

Camden Residents' Action Group

Incorporated

Camden – Still a Country Town

Website: <http://www.crag.org.au/>

Face Book:

<https://www.facebook.com/CRAGcamdenresidentsactiongroup/>

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General Manager

Camden Council

70 Central Avenue

Oran Park 2570

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Attention: Kerri-Ann Barry

15 March 2022

Dear General Manager,

Re: Planning Proposal - PP/2021/1/1

Proposed amendment to the Growth Centres SEPP to facilitate an increase to the maximum building height for residential development surrounding Oran Park House and accompanying DCP amendment.

The flooding issues of the past weeks affecting our members have meant that this submission could not be lodged until now, and we thank you for the extension.

In our objection to the introductory Concept DA (2021/77/1) (attached) we argued that the required roof pitch and maximum height were not incompatible, but were deliberately mandated to ensure fine-grained housing designs that were more sympathetic and less over-powering within the contextual surrounds of state-listed Oran Park House.

We absolutely disagree that increasing the maximum height results in meeting any of the stated objectives of this Planning Proposal (PP):

1. *Increase the maximum building height for residential development surrounding Oran Park House to achieve better designed dwellings and roof forms;*
2. *Deliver better designed residential dwellings as intended in the heritage landscape setting through changes to development standards and controls; and*
3. *Enable dwelling designs to be compliant with both the maximum building height in the Growth Centres SEPP and DCP controls for roof forms.*

It is not clear what is driving this PP as surely there is demand for smaller and more modest single-story houses. Such housing provides choice which is an objective of NSW and Camden's housing policy.

The arguments presented for increasing the height limit cannot result in a better conservation outcome. Significant dispensation for development near and within the heritage curtilage of Oran Park/Catherine Park House has already been permitted. Specific restrictions have also been subsequently eroded since the original plan which begs the question of when the trade-off between heritage conservation and developer interests is ever to be satisfied. This PP, which again takes up government and community time and resources, should not be considered and we strongly object to it.

The heritage value of Oran Park House is already severely compromised. The height limit and setbacks were considered in the process of allowing housing within the heritage curtilage. The 5-metre height limit and space surrounding the new houses were clearly applied to obviate the glaring incompatibility of large modern housing with the significant state-listed property and to avoid the notorious outcome of the Blair Athol suburb in Campbelltown. Clearly the views to and from Oran Park House were to be protected at least to a somewhat acceptable extent by transitioning the old estate to the differently scaled new housing. Increasing the height limit exacerbates the differential in scale with the new housing being larger, bulkier and more prominently of an incompatible architectural design that glaringly contrasts with the 19th century aesthetics of Oran Park House and garden.

We also have concerns about the procedural progression of the PP, which to us does not seem to be at an approval stage. For instance:

- key criteria set out by Camden Local Planning Panel and design parameters set out by NSW Heritage, especially the inability to use LEP 4.6 to vary the height limit, have not been addressed, yet other changes have been proposed;
- changes to side setbacks, which have the potential to disrupt sight lines to and from Oran Park House and diminish adherence to low density of housing, have not been resolved in the PP to allow for public comment;
- publicly available documents do not propose amending the Growth Centres SEPP but changes to the DCP are not 'minor administrative changes' and go further than the supporting documentation indicates.

We even found that we could not determine exactly what is proposed. Precise wording for the changes is not stated and it seems in any case that further changes are possible.

Therefore, we do not consider that the PP is ready for public comment. The procedure and detail must first be unequivocal and understandable by the community.

We also insist that it is in the public interest that the connection to the area's history and the dispensation for development within the heritage curtilage of Oran Park House should not be eroded further.

We sincerely request that this PP be rejected outright.

Yours sincerely,

A handwritten signature in cursive script that reads "Glenda Davis".

Glenda Davis
President

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General Manager
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23 March 2021

Dear General Manager,

Re: DA 2021/77/1

4 O'Keefe Drive, 57E Banfield Drive and 73 Banfield Drive ORAN PARK
*Concept DA for approval of site-specific building height development standards on
66 residential lots and construction of 3 single storey dwellings*

This DA relates to development within the heritage curtilage of state listed Oran Park/Catherine Park House. This significant property is located within Sydney's South West Growth Area¹ and subject to Camden Growth Centre Precincts Development Control Plan, specifically Section 4.1 of Schedule 4 Catherine Fields (Part) Precinct, referred to hereafter as the DCP.

We understand that public gazettal of the proposed state listing of Oran Park House was delayed until 5 March 2015 due to the ongoing rezoning process affecting the DCP, which was to inform its State Heritage Register listing.

¹ NSW Department of Planning, Industry and Environment (DPIE) *South West Growth Area*. Available at <https://www.planning.nsw.gov.au/Plans-for-your-area/Priority-Growth-Areas-and-Precincts/South-West-Growth-Area>

As part of the process, in 2013 Camden Council² in supporting the listing and in consideration of the sensitive and significant environment of Oran Park House proposed that any development within it be very low density, that minimum lot size be 1000m², and, as consistent with heritage advice³ undertaken as part of the rezoning process, that driveways be included within the curtilage, or a DCP amendment be made to control development adjacent to them.

The formal listing of Oran Park House on 5 March 2015 included a dispensation for development within the heritage curtilage for

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)⁴.

These 2014 exemption guidelines are specific to urban development and built form within the heritage curtilage area outside the Oran Park House allotment and are intended to ensure that the heritage values of Oran Park House are preserved. They are included and addressed in greater detail in the latest Conservation Management Plan (CMP) dated May 2019 which was endorsed by NSW Heritage Council on 12 May 2019.

A comparison, of the two following diagrams of the heritage curtilage concept as shown in the DCP dated August 2016 and the DCP dated September 2020, shows that the adopted heritage curtilage was smaller in size and differently shaped. Both DCPs describe the lots closest to Oran Park House as VERY low density, but a number of key controls were diluted in the 2020 DCP in line with the earlier exemption guidelines. As well as removal of the maximum site coverage of 280m² and minimum 40% landscaping of the site with three trees in the front setback, the following minimum controls were reduced.

Minimum	2016	2020	%
Lot width	25m	20m	20%
Side setback	4m	0.9m (average 2m on site, average between buildings 4m in entire street block)	50% average on site
Rear setback	10m	5m	50%
Garage setback from facade	2m	1m	50%

² Camden Council 12 February 2013 *Business paper* Available at <https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2013/12-Feb-2013.pdf>

³ Godden Mackay Logan Report (2012)

⁴ NSW Office of Environment and Heritage *Oran Park* Available at <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5052417>

Key

EXISTING

- ① Oran Park House (OPH)
- ② Silo
- ③ Coach house

PROPOSED

- ④ Neighbourhood centre
- ⑤ Car park
- ⑥ Very low density residential (single storey)
- minimum 700sqm lot size
- maximum site coverage 280sqm
- ⑦ Low density residential (single storey)
A - minimum 500sqm lot size
- ⑦ Low density residential (double storey)
B - minimum 500sqm lot size
- ⑧ Low to Medium density residential
- ⑨ Wetland park
- ⑩ Neighbourhood park
- ⑪ Playground
- ⑫ Open space south of OPH
- ⑬ Existing driveway alignment
- - - Proposed SHR Curtilage



Figure 4-2: Oran Park House Quarter Concept

Source: NSW DPE August 2016 Schedule 4 Catherine Fields (Part) Precinct (p. 34) ⁵

⁵ NSW Department of Planning and Environment August 2016 *Camden Growth Centre Precincts Development Control Plan (DCP) Schedule 4 Catherine Fields (Part) Precinct* Available at camden-development-control-plan-catherine-fields-part-precinct-schedule-4-2016-08.pdf (nsw.gov.au)



Figure 4-2 – Oran Park House Outer Heritage Curtilage Principles

Source: NSW DPIE September 2020 DCP Schedule 4 Catherine Field (Part) Precinct ⁶

It appears that principles underlying the original concept of very low-density development that were expressed in the 2016 DCP as numeric controls were re-defined in the exemption guidelines and subsequent DCP.

Camden Council⁷ considered the amendment to the DCP at the end of 2016 and addressed community concern about unsympathetic development surrounding Oran Park House with particular concern relating to the heritage curtilage. Council considered that control of development within the curtilage was particularly ensured:

- by the 5m height limit, specifically noted as being equivalent to a single storey building;
- because the limit was informed by the Growth Centres SEPP which holds a greater legal standing than the DCP;
- because further work was proposed to update the CMP which is the definitive conservation document for Oran Park House.

⁶ NSW Department of Planning Industry and Environment (DPIE) September 2020 *CM9 Record: Schedule 4 Catherine Field (Part) Precinct* Available at <https://www.camden.nsw.gov.au/assets/pdfs/Planning/DCP-Website-Files/Growth-Centres-DCP-Document-for-Website.pdf>

⁷ Camden Council 13 December 2016 Business paper (from p. 87) Available at <https://www.camden.nsw.gov.au/assets/pdfs/Council/Business-Papers/2016/Agenda-13-Dec-2016-WEB.pdf>

The CMP was updated in 2019 and includes the 2014 exemption guidelines in its Appendix C.

No height limit was specified in the exemption guidelines as such but

- Houses are to be single storey.
- Roof construction is to be hipped or gabled.
- Roof pitches are to be between 22.5 degrees and up to 35 degrees.
- Additional height on corner lot houses with dormer windows may be appropriate if there is no impact on the views and vistas to and from Oran Park House and grounds.

Objectives of the 2019 CMP (2.2) include retention and interpretation of the traditional rural landscape and ensuring that residential development surrounding Oran Park House facilitates conservation of its rural character. An objective in relation to roofs (4.6) is to reduce the regularity of roof forms and soften their effect on the views and vistas to and from Oran Park house. In relation to garages (4.8), whilst they are to be integrated into the building design and be consistent in respect of materials, colours and roof pitch, an objective is also to reduce their dominance and ensure they do not detract from the appearance of buildings.

The Statement of Environmental Effects (SEE) (p. 12) states that the key objective of the 5m height limit was to ensure single storey only but claims that *it is apparent that there was not any testing of the built form against the 5-metre height limit. In addition, hipped roof forms are required to respect the heritage.*

We comment that although we have no specific knowledge of any testing that was or was not undertaken, we do assume that the height limit was imposed under the direction of NSW Heritage. Although not necessarily pertinent to the issue, we also point out that gabled roofs are also permissible under the exemption guidelines.

In relation to the 5m height limit, we note that under the NSW exempt and complying development code⁸ the maximum number of storeys is two and the maximum height of a dwelling is 8.5 m to allow construction of two storey developments on moderately sloping sites⁹ to be constructed. Our understanding is that as a rule of thumb, a storey, the space between a floor and any ceiling or roof immediately above, which exceeds 4.5 metres for residential buildings is usually counted as two storeys. The impact of ceiling height on building height is not covered in the 4.6 variation request, but simple trigonometry indicates it can be considerable.

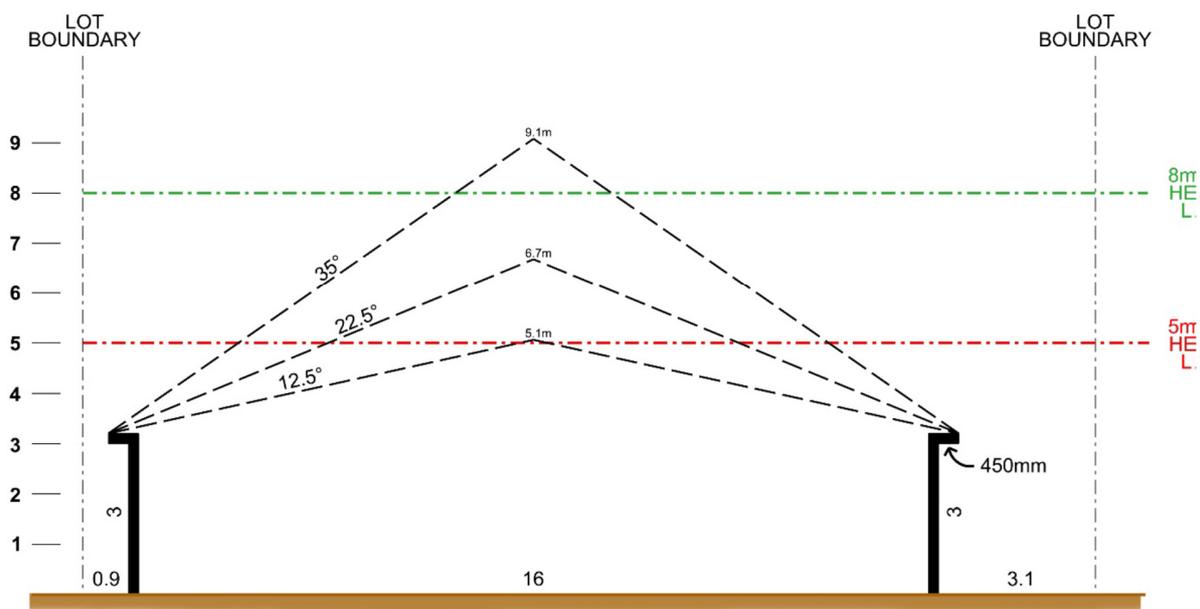
⁸ State Environmental Planning Policy (Exempt and Complying Development Codes) Amendment (Housing Code) 2017 under the Environmental Planning and Assessment Act 1979

⁹ NSW Department of Planning and Environment January 2015 *Information Sheet 3.1 Dwelling houses- Building heights, storeys and basements* Available at https://shared-drupal-s3fs.s3.amazonaws.com/master-test/s3fs-public/dpe-public/documents/2016/May/Building_heights_storeys_and_basements.pdf

We submit therefore that 8m as requested is much closer to two storeys than the one storey limit imposed by the exemption guidelines.

The SEE (p. 1) also claims that the 5m building height limit specified by the Growth Centres SEPP 2006 does not allow compliance with the intended site-specific development controls in the DCP.

To support this claim the SEE (p. 13) provides the following diagram indicating the key controls.



Source: *Urbanco 25 January 2021 Statement of Environmental Effects (SEE)*

Of course, the wider the house the higher the roof needs to be to attain the required pitch. The assumption is that the whole building will be under one continuous roof, rather than having the roof form broken up, or even having the garage under a separate roof.

A lateral approach seeking a finer grained low-scale, more traditional and less dense residential character is needed to reconcile the required roof-pitch to the height constraint. It is concerning that only one design approach is cherry picked to prosecute the argument for a 37.5% increase in the height limit.

The 4.6 height variation request (p. 10) states that the design intention and underlying objective of the controls is for 'stately' houses that respect the heritage values of Oran Park House. This is not stated in any planning instrument, and the variation request itself later contradicts the claim by stating that the heritage object is to ensure housing is subservient to the listed heritage item and have roof forms that are not detrimental to the heritage significance and character of Oran Park House.

It is clear to us that an intention of the 5m height limit is to ensure clearly subservient built forms with a finer grain to that of Oran Park House and to fulfil the objectives of the CMP, as noted above, of reducing the regularity of roof forms, softening their effect on the views and vistas to and from Oran Park house and ensuring conservation of the rural character of its surrounds as well as interpreting the historic rural landscape.

Our view is supported in the management of European heritage section of the Oran Park Precinct DCP¹⁰ that states that building design and form will have regard to the setting and significance of Oran Park House and its surrounds and that development within the curtilage of the House shall be designed to limit visibility of the development from the House, or if it will be visible to ensure that public views are provided to the House (6.4, p. 67).

It does seem to us that a major dispensation was granted by allowing development within the heritage curtilage. Permitted development is arguably no longer of the VERY low density that was intended and understood by Camden Council and the community given its heritage significance, albeit within the state designated South West Growth Area. The house design plans presented with the DA do not impress as being subservient within the rural and traditional context, but rather appear as those that may be expected in any new housing estate.



*Source: Urbanco
25 January 2021
SEE Figure 4
Site Plan
(Aerial source
Nearmap)*

¹⁰ NSW Department of Planning and Environment <https://www.planning.nsw.gov.au/-/media/Files/DPE/Plans-and-policies/oran-park-development-control-plan-2018-02-10.pdf?la=en>

As shown in the recent aerial view of the development site above, much of the rural landscape outside the curtilage has been decimated, and the heritage curtilage itself is being encroached upon and transformed. This makes it imperative that the heritage controls that are in place are not diluted.

We note that there is no Heritage Impact Statement accompanying the DA and request to vary the height limit. We believe and insist that a proper and specific heritage analysis must be provided to the community if a change in the height limit is to be considered.

We conclude that insufficient analysis of potential designs that meet the criteria of the exemption guidelines and the height limit has been undertaken. The arguments presented do not address the overarching and specific objectives of the CMP put in place to protect the heritage significance of Oran Park House and allow its interpretation into the future. Heritage cannot be replaced, and developer profit now is a public loss forever. The intended trade-off for living within the heritage curtilage is a modest dwelling with a large garden, which of course increases housing diversity.

Having read the exemption guidelines and the CMP, we conclude that the dispensation and compromises allowed in the DCP and by the height limit are already generous. Much stronger justification and proper detailed heritage analysis would need to be made available to the community before it could consider supporting this DA, or any increase in the height limit.

Yours sincerely,



Glenda Davis
President