



Planning,
Industry &
Environment

IRF21/4857

Gateway determination report – PP 2021-7034

Additional local provision clause to facilitate increased maximum height of building for residential development surrounding Oran Park House

December 21



Published by NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP 2021-7034

Subtitle: Additional local provision clause to facilitate increased maximum height of building for residential development surrounding Oran Park House

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (December 21) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Contents

1	Planning proposal	1
1.1	Overview.....	1
1.2	Objectives of planning proposal	1
1.3	Explanation of provisions.....	2
1.3.1	Part 6 – Additional local provision clause	2
1.3.2	Schedule 4 Catherine Field (Part) Precinct DCP	2
1.4	Site description and surrounding area	3
1.5	Mapping.....	4
1.6	Background	6
2	Need for the planning proposal.....	6
3	Strategic assessment.....	7
3.1	Regional Plan	7
3.2	District Plan	7
3.3	Local	8
3.4	Local planning panel (LPP) recommendation.....	9
3.5	Section 9.1 Ministerial Directions	10
3.6	State environmental planning policies (SEPPs)	11
4	Site-specific assessment	12
4.1	Environmental.....	12
4.2	Social and economic	12
4.3	Infrastructure	12
5	Consultation.....	12
5.1	Community	12
5.2	Agencies.....	13
6	Timeframe.....	13
7	Local plan-making authority.....	13
8	Assessment summary.....	13
9	Recommendation.....	13

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal
Attachment A1 – Proposed SEPP maps
Attachment A2 – Integrated development application (IDA/2021/14)

Attachment A3 – Proposed amendments to the Camden Growth Centres DCP – Schedule 4 Catherine Field (part) Precinct amendments

Attachment A4 – Camden Local Planning Panel Minutes 21 September 2021

Attachment A5 – Oran Park House Heritage exemption guidelines

Attachment A6 – Heritage and evaluation report

Attachment A7 – Oran Park House conservation management plan

Attachment A8 – Camden Council Minutes 12 October 2021

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Camden
PPA	Camden Council
NAME	Additional local clause to facilitate increased maximum height of building for residential development surrounding Oran Park House
NUMBER	PP-2021-7034
LEP TO BE AMENDED	<i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>
ADDRESS	4 O'Keefe Drive and 141 Banfield Drive, Oran Park
DESCRIPTION	Lots 6001-6030; 6040- 6045; 6055-6061; 6064-6070; 6031-6039 DP 1235007.
RECEIVED	23/11/2021
FILE NO.	IRF21/ 4857
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- increase the maximum building height for residential development surrounding Oran Park House to achieve better designed dwellings and roof forms;
- deliver improved designed residential dwellings as intended in the heritage landscape setting with changes to development standards and controls; and
- enable dwelling designs to be compliant with the maximum building height in the *State Environmental Planning Policy (Sydney Region Growth Areas) 2006* (Growth Centres SEPP) and the Development Control Plan (DCP) controls for roof forms.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

1.3.1 Part 6 – Additional local provision clause

The planning proposal (**Attachment A**) seeks to amend Appendix 9 – Camden Growth Centres Precinct Plan of the Growth Centres SEPP by inserting a new additional local provision clause under Part 6 to facilitate increased building heights above the maximum 5m limit on the SEPP Height of Building Map (HOB) for residential development surrounding Oran Park House.

The proposed clause would enable a merit-based assessment of building heights above 5m for the subject site.

Council has drafted the following requirements for the proposed local provision clause:

Draft clause:

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

The draft proposal seeks to introduce an annotated HOB map to clarify where the additional local provision clause applies (**Attachment A1**).

The draft planning proposal notes Clause 4.6 *Exceptions to development standards* cannot be used in conjunction with the proposed additional local provision clause. This is to prevent residential buildings exceeding 7m.

Council has had preliminary consultation with Heritage NSW which supported the 7m maximum height, subject to design considerations for a particular development application (**Attachment A2**).

1.3.2 Schedule 4 Catherine Field (Part) Precinct DCP

The proposed SEPP amendments, described in the planning proposal, will be supported by amendments to Schedule 4 – Catherine Field (Part) Precinct Development Control Plan (DCP). The amendments include controls and diagrams to detail the design requirements to be satisfied where dwellings to 7m in height are proposed, as follows:

- changing the building height controls to reference the proposed additional local provision clause and design outcome;
- amending the minimum 20m lot frontage application to 'Very Low Density Residential' lots only – currently this minimum lot frontage applies to all lots within the heritage curtilage;
- clarifying the minimum side boundary setback total must equal 4m (combined) on individual allotments;
- clarifying dwellings on corner lots must be designed to address both street frontages;
- amending an objective for lofts, attic rooms and dormer windows to clarify these features are permitted on corner lots only;
- deleting the requirement for the development to be built by one builder; and
- minor administrative changes to improve the readability of controls and tables.

It is understood further consultation on the draft DCP amendments will be undertaken with Heritage NSW.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

No other changes are proposed to the Growth Centres SEPP.

1.4 Site description and surrounding area

The subject site is comprised of 59 residential lots at 4 O’Keefe Drive and 141 Banfield Drive, Oran Park (legally described as: Lots 6001-6030; 6040- 6045; 6055-6061; 6064-6070; 6031-6039 DP 1235007).

The subject site surrounds the State heritage listed Oran Park House (also referred as Catherine Park House) and forms part of the Catherine Park Estate, of the South West Growth Area. The 59 residential lots have a maximum building height of 5m and 36 of the 59 lots are located, either wholly or partially, within the heritage curtilage of Oran Park House.

A public school is located to the north, South Creek to the east, and a future neighbourhood shopping centre is proposed to the south east of Oran Park House.



Figure 1 Subject site (Source: Planning Proposal)



Figure 2 Location Context (Source: Planning Proposal)

1.5 Mapping

The planning proposal seeks to annotate the SEPP HOB map sheets HOB_004 and HOB_009 to illustrate where the additional local provision will apply (**Attachment A1**). The proposed maps do not amend the maximum height of building.

The mapping supporting the planning proposal requires amendment prior to public exhibition to reflect the correct clause number for the new additional local provision under Part 6.

Once updated, in accordance with the recommended condition, the mapping will be suitable for public exhibition.

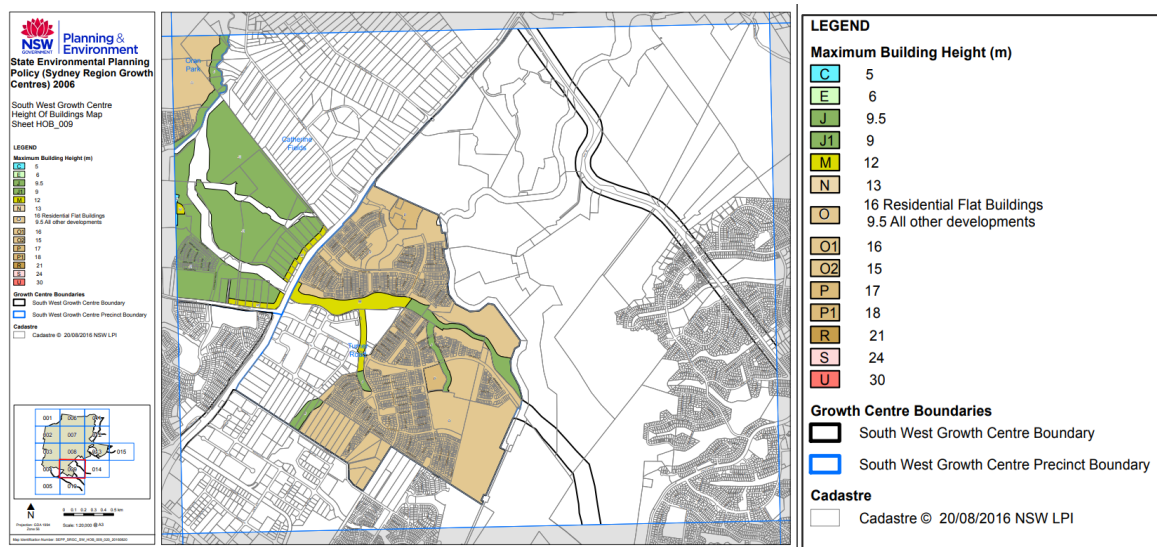
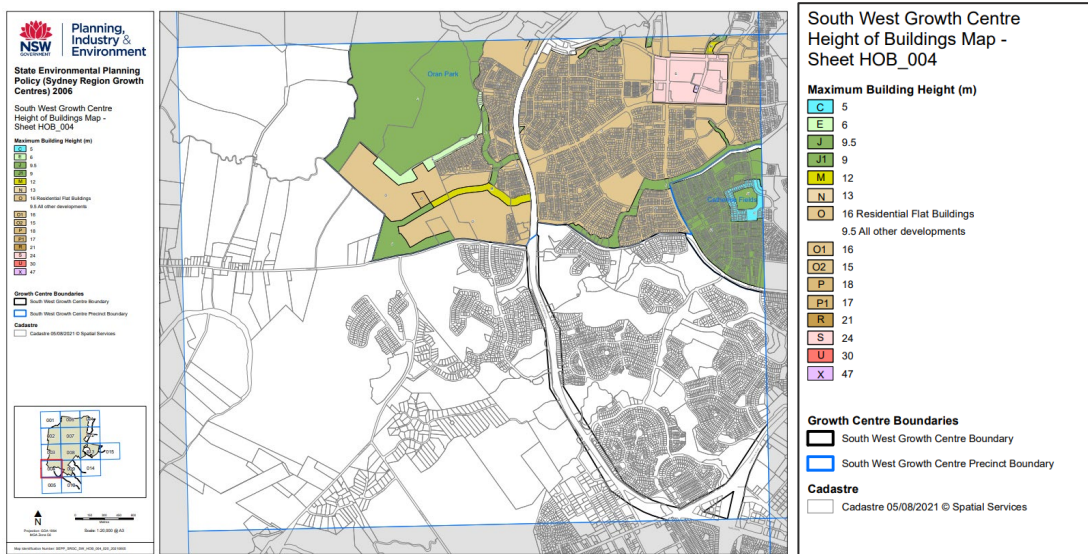
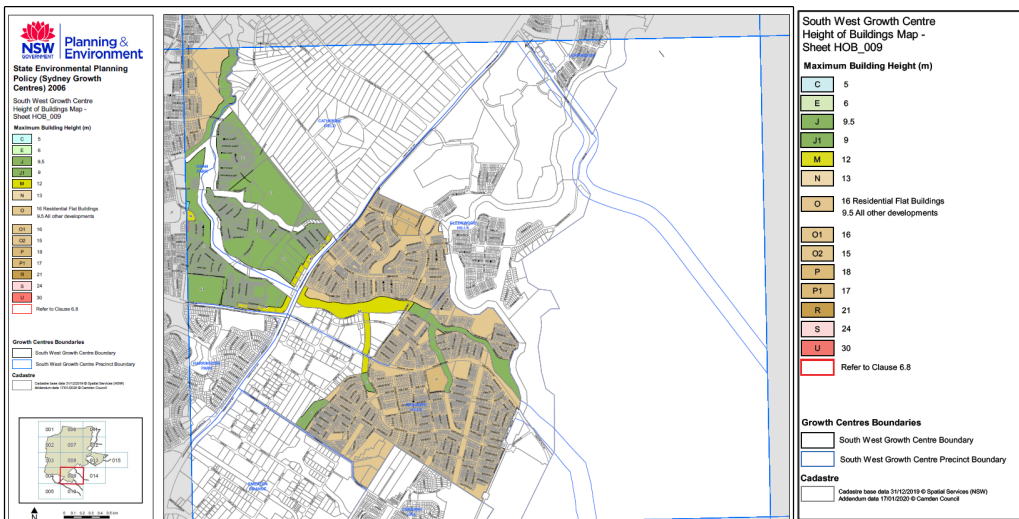


Figure 3 Left: Current height of building map sheet HOB_009, Right: Zoomed in excerpt of legend**Figure 4** Left: Current height of building map sheet HOB_004, Right: Zoomed in excerpt of legend**Figure 5** Left: Proposed height of building map sheet HOB_009, Right: Zoomed in excerpt of legend

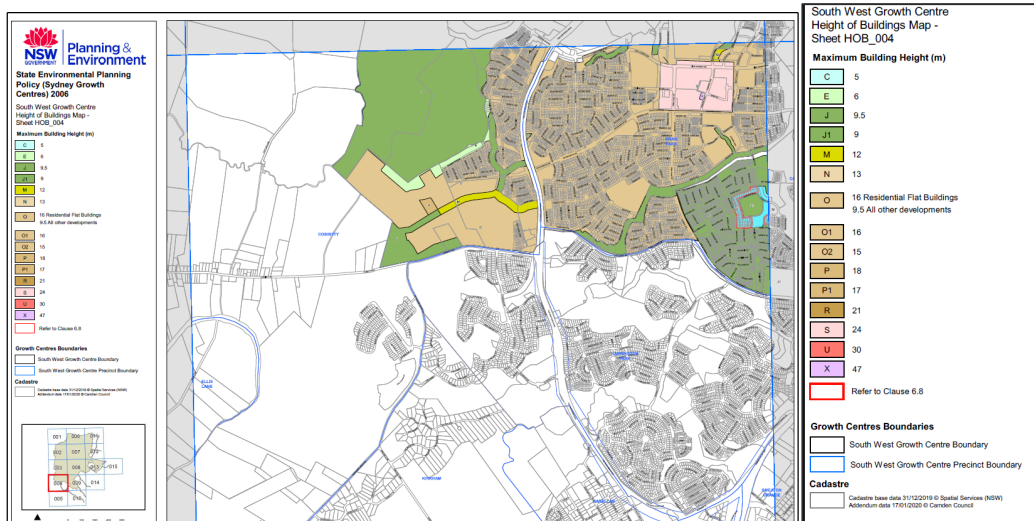


Figure 6 Proposed height of building map sheet HOB_004, Right: Zoomed in excerpt of legend

1.6 Background

- A planning proposal for the site was submitted in February 2021. The proposal was revised on 8th September 2021 and included amendments to the Camden Growth Centres DCP – Schedule 4 Catherine Field (Part) Precinct DCP.
- Heritage NSW provided Camden Council with preliminary support to increase the building height subject to design considerations. Below is an excerpt of the commentary from Heritage NSW (refer to **Attachment A2** for further detail):
 - the proposal shall be amended in accordance with the attached drawing (see **Attachment 2**):
 - a 4m height limit at the front building line to a maximum of 30% of the building frontage;
 - building height envelope which increases by 27.5 degrees from the building line to a maximum 7m height;
 - the 7m height limit at the rear ridge height includes the approximately 0.4m building base; and
 - new houses should not include dormer windows or skylights in roof spaces (except on corner lots, as outlined in the site-specific exemptions).
- The land surrounding Oran Park House has been subdivided. Council has received several development applications (DA), which seek approval for single storey dwellings to 7m in height. The assessment of these DAs has been deferred by Council.

2 Need for the planning proposal

The proposal is not a result of any strategic study or report. Rather, the proposal is required to facilitate dwellings to be designed to a better quality as intended in the heritage landscape.

The draft proposal notes that the current 5m building height does not allow compliance with the existing site-specific controls in the DCP. The DCP requires single storey dwellings to have a minimum roof pitch of 22.5 degrees. The minimum roof pitch of 22.5 degrees is a requirement for a sympathetic roof form and to maintain the heritage significance of Oran Park House. The draft proposal notes this roof pitch is not achievable within the 5m height limit.

Heritage NSW has provided preliminary support for building heights to 7m, subject to conditions (**Attachment A2**). This allows a single storey dwelling to achieve a minimum roof pitch of 22.5 degrees.

To facilitate this outcome, a planning proposal is required to insert a new local provision under Part 6 of the Growth Centres SEPP to permit the increase in height subject to meeting certain requirements.

The proposal is considered the best means to achieve the outcome.

3 Strategic assessment

3.1 Regional Plan

It is considered that the draft proposal is not inconsistent with the overall intent of the Greater Sydney Region Plan.

Specifically, the proposal will:

- facilitate future dwellings to be designed to a better quality within heritage landscape,
- support single storey dwellings on larger lots, and
- provide for a design solution which respects, maintains and protects the heritage values and significance of Oran Park House.

Consequently, it is considered the proposal is consistent with the following objectives of the Regional Plan:

- Objective 10: Greater housing supply;
- Objective 11: Housing is more diverse and affordable;
- Objective 12: Great places that bring people together; and
- Objective 13: Environmental heritage is conserved and enhanced.

3.2 District Plan

The site is within the Western District and the Greater Sydney Commission released the Western District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

The planning proposal is consistent with the priorities in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the Western District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment

District Plan Priority	Justification
<i>W5 Providing housing supply, choice and affordability, with access to jobs, services and public transport</i>	A key objective of the planning proposal is to improve the design quality of residential dwellings that better responds to the heritage landscape. The proposal notes that its place-based response to increased building heights for residential dwellings in the subject site recognises the unique heritage setting of Oran Park House.

District Plan Priority	Justification
<i>W6 Creating and renewing great places and local centres, and respecting the Districts heritage</i>	The proposal is consistent with a design solution supported by Heritage NSW that respects, maintains and protects the heritage values and significance of Oran Park House.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as following :

Table 6 Local strategic planning assessment

Local Strategies	Justification
Camden Local Strategic Planning Statement (LSPS)	<p>The proposal gives effect to the Camden LSPS as follows:</p> <p><i>Local Priority L1 – Providing housing choice and affordability for Camden`s growing and changing population</i></p> <p>The proposal will facilitate residential dwellings that are designed in respect to its heritage landscape. The proposal provides for a single dwelling product on lots sized 500m² to 700m². The proposal offers greater variety of dwellings in the South West Growth Area.</p> <p><i>Productivity Priority L2 – Celebrating and respecting Camden`s proud heritage</i></p> <p>The proposal offers place-based response to increased building heights for dwellings within the heritage setting with Oran Park House. The proposal is consistent with the preliminary design solution outlined by Heritage NSW (Attachment A2). The proposal is unlikely to hold any unacceptable impacts on the heritage values and significance on Oran Park House.</p>

Camden Local Housing Strategy	<p>On 12 October 2021, Camden Council resolved to endorse the Camden Local Housing Strategy. The proposal is generally consistent with the priorities of the Housing Strategy as follows:</p> <p><i>Objective 4 – Neighbourhood design supports healthy and connected communities that are better placed</i></p> <p>The proposal is consistent with a design solution supported by Heritage NSW, which offers a place-based response to increasing building heights for residential dwellings within the context of Oran Park House.</p> <p><i>Objective 7 – Housing growth in established areas is incremental, and preserves character and heritage values</i></p> <p>The proposal preserves the heritage values of Oran Park House by its place-based response to increased building heights for residential dwellings in the subject site. In consultation with Heritage NSW, the proposal ensures the maximum building height cannot exceed 7m and that no further variation to the height can be made under Clause 4.6 – variation of development standards.</p> <p>Further, the proposed DCP amendments (Attachment A3) supporting this proposal includes controls and diagrams to detail the design requirements that need to be satisfied where dwellings up to 7m are proposed.</p>
Camden Community Strategic Planning Statement	<p>The proposal is consistent with the following strategic directions:</p> <ul style="list-style-type: none"> • <i>Objective 1.1 Urban development is managed effectively</i> • <i>Objective 2.1 Caring for urban and natural environment including heritage sites</i> <p>The proposed additional local provision clause is consistent with a design solution supporting by Heritage NSW, which will allow for an increased in building heights while maintaining and protecting heritage values and the significance of Oran Park House.</p>

3.4 Local planning panel (LPP) recommendation

On 21 September 2021, the Camden LPP considered the draft planning proposal (**Attachment A4**). The panel supported the proposal to proceed to Gateway Determination, although - recommended additional clarity on the application of the new additional local provision clause. This included:

- adding an annotation on the Height of Building maps to show the area the new additional local provision clause applies;
- not allowing Clause 4.6 – exceptions to development standards of Appendix 9, to be used in conjunction with the proposed new additional local provision clause;
- clarifying Heritage NSW's advice in regard to eaves and the standard building envelope; and
- stating the proposed roof pitch and front building line in the new additional local provision clause.

In response to the Panel's recommendations, the planning proposal has been amended accordingly (**Attachment A1**).

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 2.3 Heritage Conservation	Yes	<p>The direction indicates that a planning proposal must contain provisions that facilitate conservation.</p> <p>The Department notes that Heritage NSW has not offered objections to the proposed increased maximum height and design requirements in the proposed clause in respect of an individual development application. This advice, however, does not necessarily extend to the subject area.</p> <p>Given the above, and the nature of the proposal, it is considered that the proposal is consistent with the direction. To ensure this is the case, however, a Gateway determination condition is recommended for Council to consult with Heritage NSW</p>
Direction 3.1 Residential Zones	Yes	<p>The site is zoned R2 – Low Density Residential. The proposal does not seek to rezone the land, rather the proposal seeks to insert a new local provision which will allow a merit-based assessment to increase the maximum dwelling height from 5m to 7m. This is further supported by amendments to the Growth Centres DCP – Schedule 4 Catherine Field (Part) Precinct (Attachment A3).</p> <p>The land is currently zoned for residential purposes and no further dwellings will be permitted under the amendment. Consequently, servicing is not an issue.</p> <p>Further, the proposal will assist in achieving well-designed houses that respect the heritage setting of Oran Park House</p> <p>The proposal is consequently considered to be consistent with the direction.</p>
Direction 3.5 Development near regulated airports and defence airfields	Yes	<p>The subject site is within the 13km Wildlife buffer zone and obstacle limitation surface area of the Western Sydney Airport. The proposed local provision clause will allow a merit assessment for heights to be increased. This will not impact the operations of the Airport.</p>
Direction 4.3 Flood prone land	Yes	<p>The site is within proximity of flood prone land, with South Creek located east of Oran Park House. The site itself is not mapped as flood prone land. However, the proposal will not impact the provisions that relates to flood prone land.</p>

Direction 4.4 Planning for bushfire protection	Yes	The site is not mapped as being bushfire prone, and the proposal does not seek to modify the zoning or provisions for land within proximity of the site mapped as bushfire prone.
Direction 5.10 Implementation of regional plans	Yes	<p>The proposal is consistent with the Greater Sydney Region Plan and the Sydney Regional Environmental Plan (SREP) No. 20 – Hawkesbury-Nepean River.</p> <p>While the site is located within the Hawkesbury-Nepean River catchment, the proposed increase in heights via a local provision clause under Part 6 does not impact the requirements of SREP.</p>
Direction 6.3 Site specific provisions	No – inconsistency justified	<p>This direction is relevant as the proposal seeks to introduce site specific controls.</p> <p>The proposal seeks to insert a local provision into Part 6, Appendix 9 of the Growth Centres SEPP. This will allow an appropriate merit-based assessment.</p> <p>Given the relationship to the heritage item and the need to ensure that housing development respects the significance of the item, the use of a local provision is justified.</p> <p>Further, the proposal will resolve an inconsistency between the Growth Centres SEPP HOB and the DCP control which requires roof pitches between 22.5 and 35 degrees. Council notes, both controls together cannot be reasonably achieved.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Complies	Justification
SEPP (Concurrences) 2018	The purpose of this SEPP is for the purposes of deciding whether to grant concurrence to the development.	Yes	<p>Lots within the heritage curtilage area are required to gain concurrence from Heritage NSW or adhere to the Oran Park House Heritage Exemption Guidelines (Attachment A5) at the development application stage.</p> <p>The proposal is not considered inconsistent with this SEPP.</p>

SEPP (Sydney Region Growth Centres) 2006	The purpose of this SEPP is to coordinate release of land for residential, employment and other urban development in the South West Growth Centre.	Yes	The proposal seeks to amend the Growth Centres SEPP by inserting a new local provision clause under Part 6, Appendix 9. The proposal will assist in facilitating the delivery of well-designed residential development in the South West Growth Centre, as it proposes an increase in building heights for certain residential dwellings surrounding Oran Park House.
SEPP (Western Sydney Aerotropolis) 2020	The purpose of this SEPP is to facilitate development in the Western Sydney Aerotropolis.	Yes	The site is located within the 13km wildlife buffer zone and obstacle limitation surface are. The proposed increase to residential buildings surrounding Oran Park House will not impact on the operations of the Western Sydney Airport.
Sydney Regional Environmental Plan No 20 Hawkesbury-Nepean River	The purpose of this SEPP is to protect the environment of the Hawkesbury-Nepean River system	Yes	The site is located within the Hawkesbury-Nepean River Catchment. The proposal of increased heights will not impact the requirements of this SEPP.

4 Site-specific assessment

4.1 Environmental

The proposal is supported by a heritage assessment and evaluation report (**Attachment A6**). The report concludes that the visual dominance of Oran Park House will not be adversely impacted by an increase in building height to 7m. Further, the site's topography ensures it does not impact upon the views and vistas to and from Oran Park House. Preliminary support by Heritage NSW indicates an increase in maximum height is appropriate for the heritage landscape.

4.2 Social and economic

There are no potential adverse social and economic impacts associated with the proposal. The proposal is anticipated to provide positive social and economic outcomes by facilitating the delivery of well-designed residential dwellings in the Catherine Park Estate – Stage 6A.

4.3 Infrastructure

The proposal will not generate the need for additional public infrastructure.

5 Consultation

5.1 Community

The planning proposal does not nominate a period of days for community consultation.

An exhibition period of 14 days is proposed as a Gateway determination condition.

5.2 Agencies

Given the nature of the proposal, the Department recommends Heritage NSW be consulted about the planning proposal and given 21 days to comment.

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The Department recommends a time frame of 9 months to allow for potential timeframe delays relating to Council elections in December 2021, the Christmas period shutdown and the potential for either an extended exhibition period, or a delayed start to the exhibition.

It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the proposal seeks to amend the Growth Centres SEPP, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- Adequate assessment of the heritage significance of Oran Park House has been undertaken and the proposal responds to the heritage significance.
- Consultation with Heritage NSW, undertaken by Council, indicates preliminary support to increase the building height to 7m, subject to conditions.
- The proposal is consistent with the LSPS and Camden Local Housing Strategy.
- The new local provision will assist in well-designed residential dwellings that are sympathetic to its heritage landscape. This is further supported by amendments to the DCP.

The SEPP HOB maps supporting the draft proposals are to be updated before consultation to accurately identify the new local provision clause numbering.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions - Direction 6.3 *Site specific provisions* are justified

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated by:

- amending the supporting SEPP HOB maps (HOB_004 and HOB_009) to reflect the correct proposed clause number for the new local provision under Part 6; and
 - a note be included in the planning proposal that indicates the proposed clause under Part 6 will be subject to legal drafting and the wording may alter under this process.
2. Consultation is required with Heritage NSW
 3. The planning proposal should be made available for community consultation for a minimum of 14 days
 4. The planning proposal must be exhibited within 2 months from the date of the Gateway determination.
 5. The planning proposal must be reported to council for a final recommendation 6 months from the date of the Gateway determination.
 6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
 7. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



10/12/21

Terry Doran
Manager, Western



12/12/21

Adrian Hohenzollern
Director, Western

Assessment officer

Neala Gautam
Senior Planning Officer, Western
8289 6881