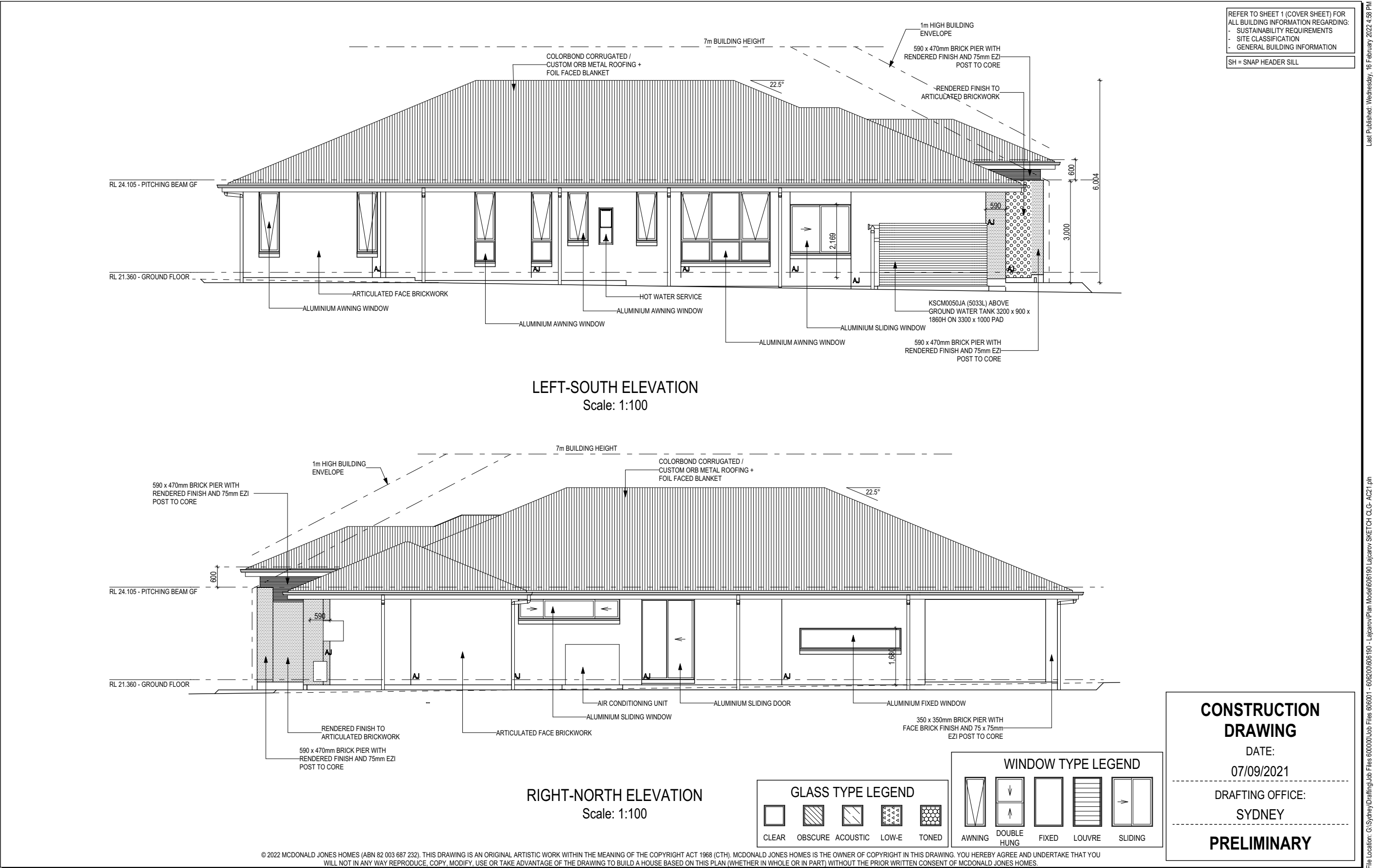
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SHEET TITLE: ELEVATIONS / SECTION	SHEET No.: 6 / 16	SCALES: 1:100

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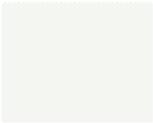
EXTERNAL COLOUR PLAN



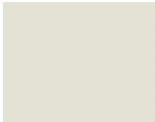
AUSTRAL BRICKS
Wilderness, Silver Birch
Off White Mortar, Iron joint



METAL ROOFING
Custom Orb, Windspray



WINDOWS
Bradnams, Pearl White
Gloss



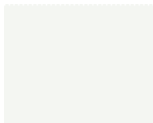
COLORBOND, SURFMIST
Fascia



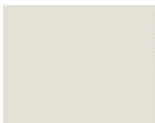
COLORBOND, SHALE GREY
Downpipes & Watertank



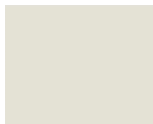
COLORBOND, WINDSPRAY
Gutter



TAUBMANS, BRILLIANT WHITE
Front Entry Door



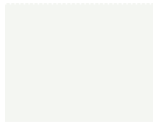
GARAGE DOOR
Flatline, Surfmist



TAUBMANS, SURFMIST
Battens



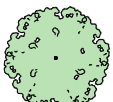
TAUBMANS, SHALE GREY
Render to Façade Piers



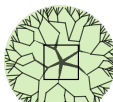
TAUBMANS, ALPINE SNOW
Remainder of facade




LEGEND:




SELECTED FRONT SEMI ADVANCED TREE




SELECTED REAR SEMI ADVANCED TREE




GATE. REFER TO NOTE 1.




CONCRETE LETTERBOX. REFER TO NOTE 3 & IMAGE 1.




BIN STORE




BRICK EDGING




SELECTED AUSTRALIAN NATIVE, DROUGHT TOLERANT PLANTS




SIDE RETURN FENCING. REFER TO NOTE 1.




1.8m FENCING TO SIDE AND REAR BOUNDARIES. Colorbond® in Woodland Grey® colour (or an equivalent product from another manufacturer)



TURF (SIR WALTER BUFFALO)



PERMEABLE PEBBLE



MULCH

LANDSCAPE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE CATHERINE PARK ESTATE GUIDELINES - THE HOMESTEAD

LANDSCAPED AREA	
TOTAL SITE AREA:	710.3m ²
TOTAL LANDSCAPE AREA: (EXCLUDES HARD SURFACES)	m ² %
MIN. REQUIRED:	30%

LANDSCAPED AREA FRONT OF BUILDING LINE	
TOTAL AREA:	107.0m ²
TOTAL LANDSCAPE AREA: (EXCLUDES HARD SURFACES)	81.0m ² 75.70%
MIN. REQUIRED:	%

PLANT SCHEDULE:

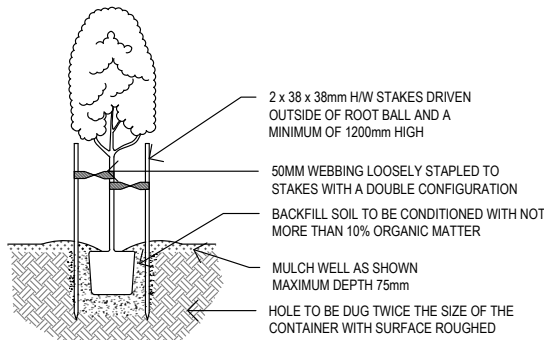
CODE	BOTANICAL NAME	COMMON NAME	NATIVE OR EXOTIC	No.	POT SIZE	MATURE HEIGHT
TREES						
BP	<i>Brachychiton populneus</i>	Kurrajong	NATIVE	1	50L	10m
UP	<i>Ulmus parvifolia</i>	Chinese Elm	EXOTIC	1	75ltr	13m
SHURBS						
WBG	<i>Westringia 'Blue Gem'</i>	Coastal rosemary	NATIVE	32	250mm	0.9m
GROUND COVERS & GRASSES						
MPY	<i>Myporum parvifolium 'Yareena'</i>	Myoporum Yareena	NATIVE	22	150mm	0.2m
TURF						
	<i>Stenotaphrum secundatum</i>	Sir Walter Buffalo Turf	EXOTIC	-	-	-

MAINTENANCE PROCEDURES

- 1) LAWN TO BE FERTILISED TWICE A YEAR IN THE WARM MONTHS, MOWING WEEKLY IN SUMMER MONTHS AND FORTNIGHTLY OR MONTHLY AS REQUIRED IN THE WINTER MONTHS.
- 2) PLANTS TO BE FERTILISED A MINIMUM OF TWICE A YEAR AT THE SAME TIME OF PRUNING, TO DO THIS USE A COMPLETE FERTILISER. KEEP MULCH CLEAR OF TREE TRUNK AREA. AFTER PLANTING SHURBS AND TREES ARE PLANTED CONTINUE TO WATER WELL ONCE A WEEK.
- 3) PRUNE HEDGE PLANTS A MINIMUM OF 2 - 3 TIMES A YEAR, IN THE WARMER MONTHS. WAIT FOR AT LEAST 10MM OF NEW GROWTH BEFORE PRUNING AGAIN TO PROMOTE HEALTHY NEW GROWTH.

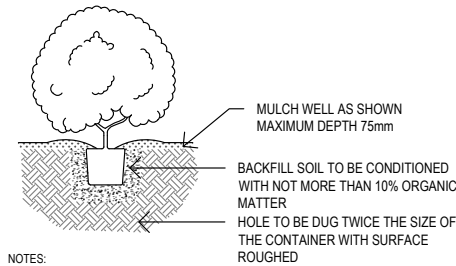
NOTES:

- 1) SIDE & REAR BOUNDARY FENCING SHOULD BE COLORBOND METAL PANEL FENCING IN WOODLAND GREY. GATES LOCATED IN THE RETURN FENCING ARE TO BE CONSTRUCTED OF DECORATIVE STEEL, WROUGHT IRON, BRUSHWOOD OR DECORATIVE TIMBER.
- 2) SIDE FENCING IS PERMITTED BETWEEN THE FRONT BOUNDARY AND THE FENCE RETURN (I.E. IN THE FRONT GARDEN). THIS FENCING IS TO BE NO HIGHER THAN 0.9M AND IS TO MEET THE REQUIREMENTS FOR FRONT FENCING AS PER SECTION 2.12 (II). IF THIS SIDE FENCING AND FRONT FENCING ARE BOTH USED, THE TWO ARE TO BE MATCHING IN STYLE.
- 3) THE LETTERBOX IS TO BE CONSTRUCTED OF EITHER:
 - STONE
 - MASONRY
 - GLASS REINFORCED CONCRETE (GRC) THAT HAS THE APPEARANCE OF STONE OR MASONRYFEATURE LETTERBOXES CONSTRUCTED FROM OTHER MATERIALS MAY BE ACCEPTED, SUBJECT TO APPROVAL FROM HARRINGTON ESTATES
- 3) ALL LANDSCAPED AREAS TO HAVE A MINIMUM 1:100 FALL TOWARDS STORM WATER DRAINS. OR AWAY FROM THE BUILDING FOR POSSIBLE OVERLAND WATER DRAINAGE.
- 4) A TREE PROTECTION ZONE (TPZ) SHALL BE ESTABLISHED FOR THE DURATION OF ANY WORKS NEAR ANY EXISTING TREES, AS PER THE METHOD OUTLINED IN THE CURRENT AS4970-2009. PERMISSION FROM THE COUNCIL ARBORIST IS REQUIRED FOR ACTIVITIES THAT DO NOT COMPLY WITH THE CURRENT AUSTRALIAN STANDARDS.
- 5) DRIVEWAY LAYOUT TO BE CONSTRUCTED FROM ARCHITECTURAL CONSTRUCTION DRAWINGS.
- 6) RETAINING WALLS ALONG SIDE BOUNDARIES BETWEEN LOTS TO BE FINALISED ON SITE AFTER BENCHING.
- 7) ALL RETAINING WALLS VISIBLE FROM THE STREET TO BE MASONRY WITH COLOURS MATCHING THOSE ON THE FRONT FACADE OF THE DWELLING.
- 8) ALL IMPORTED SOIL TO GARDEN AREAS TO BE OF PREMIUM GARDEN MIX STANDARD AT 300MM DEPTH.
- 9) TURF TO BE LAID ON A 150MM MINIMUM BASE OF 80% SAND 20% SOIL MIX. REFER TO DETAIL.
- 10) ALL GARDEN AREAS TO BE COVERED WITH A MINIMUM OF 75MM OF 14MM PINE BARK MULCH.
- 11) GARDEN EDGING IS TO BE INSTALLED BETWEEN ALL ADJOINING SOFT LANDSCAPE FINISHES. REFER TO DETAIL.



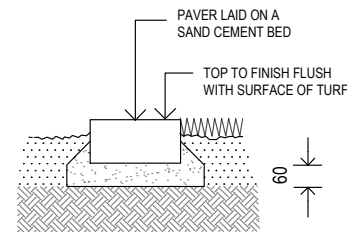
- NOTES:
- 1) AFTER PLANTING WATER IN PLANT WELL USING FOUR TIMES THE PLANT CONTAINER CAPACITY OF WATER.
 - 2) FOR TREES SOIL AND ABOVE INSERT A 60mm DIA AG PIPE UNDER PLANT IN BACKFILL TO PROMOTE GOOD AERATION IN SOIL.
 - 3) TREES SHALL NOT BE TIED UNLESS SUPPORT IS ESSENTIAL.

TYPICAL TREE PLANTING DETAIL
SCALE: N.T.S.

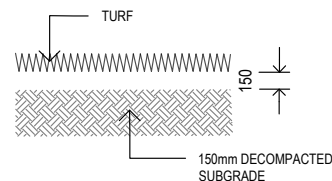


- NOTES:
- 1) AFTER PLANTING WATER IN PLANT WELL USING FOUR TIMES THE PLANT CONTAINER CAPACITY OF WATER.
 - 2) FOR TREES SOIL AND ABOVE INSERT A 60mm DIA AG PIPE UNDER PLANT IN BACKFILL TO PROMOTE GOOD AERATION IN SOIL.

TYPICAL SHRUB PLANTING DETAIL
SCALE: N.T.S. Tube, 150mm, 200mm, 250mm Pot Size



BRICK GARDEN EDGE DETAIL
SCALE: N.T.S.



TURF DETAIL
SCALE: N.T.S.



REV	ISSUE / DESCRIPTION	DATE	CHECKED
A	Initial design for DA	10.09.21	KR
B	Review	16.09.21	KR
C	Review	28.09.21	KR
D	Updated plant schedule	16.12.21	KR

myard
LANDSCAPE DESIGN

MYARD PTY LTD

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

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Drawing was created using colour and may appear incorrect if reproduced in grayscale or black and white.

GENERAL NOTES:

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

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

SCALE: 1:200@A3

DRAWING NO. LP-21197

CLIENT NO: 606190

COUNCIL: CAMDEN

DRAWN: AVS

PAGE NO: 1/1

REVISION

D

NORTH

DRAWING TITLE:

DA LANDSCAPE PLAN

CLIENT:

MCDONALD JONES HOMES

ADDRESS:

LOT 6018, DP 1235007, NO.11 GLEESON RISE, ORAN PARK NSW 2570

CAMDEN LOCAL PLANNING PANEL

CLPP02

SUBJECT: DA/2021/1477/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE WITH ASSOCIATED SITE WORKS - 41 GLEESON ROAD, ORAN PARK

TRIM #: 22/64002

DA Number:	2021/1477/1
Development:	Construction of a single storey dwelling house with associated site works
Estimated Cost of Development:	\$350,000
Site Address(es):	41 Gleeson Rise, Oran Park
Applicant:	Lily Homes Pty Ltd
Owner(s):	Fortunata Camera
Number of Submissions:	None
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 a single storey dwelling house at 41 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/2021/1477/1 for a single storey dwelling house with associated site works, pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions **attached** to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a single storey dwelling house with associated site works at 41 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 development is nominated integrated development requiring an approved under the NSW *Heritage Act 1977*, as the site is located within the curtilage of an item of state heritage significance. Heritage NSW provided general terms of approval (GTAs) on 18 February 2022. The GTAs were delayed pending provision of information (that was provided on 14 February 2022) confirming there was little to no likelihood of impacts on archaeological remains, despite part of the area of this site being identified in a 2018 archaeological assessment.

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 24 September 2021 to 21 October 2021 and no submissions were received.

The dwelling will have a maximum building height of 6.35m 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).

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 that 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 proposed dwelling house at 41 Gleeson Rise complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and is currently on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022).

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

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

KEY PLANNING CONTROL VARIATIONS

Control	Proposed	Variation
SEPP (Sydney Region Growth Centres) 2006 – Clause 4.3 – Building Height – 5m	6.35m	1.35m or 27%.

AERIAL PHOTO



THE SITE

The site is legally described as Lot 6043 DP1235007, 41 Gleeson Drive, Oran Park. The site is a recently constructed lot in a 'greenfields' subdivision, having been registered in May 2021. It has an area of 717.5m² with street frontage of 20.50m and depth of 35m, with approx. 1.2m change in level across the site from the south west to north east corner. There are low brick retaining walls on the side boundaries and a larger retaining wall on boundary with the lot to the rear. There is a 1.5m wide drainage easement along the rear of the lot and a 0.5m restrictions related to the maintenance of the retaining walls.

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



ZONING PLAN



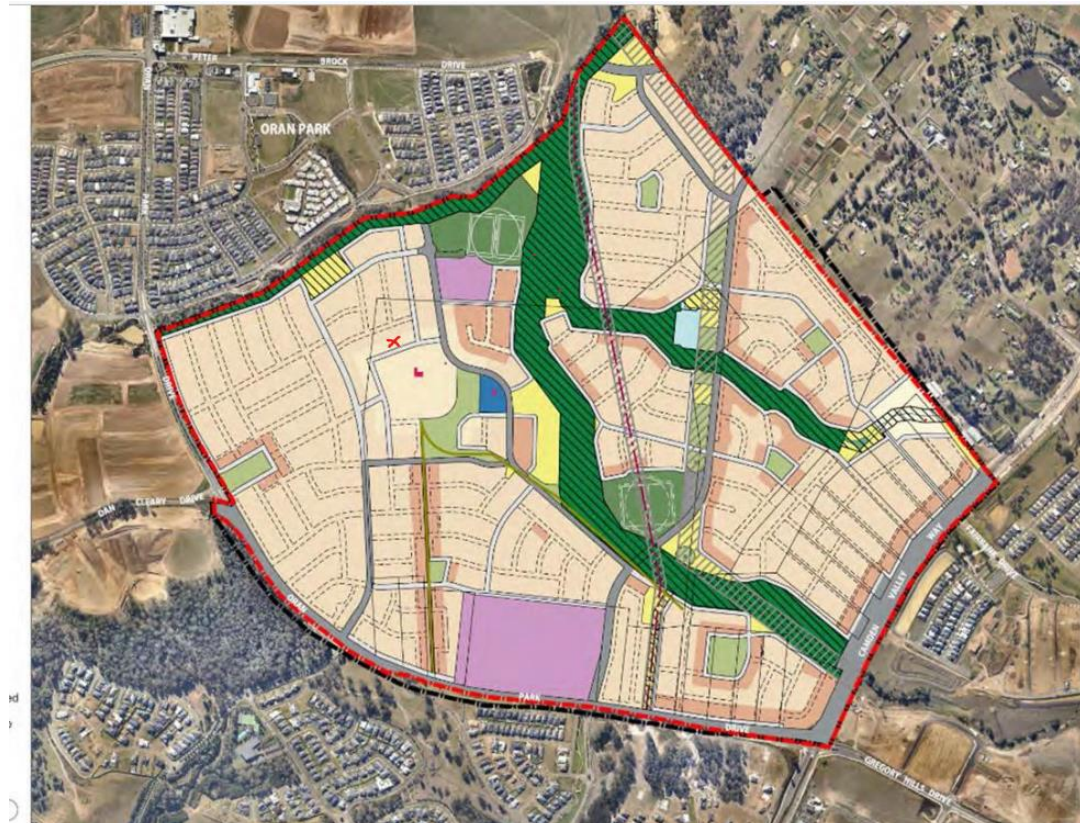
BUILDING HEIGHT PLAN



HERITAGE LISTING



AREA MASTER PLAN



HISTORY

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

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

THE PROPOSAL

DA/2021/1477/1 seeks approval for the construction of a single storey dwelling house with associated site works.

The estimated cost of the development is \$350,000.

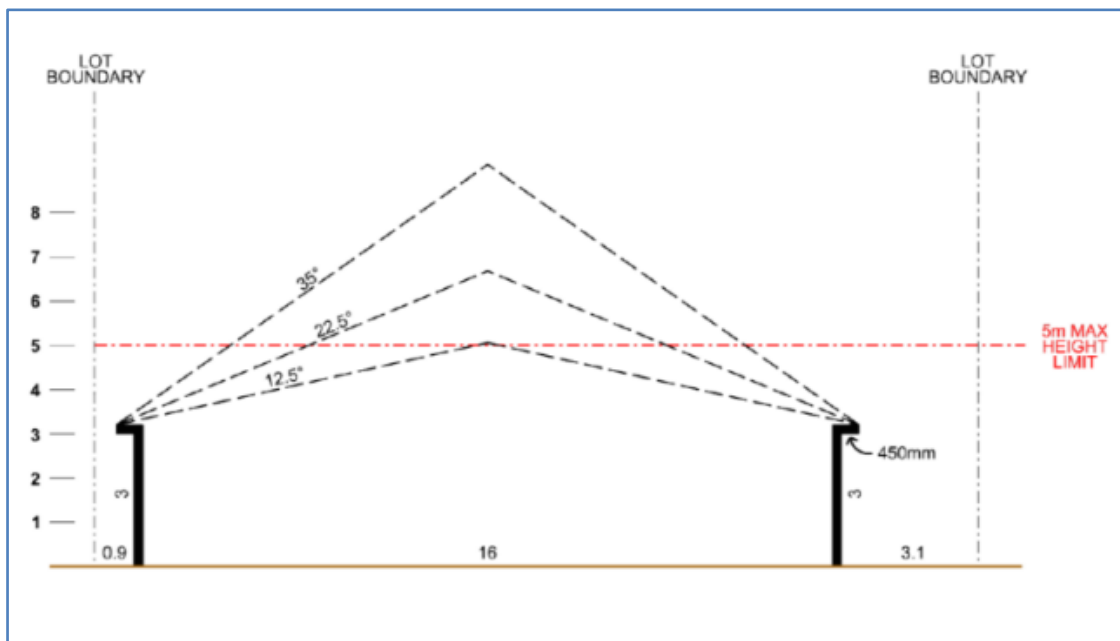


BACKGROUND

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.

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

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





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

The site is located within the curtilage of an item of state heritage significance, and the development is nominated integrated development requiring an approval under the *NSW Heritage Act 1977*. Heritage NSW have provided GTA, following consideration of additional information. A 2018 archaeological assessment identified potential archaeological remains affecting part of the area of this site, and the findings were included in the relevant conservation management plan. The consultants who carried out the 2018 assessment have reviewed the DA and provided additional information to confirm that there is little to no likelihood of impacts on archaeological remains following previous subdivision works and road construction.

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.

Proposed Contravention

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 6.35m in height, breaching the development standard by 1.35m or 27%.

Contravention Assessment

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 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 zone are achieved notwithstanding noncompliance with the standard. A single storey detached dwelling which meets combined design requirements of setbacks, floor space ratio, and hipped roof forms ensures there are no significant adverse impacts. The objectives and intent of built form surrounding Oran Park House will be preserved.

- If compliance was required the underlying objectives would be thwarted as the 5m height limit would not allow for a dwelling design as intended in the heritage curtilage, consistent with the DCP controls and heritage guidelines.
- Compliance with the 5m maximum building height would be unreasonable and detrimental to the current environmental character of the site and surrounds. The dwelling is consistent with the intended outcome for residential land surrounding Oran Park House with simple hipped and/or gabled roof forms of at least 22.5°.

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

This 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 6.35m building height to its 22.5° 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 5m 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.

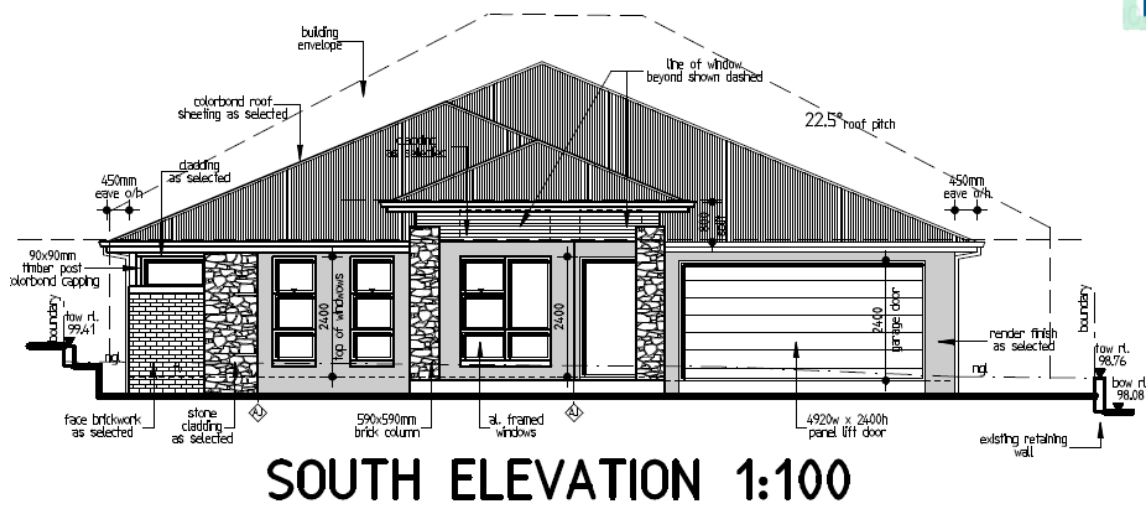
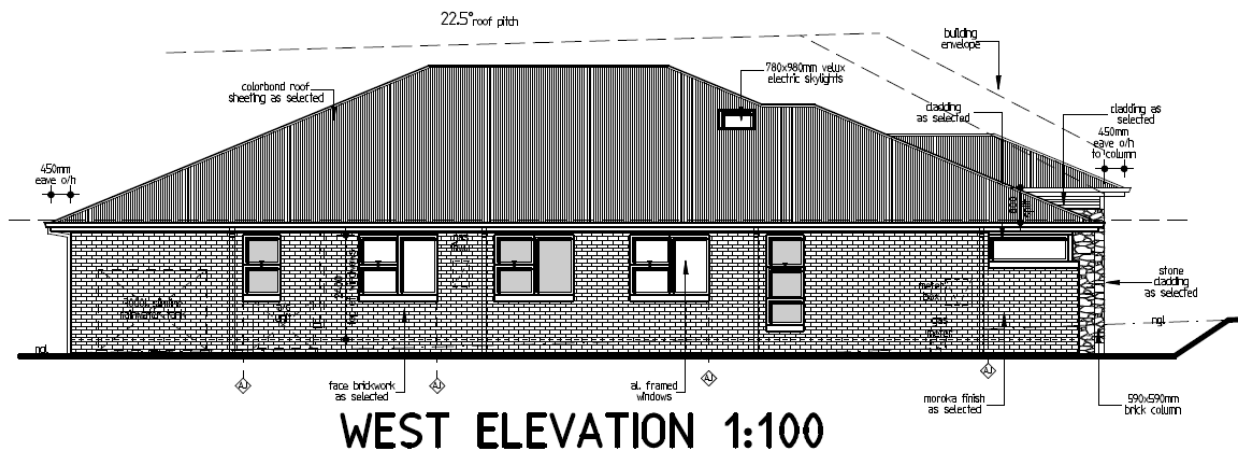
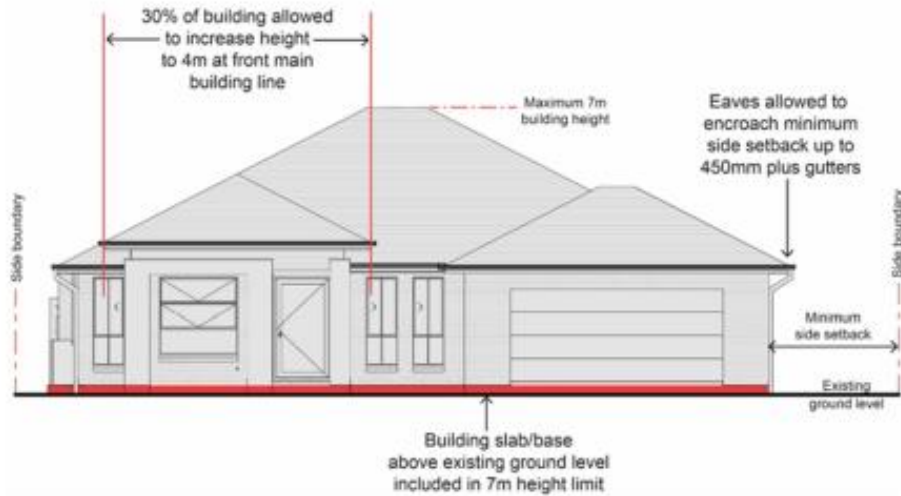
(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely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

Draft Planning Proposal State Environmental Planning Policy (Growth SEPP).

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

Images demonstrating compliance with the requirements of the draft planning proposal are provided below:



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

An assessment table in which the development is considered against the Camden Growth Centre DCP is provided in the **attached** documents.

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

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

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

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

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

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

(c) the suitability of the site for the development

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

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 21 September 2021 to 18 October 2021 and no submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 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 18 February 2022.

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

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 to the contravention of the maximum height of buildings development standard in Clause 4.3 of Appendix 9, State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and
- ii. approve DA/2021/1477/1 for the construction of a single storey dwelling house at 41 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.
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 and DCP Assessment Table
3. Clause 4.6 Written Request
4. Heritage NSW General Terms of Approval
5. Architectural Plans

RECOMMENDED CONDITIONS

1.0 - General Conditions of Consent

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

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

Plan Reference/ Drawing No. AND-34003	Name of Plan	Prepared by	Date
Sheet 1 of 3	Site Plan, Floor Plan	A & N Design Group	3/12/2021 Rev. E
Sheet 2 of 3	Elevations, Section A-A, Slab Plan		
Sheet 3 of 3	Landscape Plan		

Document Title	Prepared by	Date
BASIX Certificate No: 1235692S	Energi Thermal Assessors Pty Ltd	28/08/2021
Waste Management Plan	Lily Homes	23/08/2021
External Colour Selections		Received 3/12/2021

- (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:

- *Heritage Council of NSW – General Terms of Approval – HMS Application ID 439, dated 18 February 2022.*

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; anda 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.

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.

Growth SEPP and DCP Assessment Table



State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - All Buildings			
Clause	Standard / Requirement	Assessment	Compliance?
Appendix 9, 2.3 Zone objectives and land use table	<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. 	Yes
Appendix 9, 4.3 Height of Buildings	5m	<p>6.35m 1.35m or 27% variation</p> <p>This is subject to a request under clause 4.6 to vary this development standard.</p>	No
4.4 FSR	0.4:1	<p>0.39:1 286sqm (site area = 717.5sqm)</p>	
Appendix 9, 4.6 Exceptions to development standards	<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>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</p>	Yes

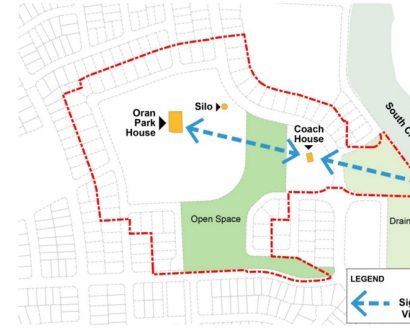
		R2 Low Density Residential zone. It is noted that the Panel may assume the concurrence of the Secretary.	
Appendix 9, 5.10 Heritage Conservation			Yes

Camden Growth Centre Precincts Development Control Plan			
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 200mm cut/700mm fill	Yes
	Fill within 2m of a boundary contained by a drop edge beam (DEB)	DEB will be dealt with by condition to be provided where required, in this case no significant fill is proposed.	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
4.1.3 Sustainable Building Design	Majority of plant species selected from Appendix C with indigenous species preferred	Species proposed are exotic rather than indigenous but this is not inconsistent with the heritage context of the site, close to Oran Park House.	Yes
	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 CC 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 a recommended condition 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°	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 garage is incorporated in the design of the dwelling.	Yes
	Front facade to feature ≥1 habitable room with a window facing the street	A bedroom and a study window each 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	None proposed	Yes
	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 ≥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 up to 700mm cut.	Yes
4.2.6 Landscaped Area	Surface water drainage provided as necessary to prevent the accumulation of water	Suitable surface drainage can be provided and there is a drainage pit in the north eastern corner of the lot.	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.	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/ north 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	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
	≤6m double garage door width	Double garage door width of 4.92m	Yes
	≥5.6m x 5.5m double garage internal dimensions	Double garage 5.65m x 6.2m	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 overlooking or privacy impacts are expected.	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/brick veneer construction should 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	Air conditioning will be located to the side of the dwelling away from side boundaries with neighbours, with new domestic air conditioning not expected to result in any amenity impacts.	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/brick 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	325sqm site = 717.5sqm 45.29%	Yes
Table 4-5 Soft Landscaped Area	≥30% soft landscaped area	254.5sqm 35.47%	Yes
Table 4-5 Principal Private Open Space (PPOS)	≥24m ² PPOS with ≥4m dimension	>24sqm Approx. 137sqm to the rear dwelling comprising soft landscaped area	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 north facing PPOS at the rear of the dwelling. No adjoining dwelling would adversely impacted due to the single storey scale.	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	4.92m	Yes
	≥2 car parking spaces for 3+ bedroom dwellings	>2 spaces provided for 4 bedroom dwelling	Yes
	Triple garages are not permitted?	None proposed	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	1. Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to	The application is being dealt with as integrated development with no	Yes

	<p>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>exemption from approval under the Heritage Act.</p> <p>The application was referred to Heritage NSW who have issued General Terms of Approval for the development.</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>	
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>Figure 4-2 – Oran Park House Outer Heritage Curtilage Principles</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>		
4.1.11 Residential built form	<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 for the site and Heritage NSW have issued GTAs for the proposal.</p>	Yes
4.1.12 Street facades and visible elevations	<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: • 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 cotemporary 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>	Yes
4.1.14 Setbacks for the very low	<p>Residential development must comply with the controls in Figure 4-8.</p>	<p>The setbacks will generally comply with these requirements, except for front porch articulation.</p>	Yes

density area surrounding Oran Park House	<div></div> <p>Figure 4-4 – 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><tr><th></th><th>Minimum</th></tr><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 2m)</td></tr><tr><td>Corner Lot Side Boundary Setback</td><td>3m</td></tr></table> <p><i>Note: In addition to the minimum side boundary setback of 0.5m, the siting of dwellings is required to achieve average 4m side separation between dwellings along an entire street block. Pursuant to Section 4.1.11 of the SEPP, the simultaneous delivery of dwellings within the heritage curtilage by one builder will ensure the average 4m is achieved.</i></p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	0.5m (average 2m)	Corner Lot Side Boundary Setback	3m	Front = 5m but with 4.0m to front porch - articulation Garage = 6.2m Rear = 6.8m Eastern side setback = 2.8m Western side setback = 1.35m	
	Minimum														
Front Dwelling Setback	5m														
Front Garage Setback	6m														
Rear Boundary Setback	5m														
Side Boundary Setback	0.5m (average 2m)														
Corner Lot Side Boundary Setback	3m														
4.1.15 Building Height	Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.	The height will exceed the 5m control and is subject to a request to vary the standard under clause 4.6 of the SEPP.	No												
4.1.16 Roofs	<div><div>1. Roof pitches are to be between 22.5 degrees and up to 35 degrees.</div><div>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.</div><div>3. The minimum eave overhang is 450mm.</div><div>4. Roofs must use neutral colour tones such as greys, greens or browns.</div></div>	<div><div>Roof pitch = 22.5°</div><div>The design and form is satisfactory and will have 450mm eaves, and satisfactory colours.</div></div>	Yes												
4.1.18 Garages	<div><div>1. Garages are required to be setback a minimum of 6m from the front boundary.</div><div>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.</div><div>3. Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</div><div>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.</div><div>5. Garages must be constructed using the same materials as the dwelling.</div></div>	The garage is setback 6.2m, with width <50% and integrated in the building design able to accommodate more than 2 car spaces and constructed of same materials as the remainder of the dwelling.	Yes												
4.1.19 Building Materials	<div><div>1. Building materials and finishes are to be non-reflective.</div><div>2. Neutral colour palette such as mid-range greys, olives and browns are recommended.</div><div>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.</div><div>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</div></div>	An amended colour schedule has been provided with satisfactory colours provided.	Yes												

	<p>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: • Face brickwork with struck or tooled joints;</p> <ul style="list-style-type: none"> • 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>	A coloured concrete driveway is proposed – 'Windspar' suitable finish. The driveway access is 5.3m	Yes
4.1.22 Fencing	<p>1. Front boundary fences of dwellings are to be of a low masonry construction, of contemporary style and complement the heritage significance of Oran Park House and grounds.</p> <p>2. Front fences are to be of similar design and materials along the street frontage. 3. Fencing along the front boundary is limited to a maximum height of 1.2m and be 50% transparent. 4. Side fencing to corner sites is to be consistent in colour and materials to front fencing</p>	No front boundary fencing is proposed.	N/A
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.	None proposed other than some skylights	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>	Letterbox is proposed at front, as part of the landscaped treatment.	Yes



CLPP02

Attachment 3

CLAUSE 4.6 VARIATION REQUEST
Environmental Planning & Assessment Act 1979

New Single Storey Residential Dwelling
Stage 6 | Catherine Park

Address: 41 Gleeson Rise, Oran Park

Lot: 6043 **DP1235007**

Date: 13 September 2021

urbanco

Suite 3.03 55 Miller Street PYRMONT NSW 2009
PO Box 546 PYRMONT NSW 2009
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Prepared for:

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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—

- (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:	41 Gleeson Rise, Oran Park		
Lot:	6043	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:	6.35m
Extent of Proposed Variation*:	27 %

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

4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Test 1(a): the objectives of the zone

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

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

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

The proposed variation does not rely on this test.

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

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

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



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

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

4.1.16 Roofs

Controls

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

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

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

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

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

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

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

4.5 Building Height

Controls

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

And:

4.6 Roofs

Controls

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

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

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

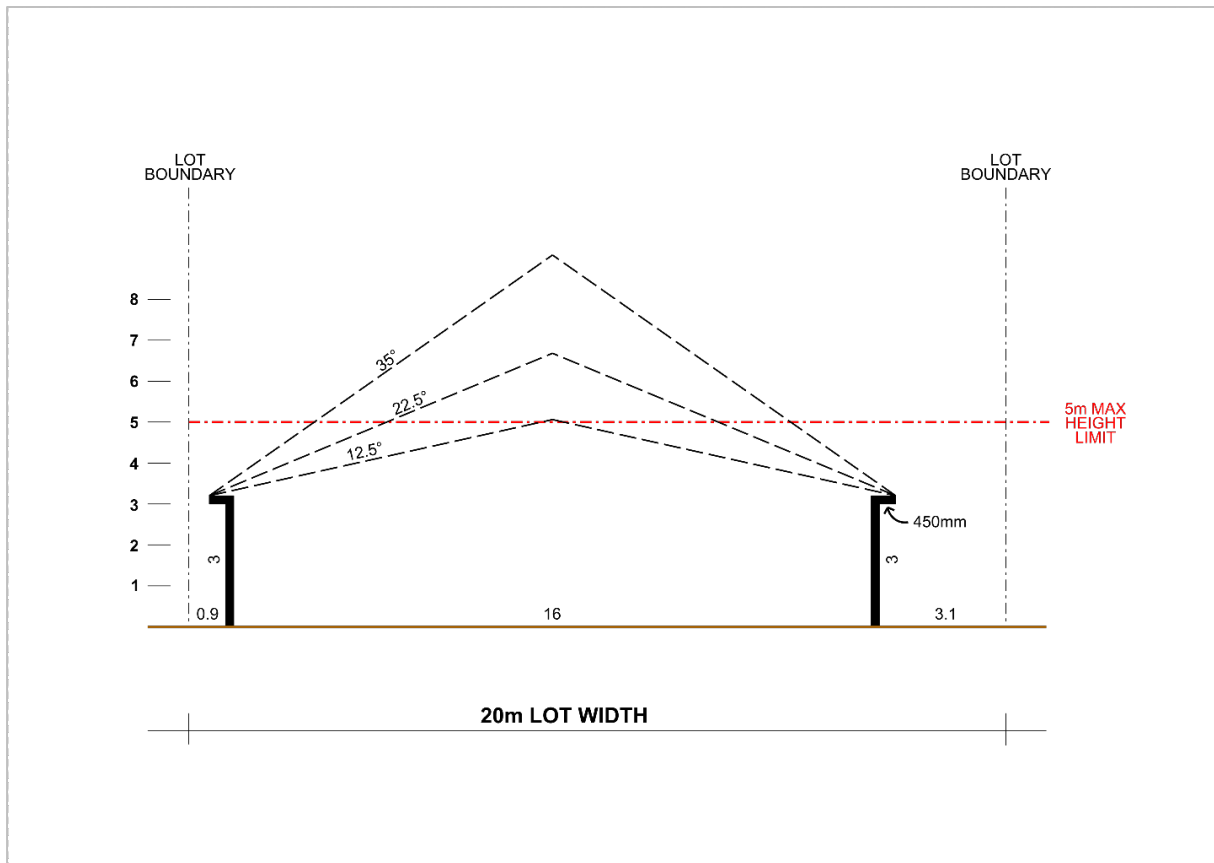


Figure 4 – Building Height & Roof Pitch

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

It is evident that the 5 metre maximum building height limit does not allow for better designs with higher roof forms for single story residential dwellings, and therefore, compliance with the 5 metre maximum building height development standard 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.

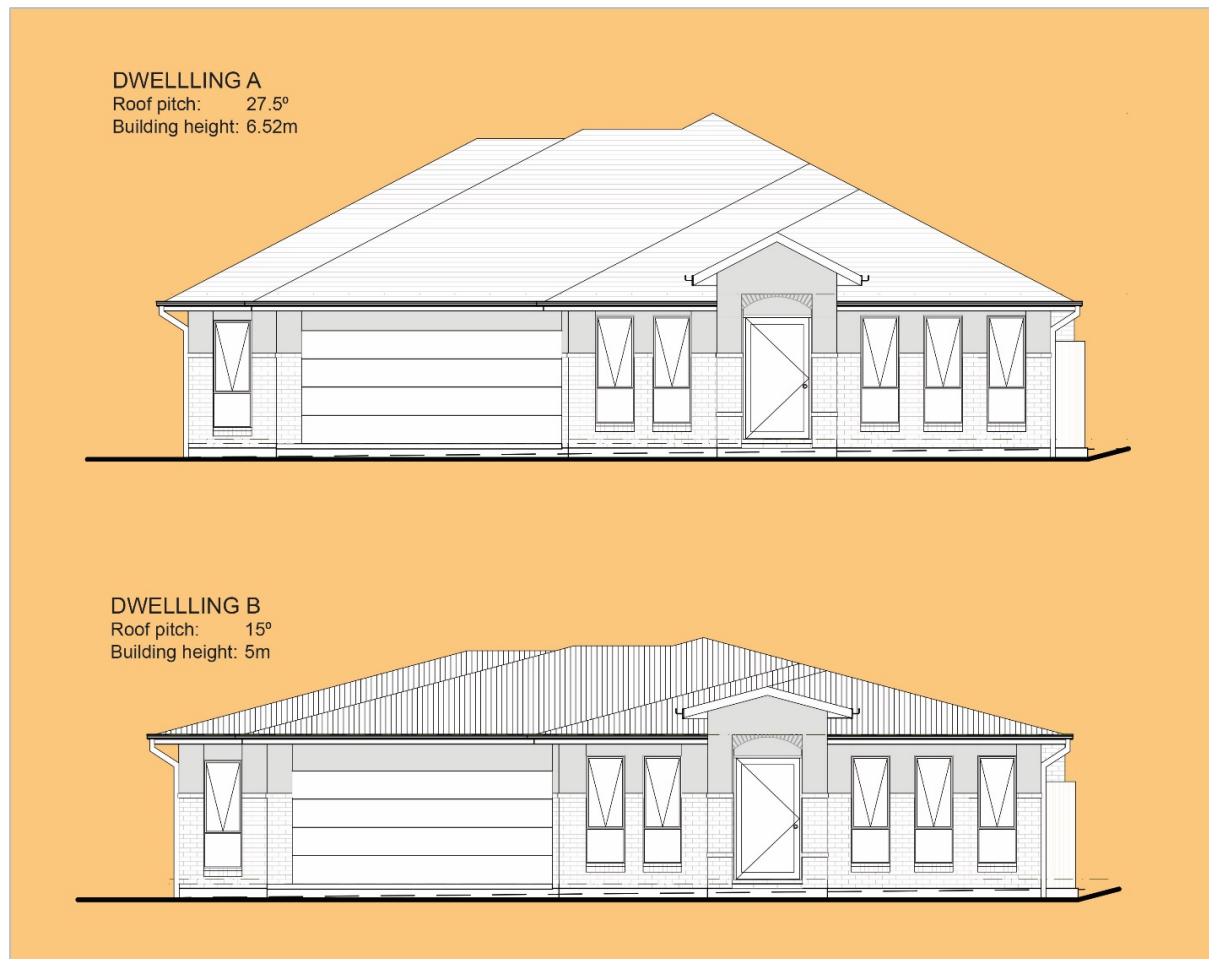


Figure 5 – Dwelling Roof Forms

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.

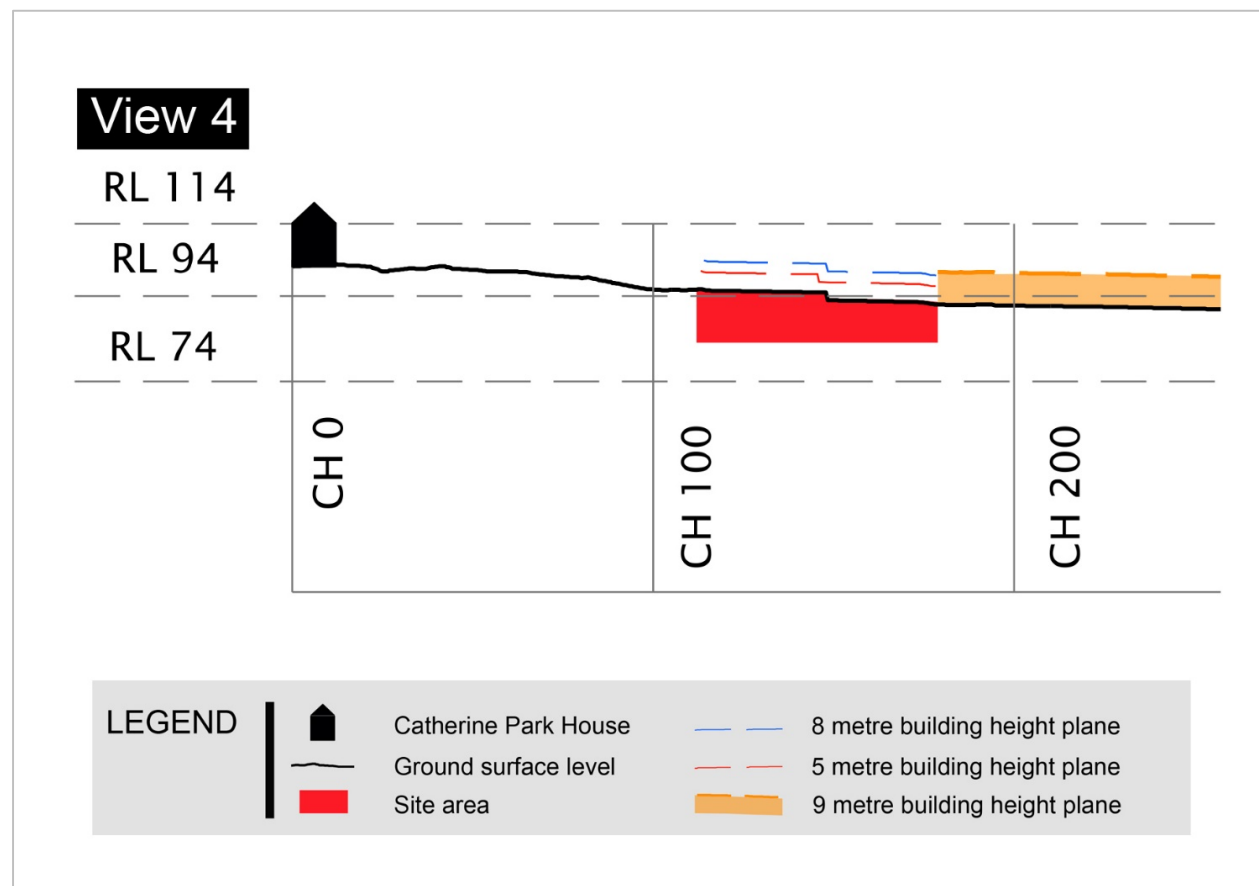


Figure 6 – Extract from View 4 in Views Analysis

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.

CLPP02

Attachment 3

5 CONCLUSION

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

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

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

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

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

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

APPENDIX 1
Views Analysis

CLPP02

Attachment 3



Heritage NSW

CLPP02

HMS Application ID: 439
Your ref: CNR-28634

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: 41 Gleeson Rise, ORAN PARK NSW 2570
SHR item: 112-130 Oran Park Drive, Oran Park, SHR no. 01695
Proposal: Construction of a single storey dwelling with associated site works
IDA application no: HMS ID 439, received 27/09/2021

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 Lily Homes as listed below:

Dwg No	Dwg Title	Date	Rev
Project Name: No 41 Lot 6043 Gleeson Rise Oran Park			
1	Site and Floor Plan	3/12/21	E
2	Elevations, Section, Slab Plan	3/12/21	E
3	Electrical, Landscape Plan	3/12/21	E

- b) *External Colour Selections*, prepared by Lily Homes, undated
 - c) *Heritage Assessment, 41 Gleeson Rise, Oran Park*, prepared by Urbanco, dated 19 November 2021
 - d) Letter to Harrington Estates re: *Lots 6041, 6042 and 6043 – Oran Park House Potential for Archaeological Remains*, prepared by Casey & Lowe, dated 14 February 2022.

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

Attachment 4

EXCEPT AS AMENDED by the conditions of this 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.

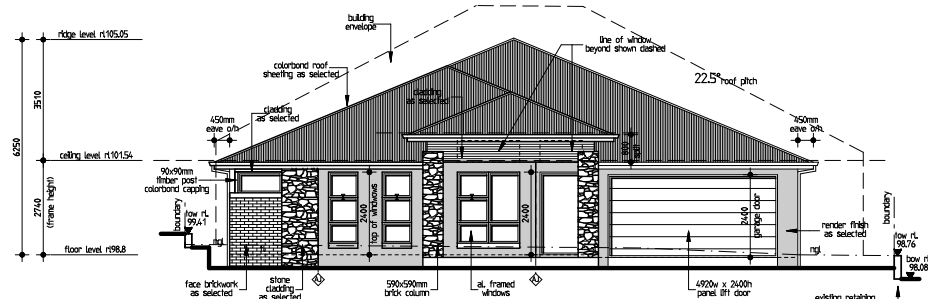
Yours sincerely



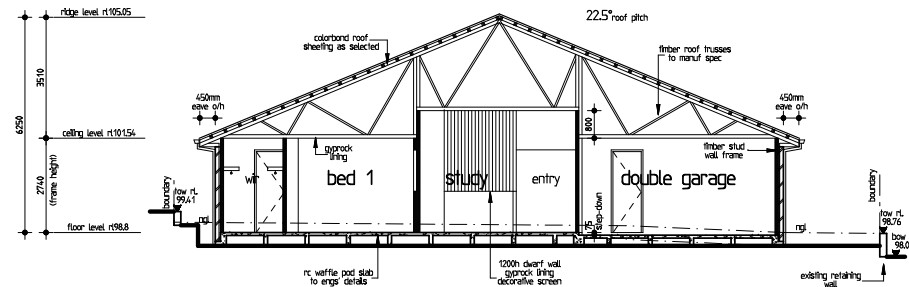
Rajeev Maini
Manager, Regional Heritage Assessments South
Heritage NSW
Department of Premier & Cabinet

As Delegate of the Heritage Council of NSW

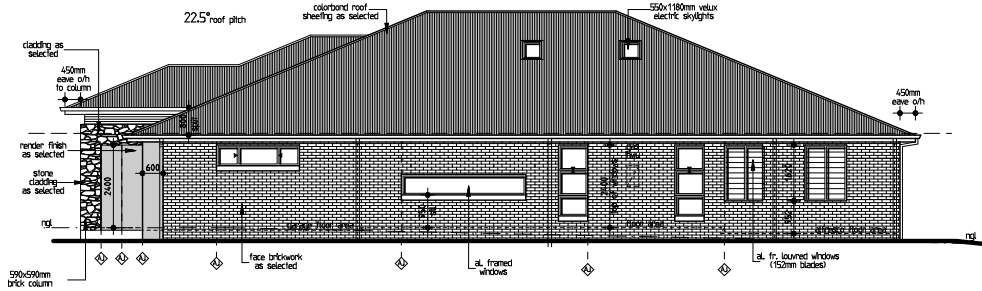
18 February 2022



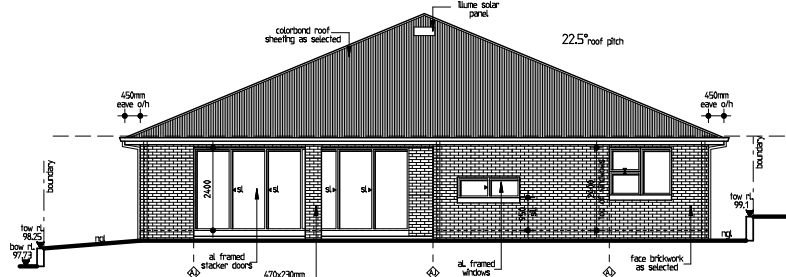
SOUTH ELEVATION 1:100



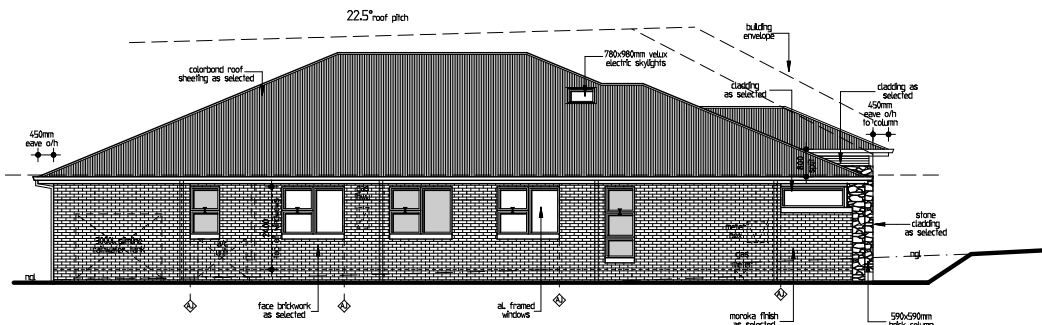
SECTION A-A 1:100



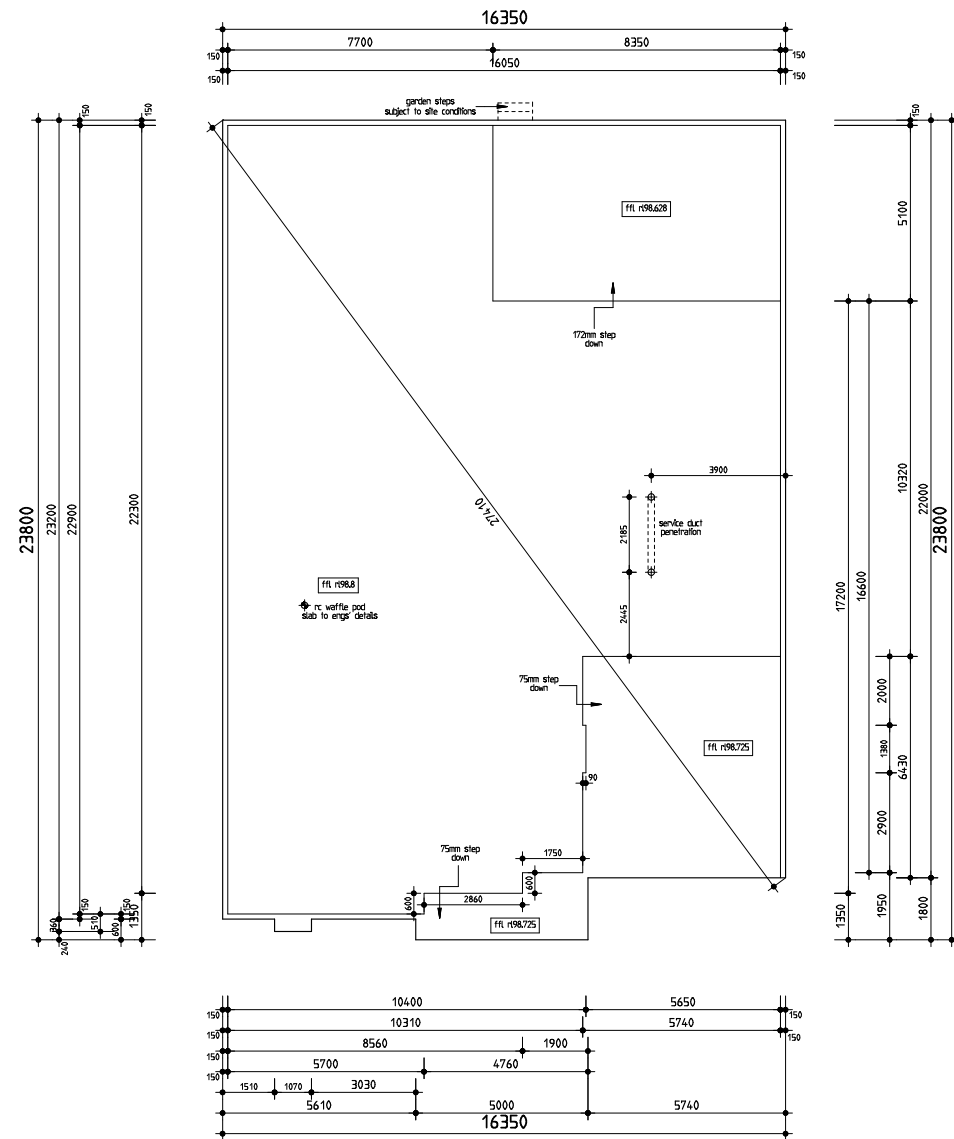
EAST ELEVATION 1:100



NORTH ELEVATION 1:100



WEST ELEVATION 1:100



SLAB PLAN 1:100

slab plan to be cross referenced with floor plans, any discrepancies are to be verified before proceeding

note refer to site plan & elevations for dropped edge beam location & details

LILY HOMES
Unit 1 No. 28 Berrima Road Prestons NSW 2171
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FOR Mrs. F Camera
AT No 41 Lot 6043 Gleeson Rise, Oran Park IP125907

COUNCIL: Camden ESTATE: Catherine Park

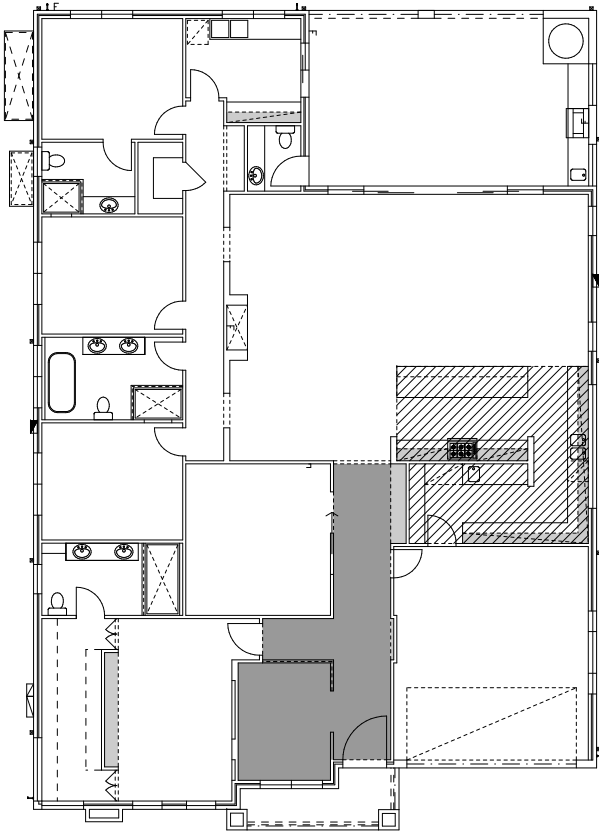
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A&N DESIGN GROUP
Unit 7 site 76 Highbury Park
Lot 517 West End Road
PO Box 418 Baulkham Hills
Baulkham Hills NSW 2153
2nd Floor Tel 986 4411
Fax 02 986 244

REV	DESCRIPTION	DATE
E	Amended CC Plans	DC 3.12.21
D	DPP amendments	DC 9.2.21
C	changes to floor level	VS 26.4.21
B	Amended CC Plans	DC 1.6.21
A	CC Plans	DC 17.2.21

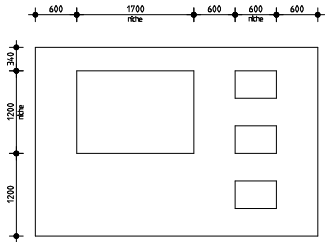
drawing n°: AND-34003
sheet: 2 of 3
hand: m JOB No: master

electrical legend	
▲	single gpo - 300mm ffl
▲	double gpo - 300mm ffl
▲	single gpo - 1050mm ffl
▲	double gpo - 1050mm ffl
▲	single gpo - 1300mm ffl
▲	double gpo - 1300mm ffl
▲	single gpo - 1500mm ffl
▲	double gpo - 1500mm ffl
▲	single gpo - 1800mm ffl
▲	double gpo - 1800mm ffl
▲	single gpo - on ceiling
(X X)	water proof double gpo
○	ceiling light outlet
○	ceiling down light outlet
□	stab lights
○	wall mounted light 1800H FFL (UND)
○	double para-flood light
○	exhaust fan/light/heater ducted
○	exhaust fan/light ducted
○	exhaust fan/heater/light ducted
○	exhaust fan ducted
○	tv antenna point
○	pay tv point
○	speaker point
○	telephone point
○	hot water unit
○	junction box
○	home distribution unit (location TBA)
○	data point
○	1200 fluoro double tub light
○	sweep fan
○	sweep fan/light
○	door bell (in - monitor)
○	eye ball sensor
○	dimmer switch
○	Video Intercom
○	smoke alarm
Note: First location of power points and light switches to comply with LGA requirements. Location shown on plan may vary to achieve compliance with the Building Code. Electrical meter box to be positioned on side of house closest to electrical supply UMS.	

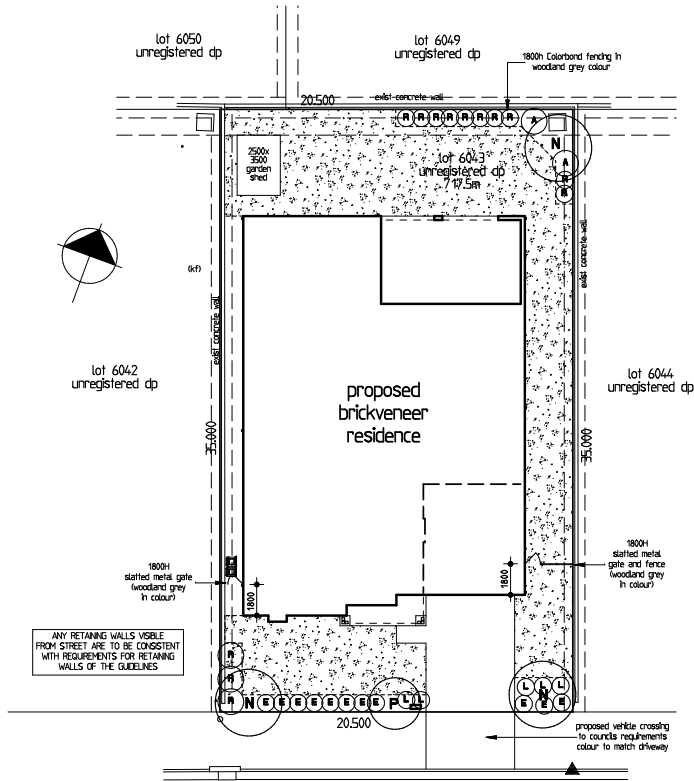


ELECTRICAL PLAN 1:100

Note: Basic NBN setup to dwelling (this home hub NOT included)



BED 1 DISPLAY NICHE DETAIL 1:50



GLEESON RISE
LANDSCAPE PLAN 1:200

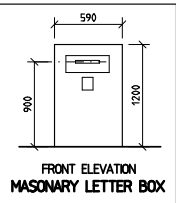
Size gate/return fencing detail required. (see page 23 section 6)

LEGEND

PROPOSED TURF AREAS	BRICK BREEDING TO MASS PLANTED AREAS
STEPPING STONES (650 X 450)	GARBAGE STANDING AREA
230x90mm MASONRY LETTERBOX	

PLANT SCHEDULE

NAME	KEY	QTY	SIZE	COMMON NAME	EST HT' X SP' @ MAT.
Jacaranda mimosifolia	N	3	52L	Jacaranda	8 X 24
Acer palmatum	P	1	45L	Japanese Maple	6 X 44
Abies concolor	A	2	5L	Abies	15 X 24
Escallonia filix-foemina	E	6	25L	Pole Pine	0.6 x 0.6
Lavandula angustifolia	L	10	25L	Lavender	1 x 1
Protea repens	R	8	5L	Protea	2.3 x 15





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FOR Mrs. F. Camera

AT No 41 Lot 6043 Gleeson Rise, Oran Park

COUNCIL ESTATE
Camden Catherine Park

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E	Amended CC Plans	DC	3.12.21
D	DPP amendments	DC	9.7.21
C	changes to floor level	VS	25.4.21
B	Amended CC Plans	DC	1.6.21
A	CC Plans	DC	17.5.21

REV. DESCRIPTION. DATE


house type custom drawing n°

facade custom sheet

hard m JOB No. master

3 of 3

EXTERNAL COLOUR SELECTIONS

Job Address:	LOT 6043 GLESSON RISE, ORAN PARK	
Brick (Main House Finish)	AUSTRAL - SAN SELMO - SMOKED - GREY CASHMERE	
Render (Main House Finish)	N.A	
Mortar Colour (Off White/Grey)	OFF WHITE	
Joint Type (Racked/Ironed)	IRONED	
Feature (Brick, Tiled, Render)	CULTURE STONE - PGH - PLATINUM - PROFIT - LEDGESTONE	
Moroka	DULUX - DIESKAU - GR12	
Cladding	N.A	
Eaves	ILLUSIVE WHITE	
Colourbond Roof Colour	WINDSPRAY	
Roof Tile Colour	N.A	
Roof Profile/ Colour	N.A	
Gable Face	N.A	
Gutter/Barge Cap	WINDSPRAY	
Downpipes	SURFMIST	
Fascia/ Barge Board	SURFMIST	
Parapet Capping	SURFMIST	
Window	SURFMIST	
Garage Door Colour	WINDSPRAY	
Garage Profile	TUSCAN - WOODGRAIN	
Driveway Colour Pattern	WINDSPRAY - PLAIN PROFILE	

19-21 Powdrill Road
Prestons NSW 2171

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EXTERNAL COLOUR SELECTIONS

Front Door	STAINED - JOHNSTONES STAIN - PORTERHOUSE - 2 COATS AS STANDARD	➔
Posts Stained or Painted	N.A	
Balcony Profile	N.A	
Balcony Colour	N.A	
Rainwater Tank	N.A	
Letterbox	RENDER - DULUX - DIESKAU - GR12 - TO MATCH HOUSE	
Clothesline	T.B.C	
External Laundry Door	N.A	

NOTES/COMMENTS

*Brick Type: A variation for brick cleaning of \$280.00 may be raised if a neutralising product is used on any acid related problems, which is more common on lighter coloured bricks, and will be determined by the brick cleaner on site.

*External Doors: Lily Homes takes no responsibility for the warping of external doors and strongly recommends that all external doors be in a light reflective colour to avoid heat absorption.

Signature

Date

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Prestons NSW 2171

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