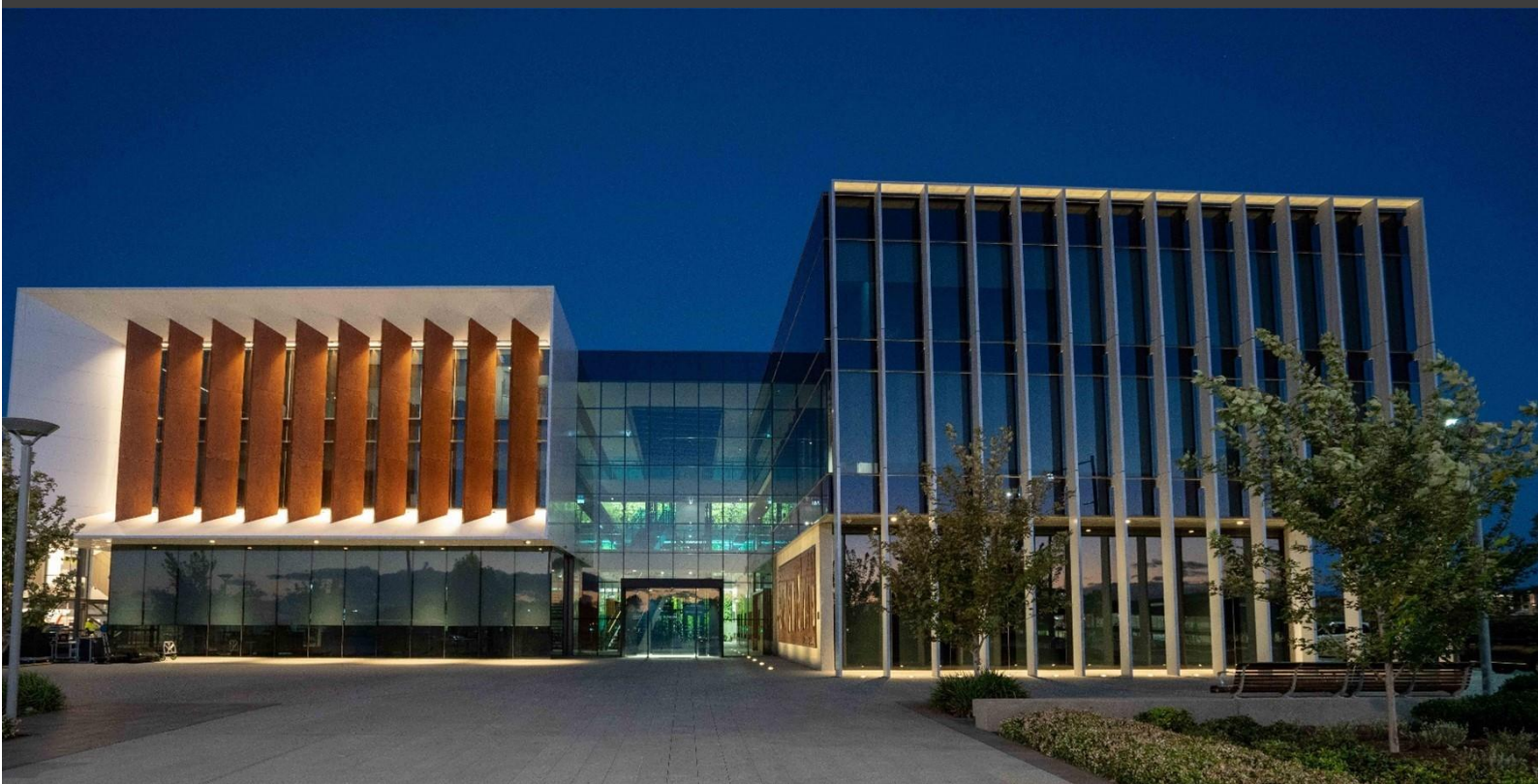


# Business Paper

Camden Local Planning Panel  
Electronic Determination

21 December 2022



camden  
council

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## CLPP01

**SUBJECT: DA/2022/857/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE AT 83 BANFIELD DRIVE, ORAN PARK**  
**FROM: Manager Statutory Planning**  
**EDMS #: 22/571610**

DA Number:	2022/857/1
Development:	Construction of a single storey dwelling house
Estimated Cost of Development:	\$381,151
Site Address(es):	83 Banfield Drive, Oran Park
Applicant:	Kurmond Homes Pty Ltd
Owner(s):	Mr Paul Bogataj, Mrs Marija Bogataj & Ms Suzana Campbell
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 a Development Standard greater than 10%
Report Prepared By:	Giselle Pineda (Development Assessment Planner)

### PURPOSE OF REPORT

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for a single storey dwelling house at 83 Banfield Drive, Oran Park.

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

### SUMMARY OF RECOMMENDATION

That the Panel determine DA/2022/857/1 for a single storey dwelling house pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

### EXECUTIVE SUMMARY

Council is in receipt of a DA for a single storey dwelling at 83 Banfield Drive, Oran Park.

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 26 September to 10 October 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 5.817m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 5 of State Environmental Planning Policy (Precincts – Western Parklands City) 2021.

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

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend Appendix 5 of the Precincts SEPP to address the anomalies associated with the 5m height standard. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 5 of the Precincts 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 83 Banfield Drive largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and has been on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

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

The proposed development, with a 5.817m building height to its 22.5 degree pitched roof ridge, is otherwise consistent with the objectives of the development standard. The dwelling is single storey and is also generally consistent with the planning proposal for a merit-based assessment of building heights above 5m, excluding consistency with the proposed standard building envelope. The design is compatible with its heritage



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

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

**KEY PLANNING CONTROL VARIATIONS**

Control	Proposed	Variation
SEPP (Precincts – Western Parklands City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m	5.817m to roof ridge	0.817m 16.34%

**AERIAL PHOTO**

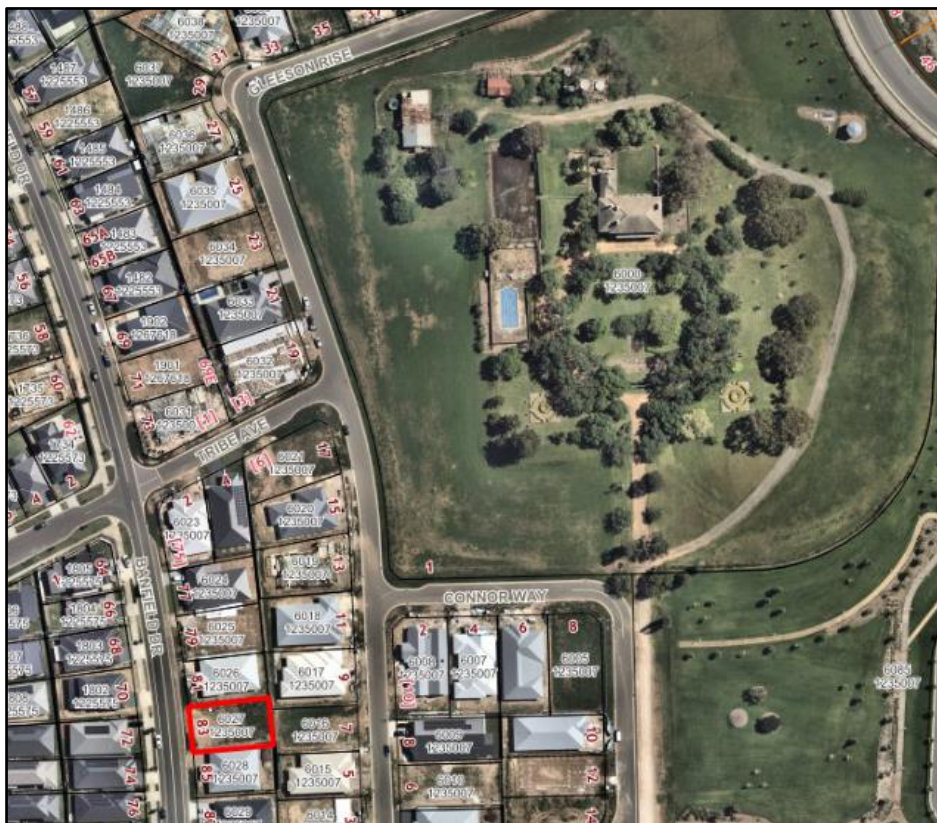


Figure 1: Aerial photo of subject site

**THE SITE**

The site is legally described as Lot 6027 DP1235007, 83 Banfield 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 522m<sup>2</sup> with a street frontage of 17m and depth of 32.145m, with minimal change in level across the site. There is a 1.5m restriction related to the maintenance of a retaining wall along the rear boundary.

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

**CLPP01**

**ZONING PLAN**



Figure 2: Subject site - R2 Low Density Residential zoning

**BUILDING HEIGHT MAP**



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



**HERITAGE LISTING**



Figure 4: Subject site in relation to heritage listing

**AREA MASTER PLAN**



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

**HISTORY**

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

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



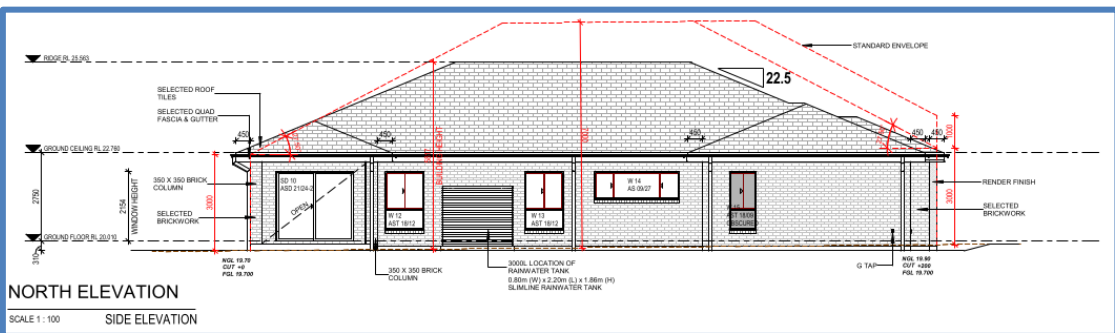
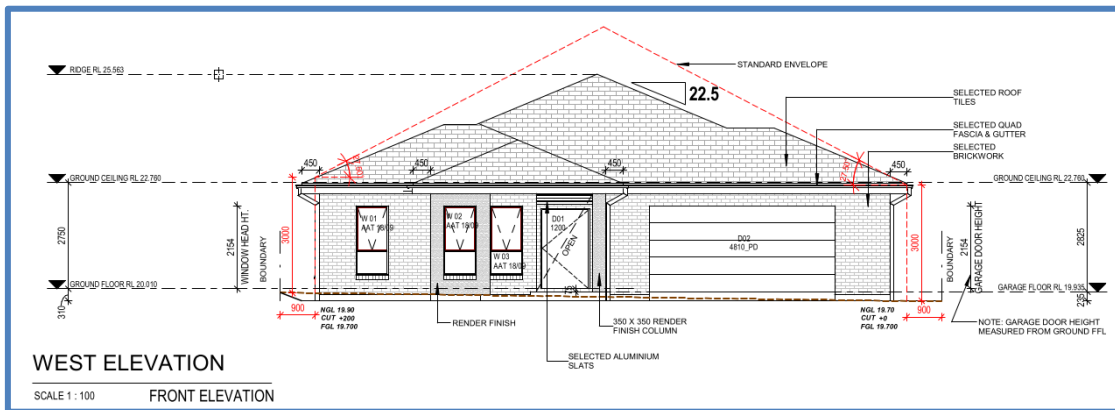
finalisation of the Planning Proposal.

**THE PROPOSAL**

DA/2022/857/1 seeks approval for the construction of a single storey dwelling house.

The proposed dwelling consists of four bedrooms, media, sitting, family and dining rooms, kitchen, laundry, bathrooms and a double garage.

The estimated cost of development is \$381,151.



**BACKGROUND**

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

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

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

CLPP01

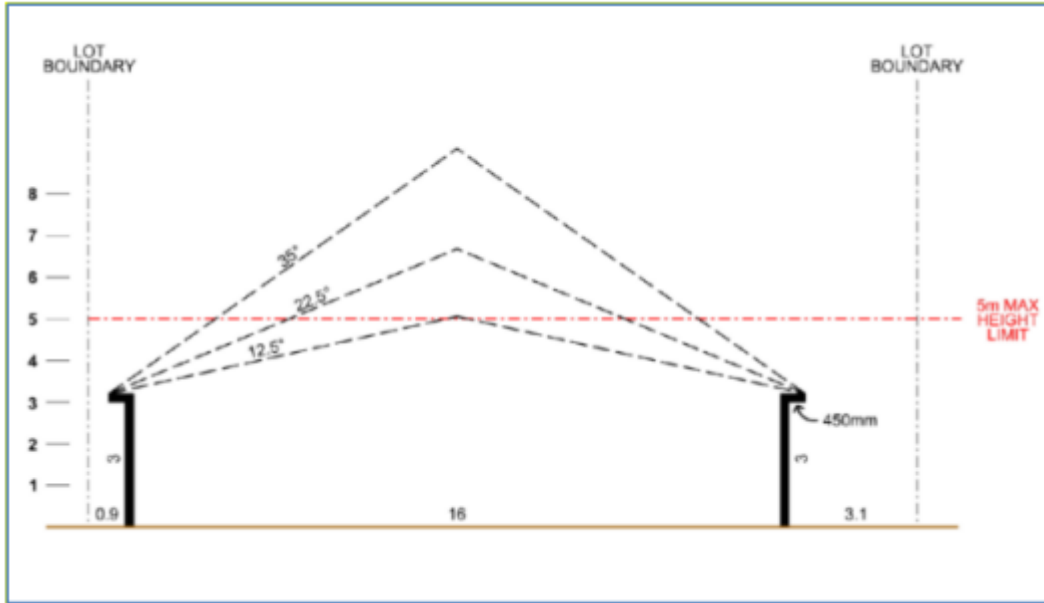


Figure 6: Five metre maximum building height limit compared to roof pitches



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

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

- the dwelling is single storey;
- the dwelling is a detached dwelling;

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

The proposed dwelling house generally complies with the draft Planning Proposal.

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 received Gateway Determination from the DPE and was exhibited from Wednesday 9 February until Wednesday 9 March 2022. Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

### ASSESSMENT

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

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

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

The environmental planning instruments that apply to the development are:

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

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

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

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

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

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

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

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

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

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

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

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

#### *Site Zoning and Permissibility.*

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

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

#### *Planning Controls*

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

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

The proposed development will contravene the height of building standard which applies under clause 4.3 of Appendix 5 of the SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 5.817m in height, breaching the development standard by 0.817m or 16.34%.

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

- Compliance with the 5m height standard would detract from the design of the single storey dwelling and the overall streetscape;
- The development contravention will not impact on views and vistas from Oran Park House;
- The development contravention allows for a single storey dwelling with the appropriate roof form and pitch. The development contravention does not

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

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

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

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

The proposed development, with a 5.817m building height to its 22.5 degree pitched roof ridge, is otherwise consistent with the objectives of the development standard. The dwelling is single storey. Most of the dwelling is within the maximum height and its design is compatible to its heritage setting, including its roof pitch. The design of the dwelling will minimise visual impacts and protect adjoining development.

1. Indicative Layout Plan  
The intended outcome established within the Indicative Layout Plan (Figure 2-1) for this part of the Catherine Fields (Part) Precinct DCP is for low density residential development. The proposal is for a single storey dwelling, consistent with this outcome.
2. Clause 4.3 'Height of Buildings' – Objectives.  
Alignment with the objectives of clause 4.3 are maintained. The development contravention will not result in development greater than single storey and it will be consistent with objectives to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.



3. R2 Low Density Residential Zone Objectives.  
The development contravention will not depart from the objectives of the R2 Zone and not be inconsistent with intended outcomes for the zone, as it will:
  - provide for the housing needs of the community within a low-density residential environment; and
  - provide a diverse range of housing types to meet community housing needs within a low-density residential environment.
  
4. Site-specific objectives and controls.  
Strict compliance with the 5 metre building height standard does not provide flexibility in achieving site-specific controls and providing for a dwelling design outcome, including roof form and pitch, that appropriately responds to the unique characteristics of the precinct, and the historically significant Oran Park House.
  
5. Alignment with DCP controls.  
The building height standard contravention does not result in additional non-compliances with any development controls in the Camden Growth Centre Precincts DCP and Schedule 4 Catherine Fields (Part) Precinct. The single storey development is considered to fulfill the relevant controls and their objectives.

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

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

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The DA was publicly exhibited for a period of 14 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 26 September to 10 October 2022. No submissions were received.

**(e) the public interest**

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, environmental planning instruments, development

control plans and policies. Based on the above assessment, the development is consistent with the public interest.

### EXTERNAL REFERRALS

No external referrals were required during the assessment of this DA. The subject site is located outside of the heritage curtilage of SHR Item Oran Park House and GTAs are therefore not required.

### FINANCIAL IMPLICATIONS

This matter has no direct financial implications for Council.

### CONCLUSION

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

### RECOMMENDED

That the Panel:

- i. **support the applicant's written request lodged pursuant to Clause 4.6(3) of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021; and**
- ii. **approve DA/2022/857/1 for the construction of a single storey dwelling house at 83 Banfield Drive, Oran Park, subject to the conditions attached to this report.**

### REASONS FOR DETERMINATION

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

the site, and its approval is in the public interest.

### ATTACHMENTS

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

CLPP01

**RECOMMENDED CONDITIONS****1.0 - General Conditions of Consent**

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

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

Plan Reference/ Drawing No.	Name of Plan	Prepared by	Date
Job No. 300091, Revision 9, Sheet No. A005	Site Plan	Kurmond Homes Pty Ltd	17/11/2022
Job No. 300091, Revision 9, Sheet No. A011	Concept Stormwater Plan	Kurmond Homes Pty Ltd	17/11/2022
Job No. 300091, Revision 9, Sheet No. A013	Ground Floor Plan	Kurmond Homes Pty Ltd	17/11/2022
Job No. 300091, Revision 9, Sheet No. A013.1	Ground Floor Detail Dimension	Kurmond Homes Pty Ltd	17/11/2022
Job No. 300091, Revision 9, Sheet No. A018	Elevations	Kurmond Homes Pty Ltd	17/11/2022
Job No. 300091, Revision 9, Sheet No. A019	Elevations	Kurmond Homes Pty Ltd	17/11/2022
Job No. 300091, Revision 9, Sheet No. A020	Section	Kurmond Homes Pty Ltd	17/11/2022
Drawing No. L/01	Proposed Landscape Plan	A Total Concept	02/06/2022
Job No. 300091, Revision 5, Sheet No. A001	External Colour Plan	Kurmond Homes Pty Ltd	23/05/2022

Document Title	Prepared by	Date
BASIX Certificate No. 1296098S_02	Energy Advance	01/12/2022
Waste Management Plan	Kurmond Homes Pty Ltd	06/09/2022

- (2) **Modified Documents and Plans** - The development shall be modified as follows:
- a) **Landscape Plan** - An amended Landscape Plan is to be submitted indicating a larger canopy tree being provided within both the front and rear setback. The trees to be planted are to be drawn from the following list:
- Jacaranda (*Jacaranda mimosifolia*)
  - Kurrajong (*Brachychiton populneus*)
  - Pepper Tree (*Schinus mole*)



- Chinese Elm (*Ulmus parvifolia*)
- English Oak (*Quercus robur*)

b) **Materials and Colours** - An amended External Colour Plan is to be submitted demonstrating a roof colour that is lighter in colour, as per 4.1.19 of Schedule 4 of the Camden Growth Centres DCP. A neutral colour including mid-range greys, olives or browns is to be selected.

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

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

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

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

This requirement does not apply:

- a) to the extent to which an exemption is in force under the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, or
- b) to the erection of a temporary structure, other than a temporary structure to which subsection (3) of Section 69 of the *Environmental Planning and Assessment Regulation 2021* applies.

- (6) **Shoring and Adequacy of Adjoining Property** - If the approved development involves excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, including a structure or work in a road rail corridor, the person having the benefit of the development consent must, at the person's own expense:
- a) protect and support the building, structure or work on adjoining land from possible damage from the excavation, and
  - b) if necessary, underpin the building, structure or work on adjoining land to prevent damage from the excavation.

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

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

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

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

## 2.0 - Prior to Issue of a Construction Certificate

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

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

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

- (3) **Soil, Erosion, Sediment and Water Management** - An erosion and sediment control plan shall be prepared in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book'). Details demonstrating compliance shall be provided to the certifier with the Construction Certificate application.
- (4) **Works in Road Reserves** - Where any works are proposed in a public road reservation, a Road Opening Permit shall be obtained from Council in accordance with Section 138 of the *Roads Act 1993*.
- (5) **Salinity (Dwellings and Outbuildings)** – The approved development shall comply with the requirements of the salinity management plan 'Report on Salinity Investigation and Management Plan: Proposed Residential Subdivision Catherine Park, prepared by Douglas Partners, Project 76559.00, Dated November 2015'. Details demonstrating compliance shall be provided to the accredited certifier with the Construction Certificate application.
- (6) **Long Service Levy** - In accordance with Section 34 of the *Building and Construction Industry Long Service Payments Act 1986*, the applicant shall pay a long service levy at the prescribed rate to either the Long Service Payments Corporation or Council for any building work that cost \$25,000 or more.

### 3.0 - Prior to Commencement of Works

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

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

- d) the registered number and date of issue of the relevant development consent and construction certificate;
  - e) a statement signed by or on behalf of the principal certifier (only where no principal certifier is required) to the effect that all conditions of the consent that are required to be satisfied prior to the work commencing have been satisfied; and;
  - f) the date on which the work is intended to commence.
- (4) **Construction Certificate Required** - In accordance with the requirements of the *EP&A Act 1979*, building or subdivision works approved by this consent shall not commence until the following has been satisfied:
- a) a Construction Certificate has been issued by a certifier;
  - b) a principal certifier has been appointed by the person having benefit of the development consent;
  - c) if Council is not the principal certifier, Council is notified of the appointed principal certifier at least two (2) days before building work commences;
  - d) the person having benefit of the development consent notifies Council of the intention to commence building work at least two (2) days before building work commences; and
  - e) the principal certifier is notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.
- (5) **Sign of Principal Certifier and Contact Details** - A sign shall be erected in a prominent position on the site stating the following:
- a) that unauthorised entry to the work site is prohibited,
  - b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
  - c) the name, address and telephone number of the principal certifier for the work.
- The sign must be maintained while the work is being carried out and removed when the work has been completed.
- (6) **Site is to be Secured** - The site shall be secured and fenced.
- (7) **Sydney Water Approval** – The approved construction certificate plans must also be approved by Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of the development. Go to [www.sydneywater.com/tapin](http://www.sydneywater.com/tapin) to apply.
- A copy of the approval receipt from Sydney Water must be submitted to the principal certifier.
- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.

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

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

#### 4.0 - During Works

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

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

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

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

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

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

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

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



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

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

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

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

For Excavated Natural Material (ENM):

- i) compliance with the Excavated Natural Material Order 2014 and the Resource Recovery Orders and Exemptions issued under Part 9 of the Protection of the Environment Operations (Waste) Regulation 2014
  - c) confirm that the fill material has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel (refer Department of Land and Water Conservation publication "Site investigation for Urban Salinity") and is compatible with any salinity management plans approved for the site.
- (15) **Protection for Existing Trees** – The protection of existing trees (on-site and street trees) must be carried out as specified by AS 4970 Protection of Trees on Development Sites.
- (17) **Materials, Colours and Finishes** – The dwelling is to be constructed using the approved materials, colours and finishes as per Condition 1.0(2) of this consent.

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

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

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

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

Clause.	Assessment.	Compliance.
<p><b>Appendix 5, 2.3 Zone objectives and land use table</b></p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> <li>• To provide for the housing needs of the community within a low density residential environment.</li> <li>• To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>• To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.</li> <li>• To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.</li> <li>• To provide a diverse range of housing types to meet community housing needs within a low density residential environment.</li> </ul>	<p>The lot is located in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone of Appendix 9 – SEPP (Sydney Region Growth Centres) 2006.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> <li>• The proposal will provide for the housing needs of the community within the low-density residential environment.</li> <li>• The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it.</li> <li>• The proposal will be an addition to the existing housing type typical to the immediate surrounds.</li> </ul>	<p align="center">Yes</p>
<p><b>Appendix 5, 4.3 Height of buildings</b></p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>Maximum height of buildings = 5.0m 'C'.</p>	<p>The proposed development has a maximum building height of 5.817m.</p>	<p>No (Clause 4.6 written request submitted).</p>
<p><b>Appendix 5, 4.4 Floor Space Ratio</b></p>	<p>The site is not subject to a FSR development standard</p>	<p align="center">N/A</p>

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<p><b>Appendix 5, 4.6 Exceptions to development standards</b></p> <p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p>	<p>The applicant has submitted a written request under Clause 4.6 of the 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>
<p><b>Appendix 5, 5.10 Heritage Conservation</b></p>	<p>The subject site is located outside of the curtilage of a SHR Oran Park House.</p>	<p align="center">Yes</p>

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Assessment Table

Control	Assessment	Compliance
<p><b>4.1.1</b> <b>Site Analysis</b></p> <p>Site analysis plan is to be provided.</p>	<p>Appropriate site analysis plan provided.</p>	<p>Yes.</p>
<p><b>4.1.2</b> <b>Cut and Fill</b></p> <p>DAs are to illustrate where it is necessary to cut and/or fill land and provide justification for the proposed changes to the land levels.</p> <p>The maximum amount of cut shall not exceed 1m. The maximum amount of fill shall not exceed 1m.</p> <p>Fill within 2.0m of a property boundary shall be fully contained by the use of deepened (drop) edge beam construction with no fill permitted outside of this building footprint.</p> <p>The use of a deepened edge beam shall not exceed 1m above natural ground level.</p> <p>Where excavation or filling is required alongside a driveway, it shall be retained by a retaining wall.</p>	<p>Cut and fill plan provided within site plan.</p> <p>Cut and fill plan indicates cut and fill &lt;1.0m.</p> <p>Maximum 150mm fill not contained by a DEB to be provided to the south-eastern corner of the dwelling. Minor nature of the fill is not considered to significantly impact any adjoining properties, with the proposed fill to be setback 1m from the building envelope and even further from the side boundary. The proposed fill is not considered to adversely impact any bulk or scale of the dwelling nor impact any land forming operations. It is considered that the minor nature of the fill be supported in this instance.</p> <p>Not considered to be required in this instance.</p> <p>N/A</p>	<p>Yes.</p>
<p><b>4.1.3</b> <b>Sustainable Building Design.</b></p> <p>The majority of plant species are to be selected from the preferred species listed at Appendix C and indigenous species are preferred.</p> <p>The provisions of BASIX will apply with regards to water requirements and usage.</p>	<p>Provided.</p> <p>The development complies with the requirements as set out by the provided BASIX certificate.</p>	<p>Yes.</p>

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

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Control	Assessment	Compliance
<p>The design of dwellings is to maximise cross flow ventilation.</p> <p>The orientation of dwellings, location of living rooms and the positioning and size of windows and other openings is to take advantage of solar orientation to maximise natural light penetration to indoor areas and to minimise the need for mechanical heating and cooling.</p> <p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>Roof and paving materials and colours are to minimise the retention of heat from the sun.</p> <p>The design of dwellings that are required to attenuate noise shall use, where possible, alternatives to air-conditioning, such as acoustic wall ventilators, ceiling fans, or bulkhead-mounted ducted fans to achieve appropriate ventilation.</p>	<p>Design of dwelling incorporates open living spaces allowing for cross flow ventilation to occur.</p> <p>Location of living rooms and windows located appropriately so as to enable maximisation of capturing natural light.</p> <p>Outdoor clothes line indicated on architectural plans located appropriately with regards to solar access.</p> <p>Roof colour to be conditioned due to dark roof proposed. This will assist in reducing contributions to the urban heat island effect.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p>	
<p><b>4.1.4</b> <b><i>Salinity, Sodidity and Aggressivity.</i></b></p> <p>All development must comply with the Salinity Management Plan developed at the subdivision phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p> <p>Salinity shall be considered during the siting, design and construction of dwellings including: drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process</p>	<p>The development will comply with the requirements of the salinity management plan as adopted under parent subdivision DA.</p> <p>Salinity will be considered during the siting, design and construction the proposed dwelling via a condition of consent.</p>	Yes.
<p><b>4.2.2</b> <b><i>Streetscape and Architectural Design.</i></b></p> <p>The primary street facade of a dwelling should address the street and must</p>	<p>Primary elevation to adopt the following design features:</p>	Yes.

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

Control	Assessment	Compliance
<p>incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> <li>• entry feature or porch;</li> <li>• awnings or other features over windows;</li> <li>• balcony treatment to any first floor element;</li> <li>• recessing or projecting architectural elements;</li> <li>• open verandah;</li> <li>• bay windows or similar features; or</li> <li>• verandahs, pergolas or similar features above garage doors.</li> <li>• Corner lot development should emphasise the corner. The secondary street facade for a dwelling on a corner lot should address the street and must incorporate at least two of the above design features. Landscaping in the front setback on the main street frontage should also continue around into the secondary setback.</li> </ul> <p>Eaves are to provide sun shading and protect windows and doors and provide aesthetic interest.</p> <p>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"> <li>• Entry feature/porch/patio.</li> <li>• Projecting architectural elements.</li> </ul> <p>All eaves minimum 450mm as identified on sectional drawings.</p> <p>Hipped roof pitch of 22.5 degrees proposed.</p> <p>Master Bed windows to face the street.</p> <p>Proposed garage to complement colour and finish of main dwelling.</p>	
<p><b>4.2.3</b> <b>Front Setbacks.</b></p> <p>Dwellings are to be consistent with the front setback controls and principles in the relevant Tables 4-2 to 4-6, Figure 4-4: Minimum front setback distances and Figure 4-5.</p>	<p>Front setback = 4.835m. Articulation zone setback = 4.594m.</p>	<p>Yes.</p>

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Control	Assessment	Compliance
<p><b>4.2.4</b> <b>Side and Rear Setbacks.</b></p> <p>All development is to be consistent with the side and rear setback controls in the relevant Tables 4.2 to 4.6 and principles in Figure 4-7 Dwelling and open space siting principles for different lot orientations</p> <p>Pergolas, swimming pools and other landscape features/structures are permitted to encroach into the rear setback.</p> <p>For dwellings with a minimum 900mm side setback, projections permitted into side and rear setback areas include eaves (up to 450 millimetres wide), fascias, sun hoods, gutters, down pipes, flues, light fittings, electricity or gas meters, rainwater tanks and hot water units.</p>	<p>Side A Setback= 1m Side B Setback= 1.337m.</p> <p>Rear Setback = 4.022m.</p> <p>Noted – None proposed.</p> <p>The proposal adopts side boundary setbacks greater than 0.9m.</p>	Yes.
<p><b>4.2.5</b> <b>Dwelling Height, Massing and Siting.</b></p> <p>All development is to comply with the maximum site coverage as indicated in the relevant Tables 4-2 to 4-6.</p> <p>Site coverage is the proportion of the lot covered by a dwelling house and all ancillary development (eg carport, garage, shed) but excluding unenclosed balconies, verandahs, porches, al fresco areas etc.</p> <p>The ground floor level shall be no more than 1m above finished ground level.</p>	<p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width).</p> <p>Site coverage = <math>261.2 \div 522 \times 100 = 50\%</math>.</p> <p>Less than 1m.</p>	Yes.
<p><b>4.2.6</b> <b>Landscaped Area.</b></p> <p>The minimum soft landscaped area within any residential lot is to comply with the controls and principles in the relevant Tables 4-2 to 4-6. Figure 4-10 illustrates areas of a lot that can contribute towards the provision of soft landscaped area and principal private open space.</p> <p>Plans submitted with the development application must indicate the extent of landscaped area and nominate the</p>	<p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width).</p> <p>Landscaped area = <math>187.5 \div 522 \times 100 = 35.9\%</math>.</p> <p>Noted / complied.</p>	Yes.

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

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Attachment 3

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

Control	Assessment	Compliance
<p>The location of driveways is to be determined with regard to dwelling design and orientation, street gully pits and trees and is to maximise the availability of on-street parking</p> <p>Single garage doors should be a maximum of 3m wide and double garage doors should be a maximum of 6m wide.</p> <p>Minimum internal dimensions for a single garage are 3m wide by 5.5m deep and for a double garage 5.6m wide by 5.5m deep.</p> <p>Garage doors are to be visually recessive through use of materials, colours, and overhangs such as second storey balconies.</p>	<p>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.81m.</p> <p>Double garage internal dimensions = 7.3m x 5.51m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p>	
<p><b>4.2.9</b> <b><i>Visual and Acoustic Privacy.</i></b></p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm and noise is not to exceed background levels during the hours 10.00pm to 7.00am.</p> <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and where possible comply with the criteria in Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden</p>	<p>Proposed development is single storey only. Proposed dwelling has an FFL &lt;1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted/complied.</p> <p>Dwelling not impacted by road types.</p>	<p>Yes.</p>

CLPP01

Attachment 3


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

Control	Assessment	Compliance
<p>Growth Centre Precincts Development Control Plan</p> <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council's Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p>	<p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development does not require architectural treatments regarding acoustic impacts.</p>	
<p><b>4.2.10 Fencing.</b></p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>No front fencing proposed.</p> <p>Side boundary return fences indicated at 2m behind the building line.</p>	Yes.
<p><b>Table 4-5 – Site coverage.</b> Maximum 50% at ground floor. Maximum 30% at upper floor.</p>	<p>Single Storey Site cover: 261.2 ÷ 522 x 100 = 50%.</p>	Yes.
<p><b>Table 4-5 – Soft landscaped area.</b> Minimum 30% of the allotment area.</p>	<p>Soft landscaped area: 195.2 ÷ 545.3 x 100 = 35.8%.</p>	Yes.

CLPP01

Attachment 3

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

Control	Assessment	Compliance
<b>Table 4-5 – Principal Private Open Space (PPOS).</b> Minimum 24sqm with minimum dimensions of 4m.	PPOS = over 24sqm and 6mx4m dimension at rear of lot.	Yes.
<b>Table 4-5 – Solar Access.</b> 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.	No overshadowing of PPOS. Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.	Yes.
<b>Table 4-5 – Garages and carparking.</b> Maximum double car garage door width 6m. 3 bedrooms or more to provide at least 2 car spaces.	Double garage proposed. Width = 4.81m.  2 spaces provided/double garage.	Yes.
Control	Assessment	Compliance?
<b>4.1</b> <b>Development Surrounding Oran Park House.</b>  Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.  Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.  Development must be designed to maintain significant view lines illustrated in Figure 4-1.	The proposed development is located outside of the Heritage curtilage of SHR Item Oran Park House and is therefore not subject to this control.  The site is not located inside the area identified in figure 4-1. The proposed dwelling house is sympathetically designed and complements the setting of Oran Park House.	Yes.
		

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

Control	Assessment	Compliance
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.		

CLPP01

Attachment 3





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

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

<b>Address:</b>	83 Banfield Drive ORAN PARK NSW
<b>Lot:</b>	6027 <b>DP1235007</b>
<b>Date:</b>	4 September 2022

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Table 1	Lots in DP1235007 Subject to Clause 4.6 Variation
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Table 3	Extent of Variation to Development Standard



## 1 INTRODUCTION

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

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

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

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

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

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

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

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

## 2 STATUTORY PLANNING FRAMEWORK

### 2.1 Clause 4.6 - Exceptions to development standards

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

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

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

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

This document forms the written request required under Clause 4.6.

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

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

### 2.2 Development Standards

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

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

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

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



### 3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

#### 3.1 Development Standard Subject to Variation

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

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

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

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

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

Maximum building height is shown on South West Growth Centre Height of Buildings Map Sheets HOB\_004 and HOB\_009. This map shows maximum building height of 5 metres for the residential allotments surrounding Catherine Park House. This variation applies to 66 residential allotments that are subject to the 5 metre building height limit (see Section 3.2) and specific lot details are included in Table 2.



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

### 3.2 Subject Site

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



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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

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

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

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

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

Address: 83 Banfield Drive ORAN PARK NSW	
Lot:	6027 DP1235007

### 3.3 Proposal

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

### 3.4 Planning Context

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

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

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

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

### 3.5 Extent of Variation to Development Standard

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

**Table 3: Extent of Variation to Development Standard**

Proposed Building Height:	5.817 metres
Extent of Proposed Variation*:	16.34 %

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

## 4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

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

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

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

The proposed variation does not rely on this test.

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

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

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



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

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



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#### 4.1.16 Roofs

##### Controls

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

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

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

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

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

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

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

#### 4.5 Building Height

##### Controls

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

And:

#### 4.6 Roofs

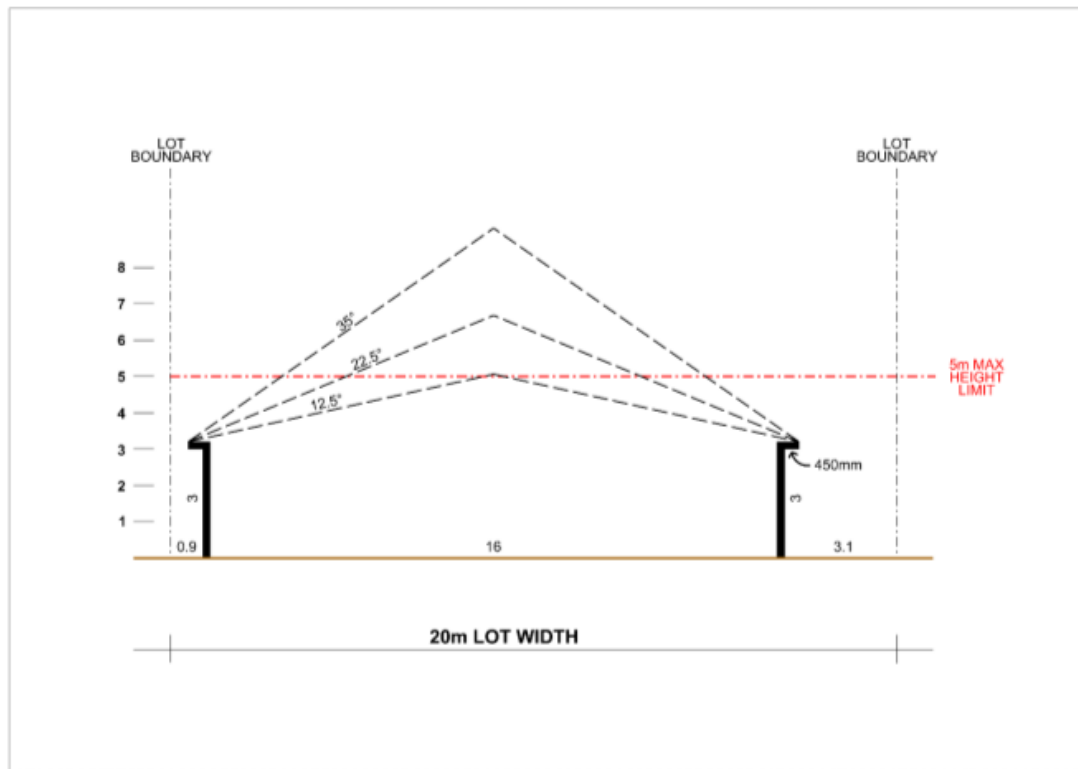
##### Controls

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

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

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park



**Figure 4 – Building Height & Roof Pitch**

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

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

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

### Conclusion

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

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

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

Clause 4.6 Variation to Building Height  
 Stage 6 | Catherine Park

height development standard.

**Better designed single storey dwellings & streetscapes**

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

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



**Figure 5 – Dwelling Roof Forms**

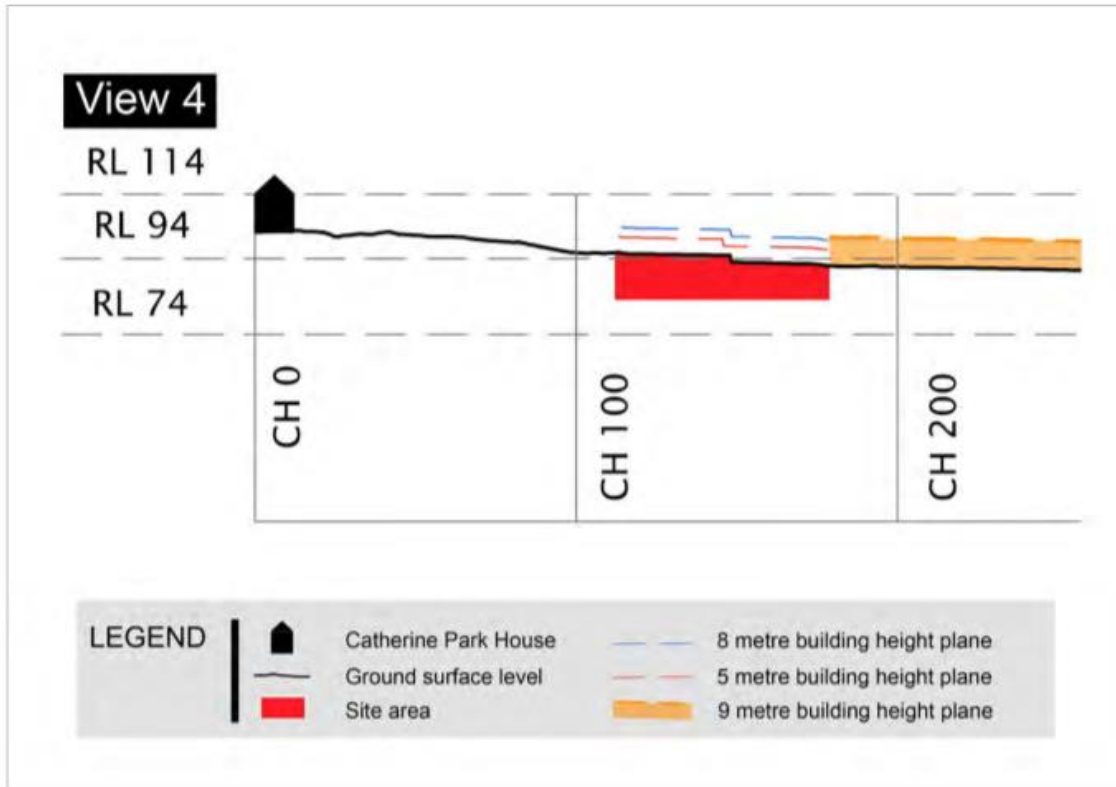
The Dwelling B roof form design is compromised by a 5 metre building height standard and presents poorly as it is not in proportion with the building. It has an underwhelming residential character due to its substandard design quality. Conversely, Dwelling A is significantly more impressive and attractive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

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

**No impact on views and vistas from Catherine Park House**

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

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



**Figure 6 – Extract from View 4 in Views Analysis**

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

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

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



### **Objectives and intent of built form surrounding Catherine Park House preserved**

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

### **No significant environmental impact**

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

### **Conclusion**

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

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

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

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

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

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

### **4.4 Considerations for the Planning Secretary**

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

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

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

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

Clause 4.6 Variation to Building Height  
Stage 6 | Catherine Park

---

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

**CLPP01**

**Attachment 4**



## 5 CONCLUSION

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

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

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

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

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

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

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

**CLPP01**

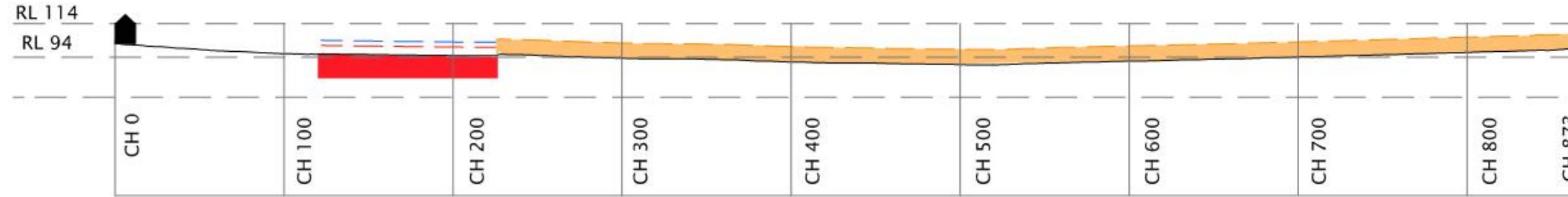
**Attachment 4**

# CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

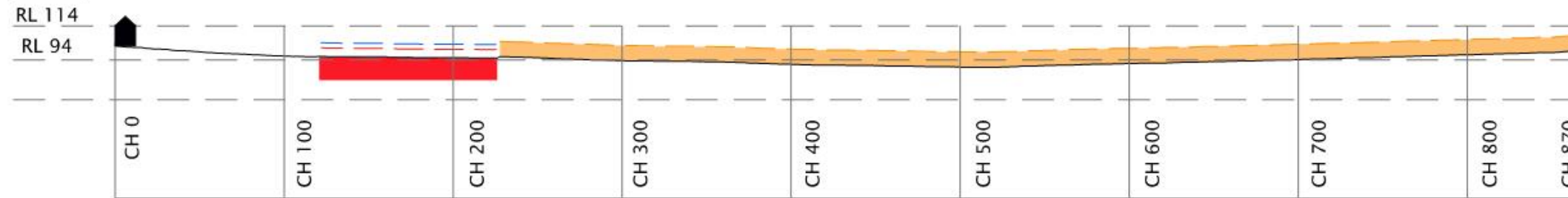
[Note: long section data provided by Registered Surveyor JMD Development Consultants]



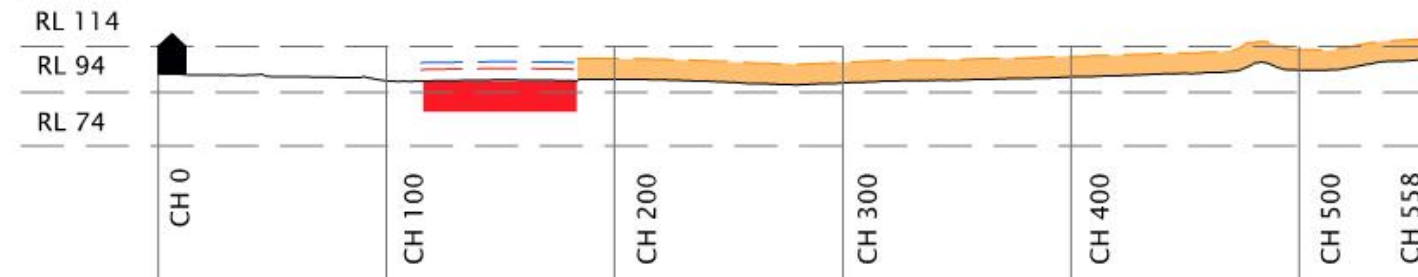
## View 1



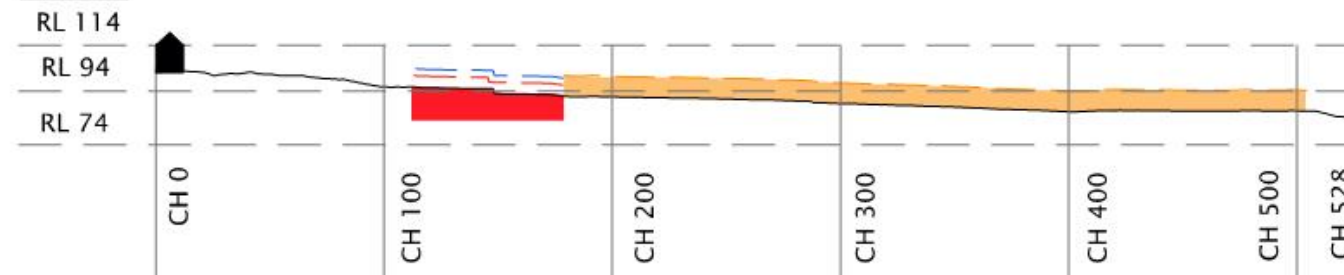
## View 2



## View 3



## View 4



### LEGEND

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

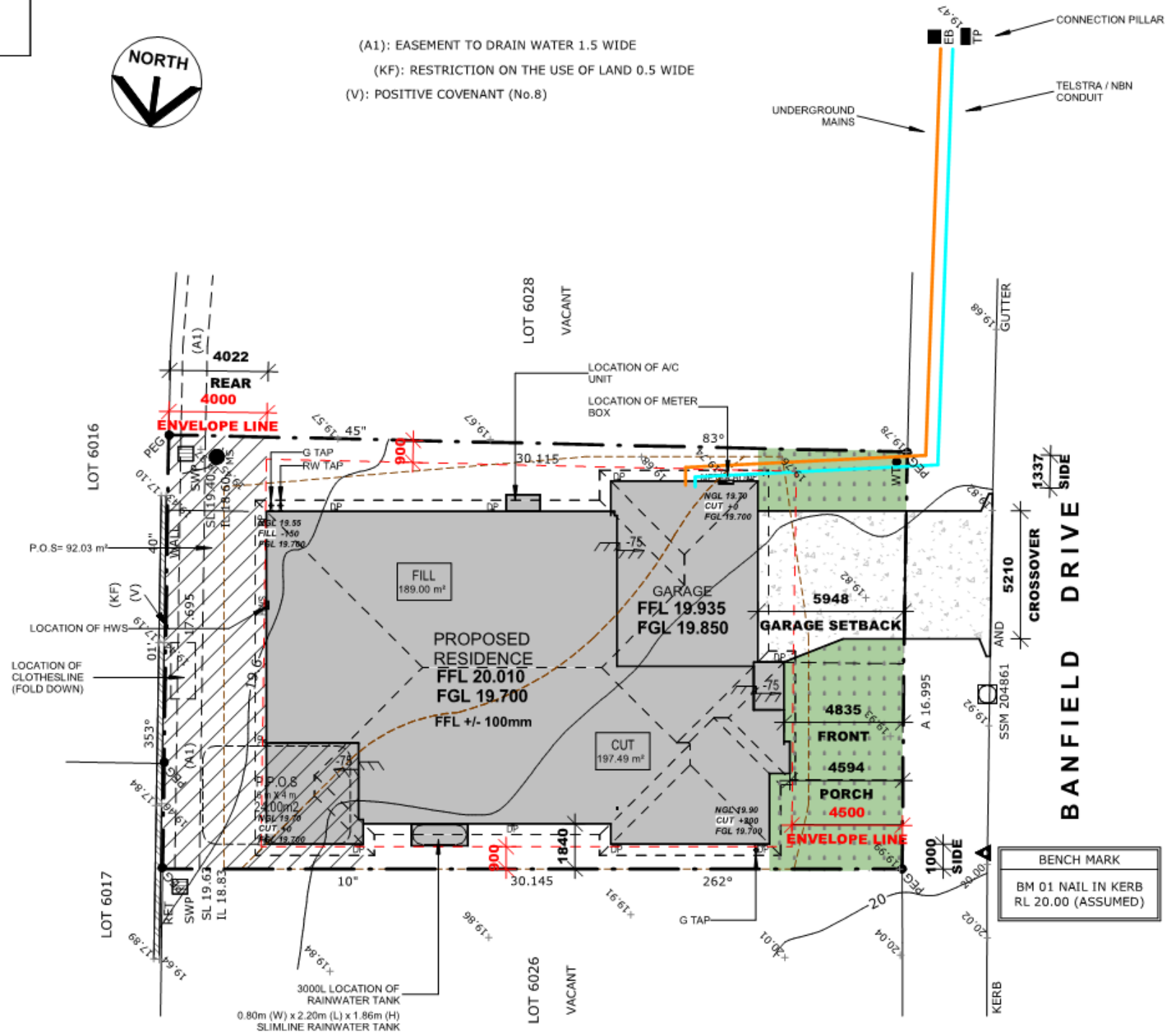




**AUTHORITY PLANS**  
SUBJECT TO COUNCIL/ ASSESSOR/  
DEVELOPER APPROVAL.



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



WIND CLASSIFICATION:	"N1(W28)"
SLAB CLASSIFICATION:	"M"
<b>PROPERTY DESCRIPTION</b>	
LOT:	6027
D.P.:	1235007
L.G.A.:	CAMDEN

**DA COUNCIL APPROVAL**  
COUNCIL DEVELOPMENT APPROVAL PROCESS  
REQUIRED. REFER TO COUNCIL REGULATIONS FOR  
FURTHER DETAILS.

**FLOOR SPACE RATIO (FSR)**

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

SITE AREA:	522.00
GROUND FLOOR:	201.80
FIRST FLOOR:	0.00
TOTAL GROSS FLOOR AREA:	201.80
PROPOSED FSR:	38.66%
ALLOWED FSR:	0%

**LANDSCAPE**

SITE AREA:	522.00
TOTAL HARDSTAND AREA:	277.35
APPROX DRIVEWAY AREA:	32.95
LESS THAN 1.5m:	18.84
EXISTING STRUCTURE:	0.00
REMAINING SOFT LANDSCAPE AREA:	192.86
PROPOSED LANDSCAPE %:	36.95%
MIN. REQUIRED BY COUNCIL:	30%

**SITE COVERAGE AREA**

EXCLUDES FIRST FLOOR, PORCH, ALFRESCO, BALCONY	
SITE AREA:	522.00
GROUND FLOOR AREA:	217.34
FIRST FLOOR AREA:	0.00
GARAGE AREA:	43.64
PORCH AREA:	1.94
ALFRESCO AREA:	14.43
PROPOSED SITE COVERAGE:	50.00%
MAX. REQUIRED BY COUNCIL:	50%

**PRIVATE OPEN SPACE**

PRINCIPAL PRIVATE OPEN SPACE:	24.00
PRIVATE OPEN SPACE:	92.00
MIN. ALLOWABLE BY COUNCIL:	0.00
MIN. ALLOWABLE BY COUNCIL:	0.00%

PRIVATE OPEN SPACE	
PROPOSED DEVELOPMENT	

[www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au)

<b>DRIVEWAY AREA</b>	
DRIVEWAY	33.40 m <sup>2</sup>
<b>CROSSOVER AREA</b>	
CROSSOVER	18.75 m <sup>2</sup>

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

**kurmondhomes** PTY LTD  
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10 Sovereign Place South Windsor NSW 2756.  
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LOCATION: X511.JOB5:300001-300099:300091 - BOGATAJ/300091 - BOGATAJ - CASCADE 29 - AUTHORITY.rvt

CLIENT'S NAME:  
MR PAUL BOGATAJ  
MRS MARIJA BOGATAJ, MS SUZANAH CAMPBELL  
SITE ADDRESS:  
LOT 6027 DP:1235007  
(No.83) BANFIELD DRIVE  
ORAN PARK ,NSW, 2570

SHEET NAME: <b>SITE PLAN</b>		JOB NO: <b>300091</b>	
HOUSE NAME: <b>CASCADE 29</b>	PROJECT STAGE: <b>AUTHORITY</b>	REV NO: <b>9</b>	SHEET NO: <b>A005</b>
FAÇADE NAME: <b>VOGUE</b>	PACKAGE: <b>EV.DIAMOND</b>	SCALE @ A3: <b>1 : 200</b>	DATE: <b>17.11.22</b>

**AUTHORITY PLANS**  
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DEVELOPER APPROVAL.




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



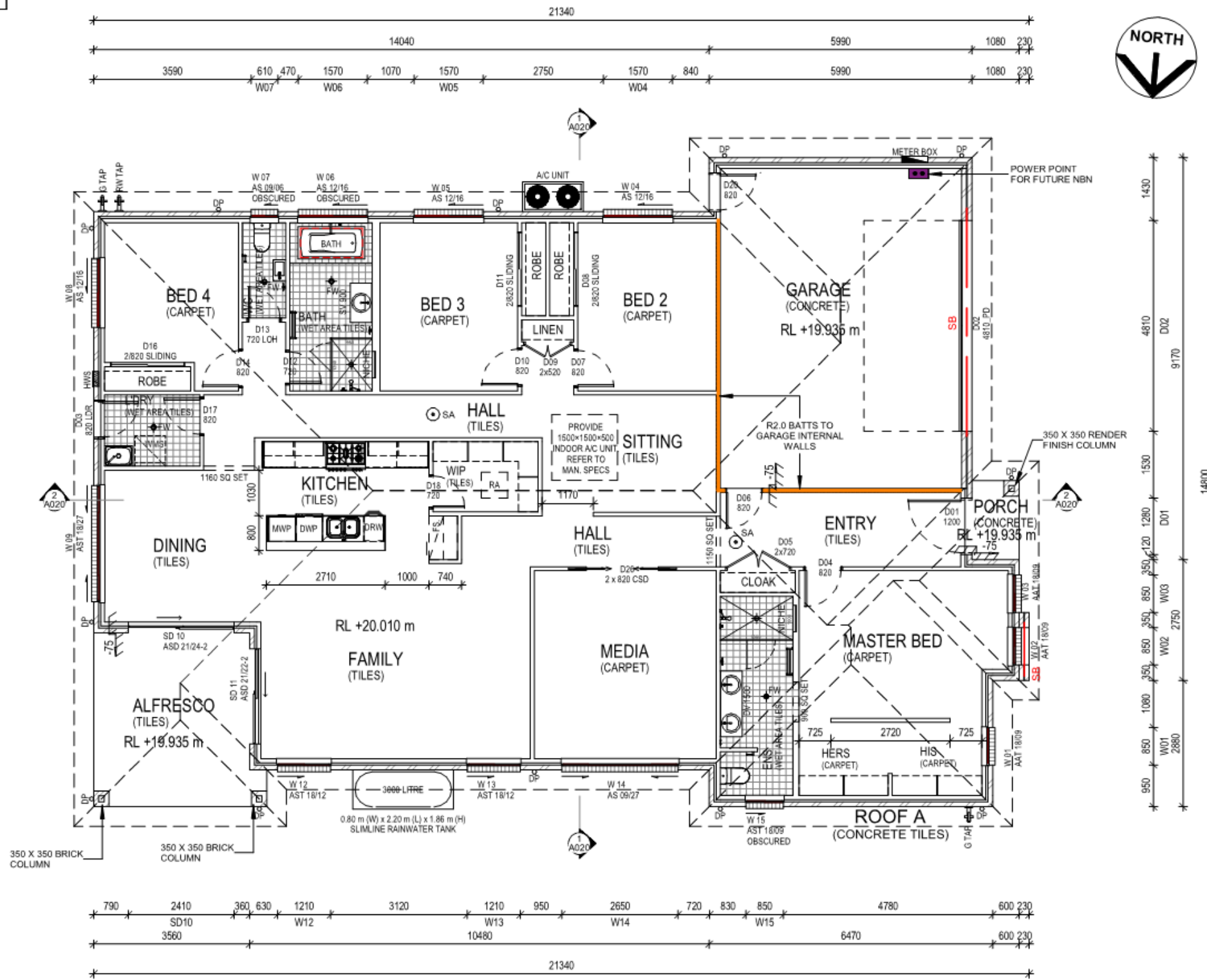
**BANFIELD DRIVE**

BENCH MARK  
BM 01 NAIL IN KERB  
RL 20.00 (ASSUMED)

 <p><b>kurmondhomes</b> PTY LTD BUILDERS LICENCE: 205 457C ABN: 481 288 211 98 10 Sovereign Place South Windsor NSW 2756. T: 1300 764 761 F: (02) 4577 6332</p>	<p>CLIENT'S SIGNATURE _____ DATE _____</p> <p>I accept and understand the plans and documents that have been provided to me by Kurmond Homes.</p>		<p>ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS ARE FRAME TO FRAME. DO NOT SCALE OFF PLANS.</p>	<p>CLIENT'S NAME: MR PAUL BOGATAJ MRS MARIJA BOGATAJ, MS SUZANAH CAMPBELL</p>		<p>SHEET NAME: <b>CONCEPT STORMWATER PLAN</b></p>		<p>JOB NO: <b>300091</b></p>			
	<p>LOCATION: X:\1_JOBS\300001-300099\300091 - BOGATAJ\300091 - BOGATAJ - CASCADE 29 - AUTHORITY.rvt</p>			<p>SITE ADDRESS: LOT 6027 DP:1235007 (No.83) BANFIELD DRIVE ORAN PARK ,NSW, 2570</p>		<p>HOUSE NAME: <b>CASCADE 29</b></p>		<p>PROJECT STAGE: <b>AUTHORITY</b></p>		<p>REV NO: <b>9</b></p>	
				<p>PACKAGE: <b>EV.DIAMOND</b></p>		<p>SCALE @ A3: <b>1 : 200</b></p>		<p>SHEET NO: <b>A011</b></p>		<p>DATE: <b>17.11.22</b></p>	
				<p>FAÇADE NAME: <b>VOGUE</b></p>							



**AUTHORITY PLANS**  
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DEVELOPER APPROVAL.



- NOTE:**
- ALL SQUARE SET OPENINGS & ALCOVES TO BE 2350mm HIGH TO 2750mm HIGH CEILING.
  - ALL SQUARE SET OPENINGS & ALCOVES TO BE 2200mm HIGH TO 2450mm HIGH CEILINGS.
  - ALL TV NICHES & CUTOUTS TO BE 1000mm FROM FLOOR & 1350mm HIGH TO 2750mm HIGH CEILING
  - ALL TV NICHES & CUTOUTS TO BE 1000mm FROM FLOOR & 1200mm HIGH TO 2450mm HIGH CEILING
  - REFER TO WET AREA DETAILS FOR SHOWER NICHE DETAILS
  - ALL INTERNAL DOOR HEIGHTS AS INDICATED ON THE DOOR SCHEDULE.
  - W.I.P SHELF HEIGHT=1716 WITH 4 SHELVES
  - LINEN SHELF HEIGHT=1716 WITH 4 SHELVES
  - W.I.R SHELF HEIGHT=1966 WITH SINGLE SHELF & SINGLE RAIL
  - ROBE SHELF HEIGHT=1716 WITH SINGLE SHELF & SINGLE RAIL
  - ROBE SHELF HEIGHT=1966 WITH SINGLE SHELF & DOUBLE RAIL
  - WINDOWS TO HAVE PROTECTION OF OPENABLE WINDOWS TO COMPLY WITH THE NCC VOLUME 2 2019, IN RELATION TO THE BEDROOM WINDOWS.
  - ALFRESCO & PORCH TO HAVE FALL AWAY FROM THE BUILDING.
  - CEILING INSULATION, WALL INSULATION AND GARAGE CEILING INSULATION AS PER BASIX CERTIFICATE.

**LEGEND**

MWP	MICROWAVE PROVISION
DWP	DISHWASHER PROVISION
WMS	WASHING MACHINE SPACE
FS	FRIDGE SPACE
RD	ROLLER DOOR
PD	PANELIFT DOOR
#	2340 HIGH DOORS
SA	SMOKE ALARM
⊗	EXHAUST FAN
→	FLOOR JOIST DIRECTION
G TAP	GARDEN TAP LOCATION
R TAP	RAINWATER TAP LOCATION
DP	DOWN PIPE LOCATION
FW	FLOOR WASTE
WS	WASTE STACK
AJ	ARTICULATION JOINTS
RA	ROOF ACCESS
SC	STRUCTURAL COLUMN TO ENGINEER'S DETAIL
SB	STRUCTURAL BEAMS TO ENGINEER'S SPECIFICATIONS
TB	TIMBER BEAMS TO ROOF/ FLOOR MANUFACTURERS SPECS.

**FLOOR AREAS**

GROUND FLOOR	217.34 m <sup>2</sup>
GARAGE	43.64 m <sup>2</sup>
PORCH	1.94 m <sup>2</sup>
ALFRESCO	14.43 m <sup>2</sup>
Grand total	277.35 m <sup>2</sup>

Attachments for the Camden Local Planning Panel Meeting held on 21 December 2022 - Page 65

Attachment 5

Architectural Plans

**kurmondhomes** PTY LTD  
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10 Sovereign Place South Windsor NSW 2756.  
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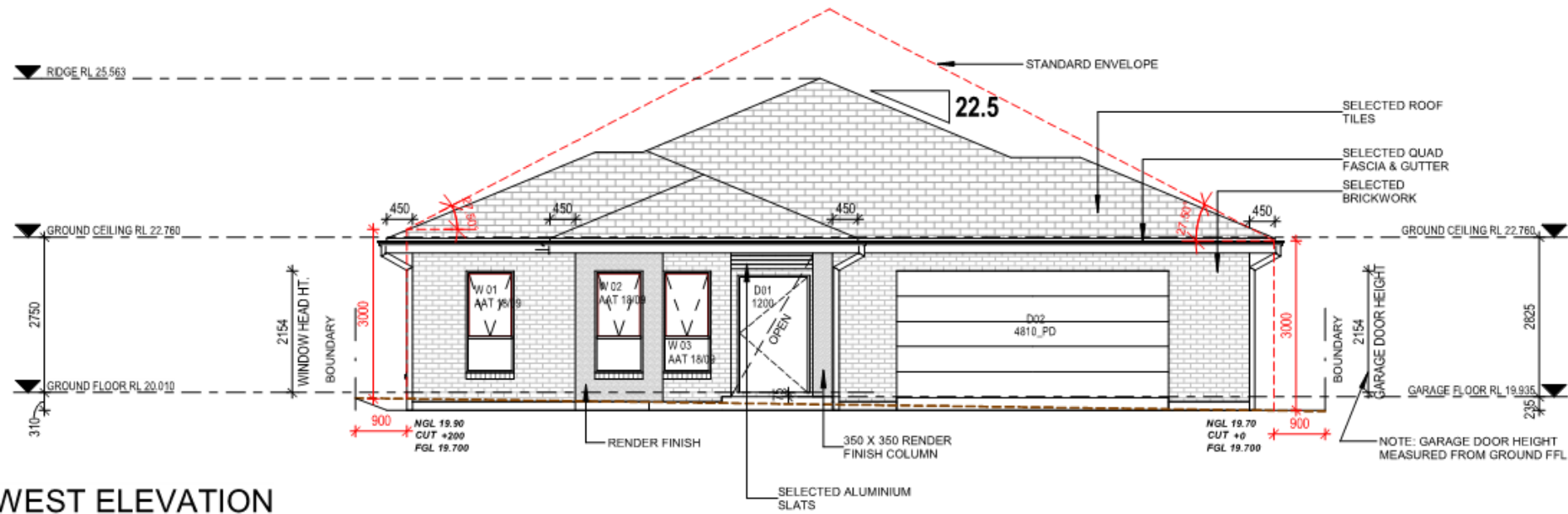
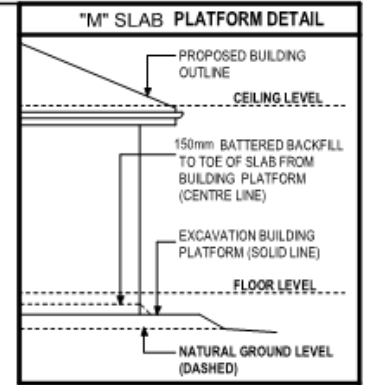
CLIENT'S NAME:  
MR PAUL BOGATAJ  
MRS MARIJA BOGATAJ, MS SUZANAH CAMPBELL  
SITE ADDRESS:  
LOT 6027 DP:1235007  
(No.83) BANFIELD DRIVE  
ORAN PARK ,NSW, 2570

SHEET NAME: <b>GROUND FLOOR PLAN</b>		JOB NO: <b>300091</b>	
HOUSE NAME: <b>CASCADE 29</b>	PROJECT STAGE: <b>AUTHORITY</b>	REV NO: <b>9</b>	SHEET NO: <b>A013</b>
FACADE NAME: <b>VOGUE</b>	PACKAGE: <b>EV.DIAMOND</b>	SCALE @ A3: <b>1 : 100</b>	DATE: <b>17.11.22</b>



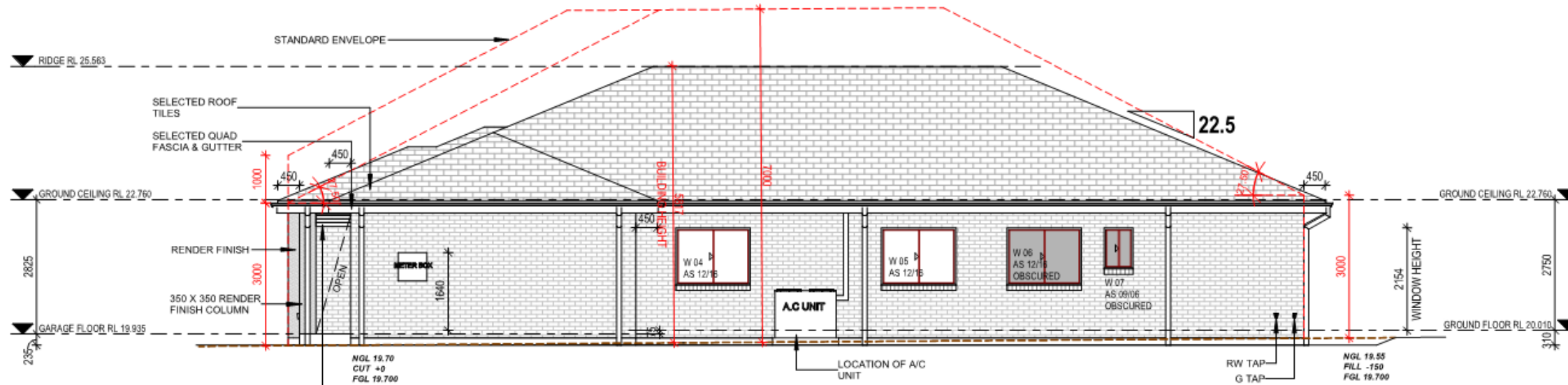


**AUTHORITY PLANS**  
SUBJECT TO COUNCIL/ ASSESSOR/  
DEVELOPER APPROVAL.



**WEST ELEVATION**

SCALE 1 : 100 FRONT ELEVATION



**SOUTH ELEVATION**

SCALE 1 : 100 SIDE ELEVATION

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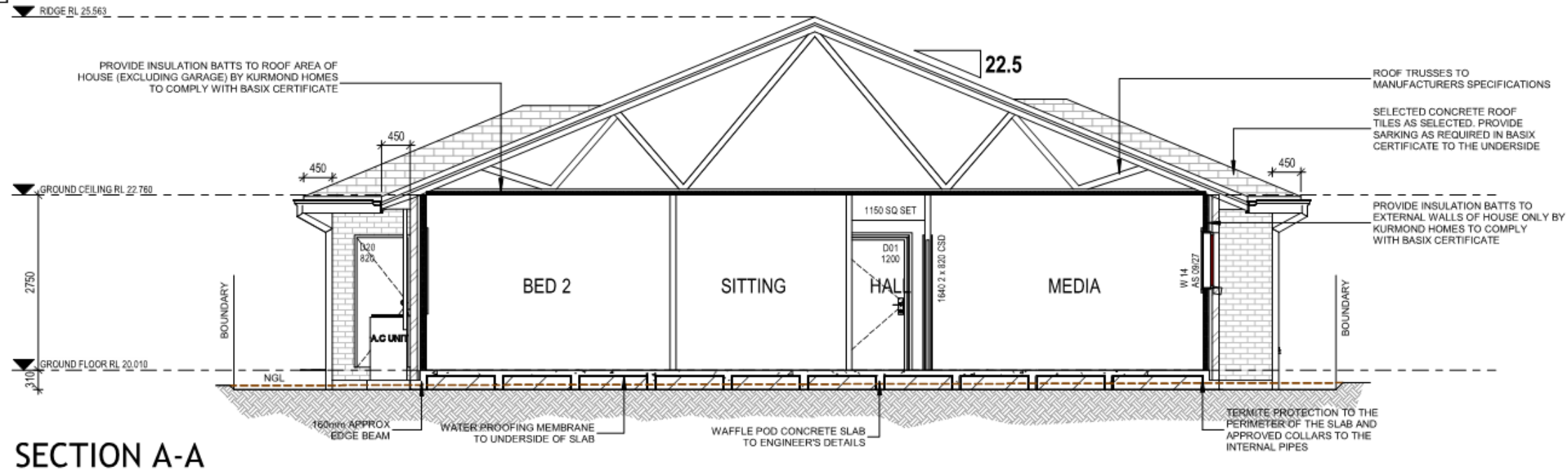
CLIENT'S NAME:  
MR PAUL BOGATAJ  
MRS MARIJA BOGATAJ, MS SUZANAH CAMPBELL  
SITE ADDRESS:  
LOT 6027 DP:1235007  
(No.83) BANFIELD DRIVE  
ORAN PARK ,NSW, 2570

SHEET NAME: <b>ELEVATIONS</b>		JOB NO: <b>300091</b>	
HOUSE NAME: <b>CASCADE 29</b>	PROJECT STAGE: <b>AUTHORITY</b>	REV NO: <b>9</b>	SHEET NO: <b>A018</b>
FACADE NAME: <b>VOGUE</b>	PACKAGE: <b>EV.DIAMOND</b>	SCALE @ A3: <b>1 : 100</b>	DATE: <b>17.11.22</b>

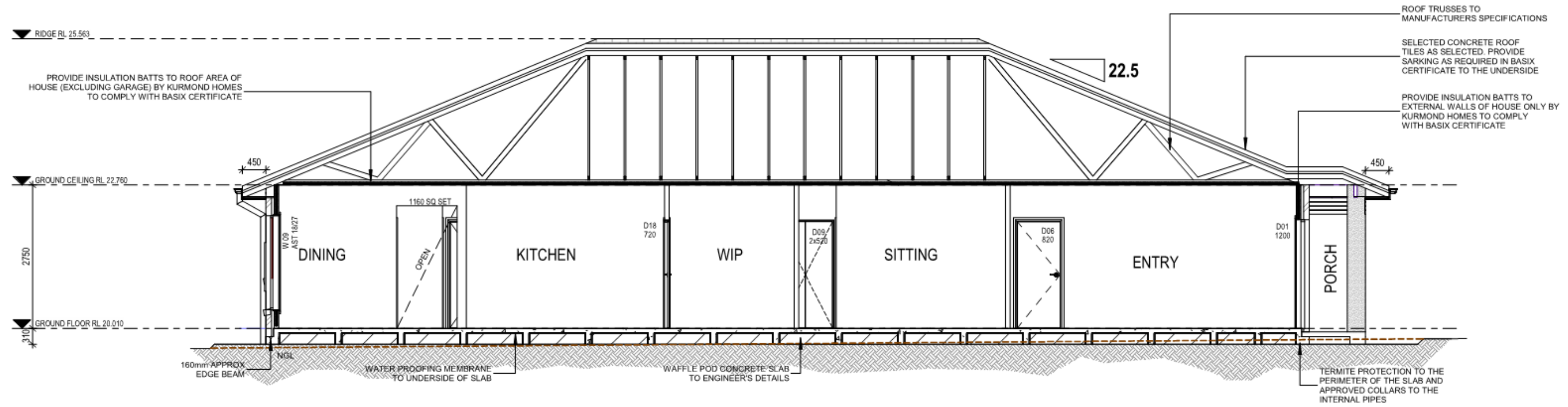




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DEVELOPER APPROVAL.




**SECTION A-A**




**SECTION B-B**

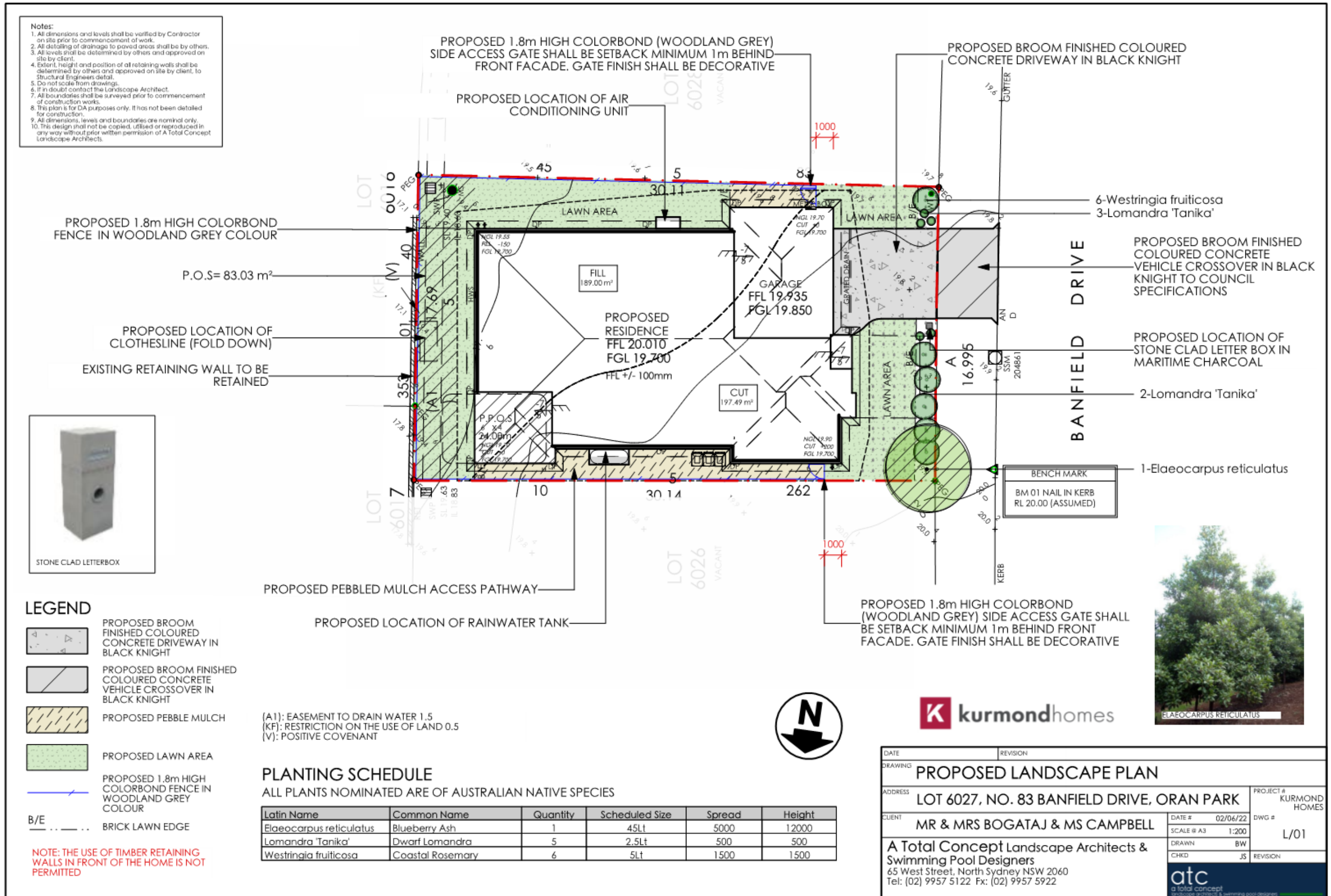
**SALINE AFFECTED SOILS**  
REFER TO ENGINEER'S DETAIL

**PROVIDE T2 FRAMES, TRUSSES,  
FLOOR JOISTS & GARAGE  
BEAMS  
IN LIEU OF STANDARD**



 <b>kurmondhomes</b> PTY LTD BUILDERS LICENCE: 205 457C ABN: 481 288 211 98 10 Sovereign Place South Windsor NSW 2756. T: 1300 764 761 F: (02) 4577 6332	CLIENT'S SIGNATURE DATE	ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS ARE FRAME TO FRAME. DO NOT SCALE OFF PLANS.	CLIENT'S NAME: MR PAUL BOGATAJ MRS MARIJA BOGATAJ, MS SUZANAH CAMPBELL	SHEET NAME: SECTION	JOB NO: 300091	
	I accept and understand the plans and documents that have been provided to me by Kurmond Homes. LOCATION: X:\11_JOBS\300001-300099\300091 - BOGATAJ\300091 - BOGATAJ - CASCADE 29 - AUTHORITY.rvt	SITE ADDRESS: LOT 6027 DP:1235007 (No.83) BANFIELD DRIVE ORAN PARK ,NSW, 2570	HOUSE NAME: CASCADE 29	PROJECT STAGE: AUTHORITY	REV NO: 9	SHEET NO: A020
			FACADE NAME: VOGUE	PACKAGE: EV.DIAMOND	SCALE @ A3: 1 : 75	DATE: 17.11.22





DATE	REVISION
DRAWING: PROPOSED LANDSCAPE PLAN	
ADDRESS: LOT 6027, NO. 83 BANFIELD DRIVE, ORAN PARK	
CUSTOMER: MR & MRS BOGATAJ & MS CAMPBELL	PROJECT # KURMOND HOMES
DATE # 02/06/22	DWG # L/01
SCALE @ A3 1:200	
DRAWN: BW	
CHKD: JS	REVISION
<b>A Total Concept Landscape Architects &amp; Swimming Pool Designers</b> 65 West Street, North Sydney NSW 2060 Tel: (02) 9957 5122 Fax: (02) 9957 5922	







**EXTERNAL COLOUR PLAN**

COLOUR PURPOSES ONLY – NOT TO BE USED FOR FINAL PLANS



**ROOFING – MONIER**

- ATURA
- BARRAMUNDI



**BRICK – AUSTRAL**

- EVERYDAY LIFE
- LEISURE



**RENDER – TAUBMANS**

- DUNE CB 04



**COLORBOND – MONUMENT**

- GUTTER

**COLORBOND - SURFMIST**

- FASCIA



**WINDOWS – WIDE-LINE**

- SURFMIST



**COLORBOND - JASPER**

- RAINWATER TANK
- DOWNPIPES/METERBOX



**GARAGE DOOR – STEELINE**

- FLATLINE
- SURFMIST CB 23



**ENTRY DOOR – HUME**

- SAVOY XS28
- TRANSLUCENT
- CLASSIC CEDAR TINT



**ALUMINIUM SLATS –**

- DUNE



**DRIVEWAY – BLUESTONE**

- COLOUR ON COVE



**STONE – THYNK**

- BIANCO



**COLORBOND – SURFMIST**

- GARAGE & LAUNDRY HINGED DOOR



<p><b>kurmondhomes</b> PTY LTD BUILDERS LICENCE: 295 457C ABN: 481 286 211 98 10 Sovereign Place South Windsor NSW 2756 T: 1300 764 761 F: (02) 4577 8332</p> <p>© COPYRIGHT ALL RIGHTS RESERVED. This plan is the property of KURMOND HOMES PTY LTD. Copyright in this document is owned by KURMOND HOMES PTY LTD. Under the provisions of the Copyright Act 1968 and in reliance on any other law applicable to KURMOND HOMES PTY LTD.</p>	CLIENT'S SIGNATURE _____ DATE _____ I accept and understand the plans and documents that have been provided to me by Kurmond Homes.	ALL DIMENSIONS ARE IN MILLIMETERS. ALL DIMENSIONS ARE FRAME TO FRAME. DO NOT SCALE OFF PLANS.	CLIENT'S NAME: MR PAUL BOGATAJ MRS MARIJA BOGATAJ, MS SUZANAH CAMPBELL SITE ADDRESS: LOT 6027 DP:1235007 (No 83) BANFIELD DRIVE ORAN PARK, NSW, 2570	SHEET NAME: <b>COVER SHEET</b> HOUSE NAME: CASCADE 29 FACADE NAME: VOGUE	PROJECT STAGE: AUTHORITY PACKAGE: EV.DIAMOND	REV NO: 5 SCALE @ A3: DATE: 23.05.22	JOB NO: 300091 SHEET NO: A001
	LOCATION: X11J080100001-100099100001-1-BOGATAJ-MS SUZANAH CAMPBELL-BOGATAJ-CASCADE 29-AUTHORITY-48128621198 AREA PLAN: R1300001-BOGATAJ-SANGADE 29-AUTHORITY						

**CLPP02**

**SUBJECT: DA/2022/891/1 - CONSTRUCTION OF A SINGLE STOREY DWELLING HOUSE AT 29 GLEESON RISE, ORAN PARK**

**FROM:** Manager Statutory Planning

**EDMS #:** 22/580310

DA Number:	2022/891/1
Development:	Construction of a single storey dwelling house
Estimated Cost of Development:	\$460,609
Site Address(es):	29 Gleeson Rise, Oran Park
Applicant:	Domaine Homes (NSW) Pty Limited
Owner(s):	Mrs Jacqueline Hornjik & Mr Peter Hornjik
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:	Emily Langford (Development Assessment Planner)

**PURPOSE OF REPORT**

The purpose of this report is to seek the Camden Local Planning Panel’s (the Panel’s) determination of a development application (DA) for a single storey dwelling house at 29 Gleeson Rise, Oran Park.

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

**SUMMARY OF RECOMMENDATION**

That the Panel determine DA/2022/891/1 for a single storey dwelling house pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

**EXECUTIVE SUMMARY**

Council is in receipt of a DA for a single storey dwelling house at 29 Gleeson Rise, Oran Park.

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 7 October to 3 November 2022 and no submissions were received.

The proposed dwelling house has a maximum building height of 6.141m and thereby contravenes the maximum height of buildings development standard (5m) that applies to the site under Clause 4.3, Appendix 5 of State Environmental Planning Policy (Precincts – Western Parkland City) 2021.

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

Council has considered a draft Planning Proposal (PP/2021/1) submitted by the estate developer that seeks to amend Appendix 5 of the Precincts – Western Parkland City SEPP 2021 to address the anomalies associated with the 5m height standard. The Planning Proposal seeks to increase the allowable building heights by inserting a new additional local provision into Appendix 5 of Precincts – Western Parkland City SEPP 2021 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 29 Gleeson Rise largely complies with the proposed building envelope control. The Planning Proposal was recommended by the Panel (at its meeting on 21 September 2021) and endorsed by Council at its meeting on 12 October 2021. The Planning Proposal has received Gateway Determination from the Department of Planning and Environment (DPE) and has been on public exhibition (from Wednesday 9 February until Wednesday 9 March 2022). At its meeting on 14 June 2022 Council resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

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

The proposed development, with a 6.141m building height to its 22.5 degree pitched roof ridge, is otherwise consistent with the objectives of the development standard. The dwelling is single storey and is also consistent with the planning proposal for a merit-

based assessment of building heights above 5m, including consistency with the proposed standard building envelope. The design is compatible with its heritage setting, including its roof pitch, which will minimise visual impacts and protect adjoining development.

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

**KEY PLANNING CONTROL VARIATIONS**

Control	Proposed	Variation
SEPP (Precincts – Western Parkland City) 2021 – Appendix 5, Clause 4.3 – Building Height – 5m	6.141m to roof ridge	1.141m 18.5%

**AERIAL PHOTO**



Figure 1: Aerial photo of subject site

**THE SITE**

The site is legally described as Lot 6037 DP1235007, 29 Gleeson Rise, Oran Park.

The site is a recently constructed lot in a 'Greenfields' subdivision, having been registered in May 2021. It has an area of 994.6m<sup>2</sup> with a street frontage of 18.2m and maximum depth of 36.7m. There is a 1.5m wide drainage easement and a 0.5m



restriction related to the maintenance of the retaining wall. The proposed dwelling will not conflict with these easements and restrictions.

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

### ZONING PLAN



Figure 2: Subject site - R2 Low Density Residential zoning



CLPP02

**BUILDING HEIGHT PLAN**



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

**HERITAGE LISTING**



Figure 4: Subject site in relation to heritage listing

**AREA MASTER PLAN**

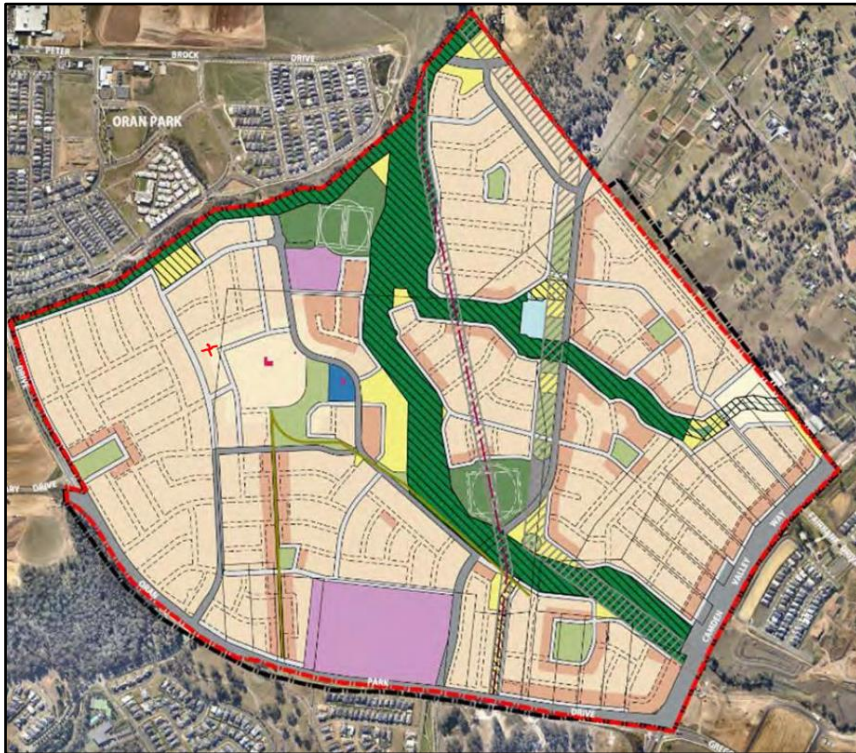


Figure 5: Red 'X' denoting approx. location of subject site in relation to Catherine Fields (Part) Precinct, Indicative Layout Plan. Source: Catherine Fields (Part) Precinct Development Control Plan, Figure 2-1, Page 4.

**HISTORY**

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

Date	Development
23 March 2018	DA/2017/491/1 – Consent was granted to a subdivision to create 141 residential lots, 2 super-lots, a lot containing Oran Park House and its improvements, 1 residue lot, 1 public reserve lot, construction of public roads, provision of services, earthworks, site works and retaining walls to be delivered in four stages. This resulted in creation of the subject lot.
29 January 2021	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.  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.  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:

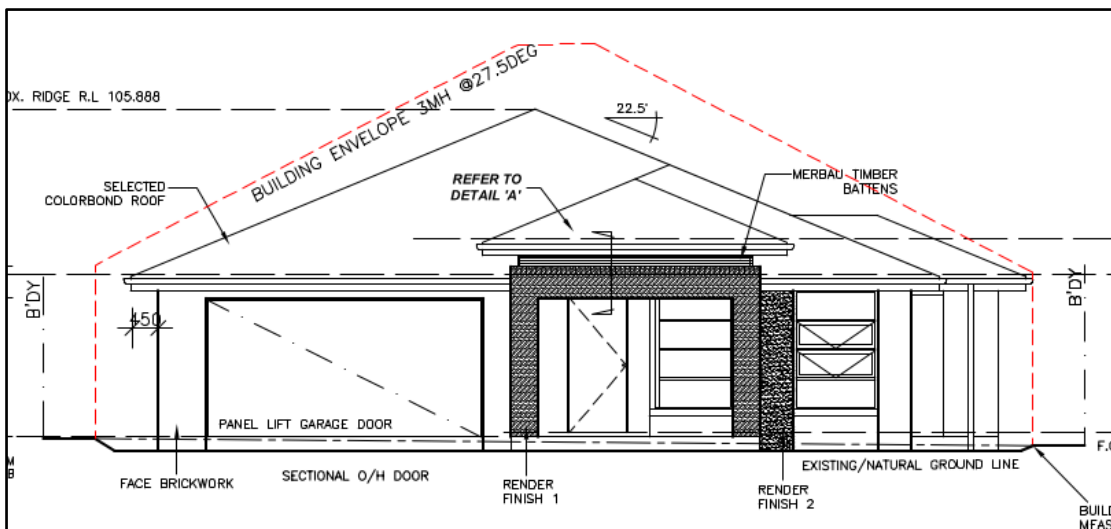


	<ul style="list-style-type: none"> <li>• a 3m height limit at the front building line, and up to a maximum 4m for 30% of the building frontage; and</li> <li>• the height of the building envelope increasing by 27.5 degrees from the building line to a maximum height of 7m.</li> </ul>
26 February 2021	Planning Proposal (PP/2021/1/1) was submitted to Council. The Planning Proposal seeks to create additional local provisions to increase building heights for residential development surrounding Oran Park House by introducing a building envelope as a means of varying the 5m building height control (based upon the building envelope recommended by Heritage NSW in the GTAs issued for DA/2021/77/1).
12 October 2021	Planning Proposal (PP/2021/1/1) received Gateway Determination from Department of Planning and Environment (DPE).
9 February 2022	Planning Proposal (PP/2021/1/1) was placed on public exhibition from Wednesday 9 February until Wednesday 9 March 2022.
14 June 2022	Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to: <ul style="list-style-type: none"> <li>- endorse the Planning Proposal (as amended) and forward it to the DPE for the plan to be made; and</li> </ul> adopt related changes to Camden Growth Centre Precincts DCP, and publicly notify these, subject to finalisation of the Planning Proposal.

**THE PROPOSAL**

DA/2022/891/1 seeks approval for the construction of a single storey dwelling house and associated site works.

The estimated cost of development is \$460,609.



**BACKGROUND**

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

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

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

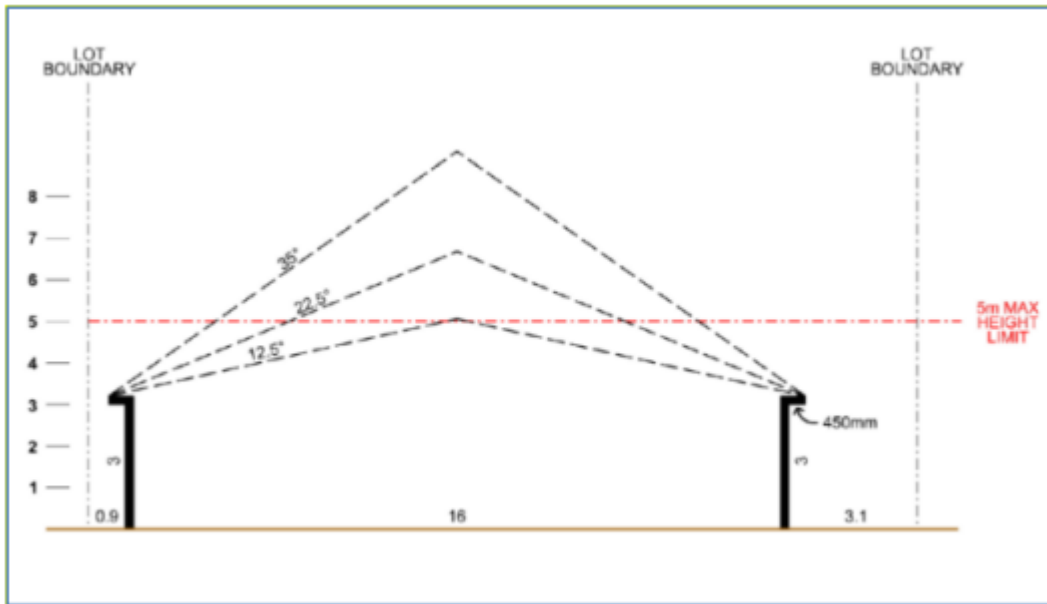


Figure 6: Five metre maximum building height limit compared to roof pitches



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

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

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

The proposed dwelling house generally complies with the draft Planning Proposal.

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 received Gateway Determination from the DPE and was exhibited from Wednesday 9 February until Wednesday 9 March 2022. Council, at its meeting of 14 June 2022, considered a post-exhibition report and resolved to endorse the Planning Proposal and forward it to the DPE for the plan to be made.

**ASSESSMENT**

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

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

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

The environmental planning instruments that apply to the development are:

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

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

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

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

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

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

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

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

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

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

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

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

*Site Zoning and Permissibility.*



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

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

#### *Planning Controls*

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

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

The proposed development will contravene the height of building standard which applies under clause 4.3 of Appendix 5 of the SEPP. The height of buildings development standard limits buildings to a maximum height of 5m from existing ground level. The proposed development is 6.141m in height, breaching the development standard by 1.141m and 18.5%.

Pursuant to clause 4.6(3) of Appendix 5 – Precincts – Western Parkland City SEPP 2021, the applicant has provided a written request justifying contravention of the development standard for the following reasons:

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

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

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

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

The proposed development, with a 6.141m building height to its 22.5 degree pitched roof ridge, is otherwise consistent with the objectives of the development standard. The dwelling is single storey. Most of the dwelling is within the maximum height and its design is compatible to its heritage setting, including its roof pitch. The design of the dwelling will minimise visual impacts and protect adjoining development.

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

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

Consequently, it is recommended that the Panel support this proposed contravention to clause 4.3 of Appendix 5 of the Precincts – Western Parkland City SEPP 2021.

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

Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The DA was publicly exhibited for a period of 28 days in accordance with Camden Community Participation Plan 2021. The exhibition period was from 7 October to 3 November 2022 and no submissions were received.

**(e) the public interest**

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

**EXTERNAL REFERRALS**

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

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

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

**FINANCIAL IMPLICATIONS**

This matter has no direct financial implications for Council.

## CONCLUSION

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

## RECOMMENDED

That the Panel:

- i. **support the applicant's written request lodged pursuant to Clause 4.6(3) of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021 to contravene the maximum height of buildings development standard in Clause 4.3 of Appendix 5, State Environmental Planning Policy (Precincts – Western Parklands City) 2021; and**
- ii. **approve DA/2022/891/1 for the construction of a single storey dwelling at 29 Gleeson Rise, Oran Park, subject to the conditions attached to this report.**

## REASONS FOR DETERMINATION

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

## ATTACHMENTS

1. Recommended Conditions
2. SEPP Assessment Table
3. DCP Assessment Table
4. Clause 4.6 Written Request
5. Heritage NSW Standard GTAs
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: 79902286 Rev: H Sheet: 2	Site Plan	Domaine Homes	Submitted on 23/11/2022
Ref: 79902286 Rev: H Sheet: 3	Ground Floor Plan	Domaine Homes	Submitted on 23/11/2022
Ref: 79902286 Rev: H Sheet: 4	Elevation Plan	Domaine Homes	Submitted on 23/11/2022
Ref: 79902286 Rev: H Sheet: 5	Elevation Plan	Domaine Homes	Submitted on 23/11/2022
Ref: 79902286 Rev: H Sheet: 6	Section Plan	Domaine Homes	Submitted on 23/11/2022
Ref: 79902286 Rev: H Sheet: 2.2	Concept Stormwater Management Plan	Domaine Homes	Submitted on 23/11/2022
Lot: 6037 DP: 1235007 Rev: C Sheet: L-01	Landscape Plan	Ecodesign outdoor living environments	09/12/2022

Document Title	Prepared by	Date
BASIX Certificate No: 1332553S	Frys Energywise	18/08/2022
Waste Management Plan	Domaine Homes	Submitted on 23/09/2022
Schedule of External Finishes	Domaine Homes	Submitted on 23/11/2022

- (2) **Modified Documents and Plans** - The development shall be modified as follows:
- a) The driveway crossover is to be relocated north to be clear of the subsoil flush point. The crossover should also be perpendicular to the kerb whilst maintaining a 4m width across the verge.

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

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

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

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

This requirement does not apply:

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

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

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

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

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

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

The general terms of approval/requirements are:

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

#### 1. UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

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

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

#### 2. ABORIGINAL OBJECTS

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

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

#### 3. COMPLIANCE

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

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

#### 4. SECTION 60 APPLICATION

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

*Reason: To meet legislative requirements.*

## 2.0 - Prior to Issue of a Construction Certificate

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

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

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

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

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

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

## 3.0 - Prior to Commencement of Works

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



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

- a) that unauthorised entry to the work site is prohibited,
- b) the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and
- c) the name, address and telephone number of the principal certifier for the work.

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

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

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

- (8) **Soil Erosion and Sediment Control** - Soil erosion and sediment controls must be implemented prior to works commencing on the site in accordance with 'Managing Urban Stormwater – Soils and Construction ('the blue book') and any Sediment and Erosion plans approved with this development consent.
- (9) **Protection of Existing Street Trees** - No existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation shall be disturbed, relocated, removed or damaged during earthworks, demolition, excavation (including any driveway installation), construction, maintenance and/or establishment works applicable to this consent, without Council agreement and/or consent.  
The protection methods for existing nature strip, street tree, tree guard, protective bollard, garden bed surrounds or root barrier installation during all works approved by this development consent shall be installed in accordance with AS 4970-2009 Protection of Trees on Development Sites.
- (10) **Protection of Trees to be Retained** - Protection of trees to be retained shall be in accordance with Council's Engineering Specifications. The area beneath the canopies of the tree(s) to be retained shall be fenced. Tree protection signage is required to be attached to each tree protection zone and displayed in a prominent position.

#### 4.0 - During Works

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

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

being dangerous to life or property, and in accordance with the design of a suitably qualified structural engineer.

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

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

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

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

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

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

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

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

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

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Attachment 2

Clause.	Assessment.	Compliance.
<p><b>Appendix 5, 2.3 Zone objectives and land use table</b></p> <p>The land use table for each zone sets out what development is permitted without consent, permitted with consent and prohibited.</p> <p>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone.</p> <p>The zone objectives for this site are:</p> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a low density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To allow people to carry out a reasonable range of activities from their homes where such activities are not likely to adversely affect the living environment of neighbours.</li> <li>To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.</li> <li>To provide a diverse range of housing types to meet community housing needs within a low density residential environment.</li> </ul>	<p>The lot is in an R2 Low Density Residential zone. The proposed development can be characterised as a 'dwelling house' which is permitted with consent in the R2 Low Density Residential zone.</p> <p>The proposal meets the objectives of the zone as:</p> <ul style="list-style-type: none"> <li>The proposal will provide for the housing needs of the community within the low-density residential environment.</li> <li>The proposal is consistent with its surrounds, allowing for a reasonable range of activities to be carried out that are consistent with those surrounding it.</li> <li>The proposal will be an addition to the existing housing type typical to the immediate surrounds.</li> </ul>	Yes
<p><b>Appendix 5, 4.3 Height of buildings</b></p> <p>Maximum buildings heights must not exceed the maximum building height shown on the Height of Buildings Map.</p> <p>Maximum height of buildings = 5.0m 'C'.</p>	<p>The proposed development has a maximum building height of 6.141m.</p>	No (Clause 4.6 written request submitted).
<p><b>Appendix 5, 4.4 Floor Space Ratio</b> Max FSR 0:4:1.</p>	<p>245sqm / 994.6sqm = 0.25:1</p>	Yes
<p><b>Appendix 5, 4.6 Exceptions to development standards</b></p>		Yes

State Environmental Planning Policy (Precincts – Western Parkland City) 2021  
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<p>Development consent may be granted for development that contravenes a development standard imposed by the SEPP or any other environmental planning instrument.</p> <p>The consent authority must consider a written request from the applicant that seeks to justify the contravention by demonstrating that:</p> <p>(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and</p> <p>(b) that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>Development consent must not be granted unless:</p> <p>(a) the consent authority is satisfied that:</p> <p>(i) the applicant's written request has adequately addressed the matters required to be demonstrated, and</p> <p>(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and</p> <p>(b) the concurrence of the Secretary has been obtained.</p>	<p>The applicant has submitted a written request under Clause 4.6 of the Precincts SEPP justifying the contravention to the maximum height of buildings development standard. The Clause 4.6 written request is assessed in the main body of the report.</p> <p>It is considered that the applicant's written request has adequately demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.</p> <p>It is assessed that the proposed development will be in the public interest because it is consistent with the objectives of the height of buildings development standard and the objectives for development within the R2 Low Density Residential zone.</p> <p>It is noted that the Panel may assume the concurrence of the Secretary.</p>	
<p><b>Appendix 5, 5.10 Heritage Conservation</b></p>	<p>The subject site is located within the curtilage of a State Heritage Item, namely Oran Park House. At the time of the SHR listing, site-specific exemptions were put in place to exempt certain development (including single storey dwelling houses) from the requirement for approval under the Heritage Act 1977 (<i>Catherine Park Estate – Oran Park House Heritage Exemption Guidelines</i>, prepared by Design + Planning, dated October 2014).</p> <p>The proposed development generally meets those guidelines with the exception of a control in Section 4.1 'Residential Built</p>	<p align="center">Yes</p>

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Attachment 2

State Environmental Planning Policy (Precincts – Western Parkland City) 2021  
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	<p>Form' that requires that <i>"The design and building of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package by one builder."</i></p> <p>This provision cannot be complied with as the lots have been subdivided and sold to individual property owners. As the proposed development does not meet this requirement, concurrence is required from Heritage NSW.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline the assessment process) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is <b>attached</b> to this report.</p>	
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## Camden Growth Centre Precincts Development Control Plan (Growth DCP) Assessment Table

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

CLPP02

Attachment 3



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

CLPP02

Attachment 3

Control	Assessment	Compliance
<p>indoor areas and to minimise the need for mechanical heating and cooling.</p> <p>Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.</p> <p>Roof and paving materials and colours are to minimise the retention of heat from the sun.</p> <p>The design of dwellings that are required to attenuate noise shall use, where possible, alternatives to air-conditioning, such as acoustic wall ventilators, ceiling fans, or bulkhead-mounted ducted fans to achieve appropriate ventilation.</p>	<p>Outdoor clothesline indicated on architectural plans located appropriately with regards to solar access.</p> <p>Roof adopts lighter colour. This will assist in reducing contributions to the urban heat island effect.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p>	
<p><b>4.1.4</b> <b>Salinity, Sodcity and Aggressivity.</b></p> <p>All development must comply with the Salinity Management Plan developed at the subdivision phase or at Appendix B. The actions/works from the Salinity Management Plan must be certified upon completion of the development.</p> <p>Salinity shall be considered during the siting, design and construction of dwellings including: drainage, vegetation type and location, foundation selection and cut and fill activities, to ensure the protection of the dwelling from salinity damage and to minimise the impacts that the development may have on the salinity process</p>	<p>The development will comply with the requirements of the salinity management plan as adopted under parent subdivision DA.</p> <p>Salinity will be considered during the siting, design, and construction the proposed dwelling via a condition of consent.</p>	Yes.
<p><b>4.2.2</b> <b>Streetscape and Architectural Design.</b></p> <p>The primary street facade of a dwelling should address the street and must incorporate at least two of the following design features:</p> <ul style="list-style-type: none"> <li>• entry feature or porch;</li> <li>• awnings or other features over windows;</li> <li>• balcony treatment to any first floor element;</li> </ul>	<p>Primary elevation to adopt the following design features;</p> <ul style="list-style-type: none"> <li>• Entry feature/porch with hipped roof over.</li> <li>• Rectangular windows.</li> <li>• Projecting architectural elements in the form of supporting posts.</li> </ul> <p>The lot is not a corner lot.</p>	Yes.

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

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

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Attachment 3

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

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

## 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 / complies.</p> <p>To drain to the drainage easement located at the rear of the allotment.</p> <p>No concerns presented regarding the accumulation of surface water.</p>	
<p><b>4.2.7</b> <b>Private Open Space.</b></p> <p>Each dwelling is to be provided with an area of Principal Private Open Space (PPOS) consistent with the requirements of the relevant Tables 4-2 to 4-6.</p> <p>The location of PPOS is to be determined having regard to dwelling design, allotment orientation, adjoining dwellings, landscape features, topography.</p> <p>The PPOS is required to be conveniently accessible from the main living area of a dwelling or alfresco room and have a maximum gradient of 1:10. Where part or all of the PPOS is permitted as a semi-private patio, balcony or rooftop area, it must be directly accessible from a living area.</p>	<p>The proposal has been assessed against tables 4-5 (lots &gt;15m in width) and schedule 4 controls relating to very low density residential.</p> <p>PPOS contained and achievable to western boundary of lot. PPOS located appropriately.</p> <p>PPOS conveniently accessible from living and alfresco. PPOS at grade &lt;1:10.</p>	Yes.
<p><b>4.2.8</b> <b>Garages, Storage, Site Access and Parking.</b></p> <p>3 bedroom or more dwellings will provide at least 2 car spaces.</p> <p>At least one car parking space must be located behind the building façade line where the car parking space is accessed from the street on the front property boundary.</p> <p>Driveways are to have the smallest configuration possible (particularly within the road verge) to serve the required</p>	<p>2 car parking spaces provided.</p> <p>2 car parking spaces provided behind the building line via double car garage.</p> <p>Compliant and further considered against Camden Councils Standard Residential Driveway Design Guidelines.</p>	Yes.

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

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Control	Assessment	Compliance
<p>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>Driveway located appropriately and will not conflict with said structures.</p> <p>Double garage door width = 4.8m</p> <p>Double garage internal dimensions = 6.1m x 5.7m.</p> <p>Provided colour and material schedule demonstrates the garage doors will be visually recessive and respective to the proposed main dwelling.</p>	
<p><b>4.2.9</b> <b>Visual and Acoustic Privacy.</b></p> <p>Direct overlooking of main habitable areas and the private open spaces of adjoining dwellings should be minimised through building layout, window and balcony location and design, and the use of screening, including landscaping</p> <p>The design of dwellings must minimize the opportunity for sound transmission through the building structure, with particular attention given to protecting bedrooms and living areas.</p> <p>No electrical, mechanical or hydraulic equipment or plant shall generate a noise level greater than 5dBA above background noise level measured at the property boundary during the hours 7.00am to 10.00pm and noise is not to exceed background levels during the hours 10.00pm to 7.00am.</p> <p>Dwellings along sub-arterial or arterial roads, or transit boulevards, or any other noise source, should be designed to minimize the impact of traffic noise, and</p>	<p>Proposed development is single storey only. Proposed dwelling has an FFL &lt;1.0m and therefore, presents no concerns relating to overlooking.</p> <p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>Noted/complies.</p> <p>Dwelling not impacted by road types.</p>	Yes.



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

Control	Assessment	Compliance
<p>where possible comply with the criteria in Table 4-7. Note: Figure 4-11 provides guidance on measures to mitigate noise in residential buildings. Page 100 Camden Growth Centre Precincts Development Control Plan</p> <p>The internal layout of residential buildings, window openings, the location of outdoor living areas (i.e. courtyards and balconies), and building plant should be designed to minimise noise impact and transmission.</p> <p>Noise walls are not permitted.</p> <p>Development affected by rail or traffic noise is to comply with Development Near Rail Corridors and Busy Roads – Interim Guideline (Department of Planning 2008). The design of development is also to consider ways to mitigate noise in Principal Private Open Space areas with reference to Council's Environmental Noise Policy.</p> <p>Architectural treatments are to be designed in accordance with AS3671 - Traffic Noise Intrusion Building Siting and Construction, the indoor sound criteria of AS2107 - Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p>	<p>The dwelling will attenuate noise where possible through separating communal areas from private living spaces.</p> <p>No noise wall proposed.</p> <p>Development not impacted by rail or traffic noise.</p> <p>Development does not require architectural treatments regarding acoustic impacts.</p>	
<p><b>4.2.10 Fencing.</b></p> <p>Front fencing shall be a maximum of 1.2m high above ground level (existing) and shall be an open style incorporating pickets, slats, palings or the like or lattice style panels with a minimum aperture of 25mm.</p> <p>Side and rear fences are to be a maximum of 1.8m high commencing 2m behind the building line (refer to Figure 4-12).</p>	<p>No front fencing proposed.</p> <p>1.8m high side boundary fences indicated at a minimum 2m behind the primary building line.</p>	Yes.
<p><b>Table 4-5 – Site coverage.</b> Maximum 50% at ground floor. Maximum 30% at upper floor.</p>	<p><math>245/994.6 \times 100 = 24.63\%</math></p>	Yes.



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

Control	Assessment	Compliance
<b>Table 4-5 – Soft landscaped area.</b> Minimum 30% of the allotment area.	544/994.6*100 = 54.69%	Yes.
<b>Table 4-5 – Principal Private Open Space (PPOS).</b> Minimum 24sqm with minimum dimensions of 4m.	PPOS = over 24sqm with minimum dimensions of 4m.	Yes.
<b>Table 4-5 – Solar Access.</b> 50% of the area required for PPOS (of both proposed development and adjoining properties) should receive at least 3 hours of sunlight between 9am and 3pm on June 21.	No overshadowing of PPOS. Proposed dwelling will not overshadow adjoining PPOS as it is single storey development only.	Yes.
<b>Table 4-5 – Garages and carparking.</b> Maximum double car garage door width 6m. 3 bedrooms or more to provide at least 2 car spaces.	Double garage proposed. Width = 4.8m.  2 spaces provided.	Yes.
Control	Assessment	Compliance?
<p><b>4.1</b> <b>Development Surrounding Oran Park House.</b></p> <p>Proposals for subdivision and development that are seeking exemption from Integrated Development referrals to Heritage NSW and exemption from Section 60 approval under the Heritage Act 1977 must comply with the guidelines contained in the Oran Park State Heritage Register listing and with the requirements contained in the NSW Heritage Act 1977.</p> <p>Approval under the NSW Heritage Act 1977 is required for development which does not meet the guidelines of the Oran Park Heritage Exemptions.</p> <p>Development must be designed to maintain significant view lines illustrated in Figure 4-1.</p>	<p>The proposed development generally complies with the Exemption Guidelines, with the exception that the design of dwellings for each street block is not being undertaken simultaneously and delivered as a complete package by one builder. This provision cannot be complied with as the lots have been subdivided and sold to individual property owners.</p> <p>On 25 January 2022, Heritage NSW advised Council that (in order to streamline DA's) all DA's within the heritage curtilage that comply with the Exemption Guidelines (with the exception of the 'one builder' control) can be approved (without formal referral) subject to standard GTAs issued Heritage NSW.</p> <p>The proposed development fully complies with the Exemption Guidelines (with the exception of the 'one builder' control) and is therefore subject to the standard GTA's, which have been included as recommended conditions of consent.</p> <p>A copy of the advice and standard GTAs issued by Heritage NSW is <b>attached</b> to this report.</p> <p>The site is located inside the area identified in figure 4-1. Development is for a single storey</p>	Yes.

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

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><b>4.1.2</b> <b>Oran Park House and Outer Heritage Curtilage Principals.</b></p>  <p>All development within the Oran Park heritage curtilage is to be designed in accordance with Figure 4-2</p>	<p>The subject lot is located within area mapped as being 'very low density residential' and has been assessed in relation to the relevant controls.</p>	<p>Yes.</p>
<p><b>4.1.3</b> <b>Landscape Elements – Views and Vistas.</b></p> <p>Development must be designed to ensure that the significant vistas shown in Figure 4-3 are retained.</p>	<p>The development will not impact significant vistas shown in figure 4-3.</p>	<p>Yes.</p>


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Attachment 3

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

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Control	Assessment	Compliance
 <p>Figure 4.3 – Significant Values within the Oran Park House curtilage to be preserved</p>		
<p><b>4.1.11</b> <b>Residential Built Form.</b></p> <p>The design of dwellings for each street elevation and street block is to be undertaken simultaneously and delivered as a complete package. The block design must be submitted and approved with the first development application for the construction of a dwelling within the street block.</p>	<p>This DA does not provide for simultaneous design and delivery of development for this street elevation/street block. However, the dwelling is assessed as being suitable for the site and Heritage NSW have issued standard GTAs for instances where the development fully complies with the Exemption Guidelines with the exception of the 'one builder' requirement.</p>	Yes.
<p><b>4.1.12</b> <b>Street Facades and Visible Elevations.</b></p> <p>Residential developments are to have contemporary designs (i.e. architecture being produced now) and respect the heritage significance of Oran Park House but must not replicate historic styles.</p> <p>All dwellings in the heritage curtilage area are to have architectural merit (i.e. architecture that is enduring and respects the heritage significance of Oran Park House).</p> <p>Building facades are to be visually interesting and articulated suitably to break up the building mass. At least three of the following design features are to be incorporated into the front facade:</p> <ul style="list-style-type: none"> <li>• front doors with side lights;</li> <li>• contemporary window treatments including aluminium or timber frames in neutral colours;</li> <li>• bay Windows (rectangular only);</li> <li>• entry portico; and</li> <li>• recessed garage doors setback behind the primary facade.</li> </ul>	<p>The proposed development has a contemporary design that respects Oran Park House.</p> <p>The proposal will adopt the following design features:</p> <ul style="list-style-type: none"> <li>• Entry porch.</li> <li>• Recessed garage doors setback behind the primary façade.</li> <li>• Rectangular windows.</li> </ul>	Yes.

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

Control	Assessment	Compliance												
<p>Colonial style window treatments are not appropriate where visible from the public domain.</p> <p>Window design to the front facade, or where visible from the public domain, is to have a dominant vertical proportion.</p> <p>Picture windows or fully glazed walls are permitted to the street 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 dominant vertical proportion.</p> <p>No picture windows or fully glazed walls are proposed to the street façade.</p> <p>Noted/compliant.</p> <p>Noted/compliant.</p> <p>Front elevation articulated in the form of a stepped building line adopting articulation feature in the form of a porch.</p>													
<p><b>4.1.14</b> <b>Setbacks for Very Low-Density Area Surrounding Oran Park House.</b></p> <p>Residential development must comply with the controls in Figure 4-8.</p> <table border="1"> <thead> <tr> <th></th> <th>Minimum</th> </tr> </thead> <tbody> <tr> <td>Front Dwelling Setback</td> <td>5m</td> </tr> <tr> <td>Front Garage Setback</td> <td>6m</td> </tr> <tr> <td>Rear Boundary Setback</td> <td>5m</td> </tr> <tr> <td>Side Boundary Setback</td> <td>0.9m (average 2m*)</td> </tr> <tr> <td>Corner Lot Side Boundary Setback</td> <td>3m</td> </tr> </tbody> </table> <p><small>Note: In addition to the minimum side boundary setback of 0.9m, the siting of dwellings is average 4m side separation between dwellings along an entire street block. Pursuant to 5 the simultaneous delivery of dwellings within the heritage curtilage by one builder will ensu is achieved.</small></p>		Minimum	Front Dwelling Setback	5m	Front Garage Setback	6m	Rear Boundary Setback	5m	Side Boundary Setback	0.9m (average 2m*)	Corner Lot Side Boundary Setback	3m	<p>Front setback = 9.515m (measured from closest point of front boundary as lot is angled). Front garage setback = 7.061m (measured from closest point of front boundary as lot is angled).</p> <p>Side boundary setback (north-eastern) = 2m Side boundary setback (south) = 2m Combined setback = 4m</p> <p>Rear setback = 5.203m</p> <p>The front, side and rear setbacks comply with the setback requirements in the DCP.</p>	Yes.
	Minimum													
Front Dwelling Setback	5m													
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<p><b>4.1.15</b> <b>Building Height.</b></p> <p>Residential development in the Oran Park House heritage curtilage must comply with the Height of Buildings maps in State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p>	<p>The height will exceed the 5m control and is subject to a Clause 4.6 written request.</p>	No. Variation supported.												
<p><b>4.1.16</b> <b>Roofs.</b></p> <p>Roof pitches are to be between 22.5 degrees and up to 35 degrees.</p>	<p>Proposed roof pitch is a maximum of 22.5 degrees.</p>	Yes.												

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Attachment 3



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

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Control	Assessment	Compliance
<p>Roofs are to be of simple design and form with either simple hips or gables. Federation detailing, symbolism and Victorian inspired gables are not permitted.</p> <p>The minimum eave overhang is 450mm.</p> <p>Roofs must use neutral colour tones such as greys, greens or browns.</p>	<p>Roof adopts hipped formation.</p> <p>Eaves 0.45m in overhang as identified on plans.</p> <p>Colour schedule provided indicates light colours to be used which are supported by Council's Heritage Advisor.</p>	
<p><b>4.1.17</b> <b>Lofts, Attics and Dormer Windows.</b></p> <p>Variations to the building height on corner lots may be appropriate when attic rooms with dormer windows are proposed, and where there will be no impact on the views and vistas to and from Oran Park House and grounds.</p> <p>Occasional lofts can go over roof pitch as long as design proportions are in harmony with the overall skyline of development.</p>	<p>Proposed development does not adopt loft, attic or dormer window.</p>	Yes.
<p><b>4.1.18</b> <b>Garages.</b></p> <p>Garages are required to be setback a minimum of 6m from the front boundary.</p> <p>The width of garages must not exceed 50% of the dwelling and be setback a minimum 1m behind the main part of the dwelling.</p> <p>Garages are required to be integrated into the building design and be consistent in respect of materials, colours and roof pitch.</p> <p>Garages are to accommodate two cars, with allowance for a further two cars to be parked on the residential lot in front of the garage.</p>	<p>Garage is setback a minimum of 7.061m from the closest point of the front boundary.</p> <p>Does not exceed 50%.</p> <p>The garage has been considered within the overall building design and is considered as being consistent with regards to the main dwelling's materials, colours, and proposed roof pitch.</p> <p>Garage can accommodate two cars with the ability for an additional two cars to be parked on the residential lot in front of the garage.</p>	Yes.

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

Control	Assessment	Compliance
<p><b>4.1.19</b> <b>Building Materials.</b></p> <p>Building materials and finishes are to be non-reflective.</p> <p>Neutral colour palette such as mid-range greys, olives and browns are recommended.</p> <p>Roofs may be constructed from either tiles or corrugated roofing material. When corrugated material is used, it is preferable if it is of a traditional profile and not angular or seamed.</p> <p>Clear/tinted/coloured acrylic roof material and other roof tones or colours (including black and green) are not permitted.</p> <p>Front walls may be rendered and have contrasting features to the House.</p> <p>The following wall materials are appropriate:</p> <ul style="list-style-type: none"> <li>• Face brickwork with struck or tooled joints;</li> <li>• Light coloured mortar joints; and</li> <li>• Any rendered surfaces painted in neutral colours.</li> </ul>	<p>Colour and material schedule provided. Colours and materials provided are considered non-reflective and suitable.</p> <p>Colours and materials considered to align with recommended palette.</p> <p>Corrugated roofing material proposed.</p> <p>Noted / complied.</p> <p>Noted, front façade will adopt variation between rendering and exposed brick.</p>	Yes.
<p><b>4.1.20</b> <b>Landscaping.</b></p> <p>All parts of the residential allotment in front of the building and facing the street that are not built on or paved are to be landscaped, with materials such as turf, groundcover, garden beds, shrubs and trees.</p> <p>Front gardens are to be landscaped with a good balance of turf, garden beds, paving, shrubs and trees.</p>	<p>Landscape plan indicates all parts within the front setback that are not built on or paved, are landscaped with various landscaping features such as turf, groundcover, trees and plantings.</p>	Yes.
<p><b>4.1.21</b> <b>Driveways.</b></p> <p>Driveways are to:</p> <ul style="list-style-type: none"> <li>• Have a maximum width of 6m.</li> <li>• Be designed with high quality stone pavers, large tiles, selected permeable paving or exposed</li> </ul>	<ul style="list-style-type: none"> <li>• Driveway does not exceed 6m</li> </ul>	Yes.

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

Control	Assessment	Compliance
<p>aggregate. The colour and finish of stone pavers and tiles is to be subdued with a natural unpolished finish.</p> <p>When concrete driveways are proposed, the design is to break up its mass through the inclusion of bands of coloured concrete. Stencilled concrete finishes on driveways are not appropriate.</p>	<ul style="list-style-type: none"> <li>driveway finish to be in keeping with roof finish of low solar absorbance</li> </ul> <p>Noted – exposed aggregate driveway proposed.</p>	
<p><b>4.1.21</b> <b>Rooftop Fixtures, Air Conditioners, TV Antennas and Satellite Dishes.</b></p> <p>Rooftop fixtures, air conditioners, tv antennas, solar panels and satellite dishes shall be located so they are screened/minimised from public view.</p>	<p>The said structures are minimised from public view and comply with the relevant exemption requirements.</p>	Yes.
<p><b>4.1.25.</b> <b>Letterboxes</b></p> <p>Letterboxes must not be a visually prominent element on the streetscape.</p> <p>Letterboxes must be designed as an integrated feature of the fence</p>	<p>Letterbox located to not be a visually prominent element from view of the streetscape.</p> <p>There is no front fence proposed or required.</p>	Yes.

CLPP02

Attachment 3



CLPP02

Attachment 4

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

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

<b>Address:</b>	Gleeson Rise Oran Park
<b>Lot:</b>	6037 <b>DP1235007</b>
<b>Date:</b>	12 December 2022

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## Appendices

Appendix 1 – View Analysis

## Figures

Figure 1	Maximum Building Height Map
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Figure 3	Catherine Park House (aka Oran Park House)
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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—

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

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

### 3 PROPOSED VARIATION TO DEVELOPMENT STANDARD

#### 3.1 Development Standard Subject to Variation

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

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

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

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

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

Maximum building height is shown on South West Growth Centre Height of Buildings Map Sheets HOB\_004 and HOB\_009. This map shows maximum building height of 5 metres for the residential allotments surrounding Catherine Park House. This variation applies to 66 residential allotments that are subject to the 5 metre building height limit (see Section 3.2) and specific lot details are included in Table 2.



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



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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

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

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

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

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

Address:	Gleeson Rise Oran Park	
Lot:	6037	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:	6.141m
Extent of Proposed Variation*:	18.5 %

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

## 4 EXPLANATION FOR EXCEPTION TO DEVELOPMENT STANDARD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed variation does not rely on this test.

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

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



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

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

The proposed variation does not rely on this test.

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

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

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



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

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



#### 4.1.16 Roofs

##### Controls

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

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

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

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

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

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

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

#### 4.5 Building Height

##### Controls

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

And:

#### 4.6 Roofs

##### Controls

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

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

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

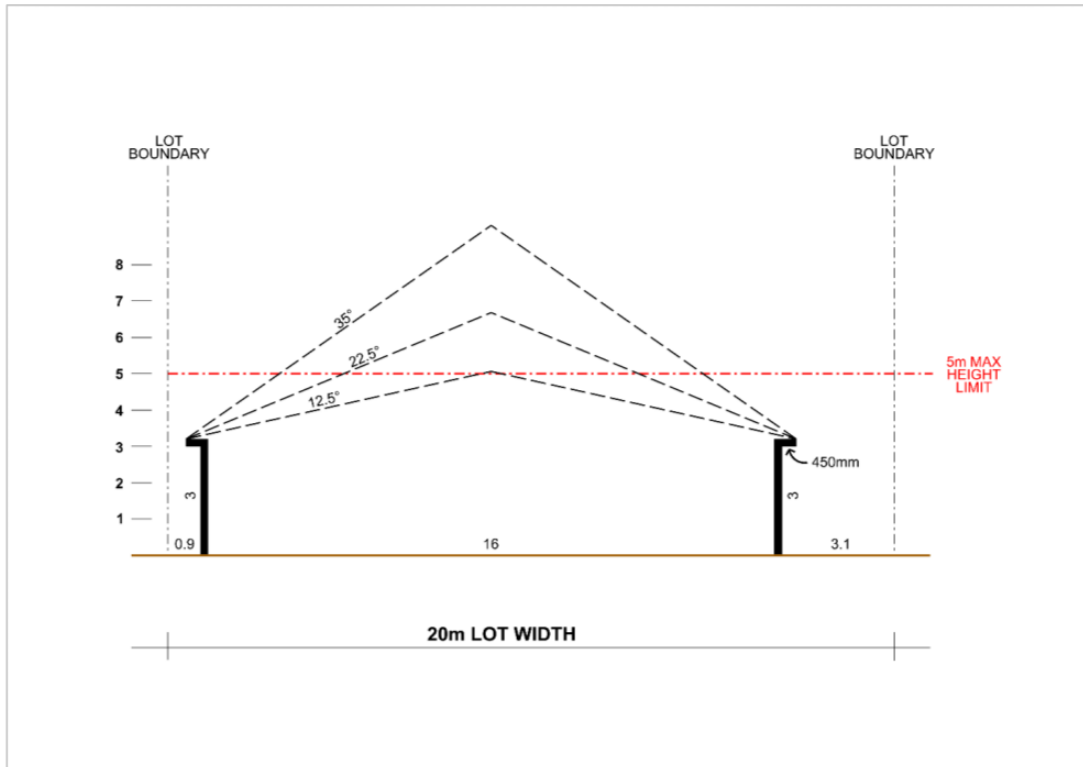


Figure 4 – Building Height & Roof Pitch

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

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

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

**Conclusion**

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

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

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

height development standard.

**Better designed single storey dwellings & streetscapes**

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

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



**Figure 5 – Dwelling Roof Forms**

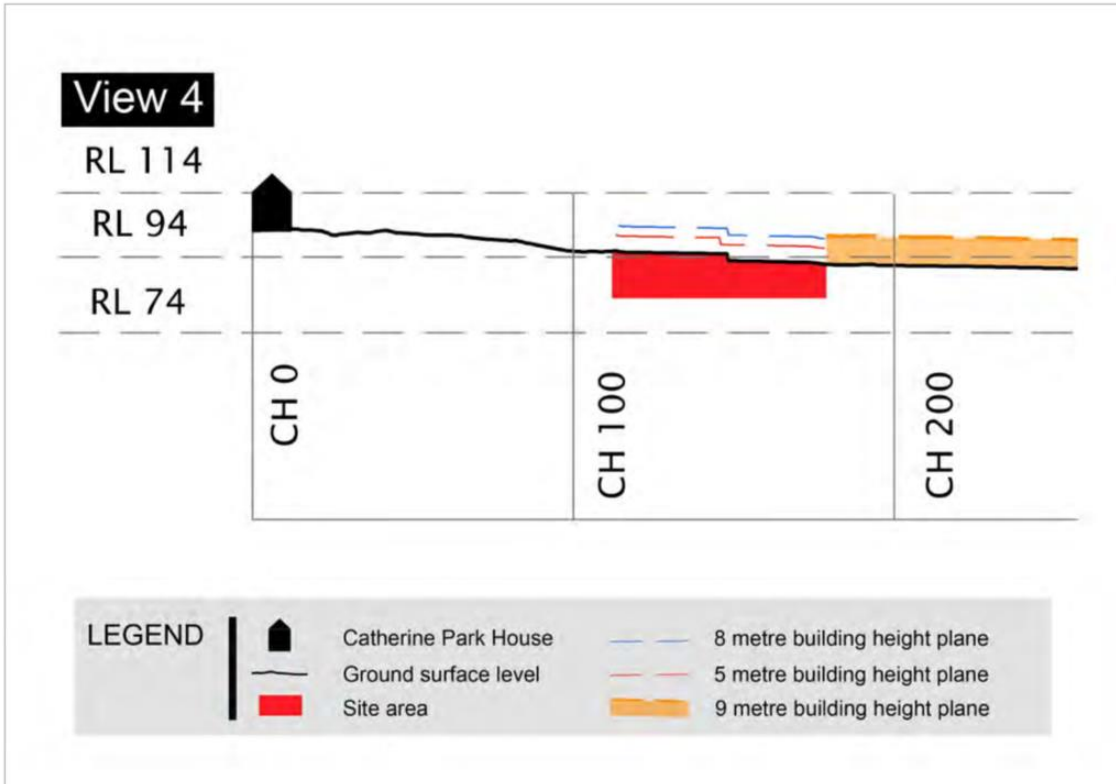
The Dwelling B roof form design is compromised by a 5 metre building height standard and presents poorly as it is not in proportion with the building. It has an underwhelming residential character due to its substandard design quality. Conversely, Dwelling A is significantly more impressive and attractive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

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

**No impact on views and vistas from Catherine Park House**

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

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



**Figure 6 – Extract from View 4 in Views Analysis**

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

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

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



### **Objectives and intent of built form surrounding Catherine Park House preserved**

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

### **No significant environmental impact**

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

### **Conclusion**

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

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

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

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

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

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

### **4.4 Considerations for the Planning Secretary**

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

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

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

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



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

## 5 CONCLUSION

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

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

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

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

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

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

**CLPP02**

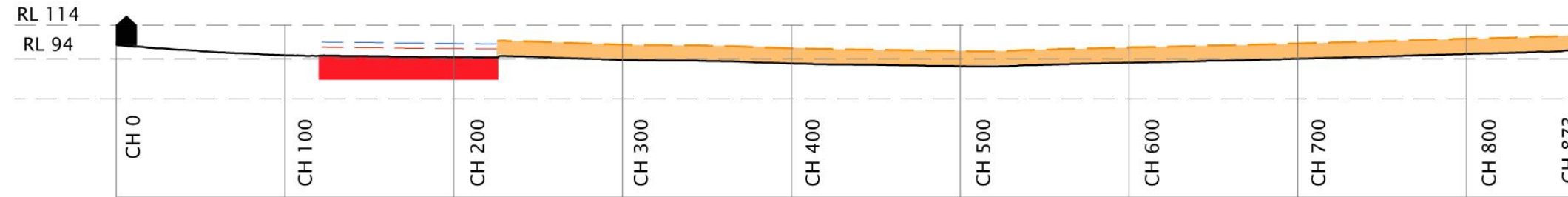
**Attachment 4**

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

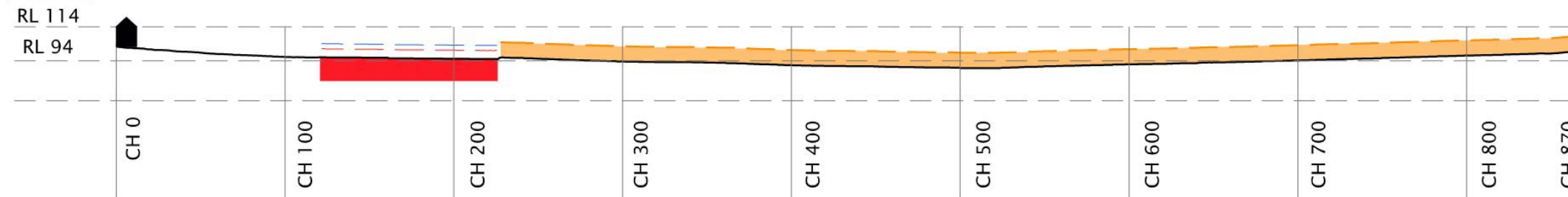
# CATHERINE PARK HOUSE & SURROUNDS - Views Analysis

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

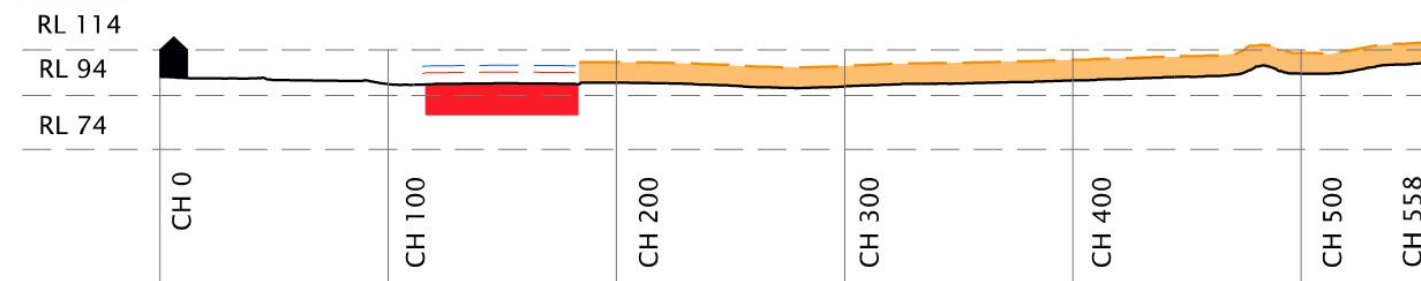
## View 1



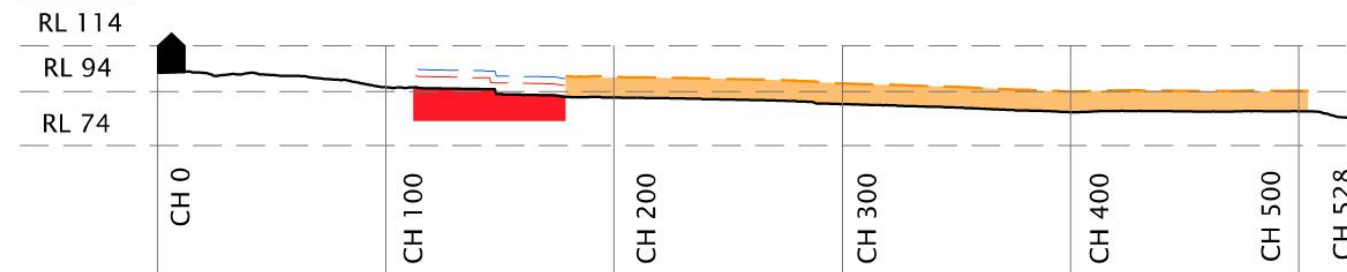
## View 2



## View 3



## View 4



**LEGEND**

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









Heritage NSW

Our ref: DOC22/41407

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

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

Dear Ms. Fuller

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

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

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

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

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

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

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

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

CLPP02

Attachment 5

**UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS**

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

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

**ABORIGINAL OBJECTS**

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

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

**COMPLIANCE**

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

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

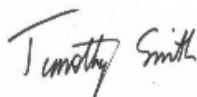
**SECTION 60 APPLICATION**

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

*Reason: To meet legislative requirements.*

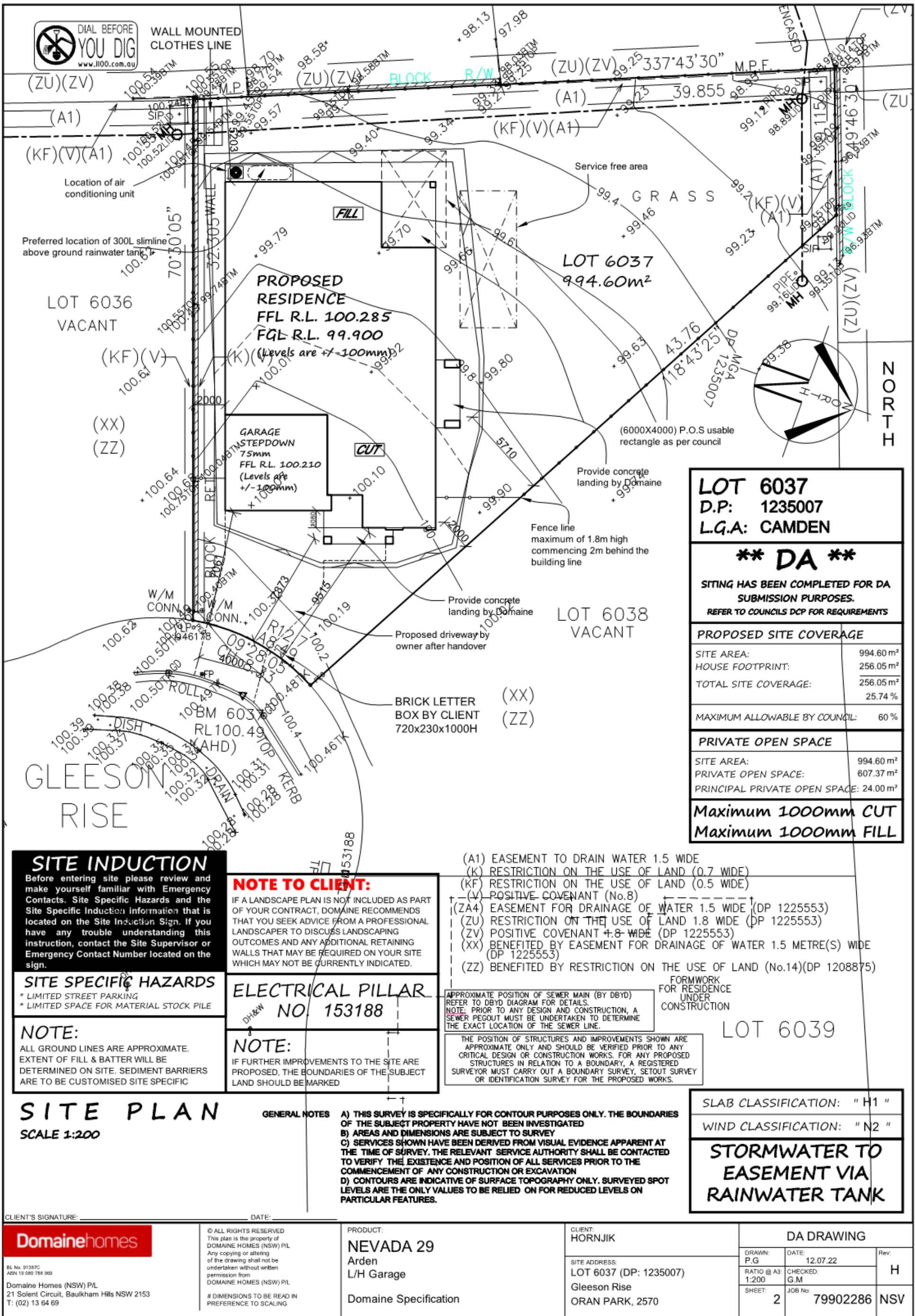
If you have any questions about this correspondence, please contact Veerle Norbury, Senior Heritage Assessment Officer, at Heritage NSW on 9873 8616 or [Veerle.Norbury@environment.nsw.gov.au](mailto:Veerle.Norbury@environment.nsw.gov.au). I want to thank Council for working proactively with Heritage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

Yours sincerely



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

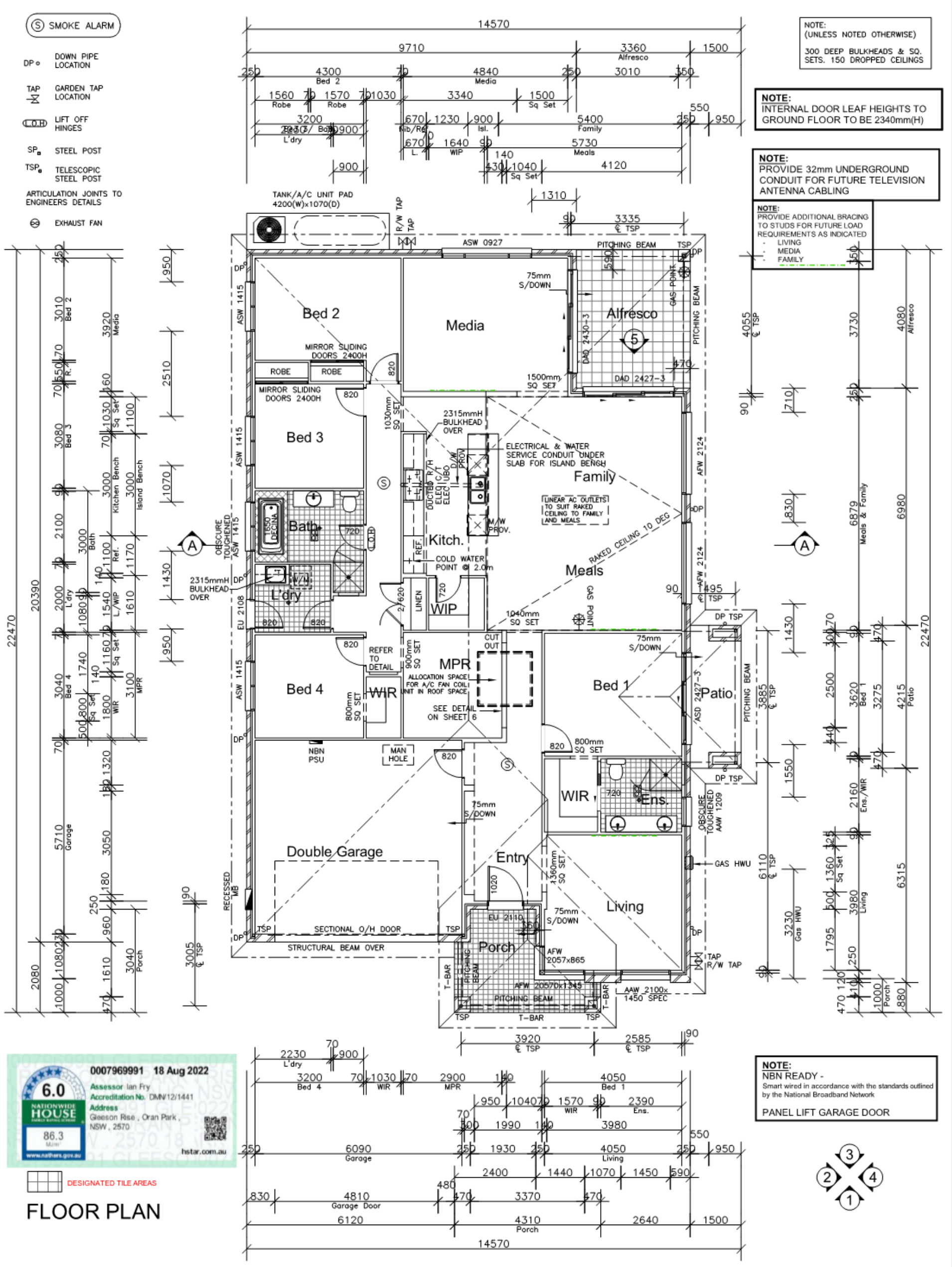






CLPP02

Attachment 6



0007969991 18 Aug 2022  
 Assessor Ian Fry  
 Accreditation No. DMV12/1441  
 Address  
 Gleeson Rise, Oran Park,  
 NSW, 2570  
 86.3  
 hstar.com.au

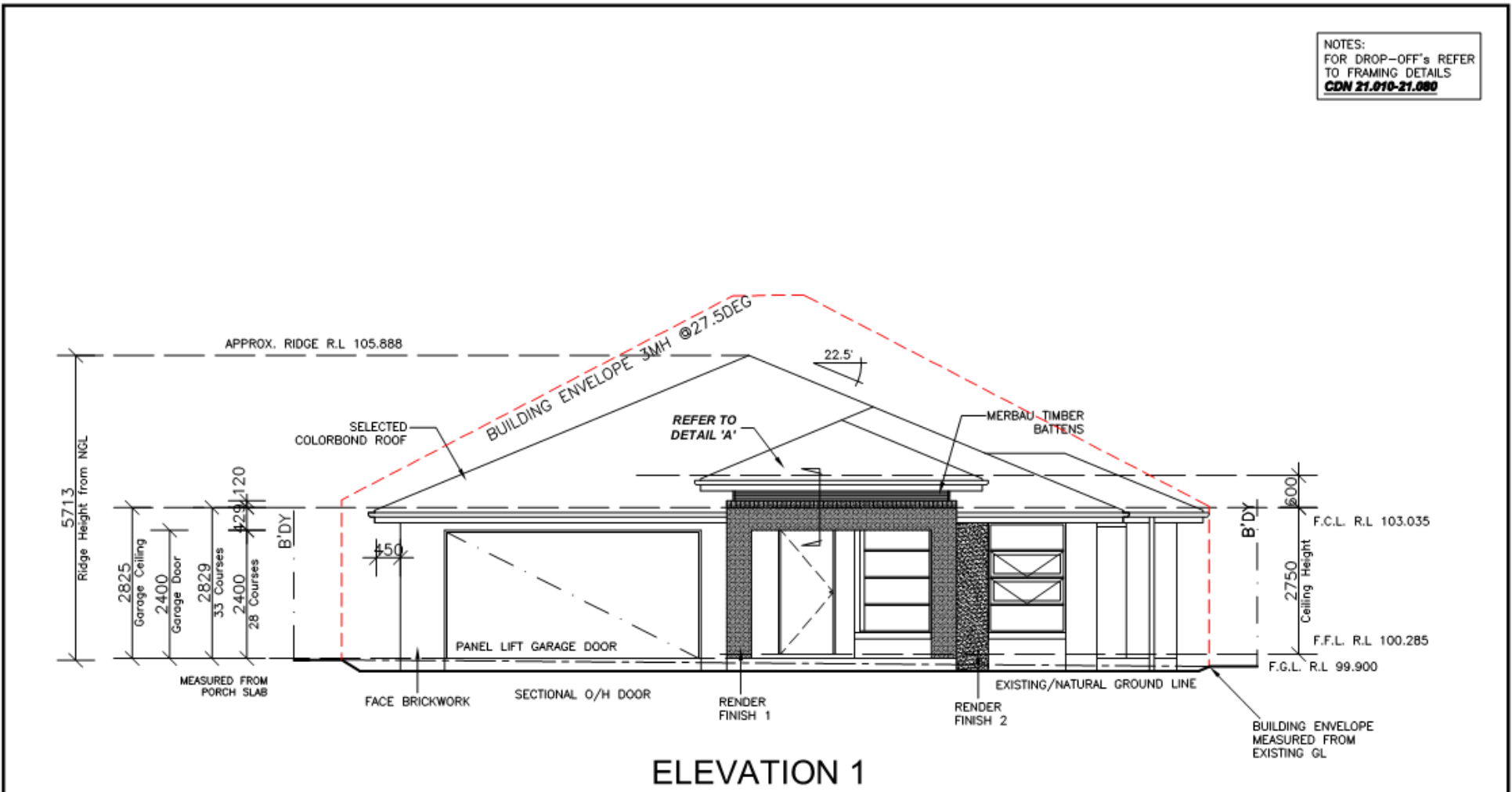
DESIGNATED TILE AREAS  
**FLOOR PLAN**

**NOTE:**  
 NBN READY -  
 Smart wired in accordance with the standards outlined  
 by the National Broadband Network.  
 PANEL LIFT GARAGE DOOR

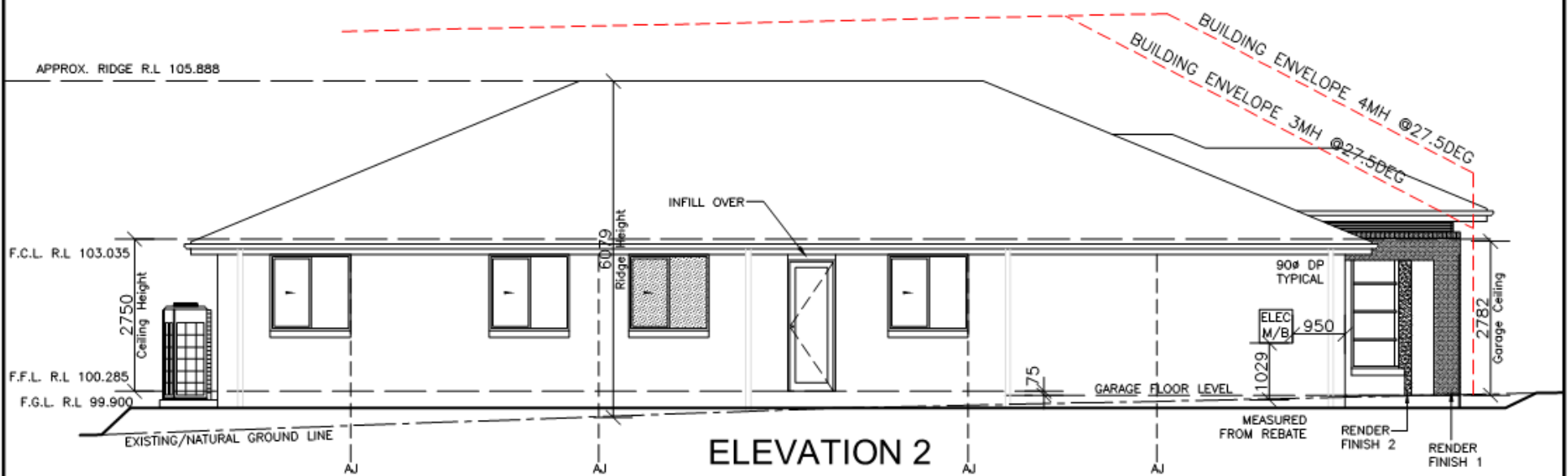


CLIENT'S SIGNATURE:	DATE:	PRODUCT: <b>NEVADA 29</b> Arden L/H Garage Domaine Specification	CLIENT: HORNJIK SITE ADDRESS: LOT 6037 (DP: 1235007) Gleeson Rise ORAN PARK, 2570	DA DRAWING	
BL No. 91367C ASN 19-080 788 969 Domaine Homes (NSW) P/L 21 Solent Circuit, Baulkham Hills NSW 2153 T: (02) 13 64 69	© ALL RIGHTS RESERVED This plan is the property of DOMAINE HOMES (NSW) P/L Any copying or altering of the drawing shall not be undertaken without written permission from DOMAINE HOMES (NSW) P/L # DIMENSIONS TO BE READ IN PREFERENCE TO SCALING			DRAWN: P.G	DATE: 12.07.22
				RATIO @ A3: 1:100	CHECKED: G.M
				SHEET: 3	JOB No: 79902286
					Rev: H NSV

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



ELEVATION 1



ELEVATION 2

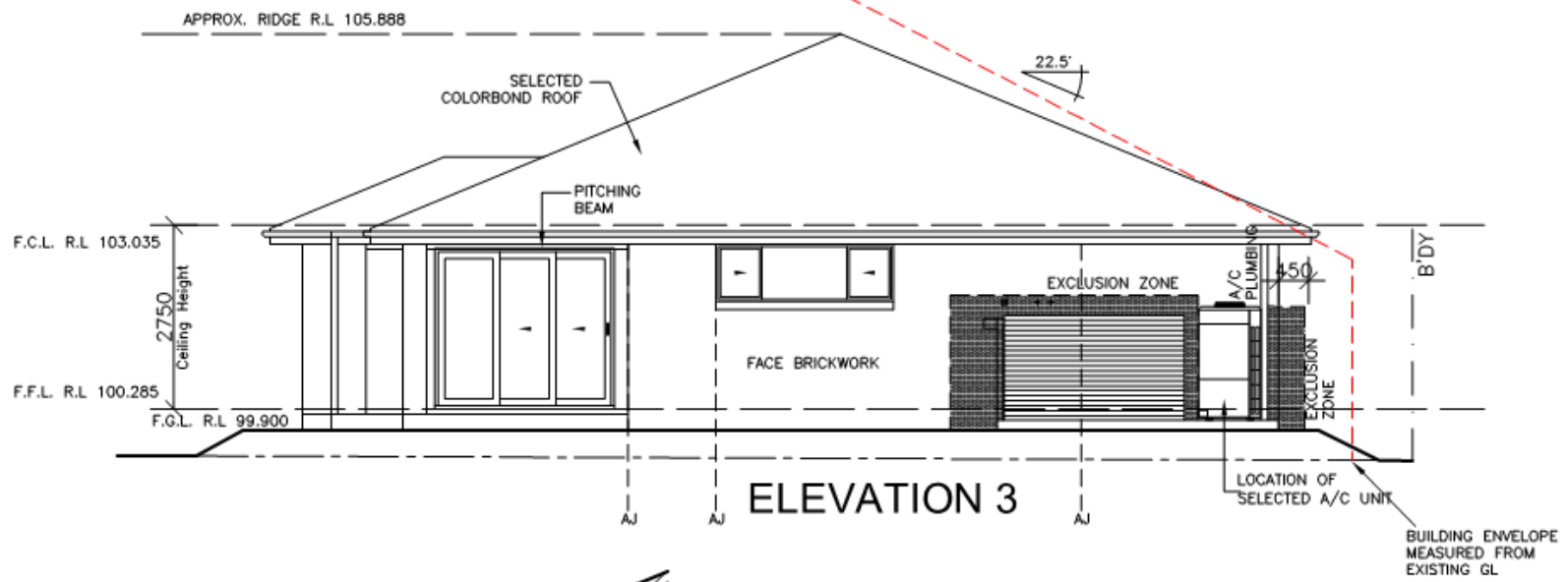


CLIENT'S SIGNATURE: _____ DATE: _____		© ALL RIGHTS RESERVED This plan is the property of DOMAINE HOMES (NSW) P/L Any copying or altering of the drawing shall not be undertaken without written permission from DOMAINE HOMES (NSW) P/L # DIMENSIONS TO BE READ IN PREFERENCE TO SCALING		PRODUCT: <b>NEVADA 29</b> Arden L/H Garage Domaine Specification		CLIENT: HORNJK SITE ADDRESS: LOT 6037 (DP: 1235007) Gleeson Rise ORAN PARK, 2570		DA DRAWING DRAWN: P.G DATE: 12.07.22 Rev: H RATIO @ A3: 1:100 CHECKED: G.M SHEET: 4 JOB No: 79902286 NSV	
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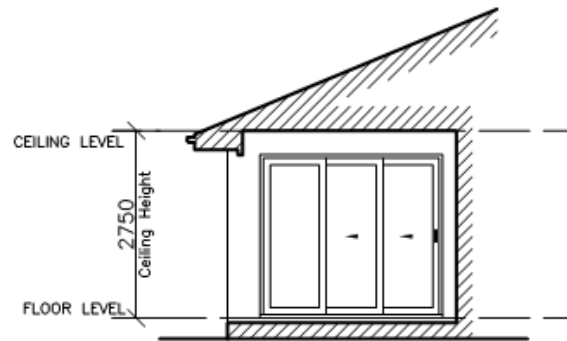
BL No. 91387C  
ASX 13 060 755 092  
Domaine Homes (NSW) P/L  
21 Solent Circuit, Baulkham Hills NSW 2153  
T: (02) 13 64 69



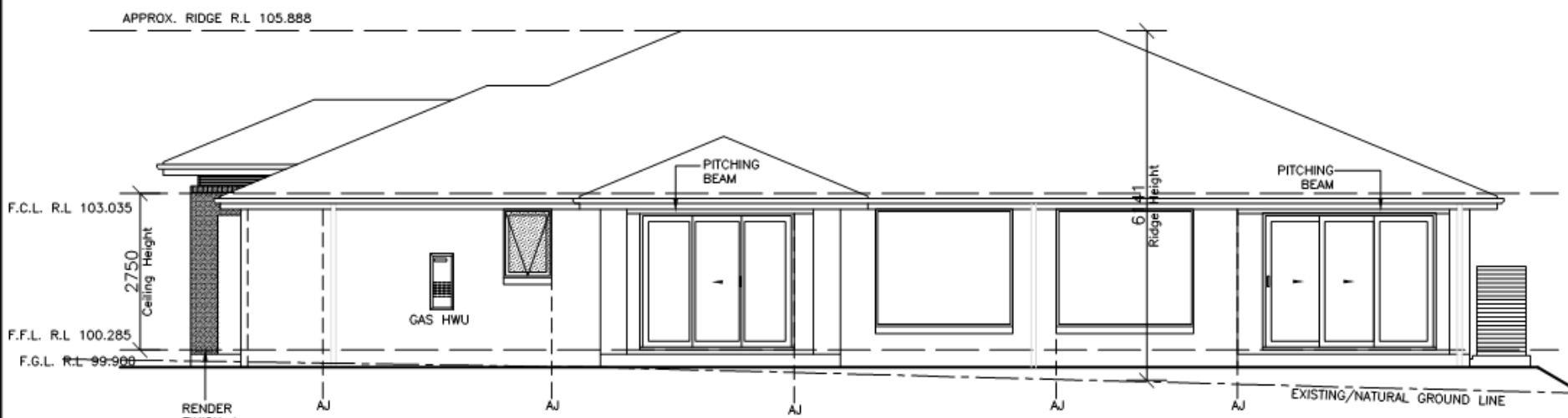
NOTES:  
FOR DROP-OFF'S REFER  
TO FRAMING DETAILS  
CDN 21.010-21.080



ELEVATION 3



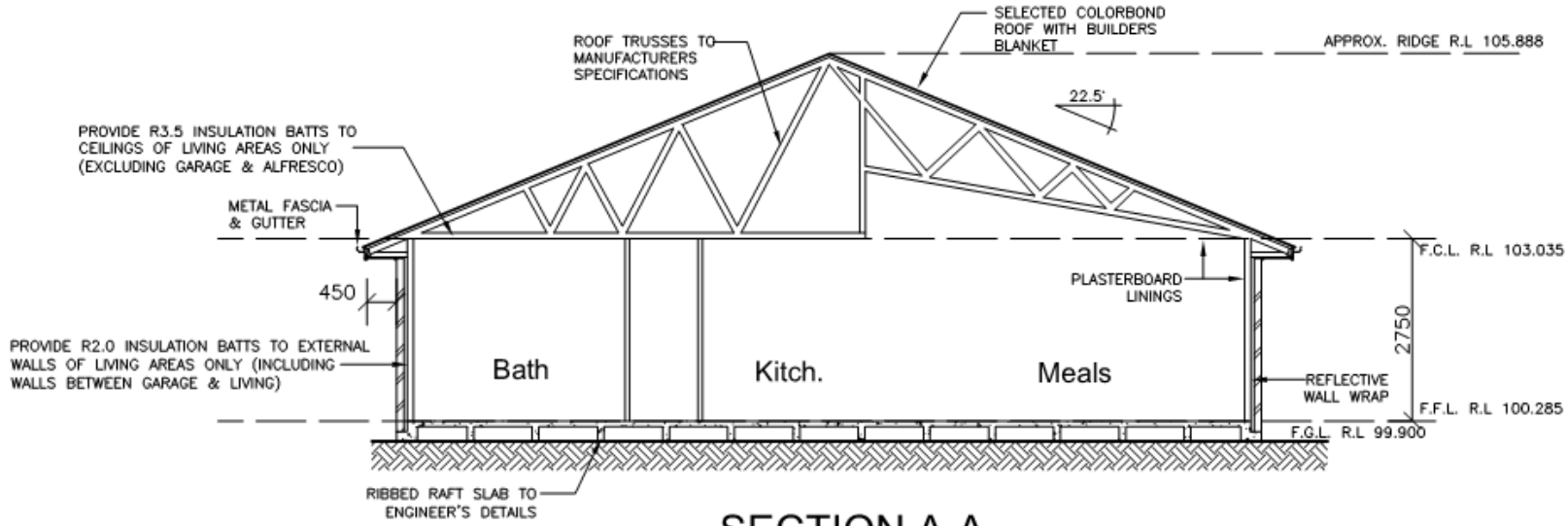
ELEVATION 5



ELEVATION 4



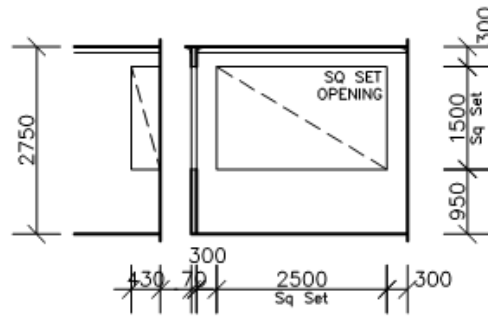
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 BL No. 91387C ASN 19 000 746 902 Domaine Homes (NSW) P/L 21 Solent Circuit, Baulkham Hills NSW 2153 T: (02) 13 64 69		© ALL RIGHTS RESERVED This plan is the property of DOMAINE HOMES (NSW) P/L Any copying or altering of the drawing shall not be undertaken without written permission from DOMAINE HOMES (NSW) P/L # DIMENSIONS TO BE READ IN PREFERENCE TO SCALING		SITE ADDRESS: LOT 6037 (DP: 1235007) Gleeson Rise ORAN PARK, 2570		DRAWN: P.G	DATE: 12.07.22	Rev:
						RATIO @ A3: 1:100	CHECKED: G.M	H
						SHEET: 5	JOB No: 79902286	NSV



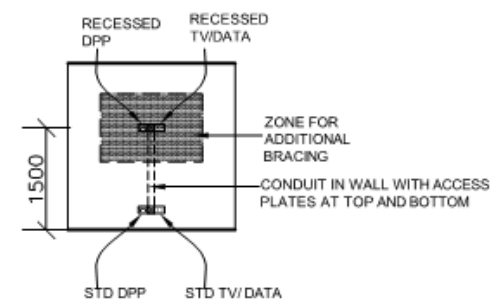
SECTION A-A

- BASIX REQUIREMENTS-**
- DEDICATED LED/ CFL LIGHTING
  - INDOOR CLOTHES LINE
  - WELL VENTILATED FRIDGE SPACE
  - 4 STAR SHOWER HEAD FITTINGS

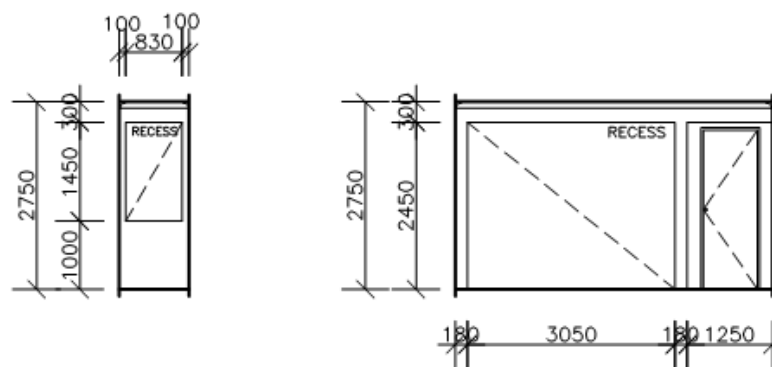
**NOTE:**  
PROVIDE 32mm UNDERGROUND CONDUIT FOR FUTURE TELEVISION ANTENNA CABLING



MPR DETAIL  
VIEWED FROM MPR

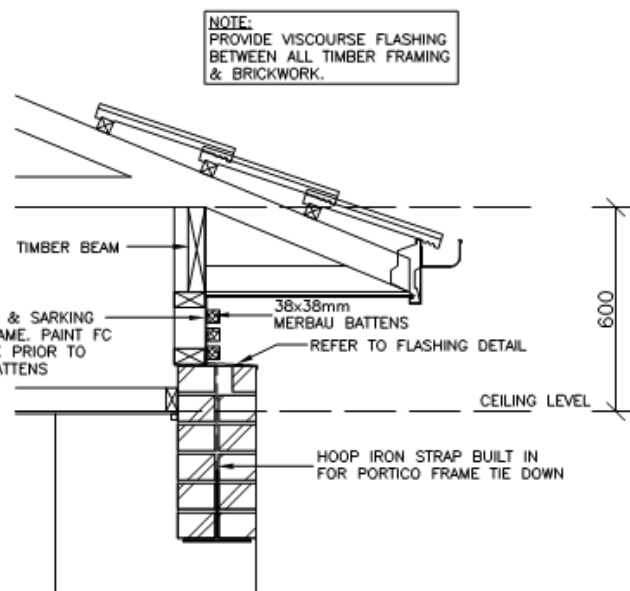


RECESSED TV POINT DETAIL

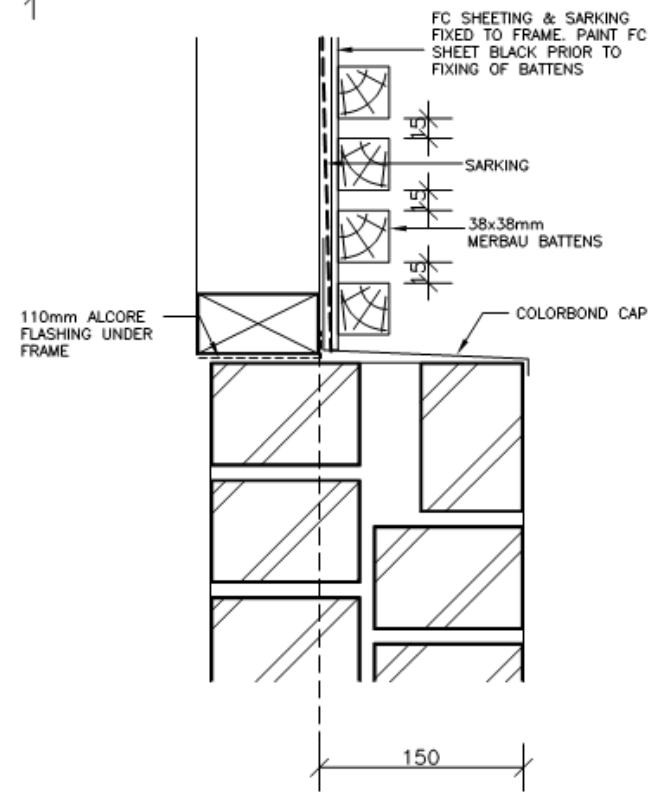


RECESS DETAIL

ENTRY DETAIL



DETAIL 'A'  
SCALE 1:20



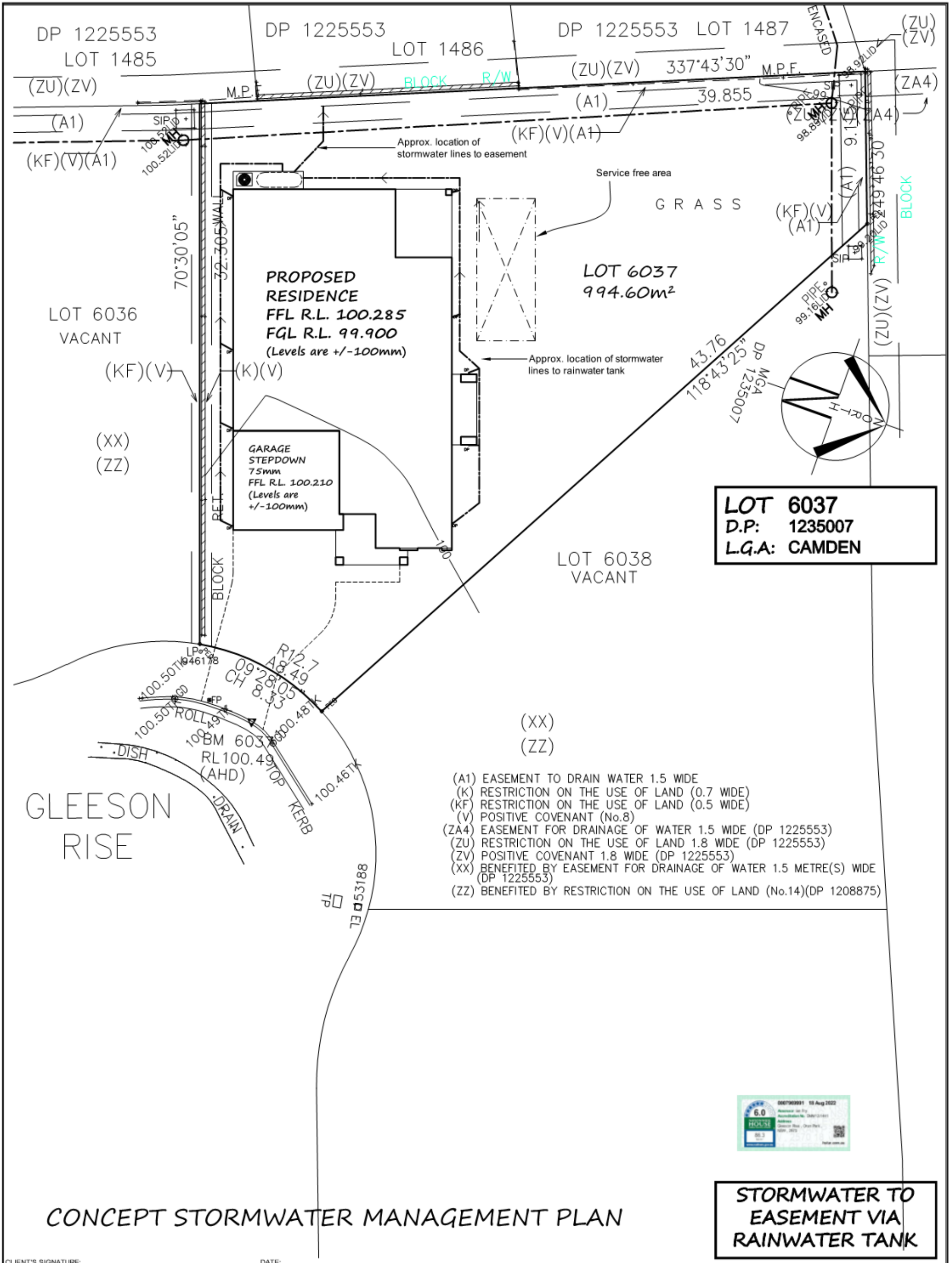
FLASHING DETAIL  
SCALE 1:5



CLIENT'S SIGNATURE: _____ DATE: _____		<p>© ALL RIGHTS RESERVED This plan is the property of DOMAINE HOMES (NSW) P/L Any copying or altering of the drawing shall not be undertaken without written permission from DOMAINE HOMES (NSW) P/L # DIMENSIONS TO BE READ IN PREFERENCE TO SCALING</p>		<p>PRODUCT: <b>NEVADA 29</b> Arden L/H Garage  Domaine Specification</p>		<p>CLIENT: <b>HORNJIK</b></p> <p>SITE ADDRESS: LOT 6037 (DP: 1235007) Gleeson Rise ORAN PARK, 2570</p>		<p>DA DRAWING</p> <table border="1"> <tr> <td>DRAWN: P.G</td> <td>DATE: 12.07.22</td> <td>Rev:</td> </tr> <tr> <td>RATIO @ A3: 1:100</td> <td>CHECKED: G.M</td> <td>H</td> </tr> <tr> <td>SHEET: 6</td> <td>JOB No: 79902286</td> <td>NSV</td> </tr> </table>			DRAWN: P.G	DATE: 12.07.22	Rev:	RATIO @ A3: 1:100	CHECKED: G.M	H	SHEET: 6	JOB No: 79902286	NSV
DRAWN: P.G	DATE: 12.07.22	Rev:																	
RATIO @ A3: 1:100	CHECKED: G.M	H																	
SHEET: 6	JOB No: 79902286	NSV																	

CLPP02

Attachment 6



**LOT 6037**  
**D.P: 1235007**  
**L.G.A: CAMDEN**

- (A1) EASEMENT TO DRAIN WATER 1.5 WIDE
- (K) RESTRICTION ON THE USE OF LAND (0.7 WIDE)
- (KF) RESTRICTION ON THE USE OF LAND (0.5 WIDE)
- (V) POSITIVE COVENANT (No.8)
- (ZA4) EASEMENT FOR DRAINAGE OF WATER 1.5 WIDE (DP 1225553)
- (ZU) RESTRICTION ON THE USE OF LAND 1.8 WIDE (DP 1225553)
- (ZV) POSITIVE COVENANT 1.8 WIDE (DP 1225553)
- (XX) BENEFITED BY EASEMENT FOR DRAINAGE OF WATER 1.5 METRE(S) WIDE (DP 1225553)
- (ZZ) BENEFITED BY RESTRICTION ON THE USE OF LAND (No.14)(DP 1208875)

**CONCEPT STORMWATER MANAGEMENT PLAN**

**STORMWATER TO EASEMENT VIA RAINWATER TANK**

CLIENT'S SIGNATURE: _____ DATE: _____		PRODUCT: <b>NEVADA 29</b> Arden L/H Garage Domaine Specification		CLIENT: HORNJIK		DA DRAWING										
<p>BL No. 91387C AS/NZS 19:000 1:20 9022</p> <p>Domaine Homes (NSW) P/L 21 Solent Circuit, Baulkham Hills NSW 2153 T: (02) 13 64 69</p>		<p>© ALL RIGHTS RESERVED This plan is the property of DOMAINE HOMES (NSW) P/L Any copying or altering of the drawing shall not be undertaken without written permission from DOMAINE HOMES (NSW) P/L</p> <p># DIMENSIONS TO BE READ IN PREFERENCE TO SCALING</p>		<p>SITE ADDRESS: LOT 6037 (DP: 1235007) Gleeson Rise ORAN PARK, 2570</p>		<table border="1"> <tr> <td>DRAWN: P.G</td> <td>DATE: 12.07.22</td> <td>Rev:</td> </tr> <tr> <td>RATIO @ A3: 1:200</td> <td>CHECKED: G.M</td> <td>H</td> </tr> <tr> <td>SHEET: 2.2</td> <td>JOB No: 79902286</td> <td>NSV</td> </tr> </table>		DRAWN: P.G	DATE: 12.07.22	Rev:	RATIO @ A3: 1:200	CHECKED: G.M	H	SHEET: 2.2	JOB No: 79902286	NSV
DRAWN: P.G	DATE: 12.07.22	Rev:														
RATIO @ A3: 1:200	CHECKED: G.M	H														
SHEET: 2.2	JOB No: 79902286	NSV														



**GLEESON RISE**

**LEGEND**

- Proposed trees - refer to plant schedule
- Proposed accents & grasses - refer to plant schedule
- Proposed shrubs - refer to plant schedule
- Proposed groundcovers and grasses - refer to plant schedule
- Existing levels
- Proposed levels
- Proposed Top Of Wall levels
- Boundary
- Fence
- Garden edging
- Timber retaining walls
- Masonry retaining walls
- Existing contours
- To be removed / demolished
- Existing tree to be retained
- Existing tree to be removed

**PLANT SCHEDULE** Prepared by *ecodesign Pty Ltd*

SYMBOL	BOTANICAL NAME	COMMON NAME	QUANTITY	POT SIZE	MATURE SIZE
Cra	*Correa alba	White Native Fuchsia	5	150mm	0.5-2m
Dir	*Dianella revoluta 'Little Rev'	Dwarf Blue Flax Lily	10	150mm	0.3m
Jc	Juniperus chinensis 'Spartan'	Spartan Juniper	3	25L	4-5m
Li	*Lomandra 'Tanika'	Fine-leaved Mat Rush	6	150mm	0.5m
Sa	Schinus molle	Peppercorn Tree	1	75L	1.5m
Up	Ulmus parvifolia	Chinese Elm	1	75L	1.5m
Vh	*Viola hederacea	Native Violet	18	150mm	0.1m
Vo	Viburnum odoratissimum	Sweet Viburnum	21	200mm	2.5m

**\*Australian Native Species**

**AREA CALCULATIONS**

**SITE AREA** - 994.60 m<sup>2</sup>

**LANDSCAPED AREA MINIMUM REQUIRED** - 30% (298.38 m<sup>2</sup>)

**PROPOSED** - 60.93% (606 m<sup>2</sup>)

**REVISIONS**

REVISION	DESCRIPTION	DRAWN	CHECK	DATE
A	SUBMITTED TO CLIENT FOR COMMENT	EF	JD	19-08-22
B	SUBMITTED TO CLIENT FOR COMMENT	EF	JD	16-11-22
C	TO COUNCIL'S COMMENT	EF	JD	09-12-22

**ecodesign** outdoor living architects

PO Box 8134, Bowdington Hills, NSW 2153  
 Ph: (02) 9480 7712 Fax: (02) 9480 7708  
 Email: info@ecodesign.com.au  
 Web: www.ecodesign.com.au

**29 GLEESON RISE, ORAN PARK**

**MR & MRS HORNJIJK**

**NEW RESIDENCE LANDSCAPE PLAN**

SCALE: 1:100 @ A1  
 SHEET: DA  
 OF: L-01  
 DATE: 09-12-22  
 REVISION: C











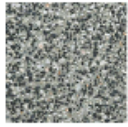
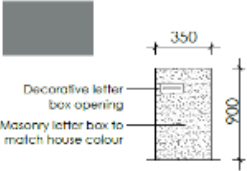


# Domainehomes

CLPP02

<b>Client:</b>	Peter Hornjik & Jacqueline Rose Hornjik		
<b>Site Address:</b>	Lot 6037, 29 GLEESON RISE ORAN PARK NSW 2570		
<b>Job Number:</b>	79902286	<b>House Type:</b>	Nevada 29 - Arden (2 Renders)
<b>Date:</b>	17/8/22	<b>Developer:</b>	Catherine Park - The HOMESTEAD

AVOCA EXTERNAL COLOUR SCHEME

<p><b>Main Brick:</b> PGH Highlands Range Colour: <b>BLACKHEATH</b></p> 	<p><b>Painted - Dulux:</b> Render 1: CB Surfmist Render 2: CB Windspray</p> 	<p><b>Roof:</b> Colorbond Colour: <b>Shale Grey</b> &lt; 0.43 Solar Absorbancy</p> 
<p><b>Window Frame Colour:</b> Colorbond (CB) Monument</p> 	<p><b>Gutter &amp; Fascia</b> Colorbond (CB) Shale Grey</p> 	<p><b>Downpipes / Rainwater tank</b> Dulux: CB Shale Grey</p> 
<p><b>Front Entry Door:</b> Glazing: Stained finish - best possible match Garage Door</p> 	<p><b>Garage Door Type:</b> Colorbond (CB) Caoba</p> 	<p><b>Driveway - Exposed Aggregate</b> see note below</p> 
<p><b>Letterbox - Masonry to match House colour</b></p>  <p>Decorative letter box opening Masonry letter box to match house colour</p>		

Note:

Driveway compliance to suit Part 4.1.21 of the DCP - driveways are to 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. When concrete driveways are proposed, bands of coloured concrete are to be included. Stencilled concrete finishes on driveways are not appropriate.

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



Attachment 6

 70 Central Ave,  
Oran Park NSW 2570

 [mail@camden.nsw.gov.au](mailto:mail@camden.nsw.gov.au)

 PO Box 183, Camden 2570

 [camden.nsw.gov.au](http://camden.nsw.gov.au)

 4654 7777

 [www.facebook.com/camdencouncil](http://www.facebook.com/camdencouncil)

 ABN: 31 117 341 764



camden  
council